

Charles County, Maryland

Department of Community Services

Eileen B. Minnick, Director

Transportation and Community Services Division

Jeffry P. Barnett, Chief

TITLE VI POLICIES AND REGULATIONS

April 1, 2013 (Desk Review and Revision Date)

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INTRODUCTION

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground 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." (42 U.S.C. Section 2000d). The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all program and activities of Federal aid recipients, sub-recipients, and contractors whether those programs and activities are federally funded or not.

Recently, the Federal Transit Administration (FTA) has placed renewed emphasis on Title VI issues, including environmental justice in the transportation planning and programming, and providing meaningful access to persons with Limited English Proficiency. Recipients of public transportation funding from FTA and the Maryland Transit Administration (MTA) are required to develop policies, programs, and practices that ensure that federal and state transit dollars are used in a manner that is nondiscriminatory as required under Title VI. This document details how VanGO incorporates nondiscrimination policies and practices in providing services to the public.

OVERVIEW OF SERVICES

VanGO is operated by the Charles County Department of Community Services, Division of Transportation. VanGO operates an extensive network of public, fixed routes and demand response specialized service to elderly and disabled residents. Service operates Monday through Saturday from early morning until late evening. Transportation on fixed route service is available to the general public upon payment of a fare. Service on demand response is available to any Charles County resident who is either elderly or disabled, upon certification of their status. Upon certifications, residents schedule their own rides and service is provided door to door as needed.

VanGO staff manages grants, service planning, marketing, capital acquisition and certification for demand response service. Operation of VanGO is through a

competitively bid contract. VanGO staff also works cooperatively with the Maryland Transit Administration to coordinate funding, service planning and capital acquisitions.

POLICY STATEMENT AND AUTHORITIES

Title VI Policy Statement

VanGO is committed to ensuring that no person shall, on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, whether those programs and activities are federally funded or not. VanGO's Title VI Manager is responsible for initiating and monitoring Title VI activities, preparing required reports, and other responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.

Jeffrey P. Barnett, Chief of Transportation & Comm. Prog. Date

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 (refer to 49 CFR Part 21). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the 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.

Additional authorities and citations include: Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d); Federal Transit Laws, as amended (49 U.S.C. Chapter 53 et seq.); Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, et seq.); Department of Justice regulation, 28 CFR part 42, Subpart F, "Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs" (December 1, 1976, unless otherwise noted); U.S. DOT regulation, 49 CFR part 21, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964" (June 18, 1970, unless otherwise noted); Joint FTA/Federal Highway Administration (FHWA)

regulation, 23 CFR part 771, "Environmental Impact and Related Procedures" (August 28, 1987); Joint FTA/FHWA regulation, 23 CFR part 450 and 49 CFR part 613, "Planning Assistance and Standards," (October 28, 1993, unless otherwise noted); U.S. DOT Order 5610.2, "U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations," (April 15, 1997); U.S. DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons, (December 14, 2005), and Section 12 of FTA's Master Agreement, FTA MA 13 (October 1, 2006).

Annual Nondiscrimination Assurance to MTA

As part of the Certifications and Assurances submitted each year to the MTA with the Annual Transportation Plan (ATP, the public transportation grant application) submitted to the MTA, **VanGO** submits a Nondiscrimination Assurance which addresses compliance with Title VI as well as nondiscrimination in hiring (EEO) and contracting (DBE), and nondiscrimination on the basis of disability (ADA). The assurance for FY 2010 ATP is attached as Appendix A. In signing and submitting this assurance, VanGO confirms to MTA the agency's commitment to nondiscrimination and compliance with federal and state requirements.

ORGANIZATION

Under the authority of the County Commissioners of Charles County, MD the Chief of Transportation and Community Programs is responsible for ensuring implementation of VanGO's Title VI program. Title VI program elements are interrelated and responsibilities may overlap. The specific areas of responsibility have been delineated below for purposes of clarity.

- The Title VI Manager and his staff are responsible for coordinating the overall administration of the Title VI program, plan, and assurances, including complaint handling, data collection and reporting, annual review and updates, and internal education. Those responsible for overall administration coordinate with those responsible for public outreach and involvement and service planning and delivery.
- The Title VI Manager and his staff are responsible for public outreach and involvement. This includes development and implementation of the Limited English Proficiency (LEP) plan. Those responsible for this area also coordinate with those who are responsible for service planning and delivery.

- The Title VI Manager and his staff are responsible for service planning and delivery. This includes analysis of current services, analysis of proposed service and fare changes, and environmental justice. Those responsible for this area also coordinate with those who are responsible for service planning and delivery.

