

Madera County Transportation Commission Title VI Program

with Limited English Proficiency (LEP) Plan

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Introduction

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have had a longstanding policy of actively ensuring nondiscrimination in federally funded activities under Title VI of the 1964 Civil Rights Act. In recent years, a renewed emphasis on Title VI issues and environmental justice has become a more integral focus of the transportation planning and programming process. This document establishes a framework for the Madera County Transportation Commission's (MCTC) efforts to ensure compliance with Title VI and related statutes regarding nondiscrimination and environmental justice.

MCTC is committed to ensuring that no person is excluded from participation in, denied the benefits of, or discriminated against under its projects, programs or activities on the basis of race, color, creed, national origin, sex or age, as provided in the Title VI of the Civil Rights Act and 49 United States Code Section 5332.

Governance and the Board

MCTC is organized into a Board of Directors supported by the Policy Advisory Committee and the Technical Advisory Committee. There is currently one standing committee - the Social Services Transportation Advisory Council (SSTAC) which reports through the Technical Advisory Committee. The relationship between the Board, its staff and the committees is discussed in more detail below.

The Commission Board of Directors is comprised of three (3) members from the Madera County Board of Supervisors; two (2) members from the Madera City Council; and one (1) member from the Chowchilla City Council. The members shall be appointed by the member agencies. Each member agency designates at least one alternate who shall be an elected member of the designated agency. The Policy Advisory Committee (PAC) has the same membership as the Board with the addition of one (1) person representing the Caltrans District 06 Director. This committee reviews transportation plans and programs prior to action by the Commission, with particular attention to compliance with applicable state and federal planning and programming requirements.

The Technical Advisory Committee (TAC) includes the Madera County Road Commissioner, Madera County Planning Director, City of Madera Engineer, City of Madera Planning Director, City of Chowchilla Administrator, and one representative from Caltrans District 06. The North Fork Mono Rancheria, Picayune Rancheria of Chukchansi Indians, and other tribal governments are also invited to participate in the monthly TAC meetings. The TAC reviews staff work conducted pursuant to this Overall Work Program; advises the Commission and PAC on transportation issues; and makes recommendations on planning and programming actions to be taken by the Commission. TAC review is generally focused upon the technical merits of various transportation issues coming before the Commission. Staff consults with tribal governments as it relates to transportation planning issues and initiates consultation with the tribal governments at the government to government level.

MCTC Title VI Policy Statement

MCTC assures that no person shall on the grounds of race, color, or national origin, 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 otherwise subjected to discrimination under any agency-sponsored program or activity. Nor shall sex, age or disability stand in the way of fair treatment of all individuals.

MCTC further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

In the event that MCTC distributes Federal aid funds to another entity, MCTC will include Title VI language in all written agreements and will monitor for compliance. Title VI compliance is a condition of the receipt of federal funds. MCTC's Executive Director and Title VI Coordinator are authorized to ensure compliance with provisions of this policy and with the law, including the requirements of Title 23 Code of Federal Regulation (CFR) 200 and Title 49 CFR 21.

MCTC acknowledges its responsibility for initiating and monitoring Title VI activities, preparing required reports and fulfilling other responsibilities as required by Title 23 CFR 200 and by Title 49 CFR 21.

Patricia Taylor, Executive Director
Madera County Transportation Commission
Date: March 17, 2021

Organization and Title VI Coordinator Responsibilities

Title VI General Responsibilities

Madera County Transportation Commission

Executive Director

Patricia Taylor

(559) 675-0721, ext. 13

patricia@maderactc.org

Title VI Coordinator

Jeff Findley

Principal Regional Planner

(559) 675-0721, ext. 16

jeff@maderactc.org

The Executive Director is responsible for ensuring MCTC's Title VI Program. The Title VI Coordinator, on behalf of the Executive Director is responsible for the overall management and day-to-day administration of the Title VI program. Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints as received by MCTC.
2. Collect statistical data (race, color, sex, age, disability, or national origin) of participants in and beneficiaries of state highway programs.
3. Conduct annual Title VI reviews of program areas (planning, consultant selection) to determine the effectiveness of program activities at all levels.
4. Conduct Title VI reviews of consultants and other recipients of federal-aid highway fund contracts administered through MCTC.
5. Participate in training programs on Title VI and other related statutes for MCTC employees and recipients of federal highway funds.
6. Prepare a yearly report of Title VI accomplishments and goals, as required by 23 CFR 200.
7. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.
8. Conduct post-grant approval reviews of MCTC programs and applicants (e.g. consultants, design and relocation, and persons seeking contracts with MCTC) for compliance with Title VI requirements.
9. Identify and eliminate discrimination.
10. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary, all within a period not to exceed 90 days.

Program Area Responsibilities

The Title VI Coordinator shall be responsible for coordinating the administration of the Title VI program, plan and assurances. The Title VI Coordinator serves under the direct supervision of the Executive Director of MCTC and is responsible for day-to-day administration.

Complaints

Any individual who believes that he or she or any other program beneficiaries have been subjected to unequal treatment or discrimination in their receipt of benefits and/or services, or on the grounds of race, color, national origin, sex, disability, age or income status he or she may exercise their rights to file a complaint with MCTC. Every effort will be made to resolve the

complaints information at the MPO and consultant level. (Please refer to Appendix C, MCTC Discrimination Complaint Procedures)

Current Investigations or Complaints

MCTC has never received any Title VI complaints. As a result, no Title VI investigations have ever taken place. Additionally, there are no Title VI investigations taking place at this time. Additionally, the three local transit agencies have not received any Title VI complaints.

