

BUCHANAN DIAL-A-RIDE

PLAN OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

I. Policy Statement

It is the policy of Buchanan Dial-A-Ride (DAR) to comply with the provisions of Title VI of the Civil Rights Act of 1964 (42 USC 2000d), as amended. This legislation requires that no person shall be denied services or subjected to discrimination in any program or activity which receives federal financial assistance, on the basis of race, color, or national origin.

This Plan of Compliance was developed in accordance with Title Vi requirements and with FTA Circular 4702.1B. The following procedures and complaint form were designed as part of an administrative process to provide for the resolution of complaints of alleged discrimination related to public transportation services. They do not deny the right of any complainant to file a formal complaint with another State or federal agency or to seek private counsel. They also do not provide for remedies which include punitive damages or financial compensation for the person(s) filing the complaint.

II. Title VI Coordinator

Evan Smith serves as Buchanan Dial-A-Ride's Title VI Coordinator. Evan Smith may be reached at telephone 269-983-7111 ext. 8350 or e-mail address esmith1@berriencounty.org. The mailing address is 701 Main Street, St. Joseph, MI, 49085.

III. Communication of Title VI Information

- All employees of the transit system's third-party contractor are provided a copy of Buchanan DAR's Title VI Plan and are required to sign an Acknowledgement of Receipt (Attachment 1). New employees are advised of the requirements of Title VI, and of the transit system's commitment to compliance, during their orientation.
- The Annual Title VI Employee Notification (Attachment 2) is provided to all transit system contractor employees in their paycheck envelopes. This Notice serves as a reminder of each person's responsibilities under the Act and of Buchanan DAR's commitment to compliance.
- Title VI information posters (Attachment 3) are publicly displayed in each transit system vehicle. This information also appears in DAR brochures and on the DAR section of the City's website. Additional information may be obtained from the transit system's Title VI Coordinator.

IV. Vendor and Subcontractor Compliance

All transit system vendors and subcontractors whose payments derive in whole or in part from federal funding assistance must also comply with the provisions of Title VI. Written contracts will contain non-discrimination language; this requirement also extends to any bid specification package which later becomes an associated component of a contract. Compliance is monitored by the Transportation Coordinators of both the City of Buchanan and the County of Berrien.

V. Complaint Procedures

A written complaint may be filed by any person or class of persons who believe that they have been the subject of discrimination or retaliation based upon race, color, or national origin. The complaint must involve a program or activity that is supported in whole or in part by federal funding. A person's representative may file on his/her behalf. The following requirements must be met:

- The complaint must be filed within 180 calendar days of the alleged occurrence, the date when the person(s) became aware of the alleged discrimination, or (in the case of ongoing conduct) the date on which that conduct ceased or the latest instance of that conduct.
- The complaint must be in writing and signed by the person(s) making the complaint or the designated representative. It must include the individual's name, mailing address, and contact information.
- The complaint must detail the facts and circumstances of the alleged discrimination and include the name(s), job title(s), and address(es) of the individual(s) believed to be parties to the alleged discriminatory conduct. The individual may include other information he/she feels is significant.

The Title VI Discrimination Complaint Form (Attachment 6) may be used to file a complaint. The completed form may be directed to the attention of [insert name], Title VI Coordinator, at the location specified in Section II above. With regard to claims submitted by fax, an original, signed copy must be mailed to the Title VI Coordinator as soon as possible, but no later than 180 days as noted above. We encourage complainants to obtain a tracking number for correspondence sent via the US Postal Service so that it may easily be traced if necessary.

All complaints of discrimination on the basis of race, color, or national origin involving services provided by Buchanan DAR will be handled in a timely manner by DAR's Title VI Coordinator. If necessary, DAR personnel will provide appropriate assistance to individuals filing complaints, including those with disabilities and those with limited ability to communicate in English. The Coordinator will notify in writing the person(s) filing a complaint of its receipt with 7 calendar days. If additional information is needed, the person(s) filing the complaint will be given 7 calendar days to respond.

If the complaint is rejected as not having merit, the person(s) filing the complaint will be notified in writing. The letter will advise the individual of his/her right to appeal the decision within 7 calendar days of receipt. In addition, the individual will be notified on the right to file a complaint with the US Department of Transportation and/or the FTA. If the Coordinator determines that a filed complaint is valid, these steps will be followed:

- The person(s) against whom the complaint has been filed will be given an opportunity to respond in writing.
- The complaint will be thoroughly investigated and a written report will be prepared.
- Within 60 days of DAR's receipt of the complaint, the person(s) filing the complaint will be notified in writing of the results of the investigation, the proposed resolution of the issue(s), and the manner and time line for filing an appeal if there is dissatisfaction with the outcome. This written response is subject to review by the City of Buchanan's attorney.

