

# Title VI Program Policy

September 16

# 2014

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Includes Program, Public Participation Plan, Language Assistance Plan, and Policies; Appendices include Title VI Notice, Complaint Form and Investigations List. STF Advisory Board approved 10/13/2014 County Court approved 10/15/2014

## **SHERMAN CO COMMUNITY TRANSPORTATION** **TITLE VI PROGRAM POLICY**

Updated: September 16, 2014

**Ref:** FTA Circular 4702.B (October 1, 2012), Title VI Dependent Guidelines for Federal Transit Administration (FTA) Recipients, 49 CFR Part 21

**Purpose:** The purpose of this policy is to establish guidelines to effectively monitor and ensure that Sherman County Community Transportation (SCCT) is in compliance with all FTA Title VI requirements and regulations in order to carry out the provisions of the Department of Transportation's (DOT) Title VI of the Civil Rights Act of 1964, 49 CFR Part 21, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, Civil Rights Restoration Act of 1987, the Americans with Disabilities Act of 1990, Executive Order 12898 Environmental Justice, Executive Order 13166 Limited English Proficiency and applicable Department policies. Any person who feels that he or she has been subjected to discrimination on the basis of race, color, national origin, gender, age, disability, or because they are low income, has the right to file a complaint. The procedure is to describe the process used by the Office of Civil Rights (OCR).

**Policy:** Discrimination is defined as an intentional or unintentional action through which a person feels that he or she has been subjected to discrimination, (unequal treatment) under a program or activity on the basis of race, color, national origin, gender, age, disability, or because they are low income- has the right to file a complaint. The procedure is to describe the process used by the Office of Civil Rights (OCR). SCCT is committed to creating and maintaining public transit service that is free of all forms of discrimination. No person or group of persons shall be discriminated against. SCCT will take whatever preventive, corrective or disciplinary action necessary for behavior that violates this policy or the rights and privileges it is designed to protect.

Title VI Complaints must be filed within 180 days of:

- The alleged act of discrimination; or
- The date when the person(s) became aware of the alleged discrimination; or
- Where there has been a continuing course of conduct, the date on which the conduct was discontinued.

Every application for financial assistance from the FTA will be accompanied by an assurance that SCCT will carry out the program in compliance with Title VI of the Civil Rights Act of 1964. This requirement shall be fulfilled annually when the applicant submits its certifications and assurances by the FTA via Oregon Department of Transportation Rail and Public Transit Division (ODOT RPTD).

### **PROGRAM**

#### **Providing information**

SCCT shall provide information to the public regarding SCCT's Title VI obligations and advise members of the public of the protections against discrimination afforded to them by Title VI. SCCT has information on its web site ([www.sherman-county.com](http://www.sherman-county.com)) as well as signage posted on all buses and on transit bus schedules. (Appendix A)

## **Procedures for complaints**

SCCT has developed procedures for investigating and tracking Title VI complaints filed against SCCT. The Discrimination Complaint Process information is available at the SCCT's Office located at: Sherman County Courthouse, 500 Court Street, Moro, Oregon 97039 for the Discrimination Complaint process.

These procedures are as follows:

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by Sherman County Community Transportation may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form (Appendix B). The completed form may be submitted by mail, drop off or email and must be received within 180 days after the alleged incident occurred.

Once the complaint is received, the Sherman County Title VI Officer will review the complaint and forward immediately to the legal department of City County Insurance Services for investigation. Complaints may also be filed with:

ODOT-Civil Rights Office  
FHA-Federal Highway Administration  
FTA-Federal Transit Administration  
USDOT-U.S. Department of Transportation

The complainant will be sent a letter acknowledging receipt of the complaint and where it has been forwarded for investigation.

If more information is needed to resolve the case, the investigator may contact the complainant.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident. It explains whether any disciplinary action, additional training of the staff or other action will occur. If the complainant wishes to appeal the decision, s/he has 30 days after the date of the letter or the LOF to do so.

