

# City Policy #11.7

## ***Title VI Plan*** **New Castle Transit**

Adopted on: January 1, 2013

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Adopted by: Board of Works and Safety

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Revised on: February 1, 2016

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*This policy is hereby adopted and signed by:*

### **New Castle Transit**

Chairperson  
Name/Title:

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Chairperson Signature:

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### **Policy Statement**

The **New Castle Transit** as a recipient of Federal Transit Administration (FTA) grant dollars either directly from FTA or through the Indiana Department of Transportation (INDOT) will comply with the Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the U.S. Department of Transportation implementing regulations.

### **Title VI Plan Elements**

The **New Castle Transit's** Title VI plan includes the following elements:

1. *Evidence of Policy Approval*
2. *Notice to the Public*
3. *Complaint Procedure*
4. *Complaint Form*
5. *List of transit related Title VI Investigations, Complaints and Lawsuits*
6. *Public Participation Plan*
7. *Language Assistance Plan*
8. *Minority Representation Table and Description*
9. *Employee Annual Education Form/ Acknowledgement of Receipt of Title VI Plan*

Note: *Additional materials will be attached, if required.*

## (Appendix 2) - TITLE VI Notice to the Public

The **New Castle Transit** Notice to the Public is as follows:

Notifying the Public of Rights Under Title VI

**New Castle Transit**

- ✓ The New Castle Transit operates its programs and services without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the **New Castle Transit**.
- ✓ For more information on the **New Castle Transit's** civil rights program, and the procedures to file a complaint, contact Ed Hill, Title VI coordinator 765-529-7605 ext.3113, (TTY 800-743-3333); email [ed-hill@cityofnewcastle.net](mailto:ed-hill@cityofnewcastle.net) ; or visit our administrative office at 227 N Main Street, New Castle, IN 47362. For more information, visit [www.cityofnewcastle.net](http://www.cityofnewcastle.net)
- ✓ 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, 5<sup>th</sup> Floor-TCR, 1200 New Jersey Ave., SE Washington, DC, 20590.
- ✓ If information is needed in another language, contact 800-743-3333.  
*Si se necesita informacion en otro idioma de contacto, 800-435-8590.*

The **New Castle Transit's** Notice to the Public is posted in the following locations: (*check all that apply*)

- Agency website [[www.cityofnewcastle.net](http://www.cityofnewcastle.net)]
- Public areas of the agency office (201 S 25<sup>th</sup> Street)
- Inside vehicles
- Rider Guides/Schedules
- Transit shelters and stations
- Other, \_\_\_\_\_

### (Appendix 3) – Title VI Complaint Procedure

The **New Castle Transit's** Title VI Complaint Procedure is made available in the following locations: *(check all that apply)*

- Agency website, either as a reference in the Notice to Public or in its entirety
  - Hard copy in the central office
  - Available in appropriate languages for LEP populations, meeting the Safe Harbor Threshold.
  - Other, \_\_\_\_\_
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Any person who believes she or he has been discriminated against on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin by the **New Castle Transit** may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. The **New Castle Transit** investigates complaints received no more than 180 days after the alleged incident. The **New Castle Transit** will process complaints that are complete.

Once the complaint is received, the **New Castle Transit** will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office.

The **New Castle Transit** has **60** days to investigate the complaint. If more information is needed to resolve the case, the city may contact the complainant.

The complainant has **10** business days from the date of the letter to send requested information to the investigator assigned to the case.

If the investigator is not contacted by the complainant or does not receive the additional information within XX business days, the city can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

After the investigator reviews the complaint, she/he will issue one of two (2) letters to the complainant: a closure letter or a letter of finding (LOF).

- ✓ A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed.
- ✓ A letter of finding (LOF) summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur.

