

# **WESTERN OAKLAND TRANSPORTATION AUTHORITY TITLE VI PLAN**

## **I. Plan Statement**

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

Western Oakland Transportation Authority (WOTA) is committed to ensuring that no person is excluded from participation in or denied the benefits of its transit services based on race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1B.

This plan was developed to guide WOTA in its administration and management of Title VI-related activities.

### **Title VI Coordinator Contact Information**

KIM VIENER  
250 W. LIVINGSTON ROAD  
HIGHLAND, MI 48357  
(248) 887-4979  
DIRECTOR@RIDEWOTA.ORG

## **II. Title VI Dissemination**

Title VI information posters (see Appendix G) shall be prominently and publicly displayed in the WOTA facility and on their revenue vehicles. The name of the Title VI coordinator is posted and available at WOTA, 250 W. Livingston Road, Highland, MI 48357 and [ridewota.org](http://ridewota.org). Additional information relating to nondiscrimination obligation can be obtained from WOTA Title VI Coordinator.

Nondiscrimination information shall be disseminated to WOTA employees annually (see Appendix A). This information reminds employees of WOTA's policy statement, and of their nondiscrimination responsibilities in their daily work and duties. All employees of WOTA are provided a copy of the plan and are required to sign an Acknowledgement of Receipt (see Appendix B).

During New Employee Orientation, new employees shall be informed of the provisions of Title VI, and WOTA's expectations to perform their duties accordingly.

### **III. Subcontracts and Vendors**

All subcontractors and vendors who receive payments from WOTA where funding originates from any federal assistance are subject to the provisions of Title VI of the Civil Rights Act of 1964 as amended.

Written contracts shall contain non-discrimination language, either directly or through the bid specification package which becomes an associated component of the contract.

### **IV. Record Keeping**

The Title VI Coordinator will maintain permanent records, which include, but are not limited to, signed acknowledgements of receipt from the employees indicating the receipt of WOTA's Title VI Plan, copies of Title VI complaints or lawsuits and related documentation, records of correspondence to and from complainants, and Title VI investigations.

### **V. Title VI Complaint Procedures**

#### **How to file a Title VI Complaint?**

The complainant may file a signed, written complaint up to one hundred and eighty (180) days from the date of the alleged discrimination. The complaint should include the following information:

- Your name, mailing address, and how to contact you (i.e., telephone number, email address, etc.)
- How, when, where and why you believe you were discriminated against. Include the location, names, and contact information of any witnesses.
- Other information that you deem significant.

The Title VI Complaint Form (see Appendix C) may be used to submit the complaint information. The complaint may be filed in writing or by e-mail with WOTA at the following address:

WOTA  
250 W. Livingston Road  
Highland, MI 48357  
(248) 887-4979  
director@ridewota.org

NOTE: WOTA encourages all complainants to certify all mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked easily. For complaints originally submitted by facsimile, an original, signed copy of the

complaint must be mailed to the Title VI Coordinator as soon as possible, but no later than 180 days from the alleged date of discrimination.

### **What happens to the complaint once it is submitted?**

All complaints alleging discrimination based on race, color, or national origin in a service or benefit provided by WOTA will be directly addressed by WOTA. WOTA shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Additionally, WOTA shall make every effort to address all complaints in an expeditious and thorough manner.

A letter of acknowledging receipt of complaint will be mailed within seven days (see Appendix D). Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

### **How will the complainant be notified of the outcome of the complaint?**

WOTA will send a final written response letter (see Appendix E or F) to the complainant. In the letter notifying complainant that the complaint is not substantiated (Appendix F), the complainant is also advised of his or her right to 1) appeal within seven calendar days of receipt of the final written decision from WOTA, and/or 2) file a complaint externally with the U.S. Department of Transportation and/or the FTA. Every effort will be made to respond to Title VI complaints within 60 working days of receipt of such complaints, if not sooner.

Once sufficient information for investigating the complaint is received by WOTA, a written response will be drafted subject to review by the transit's attorney. If appropriate, WOTA'S attorney may administratively close the complaint. In this case, WOTA will notify the complainant of the action as soon as possible.

In addition to the complaint process described above, a complainant may file a Title VI complaint with the following offices:

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

## **VI: Title VI Investigations, Complaints, and Lawsuits**

WOTA has never had any Title VI investigations, complaints, or lawsuits.

## **VII. Four Factor Analysis**

WOTA is required to take reasonable steps to ensure meaningful access to their programs and activities by Limited English Proficiency (LEP) persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee.
- The frequency with which LEP individuals meet the program.
- The nature and importance of the program, activity, or service provided by the program to people's lives; and
- The resources available to the grantee/recipient or agency, and costs.

