City of Benson
City Council Communication

Regular Meeting **April 25, 2016**

To: Mayor and Council Consent Agenda Item # 2

From: Dustin DeSpain, Finance Director

Subject:

Discussion and possible action regarding the adoption of the Benson Area Transit Program Civil Rights Policies

Discussion:

This is a required policy for the City of Benson transit and must be adopted to receive the Federal Transit Authority (FTA) funds for the Benson Area Transit Program. The Council adopted a previous version in 2015, but recently the Civil Rights and Policies have been updated and corrected to better comply with Civil Rights Act.

Staff Recommendation:

Adoption of the Benson Area Transit Program Civil Rights Policies

Title VI Implementation Plan

Contents

Executive Summary 3
Title VI Policy Statement 4
Title VI Notice to the Public 5
Title VI Notice to the Public -Spanish 6
Discrimination ADA/Title VI Complaint Procedures 7
Discrimination ADA/Title VI Complaint Form 9
Discrimination ADA/Title VI Investigations, Complaints, and Lawsuits 11
Public Participation Plan 12
Limited English Proficiency Plan 14
Non-elected Committees Membership Table 17
Monitoring for Subrecipient Title VI Compliance 18
Title VI Training 19
Title VI Equity Analysis 20
Fixed Route Transit Provider Analysis 21
Board Approval for the Title VI Program 26
Organizational Chart 27

Executive Summary

Benson Area Transit has been in operation since 2010. The BAT system has two separate components. It provides a fixed route service available to the general public, and para-transit service that focuses on the elderly and disabled riders whose needs cannot be met by the fixed route service. Benson Area Transit currently services the City of Benson and surrounding areas. Our mission is to build capacity with our transit system and partners to enhance Southeastern Arizona Mobility.

What type of program fund(s) did you apply for?

☐ 5310
☒ 5311
☐ Other (please explain)_____

Type of Funding Requests? (Select all that apply)

☒ Vehicle Funds
☒ Operating Funds
☐ Other (please explain)_____

Title VI Policy Statement

The **City of Benson/Benson Area Transit** policy assures full compliance with Title VI of the Civil Rights act of 1964, the Restoration Act of 1987, section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), and related statutes and regulations in all programs and activities. Title VI states that "no person shall on the grounds of race, color, national origin, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination" under any **Benson Area Transit** sponsored program or activity. There is no distinction between the sources of funding.

City of Benson/Benson Area Transit also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies and activities on minority and low-income populations. Furthermore, **City of Benson/Benson Area Transit** will take reasonable steps to provide meaningful access to services for persons with limited English proficiency.

When **City of Benson/Benson Area Transit** distributes Federal-aid funds to another entity/person, **City of Benson/Benson Area Transit** will ensure all sub recipients fully comply with **City of Benson/Benson Area Transit** Title VI Nondiscrimination Program requirements. The **City Manager** has delegated the authority to **Laurie Botts Accounting Specialist**, Title VI Program Coordinator, to oversee and implement FTA Title VI requirements.

_____

William Stephens, City Manager

Title VI Notice to the Public

Notifying the Public of Rights Under Title VI
City of Benson/Benson Area Transit

The **City of Benson/Benson Area Transit** operates its programs and services without regard to race, color, national origin or disability in accordance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 (ADA). Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the **City of Benson/Benson Area Transit**.

For more information on the **City of Benson/Benson Area Transit**'s civil rights program, and the procedures to file a complaint, contact **Laurie Botts (520) 720-6315**, (TTY **(520) 586-3624**); email **lbotts@bensonaz.gov**; or visit our administrative office at **120 W 6th St, Benson, AZ 85602**. For more information, visit **www.cityofbenson.com.**

A complainant may file a complaint directly with the Arizona Department of Transportation (ADOT) or the Federal Transit Administration (FTA) by filing a complaint directly with the corresponding offices of Civil Rights: **ADOT**: ATTN: Title VI Program Manager 206 S. 17TH Ave MD 155A RM: 183 Phoenix AZ, 85007 **FTA**: ATTN: 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 **Laurie Botts (520) 720-6315**. Para información en Español llame: **Laurie Botts (520) 720-6315.**

Title VI Notice to the Public -Spanish

Aviso al Público Sobre los Derechos Bajo el Título VI

TYPE YOUR AGENCY/TRANSIT PROVIDER NAME HERE

City of Benson/Benson Area Transit *(y sus subcontratistas, si cualquiera)* asegura complir con el Título VI de la Ley de los Derechos Civiles de 1964, Sección 504 de la Ley de Rehabilitación de 1973 y La Ley de ciudadanos Americanos con Discapacidades de 1990 (ADA). El nivel y la calidad de servicios de transporte serán provehidos sin consideración a su raza, color, o pais de origen.

