

# Title VI Plan

for



Adopted: January 1, 2015 | Updated: July 1, 2020

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# **Title VI/Nondiscrimination Policy Statement**

## **Starkville-Mississippi State University Area Rapid Transit**

### **Plan Statement**

The Starkville-Mississippi State University (MSU) Area Rapid Transit (SMART) assures the Mississippi Department of Transportation (MDOT) that no person is excluded from participation in, or denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity undertaken by the agency on the basis of race, color, or national origin, as protected by Title VI of the Civil Rights Act of 1964, in Federal Transit Administration (FTA) Circular 4702.1B.

The SMART further agrees to the following responsibilities with respect to its programs and activities:

1. Designate a Title VI Liaison that has a responsible position within the organization and access to the recipient's Chief Executive Officer or authorized representative.
2. Issue a policy statement signed by the Director or authorized representative, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the Recipient's organization and to the general public. Such information shall be published where appropriate in language other than English.
3. Insert the clauses of Section 2.5 of this plan into every contract subject to the Acts and the Regulations.
4. Develop a complaint process and attempt to resolve complaints of discrimination against SMART on the Title VI and other nondiscrimination requirements.
5. If reviewed by the MDOT or any other state or federal regulatory agency, take affirmative actions to correct any deficiencies found within a reasonable time period, not to exceed ninety (90) days.
6. Have a process to collect racial and ethnic data on persons impacted by the agency's programs.
7. Submit the information required by FTA Circular 4702.1B to the primary recipients (refer to Appendix A of this plan)

This assurance is given in consideration of and for the purpose of obtaining any and all federal funds, grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and is binding. The person whose signature appears below is authorized to sign this assurance on behalf of the agency.



Jeremiah Dumas  
Executive Director  
Starkville-MSU Rapid Area Transit  
July 1, 2020

## **Introduction & Description of Services**

The SMART submits this Title VI Plan in compliance with Title VI of the Civil Rights Act of 1964, 49 CFR Part 21, and the guidelines of FTA Circular 4702.1B, published October 1, 2012.

The SMART is a sub-recipient of FTA funds and provides service in Starkville, MS, Mississippi State University, Oktibbeha County and to the Golden Triangle Regional Airport. SMART's current description of service is included in Appendix B.

### **Title VI Liaison**

Chief Human Resources Officer  
245 Barr Avenue, Mail Stop 9603  
Mississippi State, MS 39762  
662-325-3713

The SMART must designate a liaison for Title VI issues and complaints within the organization. The liaison is the focal point for Title VI implementation and monitoring of activities receiving federal financial assistance. Key responsibilities of the Title VI Liaison include:

- Maintain knowledge of Title VI requirements.
- Attend training on Title VI and other nondiscrimination authorities when offered by the MDOT or any other regulatory agency.
- Disseminate Title VI information to the public including in languages other than English, when necessary.
- Develop a process to collect data related to race, gender and national origin of service area population to ensure low income, minorities, and other underserved groups are included and not discriminated against.
- Implement procedures for the prompt processing of Title VI complaints.

## **1.0 Title VI Notice to the Public**

### **1.1 Notice to Public**

The SMART notifies the public of its rights under Title VI. A copy of the notice is included in Appendix D of this Plan. This notice will be translated into other languages upon request and as necessary.

### **1.2 Notice Posting Locations**

The Notice to Public will be posted at many locations to apprise the public of the SMART obligations under Title VI and to inform them of the protections afforded them under Title VI. At a minimum, the notice will be posted in public areas of the SMART office(s) including the reception desk and meeting rooms, and on the SMART website at [www.smart.msstate.edu](http://www.smart.msstate.edu). Additionally, the SMART will post the notice at stations, stops and on transit vehicles.

## **2.0 Title VI Procedures and Compliance**

### **2.1 Complaint Procedure**

Any person who believes he or she has been discriminated against on the basis of race, color or national origin by the SMART may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form (refer to Appendix C). The SMART investigates complaints received no more than 180 days after the alleged incident. The SMART will process complaints that are complete.

