

# DELAWARE COUNTY TRANSIT BOARD



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## TITLE VI POLICY / PROGRAM

July 2017

Board Approved July 19, 2017

Policy/Procedure Name	Number	Effective Date	Last Revision Date
TITLE VI PROGRAM/ POLICY	17-07-*05	8/20/14	7/19/17

**NOTE:** The Delaware County Transit Board (AKA: DCTB) is the governing body of Delaware County's Public Transit System established by the Delaware County Commissioners under the authority of Ohio Revised Code section 306.01 and 306.02. The Delaware Area Transit Agency (AKA: DATA) is the common name given to the public transit system. This policy is established and set forth under the authority of the Delaware County Transit Board and/ or the Executive Director of the Delaware Area Transit Agency. DATA and DCTB may be used interchangeably in this policy.

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## PURPOSE

Title VI of the Civil Rights Act of 1964 (Title VI) is a federal statute and provides that no person shall, on the grounds 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.

Title VI prohibits recipients of federal financial assistance from discriminating on the basis of race, color, or national origin in their programs or activities, and it obligates Federal funding agencies to enforce compliance

As a transit provider, DCTB receives federal financial assistance through the Federal Transit Administration (FTA). As such, DCTB is subject to U.S. Department of Transportation (DOT) Title VI regulations (49 CFR Part 21). This Title VI Program incorporates revised requirements effective October 1, 2012 described in FTA's Title VI Circular 4702.1 B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients."

## POLICY STATEMENT

It is DCTB's policy to prepare, maintain and update its Title VI Program in accordance with FTA and DOT guidelines. DCTB is committed to ensuring that transit programs and activities comply with Title VI, and has established this program in order to:

- Ensure that the level and quality of public transportation service is provided in a nondiscriminatory manner;

- Promote full and fair participation in public transportation decision-making without regard to race, color, or national origin;

- Ensure meaningful access to transit-related programs and activities by persons with Limited English Proficiency (LEP).

## TITLE VI ASSURANCES

FTA requires that every application for financial assistance is accompanied by an assurance that the applicant will carry out the program in compliance with DOT's Title VI regulations. DCTB provides this assurance annually in order to receive FTA funding.

## PREPARATION AND SUBMISSION OF TITLE VI PROGRAM

The FTA requires that Title VI Programs receive approval from the transit provider's board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. DCTB will submit its Title VI Program to its board of directors for approval. Following board approval, DCTB will submit the program to the FTA Region V civil rights officer every three years, or as directed by FTA. A copy of the Delaware County Transit Board resolution to approve the Title VI program is included as Appendix A

## TRANSPORTATION SERVICE PROVIDED

DCTB is a transit provider that operates fixed route and demand response services. This program includes new system-wide standards and policies required for all fixed route transit providers. DCTB currently operates eleven fixed routes. DATA operates eleven fixed route vehicles during peak hours. In addition, DCTB operates seven demand response vehicles during peak times. DCTB does not meet the compliance threshold established by FTA for transit providers that operate 50 or more fixed route vehicles in peak service and are located in a UZA of 200,000 or more in population.

## NOTICE TO BENEFICIARIES UNDER TITLE VI

FTA requires recipients to provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. DCTB posts its Title VI notice on its website, at [www.ridedata.com](http://www.ridedata.com)., on all transit vehicles, and in DCTB's user guide. See Appendix B .

## TITLE VI COMPLAINT PROCEDURES AND COMPLAINT FORM

FTA requires recipients to develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public. FTA requires recipients to develop a Title VI complaint form, and to make available on its website the form and procedure for filing a complaint. DATA posts its Title VI complaint procedure and complaint form on its website, at [www.ridedata.com](http://www.ridedata.com). A copy of the procedure and the complaint form are attached. See Appendix C.

## TITLE VI INVESTIGATIONS – COMPLAINTS AND LAWSUITS

FTA requires recipients to prepare and maintain a list of any active investigations conducted by entities other than the FTA, lawsuits, or complaints naming the recipient that allege discrimination on the basis of race, color, or national origin. This list must include the date that the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to, the investigation, lawsuit, or complaint.

DCTB has a designated Title VI Coordinator. The Title VI Coordinator receives the complaints, logs them, and attempts to resolve the issues. If the complainant is not satisfied after reconsideration, he/she may appeal to the U.S. Department of Transportation or the Federal Transit Administration.

