



Amador County Transportation Commission

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Title VI Program

Adopted on January 21, 2016

**BEFORE THE AMADOR COUNTY TRANSPORTATION COMMISSION
COUNTY OF AMADOR, STATE OF CALIFORNIA**

IN THE MATTER OF:

RESOLUTION ADOPTING THE AMADOR COUNTY)
TRANSPORTATION COMMISSION'S TITLE VI) RESOLUTION NO. 16- 04
PROGRAM)

WHEREAS, the Amador County Transportation Commission (ACTC) is the Regional Transportation Planning Agency serving the region of Amador County; and

WHEREAS, the Amador County Transportation Commission (ACTC) is responsible to comply with Title VI of the Civil Rights Act of 1964, including provisions detailed in the U.S. Department of Transportation's FTA Circular 4702.1B "Title VI Requirement and Guidelines for Federal Transit Administration Recipients;" and

WHEREAS, the ACTC wishes to authorize approval of the Title VI Program to comply with the necessary provisions of the Civil Rights Act.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Amador County Transportation Commission hereby adopts the Amador County Transportation Commission Title VI Program as presented.

BE IT FURTHER RESOLVED, the Executive Director of the Amador County Transportation Commission is authorized to implement components of the Title VI Program in order to meet federal requirements and to implement the policies that may be necessary to comply with subsequent revisions for interpretations to the Civil Rights Act..

The foregoing resolution was duly passed and adopted by the Amador County Transportation Commission at a regular meeting thereof, held on the 21st day of January 2016, by the following vote:

AYES: Plasse, Murphy, Colburn, Richards, Oneto

NOES:

ABSENT Brown



John Plasse, Chairman
Amador County Transportation Commission

ATTEST:



Recording Secretary

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ACTC Title VI Program

Plan Statement

The following program was developed to guide the Amador County Transportation Commission (ACTC) in its administration and management of Title VI related activities, and details how ACTC meets the requirements as set forth in FTA Circular 4702.1B.

Section 601 under Title VI of the Civil Rights Act of 1964 states the following:

“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.”

Policy

ACTC is committed to ensuring that no person on the basis of race, color, or national origin will be excluded from participation or subjected to discrimination with regard to the transportation planning and programming activities conducted by ACTC’s employees, affiliates, and contractors.

Governing Board

The governing board for ACTC is made up of three members appointed by the Amador County Board of Supervisors and three members appointed by the City Selection Committee. The Board of Supervisors appoints two members from the Board, and one County at-large representative.

General Reporting Requirements

Chapter III of FTA Circular 4702.1B addresses the general reporting requirements for recipients and sub recipients of Federal Transit Administration (FTA) funding to ensure that their activities comply with Department of Transportation (DOT) Title VI regulations. Below are summaries of each requirement and how ACTC’s Title VI Program fulfills that requirement.

1. REQUIREMENT TO PROVIDE TITLE VI ASSURANCES

In accordance with 49 CFR Section 21.7(a), every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT’s Title VI regulations. This requirement shall be fulfilled when the applicant/recipient submits its annual certifications and assurances to FTA.

ACTC annually submits its Certifications and Assurances to the California Department of Transportation.

2. REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM

Sub-recipients shall submit Title VI Programs to the primary recipient from whom they receive funding in order to assist the primary recipient in its compliance efforts.

ACTC has approved the Title VI Program by resolution and submitted it to the California Department of Transportation. The effective date will be the date of the resolution, January 21, 2016.

3. REQUIREMENT TO NOTIFY BENEFICIARIES OF PROTECTION UNDER TITLE VI

The Title VI Program shall include recipient's Title VI notice to the public that indicates the recipient complies with Title VI, informs members of the public of the protections against discrimination afforded to them by Title VI, and includes a list of locations where the notice is posted.

ACTC has developed a public Title VI Notice to Beneficiaries following the guidelines of Circular FTA C 4702.1B, Appendix B. A copy of the notice is found in Appendix 1 of this Title VI Program.

4. REQUIREMENT TO HAVE TITLE VI COMPLAINT PROCEDURES AND A COMPLAINT FORM

All recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public. Recipients must also develop a Title VI complaint form, and the form and procedure for filing a complaint shall be available on the recipient's website.

ACTC has developed a Title VI complaint procedure and form. In this Title VI Program, Appendix 2 outlines ACTC's Title VI Complaint Procedures, and Appendix 3 is a copy of ACTC's Title VI Complaint Form.

The complaint procedures and form are available in English on ACTC's website, www.actc-amador.org. Individuals who do not have access to the Internet may request that ACTC mail them a paper copy of the procedures and form.

5. REQUIREMENT TO RECORD AND REPORT TRANSPORTATION-RELATED TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS

In order to comply with the reporting requirements of 49 CFR Section 21.9(b), FTA requires all recipients to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin: active investigations conducted by entities other than FTA; lawsuits; and complaints naming the recipient. This list shall include the date that the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to the investigation, lawsuit, or complaint.

ACTC will maintain a list of all investigations, lawsuits, and complaints naming ACTC according to the guidelines of Circular FTA C 4702.1B, Appendix E. A copy of this list is provided in Appendix 4 of this Title VI Program. In addition, ACTC will maintain permanent records of all related documents. ACTC has not received any Title VI complaints of discrimination and therefore does not have any investigations or lawsuits to report; however, the processes are in place in the event that complaints are made.