Data Collection

Data on race, color, national origin, sex, age, disability, and income status of participants in and beneficiaries of federally funded program will be gathered and maintained by the Title VI Coordinator. Title VI information from FTA Section 5316 and 5317 sub-recipients will be maintained and incorporated in the Title VI Annual Update. The data gathering process will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI program administration.

Title VI Program Reviews

MCTC's Title VI Program reviews will be performed by the Title VI Coordinator to assess our administrative procedures, staffing and resources available for Title VI compliance. All programs will be reviewed annually to assure their effectiveness in compliance with Title VI provisions. This is in addition to the day to day monitoring. The Title VI Coordinator will coordinate efforts to ensure their equal participation in all programs and activities at all levels. The Title VI Coordinator will also conduct reviews of consultants and all other sub-recipients of federal funds to ensure compliance with Title VI provisions.

Annual Reports

An annual report may be submitted to Caltrans reviewing Title VI accomplishments achieved during the year. The Title VI Coordinator will be responsible for coordination and preparation of the report. The report will describe the accomplishments and changes to the program occurring during the preceding year, and will include any changes to the goals and objectives for the upcoming year.

Public Dissemination

The Title VI Coordinator will disseminate Title VI Program information to MCTC employees, sub-recipients, consultants and beneficiaries as well as the general public. Public dissemination will include the posting of public statements, and the inclusion of the Title VI language in contracts. In accordance with Title VI of the Civil Rights Act of 1964, MCTC is committed to establishing and maintaining practices that will ensure meaningful access to MCTC's plans and programs by persons with Limited English Proficiency (LEP). It is the policy of MCTC to ensure that no person is denied access to plans and programs as a result of the inability to communicate in the English language.

Remedial Action

MCTC will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance will all program administrative requirements. When irregularities occur in the administration of the program's operation, corrective action will be taken to resolve Title VI issues, within a period not to exceed 90 days.

1. Sub-recipients placed in a deficiency status will be given reasonable time to voluntarily correct deficiencies that is not to exceed 90 days.
2. MCTC will seek the cooperation of the sub-recipient in correcting deficiencies found during the review. MCTC will also provide technical assistance and guidance needed to aid the sub-recipient to voluntarily comply.
3. When a sub-recipient fails or refuses to voluntarily comply with requirements within the time frame allotted, the MPO will submit to Caltrans Civil Rights Office or the FHWA two copies of the case file and a recommendation that the sub-recipient be found in noncompliance.
4. A follow-up review will be conducted within 180 days of the initial review to ensure that the sub-recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified.

Title VI Responsibilities for Program Areas

Planning

MCTC has the responsibility to develop long-and short-range plans to provide efficient transportation services to the citizens of Madera County.

MCTC annually updates and coordinates the MPO's future transportation improvement plans and programs. A comprehensive transportation planning process is used which incorporates input from the public in coordination with the various jurisdictions affected. Planning includes the monitoring and collection of data. Title VI responsibilities include but are not limited to:

1. Ensure that all aspects of the planning process operation comply with Title VI of the Civil Rights Act of 1964.
2. Ensure that various social, economic, and ethnic interest groups are represented in the planning process by disseminating program information to minority media and ethnic related organizations participating in roundtable meetings in predominantly minority communities.
3. Assist the Title VI Specialist in gathering and organizing the Planning section of the Annual Title VI Update Report.
4. Review the department's work program and other directives to ensure compliance with Title VI and other nondiscrimination program requirements.

Contracting Services

MCTC is also responsible for setting policy and establishing procedures for consultant selection, negotiation, and administration of consultant contracts. Title VI responsibilities include but are not limited to:

1. Monitor DBE program requirements.
2. Ensure that all consultant contracts administered by the MPO have the appropriate Title VI provisions included.
3. Review directives and procedures to ensure Title VI compliance.
4. Maintain necessary data and documentation required for completion of the department's Title VI Annual Report.

Project Construction

MCTC is involved primarily in the planning of federally funded transportation projects only. MCTC is not involved in the construction of transportation projects. As a result, Title VI requirements pertaining to agencies involved in construction do not apply.

Public Transportation Title VI Investigations

No Title VI complaints have been filed with MCTC or other transit agencies in Madera County.

Systemwide Service Standards and Policies

FTA C 4702.1B Chapter IV-4 states "These requirements apply to all fixed route providers of public transportation service." MCTC is not a provider of fixed route transit service therefore this does not apply.

Public Participation Plan

MCTC's Public Participation Plan (PPP) is updated periodically. MCTC developed the PPP as a guide to meeting the Metropolitan Planning Organization requirements for public participation. The PPP is intended to provide direction for public participation activities to be conducted by MCTC and contains the procedures, strategies and techniques used by MCTC for public participation. The current PPP may be found on MCTC's website at [MCTC Public Participation Plan](#)

Public Notification Process

The MCTC's goal is not to discriminate against any person with respect to an MCTC program or service. This commitment is incorporated into all public outreach efforts to engage all segments of the population in the transportation planning process. The MCTC actively provides information regarding its Title VI obligations to the public using a variety of methods. Information, such as reference to the FTA circulars and the MCTC Title VI and LEP programs and complaint procedure, is available upon request at the MCTC office and on the MCTC website. Notice of the nondiscrimination policy is included in all MCTC contracts, public meeting and bid advertisements.