DCTB has had no Title VI investigations, lawsuits, or complaints naming the applicant, which alleges discrimination on the basis of race, color, or national origin with respect to service or other transit benefits.

## PROMOTING INCLUSIVE PUBLIC PARTICIPATION

FTA requires recipients to integrate the content and considerations of Title VI, the Executive Order on LEP, and the DOT LEP Guidance into its established public participation plan or process.

DCTB has developed a public participation plan for all service and fare changes, Title VI Program, The Disadvantaged Business Enterprise Program, and the Program of Projects as required by the FTA. The public participation plan is included in Appendix D

## PROVIDING MEANINGFUL ACCESS TO LEP PERSONS

FTA requires recipients to take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP) The LEP Program is included in Appendix E

## PROVIDING ASSISTANCE TO SUB-RECIPIENTS

FTA requires recipients who extend Federal financial assistance to any other recipient to assist and monitor the sub-recipient's efforts to carry out its obligations under this part.

DCTB does not extend Federal financial assistance to any other recipient.

## DETERMINATION OF SITE OR LOCATION OF FACILITIES

FTA requires recipients to ensure it does not select site or location of facilities with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of Title VI objectives. Facilities included in this provision include, but are not limited to, storage facilities, maintenance facilities, operation centers. Facilities do not include bus shelters, transit stations, power substations.

DCTB has not constructed facilities during this reporting period that meet the FTA's definition nor displaced persons from their residences or businesses.

## REPORTING REQUIREMENTS FOR FIXED ROUTE TRANSIT PROVIDERS

FTA requires fixed route transit providers to set service standards and policies for each specific fixed route mode of service. The standards and policies must address how service is distributed across the transit system, must ensure that the manner of the distribution affords users access, and must ensure service design and operations practices do not result in discrimination on the basis of race, color, or national origin.

DCTB has established the following quantitative standards for its fixed route services.

- **Vehicle load:**

DATA continuously monitors ridership on all fixed routes. Ridership numbers are evaluated for peak and off-peak vehicle load to ensure the correct vehicle is being utilized. Ridership indicates that fixed routes do not typically experience standing-room only loads.

Vehicle Type	Service Type	Average Passenger Capacities		
	Circulator			
LTN <25'		Seated 10	Standing 1	Total 11
LTV 29'		Seated 16	Standing 1	Total 17
	Commuter			
LTN <25'		Seated 10	Standing 4	Total 14
LTV 29'		Seated 16	Standing 4	Total 20
	Demand			
LTN <25'		Seated 10	Standing 0	Total 10
LTV 29'		Seated 16	Standing 0	Total 16
Trolley 31'		Seated 26	Standing 2	Total 28

- **Vehicle Headway:**
- Vehicle headway is the amount of time between two vehicles traveling in the same direction on a given line or combination of lines. Most routes DATA operates have a one hour headway and the same bus is used for the same route in a circular fashion throughout the 12 hour shift. One exception is the green route that travels between Delaware City and ties in with COTA at two locations in Southern Delaware County.

<b>Weekday</b>	<b>6:00-9:00</b>	<b>9:00-3:00</b>	<b>3:00-7:00</b>
<b>Circulator</b>	<b>40</b>	<b>40</b>	<b>40</b>
<b>Commuter</b>	<b>30</b>	<b>105</b>	<b>30</b>
<b>Saturday 8:30-2:30</b>			
<b>Circulator</b>	<b>40</b>		
<b>Commuter</b>	<b>105</b>		

- **On-time Performance:**

- On-time performance is a measure of runs completed as scheduled. On-time performance for DATA's bus service is measured against actual bus arrival of route origins and destinations. A bus is considered on-time if not more than (15) fifteen minutes late at each the origin and destination. Each route has an on-time performance standard of 90%. Each month, a route-by-route summary report will be developed by operations outlining on-time performance statistics. Any route that is consistently not meeting the on-time performance standard will be evaluated through GPS checks, operator interviews and ride checks. After evaluations are completed, the need for remedied action such as time adjustments or additional vehicles will be determined. Bus on-time performance can be impacted by traffic congestion, detours, weather, larger than anticipated number of passengers boarding, and passengers boarding with accessibility needs.
- **Service availability:**

Service ability is a general measure of distribution of routes within a transit provider's service area. Delaware County is largely rural, with pockets of urban development centering in the city of Delaware and in the southern portion of the county. DATA distributes fixed route services primarily within the urban centers where they are well utilized based on the isolated pockets of lower income, transit-dependent populations so that 80% of the lower income and transit dependent populations are within ¾ mile of the service.