6. REQUIREMENT TO PROMOTE INCLUSIVE PUBLIC PARTICIPATION

The content and considerations of Title VI, the Executive Order on Limited English Proficiency (LEP), and the DOT LEP Guidance shall be integrated into each recipient's established public participation plan or process (i.e., the document that explicitly describes the proactive strategies, procedures, and desired outcomes that underpin the recipient's public participation activities).

ACTC's Public Participation Policy is shown in Appendix 5 of this Title VI Program. ACTC ensures that minority and LEP populations, as with all members of the public, will be empowered to participate in decisions involved with ACTC's transportation planning and programming activities.

7. REQUIREMENT TO PROVIDE MEANINGFUL ACCESS TO LEP PERSONS

Consistent with Title VI of the Civil Rights Act of 1964, DOT's implementing regulations, and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (65 FR 50121, Aug. 11, 2000), recipients shall take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited-English proficient (LEP).

Pease see ACTC Language Assistance Plan attached to this Title VI Program. ACTC's Four Factor Analysis and Action Plan are contained therein.

8. MINORITY REPRESENTATION ON PLANNING AND ADVISORY BODIES

Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin, "deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program." Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees.

Appendix 6 shows ACTC's Table Depicting Minority Representation on Committees and Councils Selected by ACTC.

9. REQUIREMENT TO PROVIDE ADDITIONAL INFORMATION UPON REQUEST

FTA may request, at its discretion, information other than that required by this Circular from a recipient in order for FTA to investigate complaints of discrimination or to resolve concerns about possible noncompliance with DOT's Title VI regulations.

ACTC will fully cooperate with any FTA investigation of discrimination complaints to the extent required by Title VI regulations.

Appendix 1: Title VI Notice to Beneficiaries

The Amador County Transportation Commission (ACTC) operates its programs and services without regard to race, color and 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 ACTC.

For more information on ACTC's Civil Rights Program and the procedures to file a complaint, contact (209) 267-2282; go online at www.actc-amador.org; or visit our administrative office at 117 Valley View Way, Sutter Creek, CA 95685.

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.

This notice is posted in the ACTC office, 117 Valley View Way, Sutter Creek, CA 95685 and on the ACTC website: www.actc-amador.org.

Appendix 2: Title VI Complaint Procedures

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by the Amador County Transportation Commission (hereinafter referred to as "ACTC") may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. ACTC investigates complaints received no more than 180 days after the alleged incident. ACTC will process complaints that are complete.

Complaints must be in writing and signed by the complainant on the form provided. Complaints must include the complainant's name, address, and phone number and be detailed to specify all issues and circumstances of the alleged discrimination. Allegations must be based on issues involving race, color or national origin. Title VI Complaints of Discrimination may be filed with:

ACTC
Attn: Title VI Coordinator
117 Valley View Way
Sutter Creek, CA 95685

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

ACTC has 30 days to investigate the complaint. If more information is needed to resolve the case ACTC may contact the complainant. The complainant has 15 business days from the date of the letter to send requested information to ACTC. If ACTC is not contacted by the complainant or does not receive the additional information with 15 business days, ACTC can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

After ACTC reviews the complaint, it will issue one of two letters to the complainant: a closure letter or a Letter of Finding (LOF). A Closure letter summarizes the allegations and states that there was a not a Title VI violation and that the case will be closed. An 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 30 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, Attention: Title VI Program Coordinator, East Building, 5th Floor-TR, 1200 New Jersey Avenue SE, Washington, DC 20590.

Appendix 3: Title VI Complaint Form

Section 601, under Title VI of the Civil Rights Act of 1964 states 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, please provide the following information in order to assist ACTC in processing your complaint.**

SECTION 1 (Please print clearly):

Name: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: _____

Accessible format requirements? _____ (Large print) _____ (Audiotape) _____ (TDD) _____ (Other)

SECTION 2

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

If you answered yes to this question, go to Section 3.

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

Name: _____ Relationship: _____

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 the third party. _____ (Yes) _____ (No)

SECTION 3

I believe the discrimination I experienced was based on (check all that apply):

_____ (Race) _____ (Color) _____ (National Origin)

Date and Place of Occurrence: _____

Name(s) and Title(s) of the person(s) who I believe discriminated against me: _____

The action or decision which caused me to believe I was discriminated against is as follows:
(Please include a description of what happened and how your benefits were denied, delayed or affected)

Please list any and all witnesses' names and phone numbers: _____

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

SECTION 4

Have you previously filed a Title VI complaint with this agency? _____ (Yes) _____ (No)

SECTION 5

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 Agency) _____ (State Court) _____ (Local Agency)

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

Name: _____ Title: _____

Agency: _____

Address: _____ Phone: _____

You may attach any written materials or other information that you think is relevant to your complaint.

I believe the above information is true and correct to the best of my knowledge.

