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WASCO COUNTY

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Lisa Clambee
~~LINDA BROWN~~
COUNTY CLERK

WASCO COUNTY
TRANSPORTATION NETWORK
TITLE VI PROGRAM POLICY

Ref: FTA Circular 4702.1B Title VI Requirements and Guidelines for Federal Transit Administration (FTA) Recipients (October 1, 2012)

Purpose: The purpose of this policy is to establish guidelines to effectively monitor and ensure that the Mid-Columbia Council of Governments Transportation Network (MCCOG/TN) 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 Regulations at 49 CFR Part 21.

Policy: Effective July 22, 2014, MCCOG/TN will ensure that their programs, policies, and activities all comply with the Department of Transportation's (DOT) Title VI regulations. Title VI states: "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." MCCOG/TN is committed to creating and maintaining public transit service that is free of all forms of discrimination. The MCCOG/TN will take whatever preventive, corrective and disciplinary action necessary for behavior that violates this policy or the rights and privileges it is designed to protect.

Required to provide an annual Title VI certification and assurance. To ensure accordance with 49 CFR Section 21,III,(2), every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with Title VI of the Civil Rights Act of 1964. This requirement shall be fulfilled when the applicant submits its annual FTA certifications and assurances to the Oregon Department of Transportation (ODOT). The text of FTA's annual certifications and assurances is available on FTA's Web site. MCCOG/TN complies with this instruction annually in order to receive FTA funding.

Required to notify beneficiaries of protection under Title VI. In order to comply with 49 CFR Section 21,III(5), recipients shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. Recipients that provide transit service shall disseminate this information to the public through measures that can include but shall not be limited to a

posting on MCOG/TN website. MCCOG/TN has information on their web site, in it's lobby, as well as a notice on all transit schedules and information.

Required To Develop Title VI Complaint Procedures. In order to comply with 49 CFR Section 21,III(6), recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public upon request. MCCOG/TN provides for staff to take complaints and then forward them to the Title VI Complaint Coordinator (Direct Service Manager) who categorizes, tracks them, develops responses and forwards them to the MCCOG/TN, Director for approval.

Required to record and report Title VI investigations, complaints and lawsuits. In order to comply with 49 CFR Section 21,III, (7), recipients shall prepare and maintain a list of any active investigations conducted by entities other than the FTA, lawsuits, or complaints naming the recipient that allege discrimination on the basis of race, color, or national origin. This list shall include the date of the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response to the investigation, lawsuit, or complaint. MCCOG/TN Title VI Complaint Coordinator (Direct Service Manager) maintains these files. MCCOG/TN is required to report to ODOT any complaints and the results the investigations. MCCOG/TN has had no Title VI investigations, complaints or lawsuits that have occurred between September 1, 2005 and the submission of this program.

Required to provide meaningful access to Limited English Proficient (LEP) persons. 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. MCCOG/TN's bus information brochure has the English written material available in Spanish as well. MCCOG/TN partners with One Community Health, a Hispanic focused health care and advocacy program that assists our Hispanic population and other low income disadvantaged populations with needs they may have. If there are other language groups identified in the future, then the MCCOG/TN will respond by providing instructions on how to use the public transit system in their language.

Public Participation Plan. See Exhibit A

Language Assistance Plan. See Exhibit B

Minority Representation Table. See Exhibit C

Required to provide additional information upon request. At the discretion of the ODOT or the FTA, information other than that required by the referenced circular may be requested, in writing, from a recipient in order to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI requirements. MCCOG/TN Title VI

Complaint Coordinator (Direct Service Manager) is available to provide additional information as needed and to respond to any inquiry.

Required to prepare and submit a Title VI Program. FTA requires recipients to report certain general information to determine their compliance with Title VI. The collection and reporting of this program constitute the recipients' Title VI Program. To ensure compliance with 49 CFR Section 21,III, (4), FTA requires that all recipients document their compliance with this chapter by submitting a Title VI Program to ODOT once every three years.

Discrimination

Any act or omission of an act which would prevent the use of or exclude a person from access to public transportation based on (but not limited to) race, sex, disability, or religion.

Responsibilities

All employees of MCCOG/TN shall follow the intent of these guidelines in a manner that reflects Agency policy.

Supervisors and managers 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 sections *Supervisor Responsibility and/or Investigation of Complaints and Appeal Process*.