- **Vehicle Assignment:**
- Weekly ridership numbers are evaluated and continuous communication with drivers help ensure that the proper vehicle is being utilized. DATA currently operates 2 sizes of vehicles and will accordingly place vehicles based on ridership.

## SERVICE AMENITIES

The DCTB strives to make DATA services as safe and convenient as possible. To accomplish this, The DCTB has established the following standard amenities:

1. Community Amenities
  - a. The DCTB will ensure that fixed route stops are located in areas that are highly visible and traveled. When possible, stops will be located in already established business locations that offer shelter, safety and comfort. For those areas where this is not possible, DATA will install bus shelters where feasible in coordination with local planning and zoning ordinances.
  - b. For transfers between DATA services and/or other transit system services, DATA will establish coordinated transfer points that allow for continued travel of passengers. DATA will attempt to locate transfer points at areas of an existing businesses or at a DATA bus shelter.
  - c. The DCTB may establish Park and Ride locations throughout Delaware County that will coordinate with DATA's fixed route services. Locations that provide access for bicycle and pedestrian travel will be regarded as high priority locations.
  - d. The DCTB may establish satellite locations throughout Delaware County. The satellite offices will be of two types or a combination of the two where practical.

- i. The first type of satellite location is for vehicles only. These locations will be strategically placed to allow for up to three vehicles to be used to eliminate “dead head” time and miles where practical. These locations will only have the vehicles and a lockbox of the necessary items for the driver(s). The DCTB will work with local agencies including fire and EMS stations to establish these points.
  - ii. The second satellite location will be an actual office location for passenger convenience to arrange trips, develop trip planning, mobility management, and purchase fare media. DATA will work with local agencies and/or businesses to establish these offices.
- 2. On-Board Passenger Amenities

As technology and products develop, the DCTB will continually explore the possibilities of adding additional amenities for the passengers’ convenience. Non-essential amenities will be included as long as it does not increase the cost of operations, does not interfere with the operations of the vehicle, is not disruptive to other passengers, and does not distract from the DATA image and branding.



## APPENDIX LIST

- A. DCTB RESOLUTION APPROVING TITLE VI PROGRAM – #17-07-05
- B. TITLE VI NOTICES TO PUBLIC
- C. COMPLAINT FORM AND PROCEDURES
- D. PUBLIC PARTICIPATION PLAN
  - a. APPENDIX A
  - b. APPENDIX B
- E. LEP PROGRAM

**RESOLUTION 17-07-05**

**In the matter of approving a revised Title VI Civil Rights Program:**

**WHEREAS**, the BOARD has approved a previous version of this policy and,

**WHEREAS**, revisions were necessary to update information and ensure compliance with FTA Regulations.

**NOW THEREFORE BE IT RESOLVED** that the BOARD moves to approve the revised Title VI Civil Rights Program.

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Chairman

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Secretary

# **APPENDIX B**

## **NOTIFYING THE PUBLIC OF RIGHTS UNDER TITLE VI**

### **DELAWARE COUNTY TRANSIT BOARD**



- The Delaware County Transit Board (DCTB), operating the Delaware Area Transit Agency or DATA Bus, 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 DATA Bus.
- For more information on the DCTB's civil rights program, and the procedures to file a complaint, contact 740-363-3355, (TTY 711 or 1-800-750-0750); and ask for the Title VI Coordinator or visit our administrative office at 119 Henderson Ct., Delaware, Ohio 43015. For more information, visit [www.RideData.com](http://www.RideData.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
- If information is needed in another language, contact 740-363-3355.

## **APPENDIX C**

### **TITLE VI COMPLAINT FORM AND PROCEDURE**

Any person who believes she or he has been discriminated against on the basis of race, color or national origin, by the Delaware Area Transit Agency (hereinafter referred to as DATA) may file a Title VI complaint by completing and submitting this form. DATA investigates complaints received no more than 180 days after the alleged incident. DATA will process complaints that are **complete**.

Completed Forms can be mailed to:

Title VI Coordinator  
DATA Bus  
119 Henderson Ct.  
Delaware, Ohio 43015

Once the form is received, DATA management will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgment letter informing him/her whether the complaint will be investigated by our office.

