

# Title VI Compliance Plan

Prepared for: Del Norte Local Transportation Commission

Prepared by: Tamera Leighton, Executive Director

Adopted on May 8, 2014

## **Table of Contents**

|   |    |
|---|----|
| INTRODUCTION                                  | 2  |
| TITLE VI POLICY                               | 3  |
| ORGANIZATION                                  | 4  |
| TITLE VI STATEMENT                            | 5  |
| PROGRAM AREA RESPONSIBILITIES                 | 6  |
| COMMUNICATIONS AND PUBLIC INVOLVEMENT PROGRAM | 9  |
| MAJOR PROGRAMS                                | 11 |
| COMPLAINT PROCEDURE AND COMPLAINT FORM        | 14 |
| APPENDIX A: RESOLUTION                        | 16 |
| APPENDIX B: COMPLAINT FORM                    | 17 |
| APPENDIX C: MINORITY REPRESENTATION           | 19 |
| APPENDIX D: PUBLIC PARTICIPATION PLAN         | 21 |

---

## INTRODUCTION

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have a longstanding policy of actively ensuring nondiscrimination under Title VI of the 1964 Civil Rights Act in federally funded activities. In recent years, a renewed emphasis on Title VI issues and Environmental Justice (EJ) has become a more integral focus of transportation planning and programming process. A commitment to Title VI has, and continues to be, reflected in the Del Norte Local Transportation Commission's (DNLTC's) Work Program, communications, public involvement efforts, and overall operations.

DNLTC is guided by federal Title VI and EJ mandates and the Commission strives to not only meet these mandates, but to create an overall transparent, inclusive planning process. As the Regional Transportation Planning Agency (RTPA) for the Del Norte region, DNLTC is committed to making Title VI and EJ a part of our planning process and a guide for our public participation efforts. This document establishes a framework for DNLTC's efforts to ensure compliance with Title VI and related statutes regarding nondiscrimination and EJ.

### Our Purpose and Responsibilities

Del Norte Local Transportation Commission (LTC) is one of 43 Regional Transportation Planning Agencies (RTPA) in California, created as a result of Section 29532 of the Government Code. The principal purpose of RTPAs in rural areas is to prepare and adopt planning and programming documents required by law, and allocate funds and administer various funding programs that involve cities, counties, and transit operators

Local Transportation Commissions (LTCs) serve rural counties and are limited to dealing only with transportation planning issues. There is some latitude on the membership for RTPAs, but they must include representation from each City and County. Del Norte Local Transportation Commission members serve one year terms by appointment. The Crescent City Council appoints three members and Del Norte County Board of Supervisors appoints three members. The Commissioners, with the addition of a representative from the California Department of Transportation, serve as the Policy Advisory Committee.

---

# Title VI Policy

Del Norte Local Transportation Commission assures that no person shall on the grounds of race, color or national origin, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any agency-sponsored program or activity.

Del Norte Local Transportation Commission further assures that every effort will be made to ensure nondiscrimination in its programs and activities, whether those programs and activities are federally funded or not.

In the event that DNLTC distributes federal funds to another entity, DNLTC will include Title VI language in all written agreements. Title VI compliance is a condition of the receipt of federal funds. DNLTC Executive Director is the Title VI compliance Manager and is authorized to ensure compliance with provisions of this policy and with the law, including the requirements of Title 23 Code of Federal Regulations (CFR) 200 and Title 49 CFR 21.

Del Norte Local Transportation Commission acknowledges its responsibility for initiating and monitoring Title VI activities, preparing required reports and other responsibilities as required by Title 20 Code of Federal Regulations 200 and by Title 49 CFR Part 21.

---

Michael Sullivan, Chair  
Del Norte Local Transportation Commission

ATTEST:

---

Tamera Leighton, Executive Director  
Del Norte Local Transportation Commission

---

## ORGANIZATION

DNLTC's Executive Director is authorized to ensure compliance with provisions of DNLTC's policy of nondiscrimination and with the law and additionally serves as the Title VI Compliance Manager. In support of this, the Executive Director will:

- ▶ Monitor and discuss progress, implementation, and compliance issues;
- ▶ Periodically review the Commission's Title VI program to assess if administrative procedures are effective and adequate resources are available to ensure compliance;
- ▶ Develop and submit the Annual Title VI Report and Update to the California Department of Transportation and prepare for any Title VI Audits;
- ▶ Forward all Title VI Complaints received by DNLTC to the appropriate state and/or federal agency; and
- ▶ Assess communications and public involvement strategies to ensure adequate participation of impacted Title VI protected groups and address additional language needs, as necessary.

## Title VI Program Areas

While all of DNLTC's work is informed by nondiscrimination directives, for the purpose of this report four Program Areas have been identified to which Title VI is especially applicable. Within these Program Areas, the Commission's Title VI-related responsibilities fall into two main categories: "General Responsibilities," applicable to all Title VI Program Areas; and "Program Area Responsibilities" that are specific to each Title VI Program Area. The three Program Areas are:

- ▶ Communications and Public Involvement
- ▶ Planning and Programming
- ▶ Consultant Contracts

*Note: DNLTC does not have any employees.*

## General Responsibilities

The following is a list of general Title VI Commission responsibilities that are applicable to all four Title VI Program Areas. The Title VI Compliance Manager (Executive Director) with involvement and assistance from DNLTC staff, is responsible for ensuring that these elements of the plan are appropriately implemented and maintained.

