



# **Title VI Program**

**Adopted: October 2017**

**Allied Coordinated Transportation Services, Inc. (ACTS)  
241 W Grant Street  
New Castle, PA 16101**

## **TITLE VI POLICY AND COMPLAINT PROCESS**

Allied Coordinated Transportation Services, Inc. (ACTS) grants equal access to its programs and services to all citizens. This document serves to make citizens aware of their rights to such access, and serves to educate citizens so that they may understand the civil rights laws that protect their receipt and benefit of such services as defined by Title VI of the Civil Rights Act of 1964.

### **WHAT IS TITLE VI?**

Title VI is a section of the Civil Rights Act of 1964 requiring that "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." Note that Title VI does not address gender discrimination. It only covers race, color and national origin. Other Civil Rights laws prohibit gender discrimination.

### **ACTS'S TITLE VI COMPLAINT AND INVESTIGATION PROCEDURES**

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 for alleged discrimination in any program or activity administered by Allied Coordinated Transportation Services, Inc. These procedures do not deny the right of the complainant to file formal complaints with other State or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and ACTS may be utilized for resolution. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited under Title VI and related statutes may file separate complaints.

1. A formal complaint must be filed within 180 days of the alleged occurrence. Complaints shall be in writing and signed by the individual or his/her representative, and will include the complainant's name, address and telephone number; name of alleged discriminating official, basis of complaint (race, color, national origin), and the date of alleged act(s). A statement detailing the facts and circumstances of the alleged discrimination must accompany all complaints. An ACTS Title VI complaint form can be obtained from the ACTS office. ACTS encourages individuals to submit Title VI complaints in writing using this form and mailing it to:  
**Office of Human Resources, Title VI Coordinator**  
**Allied Coordinated Transportation Services, Inc. (ACTS)**  
**P.O. Box 189**  
**241 W. Grant Street**  
**New Castle, PA 16103**
2. In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the ACTS Office of Human Resources, Title VI Coordinator. Under these circumstances, the complainant will be interviewed, and the ACTS Office of Human Resources Title VI Coordinator will assist the complainant in completing a written statement.
3. When a complaint is received, the Office of Human Resources Title VI Coordinator will provide written acknowledgment to the Complainant, within ten (10) business days by registered mail or hand delivery.
4. If a complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided 60 business days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.

5. Within 15 business days from receipt of a complete complaint, ACTS will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) days of this decision, the Chief Executive Officer or his/her authorized designee will notify the Complainant and Respondent, by registered mail or hand delivery informing them of the disposition.
  - a. If the decision is not to investigate the complaint, the notification shall specifically state the reason for the decision.
  - b. If the complaint is to be investigated, the notification shall state the grounds of ACTS jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
6. When ACTS does not have sufficient jurisdiction, the Chief Executive Officer or his/her authorized designee will refer the complaint to the appropriate State or Federal agency holding such jurisdiction.
7. If the complaint has investigative merit, the Chief Executive Officer or his/her authorized designee will instruct the Title VI Coordinator to fully investigate the complaint. A complete investigation will be conducted, and an investigative report will be submitted to the Chief Executive Officer within 60 days from receipt of the complaint. The report will include a description of the incident, summaries of all persons interviewed, and a finding with recommendations and proposed resolution where appropriate. If the investigation is delayed for any reason, the Office of Human Resource Title VI Coordinator will notify the appropriate authorities, and an extension will be requested.
8. The Chief Executive Officer or his authorized designee will issue letters of finding to the complainant and Respondent within 90 days from receipt of the complaint.
9. If the Complainant is dissatisfied with the ACTS resolution of the complaint, he/she has the right to file a complaint in the time allotted by law with:

**Federal Transit Administration Region 3**  
**1760 Market Street Suite 500**  
**Philadelphia, PA 19103-4124**  
**(215) 656-7100 (telephone)**  
**(215) 656-7260 (fax)**

#### **POSTING OF PUBLIC NOTICE**

Public notice of Title VI Policy and Complaint Procedures is posted in each vehicle and at the ACTS Administrative Offices, 241 W. Grant Street, New Castle, Pennsylvania 16101.