Signature and date required below:

Signature

Printed name

Date

Please submit this form in person at the address below or mail this form to:

ACTC Title VI Coordinator, 117 Valley View Way, Sutter Creek, CA 95685

Appendix 4: List of Transit-Related Title VI Investigations, Complaints, and Lawsuits

Per FTA Circular 4702.1B, “all recipients are required to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin”:

- Active investigations conducted by FTA and entities other than FTA
- Lawsuits; and
- Complaints naming the recipient

Thus far, ACTC has not received Title VI Investigations, Complaints or Lawsuits. Below is the list that will be used for tracking these incidents:

Investigations, Lawsuits and Complaints

	Date (Month, Date, Year)	Summary (Include basis of complaint: race, color, or national origin)	Status	Action(s) Taken
Investigations				
1.	N/A			
2.	N/A			
Lawsuits				
1.	N/A			
2.	N/A			
Complaints				
1.	N/A			
2.	N/A			

Appendix 5: Public Involvement Procedures for Transportation Planning

Adopted September 15, 2004

Amended January 15, 2015

Introduction

The Amador County Transportation Commission (ACTC) and its member agencies (Amador County and the cities of Lone, Jackson, Sutter Creek, Amador City, and Plymouth) are responsible for deciding transportation policies and adopting transportation plans and programs to carry out these policies. The ACTC's Public Involvement Procedures document is intended to give public officials, local agency staff persons, and the public information about how best to include public participation in the regional transportation planning process. The Public Involvement Procedures contain the ACTC's current policies as well as implementation measures to improve public involvement in the transportation planning process.

The federal government has provided seven planning factors in the Transportation Equities Act for the 21st Century. These factors are used to help guide the ACTC's Public Involvement procedures.

- Support economic vitality, especially by enabling global competitiveness, productivity, and efficiency.
- Increase safety and security of the transportation system for motorized and non-motorized users.
- Increase accessibility and mobility options available to people and for freight.
- Protect and enhance the environment, promote energy conservation, and improve quality of life.
- Enhance integration and connectivity of the transportation system across and between modes, for people and freight.
- Promote efficient system management and operation.
- Emphasize preservation of the existing system.

The ACTC maintains a long history of encouraging and facilitating public involvement in the planning process. The proposed 2004 Public Involvement Procedures expands and clarifies this commitment. It is the ACTC's objective to provide full access to public records and public documents, to help explain these documents and the planning processes surrounding them whenever necessary, to encourage participation in public meetings and to involve public input in all transportation planning decisions.

The ACTC's objective in developing the public involvement process is to be proactive, to provide timely public notice, to provide full public access to information, and to provide early and continuous opportunities for public input.

It is the ACTC's desire that citizens in Amador County and its cities assist in determining the values, goals, objectives, and programs for the Regional Transportation Plan (RTP). Furthermore, it is the ACTC's desire that citizens of Amador County and its cities participate in establishment of the General Plan Circulation Elements for Amador County and its cities and that these Circulation Elements remain consistent with the countywide RTP. It is also the ACTC's goal to provide adequate information to, and solicit input from, historically under-served communities within Amador County (i.e., elderly, minority groups, youth, disabled, and lower-income people).

Background

The regional transportation planning process was initiated by State law throughout California in 1972 (AB 69). The ACTC was designated as the Regional Transportation Planning Agency (RTPA) for Amador County in that same year. A primary responsibility of the ACTC is to adopt and update the RTP for the Amador County region in accordance with State law. The ACTC is also responsible, with city and County input, for determining the priorities for all proposed new transportation facilities on regional roads (State highways) shown in the RTP. The highest priority projects are then submitted for State or federal funding through the Regional Transportation Improvement Program (RTIP). Each year the ACTC prepares an Overall Work Program (OWP) within which it uses planning funds provided by the State and federal government for carrying out planning studies and implementation programs in support of the RTP and the RTIP. Included in these planning and implementation efforts, the ACTC has worked with Caltrans, the County, and the cities to maintain General Plan Circulation Elements for Amador County and each of the cities inside Amador County.

Related Regulations

ISTEA/TEA 21

The ACTC has traditionally maintained a "open door" policy concerning public involvement. Public involvement in the transportation planning process took on an increased emphasis when Congress passed the Federal Intermodal Surface Transportation Act of 1991 (ISTEA). Federal regulations to implement ISTEA called for a proactive public involvement process. The process must respond not only to the requirements of ISTEA, but also those of related federal acts, such as the Clean Air Act and the Americans with Disabilities Act.

The Transportation Equity Act for the 21st Century (TEA-21) succeeded ISTEA after September 30, 1997. TEA-21 is the federal legislation which authorizes a balance of federal highway, highway safety, transit, and other surface transportation programs. The bill was signed into law on June 9, 1998, and covers the period from October 1, 1997 through September 30, 2003. TEA-21 builds on the initiatives established in ISTEA. It continues most of ISTEA's programs and policies including the necessity for enhanced Public Involvement Procedures.

The Brown Act (Government Code Sections 54950-54962)

The Ralph M. Brown Act governs the meetings and actions of governing boards of local public agencies and their created bodies. Requirements of the Brown Act also apply to any committee or other subsidiary body created by a governing board, whether permanent or temporary, whether decision-making or advisory.

The Brown Act sets minimum standards for open meetings and public access to them, location of meetings, posting notice, agenda distribution, and public input. The public agency may adopt reasonable regulations ensuring the public's right to address the agency, including regulations to limit the total amount of time allocated for public testimony. The ACTC and its standing committees all adhere to Brown Act requirements including proper notice, access, and the ability to address the ACTC and its committees.

