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**Title VI Plan and Procedures**  
**Title VI of the Civil Rights Act of 1964**  
**Altavista Community Transit System (ACTS)**

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**Adopted date**

**March 10, 2020**

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- A Title VI Notice to the Public; List of Locations
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- D Summary of Outreach Efforts
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**Transit Providers that operate 50 or more fixed route vehicles in peak service and are located in an Urbanized Area (UZA) of 200,000 or more people must submit:**

- Demographic and service profile maps and charts
- Demographic ridership and travel patterns, collected by surveys
- A description of the public engagement process for setting the “major service change policy,” disparate impact policy, and disproportionate burden policy
- Results of service and/or fare equity analyses conducted since the last Title VI Program submission, including evidence that the board or other governing entity or official(s) approved the results of the analysis

## **I. 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 programs 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 providing meaningful access to persons with Limited English Proficiency.

Recipients of public transportation funding from FTA and the Virginia Department of Rail and Public Transportation (DRPT) 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 ACTS incorporates nondiscrimination policies and practices in providing services to the public. ACTS's Title VI policies and procedures are documented in this plan and its appendices and attachments. This plan will be updated periodically (at least every three years) to incorporate changes and additional responsibilities that arise.

## **II. OVERVIEW OF SERVICES**

The Altavista Community Transit System has operated a fixed deviated route bus system within the limits of the Town of Altavista since January 2011. The 16 mile route is completed hourly and has the ability to service any citizen by regular route or deviation, living within the Town limits. While riders totaled 10,919 in calendar year 2011, the total grew by 2014 to 23,511 and the trend for 2015 continues to show an increase in ridership. In the summer of 2014, based on the Transportation Development Plan, summer hours were implemented which increase service 12 hours per week. Bus shelters are in the 2015 CIP to provide customers a place to wait for the bus that is out of the weather.

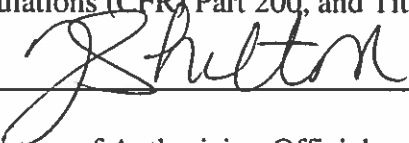
ACTS is staffed by the Title VI Manager, 5- part time bus drivers and a mechanic, who also services all the equipment and vehicles for the Town. ACTS mission is to provide reliable and courteous service to all of its customers. Currently those customers are citizens of the Town of Altavista and ACTS is fulfilling its mission.

### III. POLICY STATEMENT AND AUTHORITIES

#### Title VI Policy Statement

ACTS 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.

The ACTS 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.

  
\_\_\_\_\_  
Signature of Authorizing Official

4/02/2020  
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, or national origin, 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).

#### **IV. NONDISCRIMINATION ASSURANCES TO DRPT**

In accordance with 49 CFR Section 21.7(a), every application for financial assistance from the Federal Transit Administration (FTA) must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT's Title VI regulations. This requirement is fulfilled when the Virginia Department of Rail and Public Transportation (DRPT) submits its annual certifications and assurances to FTA. DRPT shall collect Title VI assurances from sub-recipients prior to passing through FTA funds.

As part of the Certifications and Assurances submitted to DRPT with the Annual Grant Application and all Federal Transit Administration grants submitted to the DRPT, *ACTS* 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).

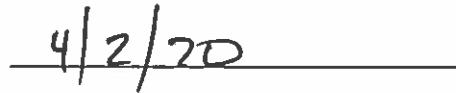
In signing and submitting this assurance, *ACTS* confirms to DRPT the agency's commitment to nondiscrimination and compliance with federal and state requirements.

## V. PLAN APPROVAL DOCUMENT

I hereby acknowledge the receipt of the ACTS Title VI Implementation Plan. I have reviewed and approve the Plan. I am committed to ensuring that no person is excluded from participation in, or denied the benefits of ACTS's transportation services on the basis of race, color, or national origin, as protected by Title VI according to Federal Transit Administration (FTA) Circular 4702.1B Title VI requirements and guidelines for FTA sub-recipients.



Mayor, Town of Altavista



DATE

Town of Altavista, Altavista Community Transit System

### c. Altavista Community Transit System (ACTS) – Title VI Plan

Mr. Coggsdale stated, pursuant to the memorandum of Mrs. Tobie Shelton, Town Finance Director, staff is seeking Council's consideration of the Altavista Community Transit Systems (ACTS) Title VI Plan Update.

Mr. Coggsdale stated this was a Department of Rail and Public Transportation (DRPT) requirement every three years for compliance with the Federal Transit Authority's (FTA) guidelines. He stated the only changes effecting the town in the current update were administrative in nature.

Mr. Coggsdale stated staff was recommending Town Council approve the updates to the ACTS Title VI Plan, as presented, and authorize the Mayor to sign the document.