OVERALL TITLE VI PROGRAM RESPONSIBILITIES

Following are general Title VI responsibilities of the agency. The Title VI Manager is responsible for substantiating that these elements of the plan are appropriately implemented and maintained, and for coordinating with those responsible for public outreach and involvement and service planning and delivery.

1. Data collection

To ensure that Title VI reporting requirements are met, VanGO maintains:

- A database of Title VI complaints received. The investigation of and response to each complaint is tracked within the database.
- A log of the public outreach and involvement activities undertaken to ensure that minority and low-income people had a meaningful access to these activities.

2. Annual Report and Updates

As a subrecipient providing service in rural and small urban areas, VanGO is required to submit an annual report to the MTA that documents any Title VI complaints received during the preceding 12 months or a statement that no such complaints were received, as well as a summary of the public outreach and involvement activities undertaken to ensure that minority and low-income people had a meaningful access to these activities.

The reporting form for the FY 2010 ATP is attached as Appendix B.

Further, VanGO submits to MTA updates to any of the following items since the previous submission, or a statement to the effect that these items have not been changed since the previous submission, indicating date.

- A copy of any compliance review report for reviews conducted in the last three years, along with the purpose or reason for the review, the name of the organization that performed the review, a summary of findings and

- recommendations, and a report on the status or disposition of the findings and recommendations
- VanGO's Limited English Proficiency (LEP) plan
 - VanGO's procedures for tracking and investigating Title VI complaints
 - A list of Title VI investigations, complaints or lawsuits filed with VanGO since the last submission
 - A copy of VanGO's notice to the public that it complies with Title VI and instructions on how to file a discrimination complaint

The annual Title VI report and updates are submitted to the MTA each year as part of the Annual Transportation Plan (ATP, or VanGO's grant application) submission.

3. Annual review of Title VI program

Each year, in preparing for the Annual Report and Updates, the Title VI Manager and Liaison(s) will review the agency's Title VI program to assure implementation of the Title VI plan. In addition, they will review agency operational guidelines and publications, including those for contractors, to verify that Title VI language and provisions are incorporated, as appropriate.

4. Dissemination of information related to the Title VI program

Information on VanGO's Title VI program is to be disseminated to agency employees, contractors, and beneficiaries, as well as to the public, as described in the "public outreach and involvement" section of this document, and in other languages when needed according to the LEP plan as well as federal and State laws/regulations.

5. Resolution of complaints

Any individual may exercise his or her right to file a complaint with VanGO if that person believes that s/he or any other program beneficiaries have been subjected to unequal treatment or discrimination in the receipt of benefits/services or prohibited by non-discrimination requirements. VanGO will report the complaint to MTA within three business days (per MTA requirements), and make a concerted effort to resolve complaints locally, using the agency's Nondiscrimination Complaint Procedures, as described elsewhere in this document. All Title VI complaints and their resolution will be logged as described under "Data collection" and reported annually (in addition to immediately) to MTA.

6. Written policies and procedures

VanGO's Title VI policies and procedures are documented in this plan and its appendices and attachments. This plan will be updated periodically to incorporate changes and additional responsibilities that arise. During the course of item 3 above (annual Title VI review), the Title VI Manager will determine whether or not an update is needed.

7. Internal education

VanGO's employees will receive training on Title VI policies and procedures upon hiring and upon promotion. This training will include requirements of Title VI, VanGO's obligations under Title VI (LEP requirement included), required data that must be gathered and maintained and how it relates to the Annual Report and Update to MTA, and any findings and recommendations from the last MTA compliance review.

In addition, training will be provided when any Title VI-related policies or procedures change (agency-wide training), or when appropriate in resolving a complaint (which may be for a specific individual or for the entire agency, depending on the complaint).

Title VI training is the responsibility of the Title VI Manager.

8. Title VI clauses in contracts

In all procurements requiring a written contract, VanGO's contract will include the non-discrimination clauses attached as Appendix C. The Title VI Manager will work with the Purchasing Division.

Responsibilities of the Title VI Manager

The Title VI Manager is responsible for supervising the transportation staff and contractor in implementing, monitoring, and reporting on VanGO's compliance with Title VI regulations. In support of this, the Title VI Manager will:

- Identify, investigate, and eliminate discrimination when found to exist.
- Process Title VI complaints received by VanGO, in accordance with the agency's Nondiscrimination Complaint Procedures.
- Meet with the transportation staff and the contractor periodically to monitor and discuss progress, implementation, and compliance issues.
- Periodically review the agency's Title VI program to assess if administrative procedures are effective, staffing is appropriate, and adequate resources are available to ensure compliance.