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

The SMART has ninety (90) days to investigate the complaint. If more information is needed to resolve the case, the SMART may contact the complainant. The complainant has ten (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 ten (10) business days, the SMART can administratively close the case. A case can also be administratively closed if the complainant no longer wishes to pursue their case.

After the investigator reviews the complaint, she/he 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 not a Title VI violation and that the case will be closed. A 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 seven (7) days to do so from the time he/she receives the closure letter or the LOF.

The complaint procedure will be made available to the public on the SMART website at [www.smart.msstate.edu](http://www.smart.msstate.edu).

### **2.2 Complaint Form**

A copy of the complaint form in English is provided in Appendix C and on the SMART web site at [www.smart.msstate.edu](http://www.smart.msstate.edu).

### **2.3 Record Retention and Reporting Policy**

The SMART will submit Title VI Plans to the MDOT for concurrence on an annual basis or any time a major change in the Plan occurs.

Compliance records and all Title VI related documents will be retained for a minimum of three (3) years and reported to the primary recipient annually.

## **2.4 Sub-recipient Assistance and Monitoring**

The SMART does not have any sub-recipients to provide monitoring and assistance. As a sub-recipient to the MDOT, the SMART utilizes the sub-recipient assistance and monitoring provided by the MDOT, as needed. In the future, if the SMART has sub-recipients, it will provide assistance and monitoring as required by FTA Circular 4702.1B.

## **2.5 Contractors and Subcontractors**

The SMART is responsible for ensuring that contractors are in compliance with Title VI requirements. Contractors may not discriminate in the selection and retention of any subcontractors. Subcontractors also may not discriminate in the selection and retention of any subcontractors. The SMART, contractors, and subcontractors may not discriminate in their employment practices in connection with federally assisted projects. Contractors and subcontractors are not required to prepare or submit a Title VI Plan. However, the nondiscrimination clauses will be inserted into every contract with contractors and subcontractors subject to Title VI regulations.

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

In accordance with 49 CFR 21.9(b), SMART records and reports any investigations, complaints, or lawsuits involving allegations of discrimination. The records of these events shall include the date the investigation, lawsuit, or complaint was filed; a summary of the allegations; the status of the investigation, lawsuit, or complaint; and actions taken by the SMART in response; and final findings related to the investigation, lawsuit, or complaint. The records for the previous three (3) years shall be included in the Title VI Plan when it is submitted to the MDOT.

The SMART has had no investigations, complaints, or lawsuits involving allegations of discrimination on the basis of race, color, or national origin over the past three (3) years.

## 4.0 Public Participation Plan

The Public Participation Plan (PPP) for the SMART was developed to ensure that all members of the public, including minorities and Limited English Proficient (LEP) populations, are encouraged to participate in the decision-making process for the SMART policy and service delivery decisions. The SMART needs to take into consideration community sentiment and public opinion based upon well-executed outreach efforts. The public outreach strategies described in the PPP are designed to provide the public with effective access to information about the SMART services and to provide a variety of efficient and convenient methods for receiving and considering public comment prior to implementing changes to services. The PPP is included as Appendix F to this Title VI Plan.

### **Current Outreach Efforts**

The SMART is required to submit a summary of public outreach efforts made over the last three (3) years. The following is a list and short description of the SMART's recent, current, and planned outreach activities.

