

RESOLUTION NO. 102416-2

**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.

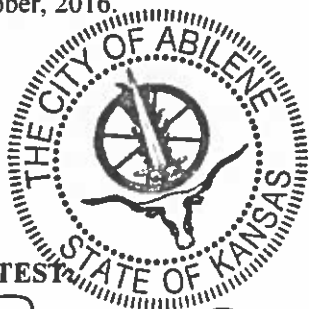
**NOW, THEREFORE BE IT RESOLVED**, by the City Commission of the City of Abilene, as follows:

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

**SECTION THREE.** 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 24<sup>th</sup> day of October, 2016.



Penny Soukup, CMC  
Penny Soukup, CMC  
City Clerk

CITY OF ABILENE, KANSAS

By: Dee Marshall  
Dee Marshall, Mayor

**EXHIBIT A**

**Title VI Civil Rights Compliance Plan**

**for the**

**Public Transportation System**

**of the**

**City of Abilene, Kansas**

**October 24, 2016**

**Date: October 10, 2016**

**To: David Dillner, City Manager and the Abilene City Commission**

**From: Jane Foltz, Director APRD and Public Transportation for the City of Abilene**

**Subject: Title VI for Public Transportation**

The City has been asked to approve the Title VI for Public Transportation. This document has been approved in the past by the City Commission as part of participating in the State of Kansas Public Transportation program. This document is on a 3 year cycle and was approved last in 2013.

As the document states: 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.

If there are any questions please contact me at 785-263-7266.

There is no additional funding needed for this.

## **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](mailto:cityclerk@abilenecityhall.com) or visit our administrative office at 419 N. Broadway, Abilene, Kansas 67410. For more information, visit [www.abilenecityhall.com](http://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, 5<sup>th</sup> 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](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](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](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.

### LEP Four-Factor Analysis

The US Department of Transportation recommends four factors that should be analyzed to determine the level and extent of language assistance required to provide meaningful access to program, activities, and services within the FHATA planning area. The factors include:

1. The number or proportion of LEP persons served or likely to be encountered by the program;
2. The frequency of which LEP individuals come in contact with the program;
3. The nature and importance of programs and services to LEP persons; and
4. The resources available and overall costs of providing language services.

After conducting the four-factor analysis, the FHATA is in a better position to implement a cost effective mix of proactive language assistance measures, target resources appropriately, and to respond to requests for LEP assistance.

#### *Factor 1: The number or proportion of LEP persons served or likely to be encountered by the program*

To determine the number of LEP persons residing in CTD 4, 2010-2014 American Community Survey block group data was used. Limited English Proficiency (LEP) was identified as census category "Speak English less than very well". **Table 1**, below, shows the total number of people in CTD 4 area compared to the individuals that speak English less than well. The percentage of the total population that has a limited ability to speak English is 2.61%.

Jurisdiction	Total population: 5 years and over	Speak English less than "very well"	% of total population that speak English less than "very well"
Dickinson County	18,357	147	0.80%

#### *Factor 2: The frequency of which LEP individuals come in contact with the program*

The FHATA has not received any requests for translated materials or for interpretation services at public meetings. Although the proportion of people with a limited ability to speak English in the FHATA region is relatively low, the FHATA has developed an LEP Implementation Plan to outline the strategies identified to

engage LEP individuals in the process to be followed by the FHATA in providing transit services to the Manhattan Urbanized Area.

*Factor 3: The nature and importance of programs and services to LEP persons*

The City of Abilene has been providing public transportation services since 1976. The City of Abilene is a §5311 service provider. The City of Abilene does not provide any direct services that require vital, immediate, or emergency assistance, such as medical treatment or services for basic needs (like food or shelter). Citizens are encouraged to become involved in the City's planning activities and processes as the transportation goals and improvements resulting from its planning activities have an impact on all residents. The City recognizes the importance of involving all segments of the population and evaluates the impact of public transportation decisions on traditionally underserved or underrepresented groups, including LEP persons.

*Factor 4: The resources available and overall costs of providing language services*

The final step of the four-factor analysis is to assess the needs of LEP persons within the City's service area against the resources available and the cost of those services. As described previously, the LEP population in the City is a small segment of the total the population, and does not appear to warrant the translation of City documents. Further, given the conservative budget the City must work with, translating documents would be extremely cost prohibitive. However, as described in the LEP Implementation Plan below, the City is committed to engaging all residents in the public transportation planning process and will continue to monitor the methods used to engage LEP persons.