### **Factor 1: Number/Proportion of LEP Persons in Service Area**

- Include data from sources such as Census Bureau, American Community Survey (ACS), etc.
- Include a listing of the counts and percentages of LEP individuals present in your service area by language.
- Identify if any of the LEP languages reach the LEP threshold of 5%, or the Safe Harbor Threshold (1000 persons).

WOTA examined the US Census report from 2020 and the Bureau's American Community Survey and was able to determine that approximately 90% of the population age 5 and older speak English in the home within the WOTA service area. Of those that speak a second language, less than 18% felt their English skills were poor.

### **Factor 2: Frequency of Contact with LEP Persons**

- How frequently does your organization encounter LEP persons?
- Are you in contact with LEP persons within a specific language group, and that language is not identified in Factor One?
- Include information gathered from face-to-face meetings with LEP persons or from surveys of LEP persons.
- Include information gathered from interviews with agency staff who typically encounter LEP persons.
- Include information kept by your organization on past interactions with members of the public who are LEP.

Via verbally surveying drivers and dispatchers since February 2020. WOTA has not had any requests for interpreters and/or translated WOTA documents. The staff and drivers have had very little to no contact with LEP individuals.

**Factor 3: Nature and importance of the program, activity, or service provided by the program in people's lives**

There aren't any large geographic concentrations of any one type of LEP individuals in WOTA service area. The overwhelming majority of the population, 92.4% or 118,254 speak only English. Therefore, there is a lack of any social service professional and leadership organizations within WOTA service area that focuses on outreach or membership of LEP individuals.

**Factor 4: The resources available to WOTA and overall costs.**

WOTA assessed the available resources that could be used for providing LEP assistance. This included identifying how much a professional interpreter and translation service would cost, and which documents would be the most valuable to be translated when the populations would support it. After analyzing the four factors, WOTA does not feel that an LEP plan is needed at this time.

**Limited English Proficiency (LEP) Plan**

Although we do not feel that a LEP plan is needed at this time, WOTA will use the following guidelines to assist persons with limited English proficiency.

WOTA will have the Census Bureau's "I Speak Cards" available at the WOTA operations facility. Although staff may not be able to provide immediate translation assistance, we will utilize the cards to identify language needs.

If an interpreter is needed immediately, in person or on the telephone, staff will use the "I Speak Cards" to help determine what language assistance is needed. Staff shall then contact [www.language.com](http://www.language.com) for assistance. On the Language Line webpage, staff will select the **Need an Interpreter Now** link and follow the directions to receive an access code.

WOTA will add to our webpage the Title VI policy and complaint Procedures.

WOTA will educate our staff on the following procedures:

1. Understanding the Title VI policy and LEP responsibilities.
2. How to access language assistant services via [www.language.com](http://www.language.com)
3. Document language assistance requests
4. The procedure if a Title VI and/or LEP complaint is filed.

WOTA will review the need for a LEP Plan if it is determined that there is an immediate need.

## **Community Outreach**

As an agency receiving federal financial assistance, we have made the following community outreach efforts since our last submission of our Title VI program:

WOTA submits to Suburban Mobility Authority for Regional Transportation (SMART) an application for funding when it is available. The application requests funding for both capital and operating assistance.

WOTA currently publishes hours of service and any changes in daily service.

WOTA Board holds monthly meetings that conform to the Open Meetings Act where the public is invited to attend.

WOTA has a complaint procedure that is available to the public at any time and is also available to the public via our website at [ridewota.org](http://ridewota.org)

WOTA has worked with local area food pantries to provide service and communicate services and employment opportunities.

## **Equity Analysis**

If WOTA constructs a facility, such as a vehicle storage facility, maintenance facility, operations center, etc. it will complete a Title VI equity analysis following the procedures listed below:

WOTA shall complete a Title VI equity analysis during the planning stage regarding where a project is located or sited to ensure the location is selected without regard to race, color, or national origin.

When evaluating locations of facilities, WOTA will give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result.

If WOTA determines that the location of the project will result in a disparate impact based on race, color, or national origin, WOTA may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less disparate impact based on race, color, or national origin.

## **Appendix A 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 Western Oakland Transportation Authority 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 contact:

Kim Viener  
Title VI Coordinator

In all dealings with citizens, use courtesy titles (i.e., Mr., Mrs., Ms., or Miss) to respectfully address them without regard to race, color, or national origin.

## **Appendix B Acknowledgement of Receipt of Title VI Plan**

I hereby acknowledge the receipt of WOTA 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 4702.1B.