Para obtener más información sobre la **City of Benson/Benson Area Transit**'s programa de derechos civiles, y los procedimientos para presentar una queja, contacte **Laurie Botts (520) 720-6315**, (TTY **(520) 586-3624**); o visite nuestra oficina administrativa en **120 W 6th St, Benson, AZ 85602**. Para obtener más información, visite **www.cityofbenson.com.**

El puede presentar una queja directamente con Arizona Department of Transportation (ADOT) o Federal Transit Administration (FTA) mediante la presentación de una queja directamente con las oficinas correspondientes de Civil Rights: ADOT: ATTN Title VI Program Manager 206 S. 17th Ave MD 155A Phoenix AZ, 85007 FTA: ATTN Title VI Program Coordinator, East Building, 5th Floor –TCR 1200 New Jersey Ave., SE Washington DC 20590

The above notice is posted in the following locations: Buses, Transit Office and Online.

This notice is posted online at ***www.cityofbenson.com/bensonareatransit***

Discrimination Complaint Procedures

These procedures provide guidance for all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 (ADA) as they relate to any program or activity that is administered by **City of Benson/Benson Area Transit** including consultants, contractors and vendors. Intimidation or retaliation as a result of a complaint is prohibited by law. In addition to these procedures, complainants reserve the right to file a formal complaint with other State or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to resolve complaints at the lowest possible level.

(1) Any person who believes he and/or she has been discriminated against on the basis of race, color, national origin, or disability may file a Discrimination complaint by completing and submitting the agency's Title VI Complaint Form.

(2) Formal complaints must be filed within 180 calendar days of the last date of the alleged act of discrimination or the date when the alleged discrimination became known to the complainant(s), or where there has been a continuing course of conduct, the date on which the conduct was discontinued or the latest instance of the conduct.

(3) Complaints must be in writing and signed by the complainant(s) and must include the complainant(s) name, address and phone number. The ADA/Title VI contact person will assist the complainant with documenting the issues if necessary.

(4) Allegations received by fax or e-mail will be acknowledged and processed, once the identity of the complainant(s) and the intent to proceed with the complaint have been established. For this, the complainant is required to mail a signed, original copy of the fax or email transmittal for the complaint to be processed.

(5) Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign and return for processing.

(6) Once submitted **City of Benson/Benson Area Transit** will review the complaint form to determine jurisdiction. All complaints will receive an acknowledgement letter informing her/him whether the complaint will be investigated by the **City of Benson/Benson Area Transit** or submitted to the State or Federal authority for guidance.

City of Benson/Benson Area Transit will investigate Discrimination complaints against its sub recipients; all other Discrimination complaints filed against **City of Benson/Benson Area Transit** will be investigated by the Arizona Department of Transportation.

(7) For Discrimination complaints filed against **City of Benson/Benson Area Transit**: Within **72 hours or 3 (three)** calendar days of receipt, **City of Benson/Benson Area Transit** will notify ADOT of the Discrimination complaints being filed. The complaint will then be logged identifying its basis of discrimination, the status, and the next steps. ADOT then will assume jurisdiction and follow the ADOT's complaint procedures for investigating the complaint.

(8) For Discrimination complaints filed against **City of Benson/Benson Area Transit**'s sub recipients (ie, consultants, vendors, and contractors) **City of Benson/Benson Area Transit** will assume jurisdiction and will investigate and adjudicate the case.

(9) The **City of Benson/Benson Area Transit** has **20** days to investigate the complaint. If more information is needed to resolve the case, the Authority may contact the complainant. The complainant has **7** 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 **7** business days, the Authority can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

(10) After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI or ADA 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 of the staff member or other action will occur.