Due to time constraints, unscheduled comments by the public may be limited to five minutes in length during any ACTC or committee meeting, however, the agency encourages interested citizens to provide written comments, particularly if the comments are too long to be presented within three minutes time. Citizens that are unable to attend meetings may submit their comments in writing to staff. Staff will then present the comments to the ACTC or the applicable committee.

Americans with Disabilities (ADA)

The Americans with Disabilities Act of 1990 (ADA) stipulates involving the community, particularly those with disabilities, in the development and improvement of services. All events held for programs or projects with federal aid that are open to the general public must be made accessible to everyone, including the disabled.

ACTC is in compliance with the ADA by having accessible formats, public meetings, and public hearings. ACTC also consults with individuals from the disabled community and by including representatives from or for the disabled and transportation disadvantaged on the ACTC's Special Services Transportation Advisory Committee.

Title VI and Environmental Justice (EJ)

Under Title VI and related statutes, each federal agency is required to ensure that no person is excluded from participation, denied the benefit of, or subjected to discrimination under any program or activity receiving federal financial assistance on the basis of race, color, national origin, age, sex, disability, or religion. The [Civil Rights Restoration Act of 1987](#) clarified the intent of Title VI to include all programs and activities of federal-aid recipients, sub recipients and contractors whether those programs and activities are federally funded or not.

The National Environmental Policy Act of 1969 ([NEPA](#)) stressed the importance of providing for "all American's safe, healthful, productive, and esthetically pleasing surroundings", and it provides a requirement for taking a "systematic, interdisciplinary approach" to aid in considering environmental and community factors in decision-making.

The California Environmental Quality Act of 1970 ("CEQA") was intended to inform governmental decision-makers and the public about potential environmental effects of a project. CEQA was also intended to identify ways to reduce adverse impacts, offer alternatives to the project and disclose to the public why a particular project is approved.

This approach was further emphasized in the Federal-aid Highway Act of 1970, which established further basis for equitable treatment of communities being affected by transportation projects. It requires consideration of the anticipated effects of proposed transportation projects upon residences, businesses, farms, accessibility of public facilities, tax base, and other community resources.

On February 11, 1994, the President of the United States signed [Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations](#). The Executive Order requires that each Federal agency shall, to the greatest extent allowed by law, administer and implement its programs, policies, and activities that affect human health or the environment so as to identify and avoid "disproportionately high and adverse" effects on minority and low-income populations.

In April 1997, the U.S. Department of Transportation (DOT) issued the [DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations](#) to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. The Order generally describes the process for incorporating environmental justice principles into all DOT existing programs, policies, and activities.

In December 1998, the FHWA issued [FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations](#) that requires the FHWA to implement the principles of the DOT Order 5610.2 and E.O. 12898 by incorporating environmental justice principles in all FHWA programs, policies and activities.

The FHWA and the Federal Transit Administration (FTA) issued a memorandum [Implementing Title VI Requirements in Metropolitan and Statewide Planning](#) on October 7, 1999. The memorandum provides clarification for field offices on how to ensure that environmental justice is considered during current and future planning certification reviews. While Title VI and environmental justice have often been raised during project development, it is important to recognize that the law also applies equally to the processes and products of planning. The appropriate time for FTA and FHWA to ensure compliance with Title VI in the planning process is during the planning certification reviews conducted for the Transportation Management Areas (TMAs) and through the statewide planning finding rendered at approval of the Statewide Transportation Improvement Program (STIP). The Federal Highway Administration considers three fundamental environmental justice principles:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

The ACTC's Public Involvement Procedures are one means of helping to achieve environmental justice, through outreach activities that make the transportation-planning process responsive to the needs of all segments of the Amador County population including those possibly impacted by any transportation planning or funding decision. For example, outreach activities included in the ACTC's Public Involvement Procedures include provisions for additional public notification tools, such as participation in radio television programs, display ads, and workshops. As another example, ACTC will provide transit service to ACTC and ACTC committee meetings upon request to serve the disabled or transportation disadvantaged individuals.

As the RTPA serving Amador County, the ACTC implements and integrates the principles of environmental justice into its transportation planning process. This involves enhancing public participation in planning and development procedures. It insures the benefits and burdens of our transportation investments are distributed fairly. ACTC will use census information, where necessary special studies, and always public input, in determining whether a particular population of people are receiving and inordinate number of government funded projects that negatively impact their neighborhoods, communities or areas. ACTC will also use this method to evaluate whether or not a particular population of people are receiving their fair share of transportation projects resulting in appropriate improvements to their neighborhoods, communities, or regions.

Native Americans are also protected under Title VI and Environmental Justice laws and outreach efforts to the Tribes are considered to be an important part of a comprehensive public involvement process. Indian Tribal Governments must be consulted with and their interests considered during the development of RTPs and RTIPs. There are three federally recognized tribes in Amador County: the Jackson Rancheria, the Lone Band of Miwok, and the Buena Vista Rancheria of Me-Wuk Indians. ACTC is striving to develop government-to-government working relationships with each of these tribes. ACTC directly contacted with all three tribal governments for input when developing the 2004 RTP Update. ACTC has worked with representatives of the Jackson Rancheria in development of the 2004 RTP Update. Representatives of the Jackson Rancheria have been appointed to the ACTC's Technical Advisory Committee to assist ACTC in promoting environmental justice to maintain and improve the environment, the economic equality and community character.