## Title VI Complaint Form

Title VI of the 1964 Civil Rights Act requires that “No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” If you feel you have been discriminated against in transit services, please provide the following information in order to assist us in processing your complaint:

Please print CLEARLY:

<b>Section I:</b>	
Name:	
Address:	
City, State, Zip Code:	
Telephone Number: (home)	(cell)
Accessible Format Requirements? Large Print    TDD    Audio Tape	
Other:	

<b>Section II:</b>	
Are you filing this complaint on your own behalf? YES*      NO	
If you answered YES to this question-go to <b>Section III</b>	
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 you have obtained the permission of the aggrieved party if you are filing on behalf of a third party:	

<b>Section III:</b>	
I believe the discrimination I experienced was based on (check all that apply):	
_____ race    _____ color    _____ National Origin	
What was the date of the alleged discrimination (Month, Day, and 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:	

<b>Section IV:</b>
Have you previously filed a Title VI complaint with this agency?

<b>Section V:</b>
Have you filed a Title VI complaint with any other Federal, State, or local agency, or with any Federal or State Court? YES      NO
If YES, check all that apply:
_____ Federal Agency: _____
_____ Federal Court: _____
_____ State Court: _____
_____ State Agency: _____
_____ Local Agency: _____
Please provide information about a contact person at the agency/court where the complaint was filed.
Name: _____
Title: _____
Agency: _____
Address: _____
Phone: _____

<b>Section VI:</b>
Name of agency complaint is against: _____
Contact person: _____
Title: _____
Phone: _____

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

Signature and date required below:

\_\_\_\_\_

Your Signature Date

\_\_\_\_\_

Print your name

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

**Office of Human Resources, Title VI Coordinator**  
**Allied Coordinated Transportation Services, Inc. (ACTS)**  
**P.O. Box 189**  
**241 W. Grant Street**  
**New Castle, PA 16103**

## **Public Participation Plan**

ACTS strives to sustain the delivery of quality transportation service to the residents of Lawrence County.

The ACTS Advisory Council Committee meets bi-annually, and more often if relevant, to review the status of the ACTS service and to determine if acceptable service standards are being met. The Committee also makes recommendations for improvements.

In addition, when significant service changes and/or fare increases are proposed, ACTS collects and evaluates input from the Advisory Council and the ridership to aid in the decision making process.

Any Lawrence County residents may serve on the ACTS Advisory Council Committee. ACTS does not appoint its members. Participation is on a volunteer basis. All Advisory Council Meetings are advertised in the local community newspaper and are open to the public. Any new member attending their first meeting is automatically added to the committee listing and invited to all subsequent meetings.

The committee strives to maintain a broad-based mix of members from the public and private sectors. Membership is encouraged from consumers as well as agencies and organizations serving the elderly, disabled, and low-income populations.

## **Limited English Proficiency Policy Plan**

The purpose of this limited English proficiency policy guidance is to clarify the responsibilities of recipients of federal financial assistance from the U.S. Department of Transportation (DOT) and assist them in fulfilling their responsibilities to limited English proficient (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. It was prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance, and;

### **Executive Order 13166**

Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice's (DOJ's) Policy Guidance entitled "Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination against Persons with Limited English Proficiency." (See 65 FR 50123, August 16, 2000 DOJ's General LEP Guidance). Different treatment based upon a person's inability to speak, read, write, or understand English may be a type of national origin discrimination. Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies such as Allied Coordinated Transportation Services, Inc. (ACTS) and governments, private and non-profit entities, and sub recipients.

### **Plan Summary**

ACTS has developed this Limited English Proficiency Plan (LEP) to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to ACTS 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 staff, how to notify LEP persons that assistance is available, and information for future plan updates. In developing the plan while determining ACTS's extent of obligation to provide LEP services, ACTS conducted 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 ACTS service area who may be served or likely to encounter an ACTS program, activity, or service; 2) the frequency with which LEP individuals come in contact with ACTS services; 3) the nature and importance of the program, activity or service provided by ACTS to the LEP population; and 4) the resources available to the ACTS and overall costs to provide LEP assistance. A brief description of these considerations is provided in the following section.

