

TITLE VI AND LEP PLAN SUBMISSION
Spartanburg County Transportation Services Bureau
Spartanburg County, South Carolina
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US Department of Transportation
Federal Transit Administration
Office of Civil Rights
Region IV

Recipient Information

RECIPIENT: Spartanburg County Transportation Services Bureau

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SUBMISSION OF CIVIL RIGHTS ASSURANCE

By the submission of this plan, Spartanburg County's Transportation Services Bureau (TSB) certifies that, as a condition of receiving Federal financial assistance under various programs administered by the Federal Transit Administration, including, but not limited to Sections 5307, 5309, 5310, 5311, it will insure that:

- I. No person, including persons with limited English proficiency (LEP) will be subjected to discrimination in the level and/or quality of transportation services and transit-related benefits on the basis of race, color, or national origin.
2. The TSB will compile, maintain, and submit in a timely manner Title VI information required by FTA Circular 4702.1A, dated May 13, 2007, and in compliance with the Department of Transportation's Title VI regulations at 49 CFR Part 21.
3. The TSB will submit a Title VI assurance every three years as part of the annual Certification and Assurance submission to the Federal Transit Administration (FTA).
4. The TSB will make it known to the public that those person or persons alleging discrimination on the basis of race, color, or national origin as it relates to the access to or provision of transportation services and transit-related benefits may file a complaint with the U.S. Department of Transportation and/or the Federal Transit Administration.

INTRODUCTION

Title VI of the Civil Rights Act of 1964 (Title VI) 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 of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Federal Transit Administration. Spartanburg County Transportation Services Bureau (TSB) has prepared and submitted this document to ensure compliance with both the spirit and the letter of the requirements set forth in FTA Circular 4702.1.

GENERAL REPORTING REQUIREMENTS

List of Active Complaints and Lawsuits

Requirement: All applicants, recipients, and subrecipients 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 neither complaints nor lawsuits alleging discrimination on the basis of race, color, or national origin with respect to service or other transit benefits available through TSB.

Pending Applications for Assistance

Requirement: All applicants, recipients, and subrecipients shall maintain and submit a description of all pending applications for financial assistance, and all financial assistance currently provided by other Federal Agencies.

TSB currently has an application for continuing operating, capital and planning assistance (SC-90X-237) in the amount of 748,459.

The following open grants for capital, operating and planning assistance are awaiting approval of budget revisions:

SC-90X-198-00	in the amount of \$618,000
SC-90X-204-00	in the amount of \$1,298,000
SC-90X-228-00	in the amount of \$849,069

Additionally, TSB has been approved for ARRA capital funding in the amount of \$1,023,603 under grant SC-96X-011-00. TSB also is a subrecipient of funding administered through the South Carolina Department of Transportation (SCDOT), including funding under Sections 5310, 5311, additional ARRA funding and potential funding under Sections 5309, 5316 and 5317.

Summary of Civil Rights Compliance Reviews

Requirement: All applicants, recipients, and subrecipients 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 has been no Civil Rights Compliance review from any outside agency for the TSB in the last three years.

FTA Civil Rights Assurance & DOT Title VI Assurance

Requirement: All applicants, recipients, and subrecipients 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 complied, as appropriate.

The FTA Civil Rights Assurance is incorporated in the Annual Certifications and Assurances that was submitted to FTA through the Transportation Electronic Award and Management (TEAM) system.

Fixed-Facility Impact Analysis

Requirement: For construction projects, all applicants, recipients, and subrecipients 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.

TSB has not undertaken any construction projects in the past three years, nor are any planned for the upcoming period.

Complaint Procedures

In compliance with 49 CFR Section 21.9(b), Spartanburg County TSB has developed procedures for filing, investigating; and tracking Title VI complaints filed against them. Such procedures shall be made available to the public upon request. TSB complaint procedures and complaint form are included as Appendix A.

Access for LEP Persons

Spartanburg County TSB shall take steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP). Although the most recent survey data from the American Community Survey (ACS) indicates that the population of LEP individuals in Spartanburg County is likely less than 2.9%, TSB staff will make every effort to provide translators and document translation upon request. Efforts are detailed in our LEP plan, which is included in this report.

