

**CENTRAL TRANSPORTATION  
Chautauqua County Chapter of NYSARC, Inc.  
d/b/a: The Resource Center  
200 Dunham Ave.  
Jamestown, NY 14701**

**Title VI Compliance Plan  
September 2018**

**Submitted to:**

**NYS DOT  
Public Transportation Bureau  
50 Wolf Road  
Albany, NY 12322**

**Karen Moynihan, Transportation Manager  
Mark Morton, AED/Support Operations**

**Submission of Civil Rights Assurance**

The purpose of this plan is to certify the Chautauqua County Chapter, NYSARC, inc. d/b/a: The Resource Center (TRC Central Transportation), as a condition of receiving federal financial assistance under various programs administered by the Federal Transit Administration (FTA) will ensure that no person, including persons with limited English proficiency (LEP), will be subjected to discrimination in the level and quality of transportation services and transit-related benefits on the basis of race, color, or national origin.

TRC Central Transportation will compile, maintain, and submit Title VI information required by FTA Circular 4702.1B, dated October 1, 2012, and in compliance with the Department of Transportation's Title VI regulations at 49 CFR §21.7(a).

TRC Central Transportation will submit an updated Title VI plan every three years, and comply with the New York State Department of Transportation's (NYSDOT) Section 5310 Program reporting requirements submitting its Title VI discrimination complaint logs to NYSDOT as required.

### **Introduction**

Title VI of the Civil Rights Act of 1964 ensures 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 or, or be subjected to discrimination under any program or activity receiving federal financial assistance from the FTA. TRC Central Transportation has prepared and submitted this document to ensure compliance with both the spirit and the letter of the requirements set for in FTA Circular 4702.1B.

### **General Reporting Requirements**

#### *1. List of Transit-Related Investigations, Complaints, and Lawsuits*

Requirement: All applicants, recipients, and sub-recipients shall maintain and submit a list of any active lawsuits or complaints naming the applicant that alleges discrimination on the basis of race, color, or national origin with respect to service or other transit benefits.

There are not investigations, complaints, or lawsuits alleging discrimination on the basis of race, color, or national origin with respect to service or other transit benefits provided by TRC Central Transportation. A complaint log is used for any complaints and investigations by the agency. Reporting and documentation will be submitted as necessary and required by the New York State Department of Transportation's (NYSDOT) Section 5310 Program reporting requirements.

#### *2. Pending Applications for Assistance*

Requirement: All applicants, recipients, and sub-recipients shall maintain and submit a description of all pending applications for federal assistance, and all financial assistance currently provided by other federal agencies, and whether any federal agency has found the applicant, recipient, or sub-recipient to be in non-compliance with any civil rights requirement.

TRC Central Transportation does maintain a description of all pending/current assistance from federal sources. Currently the pending applications for TRC Central Transportation are for the 5310 Grant. Our financial assistance funded federal agencies are as follows:

NCRA – School Base Grant  
ACCESS VR  
JARC Grant  
HRSA – School Base Grant  
BIP Grant

No federal agency has found TRC Central Transportation to be in non-compliance with any civil rights requirements.

### *3. Summary of Civil Rights Compliance Reviews*

Requirement: All applicants, recipients, and sub-recipients shall maintain and submit a summary of all civil rights compliance reviews conducted by other local, state, or federal agencies in the last three years.

There have been no civil rights compliance transit-related reviews of TRC Central Transportation from any other local, state, or federal agency in the last three years.

### *4. FTA Civil Rights Assurance and DOT Title VI Assurance*

Requirement: All applicants, recipients, and sub-recipients shall maintain and submit a signed FTA Civil Rights Assurance that all of the records and other information required have been filed or will be compiled, as appropriate.

The FTA Civil Rights Assurance shall be reported and recorded as required by the New York State Department of Transportation's (NYSDOT) Section 5310 Program reporting requirements.

### *5. Fixed-Facility Impact Analysis*

Requirement: For construction projects, all applicants, recipients, and sub-recipients shall conduct a fixed-facility impact analysis to assess the effects on minority communities. This information can be included in the environmental assessment or environmental impact statement.