The MCTC, as well as each subgrantee and transportation provider, must certify each year that there have been no Title VI complaints or lawsuits.

As a policy, MCTC staff is educated on the Title VI requirements including how to assist a person who is limited English proficient. The entire FTA non-discrimination clauses are included in all consultant contracts and subgrantee agreements. The following statement is posted in the MCTC office in English and Spanish:

"The Madera County Transportation Commission does not discriminate on the basis of race, color or national origin in administration of its programs, activities or services."

Requirements for Metropolitan Planning Organizations

This section describes the procedures unique to MCTC's role as a metropolitan Planning organization regarding compliance with the Department of Transportation's regulations.

Demographic Profile of the Metropolitan Area

The metropolitan planning area for MCTC is the County of Madera, which includes the cities of Chowchilla and Madera. The following table depicts the population estimates for different races and ethnicities in Madera County. Statistics on LEP populations in Madera County can be found in Appendix E. Locations of aggregate minority populations can be viewed on the map below.

Demographic Profile of Madera County

Subject	Madera County, California	
	Estimate	Percent
Total Population	151,435	100%
Ethnicity		
Hispanic or Latino (of any race)	82,456	54.4%
Not Hispanic or Latino	68,979	45.6%
	Total	100%
Race		
White (alone)	123,945	81.8%
Black or African American (alone)	5,114	3.4%
American Indian and Alaska Native (alone)	2,635	1.7%
Asian (alone)	3,119	2.1%
Native Hawaiian and Other Pacific Islander (alone)	666	0.4%
Some other race (alone)	10,989	7.3%
Two or more races	4,967	3.3%
	Total	100%

Identification and Consideration of Mobility Needs of Minority Populations within MCTC's Planning Process

Planning Process

MCTC regularly collects and analyzes demographic information to help plan for a more accessible regional transportation system. An environmental justice analysis was prepared as part of the 2014 Regional Transportation Plan (RTP) process and as part of the 2018 RTP.

Consideration of Minority Populations Mobility Needs

MCTC ensures that the communities are provided opportunities to engage in the transportation process in the following ways:

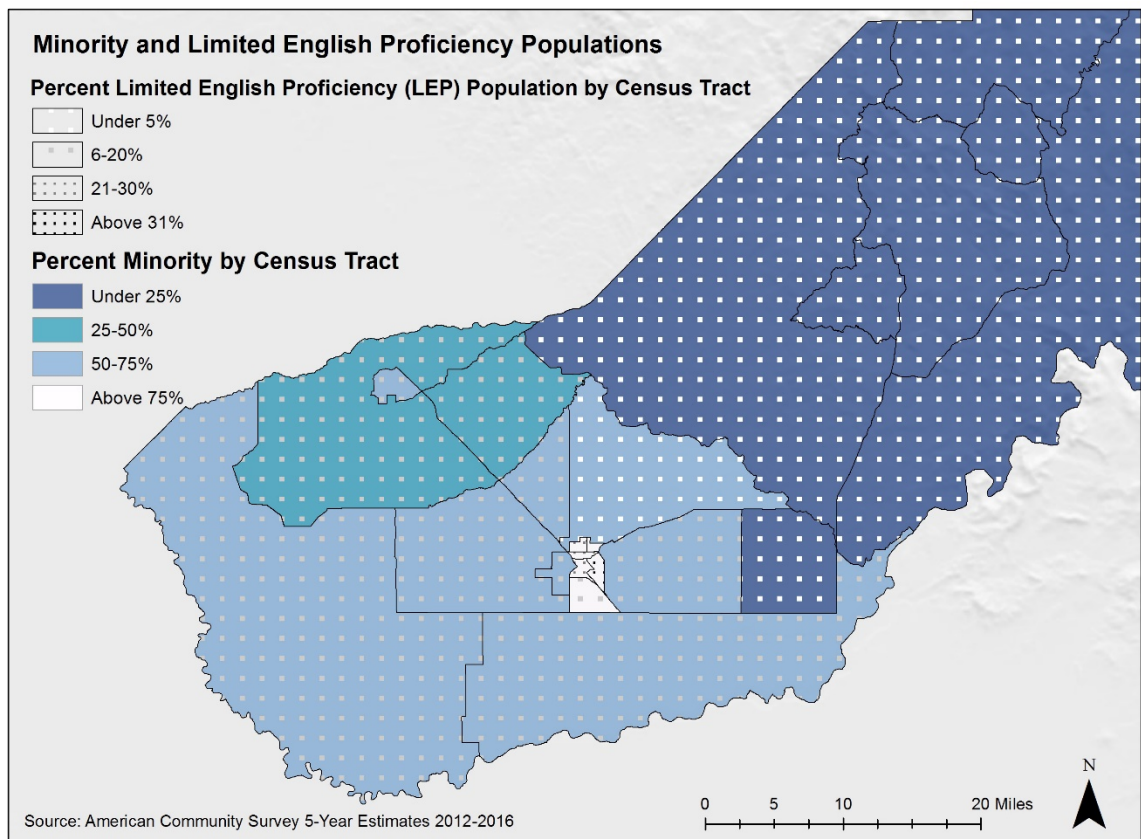
- MCTC reacts promptly to questions and concerns, including those that address minority populations.
- MCTC holds certain meetings outside of regular business hours as demand arises and when subject matter warrants a more accessible meeting time.
- MCTC considers additional outreach at events with higher concentrations of Spanish speakers as demand arises. For example, in the development of the RTP, surveys and other meeting materials were translated into Spanish. Additionally, a Spanish-

only workshop was conducted as part of the RTP outreach process. These efforts increased the number of Spanish speakers who participated in the process.

