

AGENDA ITEM 1 L
Consent Item

MEMORANDUM

DATE: February 2, 2017

TO: El Dorado County Transit Authority

FROM: Brian James, Planning and Marketing Manager

SUBJECT: Title VI Program Review

REQUESTED ACTION:
BY MOTION,

1. **Adopt Resolution No. 17-08 Authorizing the Adoption and Implementation of the El Dorado County Transit Authority Title VI Program**
2. **Authorize Executive Director to Execute All Documents Necessary for Implementation of the Title VI Policy**

BACKGROUND

As a recipient of Federal Transit Administration (FTA) Funds, the El Dorado County Transit Authority (El Dorado Transit) is required to comply with Title VI of the Civil Rights Act of 1964, and the implementing regulations which provide 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 otherwise subject to discrimination under any program, activity or service that receives Federal financial assistance.

DISCUSSION

El Dorado Transit initially implemented the Title VI Policy on May, 26, 1988 and revised it on December 5, 2013. As a recipient of Federal Transit Administration (FTA) funds, El Dorado Transit is required to ensure that its programs, policies, and activities comply with the Department of Transportation (DOT) Title VI regulations. El Dorado Transit is also required to review the Title VI policy every three (3) years to confirm compliance with all regulations.

The proposed Title VI program includes provisions required for compliance with FTA Circular 4702.1B. In addition, as El Dorado Transit is a sub-recipient of Caltrans for FTA funding, Caltrans must approve the final Title VI Program document. The document has been sent to Caltrans for review.

El Dorado Transit staff recommends authorizing Resolution 17-08 for the implementation of the Title VI Policy, and authorizing the Executive Director to execute all documents necessary for implementation of the Title VI Policy.

FISCAL IMPACT

None.

**EL DORADO COUNTY TRANSIT AUTHORITY
RESOLUTION NO. 17-08**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE EL DORADO COUNTY
TRANSIT AUTHORITY AUTHORIZING THE ADOPTION OF THE TITLE VI
PROGRAM**

WHEREAS, the El Dorado County Transit Authority is a recipient of Federal revenues and is required to meet federal regulatory requirements for Title VI of the Civil Rights Act of 1964, established by 49 CFR part 21.7; and

WHEREAS, the El Dorado County Transit Authority has or will provide all annual certifications and assurances to the Federal Transit Administration required for the Title VI Program; and

WHEREAS, the El Dorado County Transit Authority assures that no person or group of persons on the basis of race, color, or national origin, including limited English proficient persons are subjected to discrimination in the level and quality of transportation services, programs and activities provided, whether federally funded or not;

WHEREAS, the El Dorado County Transit Authority assures that all residents and visitors of the Western Slope of El Dorado County are afforded meaningful access to our programs, activities and services;

WHEREAS, the El Dorado County Transit Authority Title VI Program meets current Federal Transit Administration Guidelines.

NOW, THEREFORE, BE IT RESOLVED, that the El Dorado County Transit Authority Board approves and adopts the El Dorado Transit Title VI Program.

PASSED AND ADOPTED BY THE GOVERNING BOARD OF THE EL DORADO COUNTY TRANSIT AUTHORITY at a regular meeting of the Board held on the 2nd day of February, 2017, by the following vote of the Board:

AYES:

NOES:

ABSTAIN:

ABSENT:

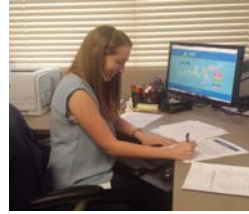
El Dorado County Transit Authority Chairperson

ATTEST:

Megan Wilcher, Secretary to the Board



EL DORADO TRANSIT



Title VI Program

Adopted February 2, 2017

Prepared by: El Dorado County Transit Authority
6565 Commerce Way
Diamond Springs, CA 95619
(530) 642-5383
www.eldoradotransit.com

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Title VI Program

El Dorado County Transit Authority

2017 Board of Directors

Chair: Brian Veerkamp, El Dorado County Board of Supervisors, District 3

Vice Chair: Patty Borelli, Placerville City Council

John Hidahl, El Dorado County Board of Supervisors, District 1

Shiva Frentzen, El Dorado County Board of Supervisors, District 2

Trisha Wilkins, Placerville City Council

Executive Director: Mindy Jackson, El Dorado County Transit Authority

Mission Statement *To provide safe, reliable, courteous, attractive, effective and comfortable public transit, coordinate transit services, reduce vehicle miles traveled on the Western Slope of El Dorado County and actively support reducing emissions to improve air quality.*



SECTION 1: EL DORADO COUNTY TRANSIT AUTHORITY TITLE VI PROGRAM POLICY AND COMPLAINT PROCEDURES

POLICY

The El Dorado County Transit Authority (El Dorado Transit) is committed to ensuring that no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any of its programs, activities, or services on the basis of race, color or national origin. All persons, regardless of their citizenship, are covered under this regulation. In addition, El Dorado Transit prohibits discrimination on the basis of race, color or national origin in its employment and business opportunities.

El Dorado Transit will not condone retaliation against an individual for his/her involvement in asserting his/her rights pursuant to Title VI or because he/she filed a complaint or participated in an investigation under Title VI, and /or this regulation.

As a Federal Transit Administration (FTA) fund recipient, El Dorado Transit will ensure that its programs, policies and activities comply with the Department of Transportation (DOT) Title VI Regulations of the Civil Rights Act of 1964.

El Dorado Transit will ensure that the level and quality of its transportation service is provided without regard to race, color or national origin.

El Dorado Transit will promote the full and fair participation of all affected populations in the transportation decision-making process.

El Dorado Transit will make good faith efforts to achieve environmental justice as part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, activities, and services on minority populations and low-income populations within El Dorado Transit's service area as provided herein.

El Dorado Transit will ensure that Limited English Proficient (LEP) individuals have access to El Dorado Transit's programs, activities, and services.

The El Dorado Transit Title VI Policy will be posted on the agency website, within the administrative offices, within vehicles and at high demand stops throughout the system.

This Regulation shall be maintained in English and Spanish.

APPLICABILITY

This policy is applicable to all El Dorado Transit employees, members of the public and all contractors hired by El Dorado Transit.

Failure of an El Dorado Transit employee to follow this policy and procedure may subject such employee to disciplinary action up to and including employment termination.

DEFINITIONS

Adverse Effect means having a harmful or undesired effect.

