

COMPLAINTS/LAWSUITS AND APPEALS

How to File a Title VI Complaint with MTA: Any person who believes that he/she, or as a member of any specific class of individuals, has been subjected to discrimination on the basis of race, color, national origin, with respect to MTA's programs, activities, services, or other transit related benefits, may file a written complaint with MTA. A complaint may be filed by the individual or by a representative. A complaint must be filed within 180 days after the date of the alleged discrimination, but complainants are encouraged to submit complaints as soon as possible. MTA will promptly investigate all complaints filed under Title VI, pursuant to this regulation.

Complaint must include the following information:

- a. A complaint must be in writing and signed and dated by the complainant or his/her representative before any action can be taken.
- b. A complaint shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination, including the name and address of the complainant, the date, time and location of the incident. The complaint shall include a description of the program, activity or service on which the alleged discrimination occurred.

A *Complaint Form* (Attachment C) can be used to file a Title VI complaint with MTA. A complaint form will be made in an accessible format upon request. A complaint form can be obtained at:

- a. MTA's website www.sagestage.com
- b. By calling MTA at (530) 233-6410 and a complaint form can be mailed.
- c. By picking up a complaint form at 108 S. Main St., Alturas, CA 96101.

If the complaint is received by anyone besides MTA'S Executive Director, the individual in receipt of the complaint shall forward it to the Executive Director or his/her designee as soon as practicable but no later than two (2) business days of receipt. The Executive Director shall immediately provide a copy of the complaint to the Chair of the Board of Directors regarding the program, activity or service that is identified as being out of compliance.

Procedures for Investigating Complaints

The Executive Director or his/her designee shall promptly investigate the alleged complaint and shall prepare a written response as soon as possible, but no later than ten (10) business days of his/her receipt of the complaint. The Executive Director or his/her designee may consult with appropriate staff in the preparation of his/her response to the complaint.

Efforts to Contact Complainant

The Executive Director or his/her designee shall make efforts to speak (meeting or telephone conversation) with the complainant, at which time the complainant may give written or oral evidence supporting the allegation that his/her rights under Title VI have been violated. The Executive Director or his/her designee shall review and consider the response prepared by the Executive Director or his/her designee, all the information provided by the complainant, if any, and any other evidence available regarding the allegations of the complaint. The Executive

Director or his/her designee shall prepare a written report of his/her findings and if corrective action is required, a timetable for the completion of such action.

Completion of Investigation

As soon as it is practicable, but no later than twenty (20) business days following receipt of the initial complaint, the Executive Director or his/her designee shall inform the complainant of his/her findings and any corrective action to be taken as a result of the complaint together with the timetable for completion of such action.

Appeal to MTA Chairman

If the complainant is not satisfied with the findings and/or action of MTA's Executive Director or his/her designee, then the complainant may file his/her Complaint with the Chair of the Board of Directors or with the FTA's Office of Civil Rights.

Appeal Process

If the complainant chooses to file his/her complaint with the Chairman of the Board of Directors, then the complaint and any supporting documentation should be submitted within five (5) business days of his/her receipt of the results of the Executive Director's investigation, with the Chairman of the Board of Directors by providing it to the Executive Director at MTA's facility. Upon review of the file, the Chairman shall notify the complainant of what actions, if any, will be taken as a result of the review by the Chairman with ten (10) business days of the Chairman's notification that the complainant is not satisfied with the results of the Executive Director's investigation. The decision of the Chairman of MTA's Board of Directors shall be final.

Timeline waiver

Any timeline set forth herein may be extended by the Executive Director upon a showing of good cause.

How to file a Title VI complaint with the FTA Office of Civil Rights

Any person who believes that he/she or as a member of any specific class of individuals, has been subjected to discrimination on the basis of race, color, national origin, age, sex, sexual orientation, or gender identity, with respect to MTA's programs, activities, or services, or other transit related benefits, may file a written complaint with FTA. A complaint may be filed by the individual or by a representative. A complaint must be filed within 180 days after the date of the alleged discrimination. FTA will promptly investigate all Complaints filed under Title VI in accordance with DOT regulations *49 CFR 21.11 (b) and 21.11 (c)*

- A. A complaint must include the following information: A complaint must be in writing and signed and dated by the complainant or his/her representative before any action can be taken. In cases where a complainant is unable or incapable of providing a written statement, but wishes FTA or DOT to investigate alleged discrimination, a verbal complaint of discrimination may be made to the FTA Director, Office of Civil Rights. If necessary, the Civil Rights Official will assist the person in converting the verbal

complaint into writing. All complaints must, however, be signed by the complainant or his/her representative.

FTA.ADAAssistance@dot.gov

Federal Transit Administration Office of Civil Rights

Attn: Title VI Program Coordinator

East Building, 5th Floor – TCR

1200 New Jersey Avenue, S.E.

Washington, DC 20590

TTY: 1 800 877-8339

Voice: 1 866 377-8642

- B. A complaint shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination, including the date, time and location of the incident. The complaint shall include a description of the program, activity or service on which the alleged discrimination occurred.

Complaint Acceptance

Once a complaint has been accepted, FTA will notify MTA that it has been subject to a Title VI complaint and ask MTA to respond in writing to the complainant's allegations. Once the complainant agrees to release the complaint to MTA, FTA will provide MTA with the complaint. FTA may choose to close a complaint if the complainant does not agree to release the complaint to MTA. FTA strives to complete a Title VI complaint investigation within 180 days of the acceptance date of a complaint.

Investigations

FTA will make a prompt investigation whenever a compliance review, report, complaint or any other information indicates a possible failure to comply with Title VI Regulations. FTA's investigation will include a review of the pertinent practices and policies of MTA, the circumstances under which the possible noncompliance occurred, and other factors relevant to a determination as to whether MTA has failed to comply with Title VI regulations.

Following the investigation, FTA's Office of Civil Rights will transmit to the complainant and MTA one of the following three letters based on its findings:

- a. *Letter of Resolution*: explains the steps that MTA has taken or promises to take to come into compliance with Title VI.
- b. *Letter of Finding (Compliance)*: explains that MTA is found to be in compliance with Title VI. This letter will include an explanation of why MTA was found to be in compliance, and provide notification of the complainant's appeal rights.
- c. *Letter of Finding (Noncompliance)*: explains that MTA is found to be in noncompliance. This letter will include each violation referenced, the applicable regulations, a brief description of proposed remedies, notice of the time limit on the conciliation process, the consequences for failure to achieve voluntary compliance, and an offer of assistance to MTA in devising a remedial plan for compliance.

Appeals Process

The letters of finding and resolution will offer the complainant and MTA the opportunity to provide additional information that would lead FTA to reconsider its conclusions. FTA requests that the parties in the complaint provide this additional information within 60 days of the date of the FTA letter of finding. FTA's Office of Civil Rights will respond to an appeal either by issuing a revised letter of resolution or finding to the appealing party, or by informing the appealing party that the original letter of resolution or finding remains in force.