Supervisor Responsibility

Each supervisor and manager shall:

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

Investigation of Complaints and Appeal Process

Various methods of resolution exist. If a customer feels that her/his accommodation request and/or access to public transportation was denied, s/he may file a complaint through the following process:

- 1) Submit a Title VI customer complaint form with contact information
- 2) Phone the transit office at (541) 296-7595
- 3) E-mail the transit office at Brent.Olson@mmocg.com or Dan.Schwanz@mccog.com

- 4) Come in to the transit office located at 1113 Kelly Ave., The Dalles, OR 97058
- 5) Mail written complaint to 1113 Kelly Ave., The Dalles, OR 97058

The Direct Service Manager or Transportation Director will investigate the complaint and make a determination. Formal investigation of the complaint will be confidential and will include, but is not limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Customer will be notified of resolution.

If the complainant is not satisfied with the resolution, an appeal process is available. An appeal request for review of a determination of unlawful denial of access or accommodation to public transportation must be filed, in writing, within 60 calendar days of the incident. The written appeal must include the customer's name, address, and telephone contact number.

A statement of reason(s) why the applicant believes the denial of accommodation request or access to public transportation was inappropriate is recommended.

The Executive Committee of the MCCOG Board of Directors will set a mutually agreed-upon time and place for the review process with the applicant and/or representatives within 30 days of the request. The applicant may submit documents or other information to be included with the record and considered in the review process. A record of the review will be kept, as determined by the Executive Committee. Anyone needing special accommodations may contact MCCOG at (541) 298-4101 for assistance.

The right of the appellant to a prompt and equitable resolution of the complaint must not be impaired by the appellant's pursuit of other remedies, such as filing of a complaint with the Department of Justice or other appropriate federal agency or the filing of a suit in state or federal court. Use of this procedure is not a prerequisite to the pursuit of other remedies.

Disposition of Complaints

Sustained Complaints- If the complaint is substantiated, this policy and procedure prohibiting discrimination will be reviewed with the offender. Appropriate disciplinary action and/or training will be taken pursuant to the agency disciplinary procedures.

Unsustained Complaints- If there is insufficient evidence to either prove or disprove the allegation(s) both parties to the complaint will be informed of the reason(s) for this disposition.

Unfounded Complaints- If it is determined that an act reported pursuant to this policy/procedure did not in fact occur, a finding of unfounded shall be made.

Exonerated Complaints- If it is determined that an act reported pursuant to this policy/procedure did in fact occur, but was lawful and proper within the guidelines established herein, a finding of exonerated shall be made.

This policy was adopted by the MCOG Board of Directors on July 22, 2014 and approved by the Wasco County Board of Commissioners this 19th day of August 2015.

WASCO COUNTY
BOARD OF COMMISSIONERS



Scott C. Hege, Commission Chair



Rod L. Runyon, County Commissioner



Steven D. Kramer, County Commissioner

APPROVED AS TO FORM:



Kristen Campbell
Wasco County Counsel

Exhibit A

Mid-Columbia Council of Governments, Transportation Network MCOG/TN

Public Involvement Policy

Purpose

Mid-Columbia Council of Governments, Transportation Network (MCOG/TN) also referred to as “Agency” establishes the following policy and actions to assist in meeting state and federal public participation requirements for public involvement in proposed transportation decisions.

Policy

MCOG/TN will meaningfully involve the public in important transportation decisions by providing for early, open, continuous, and effective public participation in and access to key planning and project decision-making processes.

Objectives

1. Improve public involvement during the development and update of the Agency’s transportation services and projects.
2. Improve the consistency of the Agency’s public involvement processes.
3. Advise the Agency’s staff regarding public participation and its importance.
4. Actively involve members of the public and other stakeholders in the development and update of the Agency’s transportation services and projects.
5. Meet or exceed all state and federal requirements for public participation, including encouraging the participation of low-income, minority, limited English speaking individuals and persons with disabilities.

Background

The Federal Title VI program requires that the agency adopt and implement a formal public participation plan that describes the proactive strategies, procedures, and desired outcomes underpinning the Agency’s public participation activities.

Policy Implementation

The purposes of these implementation actions are to implement the policy, meet federal and state regulations regarding public involvement, and to incorporate guidance received from the Public Transit Division of the Oregon Department of Transportation. These actions apply broadly to all Agency planning, project development and transportation services.