- MCTC has translated the following documents into Spanish and are available online:
 - Title VI Public Notice
 - Title VI Complaint Procedures
 - Title VI Complaint Form
- MCTC is adding accessibility features to its website ([MCTC Website](#)).
- MCTC provides special accommodations (language interpretation, etc.) upon request.
- MCTC provides sufficient public notice for public comment periods and meetings as required, so individuals, including minorities, have enough time to review draft documents and/or plan to attend MCTC meetings.

Demographic Map of Minority and LEP Populations

The map below depicts the percentage of minority populations in Madera County by census tract. The only FTA funds MCTC receives are section 5303 planning funds.



Map 1 – Demographic Map of Madera County Region by Census Tract (The only FTA funds that MCTC receives (via Caltrans) are for transit planning, and these funds are for region-wide planning)

Analysis of MCTC's Transportation System Investments

Section 5303 are the only funds that MCTC receives, and since these funds are for public transportation planning in the region, all of the minority populations shown in the above map stand to benefit from these FTA-funded planning efforts.

Appendices

Appendix A – Title VI Assurances

Madera County Transportation Commission Department of Transportation Title VI Assurances

The Madera County Transportation Commission (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 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, or national origin, be excluded from participation in, be denied 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, and HEREBY GIVES ASSURANCES THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) of the Regulations More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Unified Planning Work Program:

1. That the Recipient agrees that each "program" and "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to the "program") conducted, or will be (with regard to the "facility") operated 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 work or material subject to the Regulations and made in connection with all Unified Planning and Work Program work elements and, in adapted form in all proposals for negotiated agreement:
The Madera County Transportation Commission, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42. U.S.C. 2000D TO 2000d-4 and Title 49, Code of Federal Regulations, Transportation, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that any contract entered into pursuant to this advertisement, 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, or national origin in consideration for an award.
3. That the Recipient shall insert the clauses of this assurance in every contract subject to this Act and the Regulations.
4. That the Recipient shall insert the clauses 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. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operating in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, of the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits,

licenses, and similar agreements enter into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Unified Planning Work Program; and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved under the Unified Planning Work Program.

8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is of the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for the purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits” or (b) the period during which the Recipient retains ownership or possession of the property.
9. 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 he/she 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.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Unified Planning Work Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Unified Planning Work Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Patricia Taylor, Executive Director
Madera County Transportation Commission
Date: March 17, 2021

Appendix B – Notifying the Public of Rights Under Title VI

Notifying the Public of Rights Under Title VI Madera County Transportation Commission

- Madera County Transportation Commission 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 Madera County Transportation Commission.
- Madera County Transportation Commission opera sus programas y servicios sin distinción de raza, color y origen nacional, de conformidad con el Título VI del Acta de Derechos Civiles. Cualquier persona que cree o que ha sido perjudicada por una práctica discriminatoria ilegal bajo el Título VI, puede presentar una queja con Madera County Transportation Commission.
- For more information on Madera County Transportation Commission civil rights program, and the procedures to file a complaint, contact (559)-675-0721; email jeff@maderactc.org; or visit our website at [MCTC Website](#).
- A complaint may be filed 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 (559) 675-0721.
- Si se necesita información en otro idioma, comuníquese con (559) 675-0721.

(This notice is posted in the office of MCTC and on website)

Appendix C – MCTC Discrimination Complaint Procedures

Madera County Transportation Commission Complaint Procedures

As a recipient of federal dollars, MCTC is required to comply with Title VI of the Civil Rights Act of 1964 and ensure that services and benefits are provided on a non-discriminatory basis. MCTC has in place a Title VI Complaint Procedure, which outlines the process for local disposition of Title VI complaints and is consistent with guidelines found in the Federal Transit Administration Circular 4702.1B dated October 1, 2012. The complaint procedure has five steps, outlined below:

1. **Submission of Complaint:** Any person who feels that he or she, individually, or as a member of any class of persons, on the basis of race, color, national origin, or low-income status has been excluded from or denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance through MCTC may file a written complaint to the MCTC Title VI Coordinator. Such a complaint must be filed within 60 calendar days after the date the person believes the discrimination occurred.
2. **Referral to Review Officer:** Upon receipt of the Complaint, the Title VI Coordinator shall review, investigate and evaluate the Complaint, in consultation with the Executive Director. The Title VI Coordinator shall complete the review no later than 45 calendar days after the date MCTC received the Complaint. If more time is required, the Title VI Coordinator shall notify the complainant of the estimated time-frame for completing the review. Upon completion of the review, the Title VI Coordinator shall make a recommendation regarding the merit of the Complaint and whether remedial actions are available to provide redress.

Additionally, the Title VI Coordinator may recommend improvements to MCTC's processes relative to Title VI and environmental justice, as appropriate. The Title VI Coordinator shall forward their recommendations to the Executive Director for concurrence. If the Executive Director concurs, he or she shall issue MCTC's written response to the Complainant.