**Safe Harbor Stipulation**

Federal law provides a "safe harbor" stipulations o recipients of federal funds can ensure compliance with their obligation to provide written translations in languages other than English with greater certainty. A "safe harbor" means that as long as a recipient (the City) has created a plan for the provision of written translations under a specific set of circumstances, such action will be considered strong evidence of compliance with written translation obligations under Title VI.

Failure to provide written translations, however, does not necessarily mean that there is noncompliance. In certain situations where it may be too burdensome or cost prohibitive to translate a document, then written translation would not be required. In such cases, other ways of providing meaningful access, such as effective oral interpretation of certain documents, may suffice.

Evidence of compliance with the recipient's written translation obligations under "safe harbor" includes providing written translations of vital documents for each LEP language group that constitutes 5% or 1,000 persons, whichever is less. Oral translation of non-vital documents is deemed sufficient under the "safe harbor" provision to meet the requirements of Title VI.

The "safe harbor" provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and reasonable to provide.



## LEP Implementation Plan

Based on the four-factor analysis and the overall percentage of limited English proficiency (LEP) persons in the City of Abilene, translating documents to other languages is not warranted, nor cost effective. While the translation of documents is not feasible, the City is committed to engaging the region's diverse population in the transportation planning process and has identified implementation strategies for providing LEP persons with language assistance services. These strategies are further described in the paragraphs below.

### *Identifying LEP Individuals*

The U.S. Census Bureau has created language identification cards that have translated "Mark this box if you read or speak [name of language]" into 38 different languages. The City will make those cards available in the office, on the City website, and at all public meetings. Once an individual's language has been identified, the FHATA will evaluate the feasibility of providing written translation service and/or oral interpretation assistance.

The Census Bureau's language identification cards can be downloaded for free at: [www.lep.gov/ISpeakCards2004.pdf](http://www.lep.gov/ISpeakCards2004.pdf).

### *Language Assistance*

The City of Abilene is a government organization and does not have the in-house expertise or capacity to provide translation services. If the translation of a document is requested, the City will utilize a free online written translator website, a local volunteer (if one is available). If the required language is not available in written form and formal interpretation is required, staff will use the telephone interpreter service, Language Line, at 1-800-752-6096.

The City of Abilene cannot accurately assess or guarantee the accuracy of translation services provided by others. Although working within the confines of a limited budget and capabilities, the City pledges that it will, to the best of its abilities, ensure that LEP persons have a meaningful opportunity to participate in the transportation planning and decision-making process.

### *Staff Training*

Current City staff members and incoming staff members will be briefed on the City LEP Plan, how to assist LEP persons, and will be encouraged to attend any relevant training offered. New staff members will also be instructed to keep a record of language assistance requests so that needs may be accurately assessed in the future.

### *Monitoring and Updating the LEP Plan*

This LEP Plan, along with other public involvement documents, will be reviewed and updated as needed on a schedule that coincides with the City of Abilene updates.

Each update will consider the following components:

- Current LEP population in the City of Abilene.
- Number of LEP persons engaged in the City of Abilene process and record of if their needs were met.
- Record of complaints received.

- Review any complaints received.
- Changes in resources, such as technology, staff, and financial resources changed.
- Review of any applicable federal and state regulations regarding LEP plans.

#### *Dissemination*

The City of Abilene will post this LEP Plan on its website under the Transportation tab. Copies of the LEP Plan will also be available at the City office. Any person or agency requesting a copy of the LEP Plan will be provided a copy.

#### *Complaint Process*

To file a complaint regarding LEP activities, please fill out the Title VI Complaint Form, available in PDF format by following this link: [www.abilenecityhall.com](http://www.abilenecityhall.com). Should an LEP complaint be filed, the Title VI review process will be followed. Hard copies of the Title VI Complaint Form are available upon request.

The City maintains a list of complaints filed alleging discrimination on the basis of race, color, or national origin. This list includes the date the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken in response to the investigation, lawsuit or complaint.

