



**Moving Public Transportation
Into the Future**

Civil Rights Program Requirements and Common Compliance Findings

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Training Objectives

- ◆ Civil Rights Historical Perspective
- ◆ Overview of Updates to Title VI
- ◆ Title VI Plan Requirements
- ◆ Common Title VI Compliance Findings
- ◆ Steps to Developing a Title VI Plan



Civil Rights Historical Perspective

- ◆ Title VI is Part of the Civil Rights Act of 1964 (Pub. L. 88–352)
- ◆ Arguably the Most Significant Legislation of the 20th Century
- ◆ Signed July 2, 1964



Civil Rights Historical Perspective, Continued

◆ Purpose

- Outlawed Discrimination Based on
 - Race
 - Color
 - National Origin
- EEOC—Age Discrimination Act
- Executive Order Added Sexual Orientation/Gender Identity in Addressing Employment Discrimination



Civil Rights Historical Perspective, Continued

- ◆ Twelve Titles That Covered a Range of Activities and Places
- ◆ Title VI
 - This Title Prohibited Discrimination In Connection with Programs and Activities Receiving Federal Financial Assistance



Civil Rights Historical Perspective, Continued

◆ Basic Principle

- No Person in the United States Shall, on the Ground of Race, Color, or National Origin, Be Excluded From Participation In, be Denied the Benefits of, or be Subjected to Discrimination Under Any Program or Activity Receiving Federal Financial Assistance



Federal Role

- ◆ All Federal Agencies Are Responsible Under the Civil Rights Act to Promulgate Rules Implementing the Act
- ◆ Governing Documents
 - 49 CFR part 21 – DOT Civil Rights
 - FTA Circular 4742.1B – FTA's Transit Rule



Civil Rights Updates

- ◆ Effective October 1, 2012
 - Removes Several References to Environmental Justice to Help Transit Agencies Better Understand the Distinctions Between Title VI and Environmental Justice



Civil Rights Updates, Continued

- Provides Guidance to FTA Funding Recipients on How to Comply with DOT's Title VI Regulations
 - Careful evaluation of impact of service and fare changes on minority riders
 - Provision of language access to limited English Proficiency



Federal Role

◆ Basic Requirement

- FTA Requires all Direct and Primary Recipients to Document Compliance by Submitting a Title VI Program to the Regional FTA Office Every Three Years
- ODOT is the Direct/Primary Recipient of FTA Funds
 - ODOT subrecipients must submit Title VI Plan to ODOT



Subrecipient Role

◆ Basic Requirement

- Subrecipients Must Submit Title VI Programs to the Primary Recipient From Whom They Receive Funding
 - Subrecipients assist the primary recipient in its compliance efforts
 - Primary recipient determines program submission schedule

Subrecipient Role, Continued

- ◆ Subrecipients With Contractors
 - Contractors and Subcontractors are Responsible For Complying With the Title VI Program of the Entity With Whom They Are Contracting
 - Contractors Are Not Required to Prepare or Submit Title VI Programs
 - Subrecipients Are Responsible for Ensuring That Contractors Are Following the Title VI Program and are Title VI Compliant



Primary Recipients

- ◆ What About Agencies That Receive Grants Directly From FTA, Not ODOT?
 - Primary Recipients Submit Their Title VI Programs Directly to FTA on a Schedule That is Prescribed by FTA
- ◆ My Agency Received Funding From Both FTA and ODOT?
 - Send Program to Both



Who Needs a Program

- ◆ Program Required
 - Direct Recipients
 - Subrecipients
 - Lower Tier Subrecipients
- ◆ Required to Follow Contracting Agency's Plan
 - Contractors



Title VI Goals

- ◆ Level and Quality of Public Transportation Service Is Provided In a Nondiscriminatory Manner
- ◆ Promote Full and Fair Participation In Public Transportation Decision-Making Without Regard to Race, Color, or National Origin
- ◆ Ensure Meaningful Access To Transit-Related Programs and Activities By Persons With Limited English Proficiency