If the complainant wishes to appeal the decision, she/he has XX days after the date of the letter or the LOF to do so.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

If information is needed in another language, then contact **800-743-3333**. *This statement should be stated in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor threshold.*

## (Appendix 4) – Title VI Complaint Form

The **New Castle Transit** 's Title VI Complaint Procedure is made available in the following locations: *(check all that apply)*

- Agency website, either as a reference in the Notice to Public or in its entirety
- Hard copy in the central office
- Available in appropriate languages for LEP populations, meeting the Safe Harbor Threshold.
- Other, \_\_\_\_\_

<b>Section I:</b>				
<b>Name:</b>				
<b>Address:</b>				
<b>Telephone (Home):</b>			<b>Telephone (Work):</b>	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		<b>Audio Tape</b>	
	TDD		<b>Other</b>	
<b>Section II:</b>				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party: _____				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
<b>Section III:</b>				
I believe the discrimination I experienced was based on (check all that apply):				
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Sex <input type="checkbox"/> Gender Identity <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Religion				
Date of Alleged Discrimination (Month, Day, Year): _____				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.  _____ _____				
<b>Section IV</b>				
Have you previously filed a Title VI complaint with this agency?			Yes	No



**(Appendix 5) – List of Transit Related Title VI Investigations, Complaints and Lawsuits**

**Check One:**



There have been no investigations, complaint and/or lawsuits filed against us during the report period.

\_\_\_\_\_

There have been investigations, complaints and/or lawsuits filed against us. *See list below. Attach additional information as needed.*

\_\_\_\_\_

	<b>Date</b> (Month, Day, Year)	<b>Summary</b> (include basis of complaint: race, color, religion, sex, sexual orientation, gender identity, or national origin)	<b>Status</b>	<b>Action(s) Taken</b>
<b>Investigations</b>				
1.				
2.				
<b>Lawsuits</b>				
1.				
2.				
<b>Complaints</b>				
1.				
2.				

## (Appendix 6) – Public Participation Plan

### Strategies and Desired Outcomes

To promote inclusive public participation, the **New Castle Transit** will use its resources available to employ the following strategies, as appropriate:

- ✓ Provide for early, frequent and continuous engagement by the public.
- ✓ Expand traditional outreach methods. Think outside the box: go to hair salons, barbershops, street fairs, faith-based institutions, libraries, etc.
- ✓ Select accessible and varied meeting locations and times
- ✓ Employ different meeting sizes and formats
- ✓ Provide childcare and food during meetings, if possible.
- ✓ Use social media in addition to other resources as a way to gain public involvement
- ✓ Use radio, television or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP populations may also include audio programming available on podcasts.

### Documented Public Outreach

The direct public outreach and involvement activities conducted by the **New Castle Transit** are summarized in the table below. Efforts include *meetings, surveys, focus groups, etc.*

Information pertinent to each event and/or activity will be provided to INDOT upon request. Examples include copies of: meeting announcements, agendas, posters, attendee list, etc.

Event Date	Section 5310/5311 grantee Staffer(s)	Event	Date Publicized and Communication Method (Public Notice, Posters, Social Media)	Outreach Method (Meeting, Focus Group, Survey, etc).	Notes



## (Appendix 7) Language Assistance Plan

### Plan Components

As a recipient of federal US DOT funding, the **New Castle Transit** is required to take reasonable steps to ensure meaningful access to our programs and activities by limited-English proficient (LEP) persons.

**Limited English Proficient (LEP):** Refers to persons for whom English is not their primary language and who have a limited ability to read, write, speak or understand English. This includes those who have reported to the U.S. Census that they speak English less than very well, not well, or not at all.

Most individuals in Indiana read, write, speak and understand English. There are some individuals for whom English is not their primary language. If these individuals have a limited ability to read, write, speak, or understand English, they are considered limited English proficient, or “LEP.”

The **New Castle Transit’s** Language Assistance Plan includes the following elements:

- The results of the *Four Factor Analysis*, including a description of the LEP population(s), served.
- A description of how language assistance services are provided by language
- A description of how LEP persons are informed of the availability of language assistance service
- A description of how the language assistance plan is monitored and updated
- A description of how employees are trained to provide language assistance to LEP persons
- Additional information deemed necessary

### Methodology

To determine if an individual is entitled to language assistance and what specific services are appropriate, the **New Castle Transit** has conducted a *Four Factor Analysis*<sup>1</sup> of the following areas: 1) Demography, 2) Frequency, 3) Importance and 4) Resources and Costs.