Discrimination refers to any act or inaction, whether intentional or unintentional, in any program or activity of a Federal aid recipient, subrecipient, or contractor that results in disparate treatment, disparate impact, or perpetuates the effects of prior discrimination based on race, color, or national origin.

Limited English Proficient (LEP) Persons are individuals for whom English is not their primary language and who have a limited ability to speak, understand, read, or write English. It includes people who reported to the U.S. Census that they do not speak English well or do not speak English at all.

Low-Income Population means any readily identifiable groups of low-income individuals who live in geographic proximity, and if circumstances warrant, geographically dispersed transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy, or activity.

Minority Individuals

1. American Indian and Alaska Native, which refers to people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
2. Asian, which refers to people having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent.
3. Black or African American, which refers to people having origins in any of the Black racial groups of Africa.
4. Hispanic or Latino, which includes people of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
5. Native Hawaiian and Other Pacific Islanders, which refers to people having origins in any of the original people of Hawaii, Guam, Samoa, or other Pacific Islands.

National Origin means the particular nation in which a person was born, or where the person's parents or ancestors were born.

Race means a group of people united or classified together on the basis of common history, nationality, or geographic distribution.

Recipient means one that has received or is receiving Federal financial assistance. The term includes subrecipients of a recipient and subrecipients in FTA State administered programs.

Retaliation Any adverse action taken against another individual because of his/her participation in the complaint, investigation, or hearing relating to this policy or the provision of federal or state law.

Vital Documents are documents that convey information that critically affects the ability of the customer to make informed decisions about his/her participation in the program (e.g., public notices, consent forms, complaint forms, eligibility rules, notices pertaining to the reduction, denial or termination of services or benefits, right to appeal, and notices informing customers of the availability of free language assistance).

GENERAL REQUIREMENTS AND GUIDELINES

El Dorado Transit will carry out its programs, activities, and services in compliance with Title VI of the Civil Rights Act of 1964. El Dorado Transit or any of its employees will not, on the grounds of race, color, national origin, age, sex, sexual orientation, or gender identity, exclude any person from participating in, deny the benefits of, or subject him/her to discrimination under any El Dorado Transit programs, services, or activities.

El Dorado Transit nor any of its employees will not, on the grounds of race, color or national origin:

- a) Provide any service, financial aid, or benefit that is different from that provided to others;
- b) Subject an individual to segregation or separate treatment;
- c) Restrict an individual in the enjoyment of any advantage or privilege enjoyed by others;
- d) Deny any individual service, financial aid, or benefits under any El Dorado Transit programs, services, or activities;
- e) Treat individuals differently in terms of whether they satisfy admission or eligibility requirements;

- f) Deny an individual the opportunity to participate as a member of a planning or advisory body.

El Dorado Transit shall evaluate significant system-wide service and fare changes and proposed improvements at the planning and programming stages to determine whether these changes have a discriminatory impact on low-income and Limited English Proficiency individuals. This applies to major service changes that affect 25% of service hours of a route.

El Dorado Transit will schedule Board Meetings in most months to ensure that all individuals are afforded an opportunity to participate in transportation decisions.

El Dorado Transit's legal counsel will maintain a list (a minimum of four years in active status) of any Title VI investigations, complaints, or lawsuits filed which allege El Dorado Transit discriminated against a person or group on the basis of race, color, or national origin. This list will include:

- a) The date the investigation, complaint, or lawsuit was filed;
- b) A summary of the allegation(s);
- c) The status of the investigation, complaint, or lawsuit; and
- d) Any actions or corrective actions taken by El Dorado Transit in response to the investigation, complaint or lawsuit.

El Dorado Transit will keep the public informed of the protections against discrimination afforded to them by Title VI and El Dorado Transit's obligations under Title VI by posting a *Title VI Policy Statement* (Attachment A) and associated English and Spanish *Complaint Forms*, on El Dorado Transit's website at www.eldoradotransit.com and at the El Dorado Transit administrative offices.

El Dorado Transit will take responsible steps to ensure meaningful access to the benefits, services, information and other important portions of its programs, activities and services for individuals who are Limited English Proficient (LEP).

El Dorado Transit will provide information, upon request from the FTA, in order to investigate complaints of discrimination, or to resolve concerns about possible noncompliance with Title VI.

El Dorado Transit will submit its Title VI Program to the FTA's regional civil rights officer once every three years to ensure compliance with Title VI Requirements.

El Dorado Transit will ensure that minority and low-income individuals have meaningful access to El Dorado Transit programs, activities and services.

ENVIRONMENTAL JUSTICE REQUIREMENTS

El Dorado Transit will integrate an environmental justice analysis into its National Environmental Protection Act (NEPA) documentation of construction projects. El Dorado Transit is not required to conduct environmental justice analyses of projects where NEPA documentation is not required. El Dorado Transit will consider preparing an environmental assessment (EA) or environmental impact statement (EIS) to integrate into its documents the following components:

- a) A description of the low-income and minority population within the study area affected by the project, and a discussion of the method used to identify this population (e.g., analysis of Census data, direct observation, or a public involvement process);
- b) A discussion of all adverse effects of the project both during and after construction that would affect the identified minority and low-income populations;
- c) A discussion of all positive effects of the project that would affect the identified minority and low-income populations, such as improvements in transit service, mobility, or accessibility;
- d) A description of all mitigation and environmental enhancement actions incorporated into the project to address the adverse effects, including, but not limited to, any special features of the relocation program that go beyond the requirements of the Uniform Relocation Act and address adverse community effects such as separation or cohesion issues; and the replacement of the community resources destroyed by the project;
- e) A discussion of the remaining effects, if any, and why further mitigation is not proposed; and
- f) For projects that traverse predominantly minority and low-income and predominantly non-minority and non-low-income areas, a comparison of mitigation and environmental enhancement actions that affect predominantly low-income and minority areas with mitigation implemented in predominantly non-minority or non-low-income areas.

LIMITED ENGLISH PROFICIENT (LEP) INDIVIDUALS AND PUBLIC PARTICIPATION REQUIREMENTS

El Dorado Transit will seek out and consider the viewpoints of minority, low-income and Limited English Proficient (LEP) populations in the course of conducting public outreach and involvement activities. El Dorado Transit's public participation strategy will offer early and continuous opportunities for the public to be involved in the identification of social, economic and environmental impacts of proposed transportation decisions.

El Dorado Transit will ensure that individuals have access to its programs, activities and services by developing and carrying out the language plan herein. El Dorado Transit will continually assess the language assistance needs of the population to be served.