Basic Requirements

- ◆ Title VI Assurance With Grant Application
- ◆ First Time Applicants Must Submit Program to ODOT
- ◆ ALL Subrecipients Must Submit Program to ODOT Every Three Years
- ◆ ALL Subrecipients Must Submit Program Updates to ODOT When a Change to the Program Occurs

Basic Requirements, Continued

- ◆ FTA Circular 4742.1B
- ◆ Effective October 1, 2012
- ◆ Download at:
 - http://www.fta.dot.gov/legislation_law/12349_14792.html
- ◆ Chapter 3 Contains Basic Plan Content for All Entities



Plan Requirements

◆ Program Elements

- Title VI Notice to the Public
- Complaint Procedures
- Complaint Form
- Limited English Proficiency Plan & Public Involvement Plan
- List of Investigations, Lawsuits, and Complaints
- Information Regarding Siting of Fixed Facilities
- Table Depicting Racial Composition of Membership of Non-Elected Boards/Committees (TAC)



Title VI Notice

◆ Prepare Notice

- Notice Must State that the Entity Complies With Title VI
- Basic Statement of Protections
- The Program Should Include a List of Locations Where Notice is Posted
 - Generic, i.e., website, buses, rider guide, transit station, ticket and pass sales locations, etc.



Title VI Notice, Continued

◆ Notice Content

- Statement That the Agency Operates Programs Without Regard to Race, Color, or National Origin
- Procedures the Public Should Follow to Request Additional Information on the Recipient's Title VI Obligations
- Procedures to File a Title VI Discrimination Complaint Against the Recipient



Title VI Notice

◆ Dissemination

○ Document Translation

- Notices Must Detail a Recipient's Title VI Obligations and Complaint Procedures Must Be Translated Into Languages Other Than English

○ What Languages?

- Translate Consistent With LEP “Four Factor” Analysis Outcome and Your Language Assistance Plan (Discussed Later)

Canby Area Transit Title VI Plan

- ◆ Notice to Public
 - *Canby Area Transit publicizes its Title VI program by posting notices in English and Spanish on the CAT website, customer brochures, and at City-owned facilities and on all CAT buses*

A faint, light-colored map of Canby, Oregon, showing street grids and some highlighted areas in red and yellow, serves as the background for the slide.

Public Notice

◆ CAT Compliance Statement

The City of Canby and Canby Area Transit (CAT) operate equal opportunity programs without regard to race, color, or national origin in accordance with Title VI of the Civil Rights Act, ORS Chapter 659A or other applicable law. For more information contact the Transit Director at 503-266-4022, Oregon Relay Service 800-735-2900, or email cat@ci.canby.or.us.

Public Notice, Continued

◆ Policy Statement

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." Canby Area Transit is committed to complying with the requirements of Title VI in all of its programs and activities.



Public Notice, Continued

◆ Complaint Procedure

Any person who believes that they have been aggrieved by an unlawful discrimination practice under Title VI may file a complaint with the Canby Area Transit a department of the City of Canby



Complaint Procedures

- ◆ All Covered Entities Must Develop Procedures For Investigating and Tracking Title VI Complaints
- ◆ The Procedures For Filing a Complaint Must Be Made Available to the Public

Complaint Procedures, Continued

- ◆ Recipients Must Also Develop a Title VI Complaint Form
- ◆ The Form and the Procedure for Filing a Complaint Must Be Available On the Recipient's Website

Complaint Procedures, Continued

- ◆ A Sample Complaint Form is Found in Appendix D of the Circular
- ◆ Again, as Title VI Applies to All Federal Programs, Your Organization May Already Have Developed This Process to Comply with Other Federal Guidance
 - Use of Such Processes is Encouraged

Public Notice Complaint Procedure, Continued

Such complaints must be made in writing and filed with the City of Canby within 180 days following the date of the alleged discrimination occurrence. For information on how to file a complaint, contact CAT by any of the methods provided below. Complaint forms may be downloaded from our website at www.canbyareatransit.org

