

**Regional Public Transportation, Inc.
Doing Business as Smart Transit**

Discrimination Complaint Procedure

Complaints may be filed by any person who believes that he or she has been excluded from participation in, been denied the benefits of, or otherwise subjected to discrimination under any Regional Public Transportation, Inc. (RPT) service, program or activity, and believes the discrimination is based upon race, color, national origin, gender, age, disability, economic status or limited English proficiency. This includes discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended.

A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the Regional Public Transportation, Inc.'s Title VI Coordinator for review and action.

A signed written complaint must be submitted within 180 days of the alleged discriminatory act (or latest occurrence). The Title VI Coordinator or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing. Individuals may also file complaints directly with the Idaho Transportation Department (ITD), U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), and/or the Federal Transit Administration (FTA) within the 180 day timeframe. The complaint should contain:

- Name, address, telephone number, and signature of complainant or complainant's representative.
- Facts and circumstances surrounding the claimed discrimination, including date of allegations, and basis of complaint (i.e., race, color, national origin, gender, age, disability).
- Any names of persons, if known, that the investigator could contact for additional information to support or clarify the allegations.
- Corrective action being sought by the complainant.

In the event that a person makes a verbal complaint of discrimination to an officer or employee of Regional Public Transportation, Inc., the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the Sponsor's investigative procedures as outlined below.

Within 10 days of receiving a written complaint, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, such as to ITD and/or the USDOT. The complaint may be forwarded to ITD or USDOT for investigation.

RPT will advise ITD within 10 days of receipt of the allegations. Generally, the following information will be included in every notification to ITD:

- a) Name, address, and phone number of the complainant.
- b) Name(s) and address(es) of alleged discriminating officer(s) or employee(s).

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- c) A statement and basis of complaint (i.e., race, color, national origin or sex)
- d) Date of alleged discriminatory act(s).
- e) Date of complaint received by RPT.
- f) Other agencies (state, local or federal) where the complaint has been filed.
- g) An explanation of the actions RPT has taken or proposed to resolve the issue raised in the complaint.

Within 60 days, RPT's Title VI Coordinator will investigate and make recommendations for resolving the complaint in a report of findings to RPT's authorized representative. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

Within 90 days of receipt of the complaint, RPT's authorized representative will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with ITD, or USDOT, if they are dissatisfied with the final decision rendered by RPT. The Title VI Coordinator will also provide ITD with a copy of this decision and summary of findings.

Contacts for the different Title VI administrative jurisdictions are as follows:

Regional Public Transportation, Inc.

Title VI Coordinator
PO Box 3854
Moscow, Idaho 83843
208-883-7165

Idaho Transportation Department

Equal Employment Opportunity Office – External Programs
Karen Sparkman, EEO Manager, Title VI & ADA Coordinator
PO Box 7149
Boise, ID 83707-1129
208-334-8852
Karen.sparkman@itd.idaho.gov

Federal Transit Administration Office of Civil Rights

Attention: Title VI Program Coordinator
East Building, 5th Floor - TCR
1200 New Jersey Ave., SE
Washington, DC 20590

**Regional Public Transportation, Inc.
Doing Business as Smart Transit**

Discrimination Complaint Form

SECTION I

Are you filing this complaint on your own behalf? Yes No

[If you answered "yes" to this question, go to Section II.]

If not, please supply your name and relationship to the person for whom you are complaining:

_____ Telephone Numbers: (Home) _____ (Work) _____

Please explain why you have filed for the third party. _____

Have you obtained the permission of the aggrieved party that you are filing on behalf of? Yes No

SECTION II

What is the name of the person discriminated against?

Name: _____

Address: _____

City, State, and Zip Code: _____

Telephone Numbers: (Home) _____ (Work) _____

Electronic Mail Address: _____

Accessible Format Requirements? Large Print Audio tape TDD Other: _____

SECTION III

Have you filed this complaint with any of the following agencies?

- | | |
|--|--|
| <input type="checkbox"/> Idaho Transportation Department | <input type="checkbox"/> Idaho Commission on Human Rights |
| <input type="checkbox"/> United States Department of Transportation | <input type="checkbox"/> Federal Transit Administration |
| <input type="checkbox"/> Federal Highway Administration | <input type="checkbox"/> United States Department of Justice |
| <input type="checkbox"/> United States Equal Employment Opportunity Commission | <input type="checkbox"/> None |
| <input type="checkbox"/> Other: _____ | |

Have you filed a lawsuit regarding this complaint? Yes No

If yes, please provide a copy of the complaint form.

[Note: This above information is helpful for administrative tracking purposes. However, if litigation is pending regarding the same issues, we defer to the decision of the court.]