El Dorado Transit will use the following four (4) factors to determine what measures must be undertaken to provide reasonable and meaningful access to LEP individuals.

- a) Languages likely to be encountered and the number or proportion of LEP persons in the eligible service population likely to be affected by the program, activity, or service.
- b) Frequency with which LEP individuals come into contact with El Dorado Transit programs, activities, and services.
- c) Importance of the program, activity, or service provided by El Dorado Transit to LEP individual's lives.
- d) Resources needed to provide effective language assistance and costs.

ORAL LANGUAGE ASSISTANCE

El Dorado Transit will make every effort to employ bilingual staff to provide Spanish-speaking interpretation at its Administrative office and within its Customer Service for basis transit questions and trip planning assistance.

COMPLAINTS/LAWSUITS AND APPEALS

How to File a Title VI Complaint with El Dorado Transit: Any person who believes that he/she, or as a member of any specific class of individuals, has been subjected to discrimination on the basis of race, color, national origin, age sex, sexual orientation, or gender identity with respect to El Dorado Transit programs, activities, services, or other transit related benefits, may file a written Complaint with El Dorado Transit. A Complaint may be filed by the individual or by a representative. A Complaint must be filed within 180 days after the date of the alleged discrimination, but complainants are encouraged to submit complaints as soon as possible. El Dorado Transit will promptly investigate all Complaints filed under Title VI, pursuant to this Regulation.

Complaint must include the following information:

- a) A Complaint must be in writing and signed and dated by the Complainant or his/her representative before any action can be taken.
- b) A Complaint shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination, including the name and address of the complainant, the date, time

and location of the incident. The Complaint shall include a description of the program, activity or service on which the alleged discrimination occurred.

A Complaint Form (Attachment B) can be used to file a Title VI complaint with El Dorado Transit. A *Complaint Form* will be made in an accessible format upon request. A *Complaint Form* can be obtained at:

- a) El Dorado Transit's website www.eldoradotransit.com
- b) By calling El Dorado Transit at (530) 642-5383 a complaint form can be mailed.
- c) By picking up a complaint form at 6565 Commerce Way, Diamond Springs, CA 95619.

If the Complaint is received by anyone besides El Dorado Transit's Executive Director, the individual in receipt of the Complaint shall forward it to the Executive Director or his/her designee as soon as practicable but no later than two (2) business days of receipt. The Executive Director shall immediately provide a copy of the Complaint to the Chair of the Board of Directors regarding the program, activity or service that is identified as being out of compliance.

Procedures for Investigating Complaints

The Executive Director or his/her designee shall promptly investigate the alleged complaint and shall prepare a written response as soon as practicable, but no later than ten (10) business days of his/her receipt of the complaint. The Executive Director or his/her designee may consult with appropriate staff in the preparation of his/her response to the complaint.

Efforts to Contact Complainant

The Executive Director or his/her designee shall make efforts to speak (meeting or telephone conversation) with the complainant, at which time the complainant may give written or oral evidence supporting the allegation that his/her rights under Title VI have been violated. The Executive Director or his/her designee shall review and consider the response prepared by the Executive Director or his/her designee, all the information provided by the complainant, if any, and any other evidence available regarding the allegations of the complaint. The Executive Director or his/her designee shall prepare a written report of his/her findings and if corrective action is required, a timetable for the completion of such action.

Completion of Investigation

As soon as it is practicable, but no later than twenty (20) business days following receipt of the initial complaint, the Executive Director or his/her designee shall inform the complainant of his/her findings and any corrective action to be taken as a result of the complaint together with the timetable for completion of such action.

Appeal to Chair

If the complainant is not satisfied with the findings and/or action of El Dorado Transit's Executive Director or his/her designee, then the complainant may file his/her Complaint with the Chair of the Board of Directors or with the FTA's Office of Civil Rights.

Appeal Process

If the complainant chooses to file his/her Complaint with the Chair of the Board of Directors, then the complaint and any supporting documentation should be submitted within five (5) business days of his/her receipt of the results of the Executive Director's investigation, with the Chair of the Board of Directors by providing it to Executive Director at El Dorado Transit facility. Upon review of the file, the Chair of the Board of Directors shall notify the complainant of what actions, if any, will be taken as a result of the review by the Chair within ten (10) business days of the Chair's notification that the complainant is not satisfied with the results of the Executive Director's investigation. The decision of the Chair of El Dorado Transit Board of Directors shall be final.

Timeline Waiver

Any timeline set forth herein may be extended by the Executive Director upon a showing of good cause.

How to File a Title VI Complaint with the FTA Office of Civil Rights

Any person who believes that he/she or as a member of any specific class of individuals, has been subjected to discrimination on the basis of race, color, national origin, age, sex, sexual orientation, or gender identity, with respect to El Dorado Transit's programs, activities, or services, or other transit related benefits, may file a written Complaint with FTA. A Complaint may be filed by the individual or by a representative. A Complaint must be filed within 180 days after the date of the alleged discrimination. FTA will promptly investigate all Complaints filed under Title VI in accordance with DOT regulations *49 CFR 21.11(b) and 21.11 (c)*.

- A. *A Complaint must include the following information:* A Complaint must be in writing and signed and dated by the Complainant or his/her representative before any action can be taken. In cases where a Complainant is unable or incapable of providing a written statement, but wishes FTA or DOT to investigate alleged discrimination, a verbal Complaint of discrimination may be made to the FTA Director, Office of Civil Rights. If necessary, the Civil Rights Official will assist the person in converting the verbal Complaint into writing. All Complaints must, however, be signed by the Complainant or his/her representative.

FTA Civil Rights Office Address:

Federal Transit Administration Office of Civil Rights
Attn: Title VI Program Coordinator
East Building, 5th Floor – TCR
1200 New Jersey Avenue, S.E.
Washington, DC 20590
TTY: 1-800-877-8339
Voice: 1-866-377-8642
FTA.ADAAssistance@dot.gov

- B. A Complaint shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination, including the date, time and location of the incident. The Complaint shall include a description of the program, activity or service on which the alleged discrimination occurred.

Complaint Acceptance

Once a Complaint has been accepted, FTA will notify El Dorado Transit that it has been subject to a Title VI Complaint and ask El Dorado Transit to respond in writing to the Complainant's allegations. Once the Complainant agrees to release the Complaint to El Dorado Transit, FTA will provide El Dorado Transit with the Complaint. FTA may choose to close a Complaint if the Complainant does not agree to release the Complaint to El Dorado Transit. FTA strives to complete a Title VI Complaint investigation within 180 days of the acceptance date of a Complaint.

