

# SOUTH LANE WHEELS TITLE VI PROGRAM

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## POLICY STATEMENT

The South Lane Wheels (SLW) grants all citizens equal access to its transportation services and is committed to ensuring that no person is excluded from participation in, or denied the benefits of its services on the basis of race, color, or national origin as protected by Title VI of the Civil Rights Act of 1964, as amended.

South Lane Wheels assures that no person shall, on the grounds of race, color, national origin, limited English proficiency, sex, income, age or disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any of its programs or activities, whether or not they are federally funded. The South Lane Wheels Notice to the Public Title VI NONDISCRIMINATION AGREEMENT (Attachment A) is posted in the following locations:

- On the agency's website
- In public areas of the agency's offices (reception desk, public meeting rooms, etc.).
- Inside vehicles (buses, vans, cars)
- In and around transit shelters
- In rider guides and bus schedules

The plan's elements that protect against discrimination apply to South Lane Wheels, its sub-recipients, contractors and consultants and will insure that the clauses in **Appendix B** are included in every contract subject to Title VI compliance.

Any person who feels that he or she, individually or as a member of any class of persons, on the basis of race, color, or national origin has been excluded from or denied the benefits of, or subjected to discrimination caused by the South Lane Wheels may file a written complaint with the South Lane Wheels, Title VI Administrator Ruth E. Linoz or directly with the Federal Transit Administration (FTA) Office of Civil Rights and ODOT Office of Civil Rights:

FTA Transit Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
Phone: 888-446-4511

Office of Civil Rights – MS 23  
3930 Fairview Industrial Drive SE  
Salem, OR 97302  
Phone: 503-986-4350

## LEGAL AUTHORITY

The Title VI Program was established to carry out the South Lane Wheels' commitment to ensure that the most fundamental principles of equality of opportunity and human dignity are upheld in all decisions and in any activity or process as SLW conducts its business, sets its policy, delivers its projects, and provides its services to any member of the public that we serve.

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## COMPLAINT PROCEDURES

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964, relating to any program or activity administered by South Lane Wheels (SLW) or its sub-recipients, consultants and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

These procedures do not deny the right of the complainant to file formal complaints with other State or Federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Administrator Ruth E. Linoz may be utilized for resolution, at any stage of the process. The Title VI Administrator will make every effort to pursue a resolution of the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

### Procedures.

1. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint within **180 calendar days** of the alleged occurrence or when the alleged discrimination became known to the complainant (**Attachment B**).

The complaint must meet the following requirements:

- Complaint shall be in writing and signed by the complainant(s).
- Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
- Present a detailed description of the issues, including names and job titles of those individual perceived as parties in the complained-of incident.
- Allegations received by fax or e-mail will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established.
- The complainant is required to mail a signed, original copy of the fax or e-mail transmittal for SLW to be able to process it.

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- Allegations received by telephone will be reduced to writing and provided to complainant for confirmation or revision before processing.
  - A complaint form will be forwarded to the complainant for him/her to complete, sign, and return to South Lane Wheels for processing.
2. Upon receipt of the complaint, the SLW Title VI Administrator Ruth E Linoz will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. In cases where the complaint is against one of SLW sub-recipients of Federal funds, SLW will assume jurisdiction and will investigate and adjudicate the case. Complaints against SLW will be referred to the Oregon Department of Transportation, Office of Intermodal Civil Rights, for proper disposition pursuant to their procedures.
3. In order to be accepted, a complaint must meet the following criteria:
- The complaint must be filed within **180** calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
  - The allegation(s) must involve a covered basis such as race, color, or national origin.
  - The allegation(s) must involve a program or activity of a Federal-aid recipient, sub-recipient, or contractor.
  - SLW has five (5) business days to acknowledge receipt of the complaint and to respond either with a request for more information or commitment to investigate.
4. A complaint may be dismissed for the following reasons:
- The complainant requests the withdrawal of the complaint.
  - The complainant fails to respond to requests for additional information within 5 business days to enable SLW to process the complaint.
  - The complainant cannot be located after SLW made two phone calls and a registered letter sent on the same day as the phone calls and SLW did not receive a response within 3 business days of receipt of this letter.
5. Once SLW decides to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within **seven (7)** calendar days. The complaint will receive a case number on the logged entry in SLW's Title VI Investigations, Complaints, Lawsuits form identifying its basis and alleged merit.
6. SLW's final investigative report and a copy of the complaint will be forwarded to the Federal Transit Administration, Office of Civil Rights, and affected parties within **sixty (60)** calendar days of the acceptance of the complaint.
7. SLW will notify the parties of its final decision.

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8. If complainant is not satisfied with the results of the investigation of the alleged discrimination and practices the complainant will be advised of the right to appeal to the Federal Transit Administration and Office of Civil Rights within thirty (30) days.

At a minimum, the notice shall be posted in the following locations:

- On the agency's website
- In public areas of the agency's offices (reception desk, public meeting rooms, etc.).
- Inside vehicles (buses, vans, cars)
- In and around transit shelters
- In rider guides and bus schedules

### **TRACKING TITLE VI INVESTIGATIONS, COMPLAINTS & LAWSUITS**

South Lane Wheels shall maintain a list or log of all Title VI investigations, complaints, and lawsuits pertaining to its transit-related activities (**Attachment C**). The list, updated with all new events filed since the last submission, must be submitted annually with the Title VI Program to ODOT Public Transit Division.

