

RESOLUTION NO. 15-33

Commissioner Hogenson moved, seconded by Commission James, the adoption of the following:

**RESOLUTION ADOPTING TITLE VI PROGRAM
FOR THE CITY OF BIG RAPIDS DIAL-A-RIDE**

WHEREAS, as the sub-recipient of federal transportation funds for its Dial-a-Ride program, the City of Big Rapids must comply with federal and state laws, and related statutes, to ensure equal access and opportunity to all persons, with respect to transportation services, facilities, activities, and programs, without regard to race, color, religion, national origin, sex, socio-economic status, or geographical location, and

WHEREAS, to adhere to these requirements, a Title VI Program for the City of Big Rapids Dial-A-Ride has been developed according to the FTA requirements, copy attached, and

WHEREAS, the City's Plan Title VI Program for the City of Big Rapids Dial-A-Ride has been approved by the personnel of the Michigan Department of Transportation, Office of Passenger Transportation.

NOW, THEREFORE, BE IT RESOLVED that the Big Rapids City Commission hereby adopts the attached required Title VI Program for the City of Big Rapids Dial-A-Ride.

Yeas: Anderson, Hogenson, James, Rothstein, Warba

Nays: None

The Mayor declared the resolution adopted.

Dated: March 16, 2015

Title VI PROGRAM
CITY OF BIG RAPIDS DIAL-A-RIDE

Date Adopted: _____

I. Program 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).

City of Big Rapids Dial-A-Ride 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 4702.1B .

If you feel you are being denied participation in or being denied benefits of the transit services provided by the City of Big Rapids Dial-A-Ride Transportation, or otherwise being discriminated against because of your race, color, national origin, gender, age or disability, you may contact our office at 231-796-8675, or contact the Title VI Coordinator listed below.

This program was developed to guide the City of Big Rapids Dial-A-Ride in its administration and management of Title VI-related activities.

Title VI Coordinator Contact information

Title VI Coordinator/City Clerk
226 N. Michigan Ave
Big Rapids, MI 49307
(231) 231-592-4020

II. Title VI Information Dissemination

Title VI information posters (*see Appendix A*) shall be prominently and publicly displayed in the City of Big Rapids Dial-A-Ride facility, City Hall, Dial-A-Ride brochures and on Dial-A-Ride's revenue vehicles. The name of the Title VI coordinator is available on the City of Big Rapids Dial-A-Ride's website, under the Dial-A-Ride Department, at www.ci.big-rapids.mi.us. Additional information relating to nondiscrimination obligation can be obtained from the City of Big Rapids Title VI Coordinator.

Title VI information shall be disseminated to City of Big Rapids Dial-A-Ride employees annually via the Employee Education form (*see Appendix B*) in payroll envelopes. This form reminds employees of the City of Big Rapids Dial-A-Ride'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 the City of Big Rapids Dial-A-Ride'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 C*).

III. Subcontracts and Vendors

All subcontractors and vendors who receive payments from City of Big Rapids Dial-A-Ride 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 Title VI Coordinator will maintain permanent records, which include, but are not limited to, signed acknowledgements of receipt from the employees indicating the receipt of the of City of Big Rapids Dial-A-Ride 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. (*see Appendix D*)

V. Title VI Complaint Procedures

How to file a Title VI Complaint

The complainant may file a signed, written complaint up to thirty (30) days from the date of the alleged discrimination. The complaint should include the following information:

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

The Title VI Complaint Form (*see Appendix E*) may be used to submit the complaint information. The complaint may be filed in writing with City of Big Rapids Dial-A-Ride at the following address:

City of Big Rapids Dial-A-Ride
Attn: Title VI Coordinator/City Clerk
226 N. Michigan Avenue
Big Rapids, MI 49307

NOTE: City of Big Rapids Dial-A-Ride 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 Title VI Coordinator as soon as possible, but no later than thirty (30) days from the alleged date of discrimination.

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 City of Big Rapids Dial-A-Ride will be directly addressed by City of Big Rapids Dial-A-Ride and Title VI Coordinator. City of Big Rapids Dial-A-Ride shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Additionally, City of Big Rapids Dial-A-Ride shall make every effort to address all complaints in an expeditious and thorough manner.

A letter acknowledging receipt of complaint will be mailed within seven days (*see Appendix F*). 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.