Mr. Coggsdale stated, if approved, the item would be placed on the March 10, 2020 Town Council Regular Meeting Consent Agenda for final approval.

Mayor Mattox asked Council if they had any questions regarding this item, to which there were none.

Mr. Higginbotham, seconded by Mrs. Dalton, motioned to accept staff's recommendation and approve the Altavista Community Transit Systems (ACTS) Title VI Plan Update.

Motion carried:

VOTE:

Mr. Reggie Bennett	Yes
Mr. Timothy George	Yes
Mr. Jay Higginbotham	Yes
Mayor Mike Mattox	Yes
Mrs. Beverley Dalton	Yes
Mr. Tracy Emerson	Yes
Mr. Wayne Mitchell	Yes

1. Consent Agenda Approval

- a. Approval of Council Minutes
  - February 11, 2020 Town Council Regular Meeting
  - February 25, 2020 Town Council Work Session
- b. Acceptance of Monthly Financial Reports
  - February Revenues and Expenditures
- c. Approval of Citizen Request
  - 328 10<sup>th</sup> Street – request to utilize town property (encroachment)
- d. Approval of Amendments
  - Altavista Community Transit System – Title VI Plan amendments

Mayor Mattox asked Council if they had any questions, comments, or concerns regarding the March 10, 2020 Consent Agenda, to which there were none.

Mr. Bennett, seconded by Mrs. Dalton, motioned to approve the consent agenda as presented.

Motion carried.

Vote:	Mr. Wayne Mitchell	Yes
	Mr. Tracy Emerson	Yes
	Mrs. Beverley Dalton	Yes
	Mayor Mike Mattox	Yes
	Mr. Jay Higginbotham	Yes
	Mr. Timothy George	Yes
	Mr. Reggie Bennett	Yes



## **VI. ORGANIZATION AND TITLE VI PROGRAM RESPONSIBILITIES**

The *ACTS's Title VI Manager* is responsible for ensuring implementation of the agency's Title VI program. Title VI program elements are interrelated and responsibilities may overlap. In the absence of the primary Title VI Manager, the Town Manager becomes the responsible person. The specific areas of responsibility have been delineated below for purposes of clarity.

### **Overall Organization for Title VI**

The Title VI Manager and 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.

### **Detailed Responsibilities of the Title VI Manager**

The Title VI Manager is charged with the responsibility for implementing, monitoring, and ensuring compliance with Title VI regulations. Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints received.
2. Collect statistical data (race, color or national origin) of participants in and beneficiaries of agency programs, (e.g., affected citizens, and impacted communities).
3. Conduct annual Title VI reviews of agency to determine the effectiveness of program activities at all levels.
4. Conduct Title VI reviews of construction contractors, consultant contractors, suppliers, and other recipients of federal-aid fund contracts administered through the agency.
5. Conduct training programs on Title VI and other related statutes for agency employees.
6. Prepare a yearly report of Title VI accomplishments and goals, as required.
7. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.
8. Identify and eliminate discrimination.
9. Establish procedures for promptly resolving deficiency status and writing the remedial action necessary, all within a period not to exceed 90 days.

## **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, *ACTS* will maintain:

- A database or log of Title VI complaints received. The investigation of and response to each complaint is tracked within the database or log.
- 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 sub-recipient of FTA funds, *ACTS* is required to submit a Quarterly Report Form to DRPT that documents any Title VI complaints received during the preceding quarter and for each year. *ACTS* will also maintain and provide to DRPT on an annual basis, the log of public outreach and involvement activities undertaken to ensure that minority and low-income people had a meaningful access to these activities.

Further, we will submit to DRPT 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
- Limited English Proficiency (LEP) plan
- procedures for tracking and investigating Title VI complaints
- A list of Title VI investigations, complaints or lawsuits filed with the agency since the last submission
- A copy of the agency notice to the public that it complies with Title VI and instructions on how to file a discrimination complaint

### **3. Annual review of Title VI program**

Each year, in preparing for the Annual Report and Updates, the Title VI Manager 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 our Title VI program will 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 if that person believes that he, she 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. *ACTS* will report the complaint to DRPT within three business days (per DRPT requirements), and make a concerted effort to resolve complaints locally, using the agency’s Title VI Complaint Procedures. All Title VI complaints and their resolution will be logged as described under Section 1. Data collection and reported annually (in addition to immediately) to DRPT.

#### **6. Written policies and procedures**

Our 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 the Annual Title VI Program Review (item 3 above), the Title VI Manager will determine whether or not an update is needed.

#### **7. Internal education**

Our employees will receive training on Title VI policies and procedures upon hiring and upon promotion. This training will include requirements of Title VI, our obligations under Title VI (LEP requirements included), and required data that must be gathered and maintained. 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.