TSB will continue to monitor the need and explore additional outreach efforts based on Census and other data sources, as well as based on encounters with LEP individuals.

Public Notification

Spartanburg County TSB shall provide information to the public and employees regarding our organization's commitment to Title VI. This will serve to inform members of the public and our staff of the protections against discrimination afforded by Title VI. This will be accomplished by publishing a notice in the local newspaper and on TSB publications, including our web host (www.SPATSMPO.org).

The contents of the notice shall include:

- A statement that the agency operates programs without regard to race, color, and national origin.
- Information on how the public can request additional information about TSB's non-discrimination policy.
- Information about who to contact if an issue suggestive of discriminatory action is perceived, and how to file a formal discrimination complaint against TSB.

Additional Information

The TSB recognizes that it may be asked, at the discretion of the FTA, for information other than that required by FTA Circular 470 1.IA to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI. TSB regards any complaint as serious and meriting investigation and remediation, and will strive to provide any requested information in a swift and accurate manner.

Public Participation

Within the last three years the only public meetings held by the TSB were meetings of our governing board, the Joint Transportation Committee (JTC). These meetings were properly publicized and were held in a location that was accessible to handicapped individuals, provided adequate parking

and lighting and easily accessible by either the TSB or the SPARTA route-based mass transit systems.

LIMITED ENGLISH PROFICIENCY (LEP) PLAN

Introduction

This Limited English Proficiency (LEP) Plan has been prepared to address Spartanburg County's responsibility as a recipient of federal financial assistance as it relates to meeting the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, Federal Transit Administration Circular 4702.1A dated May 13, 2007, which states that no person shall be subjected to discrimination on the basis of race, color or national origin. Executive Order 13166, titled Improving Access to Services for Persons with Limited English Proficiency, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination and directs each federal agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place; this order applies to all state and local agencies which receive federal funds.

Plan Summary

Spartanburg County (the County) has entered into an interagency agreement with Spartanburg Regional Healthcare System (SRHS) to operate the County's Transportation Services Bureau (TSB), and has developed this LEP Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided through TSB. As defined in Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English.

This plan outlines:

1. How we may identify persons who may need language assistance;
2. Ways in which we may provide assistance;
3. Staff training or resources that may be required to provide such assistance; and
4. How we may notify LEP persons that language assistance is available.

In order to prepare this plan, TSB undertook the U.S. Department of Transportation (U.S. DOT) Four Factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter a TSB program, activity or service.
2. The frequency with which LEP persons come into contact with TSB programs, activities or services.
3. The nature and importance to the LEP population of programs, activities and/or services provided by TSB.

4. The resources available to TSB and overall cost to provide LEP assistance.

A summary of the results of the four-factor analysis is in the following section.

Four Factor Analysis

Factor One - The number or proportion of LEP persons in the service area who may be served or are likely to encounter a TSB program, activity or service.

TSB staff reviewed the recently released 2010 U.S. Census Report which provides limited information about national origin, but does not provide information collected under the previous decennial Census regarding language spoken at home and the level of language proficiency. The American Community Survey has not yet released language specific data specific for smaller geographical units, but at the state level, 2009 ACS data shows that 93.7% of our state's population speaks only English; of the 6.3% who speak a language other than English, 54.5% speak it "very well".

Spartanburg County's 2010 Census population is 284,307; 16,658 (5.9%) of individuals are Hispanic or Latino, 5,746 (2.0%) are Asian, 764 (0.3%) American Indian or Alaskan Native, 86 (0.003 %) are Hawaiian Native or Other Pacific Islander and 8,714 (3.1%) are classified as being of "Some Other Race".

TSB provides demand responsive services throughout Spartanburg County. Transportation is arranged with a day-prior reservation. The TSB has had limited encounters with individuals who speak English "less than well" and has received no requests for language assistance to date.

Factor Two - The frequency with which LEP persons come in contact with TSB programs, activities or services.