3. **Request for Reconsideration:** If the Complainant disagrees with the response, he or she may request reconsideration by submitting the request, in writing, to the Executive Director within 10 calendar days after its receipt. The request for reconsideration shall be sufficiently detailed to contain any items the Complainant feels were not fully understood by the MCTC Title VI Coordinator. The Executive Director will notify the complainant of their decision either to accept or reject the request for reconsideration within 10 calendar days. In cases where the Executive Director agrees to reconsider, the matter shall be returned to the Title VI Coordinator to re-evaluate in accordance with Paragraph 2, above.
4. **Appeal:** If the request for reconsideration is denied, the complainant may appeal the Executive Director's response to the Complaint by submitting a written appeal to MCTC's Policy Board no later than 10 calendar days after receipt of the Executive Director's written decision rejecting reconsideration.
5. **Submission of Complaint to the Federal Transit Administration.** If the complainant is dissatisfied with MCTC's resolution of the Complaint, he or she may also submit a complaint to the Federal Transit Administration:

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

For further information, see [Federal Transit Administration Website](#).

Appendix D – Title VI Discrimination Complaint Form

Complaint Form: English

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

Formulario de Quejas

Sección I:			
Nombre:			
Domicilio:			
Teléfono (Hogar):		Teléfono (Trabajo):	
Correo electrónico:			
Requisitos de formato Accesibles:	Letra Grande		Cinta de Audio
	TDD		Otro
Sección II:			
Esta usted presentando esta queja en su propio nombre?		SI*	No
* Si usted Contesto "Si" a esta pregunta, ve a sección III.			
Si no es así, por favor proporcione el nombre y la relación de la persona a la que usted está ayudando:			
Por favor, explique porque usted ha presentado por un esta persona:			
Por favor, confirme que ha obtenido el permiso de la persona perjudicada, si usted está presentando en su nombre.		Si	No
Sección III:			
Creo que la discriminación que experimente fue basado en (marque lo que corresponda):			
<input type="checkbox"/> Raza <input type="checkbox"/> Color <input type="checkbox"/> Origen Nacional			
Fecha presunta de la discriminación (Mes, Día, Año): _____			
Explique lo más claramente posible lo que paso y porque cree que fue discriminado. Describa todas las personas que estuvieron involucradas, incluya el nombre y la información de contacto de la persona (s) que lo discrimino (si se conoce), así como los nombres y la información de contacto con los testigos. Si se necesita más espacio por favor use el reverso de este formulario.			
_____ _____			
Sección IV			
Ha presentado anteriormente una queja del Título VI con esta agencia?		Si	No
Sección V			
Ha presentado esta queja ante cualquier otro del Estado, Federal o Agencia local o cualquier corte Federal o Estatal? <input type="checkbox"/> Si <input type="checkbox"/> No			
Si respondió "Si", marque todo lo que corresponde:			
<input type="checkbox"/> Agencia Federal: _____			
<input type="checkbox"/> Corte Federal _____		<input type="checkbox"/> Agencia Estatal _____	
<input type="checkbox"/> Corte Estatal _____		<input type="checkbox"/> Agencia Local _____	

Por favor de proporcionar información acerca de una persona de contacto de la agencia/corte donde se presentó la queja.

Nombre:

Título:

Agencia:

Domicilio:

Teléfono:

Sección VI

Nombre de la agencia que la queja es en contra:

Persona de Contacto:

Título:

Numero de teléfono:

***Appendix E – MCTC Plan for Engaging Individuals with
Limited English Proficiency (LEP)***

MADERA COUNTY TRANSPORTATION COMMISSION PLAN FOR ENGAGING INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY (LEP)

Introduction

On August 11, 2000, President William J. Clinton signed executive order, *Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency*, to clarify Title VI of the Civil Rights Act of 1964. Its purpose was to ensure accessibility to programs and services to eligible persons who are not proficient in the English language.

This executive order states that individuals who do not speak English well and who have a limited ability to read, write, speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter. It reads in part, *each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities.* Not only do all federal agencies have to develop LEP Plans, as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided.

Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and other organizations. Title VI covers a recipient's entire program or activity. The US Department of Transportation (DOT) published *Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Person* December 14, 2005. The guidance explicitly identifies MPO's (of which MCTC is one) as organizations that must follow this guidance:

*The guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, **metropolitan planning organizations**, and regional, state, and local transit operators, among many others. Coverage extends to a recipient's entire program or activity, i.e., to all parts of a recipient's operations. For example, if DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state department of transportation—not just the particular highway program or project—are covered by the DOT guidance.*

The intent of this Limited English Proficiency Plan is to ensure access to the planning process and information published by MCTC where it is determined that a substantial number of residents in Madera County do not speak or read English proficiently. MCTC shall provide appropriate assistance, auxiliary aids, a translator/interpreter for non-English speaking and hearing impaired individuals and/or services when necessary if requested at least 3 working days in advance of the meeting. If MCTC is unable to accommodate a request for a public hearing, then the hearing will be continued on a specified date when accommodations are available.

An LEP Plan starts with an assessment to identify LEP individuals who need assistance. Implementation includes the development of language assistance measures, staff training, notification procedures to LEP individuals, and monitoring of the plan.

In addition to this LEP Plan, a separate, related document, MCTC’s Public Participation Plan identifies opportunities for the public to get involved in the transportation planning process. Copies of the MCTC Public Participation Plan can be found on MCTC’s website at: [MCTC website](#).