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

#### **8. Title VI clauses in contracts**

In all federal procurements requiring a written contract or Purchase Order (PO), *ACTS*’s contract/PO will include appropriate non-discrimination clauses. The Title VI Manager is responsible for procurement contracts and PO’s to ensure appropriate non-discrimination clauses are included.

## **VII. PROCEDURES FOR NOTIFYING THE PUBLIC OF TITLE VI RIGHTS AND HOW TO FILE A COMPLAINT**

### **Requirement to Provide a Title VI Public Notice**

Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI. At a minimum, ACTS shall disseminate this information to the public by posting a Title VI notice on the agency's website and in public areas of the agency's office(s), including the reception desk, meeting rooms, in federally-funded vehicles, etc.

#### **Locations: Title VI Displayed**

- In each of the buses
- In the lobby of Town Hall
- On the Town's Web Site: [www.altavistava.gov](http://www.altavistava.gov)
- ACTS Flyer

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).

ACTS is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transportation services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1B. If you feel you are being denied participation in or being denied benefits of the transit services provided by ACTS or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, our contact information is:

<b>Name</b>	<b>Tobie Shelton</b>
<b>Title</b>	<b>Finance Director</b>
<b>Agency Name</b>	<b>Town of Altavista</b>
<b>Address</b>	<b>510 7<sup>th</sup> Street</b>
<b>City, State Zip code</b>	<b>Altavista, VA 24517</b>
<b>Telephone Number</b>	<b>434-369-5001</b>
<b>Email address</b>	<b>tcshelton@altavistava.gov</b>

## **Title VI Complaint Procedures**

### **Requirement to Develop Title VI Complaint Procedures and Complaint Form.**

In order to comply with the reporting requirements established in 49 CFR Section 21.9(b), all 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. Recipients must also develop a Title VI complaint form. The form and procedure for filing a complaint shall be available on the recipient's website and at their facilities.

### **Sample of Narrative**

Any individual may exercise his or her right to file a complaint with *ACTS* if that person believes that he or she has been subjected to unequal treatment or discrimination in the receipt of benefits or services. We will report the complaint to DRPT within three business days (per DRPT requirements), and make a concerted effort to resolve complaints locally, using the agency's Nondiscrimination Complaint Procedures. All Title VI complaints and their resolution will be logged and reported annually (in addition to immediately) to DRPT.

**A person may also file a complaint directly with the Federal Transit Administration, Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5<sup>th</sup> floor – TCR, 1200 New Jersey Avenue SE, Washington, DC 20590.**

*ACTS* includes the following language on all 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:

*ACTS is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transportation services on the basis of race, color or national origin, as protected by Title VI in the Federal Transit Administration (FTA) Circular 4702.1B. For additional information on ACTS's nondiscrimination policies and procedures, or to file a complaint, please visit the website at [www.altavistava.gov](http://www.altavistava.gov) or contact Title VI Manager, 510 7<sup>th</sup> Street, Altavista, VA 24517 or call at 434-369-5001.*

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 agency's facilities, and are also included within *ACTS*'s brochure.

If yes, check all that apply:

Federal Agency \_\_\_\_\_

Federal Court \_\_\_\_\_       State Agency \_\_\_\_\_

State Court \_\_\_\_\_       Local Agency \_\_\_\_\_

Please provide information about a contact person at the agency/court where the complaint was filed.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Agency: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**Section VI**

Name of agency complaint is against: \_\_\_\_\_

Contact person: \_\_\_\_\_

Title: \_\_\_\_\_

Telephone number: \_\_\_\_\_

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

Signature _____	Date _____
agency? _____	
<b>Section V</b>	
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

## **Procedures for Handling and Reporting Investigations/Complaints and Lawsuits**

Should any Title VI investigations be initiated by FTA or DRPT, or any Title VI lawsuits are filed against *ACTS* the agency will follow these procedures:

### **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 the 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 DRPT or FTA?)
  - d. The complaint shall be submitted to the *ACTS* Title VI Manager at 510 7<sup>th</sup> Street, Altavista, VA 24517 or townhall@altavistava.gov
  - e. Complaints received by any other employee of *ACTS* 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 Title VI Manager 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 DRPT (no later than 3 business days from receipt)
  - b. notify the **Town Manager and Town Council**
  - 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 DRPT 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 Town Council, DRPT, and, if appropriate, *ACTS*'s legal counsel.
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 DRPT in the event the complainant wishes to appeal the determination. This letter will be copied to DRPT.
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. DRPT will serve as the appealing forum to a complainant that is not satisfied with the outcome of an investigation conducted by *ACTS*. DRPT will analyze the facts of the case and will issue its conclusion to the appellant according to their procedures.

## **Transportation-Related Title VI Investigations, Complaints, and Lawsuits**

### **Background**

All recipients shall prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin:

- Active investigations conducted by FTA and entities other than FTA;



- Lawsuits; and
- Complaints naming the recipient.