- Any proposed resolution should also include a method by which to correct the issue and prevent future occurrences.

A complaint may be rejected or dismissed for the following reasons:

- The person(s) filing the complaint request(s) that it be withdrawn.
- The person(s) filing the complaint fail(s) to respond to repeated requests for additional information.
- The person(s) filing the complaint cannot be located after reasonable attempts to do so.

In addition to the process described above for resolving complaints at the local level, an individual may file a Title VI complaint with the following office:

Federal Transit Administration Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor – TCR
1200 New Jersey Avenue S.E.
Washington, DC 20590

It is in the best interest of all involved parties to attempt to resolve concerns informally and at the lowest level possible. Therefore, with the complainant's consent, an informal resolution may be attempted. Similarly, these procedures do not prevent Buchanan DAR from attempting to resolve issues and complaints that are unwritten.

No public transportation-related investigations have been conducted, and no such complaints or lawsuits have been filed with the City of Buchanan or DAR, since the Plan's initial adoption on September 28, 2009.

VI. Recordkeeping

Buchanan DAR's Title VI Coordinator or designee will maintain written records, including but not limited to the following:

- Signed copies of the Employee Acknowledgement of Receipt of the Title VI Plan
- Copies of Title VI complaints or lawsuits and related documentation
- Copies of written complaint investigation reports
- Copies of correspondence to and from individuals who have filed complaints

VII. Limited English Proficiency

A current (2010 census and 2015 American Community Survey) four-factor assessment of Buchanan DAR's exposure to limited English proficiency (LEP) individuals requiring language assistance indicates that the need for such assistance remains extremely small. There are no groups within DAR's service area meeting either "safe harbor" criterion (5% of the total population or 1,000 individuals, whichever is smaller). Nevertheless, in the interest of providing service to our entire community, we continue to adhere to the following MDOT-approved basic procedures for aiding LEP clients:

- The US Census Bureau's "I Speak" cards, along with the telephone number for Andrews University's translation service, are available at the dispatcher's desk.
- DAR employees and new hires are advised of the LEP policy and procedures and of their responsibilities to these individuals.

- Dar employees are requested to record their contacts with LEP individuals so that we may monitor the adequacy of our efforts in this area.

Please refer to the attached Limited English Proficiency Policy/Plan.

VIII. Community Outreach

The activities of Buchanan DAR are supported in part by federal financial assistance. Accordingly, we seek community input in the following ways:

- DAR has established a Local Advisory Council (LAC), composed of seven appointed members, which meets twice a year. Its meetings are held at City Hall, and they are open to the public and are publicized. City Hall is an accessible facility, and public transportation to and from these meetings is available. MDOT Administrative Rule #202 requires that at least 50% of the LAC's membership must be representatives of the senior and disabled communities; one of these members must have been appointed jointly with the local Area Agency on Aging. In addition, the LAC's Bylaws reserve one position for a representative of the local Chamber of Commerce. There are presently no vacancies on the LAC; future non-designated vacancies will be publicized via an advertisement in the local Berrien County Record, along with notices posted in the vehicles, in order to solicit interest on the part of all members of the community. Please refer to the attachments for a racial breakdown of the LAC's membership.
- Individuals are invited to submit complaints, comments, or compliments regarding Buchanan DAR's services by telephoning the transit system's operations manager at (269) 697-0600 during normal business hours, or by addressing their written correspondence to P O Box 186, Berrien Springs, Michigan 49103.
- DAR is represented in the Niles-Buchanan-Cass Area Transportation Study (NATS), which is coordinated by the Southwest Michigan Planning Commission. NATS is responsible for compiling and updating the Transportation Improvement Plan (TIP), which is a three-year planning document that includes federal, State, and local highway projects; transit and ride sharing programs; and bicycle paths and pedestrian facilities. Items and projects must be included in the TIP in order to receive funding. NATS meetings are held monthly in an accessible facility, are publicized, and are open to the public.
- DAR applies annually to MDOT for funding assistance for both operating and capital needs. Once the funding application has been approved by the City Commission at a regular open meeting held at City Hall, a public notice is published in the Berrien County Record; this notice advises the general public of a 30-day open comment period.

IX. Equity Analysis for Facility Construction

Buchanan DAR has shared the Berrien County Public Transportation (BCPT) facility, located in Berrien Springs, Michigan, since 2006 and it is anticipated that this arrangement will continue indefinitely. DAR will remain informed of BCPT's Title VI compliance status. Should DAR ever consider construction of its own facility, a Title VI Equity Analysis will be conducted as required.

