

Valley Transit Title VI Plan

I. POLICY STATEMENT, AUTHORITIES AND CITATIONS

A. POLICY OF NONDISCRIMINATION

Valley Transit assures that no person shall on the grounds of race, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Valley Transit sponsored program or activity. Valley Transit further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

Title VI compliance is a condition of receipt of Federal funds. Valley Transit's General Manager and Title VI Coordinator are authorized to ensure compliance with provisions of this policy and with the law, including the requirements of 23 Code of Federal Regulation (CFR) 200 and 49 CFR 21.



Valley Transit General Manager

May 20, 2013

Date

B. AUTHORITIES

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are Federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

VALLEY TRANSIT GENERAL MANAGER

Valley Transit's General Manager is authorized to ensure compliance with provisions of the Valley Transit's policy of non-discrimination and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. The Valley Transit's grants compliance function and Title VI coordination shall be performed under the authority of the Valley Transit General Manager.

TITLE VI COORDINATOR

Valley Transit's Assistant General Manager will perform the duties of the Title VI Coordinator and ensure implementation of the Valley Transit's Title VI Federally Funded Transportation Program. The Assistant General Manager has other duties and responsibilities in addition to Title VI. This position shall have a direct reporting relationship and access to Valley Transit's General Manager.

II. TITLE VI PLAN IMPLEMENTATION AND PROGRAM ADMINISTRATION

As authorized by Valley Transit's General Manager, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring Valley Transit's compliance with Title VI requirements as follows:

A. PROGRAM ADMINISTRATION. Administer the Title VI program and coordinate implementation of the plan. Ensure compliance with the assurances, policy, and program objectives. Perform Title VI program reviews to assess administrative procedures, staffing, and resources; provide recommendations as required to the Valley Transit General Manager.

B. COMPLAINTS. Review written Title VI complaints that may be received by Valley Transit following the adopted procedural guidelines (see Section III– Complaint Procedures). Ensure every effort is made to resolve complaints informally at the local or regional level.

C. TRAINING PROGRAMS. Conduct or facilitate training programs on Title VI issues and regulations for Valley Transit employees; and facilitate Title VI training for appropriate staff and contractors. A summary of training conducted will be reported in the annual update.

D. TITLE VI PLAN UPDATE. Review and update Valley Transit's Title VI Plan as needed or required. Present updated plan to the Valley Transit General Manager for approval.

E. Annual Accomplishment Report. Prepare an annual report of Title VI accomplishments and changes to the program in the preceding Federal fiscal year; identify goals and objectives for the upcoming year as required.

F. PUBLIC DISSEMINATION. Work with Valley Transit staff to develop and disseminate Title VI program information to Valley Transit employees, contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public. Public dissemination may include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings, and annual publication of the Valley Transit's Title VI Policy Statement in newspaper(s) having a general circulation, and informational brochures. Ensure public service announcements or notices are posted of proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community. Ensure the full utilization of available minority publications or media; and, where appropriate, provide written or verbal information in languages other than English.

G. ELIMINATION OF DISCRIMINATION. Work with the Human Resources Department, and other Valley Transit and City of Appleton departments to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in any Valley Transit processes.

III. COMPLAINT PROCEDURES – ALLEGATIONS OF DISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OR ACTIVITIES

A. OVERVIEW

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by Valley Transit, as well as to sub-recipients, consultants, and contractors. Law prohibits intimidation or retaliation of any kind.

The 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. Every effort will be made to resolve complaints informally at the Valley Transit level.

B. PROCEDURES

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by nondiscrimination requirements may file a complaint. A formal complaint must be filed within 180 calendar days of the alleged occurrence.

