**TITLE VI POLICY**

**AND**

**COMPLAINT PROCEDURES**

**AMADOR TRANSIT**

**August 2020**

**TITLE VI COORDINATOR**

**Patricia M. Amarant, General Manager**

**11400 American Legion Drive, Jackson CA 95642**

**209-267-9395**

**SECTION 1:** **TITLE VI PROGRAM POLICY AND COMPLAINT PROCEDURES**

**POLICY**

Amador Transit is committed to ensuring that no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any of its programs, activities, or services on basis of race, color, or national origin. All persons, regardless of their citizenship, are covered under this regulation. In addition, Amador Transit prohibits discrimination based on race, color, or national origin identity in its employment and business opportunities.

Amador Transit will not condone retaliation against an individual for his/her involvement in asserting his/her rights pursuant to Title VI because he/she filed a complaint or participated in an investigation under Title VI and/or this regulation.

As a Federal Transit Administration (FTA) fund recipient, Amador Transit ensures that its programs, policies and activities comply with the Department of Transportation DOT) Title VI Regulations of the Civil Rights Act of 1964.

Amador Transit ensures that the level and quality of its transportation service is provided without regard to race, color, or national origin.

Amador Transit promotes the full and fair participation of all affected populations in the transportation decision-making process, by conducting the following meetings and/or workshops:

* Coordinated Public Transit Plan workshops
* Bi-monthly SSTAC meetings
* Amador Transit monthly board meetings
* Bus Route Committee workshops
* Triennial Performance Audit workshops

The participants at these meetings include representatives from all social service agencies of Amador County, Amador Transit, ACTC, business owners and members of the public. The Social Services Technical Advisory Council (SSTAC) is an advisory committee to the Amador County Transportation Commission (ACTC) on matters pertaining to the transit needs of transit dependent and transit disadvantaged persons.  The SSTAC also works to coordinate transit services needed or provided by different agencies and organizations to eliminate duplication of service, create efficiencies, and save public funds.  The SSTAC’s input shall be considered in and made an integral part of the Commission’s annual “unmet transit needs” hearing and findings process.

Amador Transit makes a good faith efforts to achieve environmental justice as part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, activities and services on minority populations and low-income populations within Amador Transit’s service area as provided herein.

Amador Transit ensures that Limited English Proficient (LEP) individuals have access to Amador Transit’s programs, activities, and services.

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| --- | --- | --- | --- | --- | --- |
| BODY | CAUCASIAN | LATINO | AFRICAN AMERICAN | ASIAN AMERICAN | NATIVE AMERICAN |
| Social Services Transportation Advisory Council | 98% | 1% | 0% | 0% | 1% |
| Amador Transit Board Members | 100% | 0% | 0% | 0% | 0% |

The Amador Transit Board members are all elected members with only one public appointed member.

*\*See Title VI LEP Plan Section II for LEP analysis for Amador County’s Census data*

The Amador Transit General Manager is responsible for implementing this policy. The Amador Transit Title VI will be posted on the agency website, within the administrative offices, within vehicles and at high demand stops throughout the system.

The Regulation shall be maintained in English and Spanish.

**COMPLAINT/LAWSUITS AND APPEALS**

**How to File a Title VI Complaint with Amador Transit:** 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, or national origin with respect to Amador Transit’s programs, activities, services or other transit related benefits, may file a written complaint with Amador Transit. 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. **Amador Transit will promptly investigate all complaints filed under Title VI, pursuant to this Regulation.**

**Complaint must include the following information:**

1. A complaint must be in writing; signed and dated by the Complainant or his/her representative before any action can be taken.
2. A compliant 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 complaints shall include a description of the program, activity or service on which the alleged discrimination occurred.

A *Complaint Form* (Attachment B) can be used to file a Title VI complaint with Amador Transit. A *Complaint Form* is made in an accessible format upon request. A *Complaint Form* can be obtained at:

1. Amador Transit’s website [www.amadortransit.com](http://www.amadortransit.com)
2. By call Amador Transit at (209) 267-9395 and a *Complaint Form* will be mailed to you.
3. By picking up a *Complaint Form* at 11400 American Legion Drive, Jackson CA 95642.