ACTC Committees:

The following is a description of each of the ACTC's current standing committees. Separate, special task, "ad-hoc" committees may be established from time to time to accomplish specific purposes. All ACTC meetings and all ACTC standing committee or ad-hoc committee meetings are open to the public.

Technical Advisory Committee (TAC): The Technical Advisory Committee is advisory to the Commission on all matters relating to regional transportation planning including the development of the Regional Transportation Plan (RTP), the Regional Transportation Improvement Program (RTIP), and the Overall Work Program (OWP). The TAC consists of the County Director of Public Works, County Land Use Director, the City engineers, and planning directors of each of the cities within the county, or, in the case of cities having no such technical staff, any other person designated to serve on behalf of that city. The Manager of ARTS, the Manager of the Amador County airport, a representative from Caltrans District 10, and the area Highway Patrol Commander are also members of ACTC TAC. In 2003, the Jackson Rancheria, the Amador County Unified School District, and the Amador County Sheriff's emergency response representative were also invited to join the ACTC TAC. Other city, County and Caltrans staff members may attend and participate in TAC meetings. The TAC meets at least once per year, in January, to review mid-year progress on the annual OWP and to recommend programs or projects for the next year's OWP.

Social Services Transportation Advisory Council (SSTAC): The SSTAC is an advisory committee to the ACTC on matters pertaining to the transportation needs of transit dependent and transportation disadvantaged persons. The SSTAC's input shall be considered in and made an integral part of the Commission's annual "unmet transit needs" hearing and findings process. The composition of the SSTAC, the terms of SSTAC appointments, and precise responsibilities of the SSTAC are found in the Public Utilities Code.

Administrative Committee: The Administrative Committee, which consists of Chairman and Vice Chairman, meets as necessary to review matters relative to administration and management of the ACTC and ARTS. The Administrative Committee may take recommendations to the full Commission or Board about agency administration or management.

Personnel Committee: Each year the ACTC Chairman appoints two Commissioners to serve on the Personnel Committee. The Personnel Committee conducts annual review of management employees. They also meet to review and provide recommendations to the full Commission about other personnel matters as warranted.

Regional Traffic Mitigation Fee Oversight Committee: The Regional Traffic Mitigation Fee Oversight Committee meets no less than once per year to oversee and guide implementation of the Memorandum of Understanding (MOU) concerning collection and expenditure of regional traffic mitigation fees. The committee consists of one representative from each participating city, the County, and the ACTC.

Ad Hoc Committees: The ACTC Chairman may appoint Commissioners to serve on "Ad Hoc" advisory committees which are established to serve short-term, temporary special purposes. The RTP Update oversight committee or consultant selection committees are examples of ACTC Ad Hoc committees. As amended into the policies below, it is the Commission's intention that all advisory committees will be appointed by the ACTC and will provide regular feed back to the Commission regarding the task it has been assigned to advise upon.

ACTC Public Involvement Policies and Implementation Program

Policies:

1. No person shall be denied participation in ACTC meetings and activities unless specific instruction to the contrary are provided by ACTC legal counsel.
2. The ACTC is a "public service" agency which maintains an "open-door" policy with respect to public involvement. The ACTC office is open for public visitation during normal working hours and normal working days. Citizens are encouraged to visit the ACTC offices and ask questions or express concerns regarding issues associated with regional transportation plans, programs, or projects. All citizens will be treated in a courteous and professional matter by ACTC staff.
3. The ACTC maintains an "open-file" policy wherein all documents in the ACTC office are subject to public review except those that are deemed confidential as they relate to employee or personnel matters and except those that may be deemed "off limits" by specific advice of the ACTC's legal counsel. All ACTC public documents that are requested for public review shall be viewed in the presence of a member of ACTC staff. No original ACTC documents or files should leave the ACTC office. ACTC may recoup actual costs for providing copies of file documents per public request. "Loaner copies" of ACTC publications or library documents may be provided. Persons requesting to own an ACTC publication or document may be charged the cost to produce the publication or document that is requested. The request shall not be denied.
4. Near the beginning of every ACTC meeting, an agenda item shall include "public matters not otherwise on the agenda". The ACTC Chairman uses this time to allow any member of the public to address the ACTC on any subject. This may be limited to five minutes at the Chairman's discretion. ACTC discussion of such items should be limited. No ACTC decisions can be made on any item not specified on the agenda; public matters not on the agenda that require a decision may be agendized for decision at a future ACTC meeting.
5. Any member of the public may place an item on the ACTC agenda for consideration. Such items should be presented to the ACTC Executive Director no later than one week prior to the respective ACTC meeting date. The ACTC generally meets on the first Thursday of each month. Agenda items should be submitted before the third Wednesday of each month. Some items needing response, comments, analysis, etc., may need to be submitted up to two weeks prior to the meeting depending on the item's complexity.
6. All ACTC meetings will be held in ADA compliant facilities.
7. The ACTC does not, at the present time, perceive a need for bilingual services. If a request is made for language or interpretive services, the ACTC will endeavor to provide these services as necessary to fulfill the intent of complete public involvement in public policy matters.
8. Any meeting of the ACTC or an ACTC standing committee that is not held on the regular ACTC meeting day (9:00 a.m. on the first Thursday of each month, 117 Valley View Way, Sutter Creek, CA) will be advertised by public notice placed in the legal advertising section of at least one newspaper of general circulation in Amador County. Any "public hearing" scheduled by the ACTC will also require public notice regardless of whether it is at the regular ACTC meeting time and place or not. All notices of public meetings or hearings shall include the following:
 - Date, time, and place of public meeting/hearing
 - General explanation of the matter to be considered
 - Offer of public transportation service to those who cannot otherwise attend (citizens will be requested to provide Amador Regional Transit Service with 24 hour notice if public transportation service is needed)
9. The ACTC will provide thorough background reports and listed recommendations for all meeting agenda items. Extra copies of the complete agenda report will be available at every ACTC meeting. Members of the public can request to receive copies of the complete agenda or any part of the agenda. A fee may be charged for the ACTC to recoup direct costs in providing extra agenda material per public request.