This list shall include the date that the transportation-related Title VI 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, or final findings related to the investigation, lawsuit, or complaint. This list shall be included in the Title VI Program submitted to DRPT every three years and information shall be provided to DRPT quarterly and annually.

**SAMPLE List of Investigations, Lawsuits and Complaints**

	<b>Date (Month, Day, Year)</b>	<b>Summary (include basis of complaint: race, color or national origin)</b>	<b>Status</b>	<b>Action(s) taken</b>
<b>Investigations</b>				
<b>1.</b>				
<b>Lawsuits</b>				
<b>1.</b>				
<b>Complaints</b>				
<b>1.</b>				

## **Public Outreach and Involvement**

### **PUBLIC PARTICIPATION PLAN**

#### **Introduction**

The Public Participation Plan (PPP) is a guide for ongoing public participation endeavors. Its purpose is to ensure that *ACTS* utilizes effective means of providing information and receiving public input on transportation decisions from low income, minority and limited English proficient (LEP) populations, as required by Title VI of the Civil Rights Act of 1964 and its implementing regulations.

Under federal regulations, transit operators must take reasonable steps to ensure that Limited English Proficient (LEP) persons have meaningful access to their programs and activities. This means that public participation opportunities, normally provided in English, should be accessible to persons who have a limited ability to speak, read, write, or understand English.

In addition to language access measures, other major components of the PPP include: public participation design factors; a range of public participation methods to provide information, to invite participation and/or to seek input; examples to demonstrate how population-appropriate outreach methods can be and were identified and utilized; and performance measures and objectives to ensure accountability and a means for improving over time.

*ACTS* established a public participation plan or process that will determine how, when, and how often specific public participation activities should take place, and which specific measures are most appropriate.

*ACTS* will make these determinations based on a demographic analysis of the population(s) affected, the type of plan, program, and/or service under consideration, and the resources available. Efforts to involve minority and LEP populations in public participation activities may include both comprehensive measures, such as placing public notices at all transit stations, stops, and vehicles, as well as targeted measures to address linguistic, institutional, cultural, economic, historical, or other barriers that may prevent minority and LEP persons from effectively participating in our decision-making process.

#### **ACTS Public Participation Plan may include**

- a. Determining and identifying what meetings and program activities lend themselves to client public participation.**
- b. Scheduling meetings at times and locations that are convenient and accessible for minority and LEP communities.**

- c. Employing different meeting sizes and formats.**
- d. Coordinating with community and faith-based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.**
- e. Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP populations could also include audio programming available on podcasts.**
- f. Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.**
- g. Developing as part of a marketing plan methods to reach minority and/or LEP populations**

## **VIII. LANGUAGE ASSISTANCE PLAN FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)**

### **Introduction and Legal Basis**

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. The following LEP language implementation plan, developed by ACTS is based on FTA guidelines.

As required ACTS developed a written LEP Plan (below). Using American Community Survey (ACS) Census data, ACTS has evaluated data to determine the extent of need for translation services of its vital documents and materials.

LEP persons can be a significant market for public transit, and reaching out to these individuals can help increase their utilization of transit. Therefore, it also makes good business sense to translate vital information into languages that the larger LEP populations in the community can understand.

### **Assessment of Needs and Resources**

The need and resources for LEP language assistance were determined through a four-factor analysis as recommended by FTA guidance.

#### **Factor 1: Assessment of the Number and Proportion of LEP Persons Likely to be Served or Encountered in the Eligible Service Population**

The agency has reviewed census data on the number of individuals in its service area that have limited English Proficiency, as well as the languages they speak.

#### **U.S. Census Data – American Community Survey (2011-2015)**

Data from the U.S. Census Bureau's American Community Survey (ACS) were obtained through [www.census.gov](http://www.census.gov) by Town of Altavista's service area within the Altavista, Campbell County, and the Town of Hurt. The agency's service area includes a total of 407 (0.76%) persons with Limited English Proficiency (those persons who indicated that they spoke English "less than very well" in the 2011-2015 ACS Census).

Information from the 2011-2015 ACS also provides more detail on the specific languages that are spoken by those who report that they speak English less than very well. Languages spoken at home by those with LEP are presented below. These data indicate the extent to which translations into other language are needed to meet the needs of LEP persons. Table 1-1 includes data from Campbell County and the Town of Hurt, while Table 1-2 only shows LEP data for the Town of Altavista.