Investigations

FTA will make a prompt investigation whenever a compliance review, report, Complaint or any other information indicates a possible failure to comply with Title VI Regulations. FTA's investigation will include a review of the pertinent practices and policies of El Dorado Transit, the circumstances under which the possible noncompliance occurred, and other factors relevant to a determination as to whether El Dorado Transit has failed to comply with Title VI regulations.

Following the investigation, FTA's Office of Civil Rights will transmit to the Complainant and El Dorado Transit one of the following three letters based on its finding:

- a) *Letter of Resolution:* which explains the steps that El Dorado Transit has taken or promises to take to come into compliance with Title VI.
- b) *Letter of Finding (Compliance):* which explains that El Dorado Transit is found to be in compliance with Title VI. This letter will include an explanation of why El Dorado Transit was found to be in compliance, and provide notification of the Complainant's appeal rights.

- c) *Letter of Finding (Noncompliance)*: which explains that El Dorado Transit is found to be in noncompliance. This letter will include each violation referenced, the applicable regulations, a brief description of proposed remedies, notice of the time limit on the conciliation process, the consequences for failure to achieve voluntary compliance, and an offer of assistance to El Dorado Transit in devising a remedial plan for compliance.

Appeals Process

The letters of finding and resolution will offer the Complainant and El Dorado Transit the opportunity to provide additional information that would lead FTA to reconsider its conclusions. FTA requests that the parties in the Complaint provide this additional information within 60 days of the date of the FTA letter of finding. FTA's Office of Civil Rights will respond to an appeal either by issuing a revised letter of resolution or finding to the appealing party, or by informing the appealing party that the original letter of resolution or finding remains in force.

DEFICIENCIES WITH TITLE VI COMPLIANCE

Compliance Reviews will be conducted periodically by FTA, as part of its ongoing responsibility pursuant to its authority under 49 CFR 21.11(a).

If FTA determines that El Dorado Transit is in noncompliance with Title VI, it will transit a *Letter of Finding* that describes FTA's determination and requests that El Dorado Transit voluntarily take corrective action which FTA deems necessary and appropriate.

El Dorado Transit will submit a remedial action plan including a list of planned corrective actions and, if necessary, sufficient reasons and justification for FTA to reconsider any of its findings or recommendations within 30 days of receipt of FTA's *Letter of Finding*.

ADMINISTRATION OF REGULATION

El Dorado Transit will integrate the provisions within its Title VI Program into all programs, activities, and services provided by El Dorado Transit.

El Dorado Transit will integrate the Title VI Program into its policies and procedures.



SECTION 2: LIMITED ENGLISH PROFICIENCY (LEP) PLAN

INTRODUCTION

This Limited English Proficiency (LEP) Plan has been prepared to address the El Dorado County Transit Authority (El Dorado Transit) responsibilities as a recipient of federal financial assistance as they relate to 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. It 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

El Dorado Transit is the public transit operator for the Western Slope of El Dorado County and has developed this LEP Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency who wish to access services provided by El Dorado Transit. 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 how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, El Dorado Transit 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 an El Dorado Transit program, activity or service.
2. The frequency with which LEP persons come in contact with El Dorado Transit programs, activities or services.
3. The nature and importance of programs, activities or services provided by El Dorado Transit to the LEP population.

4. The resources available to El Dorado Transit and overall cost to provide LEP assistance.

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

Four-Factor Analysis

1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter an El Dorado Transit program, activity or service.

El Dorado Transit staff reviewed the 2010 U.S. Census Language Survey Report and determined that 19,943 persons in El Dorado County [11.8 % of the population] speak a language other than English. In El Dorado County, 7,219 persons [5.9%] indicated having limited English proficiency; that is, they speak English “not very well”.

In El Dorado County, of those persons with limited English proficiency, 5,508 (3.26% of the total population) speak Spanish; the remaining 1,711 respondents speak approximately 33 different languages, each accounting for less than 1% of the population.

2. The frequency with which LEP persons come in contact with El Dorado Transit programs, activities or services.

El Dorado Transit assessed the frequency with which staff and drivers have, or could have, contact with LEP persons. This includes documenting phone inquiries and surveying vehicle operators for requests for interpreters and translated documents. To date, the most frequent contact between LEP persons is with bus drivers and administrative staff. Administrative staff took approximately 34 calls over a six (6) month survey period, with typical calls being;

- Requests for service to local community lunch providers (10)
- Deviated service stop requests (4)
- General service calls (18)

What is notable, in this instance, is that dispatch staff only indicate taking between two (2) and four (4) similar calls during the same survey period. Based on this information, El Dorado Transit will continue to make efforts to incorporate bilingual staff as much as practicable, work with local community service agencies identified as having high LEP person traffic and ensure that language assistance information is posted in high volume areas, such as; buses, website and administrative offices.

3. The nature and importance of programs, activities or services provided by El Dorado Transit to the LEP population.

The largest geographic concentration of LEP individuals in the El Dorado Transit service area is Spanish. Three (3) concentrated areas have been identified as having significant percentages of the population identified as Hispanic, they are; Cameron Park (15.4%), the City of Placerville

(19.4%) and Shingle Springs (16.7%). Services provided by El Dorado Transit that are most likely to encounter LEP individuals are the fixed route system which serves the general public and the demand-response (Dial-A-Ride) system which serves primarily senior and disabled persons.

It is also likely that El Dorado Transit will encounter LEP individuals at the El Dorado Transit offices where passes and script are sold, community outreach events and posters are displayed relating to transit events.

4. The resources available to El Dorado Transit and overall costs to provide LEP assistance.

El Dorado Transit assessed its available resources that could be used for providing LEP assistance, including determining the cost of a professional interpreter and translation service on an as-needed basis, which of its documents would be the most valuable to be translated if the need should arise, and taking an inventory of available organizations that El Dorado Transit could partner with for outreach and translation efforts. The amount of staff and vehicle operating training that might be needed was also considered. Based on the four-factor analysis, El Dorado Transit developed its LEP Plan as outlined in the following section.

LIMITED ENGLISH PROFICIENCY (LEP) PLAN OUTLINE

How El Dorado Transit and 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 El Dorado Transit sponsored events. By informally engaging participants in conversation it is possible to gauge each attendee's ability to speak and understand English.
3. Have Census Bureau Language Identification Flashcards available at El Dorado Transit meetings. This will assist El Dorado Transit 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 El Dorado Transit 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 El Dorado Transit staff responds to LEP persons, whether in person, by telephone or in writing.

