

Jefferson Transit Authority

RESOLUTION NO. 09-03

A RESOLUTION of the Board of the Jefferson Transit Authority to adopt a Plan to insure compliance with Title VI of the Civil Rights Act of 1964 (as amended), to ensure that the level and quality of transportation service is provided without regard to race, color, or national origin.

WHEREAS, agencies receiving financial assistance from the Federal Transit Administration are required to comply with Title VI of the Civil Rights Act of 1964 (as amended).

WHEREAS, Jefferson Transit Authority been awarded funds from the Federal Transit Administration; and

WHEREAS, Jefferson Transit Authority continues to be committed to the principles that prohibit discrimination in any of its programs or activities.

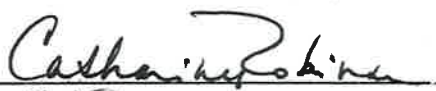
NOW, THEREFORE, BE IT RESOLVED by the Board of the Jefferson Transit Authority that the attached Title VI Plan is adopted and the General Manager is directed and authorized to implement the plan consistent with applicable law.

BE IT FURTHER RESOLVED by the Board of the Jefferson Transit Authority that the General Manager and staff will provide periodic updates to the Board as necessary or required.

CERTIFICATION

The undersigned duly qualified Clerk of the Board, acting on behalf of the Jefferson County Public Transportation Benefit Area, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Jefferson Transit Authority Board held on this 17th day of February 2009.


Chair


Vice-Chair


Member


Member


Member

Attest:


Clerk of the Authority

TITLE VI PLAN

Prepared By:
Jefferson Transit Authority
1615 W. Sims Way
Port Townsend, WA 98368

Adopted by JTA Board resolution 09-03, February 17, 2009

Jefferson Transit Authority

Title VI Plan

Policy Statement

The Jefferson Transit Authority (JTA) assures that no person shall, on the grounds of race, color, national origin, or gender 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 program or activity. JTA further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities, whether or not those programs and activities are federally funded.

In the event JTA distributes federal aid funds to another governmental entity or contractor, JTA will include Title VI language in all written agreements and will monitor for compliance.

JTA's General Manager is responsible for initiating and monitoring Title VI activities, preparing required reports, and other JTA responsibilities as required by 23 CFR 200 and 49 CFR 21.

_____ David Sullivan Chair of the Jefferson Transit Authority Board	_____ Date
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Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin, or gender, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21).

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the term "programs or activities" to include all programs or activities of Federal Aid recipients, subrecipients, and contractors, whether or not such programs and activities are federally assisted (Public Law 100-259 [S. 557] March 22, 1988).

Additional Authorities and Citations Include:

Title VI of the Civil Rights Act of 1964; 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; and 28 CFR 50.

Organization and Staffing - General

The General Manager of JTA is responsible for ensuring the implementation of JTA's Title VI program. JTA's Grants Administrator, will act as Title VI Coordinator and assist the General Manager in oversight and day-to-day administration of the program.

Title VI Coordinator Responsibilities

The Title VI Coordinator is assigned responsibility for implementing, monitoring, and ensuring JTA's compliance with Title VI regulations. Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints received by JTA.
2. Conduct Title VI review of program areas (planning and contracting).
3. Review internal policies and, where applicable, include Title VI and related requirements.
4. Conduct training programs on Title VI and related statutes for JTA programs.
5. Develop Title VI information for dissemination to the general public and, where necessary and appropriate, in languages other than English (see appendix 4 LEP).
6. Conduct pre-grant and post-grant approval reviews of JTA programs and applicants for compliance with Title VI requirements, i.e. persons seeking contracts with JTA.
7. Establish procedures for promptly resolving deficiency within a period not to exceed 90 days.

Program Administration - General

The JTA General Manager will be responsible for coordinating the overall administration of the Title VI program, plan and assurances.

A. Complaints

If any individual believes they or any other program beneficiaries have been the object of an unequal treatment or discrimination as to the receipts of benefits and/or services, or on the grounds of race, color, national origin or gender, they may exercise their right to file a complaint with JTA. Every effort will be made to resolve complaints informally at the agency, subrecipient, and contractor's level (see Appendix 1).

B. Title VI Reviews

Title VI Program reviews will be performed by the Coordinator to assess administrative procedures, staffing, and resources available for Title VI compliance.

C. Annual Reviews

All programs will be reviewed annually to assure effectiveness in their compliance of Title VI provisions. The Title VI Coordinator and program representatives will coordinate efforts to ensure equal participation in all their programs and activities at all levels.

D. Contractors and Suppliers, et al

The reviews will be conducted annually. Priority for conducting reviews will be given to those recipients of Federal Transit Administration (FTA) funds with the greatest potential of impact to those groups covered by the Act. The reviews will entail examination of the recipients' adherence to Title VI requirements (appendix 4).