(11) A copy of either the closure letter or LOF must be also be submitted to ADOT within 72 hours of that decision. Letters may be submitted by hardcopy or email.

(12) A complainant dissatisfied with **City of Benson/Benson Area Transit's** decision may file a complaint with the Arizona Department of Transportation (ADOT) or the Federal Transit Administration (FTA) offices of Civil Rights: **ADOT**: ATTN ADA/Title VI Program Coordinator 206 S. 17TH Ave MD 155A RM: 183 Phoenix AZ, 85007 **FTA**: Attention Title VI Program Coordinator, East Building, 5th Floor-TCR 1200 New Jersey Ave., SE Washington DC 20590

(13) A copy of these procedures can be found online at: **www.cityofbenson.com/bensonareatransit**

If information is needed in another language, contact **Laurie Botts (520) 720-6315**. Para información en Español llame: **Laurie Botts (520) 720-6315**

Discrimination Complaint Form

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):

☐ Race ☐ Color ☐ National Origin ☐ Disability

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 VI:		
Have you previously filed a Discrimination complaint with this agency?	☐Yes	☐No

If yes, please provide any reference information regarding your previous complaint. _____ _____
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 Agency: _____ ☐ State Court : _____ ☐ 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:
Name of person complaint is against:
Title:
Location:
Telephone Number (if available):

You may attach any written materials or other information that you think is relevant to your complaint. Your signature and date are required below

_____ _____

Signature Date

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

City of Benson/Benson Area Transit, Laurie Botts-Accounting Specialist
120 W 6th St
Benson, AZ 85602
(520)720-6315
lbotts@bensonaz.gov

A copy of this form can be found online at **www.cityofbenson.com/bensonareatransit**

Discrimination Investigations, Complaints, and Lawsuits

This form will be submitted annually. If no investigations, lawsuits, or complaints were filed, a blank form will be submitted.

Description/Name	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, national origin or disability)	Status	Action(s) Taken (Final findings?)
Investigations				
1)				
2)				
Lawsuits				
1)				
2)				
Complaints				
1)				
2)				

X **City of Benson/Benson Area Transit** has not had any ADA nor Title VI Discrimination complaints, investigations, or lawsuits in **2015**.

City of Benson/Benson Area Transit Public Participation Plan

City of Benson/Benson Area Transit is engaging the public in its planning and decision-making processes, as well as its marketing and outreach activities. The public will be invited to participate in the process whether through public meetings or surveys. As an agency receiving federal financial assistance, **City of Benson/Benson Area Transit** made the following community outreach efforts:

April 11, 2016 at 7:00 p.m. – Public Hearing

In the upcoming year **City of Benson/Benson Area Transit** will make the following community outreach efforts:

LEGAL NOTICE

CITY OF BENSON
CITY COUNCIL
PUBLIC HEARING
APRIL 11, 2016 – 7:00 P.M.

The City of Benson's City Council will hold a Public Hearing on April 11, 2016 at 7:00 p.m. at the Benson City Council Chambers, 120 W. 6th Street, Benson, Arizona, 85602.

The purpose of this public hearing will be to receive comments from the public regarding a project for which financial assistance is being sought from the U.S. Department of Transportation. Grant funds will be used to provide general public transit to the residents and visitors of the City of Benson and the surrounding communities.

At the hearing, the City of Benson will afford an opportunity for interested persons or agencies to be heard with respect to the social, economic and environmental aspects of the project. Interested persons may submit oral or written evidence and recommendations with respect to said project. A copy of the grant proposal is currently available for public inspection at City Hall, 120. W. 6th Street, Benson, AZ.

All facilities are handicap accessible. If you have a special accessibility need, please contact Ms. Vicki Vivian, City Clerk, at 520-586-2245 or TDD 586-3624 no later than eight (8) hours before the scheduled meeting time.