DATA has 30 business days to investigate the complaint. If more information is needed to resolve the case, DATA may contact the complainant. The complainant has 15 business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 15 business days, DATA can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or letter of finding (LOF). A closure letter summarizes the allegations and states there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training to staff, or other action will occur. If the complainant wishes to appeal the decision, she/he has 15 days after the date of the letter or the LOF to do so.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

## TITLE VI COMPLAINT FORM

Name: \_\_\_\_\_

Address \_\_\_\_\_

Telephone (Home) : \_\_\_\_\_ (Work) : \_\_\_\_\_

Electronic Mail Address: \_\_\_\_\_

Accessible Format Requirements? Please Circle all that apply

**Large Print**

**TDD**

**Other** \_\_\_\_\_

Are you filling out this complaint on your own behalf? \*Yes \_\_\_ No \_\_\_

\*If answered "yes" to this question, please 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 \_\_\_\_\_

I believe that the discrimination that I experienced was based on (check all that apply):

\_\_\_ Race

\_\_\_ Color

\_\_\_ National Origin

Date Of Alleged Discrimination (Month, Day, Year): \_\_\_\_\_

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 use the back of this form.

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Have you previously filed a Title VI complaint with this agency?

☐ **Yes**    ☐ **No**

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 Court

☐ State Agency

☐ Local Agency

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Agency: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name of Agency complaint is against: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Title: \_\_\_\_\_

Telephone: \_\_\_\_\_

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

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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

Delaware Area Transit Agency, Title VI Coordinator

119 Henderson Ct.

Delaware, Ohio 43015

## APPENDIX D

### POLICY

Policy Name	Number	Effective Date	Last Revision Date
Public Participation	17-07-08	8/19/15	8/16/2017

**NOTE:** The Delaware County Transit Board (AKA: DCTB) is the governing body of Delaware County's Public Transit System established by the Delaware County Commissioners under the authority of Ohio Revised Code section 306.01 and 306.02. The Delaware Area Transit Agency (AKA: DATA) is the common name given to the public transit system. This policy is established and set forth under the authority of the Delaware County Transit Board. DATA and DCTB may be used interchangeably in this policy or used separately to distinguish responsibilities.

#### **Policy Statement**

The Delaware Area Transit Agency sets forth the following public involvement policy for the purpose of soliciting and receiving public input on public transportation plan and services. The Delaware Area Transit Agency through the public involvement process seeks to allow all interested individuals the opportunity to comment on and to be actively engaged in the provision of transit.

#### **Intent**

The public involvement guideline will be used for service and fare changes as outlined below:

- Fare changes that affect all categories of ridership (i.e., student, regular, senior, and disabled)
- Major increases or decreases in service. DATA defines a Major Service Change as a change in any route that 1) changes the number of service hours operated on any route by 25% or more, or, 2) changes the length of a route by 25% or more.
- Changes in service area of the transit system

The public involvement guideline will also be used for review of the Title VI program and the Disadvantaged Business Enterprise (DBE) Program.

#### **Process:**

1. When a Title VI Program review, Disadvantaged Business Enterprise review or a change in service is considered as outlined above, DATA will place a notice in the local newspaper, post notices in all transit vehicles and also post on the DATA website at [www.ridedata.com](http://www.ridedata.com).
2. The notice will briefly describe the proposed changes or purpose of the review and will advise of the upcoming date(s) and time(s) for a public meeting for the purpose of soliciting comments. The notice will also include the address of the meeting and where public comments can be sent and a reasonable time period for receiving public comments.
3. A public hearing is held as announced in the published notice.

4. All comments received will be considered in the final decision-making process. While the final plan may not be necessarily be changed based on the public participation process, significant consideration is given to comments made by the public and the proposed changes may very well be affected.
5. All the information, including proposed changes, public announcements, comments received, public hearing minutes, will be documented for reference and review as needed.

### **Participation Plan Guidelines**

1. The public hearing notice for service and fare changes will be advertised 45 days before the scheduled change is to be implemented. Advertisements will appear at a minimum in the local newspaper, on DATA's website, and in all vehicles. Customers can provide public comment by phoning or mailing in comments to the administrative offices.
2. When a Public Hearing is required, staff will be in attendance to discuss the proposed changes and to receive comments. Staff may also travel on vehicles for the purpose of receiving comments from customers.
3. Public hearings will typically be held at 11:00 am and 6:00 pm.
4. In the event that there are significant comments against the proposed change, DATA management will revisit the changes. A second round of public hearings may be required.