E. Internal Policies

All internal policies providing operational guidelines to contractors, subrecipients, and program areas will be reviewed annually to ensure inclusion of Title VI language, provisions, and related requirements, where applicable.

F. Training Program

Title VI training will be made available at least annually to JTA staff. The training will provide comprehensive information on Title VI provisions, its application to program operations, and identification of Title VI issues and resolution of complaints. A recap of training will be reported in the annual update.

G. Annual Reports

An annual summary and Plan Update will be submitted to FTA in December. The Annual Report will review Title VI accomplishments achieved during the previous year. The Coordinator will be responsible for coordination and preparation of the report. The Update Report will also include goals and objectives for the upcoming year.

H. Public Dissemination

JTA will disseminate Title VI Program information to JTA employees, subrecipients, and contractors, as well as the general public. Public Dissemination will include the posting of public statements, inclusion of Title VI language in contracts, annually publishing the Title VI Policy Statement in newspapers having a general circulation in the community, and announcements of hearings and meetings in minority publications where appropriate (see appendix 2).

I. Post-Grant Approvals

Review post-grant approval procedures to ensure compliance with Title VI requirements, e.g., individuals or firms seeking contracts.

J. Prevention of Discrimination

Procedures will be implemented to investigate and eliminate discrimination when found to exist, including, but not limited to, issues of accessibility of training to all qualified JTA employees, utilization of Disadvantaged Business Enterprise (DBE) contractors, public involvement, and material acquisition.

K. Remedial Action

JTA will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance with program administrative requirements. Subrecipients placed in a deficiency status will be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies. JTA will seek the cooperation of the subrecipient in correcting any deficiencies found during the review. JTA will also provide the technical assistance and guidance needed to aid the subrecipient to comply voluntarily. If a subrecipient fails or refuses to voluntarily comply with requirements within the time frame allotted, the Coordinator will submit to the General Manager two copies of the case file and a recommendation that the subrecipient be found in noncompliance. A follow-up review will be conducted within 180 days of the initial review to ensure that the subrecipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. DOT will be notified of any complaint filed involving Title VI issues, as well as its resolution.

Planning

A. Jefferson Transit Authority (JTA)

JTA has the responsibility to develop long- and short-range transit transportation plans for Jefferson County and to provide efficient transportation services to the citizens of the county. JTA is located in Port Townsend, Washington.

B. Planning Process

The process further entails the monitoring and collection of varied data pertaining to transit transportation issues. JTA coordinates transportation planning and public involvement, and as well as provides technical support to jurisdictions and agencies when needed.

C. Title VI Responsibilities

Ensure that all aspects of the planning process comply with Title VI. Ensure the opportunity for participation of a cross section of various social, economic, and ethnic interest groups in the planning process by disseminating program information to minority media and ethnic

organizations as appropriate. Ensure equal participation opportunity on Citizens Advisory Committee on Transit (CAC).

Consultant Contracts Coordination

A. Consultant Contracts

The JTA General Manager is responsible for consultant selection, negotiation, and the administration of consultant contracts pursuant to JTA Board action.

B. Consultant Selection Process

Selection of consultants is made by a Consultant Selection Committee, which is established for each major project. The committee is typically composed of JTA Board members, technical staff from local agencies, and the General Manager. Upon a consultant's selection, the General Manager is responsible for negotiation and administration of the contract pursuant to JTA Board action.

C. Title VI Responsibilities

Ensure DBE opportunities exist. Ensure that all federally funded consultant contracts administered by the JTA have the appropriate Title VI provisions included (appendix 4). Review directives and procedures to ensure Title VI compliance. Maintain necessary data and documentation required for completion of the JTA's Title VI Update Annual Report.

Nondiscrimination Complaint Procedures for Federally Assisted Programs or Activities

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by JTA as to subrecipients, consultants, and contractors.

Intimidation or retaliation of any kind is prohibited by law.

The procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible, such as between the parties/individuals named in the complaint. The option of informal mediation meeting(s) between the affected parties and the Coordinator may be utilized for early resolution.