- ◆ **Listing of contacts and contact information**

Public Notice Compliant Procedure, Continued

A complainant may also file a complaint directly with the Federal Transit Administration: Office of Civil Rights, Attn: Title VI Program Coordinator, East Building 5th Floor, TCR, 1200 New Jersey Ave., SE, Washington, DC 20590. If information is needed in another language, please call 503-266-0741

Complaint Procedure, Continued

Any person who believes he or she has been discriminated against on the basis of race, color, or national origin by the City of Canby-Canby Area Transit may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form which can be accessed as indicated in the notice above. Our process for addressing a civil rights complaint is as follows:

Complaint Procedures, Continued

- ◆ *Once the complaint is received, CAT will review it to determine if the City has jurisdiction. The complaint will be logged and the complainant will receive an acknowledgement letter within 14 days informing her/him whether the complaint will be investigated by our office*
- ◆ *Any complaint CAT receives that deals with federal civil rights issues will be reviewed by the Transit Director and forwarded to the City Administrator, Risk Manager, and City Attorney*

Complaint Procedure, Continued

- ◆ *Once the City logs the complaint, CAT has 60 days to resolve the issue, not including the appeal process*
- ◆ *An investigation will be conducted which will include the basis of the alleged complaint; when and where the incident occurred; and, as necessary, the identification and interview of involved parties, the review and pertinent documents and other factual information from appropriate sources*

Complaint Procedure, Continued

- ◆ *In the case of federal civil rights issues, all information and discussions relating to the investigation are maintained and retained in an investigation file. Information will be kept as confidential as possible*

Complaint Procedure, Continued

- ◆ *Based upon conclusion of a thorough investigation, the City of Canby-CAT will follow up with the complainant. This follow up will include 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, and summarizes the findings and suggests appropriate action along with proposed resolution*

Complaint Procedure, Continued

- ◆ *If the complainant wishes to appeal the decision, he/she has 14 days after the date of the letter or the LOF to submit in writing a request for an appeal to the Transit Director for review by the Transit Advisory Committee (TAC). The complainant may have an opportunity to be heard in person at a TAC meeting. Following the TAC review and recommendation, the City Council will make a final decision*

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:



Tracking Complaints

- ◆ If Complaint Alleges Discrimination on the Basis of Race, Color, or National Origin, Transit System Must Track
 - Active Investigations Conducted by Entities Other Than FTA
 - Lawsuits
 - Complaints Naming the Recipient



Tracking Complaints, Continued

◆ Data

- The Date That the Investigation, Lawsuit, or Complaint Was Filed
- A Summary of the Allegation(s)
- The Status of the Investigation, Lawsuit, or Complaint
- Actions Taken By the Recipient In Response to the Complaint or Final Findings Related to the Investigation, Lawsuit, or Complaint

Complaints, Investigations, and Lawsuits

- ◆ *The City of Canby maintains an active log of all civil rights complaints. A copy of the current log is available upon request by submitting a public records request. A public records request is available on the City website at the following link; [City of Canby Public Records Request](#). CAT has no Title VI complaints, investigations, or lawsuits filed against it*



Inclusive Public Participation

- ◆ Combines Title VI, the Executive Order on Limited English Proficiency (LEP), and DOT LEP Guidance
- ◆ Requires Integration of These Elements Into Each Recipient's Established Public Participation Plan or Process



Inclusive Public Participation, Continued

- ◆ The Title VI Program Must Explicitly Describe
 - Proactive Strategies
 - Procedures
 - Desired Outcomes



Public Participation

- ◆ *The City of Canby-CAT's public involvement strategy offers continuous opportunities for the public to be involved in proposed transportation decisions, such as service design changes, new services, fare changes, and changes of service policy. The primary mechanism for the public to participate is to attend the monthly Transportation Advisory Committee {TAC} meetings or City of Canby City Council meetings. These meetings are advertised in the local paper and are open public meetings and held in locations that are wheelchair accessible*

Public Participation, Continued

- ◆ *All public meetings offer translation services and information in alternate formats and minutes from the meeting are available in English and other languages upon request. The TAC meeting is held the third Thursday of each month at Canby City Hall, 182 North Holly Street, Canby, Oregon, Conference Room 5:30-7:00 p.m. The City Council meetings are held monthly on the first and third Wednesdays at 155 NW 2nd Avenue, Canby, Oregon. City Council meetings are also broadcast live over the local cable television station*