For additional information, help or filing the customer may:

- Phone the transit office at (541) 565-3553
- E-mail the transit office at [marnenebw@co.sherman.or.us](mailto:marnenebw@co.sherman.or.us)
- Come to the transit office located at 500 Court Street, Moro, OR 97039
- Mail written complaint to PO Box 365, Moro, OR 97039

A person may also file a complaint directly with the Federal Transit Administration at:

FTA Office of Civil Rights  
1200 New Jersey Avenue SE  
Washington, DC 20590

[http://www.fta.dot.gov/contact\\_us.html](http://www.fta.dot.gov/contact_us.html)

TTY= 1-800-877-8339, Voice= 1-866-377-8642, VCO= 1-877-877-6280

### **Transit -related Title VI Investigations, Complaints and Lawsuits List**

SCCT shall maintain a list of any active investigations, lawsuits or complaints conducted by entities other than the FTA that name SCCT and allege discrimination on the basis of race, color, or national origin (See Appendix C). This list shall include the date of filing, a summary of the allegation(s), the status, and actions taken by the recipient in response. The SCCT Title VI Complaint Coordinator maintains these files. The SCCT has had no Title VI investigations, complaints or lawsuits.

### **Reporting**

SCCT will report certain general information to determine their compliance with Title VI annually to ODOT RPTD as part of SCCT's Title VI Program. To ensure compliance with 49 CFR Section 21.9(b), SCCT will submit a Title VI Program to FTA's designated recipient, ODOT RPTD, once every three years.

### **SCCT Responsibilities:**

It is the responsibility of all SCCT employees to follow the intent of these guidelines in a manner that reflects SCCT policy.

The Transportation Coordinator and staff receiving information regarding violation(s) of this order shall determine if there is any basis for the allegation and shall proceed with resolution as stated in the section Complaint Procedure. They shall:

- Ensure that there are no barriers to service or accommodation that would prevent public transit usage or access.
- Train subordinates as to what constitutes discrimination and barriers to access.
- Take prompt and appropriate action to avoid and minimize the incidence of any form of discrimination.
- Notify the Transportation Coordinator in writing of the circumstances surrounding any reported allegations of discrimination no later than the next business day.

### **Public Participation Plan**

SCCT's public participation strategy offers, in conjunction with Sherman County (the County), early and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions. Transportation decisions include and are not limited to transportation development and Coordinated Plans, service design changes, new services, fare changes, and changes of service policy that may limit access to service. SCCT and the County will seek out and consider the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities. SCCT and the County will comply with grant-related public involvement requirements as defined by grant application documents.

SCCT's public involvement will be proactive in providing information, timely public notice, full public access to key decisions, and opportunities for early and continuing participation.

This involves:

- the identification of social, economic, and environmental impacts of SCCT's proposed transportation changes

- timely information about transportation issues and processes to citizens, Sherman County, other affected public agencies, other providers of transportation, other interested parties and segments of the community who would be affected by SCCT's transportation plans, programs, and projects
- adequate public notice of public involvement activities and time for public review and comment at key decision points
- seeking out and considering the needs of those who may be underserved by existing transportation systems, including persons with low-income, minority populations and those with limited English proficiency (LEP)
- contact of agencies and individuals who are, or who represent, minorities, people with low-incomes, and people with low English proficiency to participate in SCCT's program.
  
- a process for demonstrating explicit consideration and response to public input during the planning and program development process
- periodic review of the effectiveness of the public involvement process to ensure that the process provides full and open access to all

The processes to be used will vary from time to time depending on the subject, purpose and scope of the program, policy and funding decisions. They include but are not limited to:

- Public surveys
- Stakeholder advisory committees
- Website information
- Formal solicitation of comments within a public announcement
- Open public meetings (including STF meetings)
- All SCCT STF Advisory Board meetings
- Sherman County Court Meetings