### **Participation Plan as it pertains to Limited English Proficiency:**

#### **General Methods**

- Mobility managers, who answer DATA's phone scheduling lines, use a tracking system to log the number of requests by those with Limited English Proficiency (LEP) who request translation service, which languages are being requested and how the call was handled. Please see Appendix A.
- DATA will contact a language line service for callers requesting information that have Limited English Proficiency as needed.
- DATA will survey its' partner agencies, such as DJFS and SourcePoint, and the agency's Transit Advisory Committee yearly to help assess where LEP populations may exist and to help determine what transit needs the population they specify may have.
- DATA will review the LEP plan annually, in the last quarter of the year. Staff, including drivers, office staff, schedulers, dispatchers and mobility management staff will be trained on the LEP policy and procedures to ensure that any individuals with Limited English Proficiency attempting to utilize the transit agency will be served.

**Published Materials:** In the past DATA has translated and distributed it's User Guide (now Ride Guide), which outlines policies, procedures and how to ride, into Spanish, as that was the greatest demographic shown in the last census. DATA will have new materials translated in other languages if a need is presented on survey responses and demographic data.



## **Participation Plan as it pertains to Minority and Low Income Individuals:**

### **Communication:**

- DATA displays rights of Title VI notice to passengers on both our website [www.ridedata.com](http://www.ridedata.com) and in our Ride Guides.
- DATA posts Title VI notices on buses and in bus shelters.
- DATA utilizes its' partner agencies who serve low income individuals to help distribute information regarding DATA services and service changes. For example, Department of Job and Family Services, People In Need of Delaware County, Community Action and Helpline of Delaware all display DATA route information, Ride Guides and flyer regarding pending changes.

### **Evaluating current service level:**

- DATA staff will survey riders one time to determine ethnicity and income level.
- DATA staff will then send surveys regularly to new riders thru DATA's Ride Guide which is mailed to all new Demand Response passengers.
- DATA Staff will survey Fixed Route riders in March and again in September to determine their ethnicity and income level.
- The survey response information will be compared with census data of the target populations to ensure service is available equally.
- DATA has had basic county maps with locations of minority populations prepared. DATA staff will compare these to Fixed Route paths to use for planning of future routes and ensuring no minority population is inadvertently not served.

### **COMMITTEES**

The DCTB currently has on Transit Advisory Committee that assists DATA with providing community information. The TAC is comprised of members of the community representing passengers, local agencies that serve people with transportation needs, businesses and citizens at large. Please see Appendix B for the table showing the race of TAC members as compared to the county population.

DATA will continue to seek out and encourage members of various races to participate in the TAC and/or any future advisory committees

## Appendix A

### DATA BUS MOBILITY MANAGEMENT INTERACTION WITH LEP INDIVIDUALS LOG

DATE	Issue	Type of Service	How Resolved
2/26/2015	Limited English--possibly Chinese--Green Rt Times	Fixed Route	Unsure if resolved--continued to repeat to try and understand questions
2/27/2015	Limited English--possibly Chinese--Green Rt Times	Fixed Route	Finally able to understand where confusion was--think resolved
3/2/2015	Limited English--possibly Eastern Indian--carry on policy	Fixed Route	Driver attempted to explain rules on how much can be brought on bus in 1 trip
11/9/2016	Limited English	Demand Response	Family help her comprehend & understand bus service
11/29/2016	No English	Demand Response	Daughter calls in to schedule & get bus information-Son rides with her to apts. for interpretation purposes (not due to a disability)
6/14/2016	Limited English-Chinese?	Demand Response	
11/11/2016	Arabic speaking-does not speak English-	Demand Response	no issue-speak to daughter
4/12/2017	Chinese-can speak English but broken	Demand Response	no issue to resolve
5/16/2016	Spanish- can speak English-but broken-taking English classes	Demand Response	no issue to resolve
4/28/2017	Does not speak English-daughter in law translates	has not ridden	no issue to resolve
4/28/2017	Does not speak English-sister translates	has not ridden	no issue to resolve
5/8/2017	Arabic speaking-speaks little English	Demand Response	no issue to resolve
6/30/2017	Does not speak or understand English well - Hindi	Demand Response	no issue to resolve

## Appendix B

BODY	CAUCASIAN	LATINO	AFRICAN AMERICAN	ASIAN AMERICAN	NATIVE AMERICAN
Population	89.9%	2.3%	3.6%	4.8%	.1%
TAC	87.5%		12.5%		

\*Population percentages from 2011-2015 American Community Survey 5-Year Estimates

# APPENDIX E

## Limited English Proficiency (LEP) Program

### Purpose

To comply with the Federal Transit Administration's requirements concerning recipients' responsibilities to Limited English Proficient (LEP) person's national origin discrimination in Title VI of the Civil Rights Act of 1964, as it affects limited English proficient persons.

