

City of Niles

Dial-A-Ride Transportation



Title VI Plan

October 2011

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I. Plan Statement

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 City of Niles Dial-A-Ride Transportation (DART) 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 in Federal Transit Administration (FTA) Circular 4702.1.A.

This plan was developed to guide DART in its administration and management of Title VI-related activities.

The DART Title VI Coordinator is the Operations Manager, Evan Smith. Evan can be contacted as follows:

Evan Smith, Operations Manager
623 North Second Street
Niles, Michigan 49120
Phone: 269.684.5150
Fax: 269.684.5154
Email: esmith@nilesmi.org

II. Title VI Information Dissemination

Title VI information posters shall be prominently and publicly displayed in the DART facility and on their revenue vehicles. The name of the Title VI Coordinator, the Operations Manager, is available on the DART website, at www.nilesdialaride.org. Additional information relating to nondiscrimination obligation can be obtained from the DART Operations Manager, at the address listed above.

Title VI information shall be disseminated to DART employees annually via the Employee Education form (see [Appendix A](#)) in payroll envelopes. This form reminds employees of DART’s policy statement, and of their Title VI responsibilities in their daily work and duties.

During New Employee Orientation, new employees shall be informed of the provisions of Title VI, and DART’s expectations to perform their duties accordingly.

All employees shall be provided a copy of the Title VI Plan and are required to sign the Acknowledgement of Receipt (see [Appendix B](#)).

III. Subcontracts and Vendors

All subcontractors and vendors who receive payments from the City of Niles where funding originates from any federal assistance are subject to the provisions of Title VI of the Civil Rights Act of 1964 as amended.

Written contracts shall contain non-discrimination language, either directly or through the bid specification package which becomes an associated component of the contract.

IV. Record Keeping

The Operations Manager will maintain permanent records, which include, but are not limited to, signed acknowledgements of receipt from the employees indicating the receipt of the DART Title VI Plan, copies of Title VI complaints or lawsuits and related documentation, and records of correspondence to and from complainants, and Title VI investigations.

V. Title VI Complaint Procedures

A. How to file a Title VI Complaint

A complainant may file a signed, written complaint up to one hundred and eighty (180) days from the date of the alleged discrimination. The complaint should include the following information:

- Complainant's name, mailing address, e-mail address, telephone number, and preferred method of contact (i.e., telephone number, email address, etc.).
- How, when, where and why the complainant believes he/she was discriminated against. The complaint should include the location, names, and contact information of any witnesses.
- Any other information that is significant.

The Title VI Complaint Form (see [Appendix C](#)) may be used to submit the complaint information. The complaint may be filed in writing with DART at the following address:

Evan Smith, Operations Manager
623 North Second Street
Niles, Michigan 49120

NOTE: DART encourages all complainants to certify all mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked easily. For complaints originally submitted by facsimile, an original,

signed copy of the complaint must be mailed to the Operations Manager as soon as possible, but no later than 180 days from the alleged date of discrimination.

B. What happens to the complaint after it is submitted?

All complaints alleging discrimination based on race, color or national origin in a service or benefit provided by DART will be directly addressed by DART. At its discretion, DART may utilize additional City of Niles staff and/or the services of outside consultants or attorneys to assist in the review. DART shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Additionally, DART shall make every effort to address all complaints in an expeditious and thorough manner.

A letter of acknowledging receipt of complaint will be mailed within seven days ([Appendix D](#)). Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

C. How will the complainant be notified of the outcome of the complaint?

DART will send a final written response letter (see [Appendix E](#) or [F](#)) to the complainant. In the letter notifying complainant that the complaint is not substantiated ([Appendix F](#)), the complainant is also advised of his or her right to 1) appeal within seven calendar days of receipt of the final written decision from DART, and/or 2) file a complaint externally with the U.S. Department of Transportation and/or the FTA. Every effort will be made to respond to Title VI complaints within 60 working days of receipt of such complaints, if not sooner.

In addition to the complaint process described above, a complainant may file a Title VI complaint with the following offices:

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

VI. Limited English Proficiency (LEP) Plan

Executive Order 13166, titled Improving Access to Services for Persons with Limited English Proficiency (LEP), indicates that differing treatment based upon a person's inability to speak, read, write, or understand English is a type of national origin discrimination. The order 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 which receive federal funds, including Niles DART, which receives federal assistance through the U.S. Department of Transportation (U.S. DOT).

The section that follows was developed to identify reasonable steps for providing language assistance to persons with LEP who wish to access services provided by DART. 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 considers the four factors recommended by the U.S. DOT:

- A. The number or proportion of LEP persons in the service area who may be served or are likely to encounter a DART program, activity or service.
- B. The frequency with which LEP persons come in contact with DART programs, activities or services.
- C. The nature and importance of programs, activities or services provided by DART to the LEP population.
- D. The resources available to DART and overall costs to provide LEP assistance.