- ▶ Data Collection: Statistical data on race, ethnicity, Limited English Proficiency (LEP), and other population groups will be collected on a regular basis. The process will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI program, conducting EJ analyses, and guiding public participation efforts.

- 
- ▶ Annual Report and Update to Caltrans and Planning Partners: An Annual Report and Update is to be submitted each year to Caltrans' Title VI coordinators and to DNLTC's other federal planning partners. The Title VI Compliance Manager is responsible for preparing the document. The document is to include a report on the previous year's Title VI, EJ, and public participation activities and efforts, including accomplishments and program changes, and an update on Title VI-related goals and objectives for the upcoming year.
  - ▶ Dissemination of Information Related to the Title VI Program Information on the Commission's Title VI program is to be disseminated to sub recipients and beneficiaries, as well as to the public.
  - ▶ Procedures Manual: A procedures manual, or Planning Methodology, for the Commission's Title VI, EJ, and public participation programming, will be maintained and updated as needed. The manual incorporates the procedures necessary to inform DNLTC's Title VI compliance, EJ, and public outreach standards.
  - ▶ Audit by Caltrans' and/or Federal Partners on Title VI Compliance: As required, DNLTC will participate in Title VI and EJ audits conducted by Caltrans and/or federal planning partners.

## TITLE VI STATEMENT

This text will remain permanently at the public area of the Commission office and on the Commission's website, [www.DNLTC.org](http://www.DNLTC.org), as well as in DNLTC publications and other public documents:

The Del Norte Local Transportation Commission (DNLTC) fully complies with Title VI of the Civil Rights Act of 1964. DNLTC's website, [www.DNLTC.org](http://www.DNLTC.org), may be translated into multiple languages. Publications and other public documents may be made available in alternative languages and formats, if requested. DNLTC public meetings are always held in ADA-accessible facilities and in transit accessible locations when possible. Auxiliary services can be provided to individuals who submit a request at least seven days prior to a meeting. Requests made within seven days will be accommodated to the greatest extent possible. Any person who believes they have been aggrieved by an unlawful discriminatory practice by DNLTC under Title VI has a right to file a formal complaint. Any such complaint may be in writing and filed with DNLTC's Title VI Compliance Manager and/or the appropriate state or federal agency within 180 days of the alleged discriminatory occurrence. For more information on DNLTC's Title VI program, or to obtain a Title VI Complaint Form, please see call (707) 465-3878 or email [Tamera@DNLTC.org](mailto:Tamera@DNLTC.org).

## Complaints

Any individual may exercise his or her right to file a complaint, or have a legal representative file a claim on his/her behalf, if that person believes that she or he or any other program beneficiaries have been subjected to unequal treatment or discrimination on the grounds of race, color, or national origin in any program administered by DNLTC and/or its sub-recipients, consultants, or contractors. Please see DNLTC's Title VI Complaint Procedure and Form, included in this document.

---

## **PROGRAM AREA RESPONSIBILITIES**

### **Communications and Public Involvement**

The goal of DNLTC's Communications and Public Involvement Program is to ensure early and continuous public notification about, and participation in, major actions and decisions by the Commission. In seeking public comment and review, DNLTC makes a concerted effort to reach all segments of the population, including minority and low-income communities, and organizations representing these and other traditionally underserved groups. DNLTC uses a broad range of public information and participation opportunities, including dissemination of proposals and alternatives, a process for submitting comments, public meetings, settings for open discussion, communication programs, information services, and consideration of and response to public comments. For example, DNLTC typically travels to the underserved communities of Klamath and Smith River to set up information booths at central locations to achieve public input; we actively solicit full membership participation on the Social Services Transportation Advisory Council from people living in and representing underserved communities; and we actively seek and achieve partnership and participation with Tribal governments.

### **Operational Guidelines**

DNLTC's policy for public involvement are comprehensive and include:

#### **Public Participation Policy**

Policy 1: Del Norte Local Transportation Commission (DNLTC) will actively engage the public and appropriate agencies and organizations in the transportation planning process according to the principles contained in this Public Participation Plan, and in accordance with state procedures and federal law.

Policy 2: DNLTC will keep the public informed of on-going transportation related activities.

Policy 3: DNLTC will utilize visualization techniques to effectively communicate the Regional Transportation Plan and the Transportation Improvement Program.

Policy 4: DNLTC will encourage the involvement of all citizens within its jurisdiction, especially including those identified by Federal Highway Administration as traditionally underserved, in the transportation process. Furthermore, DNLTC will work towards ensuring the full and fair participation in the transportation decision-making process by all potentially affected communities.

Policy 5: DNLTC staff will provide feedback on public comments.

Policy 6: DNLTC will work towards continually improving its public involvement practices.