10. ACTC staff will maintain a mailing list of persons who desire to be kept informed about progress or activity associated with any ACTC project or program. ACTC staff will provide progress reports and other relevant documents to persons on the mailing list to keep them informed about the project(s) of their concern.
11. ACTC complies with RTP guidelines and the California Environmental Quality Act (CEQA) Guidelines when the guidelines recommend or require a specific public meeting, hearing, and notification requirements pertaining thereto.
12. ACTC will form special (ad hoc) project "oversight committees" for the development of all RTP Updates and for the development of all special plans, projects, or programs necessary to complement or implement the RTP Update. Although the oversight committees are temporary committees that meet for a special purpose, all oversight committee meetings will be open to the public. The Chairman of any oversight committee may announce during the meeting that public involvement will be limited to public observation of the meeting; that opportunities for public comments or questions may be limited while the committee carries out its work. In cases where public concerns or public controversy may exist, one or more members of the public representing the public's concerns may be appointed to the oversight committee. In any such case, committee work should conclude with findings and recommendations that will be presented before the ACTC, the County, the city, or another body of government for consideration and made available for public review and comment before any final decision is made. All ad hoc advisory committee's will be appointed by the ACTC and will provide regular feedback to the Commission regarding the advisory task it has been assigned with.
13. Meeting agendas and minutes are made available to the public upon request. Agendas are always posted at meeting locations. Seventy-two hour notice and posting is provided before all regular meetings of the ACTC. Twenty-four hour notice and posting is provided for all special ACTC meetings, planning committee meetings, or ad-hoc committee meetings. Per the Brown Act, any person may request a copy of the agenda or a copy of all documents constituting the agenda packet of any meeting of the ACTC to be provided by mail before the subject meeting. That request is valid for the calendar year in which it is filed and must be renewed following January 1 of each year. The ACTC may establish a fee for mailing the agenda or agenda packet, which fee will not exceed the cost of providing the service.
14. Public hearings will be held prior to a decision point as a formal means to gather citizen comments and positions from all interested parties for public record and input into the decision making process. ACTC hearings are required for the adoption of major plans, programming of money and for the annual Unmet Transit Needs analysis. Notices for public hearings will be published in a general circulation newspaper. ACTC will accept prepared comments from the public during the period between the notice and hearing date. These comments will be considered part of the public record. Also during this period, ACTC will accept questions and provide clarification on issues raised by the public.
15. Non-traditional approaches, such as radio advertising, direct mail and posted flyers will be used to encourage involvement of the under-served and transit dependent in project development and public workshops.
16. ACTC will provide news releases or communicate with reporters working for local newspapers, radio stations, or television in the effort to provide public information and insight about ACTC business or particular plans, programs, or projects.

Appendix 6: Table Depicting Representation on Committees and Councils Selected by ACTC

This is a required table depicting racial breakdown of transit-related, non-elected planning boards, advisory councils or committees. Also a description of efforts made to encourage minority participation.

Social Service Transportation Advisory Council

Body	Caucasian	Hispanic or Latino	Black or African American	Asian American	Native American	Native Hawaiian / Pacific Islander
Population	87.6%	12.7%	2.2%	1.3%	2.0%	0.2%
SSTAC	10 (76.9%)	-	-	1 (7.7%)	-	1 (7.7%)
Language Group	English	Spanish	Indo / European	Asian Pacific	Other	
Population	90.0%	6%	2.5%	1.3%	0.2%	
SSTAC	12 (100%)	-	-	-	-	

ACTC welcomes all who are interested in serving on the Social Services Transportation Advisory Council (SSTAC) who meet the mandates of the Transportation Development Act (TDA). When appointing members to the SSTAC the ACTC honors Title VI policies. Outreach efforts are focused on the primary intent of the SSTAC, which is to meet the mandates of the TDA.

Per section 99238 of the TDA, each transportation planning agency shall provide for the establishment of a social services transportation advisory council for each county, or counties operating under a joint powers agreement, which is not subject to the apportionment restriction established in Section 99232.

As described in subdivision (a): The Social Services Transportation Advisory Council shall consist of the following members:

- One representative of potential transit users who is 60 years of age or older;
- One representative of potential transit users who is disabled;
- Two representatives of the local social service providers for seniors, including one representative of a social service transportation provider, if one exists;
- Two representatives of local social service providers for the disabled, including one representative of a social service transportation provider, if one exists;
- One representative of a local social service provider for persons of limited means;
- Two representatives from the local consolidated transportation service agency, designated pursuant to subdivision (a) of Section 15975 of the Government Code, if one exists, including one representative from an operator, if one exists.