2. Upon receiving the written complaint, Valley Transit will determine its jurisdiction, acceptability, need for additional information, and the investigative merit of the complaint. In some situations, the Valley Transit may request the City of Appleton Human Resources Department, or an independent, outside agency conduct the investigation.
3. Once Valley Transit decides its course of action, the complainant and the respondent will be notified in writing of such determination within five (5) calendar days. The complaint will be logged into the records of the Title VI Coordinator, and the basis for the allegation identified including race, color, national origin, handicap/disability, age or sex.
4. In cases where Valley Transit assumes investigation of the complaint, Valley Transit will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days upon receipt, to furnish Valley Transit with his/her response to the allegations.
5. Within 60 days of receipt of the complaint, the Coordinator will prepare a written investigative report. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.
6. The recommendation shall be reviewed with the City Attorney's office. The City Attorney may discuss the report and recommendations with the Coordinator and other appropriate Valley Transit and City of Appleton staff. The report will be modified as needed and made final for its release to the parties.
7. Once the investigative report becomes final, briefings will be scheduled with each party within 15 days. Both the complainant and the respondent shall receive a copy of the investigative report during the briefings and will be notified of their respective appeal rights.
8. If the complainant or respondent is not satisfied with the results of the investigation of the alleged discriminatory practice(s) he or she shall be advised of their rights to appeal Valley Transit's decision to WISDOT, Federal Transit Administration, U.S. Department of Transportation or U.S. Department of Justice. The complainant has 180 calendar days after the appropriate Valley Transit's final resolution to appeal to USDOT.
9. An annual Log of Complaints will be maintained by Valley Transit. The Log of Complaints will contain the following information for each complaint filed:
 - The name and address of the person filing the complaint
 - The date of the complaint
 - The basis of the complaint
 - The disposition of the complaint

IV. TITLE VI IMPLEMENTATION ACTIVITIES IN PLANNING ACTIVITIES

PLANNING ACTIVITIES

1. Public Involvement in Planning Activities & Title VI
 - a) Invite participation of a cross section of the populace from social, economic, and ethnic groups in the planning process by disseminating written program information to minority media and ethnic organizations, and providing public service announcements for all local media, when forming citizen advisory committees or planning board, and requesting involvement.
 - b) Valley Transit staff will obtain demographic statistics at applicable community meetings and public hearings involving transportation planning sessions. Data will be gathered through use of a voluntary self-reporting form which includes race, gender, and national origin. Copies of the completed forms will be provided to Title VI Coordinator after each meeting.
 - c) To ensure access to public meetings, evening meetings will be conducted in a variety of community buildings throughout the Valley Transit service area, including those along transit routes, ensure translation services are available if anticipated, and ensure public meetings are held in predominantly minority communities when transportation

projects will specifically impact those communities.

TITLE VI MONITORING PROCEDURES

Appleton Urbanized Area

The following sets forth the procedure that will be followed in monitoring the level and quality of transit service provided to minorities in the Appleton area in compliance with Title VI regulations. For monitoring purposes, minority areas will be defined at the census tract level since more disaggregate data is not available. All minority tracts will be monitored.

A. LEVEL OF SERVICE

To assess level of transit service to minority areas, headways, vehicle loads, vehicle assignment, service access, and distribution of amenities will be compared with service policies and standards for the entire system. The standards will be as defined in the most recent TDP and management plan.

B. QUALITY OF SERVICE

Quality of service is currently monitored through passenger surveys designed to provide information about passenger demographics, trip purposes, and service ratings. For purposes of monitoring the quality of transit service in minority tracts, future passenger surveys will be coded in order to identify responses from minority routes for comparison with responses from non-minority routes.

The passenger surveys will also be designed to identify the three most-traveled-to destinations in order to compare travel time, transfers, and trip costs to these destinations from minority and non-minority tracts.

C. CORRECTIVE ACTION

Where inequities in service are identified or perceived by transit users in minority areas, a review of corrective action will be undertaken. Actions involving service level changes will be addressed through the existing decision-making structure.

D. MONITORING FREQUENCY

An assessment of service level, vehicle assignment, load factors, distribution of facilities, and service access in minority areas was done in the original Title VI Documentation for the Appleton Area in 1978 and updated in subsequent submissions. Future monitoring reviews will be undertaken when major service changes occur and upon publication of new census information.

PUBLIC NOTICE

Valley Transit/City of Appleton, as recipients of Federal Funding, assures that no person shall on the grounds of race, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Valley Transit sponsored program or activity. Valley Transit further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. Any individual, group of individuals, or entity that believes they have been subjected to discrimination relating to the provision of transportation services, or transit related benefits may file a complaint with Valley Transit, the Federal Transit Administration, and/or the Department of Transportation.

HOW TO FILE A COMPLAINT

Valley Transit is committed to providing safe, convenient, reliable and courteous transportation for our customers. We realize that no matter how hard we try, you may not always be 100% satisfied with our service. So that we can ensure that we are meeting our goal, we encourage your feedback.