#### Meetings

- All meetings shall be held in accessible locations, at convenient meeting times and with appropriate notice. As a public body, all meetings are consistent with Oregon's Public Meetings Law.
- Meeting materials are prepared in alternative formats for people with disabilities if requested.
- Provide adequate public notice
- All meeting agendas will include time for public comment. The meetings are open to the public; the meeting schedule and agenda are published on SCCT's bulletin Board and the local newspaper; meeting information and a contact number are posted on the website
- When possible, committee members should represent people with disabilities, people with low-income and seniors, as well as the transit community and local government.
- Ensure that program and planning timelines include a public comment period.
- Offer time for adequate review of material at key decision points.
- Demonstrate explicit and considered responses to input by maintaining documentation of responses.
- Record advisory meeting minutes and post on the County's website.

Announce new information to participants and stakeholders at meetings, on the website, and by email.

## **Title VI Language Assistance Plan**

SCCT's Needs Assessment for LEP using the U.S. Department of Transportation (DOT)'s Four Factor Analysis was done to determine the presence of LEP individuals. They primarily interact with SCCT through the Coastal Express, a rural intercity, fixed route bus service. Sherman County is a rural area with 4 towns in it, 3 located on US Hwy 97 & one located on Interstate 84.

**Four Factor** Analysis:

**Factor 1. Demography or the number or proportion and LEP persons** served and languages spoken in the service area.

SCCT used U.S. Census's American Community Survey (ACS) Estimates for 2008-2012 data for Sherman County to determine the percentages of LEP people. Because children under 5 years of age cannot under any circumstances ride alone, this data was not include them in the figures.

Population age 5 years or older – 1,753

|                                   | %     | Individuals |
|-----------------------------------|-------|-------------|
| Speak only English                | 95.2% | 1,668       |
| Speak language other than English | 4.8%  | 85          |
| Spanish                           | 3.3%  | 72          |
| Indo-European                     | .7%   | 12          |
| Asian and Pacific Islander        | .8%   | 1           |

**Factor 2. Frequency of contact with LEP persons**

Sherman County is a rural area with a population of 1,803 and 4 very small towns in it, 3 located along Hwy 97 and 1 located I-84. SCCT, has never had any contact with LEP persons. SCCT is dial-a-ride only rural bus service running 5 days a week. It travels 2 days a week to The Dalles, Oregon for shopping, banking & personal business. For various medical appointments the bus travels within approximately a 175 mile radius. According to interviews with the drivers there have not been any inquiries by interested persons that are bilingual speaking potential riders. No one has contacted the dispatch who needed translation assistance.

**Factor 3. Importance of the program or service affected people's lives**

SCCT travels door to door when we have dial a ride requests throughout Sherman County. Common destinations of riders include medical services & hospitals, entertainment and shopping. This is the only public transportation provided within our county and provides important links to anyone wishing to travel west.

**Factor 4. Resources and Costs**

Because of the very low population density, people who use the SCCT are scattered throughout Sherman County. The very low density of LEP individuals at this time makes it unnecessary to

make any dramatic changes to the existing program. Minimal costs will be incurred for our informational brochure that is in the process of translation into Spanish.

**Analysis Conclusion:** Title VI and its implementing regulations require that FTA recipients take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP). Sherman County does not have a sufficient number of LEP persons to provide special services. However, a brochure in Spanish may be requested. Each driver and dispatcher has available to them, "Basic Spanish for Transit Employees" developed for public transit systems in Colorado by providing instructions on how to use the public transit system in their language. If other language groups are identified, SCCT will respond by providing instructions on how to use the public transit system in their language with County Court approval.

### **Minority Representation Table**

SCCT's Board of Directors

STF Advisory Board

Both boards are 100% Caucasian.

Vehicle Load Standards

The average of all loads during the peak operating period does not exceed the vehicles' achievable capacity of 12-14 seated passengers for a 23' cutaway bus.

Vehicle Headway Standards and Periods of Operation

Dispatch for all services is open from 8:00 a.m-5:00 p.m. Monday through Thursday.