MCCOG/TN will:

1. Abide by all applicable state and federal laws and rules in implementing public involvement processes.
2. Follow the requirements of the Oregon Public Meetings Law (ORS 192.610 to 192.690) for all advisory committees appointed by or reporting to the District, such as public notice and holding meetings at convenient and accessible locations and times.
3. Maintain and utilize a comprehensive list of stakeholders including, but not limited to individuals and organizations that are interested in or affected by the Agency's transportation programs and decisions; users and representatives of users of public transportation; users and representatives of people with disabilities; users and representatives of low-income users of the Agency's services, users and representatives of users who are limited English speakers; and users and representatives of users who are minorities.
4. During public involvement processes seek out and consider the needs of populations traditionally underserved by existing transportation systems.
5. Provide stakeholders with timely information about transportation issues and decision making processes and adequate notice of key decision points leading to any change or new transportation services and/or projects.
6. Employ visualization techniques such as maps, photographs, display boards and other devices to the maximum extent possible to help in presenting ideas and concepts.
7. Provide a reasonable review period (45 days or more) for any significant changes to services or significant projects, unless a shorter period is warranted due to fiscal reasons.
8. Involve the public and stakeholders to an appropriate and meaningful extent when making significant changes to an existing service. Technical changes may not require input, but substantive changes will. Changes to a specific goal or policy in a service or project should be completed only after consultation with the directly affected stakeholder and advisory groups.
9. Periodically review the effectiveness of this public involvement policy and implementation actions to ensure that they provide full, meaningful and open access to all interested parties and revise the process as appropriate.

Exhibit B

Mid-Columbia Council of Governments, Transportation Network MCCOG/TN Limited English Proficiency (LEP) Plan

Introduction

Mid-Columbia Council of Governments, Transportation Network MCCOG/TW also referred to as “Agency” understands that transportation is critically important to the daily lives of our community members. The purpose of this limited English proficiency plan is to comply with the Agency’s responsibilities to limited English proficient (LEP) persons consistent with Title VI of the Civil Rights act of 1964 and the implementing regulations. Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations, provides that no person shall be subjected to discrimination on the basis of race, color or national origin under any program or activity that receives federal financial assistance.

Executive Order 13166

Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice’s (DOJ’s) Policy Guidance entitled “Enforcement of Title VI of the Civil Rights Act of 1964 – National Origin Discrimination against Persons with Limited English Proficiency.” Different treatment based upon a person’s inability to speak, read, write, or understand English may be a type of national origin discrimination.

Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies, private and non-profit entities, and sub recipients.

Plan Summary

The Agency has developed this Limited English Proficiency Plan (LEP) to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to Agency services as required by Executive Order 13166. A limited English proficiency person is one who does not speak English as their primary language and who has limited ability to read, speak, write or understand English.

This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, training staff, how to notify LEP persons that assistance is available and information for future plan updates.

The Agency will use a U.S. Department of Transportation four factor LEP analysis which considers the following: 1) The number or proportion of LEP persons eligible in the Agency's service area who may be served or likely to encounter a MCCOG/TW program, activity, or service; 2) the frequency with which LEP individuals come in contact with a MCCOG/TW service; 3) the nature and importance of the program, activity or service provided by the Agency; 4) the resources available to MCCOG/TW and overall costs to provide LEP assistance. A brief description of these considerations is provided in the following section.

Four Factor Analyses

1. The number or proportion of LEP persons eligible in the service area who may be served or likely to encounter an Agency program, activity or service.

In 2011, the Migration Policy Institute: National Center on Immigrant Integration Policy reported that Hood River County (one of the Agency's service area) has a total population of 20,500 and a total LEP population of 3,500. The majority are Spanish speaking. The percentage of LEP was 16.7%.

http://www.lep.gov/demog_data/demog_data.html

2. The frequency with which LEP individuals come in contact with a District program, activity, or service.

The Agency is aware of some transit service usage by LEP individuals through contacts by LEP individuals to reserve rides, others making reservations on behalf of LEP individuals and some informal "bending of the rules" by allowing LEP riders to not make advance reservations and simply board a vehicle that leaves a grocery store in Hood River and goes to Odell to the south of Hood River. The Agency assumes use of our Dial a Ride service (primary transit service offered) is lower than the percentage of LEP individuals within the Agency's service area.

The Agency will continue to assess the frequency at which staff have or could possibly have contact with LEP persons.