- Work with the transportation staff and contractor to develop and submit the Annual Title VI Report and Update submitted to the MTA as part of the ATP to the MTA.
- Review the Annual Title VI Report and Update to determine the effectiveness of the Title VI program and related efforts.
- Review contract documents to ensure Title VI assurance language is included.
- If VanGO receives a Title VI complaint about a contractor, work with the appropriate contract oversight staff and contractor to resolve the complaint and write a remedial action if necessary.
- Review important Title VI related issues with the County Commissioners of Charles County, Maryland as needed.
- Assess communications and public involvement strategies to ensure adequate participation of impacted Title VI protected groups and address additional language needs when needed according to the agency's LEP plan and federal and State laws/regulations.

PUBLIC OUTREACH AND INVOLVEMENT

Public outreach and involvement applies to and affects VanGO's mission and work program as a whole, particularly agency efforts and responsibilities related to VanGO's service planning. The overall goal of VanGO's public outreach and involvement policy is to secure early and continuous public notification about, and participation in, major actions and decisions by VanGO. In seeking public comment and review, VanGO makes a concerted effort to reach all segments of the population, including people from minority and low-income communities, and organizations representing these and other protected classes. VanGO utilizes a broad range of public outreach information and involvement opportunities, including a process for written comments, public meetings after effective notice, settings for open discussion, information services, and consideration of and response to public comments.

Procedures for notifying the public of Title VI rights and how to file a complaint

VanGO includes the following language on most printed information materials, on the agency's website, in press releases, in public notices, in published documents, and on posters on the interior of each vehicle operated in passenger service:

VanGO is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of

race, color or national origin, as protected by Title VI of the Civil Rights Act of 1964.

For additional information on VanGO's nondiscrimination policies and procedures, please visit the website at www.go-vango.com or contact Mr. Jeff Barnett, Chief of Transportation and Community Programs, 8190 Port Tobacco Road, Port Tobacco, MD 20677.

Instructions for filing Title VI complaints are posted on the agency's website and in posters on the interior of each vehicle operated in passenger service, and are also included within most of VanGO's printed materials as follows:

If you believe you have been subjected to discrimination under Title VI based on your race, color, national origin, or any aspect of this policy, you may file a complaint up to 180 days from the date of the alleged discrimination.

The complaint should include the following information:

- Your name, address, and how to contact you (i.e., telephone number, email address, etc.)
- How, when, where, and why you believe you were discriminated against.
- The location, names and contact information of any witnesses.

The complaint may be filed in writing to: Mr. Jeff Barnett, Chief of Transportation and Community Programs, 8190 Port Tobacco Road, Port Tobacco, MD 20677.

Procedures for handling and recording Title VI investigations/complaints/lawsuits

Overview

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, and the Civil Rights Restoration Act of 1987, relating to any program or activity administered by VanGO, as well as to 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 Manager may be utilized for resolution. The Title VI

Manager will make every effort to pursue a resolution to 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 on the basis of race, color, or national origin may file a written complaint with VanGO's Title VI Manager. The complaint is to be filed in the following manner:
 - a. A formal complaint must be filed within 180 calendar days of the alleged occurrence.
 - b. The complaint shall be in writing and signed by the complainant(s).
 - c. The complaint should include:
 - the complainant's name, address, and contact information
 - (i.e., telephone number, email address, etc.)
 - the date(s) of the alleged act of discrimination (if multiple days, include the date when the complainant(s) became aware of the alleged discrimination and the date on which the alleged discrimination was discontinued or the latest instance).
 - a description of the alleged act of discrimination
 - the location(s) of the alleged act of discrimination (include vehicle number if appropriate)
 - an explanation of why the complainant believes the act to have been discriminatory on the basis of race, color, and national origin
 - if known, the names and/or job titles of those individuals perceived as parties in the incident
 - contact information for any witnesses
 - indication of any related complaint activity (i.e., was the complaint also submitted to MTA or FTA?)
 - d. The complaint shall be submitted to the VanGO Title VI Manager at 8190 Port Tobacco Road, Port Tobacco, MD 20677.
 - e. Complaints received by any other employee of VanGO will be immediately forwarded to the Title VI Manager.
 - f. In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the Title VI Manager. Under these circumstances, the complainant will be interviewed, and the Assistant to the Director of Community Services will assist the complainant in converting the verbal allegations to writing.
2. Upon receipt of the complaint, the Title VI Manager will immediately:

- a. notify the MTA Office of Fair Practices as well as their Regional Planner (no later than 3 business days from receipt)
 - b. notify the Charles County Administrator and County Attorney
 - c. ensure that the complaint is entered in the complaint database
3. Within 3 business days of receipt of the complaint, the Title VI Manager will contact the complainant by telephone to set up an interview.
4. The complainant will be informed that they have a right to have a witness or representative present during the interview and can submit any documentation he/she perceives as relevant to proving his/her complaint.
5. If MTA has assigned staff to assist with the investigation, the Title VI Manager will offer an opportunity to participate in the interview.
6. The alleged discriminatory service or program official will be given the opportunity to respond to all aspects of the complainant's allegations.
7. The Title VI Manager will determine, based on relevancy or duplication of evidence, which witnesses will be contacted and questioned.
8. The investigation may also include:
 - a. investigating contractor operating records, policies or procedures
 - b. reviewing routes, schedules, and fare policies
 - c. reviewing operating policies and procedures
 - d. reviewing scheduling and dispatch records
 - e. observing behavior of the individual whose actions were cited in the complaint
9. All steps taken and findings in the investigation will be documented in writing and included in the complaint file.
10. The Title VI Manager will contact the complainant at the conclusion of the investigation, but prior to writing the final report, and give the complainant an opportunity to give a rebuttal statement at the end of the investigation process.
11. At the conclusion of the investigation and within 60 days of the interview with the complainant, the Title VI Manager will prepare a report that includes a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition. This report will be provided to the County Administrator, the MTA Regional Planner and Office of Fair Practices, and, if appropriate, the County Attorney.
12. The Title VI Manager will send a letter to the complainant notifying them of the outcome of the investigation. If the complaint was substantiated, the letter will indicate the course of action that will be followed to correct the situation. If the complaint is determined to be unfounded, the letter will explain the reasoning, and refer the complainant to the MTA Office of Fair Practices in the event the complainant wishes to appeal the determination. This letter will be copied to the MTA Regional Planner and the MTA Office of Fair Practices.
13. A complaint may be dismissed for the following reasons:
 - a. The complainant requests the withdrawal of the complaint.

- b. An interview cannot be scheduled with the complainant after reasonable attempts.
 - c. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
14. The MTA Office of Fair Practices will serve as the appealing forum to a complainant that is not satisfied with the outcome of an investigation conducted by VanGO. MTA will analyze the facts of the case and will issue its conclusion to the appellant according to their procedures.

Strategies for Informing and Engaging Individuals with Limited English Proficiency (LEP)

LEP is a term that defines any individual not proficient in the use of the English language. The establishment and operation of an LEP program meets objectives set forth in Title VI of the Civil Rights Act and Executive Order 13116, Improving Access to Services for Persons with Limited English Proficiency (LEP). This Executive Order requires federal agencies receiving financial assistance to address the needs of non-English speaking persons. The Executive Order also establishes compliance standards to ensure that the programs and activities that are provided by a transportation provider in English are accessible to LEP communities. This includes providing meaningful access to individuals who are limited in their use of English.

Number of LEP persons in Charles County, Maryland

According to 2010 U.S. Census data for Charles County, updated in January 2013, an estimated 5.4% of the total population are persons who are foreign born, and 6.9% are persons who speak a language other than English at home. Of those persons whose primary language is not English, a total of 2.0% are considered to be of "Limited English Proficiency" (reported speaking English less than "very well" in the 2010 Census). The percentage of persons in the county's population who may of Limited English Proficiency (LEP) represent three primary languages: Spanish (2.7% overall and 0.8% LEP), Other/Indo-European (2.1% overall and 0.6% LEP) and Asian/Pacific Islander languages (1.6% overall and 0.5% LEP). These figures indicate that Charles County falls below the numerical threshold for obligatory compliance with certain aspects of the regulation, such as the requirement to translate certain vital documents. It does, however, have a small percentage of potential LEP residents who may desire to utilize VanGO transit services.

CTS Language Link

Charles County has contracted with CTS Language Link as a source of compliance with federal and state laws in communicating with LEP residents. Language Link is an interpretation service that provides telephonic interpretation, paid professional interpreters and written translation of 120 languages. County transportation staff and staff members of the transportation contractor have been trained in the use of Language Link in the event a person with LEP is requesting transit information.