TRC Central Transportation is a transportation service operating under the auspices of the Chautauqua County Chapter NYSARC, Inc., dba: The Resource Center. Central Transportation provides transportation solely to and from the various Day Habilitation sites operated by The Resource Center in Chautauqua County. It has not and does not plan to partake in construction projects. If there ever was a construction project, The Resource Center Central Transportation services will follow all requirements as mandated.

### *6. Title VI Complaint Procedures*

Requirement: All applicants, recipients, and sub-recipients are required to submit a copy of their instruction to the public regarding how to file a Title VI discrimination complaint, and a copy of a blank complaint form.

TRC Central Transportation has developed procedures for filing, investigating and tracking Title VI complaints filed against it.

TRC Central Transportation services is not a public transportation provider. It exists solely to provide transportation services for individuals attending the five Day Habilitation programs operated by TRC.

Title VI Complaint Procedures and a complaint form will be provided to all individuals, agencies, and families during the referral for services process and on an annual basis for those receiving services.

#### *7. Notice to Beneficiaries*

Requirement: All applicants, recipients, and sub-recipients are required to submit a copy of their "Notice to Beneficiaries," the Title VI notice to the public that indicates the applicant, recipient, and sub-recipient complies with Title VI, and informs members of the public of the protections against discrimination afforded them by Title VI.

TRC Central Transportation will provide information to the public and employees regarding its commitment to Title VI and the protections against discrimination afforded by Title VI. This will be accomplished by providing that information to employees in writing and a public notice in The Resource Center's website.

TRC Central Transportation notice includes: (a) a statement that TRC Central Transportation operates programs without regard to race, color, and national origin; (b) information on how the public can request additional information about TRC Central Transportation's non-discrimination policy; and (c) information about who to contact if an issue suggestive of discriminatory action is perceived, and how to file a formal complaint against TRC Central Transportation.

#### *8. Public Participation Plan*

Requirement: All applicants, recipients, and sub-recipients are required to submit a description of the public outreach planned to engage minority and limited English proficient populations, including underserved constituencies such as persons with disabilities. The majority of clients served by the agency and its programs are low income.

TRC Central Transportation services provides transportation services for TRC Day Habilitation passengers. In addition, TRC Transportation provides transportation to activities and events such as Laurel Run, dances, summer camps, etc.

#### *9. Limited English Proficiency (LEP) Plan*

TRC Central Transportation has taken steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for LEP individuals. Bilingual staff is available to provide interpretation and translation services upon request for Spanish speaking individuals as needed and requested.

## **Limited English Proficiency (LEP) Plan**

### **INTRODUCTION**

This Limited English Proficiency Plan addresses the responsibilities of TRC Central Transportation as a recipient of federal financial assistance as they relate to the needs of individuals with limited English proficiency. The Plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations, which states that no person shall be subjected to discrimination on the basis of race, color, or national origin. Executive Order 13166, title Improving Access to Services for Persons with Limited English Proficiency, states that differing treatment based upon a person's inability to speak, read, write, or understand English is a type of national origin discrimination which is covered under Title VI.

### **TRC Central Transportation**

#### **Anti-Discrimination Title VI Notice and Complaint Procedure**

TRC Central Transportation operates its programs and services without regard to race, color and national origin in accordance with Title VI of the Civil Rights Act of 1964, which provides: "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

TRC Central Transportation is committed to ensuring that no person is excluded from participating in or denied the benefits of its public services on the basis of race, color, or if you believe you have been subjected to discrimination under Title VI or related non-discrimination laws, you may file a complaint with TRC Central Transportation. For more information on the TRC Central Transportation Title VI Compliance Program, and the procedures to file a complaint, contact or visit:

**Mark Morton**  
**AED/Employee Relations/Support Operations**  
**The Resource Center**  
**200 Dunham Ave.**  
**Jamestown, NY 14701**  
**716-661-1442**

**Fax: 716-661-1419**

**[mark.morton@resourcecenter.org](mailto:mark.morton@resourcecenter.org)**

You may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, attention: Title VI Program Coordinator, FTA Office of Civil Rights, East Building, Fifth Floor-TCR, 1200 New Jersey Ave., S.E. Washington, D.C. 20590. This notice is currently posted at the TRC Central Transportation office location, Day Habilitation sites, and on TRC's website.