#### *LEP Four Factor Analysis*

- ✓ **Factor 1: Demography:** What is the number or proportion of LEP persons served and the languages spoken in the service area?

#### Overview

The first factor of the *Four Factor Analysis* is the basis of the Language Assistance Plan. It requires the **New Castle Transit** to review its US Census data to determine if it meets the *LEP Safe Harbor Threshold*.

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<sup>1</sup> DOT LEP guidance <https://www.civilrights.dot.gov/page/dots-lep-guidance>

## US Census and American Community Survey (ACS) Data<sup>2</sup>

The **New Castle Transit** did the following:

1. Inserted a copy of the **New Castle Transit's** county LEP data in the Title VI plan. This data was found at:  
<http://www.migrationpolicy.org/sites/default/files/datahub/LEPstate-countyData.xlsx>
  2. Analyzed the LEP demographic data for the **New Castle Transit's** program and/or service area by calculating the *Safe Harbor Threshold* for two to three of the largest language groups identified other than English.
    - a. The *Safe Harbor Threshold* is calculated by dividing the population estimate for a language group that "Speaks English less than very well" by the total population of the county.
      - i. The *LEP Safe Harbor Threshold* provision stipulates that for each LEP group that meets the LEP language threshold (5% or 1,000 individuals, whichever is less) the **New Castle Transit** must provide translation of vital documents in written format for the non-English users.
      - ii. Examples of written translation of vital documents include the Title VI policy statement and/or Notice to the Public (Appendix 2), Title VI Complaint Procedure (Appendix 3), Title VI Complaint Form (Appendix 4), and ADA paratransit eligibility forms.
  3. Explained the results of the analysis of the county LEP data in the demographic section of the *Four Factor Analysis*.
- ✓ **Factor 2: Frequency:** How often does your staff come into contact with LEP persons?

### Overview

LEP persons are persons identified as speaking English less than very well, not well or not at all. Just because a person speaks a language other than English doesn't mean they don't speak English or are identified as LEP. The summary below discusses the frequency with which **New Castle Transit** staff comes into contact with LEP persons. It also provides information on the how staff is instructed to meet the needs of LEP persons.

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<sup>2</sup> The ACS publishes data in many forms on the Census Bureau American Fact Finder website  
<http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml>

- ✓ **Factor 3: Importance:** How does the program, service or activity affect people's lives?

Overview

The summary below discusses how the **New Castle Transit's** program and services impact the lives of person's within the community. The Section 5310 grantee will specify the community organizations that serve LEP persons, if available.

- ✓ **Factor 4: Resources and Costs:** What funding and other resources are available for LEP outreach?

Overview

The summary below discusses the low cost methods used by the **New Castle Transit** to provide outreach to LEP persons as well as train staff on Title VI and LEP principles.

*Additional Required Elements*

In addition to the *Four Factor Analysis (listed below as item #1)*, the Section **New Castle Transit** will address the following elements:

*Item #2:* A description of how language assistance services are provided by language

Item #3: A description of how LEP persons are informed of the availability of language assistance service

Item #4: A description of how the language assistance plan is monitored and updated

Item #5: A description of how employees are trained to provide language assistance to LEP persons

*And, any additional information deemed necessary.*

## Section 5310/5311 grantee – Summary of the Language Assistance Plan Components

Item #1 – Results of the Four Factor Analysis (including a description of the LEP population(s) served)

### **Example**

#### Factor 1 – Demography

The **New Castle Transit** provides transportation services in USA County (or counties).

The US Census Bureau – American Fact Finder (2008-2012) reports there are numerous languages spoken in USA County. Some of these languages include Spanish, German, Russian, Japanese, Hmong, and Vietnamese. After English, the second largest language group is Spanish.

The Safe Harbor Threshold is calculated by dividing the population estimate for a language group that “speaks English less than very well” by the total population of the county. The LEP Safe Harbor Threshold provision stipulates that for each LEP group that meets the LEP language threshold (5% or 1,000 individuals, whichever is less), the **New Castle Transit** must provide translation of vital documents in written format for non-English speaking persons.

