

MID-COLUMBIA COUNCIL OF GOVERNMENTS
Transportation Network
TITLE VI PROGRAM POLICY

Updated: July 22, 2014

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 MCCOG/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 (Transportation Director) who categorizes, tracks them, develops responses and forwards them to the MCCOG Executive 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. MCCOG/TN will have a written Public Participation plan by July 22, 2014.

Language Assistance Plan. MCCOG/TN will have a written Language Assistance Plan by July 22, 2014.

Minority Representation Table. MCCOG/TN will have this information compiled by July 22, 2014.

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 (Transportation Director) 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/TN 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@mccog.com or Richard.Eberle@mccog.com
- 4) Come in to the transit office located at 802 Chenoweth Loop Rd., The Dalles, OR 97058
- 5) Mail written complaint to 1113 Kelly Ave., The Dalles, OR 97058

The 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 Complaint- 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.

Approved by the Mid-Columbia Council of Governments, Board of Directors July 22, 2014.