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Employee signature

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Print your name

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Date

## Appendix C TITLE VI COMPLAINT FORM

Title VI of the 1964 Civil Rights Act requires that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” If you feel you have been discriminated against by Western Oakland Transportation Authority transit services, please provide the following information to assist us in processing your complaint and send it to:

WOTA  
250 W. Livingston Road  
Highland, MI 48357  
(248) 887-4979  
Director@ridewota.org

Please print clearly:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ (home) \_\_\_\_\_ (cell) \_\_\_\_\_  
(message)

Are you filing this complaint on your own behalf? ☐ yes\* ☐ no

\*If yes to this question, please give that person's information below.

Person discriminated against: \_\_\_\_\_

Address of person discriminated against: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Please indicate why you believe the discrimination occurred:

\_\_\_\_\_ race or color  
\_\_\_\_\_ national origin  
\_\_\_\_\_ income  
\_\_\_\_\_ other



What was the date of the alleged discrimination?

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Where did the alleged discrimination take place?

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Please describe the circumstances as you saw it:

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Please list all witnesses' names and phone numbers:

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Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State Court?    ☐ yes        ☐ no

If yes, check all that apply:

☐ Federal Agency \_\_\_\_\_  
☐ Federal Court \_\_\_\_\_  
☐ State Court \_\_\_\_\_  
☐ State Agency \_\_\_\_\_  
☐ Local Agency \_\_\_\_\_

Please provide information about a contact person at the agency/court where the complaint was filed.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Agency: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

What type of corrective action would you like to see taken?

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Please attach any documents you have which support the allegation. Then date and sign this form and send to the Title VI Coordinator at:

WOTA  
250 W. Livingston Road  
Highland, MI 48357  
(248) 887-4979  
Director@ridewota.org

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Your signature

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Print your name

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Date

**APPENDIX D          Letter Acknowledging Receipt of Complaint**

Today's Date

Ms. Jo Doe  
1234 Main St.  
Clarksville, Tennessee 37040

Dear Ms. Doe:

This letter is to acknowledge receipt of your complaint against Western Oakland  
Transportation Authority (WOTA) alleging \_\_\_\_\_  
\_\_\_\_\_.

An investigation will begin shortly. If you have additional information you wish to convey  
or questions concerning this matter, please feel free to contact this office by telephoning  
(PHONE NUMBER) or write to me at this address.

Sincerely,

(TITLE VI COORDINATOR)  
WOTA  
(ADDRESS)

## **APPENDIX E          Letter Notifying Complainant the Complaint Is Substantiated**

Today's Date

Ms. Jo Doe  
1234 Main St.  
Clarksville, Tennessee 37040

Dear Ms. Doe:

The matter referenced in your letter of \_\_\_\_\_ (date) against Western Oakland Transportation Authority (WOTA) alleging Title VI violation has been investigated.

(An/Several) apparent violation(s) of Title VI of the Civil Rights Act of 1964, including those mentioned in your letter (was/were) identified. Efforts are underway to correct these deficiencies.

Thank you for calling this important matter to our attention. You were extremely helpful during our review of the program. *(If a hearing is requested, the following sentence may be appropriate.)* You may be hearing from this office, or from federal authorities, if your services should be needed during the administrative hearing process.

Sincerely,

(TITLE VI COORDINATOR)  
WOTA  
(ADDRESS)

## **APPENDIX F Letter Notifying Complainant the Complaint Is Not Substantiated**

Today's Date

Ms. Jo Doe  
1234 Main St.  
Clarksville, Tennessee 37040

Dear Ms. Doe:

The matter referenced in your complaint of \_\_\_\_\_ (date) against Western Oakland Transportation Authority (WOTA) alleging \_\_\_\_\_ has been investigated.

The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964 had in fact been violated. As you know, Title VI prohibits discrimination based on race, color, or national origin in any program receiving federal financial assistance.

WOTA has analyzed the materials and facts pertaining to your case for evidence of the authority's failure to comply with any of the civil rights laws. There was no evidence found that any of these laws have been violated.

I therefore advise you that your complaint has not been substantiated, and that I am closing this matter in our files.

You have the right to 1) appeal within seven calendar days of receipt of this final written decision from WOTA, and/or 2) file a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at

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

Thank you for taking the time to contact us. If I can be of assistance to you in the future, do not hesitate to call me, (248) 887-4979.

Sincerely,

(TITLE VI COORDINATOR)  
WOTA  
(ADDRESS)

## **APPENDIX G**

### **Samples of Narrative to be included in Posters to be Displayed in Revenue Vehicles and Facilities**

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

Western Oakland Transportation Authority (WOTA) is committed to ensuring that no person is excluded from participation in or denied the benefits of its transit services based on race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1B. If you feel you are being denied participation in or being denied benefits of the transit services provided by WOTA, or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, you may contact our office at:

WOTA  
250 W. Livingston Road  
Highland, MI 48357  
(248) 887-4979  
Director@ridewota.org

For more information, visit our website at [www.ridewota.org](http://www.ridewota.org).