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

City of Big Rapids Dial-A-Ride Title VI Coordinator will send a final written response letter (*see Appendix G or H*) to the complainant. In the letter notifying complainant that the complaint is not substantiated (*Appendix H*), 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 City of Big Rapids Dial-A-Ride Title VI Coordinator, 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 office:

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

The City of Big Rapids Dial-A-Ride completed a four-factor analysis, which determined that a LEP Plan was not necessary for the Big Rapids community.

Four Factor Analysis

- 1. The number of LEP persons eligible in the City of Big Rapids DART service area who may be served or likely to encounter our program, activity or services.**

The City of Big Rapids has examined the US Census report from **2011** and was able to determine that approximately 7.6% or 776 people within the DART service area, age 5 and older, spoke a language other than English. Of the 776 people reporting they speak other languages than English, 1% of the respondents speak English less than “very well”.

We have contacted several public service agencies in the City of Big Rapids DART service area (County Medical Center, Fire and Police Departments, Department of Human Service and the local Housing Office) and asked them the frequency of any LEP persons that they have come in contact with during the last few years. They all stated that contact with LEP individuals was very rare or not at all and some did have an interpreter on staff, if needed.

- 2. The frequency with which LEP individuals come in contact with the DART program, activity, or services.**

The DART system assessed the frequency at which staff and drivers have, or might have, contact with LEP persons. We have spoken with some of our staff members that have been working for the DART system since before 1980 and 1990. Since these times, the DART system has had no request for interpreters and zero requests for translated DART documents. The staff and drivers have had very little to no contact with a LEP individual.

- 3. The nature and importance of the program, activity, or service to people’s lives.**

The DART system knows that providing public transportation access to a LEP person is crucial. A LEP person’s inability to utilize effectively public transportation may adversely affect his or her ability to obtain health care, education, or access to employment. However, the City of Big Rapids’ DART service area, according to the 2011 Census report, has a population of 10,216 age 5 and older, with 99% having the ability to either speak English or speak English “very well” and only 1% to speak English less than “very well”. With the small amount of LEP individuals in our service area, or that we come in contact with, the importance of translations is of minimal need. However, if and

when the need should arise, we do have the necessary resources available to our staff.

4. The resource available to the DART system and overall costs.

The DART system assessed its available resources that could be used for providing LEP assistance. We have spoken with Ferris State University, the local college here in the City of Big Rapids. They have stated they would be able to help us interpret any LEP people's needs if we encountered a LEP person we are unable to understand. We do have I speak cards to use if needed. We also have spoken with other public service agencies in the City of Big Rapids and they also have interpreters that could help us if necessary

After completing the four-factor analysis, the City of Big Rapids DART system feels there is not a need for a LEP plan because of the lack of LEP people in our service area. We will continue to provide meaningful access for LEP persons when we come in contact. We also will continue to survey our staff and drivers on the frequency of LEP people they have encountered. If we encounter a LEP person and it is necessary, we will use all of our resources available to us (I speak cards and an interpreter from local agencies).

VII. Community Outreach

Community Outreach is a requirement of Title VI. Recipients and sub-recipients shall seek out and consider the viewpoints of minority and low-income populations in the course of conducting public outreach. Recipients have wide latitude to determine what specific measures are most appropriate and should make this determination based on the composition of the affected population, the public involvement process, and the resources of the recipient.

The City of Big Rapids Dial-A-Ride receives federal financial assistance. We have made the following community outreach efforts:

City of Big Rapids Dial-A-Ride has engaged the public in its planning and decision-making processes, as well as its marketing and outreach activities. Between 2008 - 2013, the public was invited to participate in these activities:

Public Meetings. When new service is proposed information is disseminated to the neighborhoods affected and public meetings are scheduled. Additionally, the City of Big Rapids works with the Mecosta County Transit Authority (MOTA) on the coordination plan and the Mecosta and Osceola Commission on Aging Agencies to discuss a variety of community outreach programs. We also communicate and are involved with assisting the Department of Human Services (DHS) and their needs.

City Commission meetings are held the first and third Monday of the month and the public is invited to attend.

Local Advisory Board meets quarterly. They make recommendations about transit issues to the City Commission. The public is invited to attend.

When the Local Advisory Board has a vacancy, there are postings displayed on the busses and at the Dial-A-Ride facility, as well as an advertisement put in the local newspaper. Passengers are encouraged to become a member of the Board. When anyone signs up to be a member of the board, the Mayor will appoint them per City Ordinance.