### **Four Factor Analyses**

#### **1. The number or proportion of LEP persons eligible in the ACTS service area who may be served or likely to encounter an ACTS program, activity, or service.**

ACTS examined the US Census report from 2010, and, using data from Census tracts in Lawrence County, PA area was able to determine that approximately 95.7% of people within ACTS's service area age 5 and older spoke English as the primary or only language. Approximately 4.3% or 375 individuals speak a language other than English.

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

ACTS assesses the frequency at which staff and drivers have or could possibly have contact with LEP persons. This includes documenting phone inquiries and surveying drivers and customer service personnel. ACTS has had no requests for interpreters and zero requests for translated ACTS documents. ACTS office staff and drivers have had very little to no contact with LEP individuals.

**3. The nature and importance of the program, activity, or service provided by ACTS to the LEP community.**

There is no large geographic concentration of any one type of LEP individuals in the ACTS service area. The overwhelming majority of the population, 95.7% of residents speaks English as their primary language. Therefore, for the most part, LEP individuals do not use ACTS's services.

**The resources available to ACTS and overall associated costs.**

ACTS assessed its available resources that could be used for providing LEP assistance. This included identifying costs associated with subscription to the Language Line service, the costs of additional translation services such as a professional interpreter on an as needed basis, which documents would be the most valuable to be translated if and when the populations supports, taking an inventory of available organizations that ACTS could partner with for outreach and translation efforts, and what level of staff training is needed. After analyzing the four factors, ACTS developed the plan outlined in the following section for assisting persons of limited English proficiency at a low cost.

**Limited English Proficiency Plan Outline**

How to Identify a LEP Person Who Needs Language Assistance-

Below are tools to help identify persons who may need language assistance:

- Examine records requests for language assistance from past meetings and events to anticipate the possible need for assistance at upcoming meetings;
- When ACTS sponsored meetings are held, set up a sign-in sheet table, have a staff member greet and briefly speak to each attendee. To informally gauge the attendee's ability to speak and understand English, ask a question that requires a full sentence reply;
- Survey drivers and other first line staff on an annual basis at the beginning of each fiscal year regarding their experience on having any direct or indirect contact with LEP individuals.

**Language Assistance Measures**

ACTS has or will implement the following LEP procedures. The creation of these steps are based on the very low percentage of persons speaking other languages or not speaking English at least "well," and the lack of resources available in the ACTS service area:

- ACTS's website is in the process of being redesigned. Functionality that allows users to view the content in other languages will be built into the updated version.
- Upon a LEP individual's arrival to the ACTS office, the reception staff will provide an "I Speak" flyer to the individual to determine which language is being communicated.
- After the language that is needed to be interpreted is identified, the staff person will utilize the Language Line Service via telephone.



### **ACTS Staff Training**

All ACTS staff will be made available a copy of the LEP Plan and will be educated on procedures to follow. This information will also be part of the ACTS staff orientation process for new hires. Training topics are listed below:

- Understanding the Title VI policy and LEP responsibilities;
- Documentation of language assistance requests;
- How to handle a Title VI and/or LEP complaint

### **Outreach Techniques**

ACTS does not have a formal practice of outreach techniques due to the lack of LEP population and resources available in the service area. However, the following are a few options that ACTS will incorporate when and/or if the need arises for LEP outreach:

- If staff knows that they will be presenting a topic that could be of potential importance to an LEP person or if staff will be hosting a meeting or a workshop in a geographic location with a known concentration of LEP persons, meeting notices, fliers, advertisements, and agendas will be printed in an alternative language, based on known LEP population in the area.
- Key print materials will be translated and made available at the ACTS Administration facility and in communities when a specific and concentrated LEP population is identified.
- Staff members conducting Community Outreach will bring along the “I Speak” flyer as well as the Language Line Service instructions so that interpretation services can be accessed while in the community.

### **Monitoring and Updating the LEP Plan**

This plan is designed to be flexible and is one that can be easily updated. At a minimum, ACTS will follow the Title VI Program update schedule for the LEP Plan.