### **TRC Central Transportation**

#### **Anti-Discrimination Title VI Complaint Procedure**

Any person who believes that he or she has been excluded from participation in, denied the benefits of, or subjected to discrimination under Title VI of the Civil Rights Act of 1964, relating to any program and/or activity administered by TRC Central Transportation based on race, color, or national origin with regard to any federally-financed transportation project may file an official Title VI complaint with the Title VI Coordinator:

**Mark Morton**  
**AED/Employee Relations/Support Operations**  
**The Resource Center**  
**200 Dunham Ave.**  
**Jamestown, NY 14701**  
**716-661-1442**  
**Fax: 716-661-1419**  
**[mark.morton@resourcecenter.org](mailto:mark.morton@resourcecenter.org)**

### **Complaint Process**

A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. To be accepted for investigation, the allegation must involve a covered basis such as race, color or national origin, and it must involve a transit-related program or activity.

Complainant must present a detailed description of the issues, including names and job titles of individuals perceived as parties to the action complained against, the date, time of day, and location of the alleged incident of discrimination, and contact information of any witnesses to the alleged incident.

The complainant should complete this process by documenting the above details on the TRC Central Transportation complaint form. The complaint form must be signed, and then mailed or returned to:

**Mark Morton**  
**AED/Employee Relations/Support Operations**

**The Resource Center**  
**200 Dunham Ave.**  
**Jamestown, NY 14701**  
**716-661-1442**  
**Fax: 716-661-1419**  
[mark.morton@resourcecenter.org](mailto:mark.morton@resourcecenter.org)

### **Investigative Process**

The Title VI Coordinator will notify the complainant, in writing, within ten (10) days of receipt of the complaint. The Title VI Coordinator will review each complaint, and when necessary, begin the investigative process. All complaints will be investigated promptly. The investigation should be completed within thirty (30) days. In the event that the Title VI Coordinator is also an individual perceived as a party to the action complained against, the Executive Director will appoint a neutral third-party to perform the investigation.

At a minimum, the investigation should include the following: notifying the Executive Director; providing the respondent with an opportunity to answer, in writing, the allegations of discrimination; developing an investigative plan; conducting interviews; collecting and analyzing evidence; and preparing an investigative report. The Title VI Coordinator will undertake reasonable measures to maintain confidentiality.

Upon completion of the investigation, if a Title VI violation is found to exist, remedial steps as appropriate and necessary will be taken immediately. The complainant will also receive a final investigative report. The investigation process and final report should take no longer than ninety (90) days.

### **Appeal Process**

If no violation is found and the complainant wishes to appeal the decision, he or she may contact the Federal Transit Administration office of Civil Rights at: Title VI Program Coordinator, FTA Office of Civil Rights, East Building, 5<sup>th</sup> Floor – TCR, 1200 New Jersey Ave., S.E. Washington, D.C. 20590 or via their website: [www.fta.dot.gov/civilrights/civilrights\\_5104.html](http://www.fta.dot.gov/civilrights/civilrights_5104.html).

### **External Filing Process**

A complainant may file a complaint directly within 180 days of the date of the alleged discrimination with Federal Transit Administration by filing a complaint with the Office of Civil Rights, attention: Title VI Program Coordinator, FTA Office of Civil Rights, East Building, 5<sup>th</sup> Floor – TCR, 1200 New Jersey Ave., S.E. Washington, D.C. 20590 or via their website: [www.fta.dot.gov/civilrights/title6/civil\\_rights\\_5104.html](http://www.fta.dot.gov/civilrights/title6/civil_rights_5104.html).

# TRC Central Transportation

## Title VI Complaint Form

### Contact Information:

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

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

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

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

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

Accessible Format  
Requirements?