11/16/10 (address/name update 10/28/13)

SECTION IV

Name(s) of Regional Public Transportation, Inc. officer(s) or employee(s) complaint is against:

On what basis did the claimed discrimination occur?

- | | | | | |
|-------------------------------------|--|--|--|------------------------------|
| <input type="checkbox"/> Race | <input type="checkbox"/> Color | <input type="checkbox"/> National origin | <input type="checkbox"/> Gender | <input type="checkbox"/> Age |
| <input type="checkbox"/> Disability | <input type="checkbox"/> Economic Status | <input type="checkbox"/> Retaliation | <input type="checkbox"/> Limited English proficiency | |

When did the claimed discrimination take place? _____

Please describe the facts and circumstances surrounding the claimed discrimination. Use additional paper, if necessary.

Please list any names of persons, if known, that the investigator could contact for additional information to support or clarify the allegations (i.e. witnesses).

What is the corrective action the complainant is requesting?

SECTION V

A copy of this complaint and any supporting documentation may be forwarded to Idaho Transportation Department, United States Department of Transportation, Federal Transit Administration or other agency that may have jurisdiction with the matter.

You may attach any other documentation or information that is relevant to this complaint.

Please sign here: _____ **Date:** _____

[Note - We cannot accept your complaint without a signature.]

Please mail your completed form to:

Regional Public Transportation, Inc.
 Title VI Coordinator
 PO Box 3854
 Moscow, Idaho 83843

The Federal Transit Administration (FTA) Office of Civil Rights is responsible for civil rights compliance and monitoring of providers of public transportation, which includes ensuring that entities abide by Title VI of the Civil Rights Act of 1964, Executive Order 12898, "Federal Actions To Address Environmental Justice in Minority Populations and Low Income Populations," and the Department of Transportation's Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries.

Regional Public Transportation, Inc.
SMART TRANSIT

Limited English Proficiency Plan

November 16, 2010
(address/name update 10/28/13)

Title VI Coordinator:
Tara Forsmann, Safety, Security & Compliance Coordinator
Smart Transit
1006 Railroad
PO Box 3854
Moscow, Idaho 83843
208-883-7165

I. INTRODUCTION

This *Limited English Proficiency Plan* has been prepared to address the Regional Public Transportation, Inc.'s (RPT) 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, 42 U.S.C. 2000d, et seq, and its implementing regulations, which state 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 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, private and non-profit entities, and subrecipients which receive federal grant funds.

Plan Summary

RPT has developed this *Limited English Proficiency Plan* to help identify reasonable steps for providing language assistance to persons with limited English proficiency [LEP] who wish to access services provided. As defined 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, RPT used the 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 by RPT.
2. The frequency with which LEP persons come in contact with RPT services.
3. The nature and importance of services provided by RPT to the LEP population.
4. The interpretation services available to RPT and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is in the following section.

II. MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

1. The number or proportion of LEP persons in the service area who may be served or are likely to require RPT services.

RPT staff reviewed the 2000 U.S. Census Report as well as the Department of Labor's LEP Special Tabulation of Census 2000 Data on Limited English Proficient Adults for Local Workforce Investment Areas. The U.S. Census reported a population of 23,667 of persons over the age of 5. It was determined that 1,977 of the population over the age of 5 in the City of Moscow [8.4%] speak a language other than English at home. Of those 1,977 persons 624 [2.6%] speak English less than "very well." In North Central Idaho, which includes Clearwater, Idaho, Latah, Lewis, and Nez Perce Counties, 4,580 persons over the age of 5 [4.8% of the population over 5] speak a language other than English at home. Of those 4,580 persons 600 have limited English proficiency; that is, they speak English "not well" or "not at all", this is only 0.6% of the population over the age of 5 in the five-county region.

In Moscow, of those that speak English less than "very well", 41% speak Asian/ Pacific Island languages, 31% speak Spanish, and 20% speak Indo-European languages. In North Central Idaho, of those persons with limited English proficiency, 53% speak Spanish, 22% speak Indo-European languages, and 14% speak Asian/Pacific Island languages.

For the 2008-2009 school year, Moscow School District had 11 LEP students [0.4% of total enrollment].

The International Student, Scholar, & Faculty Services (ISSFS) is a division within the International Programs Office at the University of Idaho. This department serves international students, faculty and visiting scholars at the University of Idaho as well as the Moscow community. According to information on their website in 2010, they are providing services to almost 650 international students, scholars and faculty from more than 73 countries. Services provided include community resources and language translation.