The ACTC may appoint additional members to attain geographic and minority representation among council members.

Appendix 7: Employee 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 ACTC and its affiliates are expected to consider, respect, and observe this policy. Citizen questions or complaints shall be directed to ACTC Title VI Coordinator.

Appendix 8: Acknowledgement of Receipt of Title VI Plan

I hereby acknowledge receipt of ACTC'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 or services delivered by the ACTC on the basis of race, color, or national origin, as protected by Title VI.

Signature

Print Name

Date

Appendix 9: Letter of Acknowledging Receipt of Title VI Complaint

Today's Date

Ms. Jane Doe
1234 Main St.
Sutter Creek, CA 95685

Dear Ms. Doe

This letter is to acknowledge receipt of your complaint against ACTC 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 (209) 267-2282, or write to:

Amador County Transportation Commission
Attn: Title VI Coordinator
117 Valley View Way
Sutter Creek, CA 95685

Sincerely,

ACTC Title VI Coordinator

Appendix 10: Letter of Finding

(Notifying Complainant that Complaint is Substantiated)

Today's Date

Ms. Jane Doe
1234 Main St.
Sutter Creek, CA 95685

Dear Ms. Doe

The matter referenced in your letter of _____ (date) against the Amador County Transportation Commission alleging a 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. Your input was helpful during our review of this matter. (If a hearing is requested, the following sentence may be appropriate.) You may be hearing from this office, or from Federal authorities, if your service should be needed during the administrative hearing process.

Sincerely,

ACTC Title VI Coordinator

Appendix 11: Closure Letter

(Notifying Complainant that the Complaint Is Not Substantiated)

Today's Date

Ms. Jane Doe
1234 Main St.
Sutter Creek, CA 95685

Dear Ms. Doe

The matter referenced in your letter of _____ (date) against the Amador County Transportation Commission (ACTC) 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, have 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.

ACTC has analyzed the materials and facts pertaining to your case for evidence of ACTC'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 appeal this decision within thirty calendar days of receipt of this final written decision from ACTC.

Thank you for taking the time to contact us. If I can be of assistance to you in the future, do not hesitate to contact me.

Sincerely,

ACTC Title VI Coordinator

ACTC Language Assistance Plan

Background

The purpose of this Language Assistance Plan is to clarify the responsibilities of ACTC, as a recipient of federal financial assistance from the U.S. Department of Transportation (DOT), to persons with Limited English Proficiency (LEP), pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. It was prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance.

Executive Order 13166

Executive Order 13166 “Improving Access to Services for Person With Limited English Proficiency,” reprinted at 65 FR 50121 (August 11, 2000), directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice’s (DOJ’s) Policy Guidance entitled “Enforcement of Title VI of the Civil Rights Act of 1964 – National Origin Discrimination Against Persons With Limited English Proficiency” (See 65 FR 50123, August 16, 2000 DOJ’s General LEP Guidance). Different treatment based upon a person’s inability to speak, read, write, or understand English may be a type of national origin discrimination.

Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies and governments (such as ACTC), private and non-profit entities, and sub-recipients.

Plan Summary

ACTC has developed this Language Assistance Plan (LAP) to help identify reasonable steps to provide language assistance for LEP person who seek meaningful access to ACTC services as required by Executive Order 13166. As defined by this order, a person with Limited English Proficiency is one who does not speak English as their primary language and who has a limited ability to read, write, speak, or understand English.

This plan details procedures for identifying a person who may need language assistance, the ways in which assistance may be provided, staff training, how to notify LEP persons that assistance is available, and potential future updates to the plan.

Four Factor Analysis

The U.S. Department of Transportation (DOT) issued its Policy Guidance Concerning Recipient’s Responsibilities to Limited English Proficient (LEP) Persons [Federal Register: December 14, 2005 (Volume 70, Number 239)]. This policy states that DOT recipients are required to take reasonable steps to ensure meaningful access to programs by LEP persons. This coverage extends to the recipient’s entire program. There are four factors for agencies to consider when assessing language needs and determining what steps they should take to ensure access for LEP persons, regardless of whether or not the agency chooses not to prepare a written LEP plan. A brief description of the self-assessment undertaken in each of these areas follows.

In developing the plan, ACTC undertook a Four Factor Analysis as required by U.S. DOT. This considers the following factors:

- 1) The number or proportion of LEP persons eligible to be served or likely to be encountered by ACTC.
- 2) The frequency with which LEP persons come into contact with ACTC programs, activities, or services;
- 3) The nature and importance of the programs, activities, or services provided by ACTC to the population;
and
- 4) The resources available to ACTC for LEP outreach, as well as the costs associated with that outreach.

A summation of these considerations is provided in the following section.

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by ACTC.

In order to understand the proportion of LEP persons eligible to be served or likely to be encountered by ACTC, ACTC examined the *2010-2014 American Community Survey 5-Year Estimates: Language Spoken at Home by Ability to Speak English for the Population 5 years and Over*; 2010-2014 State & County Quick Facts for Amador County, California.

State & County QuickFacts for Amador County, showed a 2014 population of 37,159. Per the 2010-2014 American Community Survey 5-Year Estimates, the population of 5 years and over is 35,875, or 96.5% of the population.