If the complaint is received by anyone besides Amador Transit’s Manager, the individual in receipt of the complaint shall forward it to the General Manager or his/her designee as soon as practicable but no later than two (2) working days of receipt. The General Manager shall immediately provide a copy of the complaint to the Chair of the Board of Directors of the program, activity or service that is identified as being out of compliance.

**Amador Transit’s Procedures for Investigating Complaints**

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

**Efforts to Contact Complainant**

The General Manager 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 General Manager or his/her designee shall review and consider the all the information provided by the complainant, if any, and any other evidence available regarding the allegations of the complaint. The General Manager or his/her designee shall prepare a written report of his/her findings and if corrective action(s) is required; and a timetable for the completion of such action.

**Completion of Investigation**

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

**Appeal to Chair**

If the complainant is not satisfied with the findings and/or action of Amador Transit’s Manager or his/her designee, then the complainant may file his/her complaints to the Chair of the Board of Director’s or with the FTA’s Office of Civil Rights.

**Appeal Process**

If the complainant chooses to file his/her complaint with the Chair of the Board of Directors, then the complaint and any supporting documentation should be submitted within five (5) working days of his/her receipt of the results of the General Manager’s investigation, with the Chair of the Board of Directors by providing it to the General Manager at the Amador Transit Administrative Offices. Upon review of the file, the Chair of the Board of Directors shall notify the complainant of what actions, if any, will be taken as a result of the review by the Chair within ten (10) working days of the Chair’s notification that the complainant is not satisfied with the results of the General Manager’s investigation. The decision of the Chair of the Amador Transit Board of Directors shall be final.

**Timeline Waiver**

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

**APPLICABILITY**

This policy is applicable to all Amador Transit employees, members of the public and all contractors hired by Amador Transit.

Failure of an Amador Transit employee to follow this policy and procedure shall subject such employee to disciplinary action up to and including employment termination.

**DEFINITIONS**

***“Adverse Effect”*** means having a harmful or undesired effect.

***“Discrimination”*** refers to any act or inaction, whether intentional or unintentional, in any program or activity of a Federal aid recipient, sub recipient, or contractor that results in disparate treatment, disparate impact, or perpetuates the effects of prior discrimination based on race, color, national origin, age, sex, sexual orientation or gender identity.

***“Gender Identity”*** refers to an individuals gender, or lack thereof, a person self identifies with. It is not necessarily based on biological fact, either real or perceived, not is it always based on sexual orientation. The gender identities one may choose from include male, female, both, somewhere in between.

***“Limited English Proficient (LEP) Persons”*** are individuals for whom English is not their primary language and who have a limited ability to speak, understand, read or write English. It includes people who reported to the US Census that they do not speak English well or do not speak English at all.

***“Low-Income Population”*** means any readily identifiable groups of low-income individuals who live in geographic proximity and if circumstances warrant, geographically dispersed transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy or activity.

***“Minority Individuals”***

1. *American Indian and Alaska Native*, which refers to people having origins in any of the original peoples of North and South American (including Central America) and who maintain tribal afflictions or community attachment.
2. *Asian*, which refers to people having origins in any of the original peoples of the Far East, Southeast Asia or the Indian subcontinent.
3. *Black or African American*, which refers to people having origins in any of the Black racial groups of Africa.
4. *Hispanic or Latino*, which includes people of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
5. *Native Hawaiian and Other Pacific Islanders*, which refers to people having origins in any of the original people of Hawaii, Guam, Samoa or other Pacific Island.

“***National Origin”*** means the particular nation in which a person was born, or where the person’s parents or ancestors were born.

***“Race”*** means a group of people united or classified together on the basis of common history, nationality or geographic distribution.

“***Recipient”*** means one that has received or is receiving Federal Financial assistance under the Acts. The term includes subrecipients of a recipient and subrecipients in FTA’s State administered programs.

***“Retaliation”*** any adverse action taken against another individual because of his/her participation in the compliant, investigation, or hearing relating to this policy or the provision of federal or state law.

***“Vital Documents”*** are documents that convey information that critically affects the ability of the customer to make informed decisions about his/her participation in the program (e.g., public notices, consent forms, complaint forms, eligibility rules, notices pertaining to the reduction, denial or termination of services or benefits, right to appeal and notices informing customers of the availability of free language assistance.