There are several ways that you may file a complaint with us. The easiest, most convenient way to file a complaint is to simply call us at (920) 832-5800, or TTY at (920) 993-7083. A Customer Service Representative will take your complaint and refer the information to our supervisory staff for investigation. A courtesy line is also available at the Transit Center near the ticket vending machine.

Another option is to submit your complaint in writing. Written complaints can be submitted either through email to valley.transit@appleton.org, or in person or by mail to:

Valley Transit
801 S. Whitman Ave.
Appleton, WI 54914

Written complaints may also be delivered in person to the Transit Center between the hours of 8:00 a.m. and 4:00 p.m.

No matter the method that you use to file your complaint, be assured that it will be forwarded to our supervisory staff for review and follow-up.

HOW TO FILE A TITLE VI COMPLAINT

All of the services that Valley Transit provides are offered without regard to race, color, or national origin, in accordance with Title VI of the Civil Rights Act of 1964. If you feel that you have been denied the benefits of, excluded from participation in, or subject to discrimination on the basis of race, color, or national origin by Valley Transit, you have the right to file a complaint to Valley Transit management and/or the Federal Transit Administration.

The easiest method to file a complaint with Valley Transit, is to simply fill-out a complaint form. Complaint forms are available at the Transit Center, Valley Transit's Administrative Offices, or on our website at www.myvalleytransit.com. Complaints may be submitted by any of the options previously mentioned.

Title VI complaints may also be filed with the Federal Transit Administration:

Federal Transit Administration Office of Civil Rights

Attention: Title VI Program Coordinator

East Building, 5th Floor – TCR

1200 New Jersey Ave., SE

Washington, DC 20590

VALLEY TRANSIT
TITLE VI COMPLAINT FORM

This form is designed to assist you in filing a Title VI complaint with Valley Transit. You are not required to use this form, your complaint may be filed in any manner, such as a letter, that contains the same information. However, for Valley Transit to perform a complete investigation, it is important to include all of the information that this form asks for.

SECTION I:

Name: _____

Address: _____

Home Telephone: _____ Cell or Alternate Telephone: _____

SECTION II:

Are you filing this complaint on your own behalf? Yes No

If you answered "Yes" go to Section III.

Name of person discriminated against if other than yourself:

Please explain why you are filing for a third party: _____

Please confirm that you have obtained permission to file on this person's behalf: Yes No

SECTION III:

Have you filed this complaint with any other agency : Yes No

If you answered "Yes" please provide the following:

Name of agency: _____

Address: _____

Contact Person: _____

Telephone Number: _____

SECTION VII:

Were there any other witnesses to this incident? Yes No

Name: _____

Address: _____

Telephone: _____

SECTION VIII:

Is there any other information that you would like to provide to assist us in our investigation of this incident:

SECTION IX:

What remedy would you like Valley Transit to consider?

Signature

Date

NOTE: COMPLAINT WILL NOT BE ACCEPTED WITHOUT A SIGNATURE.

Valley Transit's Title VI Officer will investigate all complaints. At the conclusion of our investigation we will send a letter of finding to the complainant. If our investigation determines that we were not in violation of Title VI, our letter will explain why we were in compliance. If it is determined that there was a violation of Title VI, our letter will document the violation and the action that Valley Transit will take to become compliant.

No one may intimidate, threaten, coerce, or engage in other discriminatory conduct against anyone because he or she has filed a complaint to secure rights protected by the nondiscrimination statutes we enforce. Any individual alleging such harassment or intimidation may file a complaint with Valley Transit or the Federal Transit Administration.

LIMITED ENGLISH PROFICIENCY [LEP] PLAN

VALLEY TRANSIT

MAY 2013

INTRODUCTION

Valley Transit's Limited English Proficiency Plan has been prepared to address its responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled Improving Access to Services for Persons with Limited English Proficiency, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each federal agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies that receive federal funding, including Valley Transit, which receives federal assistance through the Federal Transit Administration (FTA).

PLAN SUMMARY

Valley Transit has developed this *Limited English Proficiency Plan* to help identify reasonable steps for providing language assistance to persons with limited English Proficiency [LEP] who wish to access services provided by the transit authority. As defined in Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English.

This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, Valley Transit is using the United States Department of Transportation (U.S. DOT) outline of a four-factor LEP analysis, which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter a Valley Transit program, activity or service.
2. The frequency with which LEP persons come in contact with Valley Transit programs, activities or services.
3. The nature and importance of programs, activities or services provided by Valley Transit to the LEP population.
4. The resources available to Valley Transit and overall cost to provide LEP assistance.