Procedure

1. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited by nondiscrimination requirements may file a written complaint with the JTA General Manager. A formal complaint must be filed within 180 days of the alleged occurrence.
2. Upon receipt of the complaint, the General Manager will be responsible for notifying the respondent(s) of the complaint within five working days of receipt. Additionally, a copy of the complaint will be forwarded for review by the JTA attorney.
3. The General Manager shall be given 15 working days from receipt of the complaint to inform the complainant as to the status of the investigation and/or resolution of the complaint.
4. If the complaint is against a subrecipient, consultant, or contractor, the appropriate project manager shall be notified of the complaint within 15 working days of the receipt of the complaint.
5. Within 60 working days of the receipt of the complaint, the investigator* will prepare a written report for the General Manager. The report shall include a narrative description of the incident, identification of persons interviewed, a finding, and recommendations for disposition. *This can be JTA's Title VI Coordinator, the Title VI Specialist for a subrecipient of federal funds, or the FTA Title VI Liaison.
6. The investigative report and findings of the complaint will be sent to JTA for review and comment by JTA's attorney.
7. The recommendation(s) shall be reviewed by the General Manager. The General Manager will discuss the report and recommendations with the JTA Board Chair.
8. If the complaint cannot be resolved by the General Manager, the complainant or respondent shall be notified of their appeal rights to JTA's Board of Directors and/or FTA.
9. A copy of the complaint and JTA's investigation report will be issued to FTA within 60 days of the receipt of the complaint.
10. After receiving FTA's comments, the investigation report will be released and briefings scheduled with all relevant parties.
11. If the complainant is not satisfied with the results of the investigation of the alleged discriminatory practice(s), s/he shall be advised of their rights to appeal JTA's decision to the U.S. Department of Transportation. The complainant has 180 days after JTA's final resolution to appeal to USDOT. Unless new facts not previously considered come to light, reconsideration (appeal) by JTA will not be available.

JTA Title VI Notice to Public

JTA hereby gives public notice that it is the policy of JTA to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, gender, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which JTA receives federal financial assistance. Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with JTA. Any such complaint must be in writing and filed with the JTA General Manager within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from this office at no cost to the complainant by calling (360) 385-4777 or by writing Jefferson Transit Authority, Grants Administrator, 1615 W. Sims Way, Port Townsend, WA 98368.

JTA Title VI Assurances

The Jefferson Transit Authority (hereinafter referred to as the "Recipient"), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the U.S. Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d to 42 USC 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, gender, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance from the Department of Transportation, including the Federal Transit Administration(s), and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances to its Federal Transit Administration Program:

1. That the Recipient agrees that each "program" and each "facility," as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be conducted (with regard to a "program"), or will be operated (with regard to a "facility") in compliance with all requirements imposed by, or pursuant to, the Regulations.

2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal Transit Administration Program, and in adapted form in all proposals for negotiated agreements:

The Jefferson Transit Authority in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d--d4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and all requirements issued pursuant to such Act, hereby notifies all bidders that minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, gender, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix 1 of this Assurance in every contract subject to the Act and the Regulations.

4. That the Recipient shall insert the clauses of Appendix 2 of this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon or interest therein.

5. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom s/he delegates specific authority, to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.

David Sullivan Date
Chair, Jefferson Transit Authority Board

Responsibilities to Limited English Proficient (LEP) Persons

Jefferson County has a small LEP population as determined by the U.S. Census data (2000) and thus does not require a written plan. However, we do plan to find resources needed to provide reasonable and meaningful access to our vital documents if they should be requested.

There are four factors to consider in our ongoing analysis of LEP needs:

The Four Factor Analysis:

1. Number or proportion of population
2. Frequency of contact
3. Importance of the service/benefit
4. Resources available

U.S. Census data (2000) shows the following:

Total Jefferson County Population 25,953

The number of those with a language other than English, who speak English "less than very well" is 365 (1.5%) people.

The languages of those who speak English "less than very well" are as follows:

Spanish:	108 (0.4%)
Indo-European:	133 (0.5%)
Asian & Pacific Island:	103 (0.4%)

Jefferson County has a very small number of LEP persons. We do not have data that indicates the frequency of contact or the importance of Jefferson Transit service to the LEP populations. An informal verbal survey was made of 4 of the 5 customer service clerks who answered call center information requests between September 2001 to December 2008. They all stated they had not had requests for any information in a language other than English.

However, we will work to develop volunteer translator services via outreach through local community centers, schools and churches if the need should arise. If and when the need arises we will explore the most cost-effective means of delivering competent and accurate language services and will work to ensure interpretation is made in a timely manner.

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest, (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance With Regulations

The contractor shall comply with the regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter DOT), Title 49, Code of Federal Regulations, part 21 (hereinafter referred to as the Regulations), as they may be amended from time to time, herein incorporated by reference and made a part of this contract.

2. Nondiscrimination

The contractor, with regard to the work performed during the contract, shall not discriminate on the grounds of race, color, gender, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, including Procurement of Materials and Equipment

In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a subcontract, including procurement of material for leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the ground of race, color, gender, or national origin.

4. Information and Reports

The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Jefferson Transit Authority, Department of Transportation, or the Federal Transit Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Department of Transportation or the Federal Transit Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance

In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Jefferson Transit Authority shall impose such contract sanctions as the Federal Transit Administration may determine to be appropriate, including, but not limited to:

1. Withholding of payments to the contractor under the contract until the contractor complies, and/or
2. Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions

The contractor shall include the provisions of paragraphs (1) through (5) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontractor or procurement as the Jefferson Transit Authority, Department of Transportation, or the Federal Transit Administration may direct as a means of enforcing such provisions, including sanctions for noncompliance.