- Provide bilingual staffing to provide Spanish-speaking interpretation at its Administrative offices and within its Customer Service transit questions and trip planning;
- Network with local human service organizations that provide services to LEP individuals and seek opportunities to provide information on El Dorado Transit programs and services;
- Placement of statements in notices and publications that interpreter services are available for these meetings, with seven (7) 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 at the Transit Center, onboard the El Dorado Transit fleet, in Road Supervisor vehicles and at transit systems administrative offices;
- Post the El Dorado County Transit Authority Title VI Program and LEP Plan on the agency website, www.eldoradotransit.com and at the administrative offices;
- Provide travel training to LEP persons with the assistance of bilingual staff;
- 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 utilize a professional interpreter services.

STAFF TRAINING

The following training will be provided to El Dorado Transit staff:

1. Information on the El Dorado Transit Title VI Procedures and LEP responsibilities
2. Description of language assistance services offered to the public
3. Use of Language Identification Flashcards (used to identify language preference)
4. Documentation of language assistance requests
5. Use of professional interpreter services (over the phone interpretation provider)
6. How to handle a potential Title VI/LEP complaint

OUTREACH TECHNIQUES

In order to ensure that LEP individuals are aware of El Dorado Transit's language assistance measures, El Dorado Transit provides the following:

- Local schedules include Spanish translation
- Spanish language contact information, phone and email, is posted on the El Dorado Transit website home page
- Bilingual staff are present most service hours for in-person or phone customer service at the administrative offices

Additionally, 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 and posted in an alternative language based on the known LEP population. These notices will be posted in the following locations:

- El Dorado Transit Administrative offices
- El Dorado Transit buses
- El Dorado Transit website

Such notices may also be posted or announced with local stakeholders, community centers and effected route major transfer points. Interpreters will be available as needed.

MONITORING AND UPDATING THE LEP PLAN

El Dorado Transit will update the LEP plan as required by U.S. DOT. At a minimum, the plan will be reviewed and updated every three (3) years in conjunction with the Title VI submission, or when data from the 2020 U.S. Census is available, or when it is clear that higher concentrations of LEP individuals are present in the El Dorado Transit service area. Updates will include the following:

- The number of documented LEP person contacts encountered annually
- How the needs of LEP persons have been addressed
- Determination of the current LEP population in the service area
- Determination as to whether the need for translation services has changed
- Determine whether local language assistance programs have been effective and sufficient to meet the need
- Determine whether El Dorado Transit's financial resources are sufficient to fund language assistance resources needed
- Determine whether El Dorado Transit has fully complied with the goals of this LEP Plan
- Determine whether complaints have been received concerning El Dorado Transit's failure to meet the needs of LEP individuals

DISSEMINATION OF THE EL DORADO COUNTY TRANSIT AUTHORITY LEP PLAN

A link to the [El Dorado County Transit Authority LEP Plan](#) and the [Title VI Program](#) is included on the El Dorado Transit website at www.eldoradotransit.com.

Any person or agency with internet access will be able to access and download the plan from the El Dorado Transit website. Alternatively, any person or agency may request a copy of the plan via telephone, mail, or in person and shall be provided a copy of the plan at no cost. LEP individuals may request copies of the plan in translation which El Dorado Transit will provide, if feasible.

Questions or comments regarding the LEP Plan may be submitted to the El Dorado Transit, Executive Director:

El Dorado County Transit Authority
Executive Director
6565 Commerce Way
Diamond Springs, CA 95619

Phone: 530-642-5383
Toll Free: 888-246-2877
Email: info@eldoradotransit.com



EL DORADO TRANSIT

NOTICE

Notifying the Public of Rights Under Title VI

El Dorado County Transit Authority (El Dorado Transit) operates its programs and services without regard to race, color or national origin in accordance with Title VI of the Civil Rights Act. Any person who believes he or she has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with El Dorado Transit.

For more information on El Dorado Transit's civil rights program, and procedures to file a complaint, contact (530) 642-5383; website www.eldoradotransit.com; or visit the administrative offices at 6565 Commerce Way, Diamond Springs, CA 95619.

A complainant 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, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington DC 20590

If information is needed in another language, contact (530) 642-5383 or visit eldoradotransit.com for assistance. Si require información en español, vaya a eldoradotransit.com y seleccione en el menú de español.

WWW.ELDORADOTRANSIT.COM
6565 COMMERCE WAY
DIAMOND SPRINGS, CA 95619
(530) 642-5383



EL DORADO TRANSIT

Title VI POLICY STATEMENT

The El Dorado County Transit Authority (El Dorado Transit) is committed to providing public transportation in an environment that is free from discrimination on the basis of race, color or national origin. El Dorado Transit operates its programs, activities and services without regard to race, color or national origin.

As a Federal Transit Administration (FTA) fund recipient, El Dorado Transit will ensure that its programs, policies and activities comply with Title VI of the Civil Rights Act of 1964, as amended, and Department of Transportation regulations.

Any person, who believes that he/she, has been subjected to discrimination on the basis of race, color or national origin, with respect to El Dorado Transit's programs, activities, services, or other transit related benefits, may file a Title VI complaint. Complaints must be filed in writing and signed by the complainant, or a representative, and should include the complainants name, address, and telephone number or other means by which the complainant can be contacted. Complaints must be filed within 180 days of the date of the alleged discriminatory act.

To request additional information on El Dorado Transit's non-discrimination obligations or to file a Title VI Complaint, please submit your request or complaint in writing to:

El Dorado County Transit Authority

Attn: Executive Director
6565 Commerce Way
Diamond Springs, CA 95619

Complaint Forms can also be obtained at www.eldoradotransit.com

Federal Transit Administration (FTA) Title VI Complaints may be filed directly to:

Federal Transit Administration Office of Civil Rights
Title VI Program Coordinator
East Building, 5th Floor – TCR
1200 New Jersey Avenue, SE
Washington, DC 20590



EL DORADO TRANSIT

DECLARACIÓN DE POLÍTICA RELACIONADA CON EL TÍTULO VI

El Dorado County Transit Authority (la Autoridad de Transporte del Condado El Dorado, también conocida como El Dorado Transit) está dedicada a brindar transporte público en un ambiente libre de discriminación por motivos de raza, color, origen nacional, edad, sexo, orientación sexual o identidad de género. El Dorado Transit lleva a cabo sus programas, actividades y servicios independientemente de la raza, color o origen nacional.

