

RESOLUTION NO. 111313-4

A RESOLUTION APPROVING A TITLE VI CIVIL RIGHTS ACT COMPLIANCE PLAN FOR PUBLIC TRANSPORTATION SERVICES FOR THE CITY OF ABILENE, KANSAS

WHEREAS, the City of Abilene Kansas operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act;

WHEREAS, the City Commission desires to establish a plan to ensure that patrons of the City of Abilene's public transportation system are protected from civil rights violations; and

WHEREAS, 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 Abilene, Kansas and provided in its Title VI Civil Rights Act Compliance Plan.

NOW, THEREFORE BE IT RESOLVED, by the City Commission of the City of Abilene, as follows:

Section 1. Civil Rights Act Compliance Plan. That a Title VI Civil Rights Act Compliance Plan for public transportation services for the City of Abilene, Kansas, is hereby adopted as attached hereto as **Exhibit A**.

Section 2. Implementation. The City Manager, or designee, shall be authorized to enforce the provisions as provided therein and in applicable resolutions, ordinances, and laws.

Section 3. Effective Date. That the effects of this Resolution shall be in full force after its approval by the City Commission.

PASSED AND APPROVED by the Governing Body of the City of Abilene, Kansas this 13th day of November, 2013



CITY OF ABILENE, KANSAS

By: 
John F. Ray, Mayor

ATTEST:


Penny Soukup, CMC
City Clerk

EXHIBIT A

Title VI Civil Rights Compliance Plan

for the

Public Transportation System

of the

City of Abilene, Kansas

November 13, 2013

Title VI Notice to Public

Please also include a list of locations where the notice is posted to inform the public of their rights under Title VI. At a minimum, recipients must post the notice on the agency's website and in public areas of the agency's office(s), including the reception desk, meeting rooms, etc.

Notifying the Public of Rights Under Title VI

The City of Abilene Kansas

- The City of Abilene Kansas 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 Abilene Kansas
- For more information on the City of Abilene Kansas civil rights program, and the procedures to file a complaint, contact 785-263-2550 email cityclerk@abilenecityhall.com or visit our administrative office at 419 N. Broadway, Abilene, Kansas 67410. For more information, visit www.abilenecityhall.com
- 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 Ave., SE, Washington, DC 20590

City of Abilene Transit Public Participation Plan Outline

1. Brief description of provider's activities and services

The City of Abilene has been providing transportation to the general public for over 30 years. We provide transportation to all sites in and around Abilene.

2. Brief description of activities that would warrant public participation (i.e. fare changes, changes to service hours, route adjustments, service area changes).

The City of Abilene will notify the public of any fare changes, service hour changes or necessary adjustments in the schedules that need attention.

3. Brief description of the proactive public participation strategies would be used.

All public notices would be planned as follows:

- *Public hearings, meetings or workshops will be held at convenient times at accessible locations*
 - *Numerous advertising platforms will be utilized, (Abilene Reflector-Chronicle, Eagle Communications, website, Facebook, and word of mouth)*
 - *A database will include: interested members of the public, elected officials, local government staff, KDOT public transit staff, local media)*
 - *Direct mailings to donor mailing list*
4. Brief description of outreach methods to engage minority and Limited English Proficiency (LEP) individuals (i.e. translation of public meeting materials, providing translation services if requested, targeted media messages in low income neighborhoods of service area, Work with existing neighborhood and advocacy organizations).

We will use the local library and school district to assist with engaging those with LEP

5. Brief description of the desired outcomes of the agency's public participation efforts.

- The agency desires to have actively engaged transit riders, stakeholders and members of the general public in the decision making process.
- The agency strives to have given adequate public notice of public participation activities and allowed proper time for public review and comment at key decision points.
- The agency desires to provide timely information about transportation issues and processes to transit riders, stakeholders and members of the general public
- The agency will provide responses to all public input as appropriate.
- The agency will have facilitated effective communication among a diverse group of stakeholders.

- The agency will have established a timetable for review of the Public Participation Process to ensure it provides full and open access to all.

6. Brief summary of recent outreach efforts over the past three years.

We will offer annual satisfaction surveys to our past and present ridership, and follow up and act on concerns shared in the surveys.