### Determining the Need

As a recipient of federal funding, DATA took reasonable steps to ensure meaningful access to the information and services it provides.

### Population and Services Analysis

In determining "reasonable steps" four factors were considered:

1. The number and proportion of LEP persons in the eligible service area;
2. The frequency with which LEP persons come in contact with the program;
3. The ways to track changes in the program related to LEP individuals; and
4. The resources needed to make services accessible for LEP individuals.

### Safe Harbor Provision of Circular 4702.1B

The Safe Harbor Provision of Circular 4702.1B, Chapter III, Section (c) provides that "if a recipient provide written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) 1,000 persons, whichever is less, of the total population of persons eligible to be served is likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient's written translation obligation."

DATA has identified persons who do not speak English very well as shown in the table in Appendix A of the LEP Plan from the American Community Survey. The majority of persons who speak English less than very well speak Chinese, followed Spanish, Korean and Gujarati in Delaware County. . No single language group of those who speak English less than very well are near the 1,000 person threshold. The individual languages and the number of persons are as follows:

Asian Indian =	
a.	Gujarti 250 persons
b.	Hindi 82 persons
Chinese	= 560 persons
Spanish	= 400 Person
Korean	= 344 persons

Based on this information, the number persons in DATA's service area that speak English less than very well by language spoken are less than the 1000 person threshold. Therefore DATA is in compliance with the Safe Harbor Provision.

### Assessment of Individuals with LEP in DATA Bus Service Area

1. **The Number or Proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the sub-recipient.**

Please see Appendix A.

**2. The frequency with which LEP individuals come in contact with the program, activity or service.**

DATA surveyed all of its drivers to determine if LEP Individuals are coming into contact with the DATA Bus services and the frequency of any contact. Also, the drivers were asked what country those riders are from if known.

**What we determined from the driver survey:**

- A) Out of 27 driver surveys, 21 said that 90% + speak English “very well”
- B) The primary language of LEP riders drivers say the come in to contact with is Spanish
- C) Other languages the drivers believe riders speak are: Asian Indian (specific unknown), African and Arabic.
- D) Drivers can most always communicate with riders even if they don’t speak English, by pointing to brochures, schedules, maps, etc., speaking slowly in simple terms and gesturing
- E) Some ideas drivers suggested for improving communication:
  - a chart with pictures of things such as hospital, church, school, library
  - An electronic translator.

Drivers do occasionally encounter passengers who don’t speak English very well, but usually overcome it by patiently listening and using printed materials to aide them. DATA is exploring the possibility of using translation software when drivers transition to electronic manifest in the future.

**DATA also surveyed Mobility Management which handles riders calls and found the following:**

- A) Out of 800 calls per day, less than 10% have limited English.
- B) Of those less than 10%, they speak English well enough to schedule rides, confirm rides, and ride the bus on their own.
- C) The languages they encounter are: Chinese, Asian Indian (specific unknown) an Arabic

No requests have been made for information in another language by either individuals or groups in recent history of the service. Individuals who have limited English can communicate their needs with some difficulty. Family members are often are the translators for these callers. More time and attention is required for these callers.

**3. The ways to track changes in the program related to LEP individuals**

While the LEP population is small in comparison to the entire population of Delaware County, DATA acknowledges the importance of tracking LEP persons using our service and inquiring about our service. DATA will use a database to track the numbers of individuals that need interpreters and will also track individuals needing literature in languages other than English. As of yet, there have been no such requests. DATA will also issue surveys to riders in March and September of each year to gather information

on the rider's race and language. DATA will revisit the LEP plan annually to ensure we are current with the demand.

#### **4. The resources needed to make service available to LEP individuals**

DATA currently states "materials available in alternative formats upon request" on its literature. Upon such request, DATA would utilize an interpretation conference call which averages about \$12.00 per 15 minutes. Translation costs for system brochure would cost about \$300 per language. DATA will be looking into interpretation resources that may be available at the local school system and area colleges/universities for an additional resource.