Vicki L. Vivian, CMC
City Clerk

Published March 16th and 23rd, 2016

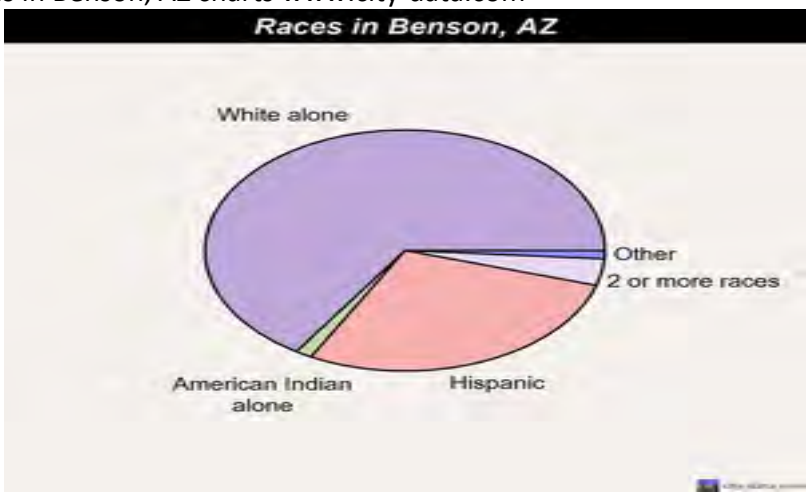
City of Benson/Benson Area Transit

Limited English Proficiency Plan

City of Benson/Benson Area Transit has developed the following Limited English Proficiency Plan (LEP) to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to **City of Benson/Benson Area Transit** services as required by Executive Order 13166. A Limited English Proficiency person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English.

This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, training to staff, notification to LEP persons that assistance is available, and information for future plan updates. In developing the plan while determining the **City of Benson/Benson Area Transit**'s extent of obligation to provide LEP services, the **City of Benson/Benson Area Transit** undertook a U.S. Department of Transportation four-factor LEP analysis which considers the following:

1) The number or proportion of LEP persons eligible in the **City of Benson/Benson Area Transit** service area who may be served or likely to encounter by **City of Benson/Benson Area Transit** program, activities, or services; found on web under races in Benson, AZ charts www.city-data.com



2) The frequency with which LEP individuals come in contact with an **City of Benson/Benson Area Transit** services;

3) The nature and importance of the program, activities or services provided by the **City of Benson/Benson Area Transit** to the LEP population; and

4) The resource available to City of Benson/Benson Area Transit and overall costs to provide LEP assistance. A brief description of these considerations is provided in the following section.

A statement in Spanish will be included in all public outreach notices. Every effort will be made to provide vital information to LEP individuals in the language requested.

Safe Harbor Provision

City of Benson/Benson Area Transit complies with the Safe Harbor Provision, as evidenced by the number of documents available in the Spanish language. With respect to Title VI information, the following shall be made available in Spanish:

(1) Title VI Notice
(2) Complaint Procedures
(3) Complaint Form

In addition, we will conduct our marketing (including using translated materials) in a manner that reaches each LEP group. Vital Documents include the following:

(1) Notices of free language assistance for persons with LEP
(2) Notice of Non-Discrimination and Reasonable Accommodation
(3) Outreach Materials
(4) Bus Schedules
(5) Route Changes
(6) Public Hearings

Non-elected Committees Membership Table

A sub recipient who selects the membership of transit-related, non-elected planning boards, advisory councils, or committees must provide a table depicting the membership of those organizations broken down by race. Sub recipients also must include a description of the efforts made to encourage participation of minorities on these boards, councils, and committees.

Table Depicting Membership of Committees, Councils, Broken Down by Race

Body	Caucasian	Latino	African American	Asian American	Native American
Population 5,105	**74%**	**22%**	**1%**	**1%**	**1%**
Transit Advisory Committee	**56%**	**44%**	**0%**	**0%**	**0%**

The Transit Advisory Committee is appointed by the Mayor with the consent of the Council. The Transit Director/Manager shall be part of the committee membership that shall also include representation from the elderly and disabled community and local businesses.

X **City of Benson/Benson Area Transit** does NOT select the membership of any transit-related committees, planning boards, or advisory councils.

Monitoring for Sub recipient Title VI Compliance

The City of Benson/Benson Area Transit currently does not have sub recipients.