#### **DNLTC's Transportation Planning Methodology**

The Planning Methodology is provided as a means of directing staff and consultant's who are assisting staff in meeting Title VI and EJ mandates at the project or study level, as defined by the DNLTC Overall Work Program. The Planner's Methodology offers background on Title VI and EJ, and provides a protocol for DNLTC staff to meet

---

standards set by these federal mandates. Information on DNLTC's Indicators of Potential Disadvantage (IPD) method is also included. In addition, the document offers suggestions for meeting the Commission's goals and objectives for public participation, as set forth in DNLTC's Public Participation Plan. The Planning Methodology establishes a framework for developing individualized public participation plans for Overall Work Program projects and offers a variety of public participation strategies. DNLTC's Policy for Engaging Individuals with Limited English Proficiency (LEP) Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964. Language barriers may prohibit people who are LEP from obtaining services or information relating to various services and programs, and may limit individuals' participation in public planning processes. Federal guidelines require that recipients of federal financial assistance take reasonable steps to ensure meaningful access to federally funded programs, activities, and publications for LEP individuals. The "reasonable" standard is based on the following four guidelines, as set forth by the federal government:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of Del Norte Local Transportation Commission;
2. The frequency with which LEP individuals come in contact with the program;
3. The nature and importance of the program, activity, or service provided by the recipient to people's lives;
4. The resources available to the recipient and costs.

**The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity or service.**

The US Census Bureau's, 2010–2012 American Community Survey's data shows that among the area's adult population, 88.1 percent speak only English; 97.3 percent of Del Norte County residents speak English "very well", and 2.7 percent speak English "less than very well". In Curry County, Oregon, for which we share a boarder and some infrastructure, an "N" is recorded (An N entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.)

**The frequency with which LEP individuals come in contact with the program.**

The Del Norte Local Transportation Commission staff reviewed the frequency with which the commission and staff have, or could have, contact with LEP persons. This includes documenting phone inquires and office visits. Since 2006, DNLTC has had no requests for interpreters and no requests for translated program documents. With only 2.7 percent of the population speaking English less than very well, DNLTC has had very little contact with LEP persons.

**The nature and importance of the program, activity, or service provided by the recipient to people's lives.**

Del Norte Local Transportation Commission is a Regional Transportation Planning Agency (RTPA) and does not provide transit services. The RTPA is essential to regional transportation at a planning and policy level. The

---

overwhelming majority of the population, 88.1 percent, speak only English and 97.3 percent speak English very well. As a result, there are few social, service, professional and leadership organizations within the DNLTC region that focus on outreach to LEP individuals. The Commission members and staff are most likely to encounter LEP individuals through public outreach efforts.

**The resources available to Del Norte Local Transportation Commission and overall costs to provide LEP assistance.**

The DNLTC reviewed its available resources that could be used for providing LEP assistance. If the need should arise, the DNLTC would contact the Del Norte County Department of Health and Human Services department for assistance in locating a translator. DNLTC is prepared to provide a reasonable degree of services for limited English speaking persons.

After analyzing the four factors outlined in U. S. DOT policy guidance, DNLTC has determined that the agency already employs measures to ensure that limited-English proficient individuals have meaningful input and access to transportation planning and programming information. When DNLTC staff makes community presentations to groups whom they know in advance are limited-English speakers, DNLTC staff will hire an interpreter to translate information from the presentation to meeting attendees. If community members communicate with DNLTC and state a language preference, requested materials will be provided in the requested language to a reasonable degree.

**Meaningful Access and “Safe Harbor” Provision**

The Department of Transportation has adopted Department of Justice’s Safe Harbor Provision, which outlines circumstances that can provide a “safe harbor” for recipients regarding translation of written materials for LEP populations. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient’s written translation obligations. Translation of non-vital documents, if needed, can be provided orally. Del Norte Local Transportation Commission region does not reach this threshold for any language group. Safe Harbor does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

The intent is to find a balance that ensures meaningful access by LEP individuals to critical services and programs while not imposing undue burdens to recipients or subrecipients. The DNLTC website, where most documents are posted, is also accessible to non-English speaking visitors who may translate [www.DNLTC.org](http://www.DNLTC.org) to 17 languages via GoogleTranslate. Information regarding planning and transportation issues in the region, public involvement and outreach, and access to reports and studies are available in translation via the website. Documents may be translated into any language or format by request.

DNLTC Policy for Meeting Americans with Disabilities Act (ADA) Requirements Title II of the ADA of 1990, P.L. 101-336, provides “no qualified individual with a disability shall, by reason of such disability, be excluded from the



---

participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district or other instrumentality of the state or local government.” All of DNLTC’s public meetings are held in ADA-accessible facilities. Sign-language interpreters or other auxiliary aid requests can be accommodated if requested in advance. Upon request, planning materials can be provided in alternative formats.

## **COMMUNICATIONS AND PUBLIC INVOLVEMENT PROGRAM**

### **Website**

DNLTC maintains a website, [www.DNLTC.org](http://www.DNLTC.org), which is updated almost several times monthly. The site includes information on the Commission’s responsibilities, programs, and publications; media releases; staff contact information; a calendar of events and meetings; and, all materials related to EJ and Title VI.