**Table 1-1: LEP by Language Spoken at Home in Entire Service Area**

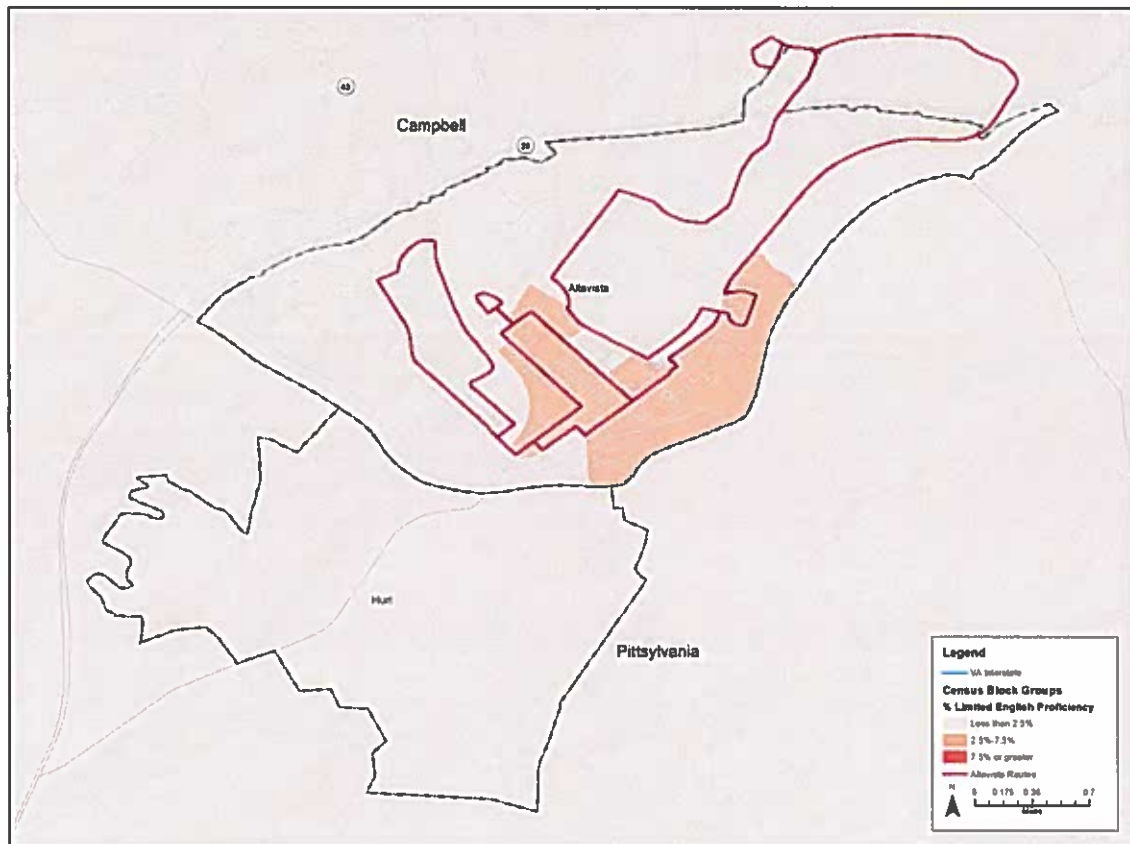
Town of Altavista Service Area			
Language	Number of LEP Population	Percent of Service Area Population Speaking Language	Percent of LEP Population Speaking Language
Spanish or Spanish Creole	129	4 %	3.85%
Chinese	0	0%	0%
Korean	0	0%	0%
African languages	0	0%	0%
French	0	0%	0%
Other Asian languages	0	0%	0%
Tagalog	0	0%	0%
German	0	0%	0%
Hungarian	0	0%	0%
Other Indic languages	0	0%	0%
Japanese	0	0%	0%
<b>Total LEP Population</b>	<b>129</b>	<b>4.0%</b>	
<b>Total Service Area Population</b>	<b>3244</b>		

**Table 1-2: LEP by Language Spoken at Home in Altavista**

Town of Altavista			
Language	Number of LEP Population	Percent of Town Population Speaking Language	Percent of LEP Population Speaking Language
Spanish or Spanish Creole	129	4%	86.2%
African languages	0	0%	0%
German	0	0%	0%
<b>Total LEP Population</b>	<b>129</b>	<b>4%</b>	
<b>Total Town Population</b>	<b>3,244</b>		

Spanish or Spanish Creole (129) is the most widely spoken language among LEP individuals in the Service Area. There are a relatively low number of LEP persons in the Service Area; no language group surpasses the Safe Harbor Provision. Figure 1 shows the percentage of LEP individuals in each Census Block Group.

**Figure 1 - % LEP by Census Block Group**



**Factor 2: Assessment of Frequency with Which LEP Individuals Come Into Contact with the Transit Services or System**

ACTS reviewed the relevant benefits, services, and information provided by the agency and determined the extent to which LEP persons have come into contact with these functions through one of more of the following channels:

- Contact with transit vehicle operators; **None**
- Contact with transit station managers; **None**
- Calls to ACTS's customer service telephone line; **None**
- Visits to the agency's headquarters; **None**
- Access to the agency's website;

- Attendance at community meetings or public hearings hosted by ACTS;
- Contact with the agency's ADA complementary paratransit system (including applying for eligibility, making reservations, and communicating with drivers).