TSB assessed the frequency with which staff and drivers have, or could have, contact with LEP individuals. This includes documenting phone inquiries and surveying vehicle operators for requests for interpreters and translated documents. To date, there has been no request for language assistance other than for American Sign Language (ASL) (Spartanburg is home to the South Carolina School for the Deaf and Blind and their staff and students have made use of TSB services, primarily to access employment and/or higher education services).

Based on our demand-response service model we anticipate that, if there is contact with LEP persons, the most frequent contact would be with schedulers and bus drivers. General public do not typically access our administrative and maintenance facility. As Spanish is the most widely spoken language in our service area, we will post Spanish translation of transit rules and "I Speak" cards on transit vehicles, and will provide access to telephonic translation services as needed through SRHS outreach and support services. Even though there is little likelihood that any LEP person would visit our administrative and maintenance facilities, a Title VI statement will be posted in English and in Spanish in these locations as well as on our the MPO website (www.SPATSMPO.org), which provides our transit service's web presence.

Factor Three - The nature and importance of programs, activities or services provided by TSB to the LEP population.

Public transportation is a vital service, especially to those who are elderly, infirm and/or otherwise transportation dependent. In times of economic uncertainty, it is anticipated that transit services have become more meaningful to individuals who would normally rely on private automobiles to meet the majority of their transportation needs. Due in large part to automobile-influenced development patterns, Spartanburg County residents have wide access to and depend primarily upon private vehicles to meet their transportation needs – in 2008 only 2.3% of individuals in Spartanburg County reported having **no** access to private vehicles. Our Metropolitan Planning Organization (MPO), the Spartanburg Area Transportation Study (SPATS), is currently undertaking a long range transit study and plan to encourage use of public transportation in Spartanburg County.

Factor Four -The resources available to TSB and overall costs to provide LEP assistance.

The TSB is fortunate to benefit from a partnership between Spartanburg County and the Spartanburg Regional Healthcare System (SRHS) to provide transportation services through the Transportation Services Bureau (TSB). Both the County and SRHS have access to translators to assist with public safety and/or public health concerns. Translations services are available to TSB through either organization should the need arise. These services would be provided on an as-needed basis at a negligible cost to the transit agency.

Limited English Proficiency (LEP) Plan Outline

How TSB staff may identify an LEP person who needs language assistance:

1. Examine records to see if requests for language assistance have been received in the past, either at meetings or over the phone, to determine whether language assistance might be needed at future events or meetings.
2. Have a staff person greet participants as they arrive to any TSB sponsored events. By informally engaging participants in conversation it is possible to gauge each attendee's ability to speak and understand English and offer information regarding language assistance.
3. Have Census Bureau Language Identification Flashcards available at TSB meetings. This will assist TSB in identifying language assistance needs for future events and meetings.
4. Have Census Bureau Language Identification Flashcards on all transit vehicles to assist vehicle operators in identifying specific language assistance needs of passengers. If such individuals are encountered, vehicle operators will be instructed to try to obtain contact information to give to TSB's management for follow-up.
5. Vehicle operators and other front-line staff, like dispatchers, dial-a-ride schedulers, and service development planners, will be surveyed on their experience concerning any contacts with LEP persons during the previous year.

Language Assistance Measures

There are numerous language assistance measures available to LEP persons, including both oral and written language services. There are also various ways in which TSB staff can reach out or respond to LEP persons, whether in person, by telephone or in writing.

- SRHS Outreach will provide information to LEP groups on TSB programs and services;
- Network with local human service organizations that provide services to LEP individuals and seek opportunities to provide information on TSB programs and services;
- Provide a bilingual Community Outreach Coordinator at community events, public hearings and Board of Director meetings upon request;
- Include statements in notices and publications that interpreter services are available for these meetings, with seven day advance notice;
- Survey bus drivers and other front-line staff, like dispatchers, dial-a-ride schedulers, and service development planners, annually on their experience concerning any contacts with LEP persons during the previous year;
- Provide *Language Identification Flashcards* onboard the TSB fleet;
- Post the TSB Title VI Policy and LEP Plan on the Metropolitan Planning Organization (MPO) website (www.spatsmpo.org), which currently provides transit-related information;
- With the assistance of bilingual staff, provide group travel training to LEP persons upon request;
- Include language “Spanish a plus” on bus driver recruitment flyers and onboard recruitment posters;
- When an interpreter is needed, for a language other than Spanish, in person or on the telephone, staff will attempt to access language assistance services from a professional translation service or qualified community volunteers. A list of these resources is maintained by SRHS.

