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Title VI / Environmental Justice Non-Discrimination Plan

**Prepared under the Provisions of
FTA Circular 4702.1B**

**City of South Portland
South Portland Bus Service
25 Cottage Road
P.O. Box 9422
South Portland, Maine 04116-9422
207-767-5556**

April 1, 2018

DRAFT

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Introduction

South Portland Bus Service Description

The South Portland Bus Service (SPBS) operates a fixed-route, public transit service throughout South Portland, into downtown Portland, and into Scarborough along the shopping area off Payne road near the Maine Mall. Three routes cover a total of 790 miles a day and provided over 270,000 passenger trips in the fiscal year ending June 30, 2017. All City buses are lift equipped and wheelchair accessible. the oldest buses in the fleet of seven are six years old with an average age of four years .

The SPBS connects with the Portland METRO Bus system and the Shuttlebus/Zoom service through a free transfer arrangement providing its riders a broad, regional travel area with access to the Biddeford-Saco-Old Orchard Beach Shuttle, the Jetport, Casco Bay ferries, Greyhound Bus, Concord Coach, Amtrak Downeaster, as well as medical, shopping and other high activity centers in the area.

In addition to its fixed-route schedule, the City of South Portland participates in a regional, complementary paratransit program to transport passengers whose disabilities interfere with their ability use the fixed-route system. This service is provided through an intergovernmental agreement with the Regional Transportation Program (RTP) and provided trips in the fiscal year ending June 30, 2017.

Governance

The SPBS is an operating service of the Transportation Department of the City of South Portland. The Transportation Department Director is also the Director of the SPBS. He reports to the City Manager who reports to the City Council which is the *de facto* Board of Directors of the SPBS. The City Council consists of seven (7) members, four (4) Caucasian females and three (3) Caucasian males, elected by the citizens of South Portland in a general election. The City Council approves the budget of and approves fare and service policies for the SPBS.

Plan Statement

Title VI of the Civil Rights Act of 1964 as amended prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance. Specifically, Title VI provides that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” 42 U.S.C. Section 2000d.

The City of South Portland, acting by and through its Bus Service (hereinafter “SPBS”), is committed to ensuring that no person is excluded from participation in, or denied the benefits of, its transit services on the basis of race, color, or national origin. This plan was developed to guide the SPBS and its administration and management of Title VI-related activities.

Coordinator Contact Information

Art Handman, Director, South Portland Bus Service, 25 Cottage Road, P.O. Box 9422, South Portland, Maine, 04116-9422; 207-767-5556.

Title VI Information Dissemination

Title VI information posters shall be prominently and publicly displayed at the SPBS dispatch center, City Hall Bulletin Boards, and on transit buses. Additional information relating to nondiscrimination can be obtained from the Title VI Coordinator.

Title VI information shall be disseminated to SPBS employees annually. During new employee orientation, new employees shall be informed of the provisions of Title VI, and the SPBS's expectations that they will perform their duties accordingly.

Subcontractors and Vendors

All subcontractors and vendors who receive payments from SPBS where funding originates from any federal assistance are subject to the provisions of Title VI of the Civil Rights Act of 1964 as amended. Written contracts shall contain non-discrimination language, either directly or through the bid specification package which becomes an associated component of the contract.

Record Keeping

The Title VI Coordinator shall maintain permanent records which include, but are not limited to, copies of Title VI complaints or lawsuits and related documentation, and records of correspondence to and from complainants, and Title VI investigations.