#### Providing Notice

The LEP plan will be posted on agencies website, [www.abilenecityhall.com](http://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.

#### **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](http://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.

<b>Section I:</b>			
Name:			
Address:			
Telephone (Home):		Telephone (Work):	
Electronic Mail Address:			
Accessible Format Requirements?	Large Print		Audio Tape
	TDD		Other
<b>Section II:</b>			
Are you filing this complaint on your own behalf?		Yes*	No
*If you answered "yes" to this question, go to Section III.			
If not, please supply the name and relationship of the person for whom you are complaining:			
Please explain why you have filed for a third party:			
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.		Yes	No
<b>Section III:</b>			
I believe the discrimination I experienced was based on (check all that apply):			
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin			
Date of Alleged Discrimination (Month, Day, Year): _____			
<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>			
<b>Section IV</b>			
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?  
 Yes                       No

If yes, check all that apply:

- Federal Agency: \_\_\_\_\_
- Federal Court \_\_\_\_\_                       State Agency \_\_\_\_\_
- State Court \_\_\_\_\_                       Local Agency \_\_\_\_\_

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

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Agency: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

**Section VI**

Name of agency complaint is against: \_\_\_\_\_  
Contact person: \_\_\_\_\_  
Title: \_\_\_\_\_  
Telephone number: \_\_\_\_\_

You may attach any written materials or other information that you think is relevant to your complaint.  
Signature and date required below:

Signature \_\_\_\_\_ Date \_\_\_\_\_

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

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

**List of Title VI Investigations, Lawsuits and Complaints**

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

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

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

Dickinson County, Kansas

Subject	Total				Percent of specified language speakers			
	Speak English "very well"		Speak English less than "very well"		Speak English "very well"		Speak English less than "very well"	
	Estimate	Margin of Error or	Estimate	Margin of Error or	Estimate	Margin of Error or	Estimate	Margin of Error or
Population 5 years and over	18,357	+/-49	99.20%	+/-0.4	0.80%	+/-0.4		
Speak only English	97.20%	+/-0.6	(X)	(X)	(X)			
Speak a language other than English	2.80%	+/-0.6	72.50%	+/-11.4	27.50%	+/-11.4		
Spanish or Spanish Creole	1.90%	+/-0.5	62.50%	+/-14.6	37.50%	+/-14.6		
Other Indo-European languages	0.60%	+/-0.3	92.00%	+/-9.3	8.00%	+/-9.3		
Asian and Pacific Island languages	0.30%	+/-0.1	100.00%	+/-37.9	0.00%	+/-37.9		
Other languages	0.00%	+/-0.1	-	**	-	**		
<b>SPEAK A LANGUAGE OTHER THAN ENGLISH</b>								
Spanish or Spanish Creole	349	+/-97	62.50%	+/-14.6	37.50%	+/-14.6		
5-17 years	85	+/-62	64.70%	+/-22.0	35.30%	+/-22.0		
18-64 years	233	+/-65	61.40%	+/-19.5	38.60%	+/-19.5		
65 years and over	31	+/-29	64.50%	+/-23.4	35.50%	+/-23.4		
Other Indo-European languages	113	+/-50	92.00%	+/-9.3	8.00%	+/-9.3		
5-17 years	30	+/-26	83.30%	+/-28.6	16.70%	+/-28.6		
18-64 years	62	+/-38	93.50%	+/-12.3	6.50%	+/-12.3		
65 years and over	21	+/-27	100.00%	+/-56.8	0.00%	+/-56.8		
Asian and Pacific Island languages	47	+/-23	100.00%	+/-37.9	0.00%	+/-37.9		
5-17 years	10	+/-11	100.00%	+/-82.2	0.00%	+/-82.2		
18-64 years	37	+/-17	100.00%	+/-42.8	0.00%	+/-42.8		
65 years and over	0	+/-16	-	**	-	**		
Other languages	0	+/-16	-	**	-	**		
5-17 years	0	+/-16	-	**	-	**		
18-64 years	0	+/-16	-	**	-	**		
65 years and over	0	+/-16	-	**	-	**		
<b>CITIZENS 18 YEARS AND OVER</b>								
All citizens 18 years and over	14,622	+/-64	99.40%	+/-0.4	0.60%	+/-0.4		