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

According to the 2005-2009 American Community Survey Five Year Estimates, most residents of the Niles DART service area speak English at home. Of the 5.85% (1,320) who speak a language other than English at home, well over half of these residents speak Spanish at home. Of the residents who speak a language other than English at home, less than half speak English less than “very well.” See Table 1 below.

Table 1: Language Spoken at Home				
	City	Twp	Total	%
Population 5 years and over	10,233	12,326	22,559	100%
English only	9,357	11,882	21,239	94.15%
Language other than English	876	444	1,320	5.85%
Speak English less than "very well"	450	149	599	2.66%
Spanish	634	199	833	3.69%
Speak English less than "very well"	402	63	465	2.06%
Other Indo-European languages	117	105	222	0.98%
Speak English less than "very well"	17	49	66	0.29%
Asian and Pacific Islander languages	15	78	93	0.41%
Speak English less than "very well"	3	28	31	0.14%
Other languages	110	62	172	0.76%
Speak English less than "very well"	28	9	37	0.16%

B. The frequency with which LEP persons come in contact with DART programs, activities or services.

To date, DART staff has encountered very few riders who do not understand English. DART has received no requests (written, emailed, phoned, faxed, or otherwise) for a translator or for materials to be translated into another language. In addition, only 2.66% of the residents (599 total) in the DART service area speak English less than “very well.”

C. The nature and importance of programs, activities or services provided by DART to the LEP population.

There is no large geographic concentration of any LEP individuals in the DART service area. The majority of the population in the service area, 94.15%, speaks only English. There are no known service organizations in the Niles area that focus on outreach to LEP individuals, and given the lack of contact to date, there seems to be limited demand for DART services for people with LEP.

D. The resources available to DART and overall costs to provide LEP assistance.

Based on the information noted above, DART has elected not to produce transit information in any alternative language. DART will monitor changes in the trends of residents who speak English less than “very well” as new data becomes available. In addition, staff will document calls/contacts with riders who do not understand English. If significant increases occur, DART will reconsider the possibility of providing information in alternate languages.

If a DART rider was to need material translated into another language, DART would do its best to find accommodations at little to no cost. If a rider needed materials translated into Spanish, he/she would be referred to the City of Niles Community Development Director, who is fluent in Spanish. If a resident were to need materials in any other language, DART would refer to the State of Michigan Translator Resource List (available at www.michigan.gov) to find the nearest applicable translator. Staff will utilize the U.S. Census Bureau Language Identification Flashcards to help determine which language is needed. These flashcards are available at the DART front desk and with each driver to assist riders if and when necessary.

VII. Community Outreach

As an agency receiving federal financial assistance, each year DART participates in the following initiatives which involve community outreach or public comment opportunities:

- Niles-Buchanan-Cass Area Transportation Study (NATS) – Monthly meetings are open to the public. Every 4 years, a long range plan (LRP) and a transportation improvement program (TIP), a four-year listing of transportation projects and associated funding amounts and sources, are developed. The preparation of these documents includes many opportunities for public input.

- Niles City Council Meetings – Bimonthly meetings are open to the public.
- DART Local Advisory Committee (LAC) meetings – Quarterly meetings are open to the public.
- Staff training - Each year, DART staff receives training that includes Title VI components.
- Berrien County Coordination Effort - DART participates in an effort led by the Southwest Michigan Planning Commission (SWMPC) to increase coordination among public transit agencies in Berrien County. The effort also includes area human service providers.
- Public meetings – When new service hours or fares are proposed, information is disseminated to the public and public meetings are scheduled.
- Transit Development Plan (TDP) – DART has hired a consultant to produce a TDP for DART. The planning process will include surveys, public meetings, and other opportunities to collect public, stakeholder, and rider input.

Other public outreach includes:

- Public notices – Every year, DART publishes notice of LAC meetings, grant applications, bid opportunities, requests for proposals, etc. in a local newspaper.
- Media list – DART maintains a list of local print, television, and radio media that is used in order to disseminate service information.
- Website – DART maintains a website, www.nilesdialaride.org, as well as a Facebook page in order to provide information to the public.
- Customer comment forms – There are always customer comment forms available in the office. In addition, DART management is always open to input via phone or email.
- Michigan Department of Transportation (MDOT) grant application – Each year, DART submits a grant application to MDOT annually an application for operational and capital funding assistance. Part of the application process includes a public notice of a 30-day public comment period.