1. South Portland Bus Service Public Outreach

Public outreach is essential to the success of SPBS, the public transit system operated by the City of South Portland. SPBS' ongoing public outreach efforts extend beyond maintaining a website and marketing its services through brochures and schedules to include: live telephone assistance with bus schedules and regional facilities, public hearings and workshops, participation in regional meetings and forums, and one-on meetings with social service agencies and clients. These engagements benefit both SPBS officials and the general public in a number of ways:

- They provide users of the transit system with an opportunity to describe what they like about the system and what they would like to see changed;
- They introduce potential riders of SPBS with basic information about how the system works and how it can meet their needs;
- They engender a sense of ownership among people, especially those who are often at the mercy of their surroundings;
- They help SPBS officials design a transit system that meets the needs of the public within the constraints of available funding;
- They help SPBS officials gauge the success of the transit system; and
- They provide SPBS officials with new ideas and alert them to potential environmental justice issues.

Public Outreach Workshops, Meetings, and Forums

The following is a summary of continuing public outreach efforts undertaken by SPBS during calendar year 2017. These outreach efforts are aimed at helping these organizations understand the transit services provided by SPBS. While all of the meetings are open to the public, some of the meetings are focused on smaller groups with unique interests. Interactions occurred with the following organizations (these are listed in no particular order):

- Mobility Advisory Committee concerning complementary paratransit services hosted by Regional Transportation Program (RTP).
- Monthly meetings and annual public forum of the PACTS Planning Committee to evaluate current transit services and mobility management for low-income, elderly, and disabled individuals and the general public.
- Participation in the GPCOG's Regional Transit Route Study with several Public Meeting to collect information on proposed recommendations to improve bus service in the greater Portland region.
- Knightville / Mill Creek Public Informational Meetings concerning impact of parking and transit service on neighborhood residents and businesses.
- Land use and Planning workshops during review of the City's stakeholder participation in GPCOG's continued Sustainability Program, specifically to describe and encourage principles of transit oriented development.
- Southern Maine Community College and University of Southern Maine open house.
- Presentations to staff and residents of "E Street house" in Knightville, specialized housing for adult children with developmental disabilities, giving them transit options and an opportunity to secure a safe, supported and active community life. (Ongoing)

- Kaler Elementary School classroom presentations and hands-on experience riding the bus.
- Day One Substance Abuse and Mental Health Services, a teen counseling center dealing with teen drug and alcohol abuse. (Ongoing – whenever bus schedule changes or they request info)
- Red Bank Village Community Center “Take Back the Night” to discuss bus schedules and transportation options. This neighborhood is in a Community Development Block Grant eligible census tract.
- One-on-one specialized training and material for disabled or visually impaired customers, as well as service animal training. Ongoing upon request
- Community Survey e-mailed to households within South Portland concerning South Portland Bus Service schedule and route changes.
- City Council Workshops and Meetings concerning approvals of existing and proposed route changes, approval of capital items acquisition, and Operating Budgets and resulting service levels.
- Annual August meeting with South Portland School Dept. Child Services Coordinator to discuss the upcoming school year low income family access to Bus tickets for school transportation.
- Monthly meetings with City of South Portland General Assistance Director to discuss client need for Bus Tickets for the following month.
- Monthly meetings at Redbank Community Center Hub with Families Coordinator to discuss low income residents in need of assistance for bus tickets.
- Monthly or Bi-monthly meetings with City of Portland Dept. of Human Services housing coordinator to discuss clients need for Bus Tickets who will be temporarily housed in South Portland.
- 20 E St. – Home ownership project for individuals with developmental disabilities. Meet with House Coordinator and new residents on how to use the bus system while living in South Portland.

SPBS also makes available one-on-one training by telephone, email, or in person to help passengers with special needs to learn how to navigate the transit system.

2. South Portland Bus Service LEP Analysis and Plan

Introduction

On August 11, 2000, President Clinton signed Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency, which requires meaningful access to all federally assisted programs and activities by persons with limited English proficiency (LEP).

Executive Order 13166 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.”

In addition to the requirement that federal agencies prepare LEP plans, all recipients of federal financial assistance have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided. The Federal Highway Administration has mandated that all “...recipients must take reasonable steps to ensure that such persons have meaningful access to the programs, services and information those recipients provide, free of charge...”