The list or log shall include dates, a summary of allegation(s), status, actions taken by South Lane Wheels in response, and the final outcome (if resolved) for:

- Active investigations by FTA, the agency itself, or any other entity, which are based on race, color, or national origin discrimination allegation(s).
- Complaints naming South Lane Wheels which are based on race, color, or national origin discrimination allegation(s).
- Lawsuits which are based on race, color, or national origin discrimination allegation(s).

South Lane Wheels has no active investigations, complaints or lawsuits as of the date of this program revision.\

### **PUBLIC PARTICIPATION PLAN**

South Lane Wheels' Public Participation Plan includes strategies, procedures, and desired outcomes underpinning their public participation activities. Because it is imperative to provide opportunities for the public to be involved in proposed transportation decisions, the plan reflects SLW's demographics, service under consideration, programs affected or proposed, resources available, etc., and should:

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- Provide for early, frequent and continuous engagement by the public
- Promote inclusive participation of low-income, minority, and LEP individuals (per DOT LEP guidance <https://www.civilrights.dot.gov/page/dots-lep-guidance>) and people with disabilities
- Comply with the public participation requirements of 49 U.S.C. Sections 5307 (b)
- Anticipate that FTA requires programs or projects to be developed with public participation and 5307 (c)(1)(I) requires a locally developed process to consider public comment before raising a fare or carrying out a major reduction in transportation service

South Lane Wheels will obtain and maintain data on race, ethnicity, age, gender, disability, limited English proficiency, and income of populations in its service area in order to adapt its outreach strategy when inviting public participation in any service changes.

The outreach process will use innovative means to engage diverse populations where they commonly gather or means of communication (i.e., social media, radio stations, target publications, faith community, and retail outlets). Alternative locations and meeting times may also improve the level of participation.

### **F. LANGUAGE ASSISTANCE PLAN:**

**Limited English Proficient (LEP):** Referring to persons for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. This includes those who have reported to the U.S. Census that they speak English less than very well, not well, or not at all.

South Lane Wheels (SLW) shall take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of its programs and activities for individuals who are limited-English proficient (LEP). Failure to provide this could lead to a claim of national origin discrimination.

Annually, SLW will conduct the LEP Four Factor Analysis and report the results in the ODOT annual report and use the data to adjust how language assistance services are provided by language. The data will also be used to develop outreach strategies that inform LEP persons of the availability of language assistance services.

South Lane Wheels conducted its LEP Four Factor Analysis and determined that:

1. **Demography:** The current American Fact Finder report of 2011-15 American Community Survey(ACS) lists Lane County as having an estimate of 4.9% of

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residents who speak Spanish. Of the 7,189 Spanish speakers, 16.5% speak English less than “very well”, so this is the primary LEP language that the SLW program may need to address because this percentage represents 1192 residents in Lane County. In order to learn how many of these 1192 residents live in South Lane County, South Lane School District was contacted because its district encompasses most of the SLW service area. A teacher in the ESL program identified 120 students (4.2% of 2,798 district population) who receive LEP services (Spanish has the highest need) but their homes don’t necessarily qualify as LEP.

2. **Frequency:** It is unknown how often LEP persons come in contact with our weekday services because we don’t collect this user information but recognize that lack of information for an LEP resident may be a barrier to use.
3. **Importance:** Our public transportation services are well used by the local population, but we will have a better idea of the value of the services once we figure out who our LEP riders are and how often they ride.
4. **Resources and Costs:** The advertising and public relations account funds are available for developing LEP materials. There are local Spanish translation resources available. Our staff collaborates with local LEP service providers to inform LEP persons about transportation options and to distribute translated printed materials and the availability of language assistance so they may utilize SLW services by Internet, print or phone.

In accordance with LEP Safe Harbor requirements, at a minimum, SLW will provide a written translation of vital documents (Title VI complaint forms, information regarding access to essential services, notices, announcements, etc.) for each LEP group that meets the LEP language threshold (5% or 1,000 individuals, whichever is less).

**At this time, there is no language group that satisfies the LEP Safe Harbor requirement in the South Lane Wheels service area.**

An advisory group will help SLW monitor and update the language access plan on an annual basis. Currently SLW Title VI Administrator Ruth E Linoz participates in a local social service networking group called Soups On to help identify local LEP needs and to collaborate on transportation issues. Also, Ms. Linoz is a member of the LTD Comprehensive and Accessible Transportation advisory committee.

At least annually, SLW management will evaluate the LEP plan, update as needed, distribute revised materials, and inform employees about the LEP Assistance Plan and trained on how to provide language assistance to LEP persons with available formats and service materials. A list of employees who are able to communicate with an LEP group will be kept in the dispatch office.

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### **G. MINORITY REPRESENTATION TABLE:**

South Lane Wheels has a non-elected planning board and committees selected by South Lane Wheels. Each board and committee member will be invited to complete the representation data form (**Attachment D**) in order to produce the Minority Representation Table (**Attachment E**).

Based upon the results of the data collection and production of the table, efforts will be made to encourage participation of minorities on these boards and committees. Board and committee member recruitment notices will be posted at least twice a year at gathering locations for local minority groups, included in any of their media formats that will accept SLW notices, and posted on SLW website to use the translation tool. Reasonable accommodations will be utilized to remove barriers to better enable a minority representative to participate (i.e., translator, location, time, day of week, transportation, etc.).