Each update should examine all plan components such as:

- How many LEP persons were encountered?
- Were their needs met?
- What is the current LEP population in the ACTS service area?
- Has there been a change in the types of languages where translation services are needed?
- Is there still a need for continued language assistance for previously identified ACTS programs?  
Are there other programs that should be included?
- Have ACTS's available resources, such as technology, staff, and financial costs changed?
- Has ACTS fulfilled the goals of the LEP Plan?
- Were any Title VI complaints received?

As part of the monitoring and update plan, ACTS will track the activity of usage of its services by LEP persons and requests for assistance from Customer Service and Operations staff, and record information from passenger surveys which will identify the language spoken by passengers and their need for assistance. ACTS will also maintain communication with municipalities in its service area to identify LEP individuals who may have moved into a part of ACTS's service area and may require assistance. These municipalities will also be instructed to contact ACTS with any requests that they may receive for language assistance.

### **Dissemination of the ACTS Limited English Proficiency Plan**

ACTS includes the LEP plan on the agency website ([www.lccap.org](http://www.lccap.org)) together with its Title VI Policy and Complaint Procedures. ACTS's Notice of Rights under Title VI to the public is available in the lobby area of the ACTS Administration Office and posted on all buses.

Any person, including social service, non-profit, and law enforcement agencies, along with other community partners with Internet access will be able to access the plan.

Copies of the LEP Plan will be provided upon request. LEP persons may obtain copies/translations of the plan upon request.

Any questions or comments regarding this plan should be directed to the ACTS Title VI Coordinator.

ACTS Human Resources, Title VI Coordinator  
Allied Coordinated Transportation Services, Inc.  
241 W Grant Street  
P.O. Box 189  
New Castle, PA 16103  
Phone : 724-652-5588  
Fax : 724-658-9014

**Non-elected Committees and Councils**

ACTS does not appoint the Board of Directors or have a specified number of members. Anyone interested in joining the Board must be nominated and approved for membership by the current standing Board of Directors.

**Equity Analysis Statement**

ACTS has not performed a major construction project since the inception of this Title VI Plan. For future qualifying projects, an equity analysis will be performed.

**ACTS - Title VI Equity Analysis Procedures for Compliancy with FTA C 4702. 1B.**

**ACTS'S TITLE VI - DETERMINATION OF SITE OR LOCATION OF FACILITIES**

Title 49 CFR Section 21.9(b)(3) states, "In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part."

Title 49 CFR part 21, Appendix C, Section (3)(iv) provides, "The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin." For purposes of this requirement, "facilities" does not include bus shelters, as these are transit amenities and are covered in Chapter IV, nor does it include transit stations, power substations, etc., as those are evaluated during project development and the NEPA process. Facilities included in this provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc.

In order to comply with the regulations:

- a) ACTS shall complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. ACTS will engage in outreach to persons potentially impacted by the siting of facilities. The Title VI equity analysis will compare the equity impacts of various siting alternatives, and the analysis will occur before the selection of the preferred site.

- b) When evaluating locations of facilities, ACTS will give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. Analysis will be done at the Census tract or block group where appropriate to ensure that proper perspective is given to localized impacts.
- c) If ACTS determines that the location of a project will result in a disparate impact on the basis of race, color, or national origin, ACTS will only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin. ACTS will show how both tests are met. ACTS realizes that in order to make this showing, ACTS must consider and analyze alternatives to determine whether those alternatives would have less ( Chap. III-12 FTA C 4702.1B ) of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

### **Definitions – According to the Federal Transit Administration**

Minority: The FTA defines a minority person as one who self-identifies as American Indian/Alaska Native, Asian, Black or African American, Hispanic or Latino, and/or Native Hawaiian/Pacific Islander. Minority values in the ACTS Study Area are monitored through census studies and zoning maps.

Low Income: The FTA defines a low-income individual as one whose household income is at or below the poverty guidelines set by the Department of Health and Human Services (DHHS). DHHS poverty thresholds are based on household size and income, and are nearly identical to the guidelines used to define poverty in the 2011 U.S. Census and American Community Survey (ACS), which form the basis of this review. Low-income values in the ACTS study area are monitored through census studies and zoning maps.