Large Print  
TDD

Audio Tape  
Other

Are you filing this complaint on your own behalf? \_\_\_\_\_

Yes\*

No

\*If you answered "yes" to this question, please proceed to Complaint Information below.

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 \_\_\_

### Complaint Information:

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

Race     Color     National Origin     Other: Specify \_\_\_\_\_

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 names 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.

Have you previously filed a Title VI complaint with this Agency? \_\_\_\_\_

Yes \_\_\_

No \_\_\_

Have you filed this complaint with any other Federal, State or local agency, or with any Federal or State court?

Yes       No

If yes, check all that apply:

Federal Agency: \_\_\_\_\_  State Agency: \_\_\_\_\_

Federal Court: \_\_\_\_\_  Local Agency: \_\_\_\_\_

State Court: \_\_\_\_\_

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

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

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

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

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

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

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

Contact person: \_\_\_\_\_

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

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

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

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

Mark Morton, AED Employee Relations/Support Operations

The Resource Center

200 Dunham Ave.

Jamestown, NY 14701

(716)661-1442

Fax: (716)661-1419

[mark.morton@resourcecenter.org](mailto:mark.morton@resourcecenter.org)



## TRC Central Transportation Limited English Proficiency (LEP) Plan

As a sub recipient of Federal Transit Administration funding, TRC Central Transportation takes reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited-English proficient (LEP). TRC Central Transportation uses information obtained in the Four-Factor Analysis outlined in Federal Transit Administration (FTA) Circular 4702.1B, dated October 1, 2012, to determine the specific language services that are appropriate to provide.

- (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.

TRC Central Transportation uses data from the American Community Survey (2013) to determine the number and proportion of LEP persons likely to be served by its transportation programs. See table below.

<b>LANGUAGE SPOKEN AT HOME</b>	Estimate	Margin of Error	Percent	Percent Margin of Error
<b>Population 5 years and over</b>	126,324	+/-32		(X)
<b>English only</b>	116,762	+/-618	92.40%	+/-0.5
<b>Language other than English</b>	9,562	+/-616	7.60%	+/-0.5
<b>Speak English less than "very well"</b>	3,592	+/-336	2.80%	+/-0.3
<b>Spanish</b>	5,690	+/-427	4.50%	+/-0.3
<b>Speak English less than "very well"</b>	2,471	+/-301	2.00%	+/-0.2
<b>Other Indo-European languages</b>	3,229	+/-457	2.60%	+/-0.4
<b>Speak English less than "very well"</b>	868	+/-184	0.70%	+/-0.1
<b>Asian and Pacific Islander languages</b>	387	+/-95	0.30%	+/-0.1
<b>Speak English less than "very well"</b>	174	+/-63	0.10%	+/-0.1
<b>Other languages</b>	256	+/-149	0.20%	+/-0.1
<b>Speak English less than "very well"</b>	79	+/-58	0.10%	+/-0.1

According to this data, 3592 persons, or approximately 2.8% of the population five years of age and over speak English less than "very well." This population is divided among

Spanish speakers, speakers of Asian and Pacific Islander languages, and Indo-European languages other than Spanish.

(2) The frequency with which LEP persons come into contact with the program.

LEP persons come into contact with TRC Central Transportation programs as passengers, and riders of public transportation users.

(3) The nature and importance of the program, activity, or service provided by the program to people's lives.

TRC Central Transportation acknowledges the importance of transportation to the lives of all persons in the community.

(4) The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.

TRC Central Transportation staff will provide oral translation services, upon request, for all vital documents, as defined by FTA Circular 4702.1B, dated October 1, 2012. In addition, LEP individuals can use Google Translate to translate information posted on the TRC Central Transportation website.

### **Summary**

TRC Central Transportation serves a population catchment area of 126.04 people five years of age or older, of whom 3592, or 2.8%, speak English less than "very well." To ensure that this population has equal access to its transportation services, TRC Central Transportation will provide oral translation services, upon request, for all vital documents, as defined by FTA Circular 4702.1B, dated October 1, 2012.