### **Publications**

Each year, DNLTC issues a multitude of publications, reports, and maps as part of the Commission’s Overall Work Program, and processes a large number of data requests. The information is used by planning departments and public agencies throughout the region, and can be accessed by the public through DNLTC’s website and directly from DNLTC executive director.

### **Meetings and Events Open to the Public**

All DNLTC meetings are open to the public to attend.

### **Staff**

Staff is accessible in person or by phone, U.S. mail, and email. Contact information for staff is provided on the agency’s website and in its publications.

### **Communicating with the Public**

DNLTC maintains a comprehensive emailing list to keep the public informed about the Commission and its ongoing activities. DNLTC is continually adding to and updating the mailing list and makes a concerted effort to include groups representing Title VI-relevant populations. Anyone can request to be added to the mailing list to receive emails. DNLTC continues to develop its Facebook page and Twitter information.

### **Opportunities for Public Comment**

DNLTC routinely offers several different ways for people to comment on activities, programs, and decisions made by the Commission. Comments are accepted at any time via phone, email, U.S. mail, via [www.DNLTC.org](http://www.DNLTC.org), and in person at any Board or committee meeting. All DNLTC Board and committee meetings are open to the public to attend. DNLTC also maintains a “Send Us Your Comments” link at [www.DNLTC.org](http://www.DNLTC.org).

Formal public comment and review periods are used to solicit comments on major planning and programming such as updates to the Transportation Improvement Program (TIP) and the Regional Transportation Plan (RTP),

---

and changes to important DNLTC policies. The comment period is highlighted on the homepage of the website. In addition, when legal notices are warranted, they announce comment periods. Efforts may be made to have these documents translated into other languages, and the traditionally underserved are identified, as much as possible, and included in notification. Comments can be made in person at the corresponding DNLTC meeting, by email, by U.S. mail, via [www.DNLTC.org](http://www.DNLTC.org), or by telephone. DNLTC responds to all comments received and forwards comments to other agencies for a response when appropriate.

### **Communications and Public Involvement Title VI Responsibilities**

The Executive Director is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the agency's public involvement process:

- ▶ Ensure that all communications and public involvement efforts comply with Title VI;
- ▶ Develop and distribute information on Title VI and agency programs to the general public;
- ▶ Provide information in languages other than English, as needed;
- ▶ Include the Title VI Notice to the Public in all media releases, public meeting notices, and on the agency website;
- ▶ Notify affected, protected groups of public meetings regarding proposed actions, and make the hearings accessible to all residents. This includes the use of interpreters when requested, or when a strong need for their use has been identified;
- ▶ Collect statistical information on attendees of public meetings, in order to track how well different segments of the population are represented; and
- ▶ Encourage that any DNLTC-created public advisory committee has representation from Title VI-relevant populations.

### **Planning and Programming**

DNLTC is responsible for developing long- and short-range plans to provide efficient transportation services, smart growth practices, and sustainable environmental practices to the Del Norte region. A comprehensive planning process is used that entails the monitoring and collection of varied data pertaining to transportation. DNLTC coordinates with the appropriate federal agencies, the State of California, County of Del Norte and City of Crescent City, and seeks citizen input through public participation.

### **Operational Guidelines**

Primary guidance is provided by:

- ▶ Regional Transportation Planning Agency Regulations
- ▶ Moving Ahead for Progress in the 21st Century (MAP-21)

- 
- The Americans With Disabilities Act (ADA)
  - DNLTC Overall Work Program.

## MAJOR PROGRAMS

Federal laws and regulations require the formation of an Regional Transportation Planning Agency for the Del Norte region to facilitate a comprehensive, coordinated, and continuing transportation planning program. Listed below are some of the major areas that reflect Title VI and EJ issues most clearly.

### Overall Work Program

A complete listing of all DNLTC projects and programs can be found in the Commission's Overall Work Program, which incorporates the planning programs and support activities of DNLTC. The Work Program is developed annually by the DNLTC Technical Advisory Committee and Del Norte Local Transportation Commission to reflect the region's short-range planning needs.

### Transportation Improvement Program (TIP)

The TIP, the agreed-upon list of priority projects for the region, manages funding for the reconstruction, improvement, and expansion of the region's transportation system. The TIP lists all capital projects that are federally and state funded. It includes traditional highway and public transit projects, as well as bicycle-, pedestrian-, and freight-related projects. Required by federal law, the TIP is the culmination of a transportation planning process that represents a consensus among state and regional officials as to what improvements to pursue. The TIP shows estimated costs and schedule by project phase, including preliminary engineering, final design, right-of-way acquisition, and construction, and may be changed monthly after it is adopted. In California, the TIP covers a four-year period and is updated every other year. The TIP also covers four years for the California portion of the region and is updated every other year.