There was no contact with LEP individuals by our vehicle operators, the Town's customer service telephone line or in person at Town Hall. While there is a population of Spanish speaking persons living within the ACTS service area, these persons can adequately communicate in English to persons contacted who are associated with the ACTS bus service.

We will continue to identify emerging populations as updated Census and American Community Survey data become available for our service area. In addition, when LEP persons contact our agency, we attempt to identify their language and keep records on contacts to accurately assess the frequency of contact. To assist in language identification, we use a language identification flashcard based on that which was developed by the U.S. Census. (<http://www.lep.gov/ISpeakCards2004.pdf>)

**Factor 3: Assessment of the Nature and Importance of the Transit Services to the LEP Population**

ACTS provides the following programs, activities and services:

ACTS currently provides service to **all** citizens within our service area.

ACTS has no past experience serving and communicating with LEP persons.

The following are the most critical services provided by ACTS for all customers, including LEP persons.

- Safety and security awareness instructions
- Public transit services

**Factor 4: Assessment of the Resources Available to the Agency and Costs**

*Costs*

The following language assistance measures currently being provided by ACTS: **None**

We anticipate that these activities and costs will increase as follows. **N/A**

Based on the analysis of demographic data and contact with community organizations and LEP persons, ACTS has determined that the following additional services are ideally needed to provide meaningful access:

### ***Resources***

The available budget that could currently be devoted to additional language assistance expenses is \$0. *This amount is likely to change only if there is a significant increase in the LEP population or the need arises over time.*

ACTS will not request the additional grant funding for language assistance and at this time additional language assistance services are not required or needed.

### ***Feasible and Appropriate Language Assistance Measures***

Based on the available resources, the following language assistance measures are feasible and appropriate for our agency at this time:

- None at this time

## **LEP Implementation Plan**

Through the four-factor analysis, ACTS has determined that no language assistance services are required, needed or feasible at this time.

### ***Staff Access to Language Assistance Services***

Agency staff has not encountered LEP persons since ACTS began, therefore staff access to language assistance services is not needed at this time.

### ***Responding to LEP Callers***

No LEP persons have contacted staff via phone calls since the inception of ACTS.

### ***Responding to Written Communications from LEP Persons***

No LEP persons have contacted staff via written communications since the inception of ACTS.

### ***Responding to LEP Individuals in Person***

No LEP persons have contacted staff at the administrative office for any inquiries related to ACTS since the inception of ACTS.



### ***Staff Training***

Until such need arises, ACTS staff will not receive training as language assistance services have been determined to not be necessary or feasible at this time. The need for such training and referral resources will be reviewed annually.

If required or deemed necessary, all new hires would receive training on assisting LEP persons as part of their sensitivity and customer service training. This includes:

- A summary of the transit agency's responsibilities under the DOT LEP Guidance;
- A summary of the agency's language assistance plan;
- A summary of the number and proportion of LEP persons in the agency's service area, the frequency of contact between the LEP population and the agency's programs and activities, and the importance of the programs and activities to the population;
- A description of the type of language assistance that the agency is currently providing and instructions on how agency staff can access these products and services; and
- A description of the agency's cultural sensitivity policies and practices.

Also, all staff who routinely come into contact with customers, as well as their supervisors and all management staff, receive annual refresher training on policies and procedures related to assisting LEP persons.

### ***Providing Notice to LEP Persons***

If LEP persons are identified, they would be notified of the availability of language assistance through the following approaches: *[List items such as:*

- *Through signs posted on our vehicles and in our customer service and administrative offices.*

LEP persons will also be included in all community outreach efforts related to service and fare changes.

### ***Monitoring/Updating the plan***

This plan will be updated on a periodic basis (at least every three years), based on feedback, updated demographic data, and resource availability.

As part of ongoing outreach to community organizations, ACTS will solicit feedback on the effectiveness of language assistance provided any unmet needs are identified. In addition, we will conduct periodic reviews to determine if language assistance is needed and determine changes to LEP needs.

In preparing the triennial update of this plan, *ACTS* will conduct an internal assessment using the Language Assistance Monitoring Checklist provided in the FTA's "Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons: A Handbook for Public Transportation Providers." Based on the feedback received from community members and agency employees, *ACTS* will make incremental changes to the type of written and oral language assistance provided as well as to their staff training and community outreach programs. The cost of proposed changes and the available resources will affect the enhancements that can be made, and therefore *ACTS* will attempt to identify the most cost-effective approaches.