☐ **City of Benson/Benson Area Transit** does NOT monitor sub recipients for Title VI compliance.

Title VI Training

Our Accounting Specialist and Finance Director attended the 5310/5311 Grant Workshop held in Tucson on February 16th, 2016, where updates to the Title VI plan were discussed.

Title VI Equity Analysis

A sub recipient planning to acquire land to construct certain types of facilities must not discriminate on the basis of race, color, or national origin, against persons who may, as a result of the construction, be displaced from their homes or businesses. “Facilities” in this context does not include transit stations or bus shelters, but instead refers to storage facilities, maintenance facilities, and operation centers.

There are many steps involved in the planning process prior to the actual construction of a facility. It is during these planning phases that attention needs to be paid to equity and non-discrimination through equity analysis. The Title VI Equity Analysis must be done before the selection of the preferred site.

Note: Even if facility construction is financed with non-FTA funds, if the sub recipient organization receives <u>any</u> FTA dollars, it must comply with this requirement.

The **City of Benson/Benson Area Transit** has no current or anticipated plans to develop new transit facilities covered by these requirements. No facilities covered by these requirements were developed since 2013.

Fixed Route Transit Provider Analysis

Fixed route: Public transit service (other than by aircraft) provided on a repetitive, fixed-schedule basis along a specific route, with vehicles stopping to pick up passengers.

A sub recipient providing fixed route service, as defined above, must determine the distribution of transit amenities or the vehicle assignments for each mode in a non-discriminatory manner. The sub recipient must develop policies to ensure service is not distributed on the basis of race, color, or national origin.

Effective practices to fulfill the Service Standards requirements include developing written policies covering each of the following service indicators: *Vehicle Load for Each Mode*

A ratio of passengers to the total number of seats (peak and off-peak times). If you operate multiple modes of transit, then you must describe the specific vehicle load standards for peak and off-peak times for each mode of fixed route transit service. Benson Area Transit load standard is a maximum vehicle load factor of 1.00

1) *Vehicle Headway for Each Mode*

This is the amount of time between two vehicles traveling in the same direction on a given or a combination of lines (shorter = more frequent). Please do this for peak and off-peak times. Our Fixed Route is a single bus route. We have no other buses traveling this route.

2) *On Time Performance for Each Mode*

This is a measure of runs completed as scheduled. Please be sure to define what "on time" means (i.e. 0-5 minutes late is still on time). Benson Area Transit defines a bus as late if it departs the bus stop five or more minutes past the scheduled time. Buses are considered early if they depart the bus stop before the scheduled time.

3) *Service Availability for Each Mode*

Benson Area Transit buses are available Monday-Friday 8:00 a.m.-4:00 p.m. Our service is provided throughout Benson and the surrounding area a maximum of 10 miles from City of Benson City Hall.

Effective qualitative practices to fulfill the Service Policy requirements include developing written policies covering each of the following service indicators:

1) *Transit amenities for each mode*

These are items of comfort, convenience and safety available to the general riding public (i.e. seating, shelters, canopies, signs, maps, schedules, escalators, elevators, and waste receptacles). Benson Area Transit has several shelters throughout our bus route. Schedules are located City Hall and on our website at www.cityofbenson.com/bensonareatransit. These amenities are distributed system wide throughout the City of Benson and the surrounding areas.

Please describe how these amenities are distributed to ensure all riders have equal access.

2) *Vehicle assignments for each mode*

The process for placing transit vehicles into service depots and on routes throughout the transit provider's system. All of our buses have the same level of amenities (air conditioning, wheel chair lift, etc.) available to our riders. Our smaller bus is used for paratransit and our bigger buses are used for our fixed routes.

Board Approval for the Title VI Program

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, THIS 25TH DAY OF APRIL, 2016.

_____
TONEY D. KING, SR., MAYOR

ATTEST:

_____
VICKI L. VIVIAN, CMC, CITY CLERK

APPROVED AS TO FORM:

_____
MESCH, CLARK, AND ROTHSCHILD, P.C.
BY GARY J. COHEN
CITY'S ATTORNEY

Organizational Chart

ATTACH A COPY OF THE ORGANIZATIONAL CHART HERE