Disparate Impact: The defines “disparate impacts” as neutral policies or practices that have the effect of disproportionately excluding or adversely affecting members of a group protected under Title VI, and the recipient’s policy or practice lacks a substantial legitimate justification. If the results of the analysis indicate a potential for disparate impacts, further investigation is performed. This investigation uses qualitative assessments and/or the “four-fifths rule” to determine whether disparate impacts exist. In this analysis, if the quantitative results indicate that the Concept Plan service changes provide benefits to minority/low-income groups at a rate less than 80 percent of the benefits provided to non-minority/non-low-income groups, there could be evidence of disparate impacts and mitigation measures should be identified

### **List of Title VI Investigations/Complaints/Lawsuits**

FY17-18- TBD

## Title VI Service Standards

It is the intent of Allied Coordinated Transportation Services, Inc. (ACTS) to ensure full compliance with Title VI Regulations. The information below has been reviewed and adopted as policy by the ACTS Board of Directors at a regularly scheduled meeting on October 26, 2017.

**Vehicle Load Standard:**

ACTS will maintain a vehicle load standard of 1.0 for each vehicle operating in shared-ride transportation service. The following vehicle capacity exists for the current ACTS fleet:

FLEET NUMBER	MAKE	YEAR	MAX AMBULATORY SEATING CAPACITY	MAX MOBILITY DEVICE CAPACITY	MAX VEHICLE PASSENGER LOAD
81	Ford	2005	4	0	4
89	Ford	2009	8	2	10
94	Ford	2010	10	1	11
95	Ford	2010	12	2	14
97	Ford	2012	12	2	14
100	Ford	2013	16	4	17
101	Ford	2013	16	4	17
102	Ford	2013	16	4	17
103	Ford	2013	16	4	17
104	Ford	2016	16	4	18
105	Ford	2016	16	4	18
106	Ford	2016	16	4	18
107	Ford	2016	12	2	14
108	Ford	2016	12	2	14
109	Ford	2016	12	2	14
110	Ford	2016	12	2	14
111	Ford	2016	12	2	14
112	Ford	2016	12	2	14
113	Ford	2017	12	3	14
114	Ford	2017	12	3	14
115	Ford	2017	12	3	14
990	Ford	2010	12	4	12
991	Ford	2010	16	5	16

**Passenger Ride Time:**

ACTS strives to ensure that the shared-ride passenger’s ride time is not more than double the time that same trip would take someone in a personal car at the same time of day. An exception to this standard applies to cross-county trips as all passengers must be picked up and then driven to the adjacent county. To lessen out-of-county ride times, ACTS will utilize several vehicles to pick-up the passengers in various parts of Lawrence County and will then transfer all of the passengers onto one bus that will leave the county. The second exception applies to group runs, such as our local contracted adult day programs, that require their passengers are routed together based on residence location and day program’s location.

**On-time performance:**

ACTS observes an “on time window” that spans from fifteen (15) minutes before the scheduled pickup time through fifteen (15) minutes after the scheduled pickup time. For “will call” return trips that are reserved without a scheduled return pickup time, ACTS will consider the return pickup to be “on time” if the vehicle arrives between five (5) minutes before and forty-five (45) minutes after the scheduled return time. On-time performance will be analyzed periodically using monthly test weeks. ACTS strives to maintain an “on time” performance measure of 75% for pickup trips and 75% for “will call” return trips.

**Service Availability:**

ACTS serves the entire Lawrence County population with service to outer-lying, rural areas limited to designated days of the week and times of the day. ACTS identifies the days and times that service will be provided to these outer-lying, rural areas on subscription trips that either originate or terminate in these areas. ACTS will add an additional day or time to service an outer-lying, rural area if a new subscription trip is requested.

ACTS will evaluate and update the service days and times to these outer-lying, rural areas on an ongoing basis.

**Review of Service Standards**

ACTS will analyze and review the service standards annually. The results of the review will be presented at a publicly advertised ACTS Advisory Council Committee Meeting. During this same meeting, any proposed or new standards will be presented to the Committee.