Como destinatario de fondos de la Administración Federal de Transporte (FTA, por sus siglas en inglés), El Dorado Transit se asegurará que sus programas, políticas y actividades cumplen con el Título VI del Acta de Derechos Civiles de 1964 y sus enmiendas, y las regulaciones del Departamento de Transporte.

Cualquier persona que crea que ha sido sujeto de discriminación por motivos de raza, color, origen nacional, edad, sexo, orientación sexual o identidad de género con respecto a los programas, actividades, servicios u otros beneficios relacionados con el transporte brindados por El Dorado Transit, puede presentar una queja conforme al Título VI. Las quejas deben presentarse por escrito, y deben incluir la firma de la persona que las presenta o un representante, así como el nombre, dirección y número de teléfono u otra manera de comunicarse con la persona que presenta la queja. Las quejas se deben presentar dentro de los 180 días a partir de la fecha del presunto acto discriminatorio.

Para solicitar información adicional sobre las obligaciones de no discriminación de El Dorado Transit o para presentar una queja conforme al Título VI, sírvase presentar su solicitud o queja por escrito a:

El Dorado County Transit Authority

Attn: Executive Director

6565 Commerce Way

Diamond Springs, CA 95619

Los formularios para quejas también se pueden obtener en www.eldoradotransit.com

Las quejas conforme al Título VI para la Administración Federal de Transporte (FTA) se pueden presentar directamente a:

Federal Transit Administration Office of Civil Rights

Title VI Program Coordinator

East Building, 5th Floor – TCR

1200 New Jersey Avenue, SE

Washington, DC 20590



EL DORADO TRANSIT

**El Dorado County Transit Authority
TITLE VI DISCRIMINATION COMPLAINT FORM
6565 Commerce Way, Diamond Springs, CA 95619**

Complainant's Name: _____

Street Address: _____

City/State/Zip: _____

Phone: _____ **E-Mail Address:** _____

Date of Violation: _____ **Time of Violation:** _____

Date of Complaint: _____ **Place of Violation:** _____

Bus Number: _____ **Bus Route:** _____

Discrimination because of: ☐ Race ☐ Color ☐ National Origin

☐ Age ☐ Sex ☐ Sexual Orientation ☐ Gender Identity

Please provide the name(s) of the El Dorado Transit employees who allegedly discriminated against you, including their job titles (if known).

Identify what El Dorado Transit service, program, or activity did not comply with Title VI of the Civil Rights Act of 1964.

Identify individuals by name, address and phone number that has information relating to the violation.

Explain as clearly as possible what happened, how you feel you were discriminated against and who was involved. Please include how other individuals were treated differently from you.

Signature of Complainant: _____ **Date:** _____



EL DORADO TRANSIT

**El Dorado County Transit Authority
(Autoridad de Transporte del Condado El Dorado)
FORMULARIO DE QUEJA POR DISCRIMINACIÓN CONFORME AL
TÍTULO VI
6565 Commerce Way, Diamond Springs, CA 95619**

Nombre del que presenta la queja: _____

Dirección (calle): _____

Ciudad/Estado/Código postal: _____

Teléfono: _____ Correo electrónico: _____

Fecha del incidente: _____ Hora del incidente: _____

Fecha de la queja: _____ Lugar del incidente: _____

Número del bus: _____ Ruta del bus: _____

Causa de la discriminación: ☐ Raza ☐ Color ☐ Origen nacional

☐ Edad ☐ Sexo ☐ Orientación sexual ☐ Identidad de género

Sírvase suministrar el/los nombre(s) de los empleados de El Dorado Transit que supuestamente le discriminaron, inclusive los cargos que ocupan (si se saben).

Identifique cuál servicio, programa o actividad de El Dorado Transit no cumplió con el Título VI del Acta de Derechos Civiles de 1964.

Proporcione los nombres, direcciones y números de teléfono de los individuos que poseen información relacionada con el incidente.

Explique lo más claramente posible lo que ocurrió, cómo usted siente que le discriminaron y quién estuvo involucrado. Por favor incluya cómo otras personas fueron tratadas de manera diferente a usted.

Firma del que presenta la queja: _____ Fecha: _____

Attachment C



EL DORADO TRANSIT

**LIST OF TRANSIT-RELATED TITLE VI INVESTIGATIONS, COMPLAINTS, AND
LAWSUITS (GENERAL REQUIREMENT)**

El Dorado County Transit Authority (El Dorado Transit) does not have any past, current or pending Title VI complaints

Attachment D



EL DORADO TRANSIT

EL DORADO COUNTY TRANSIT AUTHORITY FARE AND SERVICE CHANGE PUBLIC NOTIFICATION

POLICY

El Dorado County Transit Authority (El Dorado Transit) shall maintain an open and participative process including the consideration of public comment before a fare increase or major service reduction. Public input is solicited while proposals are under consideration. Customers are notified before the implementation of any major service changes or fare increases.

It is the intent of El Dorado Transit to comply with the Federal Public Comment on Service Change and Fare Change policy cited in Federal Transit Administration Section C. 9030.1C.

DEFINITION

For the purpose of the FTA C. 9030.1C comment requirement, El Dorado Transit's definition of a service change is as follows:

Service Change. A change in service area equal to more than 25% total system square mile service area.

Fare Change. A change of any amount compared to existing fare.

PROCEDURES

In order to insure maximum opportunity for community input and involvement in the decision-making process, El Dorado Transit adheres to the following

1. Provide a thirty (30) day advance notice of a public hearing to consider the proposal in appropriate local and/regional publications as appropriate.
2. Provide customer information regarding the fare change and service reduction proposal and process for public comment on board service vehicles.

Attachment D



EL DORADO TRANSIT

EL DORADO COUNTY TRANSIT AUTHORITY FARE AND SERVICE CHANGE PUBLIC NOTIFICATION

PROCEDURES (continued)

3. Before finalizing recommendations, El Dorado Transit staff will review proposed fare changes and reductions in service and the merits of such proposals with the El Dorado County Transit Authority Transit Advisory Committee (TAC). The El Dorado Transit TAC includes consumers, consumer advocates and members of the public with interest in public transportation.
4. Conduct at least one (1) formal public hearing to solicit public input and consider recommendations to the proposed service changes. The hearing includes a staff presentation of proposed service changes and the opportunity for testimony from any interested individual in attendance. Minutes of the hearing are recorded.
5. Following the conclusion of the Public Hearing, the El Dorado County Transit Authority Board of Directors will consider both the staff recommendations and the public comment, and make the final decision regarding the service change by a simple majority vote. The effective date of any fare or service change shall be least sixty (60) days after the date noticing the public hearing.

