

OTSEGO EXPRESS TITLE VI PLAN OTSEGO COUNTY

Adopted: June 5, 2019

*Approved by NYSDOT Office of Civil Rights:
June 13, 2019*



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**Otsego Express Public Transit
Otsego County
197 Main St
Cooperstown, NY 13326**

Notifying the Public of Rights under Title VI

Otsego County operates programs and services of Otsego Express without regard to race, color, or national origin, in accordance with Title VI of the Civil Rights Act of 1964.

To obtain additional information about your rights under Title VI, contact the Tammie Harris at the Otsego County Planning Department.

If you believe you have been discriminated against on the basis of race, color, or national origin by Otsego County you may file a Title VI complaint by completing, signing, and submitting the agency's Title VI Complaint Form.

How to file a Title VI complaint with Otsego Express:

1. To obtain a Complaint Form from Otsego County contact Otsego County Planning Department, 197 Main Street, Cooperstown, NY 13326.
2. In addition to the complaint process at Otsego Express, complaints may be filed directly with the Federal Transit Administration, Office of Civil Rights, Region VII, 901 Locust Street, Suite 404, Kansas City, MO 64106
3. Complaints must be filed within 180 days following the date of the alleged discriminatory occurrence and should contain as much detailed information about the alleged discrimination as possible.
4. The form must be signed and dated, and include your contact information.

If information is needed in another language, contact 607-547-4225.

This notice is posted on every Otsego Express bus, on www.otsegoexpress.com, and on all facilities used by Otsego Express through its contracted operators.

Program Plan

I. Plan Statement

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

Otsego County is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transportation services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.A. This plan was developed to guide Otsego County in its administration and management of Title VI-related activities.

**Tammie Harris, Planner
Otsego County Planning Department
Title VI Coordinator
197 Main St
Cooperstown, NY 13326
Phone (607) 547-4225**

II. Title VI Information Dissemination

Title VI information posters shall be prominently and publicly displayed on www.otsegoexpress.com, on all buses used for Otsego Express, and all facilities used by Otsego Express through contracted operators. Additional information relating to non-discrimination obligation can be obtained from the Otsego Express Title VI Coordinator.

The County will disseminate Title VI Program information to County employees, contractors, subcontractors, consultants, and to the general public.

III. Subcontracts and Vendors

All subcontractors and vendors who receive payments from Otsego Express where funding originates from any Federal assistance are subject to provisions of Title VI of the Civil Rights Act of 1964 as amended.

Written contracts shall contain non-discrimination language, either directly or through the bid specification package which becomes an associated component of the contract.

IV. Record Keeping

The Title VI Coordinator will maintain permanent records, which include, but are not limited to, copies of the Title VI complaints or lawsuits and related documentation, and records of correspondence to and from complainants and Title VI investigations.

IV. Monitoring

Satisfaction Surveys offer an opportunity for individuals served and their care givers to provide input or suggest additional services. To date Otsego County has not had the need to use translation services provided by either in-house staff or through outside providers

The Title VI Plan will be reviewed every three years.

V. Employee Training

As part of the Accessibility Plan, Otsego County encourages staff interest and education in learning to more effectively communicate with individuals served.

VI. Safe Harbor Provision

The federal Transit Authority Circular 4702.1B states

"DOT has adopted DOJ'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 obligation. Translations of non-vital documents, if needed, can be provided orally. If there are fewer than 50 persons in a language group that reaches the five percent (5%) trigger, the recipient is not required to translate vital materials but should provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These safe harbor provision apply to the translation of written documents only. The do not affect the requirement to provide access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. A recipient may determine, based on the Four Factors Analysis, that even though a language meets the threshold specified by the Safe Harbor Provision, written translation may not be an effective means to provide language assistance measures. For example, a recipient may determine that a large number of persons in that language group have low literacy skills in their native language and therefore require oral interpretation. In such cases, background documentation regarding the determination shall be provided to FTA in the Title VI Program."

VII. Equity Analysis

Otsego County has not constructed any facilities, such as vehicle storage facilities, maintenance facilities, or operation centers for public transportation. Therefore, an equity analysis is not required.

VIII. Investigations, Complaints, and Lawsuits

Otsego County has not received any transit-related complaints, investigations, or lawsuits under Title VI.

Complaint Procedures

How to file a Title VI Complaint

The complainant may file a signed, written complaint up to one hundred and eighty (180) days from the date of the alleged discrimination. The complaint should include the following information:

Complainant's name, mailing address, and how to contact them (i.e., telephone number, email address, etc.) How, when, where and why they believe they were discriminated against. Include the location, names and contact information of any witnesses, as well as any other information deemed significant.