### Regional Transportation Planning

One of the most important documents prepared by DNLTC is the RTP for the region. The RTP provides a vision of the region's future growth and development; determines regional plan consistency in order to locate and implement future transportation facilities and services; provides guidance and direction for city, county, and state agencies to make infrastructure investments; and serves as the foundation for developing the region's Transportation Improvement Program. The RTP must maintain at least a 20-year planning horizon. The RTP sets the framework and priorities for distribution of federal funds and ensures that recommended projects are consistent with defined long-term goals for the transportation system. The plan addresses land use, environmental, economic, and transportation policies, and includes a set of fiscally constrained transportation projects. The RTP is developed through a public outreach effort and coordination among other agencies.

---

## **Coordinated Human Services Transportation Planning (Coordinated Plan)**

The Coordinated Plan seeks to organize and prioritize goals and strategies for community and nontraditional transportation services throughout the region, including efforts to better serve low-income, elderly, and disabled residents. DNLTC helps coordinate the Coordinated Plan for the region and maintains a regional plan to prioritize needs and help our planning partners better coordinate investments.

## **Planning and Programming Title VI Responsibilities**

DNLTC Executive Director will work to evaluate and monitor compliance with Title VI requirements in all aspects of the agency's planning and programming activities:

- ▶ Ensure all aspects of the planning and programming process operation comply with Title VI requirements;
- ▶ Prepare and update a demographic profile of the region using the most current and appropriate statistical information available on race, income, and other pertinent data, and make the data available to the public and member agencies on DNLTC's website;
- ▶ Continue to ensure that staff works to help guarantee that all residents in the region are represented in the planning process.

## **Consultant Contracts**

DNLTC is responsible for selection, negotiation, and administration of its consultant contracts. The Commission operates under its internal contract procedures and all relevant federal and state laws.

## **Operational Guidelines**

Primary guidance is provided by:

- ▶ Civil Rights Requirements
- ▶ Nondiscrimination in Federal Public Transportation Programs
- ▶ Nondiscrimination—Title VI of the Civil Rights Act
- ▶ Equal Employment Opportunity
- ▶ Equal Employment Opportunity Requirements for Construction Activities
- ▶ Disadvantaged Business Enterprise (DBE)
- ▶ Nondiscrimination on the Basis of Sex
- ▶ Nondiscrimination on the Basis of Age
- ▶ Access for Individuals with Disabilities

- 
- ▶ Access to Services for Persons with Limited English Proficiency
  - ▶ Environmental Justice.

## **Contract Procedures**

DNLTC's contract procedures comply with all state and federal laws.

### **Contracts: Title VI Responsibilities**

The Executive Director is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the agency's consultant contracts process. Contracts staff will:

- ▶ Include Title VI language in contracts and Requests for Proposals (RFP) as described below:
- ▶ Ensure inclusion of Title VI language in contracts and RFPs; and
- ▶ Review recipients for Title VI compliance as described below:
- ▶ Ensure that all recipients and subrecipients verify their compliance with Title VI procedures and requirements; and
- ▶ If a recipient or subrecipient is found to be not in compliance with Title VI, the Executive Director will work with the subrecipient to resolve the deficiency status and will write a remedial action if necessary.

### **Remedial Action Related to Consultant Reviews**

DNLTC will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with this Title VI program, both within DNLTC and with DNLTC's contractors. In conducting reviews of subrecipients, if a subrecipient is found to not be in compliance with Title VI, the Executive Director will work with the subrecipient to resolve the identified issues. The Commission will develop a remedial action plan that outlines steps to be taken for Title VI compliance, in cooperation with the state DOTs.

### **Human Resources, Education, and Training**

Del Norte Local Transportation Commission does not have employees. The Executive Director is an independent contractor and Title VI provisions are in this contract.

### **Additional Information**

For questions and information on DNLTC's Title VI Plan or procedures, the Overall Work Program, the Regional Transportation Plan, other planning documents, current public comment periods and meetings open to the public, please contact Tamera Leighton at (707) 465-3878 or Tamera@DNLTC.org.

---

## COMPLAINT PROCEDURE AND COMPLAINT FORM

### Purpose

The DNLTC Title VI Complaint Procedure is written to specify the process employed by DNLTC to investigate complaints, while ensuring due process for complainants and respondents. The process does not preclude DNLTC from attempting to informally resolve complaints. This procedure applies to all external complaints relating to any program or activity administered by DNLTC and/or its subrecipients, consultants, and contractors, filed under Title VI of the Civil Rights Act of 1964, as well as other related laws that prohibit discrimination on the basis of race, color, disability, sex, age, or national origin. Additional statutes include, but are not limited to, Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the ADA of 1990. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant. Intimidation or retaliation of any kind is prohibited by law.

### Process

An individual, or his or her representative, who believes that he or she has been subject to discrimination or retaliation prohibited by Title VI and other nondiscrimination provisions, has a right to file a complaint. Complaints need to be filed within 180 calendar days of the alleged occurrence, when the alleged discrimination became known to the complainant, or when there has been a continuing course of conduct, the date on which the conduct was discontinued or the latest instance of the conduct. Complaints shall be in writing and signed by the complainant or the complainant's representative. If complaints are received by telephone or in person, the DNLTC Title VI Compliance Manager (Executive Director) or other authorized representative shall formally interview the person to provide the basis for the written complaint. If necessary, an authorized person will assist the complainant in writing the complaint. The complaint form can be made available in alternative languages or formats, if requested. Please call (707) 465-3878 for more information.