ACKNOWLEDGEMENT OF RECEIPT

**BUCHANAN DIAL-A-RIDE PLAN OF COMPLIANCE WITH
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

I hereby acknowledge that I have received a copy of Buchanan Dial-A-Ride's Plan of Compliance with Title VI of the Civil Rights Act of 1964 (42 USC 2000d), as amended. I have read the Plan and will ensure that no individual is denied services or subjected discrimination on the basis of race, color, or national origin.

Employee Signature

Printed Name

Date

ANNUAL TITLE VI EMPLOYEE NOTIFICATION

It is the policy of Buchanan Dial-A-Ride to comply with the provisions of Title VI of the Civil Rights Act of 1964 (42 USC 2000d), as amended. This legislation requires that no person shall be denied services or subjected to discrimination in any program or activity which receives federal financial assistance, on the basis of race, color, or national origin.

All employees providing services for Buchanan Dial-A-Ride are expected to comply with this policy in their daily work. If an individual approaches you with a question or a complaint relating to Title VI, please direct him or her to [insert name], who serves as Title VI Coordinator.

**COMPLIANCE WITH TITLE VI OF THE
CIVIL RIGHTS ACT OF 1964**

AS A RECIPIENT OF FEDERAL FINANCIAL ASSISTANCE, BUCHANAN DIAL-A-RIDE PROVIDES PUBLIC TRANSIT SERVICES WITHOUT REGARD TO RACE, COLOR, OR NATION ORIGIN, IN COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964. ANY INDIVIDUAL WHO BELIEVES THAT HE OR SHE HAS BEEN THE SUBJECT OF AN UNLAWFUL DISCRIMINATORY PRACTICE UNDER TITLE VI MAY FILE A COMPLAINT.

FOR MORE INFORMATION ON BUCHANAN DIAL-A-RIDE'S TITLE VI OBLIGATIONS, OR IF YOU BELIEVE YOU HAVE BEEN DISCRIMINATED AGAINST FOR ANY OF THE ABOVE REASONS, YOU MAY CONTACT OUR TITLE VI COORDINATOR, EVAN SMTH, AT 701 MAIN STREET, ST. JOSEPH, MI, 49085, OR AT 269-983-7111, EXT. 8350 OR NY EMAIL AT ESMITH1@BERRIENCOUNTY.ORG.

ALTERNATIVELY, AN INDIVIDUAL MAY FILE A COMPLAINT DIRECTLY WITH THE FEDERAL TRANSIT ADMINISTRATION AT THE FOLLOWING ADDRESS:

FTA OFFICE OF CIVIL RIGHTS
ATTENTION: TITLE VI PROGRAM COORDINATOR
EAST BUILDING, FIFTH FLOOR – TCR
1200 NEW JERSEY AVENUE S.E.
WASHINGTON, DC 20590

IF INFORMATION IS DESIRED IN ANOTHER LANGUAGE, PLEASE CALL THE NUMBER LISTED ABOVE.

TABLE DEPICTING MINORITY REPRESENTATION ON
BUCHANAN DAR'S LOCAL ADVISORY COUNCIL

<u>Caucasian</u>	<u>Latino</u>	<u>African American</u>	<u>Asian American</u>	<u>Native American</u>
86%	0%	0%	0%	14%

MDOT Administrative Rule #202 requires that at least 50% of the LAC's membership must be representatives of the senior and disabled communities; one of these members must have been appointed jointly with the local Area Agency on Aging. In addition, the LAC's Bylaws reserve one position for a representative of the local Chamber of Commerce.

Attachment 5

NOTICE TO THE PUBLIC OF RIGHTS UNDER TITLE VI

BERRIEN COUNTY PUBLIC TRANSPORTATION (BCPT)

AS A RECIPIENT OF FEDERAL FINANCIAL ASSISTANCE, BCPT PROVIDES PUBLIC TRANSIT SERVICES WITHOUT REGARD TO RACE, COLOR, OR NATION ORIGIN, IN COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964. ANY PERSON WHO BELIEVES THAT HE OR SHE HAS BEEN AGGRIEVED BY ANY UNLAWFUL DISCRIMINATORY PRACTICE UNDER TITLE VI MAY FILE A COMPLAINT WITH BCPT.