Public Outreach and Involvement Activities

VanGO takes the following steps to ensure that minority, low-income, and LEP members of the community have meaningful access to public outreach and involvement activities, including those conducted as part of the planning process for proposed changes in services, fares, and facilities development.

- Publishing public notices within local newspapers of general circulation as well as those targeted at minority and LEP persons and on the agency's website. No notices are placed in translated languages as LEP analysis demonstrates that Charles County does not currently meet population thresholds. Public notices are issued to:
 - announce opportunity to participate or provide input in planning for service changes, fare changes, new services, and new or improved facilities (early in the process).
 - announce the formal comment period on proposed major service reductions and fare increases with instructions for submitting comments including a public hearing at the end of the planning process.
 - announce impending service and fare changes after plan has been finalized.
 - announce intent to apply for public transit funding from MTA, and to announce the formal comment period on the proposed program of projects, with a public hearing annually in advance of submitting the ATP.
- Posting public notices as described above at major passenger/public facilities and in all vehicles.
- Sending news releases to news media (newspapers, radio, television, web media) of general interest as well as those targeted at minority and LEP persons, as well as community-based organizations that serve persons protected under Title VI and which publish newsletters.

- Sending public service announcements (PSAs) to news media of general interest as well as those targeted at minority and LEP persons, as well as community-based organizations that serve persons protected under Title VI and which publish newsletters.
- Conducting in-person outreach upon request at public meetings, community-based organizations, human service organizations which assist low income and LEP persons, places of worship, service organization meetings, cultural centers, and other places and events that reach out to persons protected under Title VI. The availability of VanGO staff for such speaking engagements is posted on the agency's website.
- Conducting public hearings at locations and meeting times that are accessible by public transit.
- Conducting ongoing customer satisfaction surveys which are distributed to passengers on vehicles.

The above activities are the responsibility of the Title VI Manager.

VanGO will follow its adopted written policy (Appendix D) for the public comment process for major service reductions and fare increases.

Recordkeeping on Public Outreach and Involvement Activities

To support the development of the Title Annual Report and Update to the MTA, maintains the following records related to public outreach and involvement:

- Paper files with copies of materials published or distributed for each planning project and service/fare change, as well as all news releases, public service announcements, surveys, and written summaries of in-person outreach events.
- A log/database of public outreach and involvement activities, including dates, planning project or service/fare change supported (if applicable), type of activity, LEP assistance requested/provided, target audience, number of participants, and location of documentation within paper files.

Maintenance of these records is the responsibility of the Title VI Manager.

Environmental Justice (for All Construction Projects)

For new construction and major rehabilitation or renovation projects where National Environmental Policy Act (NEPA) documentation is required, VanGO

will integrate an environmental justice analysis into the NEPA documentation for submission to MTA.

The environmental justice analysis includes:

- An identification of the low-income and minority communities 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, minority business directories, direct observation, a public involvements process, etc).
- For each of the identified low income or minority communities, a discussion of the adverse impacts of the project, both during and after its construction, such as:
 - Adverse effects on community cohesion or economic vitality by dividing or fracturing the community,
 - The isolation, exclusion, or separation of the community from the broader community,
 - Destruction or disruption of the availability of public and private facilities and services,
 - A change in employment opportunities,
 - Increased traffic in a residential area or decreased parking availability in a commercial area,
 - Air pollution, noise, vibration, change in storm water levels or flows, disturbance of contaminated soil or groundwater,
 - Disruption or destruction of man-made or natural resources such as parks, or Native American traditional cultural places,
 - Destruction or diminution of aesthetic or historic value, and
 - The cumulative effects of the above on the community.
- For each of the identified low income or minority communities, a discussion of all positive impacts such as an improvement in transit service, mobility, or accessibility.
- A description of all mitigation and environmental enhancement actions incorporated into the project to address the adverse impacts, including, but not limited to any special features of the relocation program that go beyond the requirements of the Uniform Relocation Act, to address adverse community impacts such as separation or cohesion issues and the replacement of the community resource destroyed by the project.
- A discussion of the remaining impacts, if any, and why further mitigation is not proposed.
- A comparison of mitigation and environmental enhancement actions implemented in conjunction with the project and affecting predominantly low-income and minority neighborhoods with mitigation implemented in conjunction with similar construction, renovation, or rehabilitation projects located in predominantly non-minority or non-low-income neighborhoods, or

with segments of a corridor project that transverse non-minority and non-low-income neighborhoods.

The development of environmental justice analyses is the responsibility of the Title VI Manager.