Public Participation

- ◆ *CAT meets the goals outlined in the Oregon Department of Transportation Public Transit State Management Plan for public involvement. CAT seeks out and considers the viewpoints of minority, low-income and LEP populations in the course of conducting public outreach and involvement activities. (Refer to LEP plan attached). CAT provides private sector providers with a reasonable opportunity to comment on plans, programs, and to be included in coordinated plans*



Public Participation, Continued

- ◆ The following is a general description of CAT processes, which vary depending on the subject, purpose and scope of the program, policy or decision
 - Rider and General Public Surveys
 - Open Public Meetings {TAC, City Council, Planning Commission}
 - Technical Work Groups
 - Website Information
 - Solicitation of Comments



Public Participation, Continued

- Involve Customers and Potential Customers in Development of Plans, Policies, Service Changes, and Funding Decisions
- CAT Conducts Broad Outreach During Planning Processes Such as Transit Master Plan or ADA Plan Updates or Major Service Changes and Riders, General Public and Stakeholders are Notified and Invited to Participate and Comment

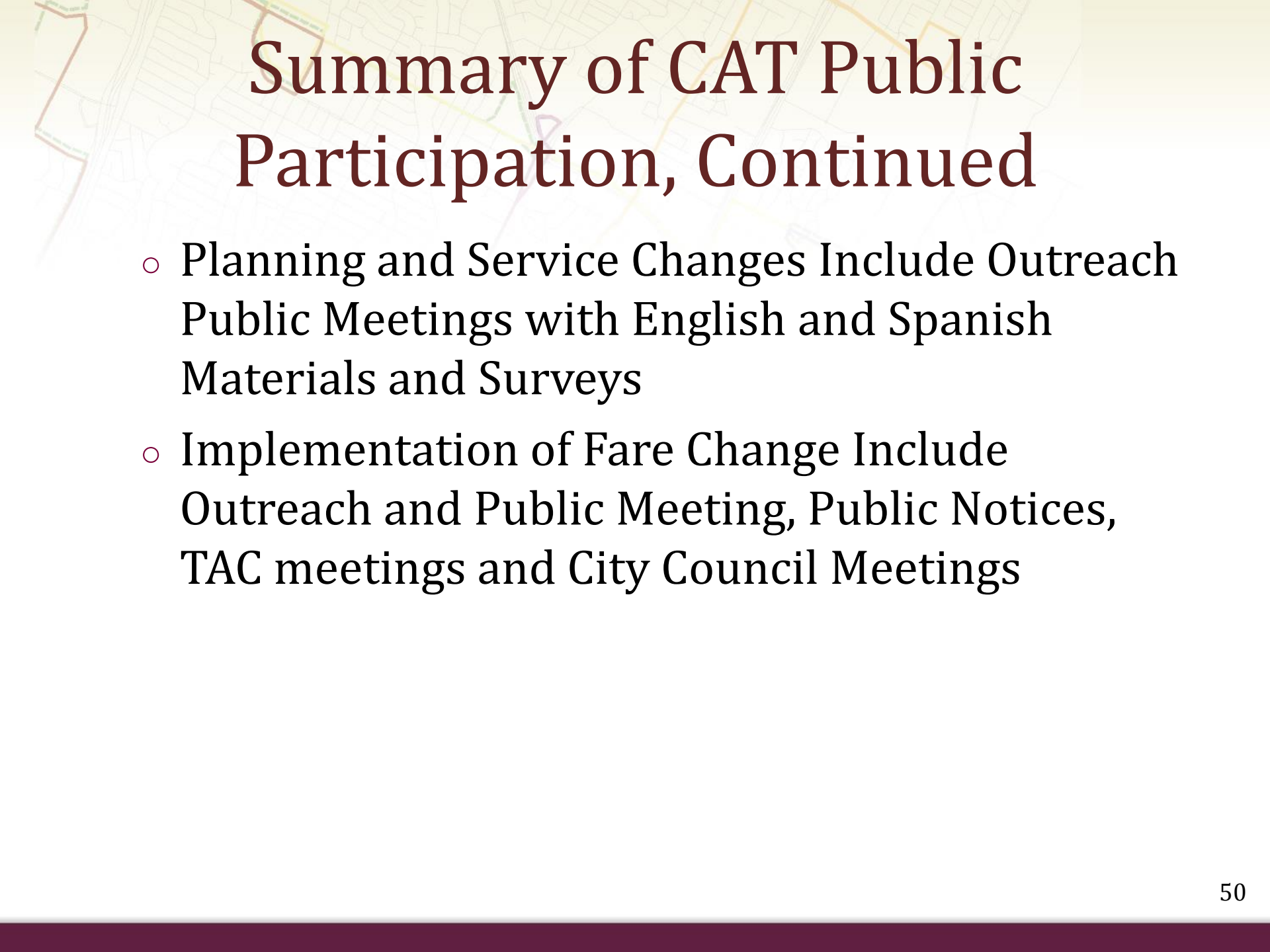


Public Participation, Continued

- Make Plans Available in Alternate Formats, Spanish, and Other Languages as Necessary and Hold Public Hearing(s) with Adequate Notice of the Hearing, Including Advertisement in Local Paper, on Website, and to Special Interest Circulation
- Develop Contacts and Mailing Lists for LEP and ADA Customers and Transit Stakeholders

Summary of Public Participation

- ◆ The following is a summary of CAT's public participation efforts over the last few years
 - Printed, Website, and System Information Available in English and Spanish Including Service Change Notices (Other Languages Available Upon Request)
 - Telephone Communication includes English and Spanish Options. Translation Service Used for Other Language Requests



Summary of CAT Public Participation, Continued