On-Time Performance Standards

A vehicle is considered on time if it departs a scheduled time and is no more than 10 minutes late. SCCT buses are on time approximately 95% of the time. Construction is an issue in the summer at certain locations and weather can be a factor in the winter.

Service Availability Standards

Our vehicles stop door-to door in all 4 towns, but make other stops along the route as needed.

Service Policy

Vehicle Assignment Policy

Vehicles are assigned for rides according to the fit of access ease, lift or ramp are need, appropriate for weather conditions, number of seats needed and if maintenance is scheduled for a particular vehicle are all important considerations.

## Appendix A

### **Title VI Notice** Sherman County Community Transportation

Sherman County Community Transportation operates its programs and services without regard to race, color, or national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been subjected to any unlawful discriminatory practice under Title VI may file a complaint with Sherman County Community Transportation.

SCCT has information on its web site ([www.sherman-county.com](http://www.sherman-county.com)) as well as signage posted on all buses and on transit bus brochures. For more information on Sherman Public Transit's civil rights program, and the obligations and procedures to file a complaint, contact 541-565-3553 (1-800-735-1232) or 711 for Telecommunications Relay Service), email [marnenebw@co.sherman.or.us](mailto:marnenebw@co.sherman.or.us). or visit SCCT at 500 Court St, Moro, OR 97039.

A person may also file a complaint directly with the Federal Transit Administration: Office of Civil Rights, Attn: Title VI Program Coordinator, East Building, 5<sup>th</sup> Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.



Appendix B  
TITLE VI COMPLAINT FORM

Section I

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone (Home): \_\_\_\_\_

Telephone (Work): \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Accessible Format Large Print\_\_\_\_ Audio Tape \_\_\_\_

Requirements? TTY \_\_\_\_ Other \_\_\_\_

Section II

Are you filing this complaint on your own behalf? Yes \_\_\_\_ No \_\_\_\_ (If you answered "yes" to this question, go to Section III.)

If not, please supply the name and relationship of the person for whom you are complaining: \_\_\_\_\_

Please explain why you have filed for a third party: \_\_\_\_\_

Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party. Yes\_\_\_\_ No\_\_\_\_

Section III

I believe the discrimination I experienced was based on (check all that apply): [ ] Race

[ ] Color [ ] National Origin [ ] Sex [ ] Disability [ ] Low Income

[ ] Limited English Proficiency

Date of Alleged Discrimination (Month, Day, Year): \_\_\_\_\_

Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all person(s) who were involved, including the name and contact information of the person(s) who discriminated against you (if known). List name(s) and contact information of any witnesses. If more space is needed, please use the back of this form.

\_\_\_\_\_

Section IV

Have you previously filed a Title VI complaint with this agency? Yes \_\_\_\_ No \_\_\_\_

Section V

Have you filed this complaint with any other federal, state, or local agency, or with any federal or state court? [ ] Yes [ ] No

If yes, check all that apply and enter name of agency or court:

[ ] Federal Agency: [ ] Federal Court [ ] State Agency [ ] State Court

[ ] Local Agency

Please provide information about a contact person at the agency or court where the complaint was filed:

Name: \_\_\_\_\_

Title: \_\_\_\_\_  
Agency: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Section VI

Name of agency complaint is against: \_\_\_\_\_  
Contact person: \_\_\_\_\_  
Title: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Please attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

\_\_\_\_\_  
Signature Date

Please submit this form in person at the address below, or mail this form to:  
Sherman County Community Transportation  
Marnene Benson-Wood, Title VI Coordinator  
PO Box 365  
Moro, OR 97039

Other information:

Appendix C

TITLE VI  
Investigations, Lawsuits and Complaints

| DATE | SUMMARY          | STATUS        | REPORT # |
|------|------------------|---------------|----------|
|      | Complaint basis: | Actions Taken |          |

**INVESTIGATIONS**

- 1.
- 2.

**LAWSUITES**

- 1.
- 2.

**COMPLAINTS**

- 1.
- 2.