As the community grows and new LEP groups emerge, *ACTS* will strive to address the needs for additional language assistance.

## **REQUIREMENTS OF TRANSIT PROVIDERS**

### **Requirements and Guidelines for Fixed Route Transit Providers**

The requirements apply to all providers of fixed route public transportation (also referred to as transit providers) that receive Federal financial assistance, inclusive of States, local and regional entities, and public and private entities.

Transit providers that are sub-recipients will submit the information to their primary recipient (the entity from whom they directly receive transit funds) every three years on a schedule determined by the primary recipient. The requirements are scaled based on the size of the fixed route transit provider.

#### **REQUIRED: Service Standards and Policies**

- **Service Standards**
  - Vehicle load, Vehicle headway, On-time performance, Service availability
- **Service Policies**
  - Transit amenities, Vehicle assignment

ACTS is required to plan and deliver transportation services in an equitable manner. This means the distribution of service levels and quality is to be equitable between minority and low income populations and the overall population. ACTS has reviewed its services and policies to ensure that those services and benefits are provided in an equitable manner to all persons.

#### ***Service Standards***

The agency has set standards and policies that address how services are distributed across the transit system service area to ensure that the distribution affords users equitable access to these services. As shown in the following maps, the agency's routes provide either direct service or deviated route service to all citizens within the service area.

The following system-wide service standards are used to guard against service design or operations decisions from having disparate impacts.

All of ACTS's services meet the agency's established standards; thus it is judged that services are provided equitably to all persons in the service area, regardless of race, color or national origin.

- **Vehicle load** -Vehicle load is expressed as the ratio of passengers to the total number of seats on a vehicle at its maximum load point. The standard for maximum vehicle load is 15 all of ACTS's services meet this standard

- **Vehicle headway** -Vehicle headway is the amount of time between two vehicles traveling in the same direction on a given route. A shorter headway corresponds to more frequent service. The standard for vehicle headways is an hourly route and all of ACTS services meet this standards
- **On-time performance** -On-time performance is a measure of runs completed as scheduled. This criterion first must define what is considered to be “on time.” The standard for on-time performance is within 15 minutes after the scheduled time, all of ACTS services meet this standards
- **Service availability** - Service availability is a general measure of the distribution of routes within a transit provider’s service area or the span of service. The standard for service availability is deviation for any citizen in town, all of ACTS’s services meet this standard.



### ***Service and Operating Policies***

The ACTS's service and operating policies also ensure that operational practices do not result in discrimination on the basis of race, color, or national origin.

- **Distribution and Siting of Transit Amenities** -Transit amenities refer to items of comfort, convenience, and safety that are available to the general riding public. ACTS has a policy to ensure the equitable distribution of transit amenities across the system. This policy applies to seating (i.e., benches, seats), bus shelters and canopies, (c) provision of information, Intelligent Transportation Systems (ITS), waste receptacles (including trash and recycling). Passenger amenities are sited based on availability of space for amenities, safety of the passengers, number of passengers utilizing ACTS services at a given stop, and requests from passengers.
- **Vehicle assignment** - Vehicle assignment refers to the process by which transit vehicles are placed into service and on routes throughout the system. ACTS assigns vehicles with the goal of providing equitable benefits to minority and low income populations. Vehicles are assigned with regard to service type (fixed-route, demand-response, or a hybrid type) and ridership demand patterns (routes with greater numbers of passengers need vehicles with larger capacities). For each type of assignment, newer vehicles are rotated to ensure that no single route or service always has the same vehicle. The Title VI Manager reviews vehicle assignments on a monthly basis to ensure that vehicles are indeed being rotated and that no single route or service always has the old or new vehicles.

ACTS has one vehicle that routinely runs the fixed deviated route and one backup vehicle that is rotated into service every 3,000 miles.

### **Monitoring Title VI Complaints**

As part of the complaint handling procedure, the Title VI Manager investigates possible inequities in service delivery for the route(s) or service(s) about which the complaint was filed. Depending on the nature of the complaint, the review examines span of service (days and hours), frequency, routing directness, interconnectivity with other routes and/or fare policy. If inequities are discovered during this review, options for reducing the disparity are explored, and service or fare changes are planned if needed.

In addition to the investigation following an individual complaint, the Title VI Manager periodically reviews all complaints received to determine if there may be a pattern. At a minimum, this review is conducted as part of preparing the Annual Report and Update for submission to DRPT.

## **Fare and Service Changes**

ACTS follows its adopted written policy for the public comment process for major service reductions and fare increases, neither of which is anticipated to occur. With each proposed service or fare change, ACTS considers the relative impacts on, and benefits to, minority and low income populations, including LEP populations. Note that ACTS fares have remained the same since January 2011. All planning efforts for changes to existing services or fares, as well as new services, have a goal of providing equitable service.