- Planning and Service Changes Include Outreach Public Meetings with English and Spanish Materials and Surveys
- Implementation of Fare Change Include Outreach and Public Meeting, Public Notices, TAC meetings and City Council Meetings



Meaningful Access to LEP

- ◆ This Title VI Program Element Has Two Main Components
 - Four Factor Analysis
 - Language Assistance Program
- ◆ This May Be the Most Challenging Aspect of Title VI Program Development

Meaningful Access to LEP, Continued

- ◆ Four Factor Analysis
 - The Number of LEP Persons in Service Area
 - The Frequency With Which LEP Persons Come Into Contact With the Program
 - Degree of Importance of the Program
 - LEP Outreach
 - Resources
 - Costs



Language Assistance Plan

◆ Contents

- LEP Analysis
- Description of Language Assistance Services
- Notice of Availability of Language Assistance
- How the Recipient Monitors, Evaluates and Updates the Language Access Plan
- How the Recipient Trains Employees to Provide Timely Language Assistance to LEP Populations
 - Costs



Minority Participation

- ◆ Identification of Planning and Advisory Boards
 - Non-Elected Boards/TAC Committees
 - Does Not Include Governing Board
- ◆ Requires Preparation of a Table Depicting Racial Breakdown of Membership



Language Assistance Plan

- ◆ Data Collected from 2010 Census
- ◆ 2012 -2013 Canby School District Report Card
 - 21.3 Percent of Population Spanish or Hispanic
 - Other Ethnicities Comprise Four Percent of Population

Limited English Proficiency Plan

- ◆ Canby Area Transit's Limited English Proficiency Plan is Appendix H of the Title VI Plan. Includes:
 - Four Factor Analysis
 - *The number or proportion of LEP persons eligible in the CAT service area who may be served or likely to encounter a CAT program, activity, or service*
 - *The frequency with which LEP individuals come in contact with a CAT program, activity, or service*

Limited English Proficiency Plan, Continued

- *The nature and importance of the program, activity, or service provided by CAT to the LEP community*
 - *The resources available to CAT and costs*
- ◆ LEP Plan Includes Source References for All Support Data