2. The frequency with which LEP persons come in contact with RPT services.

RPT staff reviewed the frequency with which drivers and office staff have, or could have, contact with LEP persons. This includes documenting phone inquiries, office visits, or other contacts from this point forward. To date, staff does not believe there have been any requests for interpreters or translated program documents. RPT staff has approximately 165,827 contacts annually with customers. This figure is a combined total of passenger boardings in the Moscow service areas (including Intercity and State 8) and the number of tabulated phone calls to office staff for 2010 (partially projected). All staff was surveyed on their experiences with LEP individuals. In the combined total years of experience of approximately 59, there have been approximately 65 occasions of contact, either in person or by telephone. This averages to about 1 contact with and LEP person per employee annually. There are 14 employees at this time, so it can be reasonably expected to have approximately 14 contacts with LEP persons annually [less than .01% of total customer interactions].

Staff reports that in almost all cases, there has been a friend or family member available to LEP persons to assist. Some staff communicated in the language(s) the LEP person was speaking in (Spanish, French, etc.). Others have used assistive devices such as a picture book.

3. The nature and importance of services provided by RPT to the LEP population.

There is no large geographic concentration of any type of LEP individuals in the service area for the RPT. The overwhelming majority of the population, 97.4%, speaks only English, or speaks English at a level of “well” or “very well”. As a result, there are few social, service, professional and leadership organizations within RPT’s service area that focus on outreach to LEP individuals. Staff is most likely to encounter LEP individuals through office visits, phone conversations, and passengers that board the buses.

4. Resources available to RPT, and overall costs to provide LEP assistance.

There are available resources that could be used for providing LEP assistance, translating documents if the need should arise, and interpreting if needed. Some language assistance would be available through local resources including the International Student, Scholar, & Faculty Services (ISSFS), a division within the International Programs Office at the University of Idaho within a reasonable time period. This department serves international students, faculty and visiting scholars at the University of Idaho as well as the Moscow community. They assist with language translation and community resources. A simple, free resource on the web that translates any written material is available at <http://translate.google.com/>. Other language translation and interpretation if needed would be provided through a telephone interpreter line for which RPT would pay a fee.

Language, cultural, and translation assistance

UI International Student, Scholar, & Faculty Services
208-885-8984
ipo@uidaho.edu

Translation assistance

<http://translate.google.com/>

Interpreting assistance (one example, fee based)

World Interpreting, Inc.
<http://worldinterpreting.com>
info@worldinterpreting.com
800-969-6853

Language determination

US Census Bureau “I Speak” Flashcards

III. LANGUAGE ASSISTANCE

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to RPT services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language.

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

- Post notice of LEP Plan and the availability of interpretation or translation services free of charge in languages LEP persons would understand.
- All staff will be provided with “I Speak” cards to assist in identifying the language interpretation needed if the occasion arises.
- All staff will be informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year.
- When RPT sponsors an informational meeting or event, a staff person may greet participants as they arrive. By informally engaging participants in conversation it is possible to gauge each attendee’s ability to speak and understand English. Although translation may not be able to be provided at the event it will help identify the need for future events.

Language Assistance Measures

Although there is a very low percentage in RPT’s service area of LEP individuals, that is, persons who speak English “not well” or “not at all”, it will strive to offer the following measures:

- 1.** RPT staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.
- 2.** The following resources will be available to accommodate LEP persons:
 - i.** US Census Bureau “I Speak” Flashcards in order to determine language.
 - ii.** Volunteer interpreters for the Spanish language are available and will be provided within a reasonable time period. Some staff members have language abilities in Spanish and French and may be available for assistance.
 - iii.** Language interpretation will be accessed for all other languages through a telephone interpretation service.
 - iv.** Written documents can be translated on the internet using Google Translate.

IV. STAFF TRAINING

The following training will be provided to all staff:

- Information on the Title VI Policy and LEP responsibilities.
- Description of language assistance services offered to the public.
- Use of the “I Speak” cards.
- Documentation of language assistance requests.
- How to handle a potential Title VI/LEP complaint.

All contractors or subcontractors performing work for RPT will be required to follow the Title VI/LEP guidelines.

V. TRANSLATION OF DOCUMENTS

RPT weighed the benefits of translating documents for potential LEP groups. Considering the likelihood of frequent changes in documents, the lack of any single dominant language and other relevant factors; at this time it is an unnecessary burden to have any documents translated.

Due to the very small local LEP population, RPT does not have a formal outreach procedure in place, as of 2010. Translation resources have been identified. However, when and if the need arises for LEP outreach, RPT will consider the following options:

- 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.

VI. MONITORING

Monitoring and Updating the LEP Plan

RPT will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when data from the 2010 U.S. Census is available, or when it is clear that higher concentrations of LEP individuals are present in the RPT 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 RPT's financial resources are sufficient to fund language assistance resources needed.
- Determine whether RPT fully complies with the goals of this LEP Plan.
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.

VII. DISSEMINATION OF RPT LEP PLAN

- Information will be available on RPT's website notifying LEP persons of the LEP Plan and how to access language services.
- State on agendas and public notices that documents may be available in another language upon request.