Representation of Members on Dial-A-Ride Advisory Board. Board members are appointed per City Ordinance (see Appendix I) and PA 51 of 1951 MCL247.660e(18)(e).

Minority Representation:

	Caucasian	Latino	African American	Asian American	Native American
Population	88%	2.4%	6.8%	1.5%	.7%
Dial-A-Ride Advisory Board	100%	0%	0%	0%	0%

General Awareness and Surveys We conduct onboard rider and general awareness surveys frequently. In 2008, a marketing study was undertaken to garner information from the public regarding their perceptions of public transportation.

We submit to the Michigan Department of Transportation annually an application for funding. The application requests funding for both capital and operating assistance. Part of the annual application is a public notice, which includes a 30-day public comment period.

Customer Complaint Process Citizens may call our Dial-A-Ride at 231-796-8675 to lodge a complaint or comment. All complaints/comments are logged and forwarded to the Dial-A-Ride Supervisor and distributed to the Title VI Coordinator who researches the complaint and responds back to the citizen.

VIII. Environmental Justice

Compliance with Title VI includes ensuring that no minority or low income population suffers "disproportionately high and adverse human health or environmental effect" due to any "programs, policies and activities" undertaken by any agency receiving federal funds. The City of Big Rapids will meet this obligation in the following ways:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project.
- If a disproportionate effect is anticipated, following mitigation procedures.

- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.

Disproportionate effects are those effects which are appreciably more severe for one group or predominantly born by a single group. The City will use U.S. Census data to identify low income and minority populations.

Where a project impacts a small number or area of low income or minority populations, the City will document that:

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment, etc.
- The project's impact is unavoidable,
- The benefits of the project far out-weigh the overall impacts and
- Mitigation measures are being taken to reduce the harm to low income or minority populations.

If it is concluded that no minority and/or low income population groups are present in the project area, the City will document how the conclusion was reached. If it is determined that one or more of these population groups are present in the area, the City will administer potential disproportionate effects test.

The following steps will be taken to assess the impact of project on minority and/or low income population groups:

STEP ONE: Determine if a minority or low income population is present within the project area. If the conclusion is that no minority and/or low income population is present within the project area, document how the conclusion was reached. If the conclusion is that there are minority populations and/or low income population groups present, proceed to Step Two.

STEP TWO: Determine whether project impacts associated with the identified low income and minority populations are disproportionately high and adverse. In doing so, refer to the list of potential impacts and questions contained in Step 4. If it is determined that there are disproportionately high and adverse impacts to minority and low income populations, proceed to Step Three.

STEP THREE: Propose measures that will avoid, minimize and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by proposed project.

STEP FOUR: If after mitigation, enhancements and off setting benefits to the affected populations, there remains a high and disproportionate adverse impact to minority or low income populations, then the following questions must be considered:

Question 1: Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low income population?

Question 2: Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority populations?

Question 3: Considering the overall public interest, is there a substantial need for the project?

Question 4: Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other social economic or environmental impacts that are more severe than those of the proposed action (b) have increased costs of extraordinary magnitude?

STEP FIVE: Include all findings, determinations, or demonstrations in the environmental document prepared for the project.

IX Equity Analysis

In the event that the City ever construct a facility or bus storage facility, maintenance facility, etc... we will comply with the Title VI Equity Analysis requirements.

**APPENDIX A Narrative to be included in Posters to be Displayed in
Revenue Vehicles and Facilities****NOTIFYING THE PUBLIC OF RIGHTS UNDER TITLE VI
CITY OF BIG RAPIDS**

The City of Big Rapids operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of Big Rapids. City of Big Rapids Dial-A-Ride 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 4702.1B.

If you feel you are being denied participation in or being denied benefits of the transit services provided by City of Big Rapids Dial-A-Ride, or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, you may contact our office at (231) 231-592-4020

For more information on the City of Big Rapids' civil rights program, and the procedures to file a complaint, contact 231-592-4020; email: clerk@ci.big-rapids.mi.us; or visit our administrative office at 226 N. Michigan Avenue, Big Rapids, MI 49307. For more information, visit www.ci.big-rapids.mi.us.

A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title Vi Program Coordinator, East Building, 5th Floor – TCR, 1200 New Jersey Avenue, SE, Washington DC 20590.