Determination of Need

In order to prepare this Plan, MCTC undertook the U.S. Department of Transportation’s four-factor LEP analysis, which considers the following:

1. The number and proportion of LEP persons served or encountered in the eligible service population.
2. The frequency with which LEP persons come in contact with MCTC programs, activities, or services.
3. The nature and importance of the program, activity or service provided by the program to people’s lives.
4. The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.

Factor 1: Number and proportion of LEP persons served or encountered

For planning purposes, MCTC looked at American Community Survey data for people who speak English “less than very well” as Limited English Proficient persons. Table 1 shows the languages spoken at home, by ability to speak English, for persons five years of age or older, with numbers and percentages for the languages with the higher percentages.

Table 1 shows the ability to speak English and languages spoken at home for persons five years of age and older. The six most frequently spoken languages in the region other than English are Spanish (39.79 percent), Other Indic (0.65 percent), Other Pacific Island (0.41 percent), Tagalog (0.29 percent), Arabic (0.20 percent) and Japanese (0.18 percent). However, many of these respondents indicated that they also speak English under the “Very Well” category. Table 1 also shows that Spanish-speakers are the only population representing more than 1 percent of the county’s population that is identified as not speaking English very well.

Table 1

Number of Persons Over 5 years of age with the Ability to Speak English Less Than "Very Well" within Madera County		
Language	Estimate	Percent
Spanish or Spanish Creole	24,617	17.77%
Other Indic	534	0.39%
French Creole	140	0.10%
Other Unspecified	125	0.09%
Other Pacific Island	122	0.09%
Chinese	106	0.08%
Source: 2008-2012 American Community Survey B16001: LANGUAGE SPOKEN AT HOME		

Factor 2: Frequency of LEP populations' contact with programs, activities and services

MCTC's prior experience with Limited English Proficient persons has been primarily with Spanish speakers. MCTC has worked with community-based organizations for the update of its long-range transportation plan to gather input from minority and low-income residents. Such meetings have been helpful in providing insight into the needs and concerns of residents who often do not participate in regional government. Material is translated into the language or languages recommended by the community group. Additionally, some informational workshops/meetings for the update to the long-range transportation plan were conducted in Spanish.

Factor 3: Importance to LEP population of programs, services and activities

Most MCTC programs, activities, and services of importance to LEP persons in general are long-term in nature since we primarily engage in planning activities. MCTC serves as the region's transportation banker and planner rather than a direct provider of services. MCTC works to ensure that all segments of the population, including LEP persons, have the opportunity to be involved in the transportation planning process.

Factor 4: Resources available to MCTC and overall cost to provide LEP assistance

Providing translation services to allow LEP populations to participate in the development of MCTC's core planning and investment policies is a routine practice for MCTC. MCTC works with advocacy groups representing LEP persons to determine their needs and concerns for planning purposes.

MCTC has two staff members that are fluent in Spanish.

Safe Harbor

Based on the four-factor analysis, staff has determined that Spanish is the only language that must be translated. The only groups besides English and Spanish are a small amount, and MCTC will provide interpreters if requested by an individual, or translate documents, as appropriate.

Language Assistance Measures

MCTC uses a number of techniques and practices to provide productive opportunities for all interested Madera County residents to participate in the dialogue that informs important decisions, regardless of language barriers. This is done in several ways, including:

General Practices:

- Extensive use of visual aids including maps, charts, and photographs to illustrate trends, options, etc.,
- Avoid complex terminology and technical terms and target the presentation / document in a manner that is appropriate to the intended audience.
- Notices widely disseminated through partnerships with community based and interest organizations.
- Translation software for the MCTC website.
- Multi-lingual instruction on how to request translation services.
- Tailor public participation activities to reflect the unique LEP population with a respective community.
- Review prior experiences with LEP populations to determine the types of language services needed.

- Flyers for major community workshops and similar meetings include instructions on how to request translation services.
- Public participation plans for MCTC's long-range plan include seeking out views of LEP populations.

Work with Advocacy Groups

- Work to involve non-profit groups that advocate for persons with limited English proficiency in MCTC activities.
- Make regular reports to MCTC's ongoing committees such as the Technical Advisory Committee, SSTAC, etc.
- Partner with community groups who can assist in tailoring presentations, meeting materials and announcements to meet the language needs of local participants.

Staff Training

MCTC works to instill in staff an awareness of and sensitivity to the needs of LEP residents. Staff is trained on LEP guidance from U.S. Department of Transportation on procedures for accommodating LEP populations.

Notification to LEP or Low Literacy Persons

The public must be informed of their rights under Title VI. This will be done in several ways including:

- Notifications posted in MCTC's office.
- Notifications on MCTC's website.
- Documentation that describes a LEP person's right to access MCTC's services.
- Multi-lingual instruction on how to request translation services.
- Flyers for major community workshops and similar meetings include instructions on how to request translation services.
- Routine use of language on printed or electronic announcements for public workshops on key planning efforts that alert interested individuals on how to request translation services.

Representation on MCTC's Committees

MCTC's committees include representatives from local government agencies, public and private organizations, and the general public.

Technical Advisory Committee (TAC)

The Technical Advisory Committee consists of Caltrans, transit, planning, engineering and public works staff of the member agencies (2 cities and county).