In USA County, with a population estimate of 76,816, 535 persons have identified themselves as Spanish speaking and “speaks English less than well”. This language group is less than 1% and below the 5% or 1,000 person threshold. This means the **New Castle Transit** is not required to provide written translation of vital documents. All of the other language groups listed above are also below the safe harbor threshold. This means, at this time, the **New Castle Transit** is also not required to provide written translation of vital documents in these languages.

Even though the **New Castle Transit** is below the safe harbor threshold and is not required to provide written translation of vital documents, it publishes a timetable and route map in Spanish on its website.

In the future, if the **New Castle Transit** meets the Safe Harbor Threshold for any language group, it will provide written translation of vital documents in such languages and also consider measures needed for oral interpretation.

#### Factor 2 – Frequency

The **New Castle Transit** will be trained on what to do when they encounter a person that speaks English less than well. The **New Castle Transit** will track the number of encounters and consider making adjustments as needed to its outreach efforts to ensure meaningful access to all persons and specifically to LEP and minority populations of the **New Castle Transit** programs and services.

The **New Castle Transit's** provides rides to XX persons per year. While formal data has not been collected, the Section 5310/5311 grantee has indicated it has encountered (2) two LEP persons using the service within the last six months.

#### Factor 3 – Importance

The **New Castle Transit** understands an LEP person with language barrier challenges also faces difficulties obtaining health care, education or access to employment. A transportation system is a key link to connecting LEP persons to these essential services.

The **New Castle Transit** has identified activities and services which would have serious consequences to individuals if language barriers prevented access to information or the benefits of those programs. The

activities and services include providing emergency evacuation instructions in our facilities, stations and vehicles and providing information to the public on security awareness or emergency preparedness.

The **New Castle Transit's** assessment of what programs, activities and services that are most critical included contact with community organization(s) that serve LEP persons, as well as contact with LEP persons themselves to obtain information on the importance of the modes or the types of services that are provided to the LEP populations.

#### Factor 4 – Resources and Costs

Even though the **New Castle Transit** does not have a separate budget for LEP outreach, the Section 5310/5311 grantee has worked to implement low cost methods of reaching LEP persons. For example, the **New Castle Transit** has a Spanish speaking person on staff. This has ensured the **New Castle Transit** can provide assistance to LEP Spanish-speaking persons, if needed. In addition, the **New Castle Transit** will work with local advocacy groups to reach LEP populations.

Item # 2 – Description of how Language Assistance Services are Provided, by Language
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#### **Example**

The **New Castle Transit** has a bilingual speaking person on staff. In addition, we work to ensure mechanisms are in place to reach LEP persons in the service area. For example, we have a special brochure printed and is available in each vehicle to assist LEP populations in understanding the transportation service.

For example, any language barriers or LEP assistance will be identified through our intake process before a client begins services with our agency. At the time of intake, a translator will be made available to communicate our agency policies and procedures, including transportation. Additional tools will be determined at that time to assess the needs for future communication tools.

Item # 3 - Description of how LEP Persons are Informed of the Availability of Language Assistance Service
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#### **Example**

The **New Castle Transit** does the following to inform LEP persons of the availability of language assistance services: publishing timetables and route maps in languages other than English, provide pictograms and other symbols in relevant published materials, striving to employ multilingual staff, and creating and posting multi-language announcements, posters and other information.

The **New Castle Transit** also attends Latin festivals and functions in the area for the LEP population. The cost is relatively low but the ability to reach the LEP population is high. The **New Castle Transit** will continue to reach out to LEP populations by visiting ethnic meal sites and/or community centers and groups, local non-English speaking churches, and local stores or markets catering to immigrants/non-English speaking populations.