The Title VI Complaint Form (see Appendix C) may be used to submit complaint information. The complaint must be filed in writing with Otsego County at the following Address in order for Otsego County to properly investigate any complaint:

**Tammie Harris, Planner
Otsego County Planning Department
Title VI Coordinator
197 Main St
Cooperstown, NY 13326
Phone (607) 547-4225**

NOTE: Otsego County encourages all complainants to certify any mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked. For complaints originally submitted by facsimile, an original, signed copy of the complaint must be mailed to the Title VI Coordinator as soon as possible, but no later than one hundred eighty (180) days from the alleged date of discrimination.

What happens to the complaint after it is submitted?

Otsego County will directly address all complaints alleging discrimination based on race, color or national origin in a service or benefit provided by Otsego Express for investigation. Otsego County shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Additionally, Otsego County shall make every effort to address all complaints in an expeditious and thorough manner.

A letter acknowledging receipt of complaint will be mailed within seven (7) days. Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

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

The Title VI program coordinator will send a final written response letter (see Appendix E or F) to the complainant. In the letter notifying complainant that the complaint is not substantiated (Appendix F), the complainant is also advised of his or her right to

- 1) Provide additional information to Otsego Express for consideration of the complaint within seven (7) calendar days of receipt of the final written decision from Otsego Express and/or

- 2) File a complaint externally with the U.S. Department of Transportation and/or the FTA. Every effort will be made to respond to the Title VI complaints within sixty (60) working days of receipt of such complaints.

In addition to the complaint process described above, a complainant may file a Title VI complaint with the following offices:

**Federal Transit Administration Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor- TCR
1200 New Jersey Ave
SE Washington DC 20590**

Otsego County Title VI Complaint Form

Name _____

Address _____ City _____ Zip _____

Telephone: Home _____ Work _____ Cell _____

Basis of Complaint: (circle)

- Race
- Color
- Sex
- National Origin
- Age
- Disability

Type of Complaint (circle)

Program Service Benefit Activity

Who allegedly discriminated against you?

Name _____

Address _____ City _____ Zip _____

Telephone _____

If an organization what is its name?

Name of Organization _____

Address _____ City _____ Zip _____

Telephone _____

Name of Contact _____

How were you discriminated against?

Dates and times discrimination occurred?

Were there any other witnesses to the discrimination?

Name

Title

Work Phone

Home Phone

Have you filed your complaint with anyone else?

Who _____

When _____

Do you have an Attorney in this matter?

Name _____

Address _____ **City** _____ **Zip** _____

When did you acquire _____

Signed _____ **Date** _____

Mail to: Tammie Harris, Planner
Otsego County Planning Department
Title VI Coordinator
197 Main St
Cooperstown, NY 13326
Phone (607) 547-4225

Public Participation Plan

As an agency that accepts federal financial assistance for Otsego Express Public Transit, Otsego County conducts public outreach through a variety of efforts to ensure access for low-income, minority, and Limited English Proficiency (LEP) persons. Otsego County utilizes the following methods to achieve this:

- Communication with community and human service institutions to reach Title VI populations. These institutions include but are not limited to:
 - Otsego County Social Services
 - Otsego County Department of Health
 - Otsego County Office for the Aging
 - ARC Otsego
 - Get There of South Central New York
 - Opportunities for Otsego
 - Family Service Association
 - Catholic Charities
 - United Way
 - Bassett Hospital
 - Leatherstocking Collaborative Health Partners
 - Oneonta Public Transit
 - CDO Workforce

- Advertisement of services through various sources of free or low-cost media, including:
 - Local newspapers & publications
 - Local radio stations
 - Free community directories
 - www.otsegoexpress.com
 - Facebook

Limited English Proficiency (LEP) Plan

INTRODUCTION

This *Limited English Proficiency Plan* has been prepared to address Otsego County's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English proficiency. The Plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations, which states that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, states that differing treatment based upon a person's inability to speak, read, write or understands English is a type of national origin discrimination which is covered under Title VI. It directs each agency (e.g., FHWA) to publish guidance for its respective recipients (e.g., NYSDOT) clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies that receive federal funds and extends to its sub recipients.

Plan Summary

Otsego County has developed this *Limited English Proficiency Plan* to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided. As defined by Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and notification to LEP persons regarding the availability of assistance. For detailed guidance regarding LEP, see NYSDOT's LEP Plan at:

https://www.dot.ny.gov/divisions/policy-and-strategy/public-trans-respository/Attachment%20D-1%20LEP_Plan.pdf.

In order to prepare this plan, Otsego County used the Federal Highway Administration (FHWA) Four-Factor LEP analysis:

1. The number or proportion of LEP persons in the service area who may be served by Otsego Express
2. The frequency with which LEP persons come in contact with Otsego Express's services.
3. The nature and importance of services provided by the Otsego Express to the LEP population.
4. The interpretation services available to the Otsego Express and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is found in the following section.

MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

1. The number or proportion of LEP persons in the service area who may be served or are likely to require Otsego Express's services

Otsego County staff reviewed the 2017 American Community Survey 5-Year Estimates for New York State and determined that:

- a. 3,485 individuals in Otsego Express's service area comprising 6% of the population speak a language other than English;
- b. Of those, 848 individuals have limited English proficiency; they speak English less than "very well" or "not at all." This is only 1.5% of the overall population in the service area;
- c. In Otsego Express's service area, of those persons with limited English proficiency:
 - 22.4% speak Spanish
 - 48.5% speak Other Indo-European Languages
 - 26.3% speak Asian and Pacific Island Languages
 - 2.7% speak all other languages

2. The frequency with which LEP persons come in contact with Otsego Express's services

Otsego County reviewed the frequency with which their staff have, or potentially have, contact with LEP persons. This includes documenting phone inquiries or office visits.

Otsego County staff have had very little to no contact with LEP persons regarding Otsego Express.

3. The nature and importance of services provided by Otsego Express to the LEP population

There is no large geographic concentration of any type of LEP individuals in the service area for

Otsego Express. The overwhelming majority of the population, 94%, speaks only English. As a result, there are limited organizations within the Otsego Express service area that focuses on outreach to LEP individuals. Otsego County staff is most likely to encounter LEP individuals through office visits, phone conversations, notifications from department staff regarding the results of service delivery, and attendance and participation at public meetings.

4. The resources available to the Otsego Express, and overall cost to provide LEP assistance

Otsego County reviewed its available resources that could be used to provide LEP assistance and inventoried its documents to determine which are suitable for translation if the need arises.

Language translation options are limited. Otsego County could request assistance from language faculty at one of the local colleges or universities. Other language translation options could be provided by bilingual staff or by telephone from a professional interpretation service for which Otsego County would pay a fee.

LANGUAGE ASSISTANCE

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be eligible to language assistance with respect to Otsego Express services. Language assistance can include interpretation (that means oral or spoken transfer of a message from one language into another language) and translation (that means the written transfer of a message from one language into another language).

How Otsego County staff can identify an LEP person in need of language assistance:

- Post notices of the LEP Plan and the availability of interpretation or translation services free of charge in languages LEP persons would understand.
- Providing Otsego County transportation staff with language identification cards to assist in identifying the language interpretation services needed if the occasion arises.
- Periodically surveying Otsego County staff regarding their interaction with LEP persons during the previous period (e.g., quarterly, semi-annually, and annually).
- Greeting participants at Otsego Express informational meetings or events. Conversational interaction with participants can help determine LEP needs for future events.

Language Assistance Measures

Although there is a very low percentage of LEP individuals in the Otsego Express service area, (i.e., persons who speak English less than “very well” or “not at all”) Otsego County will take the following actions:

1. Otsego County staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.
2. The following resources will be available to accommodate LEP persons:
 - Attempts to use Volunteer interpreters will be made first.
 - In the event that no Volunteers are available, Language interpretation services will be accessed through a professional telephone interpretation service.

STAFF TRAINING

The information below will be disseminated to transit-related staff:

- Title VI Policy and LEP responsibilities
- Description of language assistance services offered to the public
- Proper use of interpreter service provider's language identification cards
- Documentation of language assistance requests
- Handling of Title VI/LEP complaints

All contractors or subcontractors performing work for Otsego Express are required to follow the Title VI/LEP guidelines.

TRANSLATION OF DOCUMENTS

Otsego County weighed the cost and benefits of translating documents for potential LEP groups. Considering the expense of translating documents, the likelihood of frequent changes in documents and other relevant factors, Otsego County has determined that it is an unreasonable burden to translate documents at this time.

Due to the very small LEP population, Otsego County does not have a formal outreach procedure currently in place. Translation resources have been identified and are limited in this region. However, if the need arises to conduct outreach to LEP individuals, Otsego County will consider the following options:

- When staff prepares documents or schedules public meetings whose audience is expected to include LEP individuals, Otsego County will provide meeting notices, flyers, and agendas in the appropriate non-English language(s).
- Otsego County will assess requests for the translation of documents based on the potential effect and known LEP population.

MONITORING

Monitoring and Updating the LEP Plan – Otsego County will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when recent data from the U.S. Census and the American Community Survey is available, or when it is clear that higher concentrations of LEP individuals are present in the Otsego County service area. Updates to the LEP Plan will include the following:

- The number of documented LEP contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the service area (census data, surveys, information from community-based organizations, and other sources).
- Determination as to whether the need for translation services has changed.
- Determination of the effectiveness of language assistance efforts
- Determination of the adequacy of Otsego County's financial resources to fund language assistance resources.
- Determination of Otsego County's full compliance with the goals of the LEP Plan.
- Determination of Otsego County processing of LEP complaints

Subrecipient Committee Information

Membership of Non-Elected Committees

Otsego County does not have any non-elected committees that directly oversee programs of Otsego Express. The County does participate in county-wide Transportation Planning Meetings, which is a collaboration of the agencies listed in the Public Participation Plan. Many of these agencies represent individuals protected under Title VI.