3. The nature and importance of the program, activity, or service provided by the Agency to the LEP community.

The Agency understands that transportation is critically important to the daily lives of our community members. This plan will be used to help the Agency better meet the needs of the LEP community. These include proposed changes such as any service area or level changes, property acquisitions and building/facility projects.

4. Resources available to the Agency and costs.

The Agency is a fairly small transit organization relative to other transit operations in the State of Oregon. Further, the Agency is a single purpose district so it does not have other programs and/or staff to draw from for being able to provide interpretive and translation resources. The Agency has produced a basic information sheet that explains how to use the Agency's Dial-A-Ride service in English and Spanish. The Agency's Intercity Services information is very simple and would not benefit from translation. The Agency is in the process of providing information in Spanish on its website. The Agency has subscribing to the language line in order to provide faster and more accurate translation services.

Implementation Methods

1. How to Identify an LEP Person who Needs Language Assistance – These methods may be used to help identify persons who need language assistance:

- Examine records requests for language assistance from past meetings and events to anticipate the possible need for assistance at upcoming meetings;
- Regularly survey dispatch staff and drivers of any direct or indirect contact with LEP individuals.

2. Language Assistance Measures – The Agency has implemented or will implement with one year's time the following LEP measures:

- The core document the district uses to describe our Dial-A-Ride has been translated into Spanish.
- The head dispatcher has taken some Spanish classes in the past which allows for some communication with LEP individuals.
- The Agency has implemented the Language Line service.
- The Agency would like to have all of the information on its website translated within a year.
- If the Agency found a need for translation services at public meetings, the District would seek out sources for translators for meetings.

3. Training – Training for Agency Staff on all aspects of Title VI and LEP policies and requirements will be conducted.

4. Outreach – Specific outreach efforts will be evaluated on a case by case basis. Some or all of the following methods have or may be used:

- The Agency works with a regional Mobility Manager who works for the Mid-Columbia Economic Development District. The Mobility Manager has been reaching out to various Hispanic organizations in the past year to ensure that the various transit services in the mid-Columbia Gorge region are known to the

various community organizations that serve large populations of LEP persons. It is anticipated that this effort will continue in the foreseeable future.

- When the Agency updates the Coordinated Transportation plan extra effort will be made to include community organizations who provide other services to LEP persons.
- All important transit documents will be translated into Spanish and be available at our transit center and provided to anyone who requests the forms. They also will be available on our website for down loading.

Monitoring and Updating the LEP Plan

This plan is designed to be flexible and is one that can be easily updated. At a minimum, the Agency will follow the Title VI Program update schedule for the LEP plan. The following are questions to help guide the Agency in monitoring and updating the LEP plan:

- In the Agency's encounters with LEP persons, were there needs met? Were they successful in using the transit system services?
- Have there been changes in the LEP population the Agency's service area?
- Has there been a change in the types of languages where translation services are needed?
- Is there still a need for continued language assistance for previously identified transit services?
- Have the Agency's resources, such as technology, staff and financial resources changed?
- Were any complaints received?

Dissemination of LEP Plan

Copies of the LEP plan will be on file at the Agency's offices. The LEP plan will be provided, on request, to any person(s) requesting the document via phone, in person, by mail or email. LEP persons may obtain copies/translations of the plan upon request. The plan will be posted on the District's website.

Any questions or comments regarding this plan should be directed to the Agency's Title VI Coordination at:

Mid-Columbia Council of Governments, Transportation Network
1113 Kelly Ave,
The Dalles, OR 97058

Exhibit C

Committee Representation

	Ethnicity		Race				
	Hispanic or Latino	Not Hispanic or Latino	American Indian or Alaska Native	Asian	Black or African American	Native Hawaiian or Other Pacific Islander	White
Governing Body		14				1	13
Budget Committee		7					7
Special Transportation Fund		7					7
Population - Hood River - 22,885	30.30%	69.70%	1.10%	1.50%	0.70%	0.20%	94%
Population - Wasco 25,515	16%	84%	4.40%	0.90%	0.60%	0.79%	91%
Population - Sherman - 1,170	6.90%	93.10%	2.10%	0.20%	0.30%	0.10%	89.90%
Population - Gilliam - 1,932	6.10%	93.90%	1.20%	0.79%	0.20%	0.70%	95%
Population - Wheeler - 1,375	4%	96%	1.80%	0.70%	0.19%	0.20%	89%

Date Updated - 08/13/15