Item # 4 – Description of how the Language Assistance Plan is Monitored and Updated

**Example**

*The **New Castle Transit** reviews its plan on an annual basis or more frequently as needed. In particular, the **New Castle Transit** will evaluate the information collected on encounters with LEP persons as well as public outreach efforts to determine if adjustments should be made to the delivering of programs and services to ensure meaningful access to minority and LEP persons.*

Item # 5 - Description of how Employees are Trained to Provide Language Assistance to LEP Persons

**Example**

***New Castle Transit** employees are educated on the principles of Title VI and the **New Castle Transit's** Language Assistance Plan. New employees will be provided guidance on the needs of clients served and how best to meet their needs.*

*An important discussion point is that of language assistance. If a driver, dispatcher or employee needs further assistance related to LEP program participants, her/she will work with the **New Castle Transit's** Title VI Coordinator to identify strategies to meet the language needs of the participants of the program or service.*

## (Appendix 8) – Minority Representation Information

### A. Minority Representation Table

The table below depicts the **New Castle Transit's** three committees and councils related to transit: the grantee's Board of Directors and its Transportation Advisory Committee.

Body	Caucasian	Hispanic	African American	Asian American	Native American
Population	95.1%	1.7%	1.9%	0.4%	0.2%
Board of Directors	100%	0%	0%	0%	0%
Transportation Advisory Committee	100%	0%	0%	0%	0%

### B. Efforts to Encourage Minority Participation

The **New Castle Transit** understands diverse representation on committees, councils and boards results in sound policy reflective of its entire population. As such, the **New Castle Transit** encourages participation of all its citizens. As of January 2013, with the exception of the Access Committee, all races residing in the **New Castle Transit** were represented on the three transit-related committees/ councils. As vacancies on boards, committees and councils become available, the **New Castle Transit** will make efforts to encourage and promote diversity. To encourage participation on its boards, committees and councils, the **New Castle Transit** will continue to reach out to community, ethnic and faith-based organizations to connect with all populations. In addition, the **New Castle Transit** will use create ways to make participating realistic and reasonable. Such as, scheduling meetings at times best suited to its members and providing transportation and child care, if needed for its members.

#### Sample

#### Minority Representation Data Collection Form

#### Board of Public Works and Safety

Date:

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Dear Member,

As the **New Castle Transit** is a recipient of federal funds, we are required under Title VI of the Civil Rights statute to ascertain the racial/ethnic make-up of any non-elected boards, commissions, councils, etc.

Data from this section is used for statistical and reporting purposes. The information may be subject to disclosure under federal or state law or rule.

#### Anti-Discrimination Notice

It is unlawful for the **New Castle Transit** to fail or refuse to provide services, access to services or activities, or otherwise discriminate against an individual because of an individual's race, color, religion, sex, sexual orientation, gender identity, national origin, disability or veteran status.

As a council under the jurisdiction of the **New Castle Transit**, we invite council members to voluntarily self-identify their race/ethnicity in order for us to comply with FTA Title VI regulations. This information will be used according to the provisions of applicable federal and state laws, executive orders and regulations, including those requiring the information to be summarized and reported to the federal government for civil rights enforcement purposes.

### **Race/Ethnicity**

If you choose to self-identify, please mark the **one box** describing the race/ethnicity category with which you primarily identify:

\_\_\_ *Asian or Pacific Islander*: All persons having origins in any of the peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands and Samoa.

\_\_\_ *Black and/or African American* (not of Hispanic origin): All persons having origins in any of the Black racial groups of Africa.

\_\_\_ *Hispanic*: All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

\_\_\_ *American Indian or Alaskan Native*: All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

\_\_\_ *Caucasian* (not of Hispanic origin): All persons having origins in any of the original peoples of Europe, North Africa or the Middle East.

Note: The Minority Representation Data Collection Form is an optional tool for the subrecipient. Completed forms are not required to be submitted with the Title VI plan.



**(Appendix 9) Employee Annual Education Form**

**Title VI Policy**

No person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. All employees of the City transit system are expected to consider, respect, and observe this policy in their daily work and duties. If a citizen approaches you with a question or complaint, direct him or her to Douglas Sloan, New Castle Transit Manager. In all dealings with citizens, use courtesy titles (i.e. Mr.,Mrs., Ms., or Miss) to address them without regard to race, color or national origin.

**Acknowledgement of Receipt of Title VI Plan**

I hereby acknowledge the receipt of the City of New Castle's Title VI Plan. I have read the plan and am committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.A.

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Employee signature

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Print your name

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Date