Generally, the written complaint includes the following information:

- ▶ Name, address, telephone number, and e-mail of the complainant;
- ▶ Basis of the complaint, (e.g. race, color, national origin, sex, age, disability, retaliation);
- ▶ A detailed description of the circumstances of the incident that led the complainant to believe discrimination occurred;
- ▶ Name(s), title(s), and address(es) of the person(s) who discriminated against the complainant;
- ▶ Names, addresses, and phone numbers of people who may have knowledge of the alleged incident or are perceived as parties in the complained-of incident; and
- ▶ Date or dates on which the alleged discrimination occurred.

---

As an investigation moves forward, additional information may be required. Although this process does not preclude DNLTC from attempting to informally resolve complaints, the decision to resolve informally always rests with the complainant, who may withdraw from the informal process at any time. If a complaint is filed against DNLTC, the Commission will acknowledge receipt of the complaint by notifying the complainant and immediately transmitting the complaint to the proper state and federal agency (e.g. Federal Highway Administration, Federal Transit Administration, California Department of Transportation, for investigation and disposition pursuant to that agency's Title VI complaint procedure). Complaints against DNLTC may also be sent directly to a federal agency. If a complaint is filed with an agency that does not have jurisdiction over the particular reason for discrimination, the complaint will be forwarded to an agency that does.

Complaints against DNLTC subrecipients, consultants, and contractors will be investigated directly by the Commission as follows:

- ▶ Within 10 days, the DNLTC Executive Director will acknowledge receipt of the complaint to the complainant, and notify the appropriate state and/or federal agency that a Title VI complaint has been received by the Commission;
- ▶ Within 60 days, the DNLTC Executive Director will conduct and complete an investigation and, based on the information obtained, will render a recommendation for action in a report of findings to the Commission. This report will include the nature of the complaint, remedy sought, and a summary of the investigative findings and activities. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report findings;
- ▶ Within 90 days of receipt of the complaint, the DNLTC Executive Director will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with state and federal agencies, if they are dissatisfied with the final decision rendered by DNLTC.

The DNLTC Executive Director will maintain a log of all complaints received by Del Norte Local Transportation Commission.

# Appendix A: Resolution

## RESOLUTION NO. 2014 7

### DEL NORTE LOCAL TRANSPORTATION COMMISSION RESOLUTION AUTHORIZING THE TITLE VI PLAN FOR THE REGION.

WHEREAS, Del Norte Local Transportation Commission in its official capacity as the designated Regional Transportation Planning Agency, hereafter referred to as the RTPA, is responsible to comply with Title VI of the Civil Rights Act of 1964, including new provisions detailed in U.S. Department of Transportation's FTA Circular 4702.1B, "Title VI Requirement and Guidelines for Federal Transit Administration Recipients;" and

WHEREAS, the Del Norte Local Transportation Commission wishes to authorize approval of the Compliance Plan developed by the executive director to comply with the necessary provisions of the Civil Rights Act.

NOW, THEREFORE, BE IT RESOLVED by the Del Norte Local Transportation Commission as follows:

1. The DNLTC approves the plan titled "Del Norte Local Transportation Commission Title VI Compliance Plan".
2. The executive director is authorized to implement components of the plan in order to meet federal requirements.
3. The executive director is authorized to implement the policies that may be necessary to comply with subsequent revisions for interpretations to the Civil Rights Act.

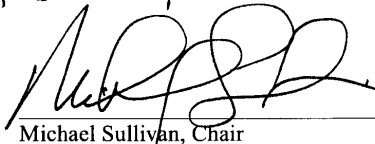
PASSED AND ADOPTED by Del Norte Local Transportation Commission on this twelfth day of June 2014, by the following polled vote:

AYES: Eren, Holley, Murray, Sullivan, Wakefield

NOES: -

ABSTAIN: -

ABSENT: Hemmingsen



Michael Sullivan, Chair  
Del Norte Local Transportation Commission

ATTEST:



Tamera Leighton, Executive Director  
Del Norte Local Transportation Commission



# Appendix B: Complaint Form

## 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 send it to:

Del Norte Local Transportation Commission  
**ATTN: Executive Director**  
**1301 B Northcrest Drive #16 C**  
**Crescent City, CA 93721**

**Phone: (707) 465-3878**  
**Email: Tamera@DNLTC.org**

Please print clearly:  
Name:

---

Address:

---

City, State, Zip Code:

---

Telephone Number: \_\_\_\_\_ (home) \_\_\_\_\_ (cell)

Person discriminated against:

---

Address of person discriminated against:

---

City, State, Zip Code:

---

Please check off why you believe the discrimination occurred:

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

Complaint form continued:

Title VI Complaint Form - Page 2

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 number:

---

---

---

---

---

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 Del Norte Local Transportation Commission (address is listed on page 1).