Menu of Public Participation Strategies:

- Public hearings/meetings/workshops where meetings are held at convenient times and at accessible locations
- Utilize different meeting sizes and formats
- Utilize a variety of advertising platforms (i.e. newspaper, notices on board vehicles, social media, website, local cable television)
- Maintaining a database of contacts to include at a minimum the following: members of the public, elected officials, local government staff, KDOT Public Transit staff, local media
- When feasible, electronically send and/or mail meeting announcements (invitations) to groups likely to be interested in the agency's activities as well as those included in the database
- Employ visualization techniques, when possible, to depict the agency's activities/materials to the public (i.e. charts, graphs, photo interpretation, maps, use of GIS, artist's renderings, physical models)
- Post relevant information on agency website including where public comments may be submitted, if necessary
- Display ads, brochures and fact sheets
- Neighborhood meetings and newsletters
- Direct mailings and/or emails are used to announce upcoming meetings, activities or to provide information to specifically targeted areas, groups of people, and advocacy groups
- Local newspaper articles, advertisements, and public notices
- Avoidance of technical jargon in presentations and information displayed
- Public opinion surveys to assess widespread public opinion

Additional Public Participation Resources

- Transit Cooperative Research Program, Public Participation Strategies for Transit
http://onlinepubs.trb.org/onlinepubs/tcrp/tcrp_syn_89.pdf
- Public Participation from National Resource Center for Human Service Human Service Transportation
<http://web1.ctaa.org/webmodules/webarticles/anmviewer.asp?a=2336>
- Public Involvement Process from FTA
http://www.fta.dot.gov/12347_226.html

A copy of FTA's Circular 4702.1B may be found at:

http://www.fta.dot.gov/documents/FTA_Title_VI_FINAL.pdf

Limited English Proficiency (LEP) Plan Template

Introduction

On August 11, 2000, President Bill Clinton issued Executive Order 13166 entitled "Improving Access to Services for Persons with Limited English Proficiency," (65 FR 50121). The intent of this Executive Order is to improve access to federally conducted and federally assisted programs and activities for persons who are limited in their English proficiency. The purpose of developing an LEP plan, as a recipient of federal funds, is to identify the extent of LEP individuals in the region and identify ways that the transit agency can reduce and/or eliminate the barriers to LEP individuals. The starting point for developing this plan is to perform a four factor analysis to determine the individualized needs of the region. After these needs are identified, the transit agency should develop a language assistance plan addressing the mix of services that will be provided.

Four Factor Analysis

(1) Identify number of or proportion of LEP individuals that can utilize the service provided by *the City of Abilene*. Use the 2007 - 2011 American Community Survey data from the provided Excel Spreadsheet in respect to your service area. Any language group that has more than 5% of total population and more than 50 persons that "speak English less than very well" requires written translation and should be included in this section of the analysis. If no language group fits these criteria, briefly explain the demographics of your area.

(2) Identify the frequency in which LEP individuals come in contact with the service:

Briefly explain the contact your service has with LEP individuals.

(3) Identify the importance of the service to the LEP community:

Briefly explain how your service affects the lives of the people in your service area.

(4) Identify the resources available and the respective costs of these resources:

Briefly explain any resources available for assisting LEP individuals and the costs associated with providing services.

Limited English Proficiency Plan

Utilizing the information gathered from the Four Factor Analysis, the following plan is developed in order to provide the necessary assistance to LEP persons.

Identified LEP individuals

There are no specific population groups that meet the criteria of more than 5% and more than 50 individuals

Language Assistance Measures

In the event an interpreter is required, we would refer to our local police department who has a (Spanish) interpreter. Other language needs would be addressed by using neighboring communities. We work with the local school district as well, and can call on them if needed.

Training Staff

The dispatcher will communicate with the interpreter to schedule the rides. The drivers will communicate as best as possible with the riders during the route.

Providing Notice

The LEP plan will be posted on agencies website, www.abilenecityhall.com, the LEP plan will be provided to any person or agency requesting a copy. The person of contact in regards to the LEP plan is Penny Soukup and can be reached via telephone at 785-263-2550.

Monitoring and Updating LEP Plan

The City of Abilene will update the LEP plan according to the Title VI update schedule which is every three years. The plan will also be updated anytime changes in the demographics of the agencies service area are deemed significant in regards to LEP persons.

Title VI Complaint Procedure

Title VI Complaint Procedures

The following pertains only to Title VI complaints regarding the services of the City of Abilene, Kansas; Title VI, 42 U.S.C. §2000d et seq., was enacted as part of the Civil Rights Act of 1964. At the heart of the regulation is the statement 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.

The City of Abilene Kansas has in place a Title VI Complaint Procedure, which outlines a process for local disposition of Title VI complaints and is consistent with guidelines found in Chapter III of the Federal Transit Administration Circular 4702.1B, dated October 1, 2012. If you believe that the City of Abilene's federally funded programs have discriminated your civil rights on the basis of race, color, or national origin you may file a written complaint by following the procedure outlined below:

1. Submission of Complaint.

Any person who feels that he or she, individually or as a member of any class of persons, on the basis of race, color, or national origin has been excluded from or denied the benefits of, or subjected to discrimination caused by the City of Abilene may file a written complaint with the City of Abilene's City Clerk, a sample complaint form is available for downloaded at www.abilenecityhall.com and is available in hard copy at the offices of the City of Abilene. Upon request, the City of Abilene will mail the complaint form. **Such complaints must be filed within 180 calendar days after the date the discrimination occurred.**