**GENERAL REQUIREMENTS AND GUIDELINES**

Amador Transit carries out its programs, activities and services in compliance with Title VI of the Civil Rights Act of 1964. Amador Transit or any of its employees will not, on the grounds of race, color or national origin exclude any person from participating in, deny the benefits of, or subject him/her to discrimination under any of Amador Transit’s programs, services or activities.

Amador Transit or any of its employees will not, on the grounds of race, color or national origin.

1. Provide any service, financial aid or benefit that is difference from that provided to others;
2. Subject an individual to segregation or separate treatment;
3. Restrict an individual in the enjoyment of any advantage or privilege enjoyed by others;
4. Deny any individual service, financial aid, or benefits under any of Amador Transit’s programs, services or activities;
5. Treat individuals differently in terms of whether they satisfy administration or eligibility requirements;
6. Deny an individual the opportunity to participate as a member of a planning or advisory body.

Amador Transit evaluates significant system-wide service and fare changes and proposed improvements at the planning and programming states to determine whether these changes have a discriminatory impact on low-income and Limited English Proficient individuals. This applies to major service changes that affect 25% of service hours of a route.

Amador Transit holds at least one Board Meeting every month to ensure that all individuals are afforded an opportunity to participate in transportation decisions.

Amador Transit’s maintains a list (a minimum of four year in active status) of any Title VI investigations, complaints or lawsuits filed which allege Amador Transit discriminated against a person or group on the basis of race, color or national origin. This list will include:

1. The date the investigation, complaint or lawsuit was filed;
2. A summary of the allegation(s);
3. The status of the investigation, complaint or lawsuit; and
4. Any actions or corrective actions taken by Amador Transit in response to the investigation, complaint or lawsuit.

**LIST OF TITLE VI COMPLAINTS**

**SEE APPENDIX “A”**

Amador Transit keeps the public informed of the protections against discrimination afforded to them by Title VI and Amador Transit’s obligations under Title VI by posting this policy, or a *Title VI Policy Statement* (Appendix A) and associated English and Spanish *Complaint Forms*, on the Amador Transit website at [www.amadortransit.com](http://www.amadortransit.com) *Title VI Policy Statement* (Appendix A) will be posted in English and Spanish at Amador Transit. In addition, *Title VI Policy Statements* (Appendix A) and *How To File a* *Complaint with associated Timeline* (Appendix A) will be posted in the administration office, vehicles and major passenger stops.

Amador Transit takes responsible steps to ensure meaningful access to the benefits, services, information and other important portions of its programs, activities and services for individuals who are Limited English Proficient (LEP).

Amador Transit provides information, upon request from FTA, in order to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI.

Amador Transit ensures that minority and low-income individuals have meaningful access to Amador Transit’s programs, activities and services.

Amador Transit will submit its Title VI Program to the FTA’s regional civil right officer one every three (3) years to ensure compliance with Title VI Requirements.

**ENVIRONMENTAL JUSTICE REQUIREMENTS**

Amador Transit has integrated an environmental justice analysis into its National Environmental Protection Act (NEPA) documentation of construction projects. Amador Transit is not required to conduct environmental justice analyses of projects where NEPA documentation is not required. Amador Transit will consider preparing an environmental assessment (EA) or environmental impact statement (EIS) to integrate into its documents the following components:

1. A description of the low-income and minority population within the study area affected by the project and a discussion of the method used to identify this population (e.g., analysis of Census data, direct observation or a public involvement process);
2. A discussion of all adverse effects of the project both during and after construction that would affect the identified minority and low-income populations;
3. A discussion of all positive effects of the project that would affect the identified minority and low-income populations, such as improvements in transit service mobility or accessibility;
4. A description of all mitigation and environmental enhancement actions incorporated into the project to address the adverse effect, including, but not limited to, any special features of the relocation program that go beyond the requirements of the Uniform Relocation Act and address adverse community effects such as separation or cohesion issues; and the replacement of the community resources destroyed by the project
5. A discussion of the remaining effects, if any, and why further mitigation is not proposed; and
6. For projects that traverse predominantly minority and low-income and predominantly non-minority and non-low-income areas, a comparison of mitigation and environmental enhancement actions that affect predominantly low-income and minority areas with mitigation implemented in predominantly non-minority or non-low-income areas.