APPROVED AUGUST 1, 2002

Attachment E



EL DORADO TRANSIT

**TABLE DEPICTING MINORITY REPRESENTATION ON NON-ELECTED TRANSIT
ADVISORY COMMITTEE**

Body	Caucasian	Latino	African American	Asian American	Native American
Population	90.4%	12.2%	0.9%	3.8%	1.3%
Transit Advisory committee	83.3%	0%	0%	16.7%	0%

El Dorado Transit encourages participation on non-elected committees via requests for participation or the nomination of persons involved with local human services agencies, non-profit community based organizations and other local stakeholders.

Attachment F



EL DORADO TRANSIT

EL DORADO COUNTY TRANSIT AUTHORITY (EL DORADO TRANSIT) SYSTEM PERFORMANCE STANDARDS

El Dorado Transit currently reports the following Transit Development Act (TDA) mandated Key Performance Measures:

Passenger Fares
Operating Expenses
Farebox Recovery Ratio (FBR)
Operating Cost/Passenger
Operating Cost/Revenue Hour
Operating Cost/Revenue Mile
Passenger Trips/Revenue Hour
Road Calls
Average Fare Per Passenger
Employees/Full-Time Equivalent (FTE)

VEHICLE LOAD STANDARDS BY MODE

The average of all loads during the peak operating period should not exceed vehicles' achievable capacities, which are 30 passengers for a 25-foot cut-away bus, 39 passengers for a 30-foot cut-away bus, 55 passengers for 35-foot buses, 67 passengers for 40-foot buses, and 85 passengers for 45-foot over-the-road coaches.

VEHICLE LOAD STANDARDS BY MODE

Vehicle Type	Passenger Capacities			
	Seated	Standing	Total	Maximum Load Factor
25' Cut-away	20	10	30	1.5
30' Cut-away	26	13	39	1.5
35' Transit Bus	37	18	55	1.48
40' Transit Bus	45	22	67	1.48
45' Over the Road Coach	57	28	85	1.49

Attachment F

HEADWAYS AND PERIODS OF OPERATION

Local

Service operates on local lines every 60 minutes beginning at approximately 6:00 am until approximately 8:00 pm on weekdays. On weekends there is limited local service only, operating approximately every 60 minutes beginning at 9:00 am and ending at approximately 5:00 pm.

- Cameron Park service is provided on weekdays every 60 minutes, beginning at 6:35 am and ending at approximately 6:30 pm.
- Pollock Pines service is provided on weekdays every 60 minutes, beginning at 6:30 am and ending at approximately 6:25 pm.
- Placerville service is provided on weekdays every 60 minutes, beginning at 6:00 am and ending at approximately 7:00 pm.
- Diamond Springs service is provided on weekdays every 60 minutes, beginning at 6:00 am and ending at approximately 7:00 pm.
- Saturday Express service is provided on weekends every 60 minutes, beginning at 9:00 am and ending at approximately 5:00 pm.
- Diamond Springs Saturday service is provided on weekends every 60 minutes, beginning at 9:00 am and ending at approximately 5:00 pm.

Flex Route (Grizzly Flat)

Flex route service is available by request only on Thursdays between 08:00-10:00 am and 3:00 – 5:00 pm.

50 Express

The 50 Express route provides intra-county connections between Placerville and the light-rail station in Folsom. This service provides access to Sacramento via light rail. Service operates approximately every 60 minutes, beginning at 5:53 am and ending at approximately 8:00 pm on weekdays.

Commuter

Service is provided between El Dorado County and downtown Sacramento weekdays, operating approximately every 15 minutes during peak commute hours (05:10-09:26 am and 2:46-8:00 pm). There is no service on weekends.

Routing and scheduling involves the consideration of a number of factors including: ridership productivity, transit/pedestrian friendly streets, density of transit-dependent population and activities, relationship to the Regional Transportation Plan, relationship to major transportation developments, land use connectivity, and transportation demand management.

Attachment F

ON-TIME PERFORMANCE STANDARDS

Local: Eighty-five (85%) percent of all fixed-route trips should be operated “on-time,” defined as not early, and no more than five (5) minutes late in comparison to the established time points.

Commuter: Ninety (90%) percent of all trips should be operated “on-time,” defined as not early, and no more than five (5) minutes late in comparison to the established time points.

The above On-time Performance definitions are based upon those definitions as found in the Western El Dorado County Short- and Long-Range Transit Plan, July 11, 2014.

Local Fixed Route: 85%
Demand Response: 90%
Commuter: 90%

SERVICE AVAILABILITY

It is the goal of El Dorado Transit to provide transit service to residential areas, major medical, shopping, government, employment centers, and activity centers that can support those route services.

For Intra-county transit services, the goal is to provide transit service to those employment centers that can support commuter service consistent with the service efficiency and effectiveness goals of El Dorado Transit.

Vehicle Assignment

All buses within the El Dorado Transit fleet are lift-equipped, have bicycle racks and heat/air conditioning. Vehicles are assigned based on operating characteristics of the routes. Local routes typically operate smaller more maneuverable cut-away type buses or city route buses while commuter routes typically operate 35-45 foot transit buses to accommodate long distance travel and larger passenger loads.

Transit Amenities

Installation of transit amenities are based on passenger boardings along the routes. Typically for local or commuter routes; amenities should be installed where passenger boardings number 5 or more persons (benches) and 10 or more persons (shelters).

APPENDIX A

FEDERAL TRANSIT ADMINISTRATION CIVIL RIGHTS ASSURANCE

The El Dorado County Transit Authority HEREBY CERTIFIES THAT, as a condition of receiving Federal financial assistance under the Urban Mass Transportation Act of 1964, as amended, it will ensure that:

1. No person on the basis of race, color, or national origin will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.
2. The El Dorado County Transit Authority will compile, maintain, and submit in a timely manner Title VI information required by FTA Circular 4702.1A and in compliance with the Department of Transportation's Title VI regulation, 49 CFR Part 21.9.
3. The El Dorado County Transit Authority 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 provision of transportation services and transit-related benefits may file a complaint with the Federal Transit Administration and/or the U.S. Department of Transportation.

The person or persons whose signature appears below are authorized to sign this assurance on behalf of the grant applicant or recipient.