At this time, it was decided that the phone system did not need to include an alternate language option. Changes will be made upon demand.

DATA will be including charts with symbols such as library, hospital, and grocery store in all vehicles for individuals riding fixed routes to ease communication between rider and driver. This cost will be minimal.

#### **Language Assistance Measures**

Delaware Area Transit Agency currently receives relatively few calls from LEP Individuals and Delaware County as a whole doesn't have a large population of those who don't speak English "very well". Despite these facts, DATA understands that it has a duty to try to meet the needs of all residents coming in to and out of its service area. With this in mind DATA will take the following steps:

- Office staff at DATA will use language identification cards when they first encounter an LEP individual. These cards, developed by the U.S. Census Bureau, have the phrase "mark this box if you read or speak (name of language)" translated into 38 different languages. Cards can be found at [www.usdoj.gov/crt/cor/Pubs/ISpeakCards2004.pdf](http://www.usdoj.gov/crt/cor/Pubs/ISpeakCards2004.pdf). The language identification cards will be made available at DATA offices, located at 119 Henderson Ct. Delaware, Ohio 43015.
- Language assistance will be provided for LEP individuals through the translation of materials, as well as through an interpreter when necessary and possible.
- DATA will look into tools to translate our information available to the public on our website.
- Key Documents such as brochures and paratransit applications will be made available in translated form based upon demand.
- DATA will supply drivers with pictographs with key locations for riders to easily identify places such as: hospital, library, grocery, school. DATA is exploring the possibility of using translation software when drivers transition to electronic manifest in the future.
- Survey riders bi-annually and tally information to monitor alternate language translation needs
- Track callers with limited English and determine need
- Review and update the LEP Plan on an annual basis

#### **Staff Training**

Based on driver surveys, the majority decided it wasn't necessary at this time to offer any additional training, such as a basic Spanish course. Drivers felt that they are able to communicate the basics to the rider(s) with some effort. Drivers will be equipped with the pictographs. Office staff will communicate their needs to Management if training is needed.

**Providing Notice of Available Language Service to LEP Persons**

DATA will include "This material is available in alternative formats upon request" on User Guides, Route Schedules, Paratransit Applications, and other informational literature. DATA will make changes as needed to accommodate LEP Persons as necessary.

**Discrimination Policy**

Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color or national origin in programs or activities receiving federal financial assistance. Presidential Executive Order 12898 addresses Environmental Justice in minority and low-income populations. Presidential Executive Order 13166 addresses providing equal access to services and benefits to those individuals with Limited English Proficiency (LEP). The rights of women, the elderly and the disabled are protected under related statutes. These Presidential Executive Orders and the related statutes fall under the umbrella of Title VI.

Title VI prohibits the following actions for recipients of federal assistance. Recipients (hereinafter sometimes referred to as Recipient, Recipients, Sub recipients or Sub recipient) of federal assistance (either directly or through contractual means), on the grounds of race, color, or national origin shall not:

1. Deny a person the chance to participate as a member of a planning or advisory body that is an integral part of the program.
2. Provide a service or benefit to an individual that is inferior (either in quantity or quality) to that provided to others in the program.
3. Provide an individual with a service or benefit in a manner different from others under the program.
4. Address an individual in a manner that denotes inferiority because of race, color, or national origin.
5. Subject an individual to segregation in any manner related to the receipt of services or benefits under the program.
6. Subject an individual to separate treatment in any manner related to receiving services or benefits under the program.
7. Restrict an individual in any way in the receipt of any advantage or privilege enjoyed by others under the program.
8. Require different standards or conditions as prerequisites for accepting an individual into a program.
9. Deny an individual any service or benefit provided under the program.
10. Use criteria or methods of administration which have the effect of subjecting individuals to discrimination or operate to defeat or substantially impair the accomplishment of the objectives of the program.
11. Permit discriminatory activity in a facility built in whole or in part with federal funds.
12. Fail to provide service or information in a language other than English when significant numbers of potential or actual beneficiaries are of limited English speaking ability.
13. Fail to advise the population eligible to be served or benefited by the program of the existence of the program.

14. Subject an individual to discriminatory employment practices under any federally funded program whose object is to provide employment.
15. Locate a facility in any way that would limit or impede access to a federally funded service or benefit.