Staff Training

The following training will be provided to TSB staff:

1. Information on the TSB Title VI Procedures and LEP responsibilities
2. Description of language assistance services offered to the public
3. Use of Language Identification Flashcards
4. Documentation of language assistance requests
5. Use of language-line service
6. How to handle a potential Title VI/LEP complaint

Outreach Techniques

When staff prepares a document or schedules a meeting, for which the target audience is expected to include LEP individuals, then documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population. Interpreters will be available as needed.

Monitoring and Updating the LEP Plan

TSB will update the LEP as required by U.S. DOT. At minimum, the plan will be reviewed and updated when relevant data from the decennial Census or the American Community Survey is

updated and available, or when it is clear that higher concentrations of LEP individuals are present in the TSB service area. Updates will include the following:

- Evaluation of the current LEP population in the service area;
- The number of documented LEP person contacts encountered by TSB annually;
- Documentation of where these contacts occur;
- How the needs of LEP persons have been addressed;
- Determination how the need for translation services has changed;
- Determine whether local language assistance programs have been effective and whether they will be sufficient to meet the revised service needs;
- Determine if TSB's financial resources are sufficient to meet identified language assistance needs;
- Determine whether this LEP Plan adequately identifies and addresses language assistance needs;
- Determine whether TSB has fully complied with the goals of this LEP Plan;
- Determine whether any complaints that may have been received regarding the needs of LEP individuals have been satisfactorily addressed.

Dissemination of the TSB LEP Plan

A link to the TSB LEP Plan and the Title VI information and complaint procedures is included on the SPATS website at www.spatsmpo.org; any person or agency with internet access will be able to access and download the plan from the website. Alternatively, any person or agency may request a copy of the plan via telephone, fax, mail, or in person and shall be provided a copy of the plan at no cost. Spartanburg will make reasonable effort to provide a translated plan at no cost to LEP individuals upon request.

Questions or comments regarding the LEP Plan may be submitted to:

Spartanburg County Planning
Senior Planner for Transit Administration
PO Box 5666
Spartanburg, SC 29304-5666
Phone: 864-596-3570
Fax: 864-596-3018
Email: kgilbert@spartanburgcounty.org (Senior Planner)

Appendix A – TSB Title VI Complaint Procedures and Complaint Form

Introduction

These procedures apply to complaints filed under Title VI of the Civil Rights Act of 1964, relating to any program and/or activity administered by Spartanburg County's Transportation Services Bureau, their consultants and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

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. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Every effort will be made to obtain early resolution of complaints at the lowest possible level. The option of informal mediation meeting(s) between the affected parties and the investigator may be utilized for resolution at any stage of the process. The TSB will make every effort to pursue a resolution of the complaint. Initial interviews with the complainant and the respondent will include requests for information regarding specific relief and settlement options.

Filing

Any person who believes that he, she or any specific class of persons has been subjected to discrimination or retaliation prohibited by Civil Rights authorities, based upon race, color, sex, age, national origin, or disability may file a written complaint to the Spartanburg County's Title VI Program Coordinator. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complaint must meet the following requirements:

- Complaints must be in writing and signed by the complainant(s). Complaints must include the date of the alleged act(s) of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which the conduct was discontinued or the latest instance of the conduct.
- Complaint must present a detailed description of the issues, including names, job titles, and addresses of those individuals perceived as parties in the action complained against. Upon provision of employee name(s), TSB will assist, to the extent possible, with provision of job title and/or address information.