**LIMITED ENGLISH PROFICIENT (LEP) INDIVIDUALS AND PUBLIC PARTICIPATION REQUIREMENTS**

Amador Transit seeks out and considers the viewpoints of minority, low-income and Limited English Proficient (LEP) populations in the course of conducting public outreach and involvement activities. Amador Transit’s public participation strategy offers early and continuous opportunities for the public to be involved in the identification of social, economic and environmental impacts of proposed transportation decision.

Amador Transit ensures that individuals have access to its programs, activities and services by developing and carrying out the language plan herein. Amador Transit will continually assess the language assistance needs of the population to be served.

Amador Transit uses the following four factors to determine what measures must be undertaken to provide reasonable and meaningful access to LEP individuals.

1. Languages likely to be encountered and the number or proportion of LEP person in the eligible service population likely to be affected by the program, activity or service.
2. Frequency with which LEP individuals come into contact with Amador Transit’s programs, activities and services.
3. Importance of the program, activity or service provided by Amador Transit to LEP individual’s lives.
4. Resources needed to provide effect language assistance and costs.

**ORAL LANGUAGE ASSISTANCE**

Amador Transit maintains bilingual staff to provide Spanish-speaking interpretation at its Administrative office to assist with customer service for basic transit questions and trip planning assistance and employees’ bilingual drivers to assist passengers on board the buses.

**How to File a Title VI Complaint with FTA**

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, or national origin, with respect to Amador Transit’s programs, activities or series, or other transit related benefits, may file a written complaint with the 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 complaint must include the following information:**

1. 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, bus 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 Civil Rights Office Address:

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

FTA.ADAAssistance@dot.gov

1. 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 the complaint has been accepted, FTA will notify Amador Transit that it has been subject to a Title VI complaint and as Amador Transit to respond in writing to the complainant’s allegations. Once the complainant agrees to release the complaint to Amador Transit, FTA will provide Amador Transit with the complaint. FTA may choose to close a complaint if the complainant does not agree to release the complaint to Amador Transit. 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 Amador Transit, the circumstances under which the possible noncompliance occurred and other factor relevant to a determination as to whether Amador Transit has failed to comply with Title VI regulations.

Following the investigation, FTA’s Office of Civil Rights will transmit to the complainant and Amador Transit one of the following three (3) letters based on its finding:

1. **Letter of Resolution**: This explains the steps that Amador Transit has taken or promises to take to come into compliance with Title VI.
2. **Letter of Finding (Compliance**): Which explains that Amador Transit is found to be in compliance with Title VI? This letter will include an explanation of why Amador Transit was found to be in compliance and provide notification of the complainant’s appeal rights.
3. **Letter of Finding (Noncompliance**): Which explains that Amador Transit 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 Amador Transit in devising a remedial plan for compliance.

**Appeals Process**

The letters of finding and resolution will offer the complainant and Amador Transit 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 sixty (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.

**DEFICIENCIES WITH TITLE VI COMPLIANCE**

Compliance Reviews will be conducted periodically by FTA, as part of its ongoing responsibility pursuant to its authority under *49 CFR 21.11(a).*

If FTA determines that Amador Transit is in noncompliance with Title VI, it will transit a *Letter of Finding* that describes FTA’s determination and request that Amador Transit voluntarily take corrective actions(s) which FTA deems necessary and appropriate.

Amador Transit will submit a remedial action plan including a list of planned corrective actions and, if necessary, sufficient reasons and justification for FTA to reconsider any of its findings or recommendations within thirty (30) days of receipt of FTA’s *Letter of Finding.*

**ADMINISTRATION OF REGULATION**

Amador Transit has integrated the provisions within its Title VI Program into all programs, activities and services provided by Amador Transit.

Amador Transit has integrated the Title VI Program into its policies and procedures.

**APPENDIX “A”**

**LIST OF TITLE VI INVESTIGATIONS, COMPLAINTS OR LAWSUITS**

DATE October 28, 2015

SUMMARY Complainant alleged denial of full or equal accommodations on our transit system due to his disability . Complainant was denied accommodation on our service due to overwhelming body odor and poor hygiene which is in violation of AT Passenger Code of Conduct. In fact, several attempts were made by AT management to aid the complainant with receiving social service assistance with personal hygiene and care, he refused every attempt stating he lived independently.

STATUS Case was successfully Settled by Mediation – Voluntary on Feb 01, 2016

ACTION Interactive Training with employees to review disability discrimination and prevention and a personal apology to the Complainant.