LEP Monitoring

- ◆ *CAT monitors the linguistic needs of its riders both formally and informally. Formally, CAT reviews available census data during each decennial census to determine whether adjustments to this LEP plan are required. CAT also maintains communication with the Canby School District to monitor demographic trends at a micro level. These data sources, combined with informal reports from the community help CAT maintain a current understanding of local linguistic patterns. Changes to the LEP plan are determined by the TAC and Canby City Council*

Limited English Proficiency Plan, Continued

- Implementation Methods
- Language Assistance Measures
- Training
- Outreach

Title VI Minority Representation

Board and Committee Representation:

	Caucasian	Latino	African American	Asian American	Native American
Service Area Population	74.7%	20.3%	.2%	1.1%	.8%
City Council	100%	0%	0%	0%	0%
TAC Committee	85.8%	14.2%	0%	0%	0%



Title VI Equity Analysis

- ◆ Canby Area Transit's Equity Analysis Includes:
 - Facility Construction
 - Service Standards and Policies
 - Vehicle Headway
 - On time Performance
 - Service Availability
 - Amenities including; facilities, shelters, and information centers
 - Vehicle Assignment

Equal Employment Opportunity

◆ Basic Requirements

- Ensure Compliance with Law
- Communicating with the Public That the Entity Complies
 - Job notices, etc.
- Communicating with Prospective Applicants for Employment
 - Standard Language on Job Applications
- Communicating with Existing Employees
 - Workplace Notice (Typically, “7 in 1” Poster)

Equal Employment Opportunity

- ◆ If the Transit Agency
 - Receives More than \$1 Million in FTA Assistance in Any One Year
 - AND
 - Has 50 or More Mass Transit Employees
 - OR
 - Receives More Than \$250,000 in Planning Assistance
- ◆ An Affirmative Action Plan Must be Prepared

Disadvantaged Business Enterprises

- ◆ Basic Requirement
 - Ensure that Disadvantaged Business Enterprises are Afforded Maximum Opportunity to Compete for Contracts
 - Inclusion of Required Language in All Solicitation Documents

Disadvantaged Business Enterprises, Continued

- ◆ Basic Requirement
 - If An Entity Has More Than \$250,000 in Contracting Opportunities (Using Federal Funds), Exclusive of Rolling Stock, Then the Agency Must Prepare a DBE Program

Common Compliance Findings

- ◆ Recent Compliance Reviews Identified Several Systems Do Not Have a Title VI Plan
- ◆ Of the Systems That Had Plans, Plans did Not Contain the Required 4 Factor Analysis and Outreach Efforts for Limited English Proficiency
- ◆ Labor Postings Did Not Contain EOE Statements

Common Compliance Findings, Continued

- ◆ DBE Reports Were Not Submitted on Time
- ◆ System Did Not Complete a DBE Contracting Opportunity Threshold Assessment
- ◆ Some Systems Included Vehicle Purchases From the State Contract as Contracting Opportunities



Summary

- ◆ Title VI is Part of the Civil Rights Act of 1964 (Pub. L. 88–352)
- ◆ Arguably the Most Significant Legislation of the 20th Century
- ◆ No Person in the United States Shall, on the Ground of Race, Color, or National Origin, Be Excluded From Participation In, Be Denied the Benefits of, or be Subjected to Discrimination Under Any Program or Activity Receiving Federal Financial Assistance



Summary

- ◆ Applies to all FTA-Funded Programs
- ◆ Subrecipients Must Submit Title VI Programs to the Primary Recipient From Whom They Receive Funding (i.e., ODOT, for Section 5310, 5311, 5339, etc.)
 - Every Three Years, or Following a Major Program Change
 - Contractors Must Comply with Title VI, But Are Not Required to Develop/Submit a Program



Summary

- ◆ Must have a Title VI Plan That Includes All Required Elements
- ◆ Four Factor Analysis and Outreach Efforts for Limited English Proficiency Must Be Conducted
- ◆ Labor Postings Must Contain EOE Statements



Summary

- DBE Reports Must Be Submitted on Time
- DBE Contracting Opportunity Threshold Assessment Must Be Conducted
- Vehicle Purchases From the State Contract Should Be Excluded From Contracting Opportunities



Questions?

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