Social Services Transportation Advisory Council (SSTAC)

The Social Services Transportation Advisory Council (SSTAC) serves as a non-elected citizen advisory committee to the Commission on matters related to public participation needs of Madera County residents. The SSTAC is involved "unmet transit needs" process, and works with MCTC staff to develop recommendations for the Commission towards finding that public transit needs that are reasonable to be met, are being met. The SSTAC membership is comprised of several categories:

- Potential Transit User 60 Years or Older (minimum of 1)
- Representatives of the Local Service Providers for Seniors (minimum of 2)
- Potential Transit User Who is Disabled (minimum of 1)
- Representatives of the Local Service Provider for Disabled (minimum of 2)

- Representative of a Local Service Provider for Persons of Limited Means (minimum of 1)
- Representatives from the Local Consolidated Transportation Service Agency (minimum of 2)

Racial Category	Number of Persons
Caucasian	1
Hispanic	2
Asian	1
African American	1
Vacant	2

Maintenance and Monitoring of the MCTC LEP Plan

MCTC will monitor requests for translation and adjust practices to meet demand while maintaining a basic level of access by LEP populations to key programs and documents. MCTC's LEP Plan will be updated every three years as required by U.S. DOT. At a minimum, the plan will be reviewed and updated when data from the 2020 U.S. Census is available, or when it is evident that higher concentrations of LEP individuals are present in the MCTC area and will be coordinated with the Public Participation Plan.

Appendix F – Signed MCTC Assurances

STANDARD DOT TITLE VI ASSURANCES

Madera County Transportation Commission (hereinafter referred to as the Sponsor) hereby agrees that as a condition to receiving Federal financial assistance from the Department of Transportation (DOT), it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and all requirements imposed by 49 CFR 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") to the end 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 otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. Without limiting the above general assurance, the Sponsor agrees concerning this grant that:

1. Each "program" and "facility" (as defined in Section 21.23(a) and 21.23(b)) will be conducted or operated in compliance with all requirements of the Regulations.
2. It will insert the clauses of Attachment 1 of this assurance in every contract subject to the Act and the Regulations.
3. Where Federal financial assistance is received to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
4. Where Federal financial assistance is in the form or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
5. It will include the appropriate clauses set forth in Attachment 2 of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Sponsor with other parties:
 - a) for the subsequent transfer of real property acquired or improved with Federal financial assistance under this project; and
 - b) for the construction or use of or access to space on, over, or under real property acquired or improved with Federal financial assistance under this Project.
6. This assurance obligates the Sponsor for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Sponsor or any transferee for the longer of the following periods:

- a) the period during which the property is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b) the period during which the Sponsor retains ownership or possession of the property.
7. It will provide for such methods of administration for the program as are found by the Secretary of transportation of the official to whom he delegates specific authority to give reasonable guarantees that it, other sponsors, 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.
8. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining Federal financial assistance for this Project and is binding on its contractors, the Sponsor, subcontractors, transferees, successors in interest and other participants in the Project. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Sponsor.

Date: March 17, 2021

Madera County Transportation Commission
(Sponsor)

By _____
(Signature of Authorized Official)

Appendix G – Resolutions

**BEFORE
THE COMMISSIONERS OF THE
MADERA COUNTY TRANSPORTATION COMMISSION
COUNTY OF MADERA, STATE OF CALIFORNIA**

DRAFT

In the matter of APPROVE MCTC TITLE VI PROGRAM UPDATE	Resolution No.: 21-02
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WHEREAS, MCTC obtains financial assistance from the Federal Transit Administration (FTA) and must comply with federal regulations including Title VI; and

WHEREAS, the purpose of the Title VI Program is to prohibit discrimination on the basis of race, color, or national origin in programs and activities; and

WHEREAS, the MCTC Policy Board adopted the Title VI Program on July 23, 2014; and

WHEREAS, an update to the Title VI Program with Limited English Efficiency Proficiency Plan is needed;

NOW, THEREFORE, LET IT BE RESOLVED, that MCTC adopts the Updated Title VI Program with Limited English Proficiency Plan and authorizes the MCTC Executive Director to approve additional updates, as necessary.

The foregoing resolution was adopted this 17th day of March 2021 by the following vote:

Commissioner Jose Rodriguez	_____
Commissioner Cece Gallegos	_____
Commissioner Waseem Ahmed	_____
Commissioner Robert Poythress	_____
Commissioner Tom Wheeler	_____
Commissioner Brett Frazier	_____

Chair, Madera County Transportation Commission

Executive Director, Madera County Transportation Commission

Appendix H – Caltrans Checklist

Caltrans Division of Transportation Planning

Office of Regional Planning – Title VI Program Checklist

Agency Name: Madera County Transportation Commission

Title VI Adoption Date: March 17, 2021

General Requirements Chapter III – Metropolitan Transportation Planning Organizations (MPOs)