Who is an LEP Individual?

As defined in the 2000 United States Census, it is any individual who speaks a language at home other than English as their primary language, and who speaks or understands English “not well” or “not at all.”

The Four Factor Analysis

Under guidance from the U.S. Department of Transportation, SPBS is obligated to determine the extent of its obligation to provide LEP services to its transit-dependent population. This determination must be based on an analysis of four factors:

1. The number or proportion of LEP persons who may be serviced or are likely to encounter a program, activity or service;
2. The frequency with which LEP persons come in contact with programs, activities or services;
3. The nature and importance of programs, activities or services to the LEP population; and
4. The resources available to the recipient and overall costs to provide LEP assistance.

Factor #1: The number or proportion of LEP persons who may be serviced or are likely to encounter a program, activity or service. The first step towards understanding the extent of the LEP population in SPBS Service’s jurisdiction is a review of Census data. The analysis of Census data shows the number and percentage of persons who speak English “not well” and “not at all” combined, within four major groups within South Portland falls below the 1,000 person / 5% threshold.

Summary of Maine Limited English Proficiency (LEP) Persons 5 Years and Older South Portland Bus Service						
			Persons Speaking English “not well” and “not at all” Combined			
			Spanish	Indo-European	Asian or Pacific	Total
South Portland	25304	1265	7	52	310	369

Source: U.S. Census 2009-2013 American Community Survey 5-year Estimates

Factor #2: The frequency with which LEP persons come in contact with programs, activities or services. The SPBS comes into occasional contact with an LEP person.

Factor #3: The nature and importance of programs, activities or services to the LEP population. The service is presumed to be very important to LEP persons who use it.

Factor #4: The resources available to the recipient and overall costs to provide LEP assistance. SPBS has “I Speak” language Identification cards on its buses for use in the event that they encounter an LEP person who needs language assistance. In the event that an LEP person requires language assistance, the SPBS would use the service of Language Line on a fee basis. The cost of the language line cards and potential use of Language Line services is minimal.

SPBS is committed to monitoring the transit needs of the transit-dependent population, including LEP persons, and evaluating how best to address those needs.

The LEP implementation plan will be reviewed on an annual basis in July of each year to ensure that the needs of LEP individuals are met.

3. South Portland Bus Service Title VI Complaint Procedures

Part A – for the Persons Filing the Complaint

How to File a Complaint

If you believe that you have been excluded from participation in, denied benefits or services of any program or activity administered by SPBS or its sub-recipients, consultants, and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age, or disability, you may bring forth a complaint of discrimination under Title VI of the Civil Right Act of 1964 / Environmental Justice and related statutes.

Where to File

You may file your complaint of discrimination with any or all of the following:

- South Portland Bus Service
- City of South Portland
- MaineDOT's Civil Rights Office
- The Federal Highway Administration
- The Federal Transit Administration
- U.S. Department of Transportation

Time Limitation

Complaints must be filed no later than 180 days after:

- The date of the alleged act of discrimination; or
- The date the person became aware of the alleged discrimination; or
- Where there has been a continuing course of discriminatory conduct, the date on which the conduct was discontinued.

Form of Complaint

Complaints must be in writing, and must be signed by you and/or your representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination.

In the event you choose to make a verbal complaint of discrimination, the Title VI Coordinator or other person authorized to receive complaints on behalf of SPBS, will interview you. If necessary, the authorized person will assist you in writing the complaint for you or your representative to sign.

You may use the complaint form on the next page. It is not required. Rather, it is intended to help you provide enough information so that SPBS can begin processing the complaint.

What Happens to the Complaint after it is filed?