FOR MORE INFORMATION ON BCPT'S TITLE VI OBLIGATIONS, OR IF YOU BELIEVE YOU HAVE BEEN DISCRIMINATED AGAINST FOR ANY OF THE ABOVE REASONS, YOU MAY CONTACT OUR TITLE VI COORDINATOR AT:

BERRIEN COUNTY ADMINISTRATION CENTER
COMMUNITY DEVELOPMENT DEPARTMENT
ATTN: TRANSPORTATION COORDINATOR/TITLE VI COORDINATOR
701 MAIN STREET
ST. JOSEPH, MI 49085

269-983-7111 Ext. 8350
esmith1@berriencounty.org

ALTERNATIVELY, AN INDIVIDUAL MAY FILE A COMPLAINT DIRECTLY WITH THE FEDERAL TRANSIT ADMINISTRATION AT THE FOLLOWING ADDRESS:

FTA OFFICE OF CIVIL RIGHTS
ATTENTION: TITLE VI PROGRAM COORDINATOR
EAST BUILDING, 5th FLOOR – TCR
1200 NEW JERSEY AVENUE S.E.
WASHINGTON, DC 20590

IF INFORMATION IS NEEDED IN ANOTHER LANGUAGE, CONTACT THE TITLE VI COORDINATOR AT 269-983-7111 Ext. 8350.

Attachment 6

Title VI Complaint Form

Title VI of the 1964 Civil Rights Act requires 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.” If you feel you have been discriminated against in transit services, please provide the following information in order to assist us in processing your complaint and sent it to:

SECTION I:

Provide address here

Please print clearly:

Name: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: _____(home) _____(cell) _____(work)

Electronic Mail Address: _____

Person discriminated against: _____

Address of person discriminated against: _____

SECTION II:

City, State, Zip Code: _____

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:

Name Relationship

Please explain why you have filed for a third party: _____

Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party. Yes _____ No _____

SECTION III:

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

- _____ race
- _____ color
- _____ national origin
- _____ other

What was the date of the alleged discrimination (month, day, year)?

Where did the alleged discrimination take place? _____

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.

SECTION IV:

Have you previously filed a Title VI complaint with this agency? Yes _____ No _____

What type of corrective action would you like to see taken?

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 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: _____

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. Then date and sign this form and send to the Transportation Coordinator/Title VI Coordinator at:

BERRIEN COUNTY ADMINISTRATION CENTER
ATTN: TRANSPORTATION COORDINATOR/TITLE VI COORDINATOR
701 MAIN STREET
ST. JOSEPH, MI 49085

Your signature

Print your name

Date

Attachment 7

Letter Acknowledging Receipt of Complaint

Today's Date

Ms. Jo Doe
1234 Main St.
St Joseph, MI 49085

Dear Ms. Doe:

This letter is to acknowledge receipt of your complaint Berrien County Public Transportation alleging _____.

An investigation will begin shortly. If you have additional information you wish to convey or questions concerning this matter, please feel free to contact this office by telephoning 269-983-7111 Ext. 8350, or write to me at:

Berrien County Administration Center
Community Development Department
Attn: Transportation Coordinator/Title VI Coordinator
701 Main Street
St. Joseph, MI 49085

Sincerely,

Name
Transportation Coordinator/Title VI Coordinator

Attachment 8

Letter Notifying Complainant that the Complaint Is Substantiated

Today's Date

Ms. Jo Doe
1234 Main St.
St. Joseph, MI 49085

Dear Ms. Doe:

The matter referenced in your letter of _____ (date) against Berrien County Public Transportation alleging Title VI violation has been investigated.

(An/Several) apparent violation(s) of Title VI of the Civil Rights Act of 1964, including those mentioned in your letter (was/were) identified. Efforts are underway to correct these deficiencies.

Thank you for calling this important matter to our attention. You were extremely helpful during our review of the program. You may be hearing from this office, or from federal authorities, if your services should be needed if there is an administrative hearing.

Sincerely,

Name
Transportation Coordinator/Title VI Coordinator

Attachment 9

Letter Notifying Complainant that the Complaint Is Not Substantiated

Today's Date

Ms. Jo Doe
1234 Main St.
St. Joseph, MI 49085

Dear Ms. Doe:

The matter referenced in your complaint of _____ (date) against Berrien County Public Transportation (BCPT) alleging _____ has been investigated.

The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964, have in fact been violated. As you know, Title VI prohibits discrimination based on race, color, or national origin in any program receiving federal financial assistance.

Berrien County Public Transportation has analyzed the materials and facts pertaining to your case for evidence of BCPT's failure to comply with any of the civil rights laws. There was no evidence found that any of these laws have been violated.

I therefore advise you that your complaint has not been substantiated, and that I am closing this matter in our files.

You have the right to 1) appeal directly to the County's Corporate Counsel within seven calendar days of receipt of this final written decision from BCPT, and/or 2) file a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at

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

Thank you for taking the time to contact us. If I can be of assistance to you in the future, do not hesitate to call me.

Sincerely,

Name
Transportation Coordinator/Title VI Coordinator