Mindy Jackson, Executive Director
(NAME AND TITLE OF AUTHORIZED OFFICER)

DATE: _____

(SIGNATURE OF AUTHORIZED OFFICER)

APPENDIX B

DEPARTMENT OF TRANSPORTATION TITLE VI ASSURANCE

The El Dorado County Transit Authority (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, 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 otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including Federal Transit Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its FTA Section 5307, 5309, 5310, 5311, 5316, 5337 and 5339 Programs:

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all FTA Section 5307, 5309, 5310, 5311, 5316, 5337 and 5339 Programs: and, in adapted form in all proposals for negotiated agreements:

The El Dorado County Transit Authority, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to this Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements enter into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under FTA Section 5307, 5309, 5310, 5311, 5316, 5337 and 5339 Programs; and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved under FTA Section 5307, 5309, 5310, 5311, 5316, 5337 and 5339 Programs.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the FTA Section 5307, 5309, 5310, 5311, 5316, 5337 and 5339 Programs and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the FTA Section 5307, 5309, 5310, 5311, 5316, 5337 and 5339 Programs. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

DATED: _____

by

EL Dorado County Transit Authority
(Name of Recipient)

Mindy Jackson, Executive Director
(Name and Title of Authorized Officer)

(Signature of Authorized Officer)

Attachments:
Appendices A, B, and C

(APPENDIX A TO TITLE VI ASSURANCE)

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations: The Contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the or the El Dorado County Transit Authority to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the El Dorado County Transit Authority, or the Federal Transit Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of the contractor's noncompliance with nondiscrimination provisions of this contract, the El Dorado County Transit Authority shall impose contract sanctions as it or they Federal Transit Administration may determine to be appropriate, including, but not limited to:
 - a. withholding of payments to the contractor under the contract until the contractor complies; and/or
 - b. cancellation, termination, or suspension of the contract, in whole or in part

6. Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the El Dorado County Transit Authority or the Federal Transit Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the El Dorado County Transit Authority to enter into such litigation to protect the interests of the El Dorado County Transit Authority, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(APPENDIX B TO TITLE VI ASSURANCE)

The following clauses shall be included in any and all deeds affecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the El Dorado County Transit Authority will accept title to the lands and maintain the project constructed thereon, in accordance with Urban Mass Transit Act of 1964, the Regulations for the Administration of FTA Section 5307, 5309, 5310, 5311, 5316, 5337 and 5339 Programs and the policies and procedures prescribed by Federal Transit Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the El Dorado County Transit Authority all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto El Dorado County Transit Authority and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the El Dorado County Transit Authority, its successors and assigns.

The El Dorado County Transit Authority, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed (,) (and)* (2) that the El Dorado County Transit Authority shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of

Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

(APPENDIX C TO TITLE VI ASSURANCE)

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the El Dorado County Transit Authority pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination of Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)*

That in the event of breach of any of the above nondiscrimination covenants, El Dorado County Transit Authority shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said land and the facilities thereon, and hold the same as if said (licenses, lease, permit, etc.) had never been made or issued.

(Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants, El Dorado County Transit Authority shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of El Dorado County Transit Authority and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by El Dorado County Transit Authority pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, his/her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in case of deeds, and leases add "as a covenant running with the land") that (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing services thereon, no person on the grounds of race,

color, or national origin shall be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination, and (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)*

That in the event of breach of any of the above nondiscrimination covenants, El Dorado County Transit Authority shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

(Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants, El Dorado County Transit Authority shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of El Dorado County Transit Authority and its assigns.

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

APPENDIX C

DIRECTORY

DEPARTMENT OF TRANSPORTATION AND FEDERAL TRANSIT ADMINISTRATION OFFICES

Headquarters

Departmental Director of Civil Rights
Office of the Secretary
Department of Transportation
400 Seventh Street, SW., Room 10215
Washington, D.C. 20590

Director, Office of Civil Rights
Federal Transit Administration
400 Seventh Street, SW., Room 7412
Washington, D.C. 20590

AREA CIVIL RIGHTS

OFFICES EASTERN AREA (Regions 1 and 2)

Federal Transit Administration
Transportation Systems Center, Suite 920
Kendall Square, 55 Broadway
Cambridge, MA 02142-1093

Federal Transit Administration
One Bowling Green, Room 429
New York, NY 10004-1415

SOUTHEASTERN AREA (Regions 3 and 4)

Federal Transit Administration
1760 Market Street, Suite 500
Philadelphia, PA 19103-4124

Federal Transit Administration
Atlanta Federal Center, Suite 17T50
61 Forsyth Street, SW
Atlanta, GA 30303

CENTRAL/MID-WESTERN AREA (Regions 5, 6, and 7)

Federal Transit Administration
200 W. Adams, Suite 320
Chicago, IL 60606

Federal Transit Administration
819 Taylor Street, Room 8A36
Fort Worth, TX 76102

Federal Transit Administration
901 Locust Street, Room 404
Kansas, MO 64106

WESTERN AREA (Regions 8, 9, and 10)

Federal Transit Administration
12300 W. Dakota Ave, Suite 310
Lakewood, CO 80228-2583

Federal Transit Administration
201 Mission Street, Suite 2210
San Francisco, CA 94105-1926

Federal Transit Administration
915 Second Ave, Suite 3412
Seattle, WA 98174-1002

APPENDIX D

APPLICATION OF TITLE VI REQUIREMENTS TO FEDERAL FINANCIAL ASSISTANCE OF THE FEDERAL TRANSIT ADMINISTRATION

Examples: Nondiscrimination on FTA Projects

The following examples, without being exhaustive, illustrate the application of the nondiscrimination provisions of this part to projects receiving Federal financial assistance under the programs of certain Department of Transportation operating administrations.

1. Any person who is, or seeks to be, a patron of any public vehicle which is operated as a part of, or in conjunction with, a project shall be given the same access, seating, and other treatment with regard to the use of such vehicle as other persons without regard to their race, color, or national origin.
2. No person who is, or seeks, to be an employee of the project sponsor or lessees, concessionaires, contractors, licensees, or any organization furnishing public transportation service as a part of, or in conjunction with, the project shall be treated less favorably than any other employee or applicant with regard to hiring, dismissal, advancement, wages, or any other conditions and benefits of employment, on the basis of race, color, or national origin.
3. No person or group of persons shall be discriminated against with regard to the routing, scheduling, or quality of transportation service furnished as a part of the project on the basis of race, color, or national origin. Frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and location of routes may not be determined on the basis of race, color, or national origin.
4. 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.