1. **Review of Complaint.** The Title VI Coordinator or her/his designee reviews your complaint upon receipt to ensure that relevant information is provided, the complaint is timely, and falls within the agency's jurisdiction.
2. **Investigation Required.** Your complaint shall be investigated unless:
 - You withdraw the complaint.
 - Your complaint fails to provide required information.
 - Your complaint is filed beyond the 180-day timeframe.
 - You are not part of a protected group.
 - Your complaint is determined to be more appropriately under a jurisdiction other than the City of South Portland and its Bus Service (hereinafter "SPBS"). If this is the case, you will be directed to the appropriate agency.

You must make yourself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

3. **Letter.** Upon determination that the complaint warrants SPBS investigation, you will be sent a letter, acknowledging receipt of the complaint, and giving the name of the investigator.
4. **Notification of Respondent.** The respondent – the person alleged to have committed the discrimination – will be notified by mail that she/he has been named in a complaint.
5. **Agency Investigation.** The Title VI Coordinator of SPBS will conduct an investigation.
 - The investigation will address only those issues relevant to the allegations in the complaint.
 - Confidentiality will be maintained as much as possible.
 - Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case.
 - Within 40 days of receiving the complaint, the Title VI Coordinator will make a final determination of "probable cause" or "no probable cause" and prepares the final decision letter to be sent to you. If there is probable cause that discrimination has occurred, the letter will outline the steps that will be taken to resolve your complaint.

What if I am not satisfied with the Outcome?

If you are not satisfied with the agency's determination as to whether or not there is probable cause that discrimination has occurred, or if you are dissatisfied with the steps the agency is taking to resolve your complaint, you may appeal to the Maine Human Rights Commission, #51 State House Station, 19 Union Street, Augusta, Maine 04333.

City of South Portland South Portland Bus Service Title VI Complaint Procedures

Part B – for the Agency

Introduction

The Title VI / Environmental Justice and Related Statutes complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding City of South Portland, acting by and through its Bus Service (hereinafter “SPBS”) programs, activities and services as required by statute.

Purpose

The purpose of the discrimination complaint procedures is to describe the process used by SPBS for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

Roles and Responsibilities

The SPBS Title VI Coordinator has overall responsibility for the discrimination complaint process and procedures. The Title VI Coordinator may, at his/her discretion, assign a capable person within SPBS to investigate the complaint.

The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon the information obtained from the investigation.

In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted by SPBS in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant’s representative.

The complainant shall make him-or herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

Filing Complaints

Applicability. The complaint procedures apply to the beneficiaries of SPBS programs, activities and services including, but not limited to the public, contractors, subcontractors, consultants and other sub-recipients of federal and state funds.

Eligibility. Any person who believes that she/he has been excluded from participation in, denied benefits or services of any program or activity administered by SPBS or its sub-recipients, consultants, and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age, or disability may bring forth a complaint of discrimination under Title VI/EJ and related statutes.

Time Limitation and Filing Options. Title VI/EJ complaints of discrimination may be filed with:

- South Portland Bus Service (SPBS)
- City of South Portland
- MaineDOT's Civil Rights Office
- The Federal Highway Administration
- The Federal Transit Administration
- U.S. Department of Transportation

In all situations, SPBS employees must contact the Title VI Coordinator immediately upon receipt of a Title VI/EJ complaint.

Time Limitation and Filing Options. Complaints must be filed no later than 180 days after:

- The date of the alleged act of discrimination; or
- The date the person became aware of the alleged discrimination; or
- Where there has been a continuing course of discriminatory conduct, the date on which the conduct was discontinued.

Complaints must be in writing, and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event a person makes a verbal complaint of discrimination to a SPBS employee, the Title VI Coordinator or other person authorized to receive complaints on behalf of SPBS, shall interview the person. If necessary, the authorized person will assist the person in writing the complaint for the person or the person's representative to sign.

Internal Complaint Processing

Initial Contact

The Title VI Coordinator or his/her designee will provide complainants with:

- An explanation of their filing options;
- The discrimination complaint process; and
- A Title VI/EJ and Related Statutes Discrimination Complaint Form.