Notes: Assistance in the preparation of any complaints will be provided to a person or persons upon request and as appropriate. If information is needed in another language, then contact City Clerk, 785-263-2550

Complaints should be mailed to or submitted by hand to:

**City of Abilene
Attn: City Clerk
419 N. Broadway
Abilene Kansas 67410**

2. Referral to Review Officer

Upon receipt of the complaint, the City Clerk shall appoint one or more staff review officers, as appropriate, to evaluate and investigate the complaint. If necessary, the Complainant shall meet with the staff review officer(s) to further explain his or her complaint. The staff review officer(s) shall complete their review no later than 45 calendar days after the date the agency received the complaint. If more time is required, the City of Abilene shall notify the Complainant of the estimated timeframe for completing the review. Upon completion of the review, the staff review officer(s) shall make a recommendation regarding the merit of the complaint and whether remedial actions are available to provide redress. Additionally, the staff review officer(s) may recommend improvements to the City of Abilene processes relative to Title VI, as appropriate. The staff review officer(s) shall forward their recommendations to the, City of Abilene, City Clerk for concurrence. If the City Clerk concurs, he or she shall issue the City of Abilene's written response to the Complainant. This final report should include a summary of the investigation, all findings with recommendations, corrective measures where appropriate.

Note: Upon receipt of a complaint, the City of Abilene shall forward a copy of this complaint and the resulting written response to the appropriate KDOT and FTA-Region 7 contacts.

3. Request for Reconsideration

If the Complainant disagrees with the City Clerk's response, he or she may request reconsideration by submitting the request, in writing, to the City Clerk within 10 calendar days after receipt of the City Clerk's response. The request for reconsideration shall be sufficiently detailed to contain any items the Complainant feels were not fully understood by the City Clerk. The City Clerk will notify the Complainant of his or her decision in writing either to accept or reject the request for reconsideration within 10 calendar days. In cases where the City of Abilene City Clerk agrees to reconsider, the matter shall be returned to the staff review officer(s) to re-evaluate in accordance with Paragraph 2 above.

4. Appeal

If the request for reconsideration is denied, the Complainant may appeal the City Clerk's response by submitting a written appeal to the City Manager no later than 10 calendar days after receipt of the City Clerk's written decision rejecting reconsideration. The City Manager will then make a determination to either request re-evaluation by the staff review officer(s) or forward the complaint to KDOT for further investigation.

5. Submission of Complaint to the State of Kansas Department of Transportation.

If the Complainant is dissatisfied with the City of Abilene's resolution of the complaint, he or she may also submit a written complaint within 180 days after the alleged date of discrimination to the State of Kansas Department of Transportation for further investigation.

KDOT Office of Contract Compliance
Eisenhower State Office Building
700 Southwest Harrison
3rd Floor West
Topeka, KS 66603

1 This note should be stated in English and in any other language(s) spoken by Limited English Proficiency (LEP) populations that meet the Safe Harbor threshold.

City of Abilene Title VI Complaint Form

The purpose of this form is to assist you in filing a complaint with the City of Abilene. You are not required to use this form; a letter containing the same information will be sufficient.

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

Section IV		
Have you previously filed a Title VI complaint with this agency?	Yes	No
Section V		
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, check all that apply:		
<input type="checkbox"/> Federal Agency: _____		
<input type="checkbox"/> Federal Court _____		<input type="checkbox"/> State Agency _____
<input type="checkbox"/> State Court _____		<input type="checkbox"/> Local Agency _____
Please provide information about a contact person at the agency/court where the complaint was filed.		
Name:		
Title:		
Agency:		
Address:		
Telephone:		
Section VI		
Name of agency complaint is against:		
Contact person:		
Title:		
Telephone number:		

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

Signature and date required below:

Signature _____ Date _____

Please submit this form in person at the address below, or mail this form to:

City of Abilene Title VI Coordinator
419 N. Broadway
Abilene, Kansas 67410

List of Title VI Investigations, Lawsuits and Complaints

	Date Submitted/Filed (Month, Day Year)	Summary of allegation (include basis of complaint: race, color or national origin)	Status	Resolution/Action Taken
Investigations				
1				
2				
Lawsuits				
1				
2				
Complaints				
1				
2				

Table Depicting Membership of Committees, Councils, Broken Down by Race

Body	Caucasian	Latino	African American	Asian American	Native American	Other
Population within service area	92%	5%	1%	.2%	.5%	1.3%
Agency Board of Directors	100%	0%	0%	0%	0%	0%
Citizens Advisory Council	98%	2%	0%	0%	0%	0%
Finance Committee	100%	0%	0%	0%	0%	0%