Appendix A – Employee Annual Education Form

Title VI Policy

No person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

All employees of the City of Niles Dial-A-Ride Transportation are expected to consider, respect, and observe this policy in their daily work and duties. If a citizen approaches you with a question or complaint, direct him or her to the Operations Manager, Evan Smith.

In all dealings with citizens, use courtesy titles (i.e. Mr., Mrs., Ms., or Miss) to address them without regard to race, color or national origin.

Appendix B – Acknowledgement of Receipt of Title VI Plan

I hereby acknowledge the receipt of the City of Niles Dial-A-Ride Transportation Title VI Plan. I have read the plan and am 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 in Federal Transit Administration (FTA) Circular 4702.1.A.

Signature

Printed name

Date

Appendix C – Title VI Complaint Form

Title VI of the 1964 Civil Rights Act requires 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.” If you feel you have been discriminated against in transit services, please provide the following information in order to assist us in processing your complaint and sent it to:

Provide address here

Please print clearly:

Name: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: _____(home) _____(cell) _____(message)

Person discriminated against: _____

Address of person discriminated against: _____

City, State, Zip Code: _____

Please indicate why you believe the discrimination occurred:

- _____ race or color
- _____ national origin
- _____ income
- _____ other

What was the date of the alleged discrimination? _____

Where did the alleged discrimination take place? _____

Please describe the circumstances as you saw it: _____

Please list any and all witnesses' names and phone numbers:

What type of corrective action would you like to see taken?

Please attach any documents you have which support the allegation. Then date and sign this form and send to the Operations Manager at:

Niles Dial-A-Ride
Evan Smith
Operations Manager/Title VI Coordinator
623 North Second Street
Niles, Michigan 49120

Signature

Printed name

Date

Appendix D – Letter Acknowledging Receipt of Complaint

Today's Date

Ms. Jo Doe
1234 Main St.
Niles, Michigan 49120

Dear Ms. Doe:

This letter is to acknowledge receipt of your complaint against the City of Niles Dial-A-Ride Transportation (DART) alleging _____
_____.

An investigation will begin shortly. If you have additional information you wish to convey or questions concerning this matter, please feel free to contact this office by telephoning 269.684.5150, or writing to me at the address found on this letterhead.

Sincerely,

Evan Smith
Operations Manager

Appendix E – Letter Notifying Complainant that the Complaint Is Substantiated

Today's Date

Ms. Jo Doe
1234 Main St.
Niles, Michigan 49120

Dear Ms. Doe:

The matter referenced in your letter of _____ (date) against the City of Niles Dial-A-Ride Transportation (DART) alleging Title VI violation has been investigated.

(An/Several) apparent violation(s) of Title VI of the Civil Rights Act of 1964, including those mentioned in your letter (was/were) identified. Efforts are underway to correct these deficiencies.

Thank you for calling this important matter to our attention. You were extremely helpful during our review of the program. ***(If a hearing is requested, the following sentence may be appropriate.)*** You may be hearing from this office, or from federal authorities, if your services should be needed during the administrative hearing process.

Sincerely,

Evan Smith
Operations Manager

Appendix F – Letter Notifying Complainant that the Complaint Is Not Substantiated

Today's Date

Ms. Jo Doe
1234 Main St.
Niles, Michigan 49120

Dear Ms. Doe:

The matter referenced in your complaint of _____ (date) against the City of Niles Dial-A-Ride Transportation (DART) alleging _____ has been investigated.

The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964, had in fact been violated. As you know, Title VI prohibits discrimination based on race, color, or national origin in any program receiving federal financial assistance.

DART has analyzed the materials and facts pertaining to your case for evidence of the city's failure to comply with any of the civil rights laws. There was no evidence found that any of these laws have been violated.

I therefore advise you that your complaint has not been substantiated, and that I am closing this matter in our files.

You have the right to 1) appeal within seven calendar days of receipt of this final written decision from DART, and/or 2) file a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at:

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

Thank you for taking the time to contact us. If I can be of assistance to you in the future, do not hesitate to call me.

Sincerely,

Evan Smith
Operations Manager

Appendix G – Samples of Narrative to be included in Posters to be Displayed in Revenue Vehicles and Facilities

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 City of Niles Dial-A-Ride Transportation (DART) 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 in Federal Transit Administration (FTA) Circular 4702.1.A. **If you feel you are being denied participation in or being denied benefits of the transit services provided by DART, or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, you may contact our office at:**

Evan Smith, Operations Manager
623 North Second Street
Niles, Michigan 49120
Phone: 269.684.5150
Fax: 269.684.5154
Email: esmith@nilesmi.org

For more information, visit our website at www.nilesdialaride.org.