\_\_\_\_\_  
Your Signature

\_\_\_\_\_  
Print your name

\_\_\_\_\_  
Date

## Appendix C: Minority Representation

*This is a required table depicting racial breakdown of transit-related, non-elected planning boards, advisory councils or committees. Also a description of efforts made to encourage minority participation.*

### SOCIAL SERVICE TRANSPORTATION ADVISORY COUNCIL

| Body              | African American | Asian American | Caucasion | Latino | Native American | Decline to State |
|-------------------|------------------|----------------|-----------|--------|-----------------|------------------|
| <b>Population</b> | 3.5              | 3.4            | 73.7      | 17.8   | 7.8             |                  |
| <b>SSTAC</b>      |                  |                | 12.5      |        |                 | 87.5             |

*(Chart updated June 24, 2014.)*

Del Norte Local Transportation Commission has welcomed all who are interested in serving on the Social Services Transportation Advisory Council (SSTAC) who meet the mandates of the Transportation Development Act (TDA). DNLTC has appoints all members seeking to participate and will continue to do so. If a time comes when the size of the council becomes ineffective, Title VI policies will be honored. Outreach efforts are focused on the primary intent of the SSTAC, which is to meet the mandates of the TDA.

Per section 99238 of the Transportation Development Act, each transportation planning agency shall provide for the establishment of a social services transportation advisory council for each county, or counties operating under a joint powers agreement, which is not subject to the apportionment restriction established in Section 99232.

**Subdivision A:** The social services transportation advisory council shall consist of the following members:

- ▶ One representative of potential transit users who is 60 years of age or older.
- ▶ One representative of potential transit users who is handicapped.
- ▶ Two representatives of the local social service providers for seniors, including one representative of a social service transportation provider, if one exists.
- ▶ Two representatives of local social service providers for the handicapped, including one representative of a social service transportation provider, if one exists.
- ▶ One representative of a local social service provider for persons of limited means.

- 
- ▶ Two representatives from the local consolidated transportation service agency, designated pursuant to subdivision (a) of Section 15975 of the Government Code, if one exists, including one representative from an operator, if one exists.
  - ▶ The transportation-planning agency may appoint additional members in accordance with the procedure prescribed in subdivision (b).

**Subdivision B:** Members of the social services transportation advisory council shall be appointed by the transportation planning agency which shall recruit candidates for appointment from a broad representation of social service and transit providers representing the elderly, the handicapped, and persons of limited means. In appointing council members, the transportation-planning agency shall strive to attain geographic and minority representation among council members. Of the initial appointments to the council, one-third of them shall be for a one-year term, one-third shall be for a two-year term, and one-third shall be for a three-year term. Subsequent to the initial appointment, the term of appointment shall be for three years, which may be renewed for an additional three-year term. The transportation planning agency may, at its discretion, delegate its responsibilities for appointment pursuant to this subdivision to the board of supervisors.

---

# Appendix D: Public Participation Plan

## Public Participation Plan and Policy

The Del Norte Local Transportation Commission (DNLTC) has developed this Public Participation Plan (PPP) for regional transportation planning and policy documents. This PPP supports DNLTC's obligation to involve the public in transportation decision-making and responds to state and federal laws and policies that emphasize public engagement. Developed through input gathered by policy research, stakeholder outreach, Social Services Transportation Advisory Council member comment and Technical Advisory Committee member comment, the PPP will guide public engagement to ensure that transportation planning and programming reflects public needs.

**Transportation Planning:**

The process of identifying transportation problems and looking for solutions to those problems.

**Transportation Programming:**

The commitment of transportation funds that are available over a period of several years to particular projects.

Educating the public on how transportation decisions are made at the regional level is at the forefront as many people find the transportation planning and programming process difficult to understand.

To help the public understand these issues, DNLTC will present materials in clear, understandable, and accessible formats. We will also strive to reach a broad spectrum of the public by using diverse outreach tools and techniques that target traditionally underserved populations and specific stakeholder categories as defined in federal regulations. To assure the public that their input counts, we will review and provide appropriate follow-up responses to all public comments. Finally, this PPP will undergo regular review and evaluation to measure its continued effectiveness. DNLTC, the City of Crescent City, County of Del Norte, and local Native American Tribes generally conduct extensive public engagement throughout the transportation planning and programming process that helps form transportation planning documents. Agency planning guides the region's transportation future by defining the goals, policies, and strategies to achieve our collective transportation vision. Public input influences transportation planning and, ultimately, the investments made in the region's transportation system.

The scope of this PPP is limited to outlining a process of public engagement for transportation planning in general and the DNLTC or other government or agencies may provide many other public input opportunities during project implementation.

DNLTC emphasizes the fair treatment and meaningful involvement of people of all races, cultures, and income levels, including minority and low income populations, from the early stages of transportation planning and investment decision making through construction, operation, and maintenance.

It is DNLTC's policy and obligation to encourage the public to express their needs and concerns so that transportation decisions better reflect community values and interests. DNLTC also encourages the public to get engaged early in the planning process, particularly at the local level, and to stay involved throughout the many stages of the transportation project development.