A summary of the results of the Valley Transit four-factor analysis is in the following section.

VALLEY TRANSIT'S FOUR-FACTOR ANALYSIS

1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter a Valley Transit program, activity or service.

Valley Transit staff reviewed the 2010, or most recent update to, the U.S. Census Report and determined that 12,850 persons, or 7.61% of the service area population, indicated that they speak a

language other than English. Of these individuals, 5,357, or 3.17% of the total population, indicated that they speak English “Less than Very Well”.

Of those persons with Limited English Proficiency, 2,648 (1.57%) speak Spanish, 2,216 (1.31%) speak Asian and Pacific Island languages, and 420 (.25%) speak other Indo-European languages.

There are no large geographic concentrations of any type of LEP individuals in the Valley Transit service area. The overwhelming majority of the service area population, 92.39%, speaks only English.

2. The frequency with which LEP persons come in contact with Valley Transit programs, activities or services.

Valley Transit continues to assess the frequency with which staff and drivers have, or could have, contact with LEP persons. This includes documenting phone inquiries and surveying vehicle operators.

To date, Valley Transit has very few requests for translators, however, Valley Transit and the City of Appleton do contract with two translation services.

Although Valley Transit has had no requests for its documents to be translated, most vital documents are also printed in Spanish and we are actively working with the Hmong-American Partnership to make our documents also available in Hmong.

3. The nature and importance of programs, activities or services provided by Valley Transit to the LEP population.

Services provided by Valley Transit that are most likely to encounter LEP individuals are the fixed route [city bus] system which serves the general public and the demand response [dial-a-ride] system which serves primarily senior and disabled persons.

4. The resources available to Valley Transit and overall cost to provide LEP assistance.

Valley Transit works closely with the City of Appleton’s Diversity Coordinator who manages all contracts and communications as they relate to interpreter services, and outreach activities with community ethnic organizations (i.e. Casa Hispana, Hmong-American Partnership, and African Heritage, Inc.). Currently there is not a cost for service. However, the on-going annual translation and printing costs for providing alternative language documents is estimated to be \$10,000.

Based on the four-factor analysis, Valley Transit developed its LEP Plan as outlined in the following section.

LIMITED ENGLISH PROFICIENCY [LEP] PLAN OUTLINE

How Valley Transit staff may identify an LEP person who needs language assistance:

- Examine records to see if requests for language assistance have been received in the past, either at meetings or over the phone, to determine whether language assistance might be needed at future events.
- When Valley Transit sponsors an event, have a staff person greet participants as they arrive. By informally engaging participants in conversation it is possible to gauge each attendee’s ability to speak and understand English.

- Have Language Identification cards available at Valley Transit events near the registration table. Individuals self-identifying as persons not proficient in English may not be able to be accommodated with translation assistance at the event, but it will assist the sponsoring agency in identifying language assistance needs for future events.
- Have Language Identification cards on all transit vehicles to assist vehicle operators in identifying specific language assistance needs of passengers. If such individuals are encountered, vehicle operators will be instructed to try to obtain contact information to give to the transit system manager for follow-up. Dispatchers and schedulers will also be instructed to obtain contact information from LEP individuals they encounter, either in person or over the telephone.
- Language Identification cards are available at the Transit Center and at the main office reception desk. It is especially important for the Transit Center to have these cards available since it is the central hub for the system.
- Vehicle operators and other front-line staff, like dispatchers, and dial-a-ride schedulers, will be surveyed annually on their experience concerning any contacts with LEP persons during the previous year. This survey will be conducted in October of each year.

LANGUAGE ASSISTANCE MEASURES

Although there is a very low percentage of LEP individuals in Valley Transit's service area, that is, persons who self-identified as speaking English "less than Very Well", Valley Transit will ensure that the following measures are in place:

- Language Identification cards are available at all times in Valley Transit vehicles, the Transit Center, and the transit system administrative offices.
- Vital documents, including the Valley Transit Rider's Guide, are available in Spanish language versions. Hmong versions will be available when possible, however, most of the older Hmong population does not read the language, so the success of this effort is questionable.
- The Valley Transit website uses the "Google Translate" translation service. This service allows users to translate any, or all, parts of the website into their native language.
- Valley Transit is exploring a feature for its website that will allow an LEP person to contact staff via email indicating his/her native language and the type of assistance needed.
- The Valley Transit Title VI Policy and Limited English Proficiency Plan will be posted on its website, *www.myvalleytransit.com*.
- When an interpreter is needed, either in person, or on the telephone, staff will attempt to determine what language is required and then access language assistance services from either its staff, the two contracted translator services, or by contacting the Diversity Coordinator for a listing of other available translation services.