If information is needed in another language, contact 231-592-4020.

APPENDIX B Employee Annual Education Form

**Title VI Program Policy
CITY OF BIG RAPIDS DIAL-A-RIDE**

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 Big Rapids Dial-A-Ride 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 Title VI Coordinator/City Clerk at the City Clerk's Office, 226 N. Michigan Avenue, Big Rapids, MI 49307 or (231) 231-592-4020.

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.

Will be given to all Dial-A-Ride employees annually with the first payroll in September.

APPENDIX C

**ACKNOWLEDGEMENT OF RECEIPT OF TITLE VI PROGRAM
CITY OF BIG RAPIDS DIAL-A-RIDE**

I hereby acknowledge the receipt of the City of Big Rapids Dial-A-Ride's Title VI Program. I have read the program 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.B

Your signature

Print your name

Date

Will be part of pre-employment information. Will keep a separate file with all signed consent forms.

LOG OF DIAL-A-RIDE RELATED TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS

The following log is used to document any alleged discrimination on the basis of race, color, or national origin. This log shall include the date that the transit-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 FTA every three years.

Three Year Period: **January** 2011 to **December** 2013

	DATE (Month, Day, Year)	SUMMARY (include basis of complaint; race, color, or national origin)	STATUS	ACTION(S) TAKEN
<u>INVESTIGATIONS</u>				
1				
2				
3				
4				
5				
<u>LAWSUITS</u>				
1				
2				
3				
4				
5				
<u>COMPLAINTS</u>				
1				
2				
3				
4				

**APPENDIX E TITLE VI COMPLAINT FORM
CITY OF BIG RAPIDS DIAL-A-RIDE**

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 believe you have been discriminated against in transit services, please provide the following information in order to assist us in processing your complaint:

PLEASE PRINT CLEARLY

Section I: Contact Information	
Name:	_____
Address:	_____
City, State, Zip Code:	_____
Telephone No:	_____ (home) _____ (cell) _____ (work)
Electronic Mail Address:	_____

Section II: Filed on Behalf of	
Are you filing this complaint on your own behalf?	<input type="checkbox"/> YES <input type="checkbox"/> NO
(If you answered “yes” to this question, go to Section III)	
If not, please supply the name, relationship, and address of the person for whom you are filing this:	_____ _____ _____
Do you have their permission to file on their behalf?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Please explain why you have filed for a third party:	_____

Section III: Alleged Discrimination	
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	<input type="checkbox"/> Other _____
What was the date of the alleged discrimination?	_____
Where did the alleged discrimination take place?	_____

SECTION IV: Alleged Incident *You may attach any written materials or other information you think is relevant to your complaint. The reverse side of this form may be used as well.*

Please describe in detail the circumstances as you saw them as to why you believe you were discriminated again:

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

SECTION V – Other Complaint Filings

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 State Court State Court State Agency Local Agency

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

Name: _____ Title: _____

Agency: _____ Telephone No: _____

Address: _____

Section VI – Remediation

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 Title VI Coordinator at:

Date: _____

Title VI Coordinator-City Clerk
226 N. Michigan Ave
Big Rapids, MI 49307
(231) 231-592-4020

Your signature Print your name

APPENDIX F Letter Acknowledging Receipt of Complaint

(Date)

(Name)
(Address).
(City, State, Zip)

Dear _____:

This letter is to acknowledge receipt of your complaint against the City of Big Rapids Dial-A-Ride 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 (231) 231-592-4020, or write to me at this address.

Sincerely,

Title VI Coordinator/City Clerk

**APPENDIX G Letter Notifying Complainant
that the Complaint is Substantiated**

(Date)

(Name)
(Address).
(City, State, Zip)

Dear _____:
:

The matter referenced in your letter of _____ (date) against the City of Big Rapids Dial-A-Ride 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,

Title VI Coordinator /City Clerk

(Date) **APPENDIX H
Letter Notifying
Complainant that the
Complaint is Not Substantiated**

(Name)
(Address).
(City, State, Zip)

Dear _____:

The matter referenced in your complaint of _____ (date) against the City of Big Rapids Dial-A-Ride 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.

The City of Big Rapids Dial-A-Ride 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 City of Big Rapids Dial-A-Ride, 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,

Title VI Coordinator/City Clerk