Use of the complaint form is not necessary for the complainant. Rather, it is intended to help the complainant provide enough information to begin processing the complaint.

The Complaint Review Process

1. **Review of Complaint.** The Title VI Coordinator or her/his designee reviews the complaint upon receipt to ensure that relevant information is provided, the complaint is timely, and falls within the agency's jurisdiction.
2. **Investigation Required.** The complaint shall be investigated unless:
 - The complaint is withdrawn.
 - The complainant fails to provide required information.
 - The complaint is filed beyond the 180-day timeframe.
 - The complainant is not part of a protected group.
 - The complaint is determined to be more appropriately under a jurisdiction other than SPBS. If this is the case, the complainant will be directed to the appropriate agency.
3. **Letter.** Upon determination that the complaint warrants SPBS investigation, the complainant is sent a letter, acknowledging receipt of the complaint, and giving the name of the investigator.
4. **Notification of Respondent.** The respondent – the person alleged to have committed the discrimination -- is notified by mail that she/he has been named in a complaint. The letter also includes the investigator's name and informs the respondent that she/he will be contacted for an interview.

Investigation

Investigation Plan

The investigator shall prepare a written plan which includes, but is not limited to the following:

- Names of the complainant(s) and respondent(s);
- Basis for the complaint;
- Issues, events or circumstances that caused the person to believe that she/he has been discriminated against;
- Information needed to address the issue;
- Criteria, sources necessary to obtain the information;
- Identification of key people;
- Estimated investigation time line; and
- Remedy sought by the complainant(s).

Conducting the Investigation

- The investigation will address only those issues relevant to the allegations in the complaint.
- Confidentiality will be maintained as much as possible.

- Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case.
- A chronological contact sheet is maintained in the case file throughout the investigation.

Investigation Reporting Process

- Within 40 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to Title VI Coordinator or her/his designee for review.
- The Title VI Coordinator or designee reviews the file and investigative report. Subsequent to the review, the Title VI Coordinator makes a final determination of “probable cause” or “no probable cause” and prepares the final decision letter.

Reporting Requirements to an External Agency

A copy of the complaint, together with a copy of the investigation report and the Title VI Coordinator’s final decision letter, is forwarded to the Federal Transit Administration, Region 1 Office, within 60 days of the date the complaint was received.

Records

All records and investigative working files are maintained on a confidential basis. Records are kept for three years.

Appeals

Complainants who are not satisfied with the agency’s determination as to whether or not there is probable cause that discrimination has occurred, or the steps the agency is taking to resolve the complaint, may appeal to the Maine Human Rights Commission, #51 State House Station, 19 Union Street, Augusta, Maine 04333.

4. South Portland Bus Service Title VI Investigations

There have been no Title VI investigations, complaints or lawsuits filed with the agency during the past three calendar years (2014- 2017).

5. South Portland Bus Service Public Notice

The City of South Portland, acting by and through its Bus Service (“SPBS”), hereby gives the public notice of its policy to uphold and assure full compliance with Title VI of the Civil Rights Act of 1964 and all related statutes and guidelines. Title VI and related statutes and guidelines prohibiting discrimination in federally assisted programs require that no person in the United States of America shall, on the grounds of race, color, national origin, sex, age or disability be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice regarding SPBS transit system has the right to file a formal complaint with SPBS. Any such complaint must be in writing and submitted to the SPBS Title VI Coordinator within one hundred eight (180) days following the date of the alleged occurrence. For more information regarding civil rights complaints, please contact:

Title VI Coordinator
South Portland Bus Service
25 Cottage Road
P.O. Box 9422
South Portland, ME 04116-9422

207-767-5556

6. Approval of Plan

The City Council of the City of South Portland conducted a Public Hearing on February 20, 2018 to hear public comment on this Plan. All relevant comments expressed by the public and City Councilors have been incorporated into this Plan.

The City Council formally approved this plan at a Meeting on February 20, 2018 per Certification attached hereto.