APPENDIX: A



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).

**ACTS** is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transportation services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1B. If you feel you are being denied participation in or being denied benefits of the transit services provided by ACTS, or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, our contact information is:

**Name:** Tobie Shelton  
**Title:** Finance Director  
**Agency Name:** Altavista Community Transit System  
**Address:** 510 7<sup>th</sup> Street  
Altavista VA, 24517  
**Telephone Number:** 434-369-5001  
**Email address:** [tcshelton@altavistava.gov](mailto:tcshelton@altavistava.gov)

**APPENDIX: B**

**Title VI Complaint Form**

**Town of Altavista**

**Altavista Community Transit System**

<b>Section I:</b>				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
<b>Section II:</b>				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party: _____				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
<b>Section III:</b>				
I believe the discrimination I experienced was based on (check all that apply):				
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin				
Date of Alleged Discrimination (Month, Day, Year): _____				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.				
<hr/> <hr/>				



**Section IV**

Have you previously filed a Title VI complaint with this agency?	Yes	No
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**Section V**

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?

Yes                       No

If yes, check all that apply:

Federal Agency: \_\_\_\_\_

Federal Court \_\_\_\_\_                       State Agency \_\_\_\_\_

State Court \_\_\_\_\_                       Local Agency \_\_\_\_\_

Please provide information about a contact person at the agency/court where the complaint was filed.

**Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Agency:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_

**Section VI**

Name of agency complaint is against: \_\_\_\_\_

Contact person: \_\_\_\_\_

Title: \_\_\_\_\_

Telephone number: \_\_\_\_\_

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

\_\_\_\_\_

Signature Date  
**Please submit this form in person at the address below, or mail this form to:**  
Altavista Town Hall  
Att. Tobie Shelton  
510 7<sup>th</sup> Street  
Altavista, VA 24517

## ACTS LOG

### List of Investigations, Lawsuits and Complaints

	<b>Date</b> (Month, Day, Year)	<b>Summary</b> (include basis of complaint: race, color or national origin)	<b>Status</b>	<b>Action(s)</b> <b>taken</b>
<b>Investigations</b>				
1.				
<b>Lawsuits</b>				
1.				
<b>Complaints</b>				
1.				

### List of Investigations, Lawsuits and Complaints

## APPENDIX: D

### LANGUAGE ASSISTANCE MONITORING CHECKLIST

Periodic monitoring of language assistance measures that have been implemented can help an agency determine if assistance is being provided competently and effectively. Agencies can use the following checklist to monitor their services. Actual monitoring should be tailored to what services the agency has implemented. Depending on the language assistance provided, the following questions could be answered by periodic monitoring:

#### Stations

- Are translated instructions on how to make fare payments available?
- Are translated schedules, route maps, or information on how to use the system available?
- Has the information been placed in a visible location?
- How many units of the material have been distributed?
- If such information is available, are station managers aware that they have this information?
- Are announcements audible?
- Are any announcements, such as security awareness announcements, made in languages other than English?
- Does the station display information or instructions using pictographs?
- Can a person who speaks limited English or another language receive assistance from a station manager when asking for directions? How is this assistance provided?

#### Vehicles

- Are translated instructions on how to make fare payments available?
- Are translated schedules, route maps, or information on how to use the system available?
- Has the information been placed in a visible location?
- How many units of the material have been distributed?
- If such information is available, are vehicle operators aware that they have this information?
- Are announcements audible?

\_\_\_Are any announcements, such as security awareness announcements, made in languages other than English?

\_\_\_Can a person who speaks limited English or another language receive assistance from a bus operator when asking about the destination of the vehicle? How is this assistance provided?

#### Customer Service

\_\_\_Is the customer service telephone line equipped to handle callers speaking languages other than English?

\_\_\_Can customer service representatives describe to a caller what language assistance the agency provides and how to obtain translated information or oral interpretation?

\_\_\_Can a person speaking limited English or a language other than English request information from a customer service representative?

#### Community Outreach

\_\_\_Are translators present at community meetings?

\_\_\_Are translated versions of any written materials that are handed out at a meeting provided?

\_\_\_Can members of the public provide oral as well as written comments?

#### Press/Public Relations

\_\_\_Are meeting notices, press releases, and public service announcements translated into languages other than English?

\_\_\_Does the agency website have a link to translated information on its home page?

Based on the feedback received from community members and agency employees, *ACTS* will attempt to make available written and/or oral language assistance as well as to their staff training and community outreach programs. The cost of proposed changes and the available resources will affect the enhancements that can be made, and therefore *ACTS* will attempt to identify the most cost-effective approaches.

As the community grows and LEP groups emerge, *ACTS* will strive to address the needs for language assistance.