Receipt and Acceptance

Upon receipt of the complaint, the Title VI Program Coordinator will determine jurisdiction and need for additional information. The complaint will be forwarded to the SCDOT (South Carolina

Department of Transportation) Title VI Coordinator for a determination of acceptability. The Title VI Coordinator will notify the complainant, in writing, within ten days of receipt of the complaint.

In order to be accepted, a complaint must meet the following criteria:

- The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
- The allegation(s) must involve a covered basis such as race, color, or national origin.
- The allegation(s) must involve a program or activity that receives Federal financial assistance.

SCDOT will assume responsibility for investigating complaints against any of its sub-recipients.

Investigation of Complaints

In cases where SCDOT assumes responsibility for investigation, SCDOT will provide the respondent with an opportunity to respond, in writing, to the allegations of discrimination. SCDOT will designate an investigative team responsible for evaluating the complaint, develop an investigative plan, conduct interviews, collect and analyze evidence, and prepare an investigative report.

SCDOT's final investigative report will be submitted to the appropriate Federal Agency within 60 days of receipt of the complaint. The appropriate agency will issue a final agency decision (FAD) and provide written notification of the decision to the complainant and respondent.

Appeals

If the appropriate Federal Agency concludes that the respondent is in compliance with laws and regulations and the complainant disagrees, the complainant may, if dissatisfied, file an action in the appropriate U.S. District Court.

TITLE VI COMPLAINT FORM

Your Last Name: _____

Your First Name: _____

Your Gender (M/F): _____

Your Mailing Address: _____

City, State Zip: _____

Your Telephone (daytime): _____

Your Telephone (evenings): _____

Your E-mail Address: _____

Preferred method of contact (please check):

- Daytime phone
- Evening phone
- Email
- US Mail

Type of Discrimination Alleged (please check one or more):

- Race
- Religion
- Color
- Disability
- National Origin
- Sex/Gender
- Age

Race of Complainant (please check one or more):

- | | |
|-------------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> African-American/Black | <input type="checkbox"/> Hispanic/Latino |
| <input type="checkbox"/> Alaska Native | <input type="checkbox"/> Native American/American Indian |
| <input type="checkbox"/> Asian American | <input type="checkbox"/> Pacific Islander |
| <input type="checkbox"/> Caucasian/White | <input type="checkbox"/> Other |

Spartanburg County TSB – Title VI Complaint Form

Please provide the following information:

Name(s) of individual(s) responsible for the discriminatory action(s):

1. _____
2. _____
3. _____
4. _____

Name(s) of person(s) who may be contacted for additional information to support or clarify your complaint. (Attach additional sheets, if necessary).

Name	Address	Telephone
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

What action(s) have you or your representative done to attempt to resolve this complaint? Please include filing dates or other dates as applicable:

Action	Date
<input type="checkbox"/> Telephone contact with local transit agency	_____
<input type="checkbox"/> Written contact with local transit agency	_____
<input type="checkbox"/> Filed complaint with local transit agency	_____
<input type="checkbox"/> Filed complaint with SC Dept. of Transportation	_____
<input type="checkbox"/> Filed with the Federal Highway Administration	_____
<input type="checkbox"/> Filed with the U.S. Department of Transportation	_____
<input type="checkbox"/> Filed with another Federal agency	_____
<input type="checkbox"/> Filed in Federal Court	_____
<input type="checkbox"/> Other action	_____

Spartanburg County TSB – Title VI Complaint Form

TITLE VI - CIVIL RIGHTS NOTICE

Title VI of the Civil Rights Act of 1964 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 the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. Section 2000d)

Individuals or organizations who believe they have been denied the benefits of, excluded from participation in, or subject to discrimination on the grounds of race, color or national origin by a recipient of Federal Transit Administration funding can file an administrative complaint with the Federal Transit Administration's Office of Civil Rights under Title VI of the Civil Rights Act of 1964. Complaints should be signed and include contact information and should be sent to:

Federal Transit Administration Office of Civil Rights

Attention: Title VI Program Coordinator

400th Street SW Room 9100

Washington, DC 20590