Federal and State laws and regulations require public involvement during the transportation planning and decision making process. These laws and regulations flow from legislation typically passed every six years that accompanies reauthorization of new federal transportation funding. The most recent reauthorization in 2012, the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21), affirms the emphasis on providing early and continuous opportunities for public comment. Along with MAP-21, DNLTC follows other Federal and State laws and policies that support public involvement.

To form an effective and comprehensive public participation process, DNLTC considers the State Public Participation Plan. The State asked the public how they would like to be involved during transportation planning and programming processes. Because of its small size and limited budget, DNLTC has adopted the State's conclusions as a starting point rather than proceeding with extensive research that is likely to result in similar conclusions. DNLTC will continually evaluate the effectiveness of the public participation process.

The following general strategies will build on these principles to ensure a comprehensive, meaningful, and responsive public participation process.

### **Simplify Educational Materials and Utilize Visualization Techniques**

---

We can increase public interest in regional transportation planning if we clarify the transportation planning and programming processes. To make these complicated procedures more accessible, we will utilize educational materials that simplify transportation planning and programming. Those wanting more in-depth explanations of these activities will be directed to more detailed reference documents. Another way to help the public understand transportation planning and programming is to incorporate visualization techniques whenever possible, both on the web and in printed materials.

Visuals such as charts, graphs, drawings, photos, and process graphics often convey technical information, complex ideas or concepts more effectively than a narrative format.

### **Be Transparent**

---

The public should be able to access transportation planning and programming documents easily, find out about public involvement opportunities, and know that their comments are acknowledged. The public told the State that they prefer web communication to all other methods. To facilitate this, DNLTC has updated its website to be more user-friendly and to be easier to update.

## **Use Diverse Outreach Tools**

---

While a comprehensive and dynamic online presence will be the focal point of our public participation efforts, DNLTC will strive to reach a broad spectrum of the public by employing other techniques. DNLTC strives to make workshops and focus groups as open to as many people as possible by choosing easily accessible locations and accommodating nontraditional work schedules.

## **Engage the Traditionally Underserved**

---

Limited transportation access, childcare necessities, work schedules, and language barriers are just some of the hurdles that keep traditionally underserved populations from attending workshops and focus groups. DNLTC endeavors to provide meaningful public involvement opportunities to people who are of a minority and low income populations. Effective strategies include actively engaging members at community gathering places, providing outreach materials at transit facilities, and communicating through trusted community leaders.

## **Evaluate and Update the Public Participation Plan on a Regular Basis**

---

Del Norte Local Transportation Commission is committed to a continuous review of the Public Participation Plan and the public involvement process. We anticipate updating the process every three to five years or as appropriate.

The following techniques are potential outreach methods that may be used. Actual outreach methods for a particular transportation planning or programming public involvement activity will be determined based on available resources, time constraints, and applicability.

## **Public Participation Website: [www.DNLTC.org](http://www.DNLTC.org)**

---

Because the public has indicated at a statewide level that the web was the preferred communication method, a comprehensive website is available. This website will be a primary focus of our public participation efforts. The DNLTC website will strive to have the following features:

- User-friendly and attractive
- Information on statewide, regional, and local transportation planning projects
- Public comment forms, with responses delivered in a timely manner
- The offer of an alternative format, for instance, a printed and mailed version of the website material
- Continual updating
- Surveys when appropriate



## **Focus Groups**

---

Stakeholder and general public focus groups are an effective method for gathering attitudes, opinions, and ideas to help formulate transportation policies and plans.

## **Printed Materials and other Media**

---

While web-based communication has become commonplace, other media still holds a valuable role in public engagement. Newspaper releases, flyers, and postcards can be used to publicize the public participation website, important planning milestones, and workshops. News releases can be widely distributed through newspaper ads, public notices and radio.

## **Regional Workshops**

---

Face-to-face meetings with the public provide the best forum for public interaction and comment. Meetings will be held at convenient times for the public and stakeholders, in Americans with Disabilities Act accessible locations and close to public transit. If needed, translation and sign-language service will be provided. These meetings will be tailored to the type of document that is being reviewed.

## **Surveys**

---

Because the State reports that the public cites surveys as their least preferred method of communication, surveys will be used on a limited basis. Email questionnaires may be used to focus on very specific issues or as an additional means to collect comments on draft documents.

## **Public Participation Policy**

---

Policy 1: Del Norte Local Transportation Commission (DNLTC) will actively engage the public and appropriate agencies and organizations in the transportation planning process according to the principles contained in this Public Participation Plan, and in accordance with state procedures and federal law.

Policy 2: DNLTC will keep the public informed of on-going transportation related activities.

Policy 3: DNLTC will utilize visualization techniques to effectively communicate the Regional Transportation Plan and Transportation Improvement Program.

Policy 4: DNLTC will encourage the involvement of all citizens within its jurisdiction, especially including those identified by Federal Highway Administration as traditionally underserved, in the transportation process. Furthermore, DNLTC will work towards ensuring the full and fair participation in the transportation decision-making process by all potentially affected communities.

Policy 5: DNLTC staff will provide feedback on public comments.

Policy 6: DNLTC will work towards continually improving its public involvement practices.