STAFF TRAINING

The following training will be provided to Valley Transit staff:

- Information on the Valley Transit Title VI Policy and LEP responsibilities.
- Description of language assistance services offered to the public.
- Use of the Language Identification cards.
- Documentation of language assistance requests.
- How to handle a potential Title VI/LEP complaint.

OUTREACH TECHNIQUES

Valley Transit does not have a formal outreach procedure in place. However, it has taken the following approach to outreach:

- When staff prepares a document, or schedules a meeting, for which the target audience is expected to include LEP individuals, then documents, meeting notices, flyers, and agendas are printed in an alternative language based on the known LEP population.
- The Valley Transit Rider's Guide and most other transit publications are available in Spanish language versions, and will be available in Hmong language when possible.
- Valley Transit staff regularly attends community ethnic organization meetings.
- Staff sits in on a Hmong radio program each year to provide information and to answer questions.
- Staff works with local college and university foreign exchange student coordinators in order to disseminate information and provide training/instruction.

MONITORING AND UPDATING THE LEP PLAN

Valley Transit will update this LEP Plan as required by U.S. DOT. At a minimum, the plan will be reviewed and updated when data from the 2010 U.S. Census is available, or when it is clear that higher concentrations of LEP individuals are present in the Valley Transit service area. Updates will include the following:

- The number of documented LEP person contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the service area.
- Determine whether local language assistance programs have been effective and sufficient to meet the need.
- Determine whether the transit system's financial resources are sufficient to fund additional language assistance resources needed.
- Determine whether Valley Transit continues to fully comply with the goals of this LEP Plan.
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.

DISSEMINATION OF THE VALLEY TRANSIT LEP PLAN

Any person or agency with internet access will be able to access and download the plan from the Valley Transit website, www.myvalleytransit.com. Alternatively, any person or agency may request a copy of the plan via telephone, fax, mail, or in person, which will be provided at no cost. LEP individuals may request copies of the plan in translation, which Valley Transit will provide, if feasible.

Questions or comments regarding the LEP Plan, or requests for copies of the Plan may be submitted to the Valley Transit Title VI Officer at:

ValleyTransit
810 S. Whitman Ave.
Appleton, WI 54914
Telephone: (920) 832-5800
Fax: (920) 832-1631
TTY: (920) 993-7083
Email: valley.transit@appleton.org

VALLEY TRANSIT

SUMMARY OF PUBLIC OUTREACH ACTIVITIES

- Regular staff attendance at community ethnic organization meetings:
 - Casa Hispana Meetings
 - Hmong American Partnership Meetings
- Annual appearance by staff on Hmong Radio talk show discussing Valley Transit's services and answering questions.
- Public Comment availability at all Fox Cities Transit Commission(FCTC)Meetings
- Series of Public Information Sessions held to discuss proposed route changes in response to bridge closure
 - Flyers advertising the proposed changes and the session dates posted at all facilities and posted in the buses that were to be affected by the proposed changes
- Public Hearing at FCTC Meeting to approve said route changes
- Series of Public Information Sessions held to discuss proposed fare increase
 - Flyers advertising the proposed changes and "Frequently Asked Questions" section, as well as announcement of the meeting dates posted at all facilities and in all buses
- Public Hearing at FCTC Meeting to approve said fare increase
- Public Hearing regarding the change in contracted paratransit service provider
 - Public Information and Frequently Asked Question flyers posted in all facilities, buses and online, as well as, mailed to all service customer's homes

All Public Information Sessions are advertised with flyers at all system facilities, the buses on affected routes and online at the system's website. All Public Information Sessions, except for those that affect the entire system, are held in the areas that are affected, at locations that are serviced by the bus(es) that travel the affected route(s). Direct notifications regarding the meetings are made to area businesses, employers, and non-profit agencies, encouraging employees, clients, etc. to attend, as well as providing contact information for those that cannot attend in person. All announcements are also translated into Spanish language versions.