Using the percentages in “Languages Spoken At Home” from the *2010-2014 American Community Survey 5-Year Estimates*, ACTC has determined the following about the County’s population over age 5 in the service area:

- 90.0% or 32,723 people speak English only.
- Approximately 10.0% or 3,602 people speak a language other than English; 3.4% or an estimated 1,225 people speak English less than “very well.”
- The largest proportion of non-English speaking language groups is Spanish: 6.0% or an estimated 2,157 people speak Spanish and 691 of this language group or 1.9% of the total group speak English less than “very well.”
- 2.5% or an estimated 910 people speak Other Indo-European languages, and of these 1.0% or 346 people speak English less than “very well.”
- 1.3% or an estimated 449 people speak Asian and Pacific Island languages, and of these 0.5% or 187 people speak English less than “very well.”

DOT has adopted Department of Justice’s Safe Harbor Provision, which outlines circumstances that can provide a “safe harbor” for recipients regarding translation of written materials for LEP populations.

“The ‘Safe Harbor Provision’, as defined by Department of Justice, stipulates that if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be encountered, then such action will be considered strong evidence of compliance with the recipient’s written translation obligations.”

ACTC further examined specific languages using the *2010-2014 American Community Survey 5-Year Estimates: Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over*. This data allowed

ACTC to determine whether or not those speaking languages other than Spanish fall under the ‘Safe Harbor Provision.’

All language groups other than Spanish have estimated populations of less than 1,000 persons and 5% of the total population. ACTC will further examine providing services to these language groups in annual reviews of the Title VI Program.

2. The frequency with which LEP persons come into contact with ACTC programs, activities, or services.

ACTC regularly assesses the frequency at which staff have, or could have contact with LEP persons. ACTC staff have had infrequent interactions with Spanish speakers during the planning and programming process.

3. The nature and importance of the programs, activities or services provide by ACTC to the population.

Access to the transportation planning and programming processes are essential service for ACTC’s residents. ACTC’s ‘transit-dependent’ population includes elderly persons, people with disabilities, youth, and individuals below the poverty line and without vehicles.

4. The resources available to ACTC for LEP outreach, as well as the costs associated with that outreach.

ACTC has assessed its available resources that could be used for providing LEP assistance. ACTC makes provisions to have translators available at transportation needs workshops, when such services are requested.

Language Assistance Plan Outline

After analyzing the four factors, ACTC developed the following Language Assistance Plan to assist persons of Limited English Proficiency.

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

- Examine records of requests for language assistance from past meetings and events to determine the possible need for assistance at future events;
- When ACTC-sponsored workshops or conferences are held, ACTC provides a notice that interpretive services will be provided if requested;
- Survey staff, on an annual basis at the beginning of each fiscal year regarding their experience on having any direct or indirect contact with LEP individuals.

Language Assistance Measures

ACTC will continue to implement the following procedures:

- When an interpreter is needed, in person or on the telephone, aACTC staff will first attempt to determine what language is required, and then seek services of an interpreter or utilize the telephone interpreter service – Language Line Services at <http://www.language.com/>.

ACTC Staff Training

All ACTC staff will be provided with the LAP and will be educated on the following procedures. This information will also be part of the staff orientation process for new hires. Training topics are listed below:

- Understanding the Title VI policy and LEP responsibilities;
- Language assistance services ACTC offers;

- How to use the “Language Line” interpretation and translation services;
- Documentation of language assistance requests;
- How to handle a Title VI and/or LEP complaint

Outreach Techniques

ACTC will use the following outreach techniques:

- When staff will be hosting a meeting or workshop or will be presenting a pertinent topic, all meeting notices and flyers and agendas will give notice that interpretive service can be provided.
- When running a general meeting notice, staff will state that a translator will be available in Spanish, or in another language as determined to be necessary. The included clause will be similar to, “A (insert alternative Language) translator will be available if requested.” For example: “Un traductor del idioma español estará disponible si se solicita,” or “A Spanish translator will be available if requested.”

Monitoring and Updating the Language Assistance Plan

ACTC’s Language Assistance Plan is designed to be easily updated. At a minimum, ACTC will follow the Title VI Program update schedule of submission every three years.

Each update of the LEP Plan will examine plan components including:

- How many LEP persons were encountered annually?
- Were the needs of these LEP persons met?
- What is the current LEP population in ACTC’s service area?
- Is a change needed in the types of language assistance for previously identified ACTC programs? Are there other programs that should be included?
- Have ACTC’s available resources, such as technology, staff, and financial costs changed?
- Has ACTC fulfilled the goals of the LAP Plan?
- Were any complaints received?

Dissemination of ACTC Language Assistance Plan

ACTC will include the Language Assistance Plan along with the Title VI Program on the ACTC website (www.actc-amador.org). Any person, including social service, non-profit, and law enforcement agencies and other community partners with internet access, will be able to access the plan. Copies of the Language Assistance Plan will be provided, on request, to any person(s) requesting the document via phone, in person, by mail or email. LEP persons may obtain copies/translations of the plan upon request.

Any questions regarding this plan should be directed to ACTC Title VI Coordinator:

ACTC Title VI Coordinator
 117 Valley View Way
 Sutter Creek, CA 95685
 Phone: (209) 267-2282