Select
Page # One

- | | | |
|---------|-----|--|
| A-5 | Yes | 1. Notice to the Public |
| A-5 | Yes | a. Race, color, and national origin (Sample notice in Appendix B) |
| A-5 | Yes | b. Translated into non-English language and consistent with the agency’s Limited English Proficiency (LEP) Plan (Chapter III-4) |
| | | |
| A-18 | Yes | 2. List of locations where notice is posted, at a minimum (Chapter III-4 and Appendix B) |
| A-18 | Yes | a. Agency’s website |
| A-18 | Yes | b. Public areas of the agency’s office, including reception desk and meeting rooms |
| N/A | N/A | c. Station or stops |
| N/A | N/A | d. Transit vehicles |
| | | |
| A-7 | Yes | 3. How to file a Title VI discrimination complaint and complaint form must be on agency’s website (Chapter III-5 and Appendix C and D) |
| | | |
| 4 | Yes | 4. List of any public transportation Title VI investigations, complaints or lawsuits filed since last submission (Appendix E) |
| | | |
| A-30-46 | Yes | 5. Public Participation Plan – Promoting Inclusive Public Participation (Chapter III-5) |
| A-30-46 | Yes | a. Summary of outreach efforts made |
| A-30-46 | Yes | b. Outreach plan to engage minority and limited English proficient population (can be a component of a larger outreach for those that are traditionally underserved) |
| | | |
| A-15 | Yes | 6. LEP Plan |
| A-16 | Yes | a. Four Factor Analysis (Chapter III-7) |
| A-16 | Yes | i. The number of proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient. |
| A-17 | Yes | ii. The frequency with LEP persons come into contact with the program. |
| A-17 | Yes | iii. The nature and importance of the program, activity, or service provided by the program to people’s lives. |
| A-17 | Yes | iv. The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach. |
| A-17,18 | Yes | b. Describe how the agency provides language assistance services by language (Chapter III-8) |

Page # Select
One

A-17 Yes

c. Safe Harbor Provision – applies to the translation of written documents only (Chapter III-9)

A-17, 18 Yes

d. Describe how the agency provides notice to LEP person about the availability of language assistance

A-18 Yes

e. Describe how the agency monitors, evaluates and updates the language access plan

A-18 Yes

f. Describe how the agency trains employees to provide timely and reasonable language assistance to LEP population

A-19 Yes

7. A table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees.

6 Yes

8. If a facility has been constructed, a Title VI equity analysis must have been conducted during the planning stage regarding the location. A copy of the analysis must be provided. (Chapter III-11)

A-48 Yes

9. Board Resolution or similar approving the Title VI Plan (Chapter III-1)

Additional Requirements for MPOs

Requirements in Chapter IV apply to MPO that are a provider of fixed route public transportation service that receive federal assistance.

If the MPO is a direct recipient or primary recipient, the MPO will be required to submit additional information to FTA.

7 Yes

10. A demographic profile of the metropolitan area that includes identification of the locations of minority populations in the aggregate

7 Yes

11. A description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process

8 Yes

12. Demographic maps that overlay the percent minority and non-minority populations as identified in Census or ACS data, at Census tract or block group level, and charts that analyze the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes, including Federal funds managed by the MPO as a designated recipient

8 Yes

13. An analysis of impacts identified in the paragraph above that identifies any disparate impacts on the basis of race, color, or national origin, and, if so, determines whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact.

Planning Certification Review

All MPOs are required to self-certify compliance with all applicable federal requirements. Planning certification reviews conducted jointly by Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) of the metropolitan transportation planning processes of transportation management areas include a review of Title VI compliance.

By checking the following boxes, the MPO certifies that the below items are achieved for Planning certification reviews by FTA and FHWA.

Check

- a. Analyze regional demographic data to identify minority populations within the region.
- b. Where necessary, provide member agencies with regional data to assist them in identifying minority populations in their service area.
- c. Ensure that members of minority communities are provided with full opportunities to engage in the transportation planning process. This includes actions to eliminate language, mobility, temporal, and other obstacles to allow these populations to participate fully in the process.
- d. Monitored the activities of subrecipients with regard to Title VI compliance, where the MPOs passes funds through to subrecipients.

Requirements for Program Administration

In order to comply with 49 CFR Section 21.5, the general nondiscrimination provision, MPOs shall document that they pass through FTA funds under any FTA programs to subrecipient without regard to race, color, or national origin and assure that minority populations are not being denied the benefits of or excluded from participating in these programs. MPOs shall prepare and maintain, but not report unless requested by FTA, the following information:

Check

- a. A record of funding requests received from private non-profit organizations, State or local governmental authorities, and Indian tribes. The record shall identify those applicants that would use grant program funds to provide assistance to predominantly minority populations. The record shall also indicate which applications were rejected and accepted for funding.
- b. A description of how the MPO develops its competitive selection process or annual program of projects submitted to FTA as part of its grant applications. This description shall emphasize the method used to ensure the equitable distribution of funds to subrecipients that serve predominantly minority populations, including Native American tribes, where present. Equitable distribution can be achieved by engaging in outreach to diverse stakeholders regarding the availability of funds, and ensuring the competitive process is not itself a barrier to selection of minority applicants.
- c. A description of the MPO's criteria for selecting entities to participate in an FTA grant program.

I have reviewed the above information and certify that it is correct and complete.

(Must be signed by MPO/RTPA
Executive Director or designated representative)

Date

For additional information and resources see the web addresses below:

Federal requirements FTA Circular 4702.1B (October 1, 2012)

<http://www.fta.dot.gov/civilrights/12328.html>

Overview of Final Circular 4702.1B Title VI Requirements and Guidelines for Recipients

http://www.fta.dot.gov/documents/Title_VI_Overview_4702.1B_11.05.12_ER.pdf

For information, guidance, and technical assistance on the implementation of the LEP initiative please visit <http://www.LEP.gov>