A variety of media has been used since the start-up of the SMART system. For example, multiple articles have been published in the Starkville Daily News and the student MSU publication, The Reflector. These publications have informed the public of the services available as well as contact information for the public to notify the SMART of comments, recommendations, suggestions, etc. Multiple articles have also been published on the MSU website ([www.msstate.edu](http://www.msstate.edu)) and current information is available on the transit system's web site ([www.smart.msstate.edu](http://www.smart.msstate.edu))

Since their inception, multiple public presentations have been made regarding the SMART system during the Starkville Board of Aldermen's and the Oktibbeha County Board of Supervisors regular board meetings. These presentations were part of the agenda and the meetings were open to the public. The SMART system holds annual public hearings that are properly noticed and published in the Starkville Daily News. A diverse group of the area residents attend the meetings, including those with disabilities and representatives from the international community. Comments and attendee list are recorded for each meeting. Additionally, a Customer Service Manager and Coordinator have been hired to increase the visibility of services to the all sectors of the public, including minority and low-income individuals.

## **5.0 Language Assistance Plan**

The SMART operates a transit system within Starkville MS and Mississippi State, MS. The Language Assistance Plan (LAP) has been prepared to address the SMART's responsibilities as they relate to the needs of individuals with Limited English Proficiency (LEP). Individuals, who have a limited ability to read, write, speak or understand English are LEP. In the SMART service area there are 410 residents or 1.8% who describe themselves as not able to communicate in English very well (Source: US Census). The SMART is federally mandated (Executive Order 13166) to take responsible steps to ensure meaningful access to the benefits, services, information and other important portions of its programs and activities for individuals who are LEP. The SMART has utilized the U.S. Department of Transportation (DOT) LEP Guidance Handbook and performed a four-factor analysis to develop its LAP. The LAP is included in this Title VI Plan as Appendix G.

## **6.0 Transit Planning and Advisory Bodies**

The SMART does not have a transit-related committee or board; therefore, this requirement does not apply.

## 7.0 System-Wide Service Standards and Service Policies

The SMART is a fixed route service provider.

FTA Circular 4702.1B requires that all fixed route service providers prepare and submit system-wide service standards and service policies as a part of their Title VI Plan. These standards and policies must address how service is distributed across the transit system and must ensure that the manner of the distribution affords users access to these assets.

The SMART has adopted the following system-wide standards and policies to ensure service design and operations practices do not result in discrimination on the basis of race, color, or national origin.

### 7.1 Service Standards

FTA requires that all fixed route transit providers develop quantitative standards for all fixed route modes of operation for the following indicators. The SMART has prepared standards for all modes it operates.

a. Vehicle Load

Vehicle Type	Average Passenger Capacities			
	Seated	Standing	Total	Maximum Load Factor
26' Standard Bus	25	5	30	1.2
34' Standard Bus	35	15	50	1.4

b. Vehicle Headway

<u>WEEKDAY</u>	<u>Peak</u>	<u>Base</u>	<u>Evening</u>
Boardtown North	30	30	30
Boardtown South	25	25	25
Highway 12	30	30	30
Old Main	16	16	16
Central Route	4	8	--
East Lee Route	14	14	--

Greek Route	6	12	--
Research Route	10	20	--
Sportsplex Route	17	34	--
Wise Center Route	12	24	--
<i>* Peak: 7 AM to 3 PM; Base 3 PM to 6 PM; Evening: 6 PM to 8 PM</i> <i>"--"means no service is provided during that time period.</i>			

<u>Saturday</u>	<u>Peak</u>	<u>Base</u>	<u>Evening</u>
Boardtown North	1:00	1:00	
Boardtown South	50	50	
Highway 12	1:00	1:00	
Old Main Express	40	40	
<i>* Day 7 AM - 6 PM; Evening: 6-8 PM</i> <i>"--"means no service is provided during that time period.</i>			

(Note: Paratransit is an on-demand service and the GTR Airport Route is Monday - Sunday based on flight schedule.

c. On-Time Performance

A vehicle is considered on time if it departs a scheduled time point no more than one (1) minute early and no more than five (5) minutes late. The SMART on-time performance objective is 90% or greater. SMART will continuously monitor on-time performance and system results are published and posted as part of monthly performance reports covering all aspects of operations.

The SMART is currently analyzing our data from the previous year to determine average trip times in an effort to produce a performance schedule that reflects collected data and actual trip times.

d. Service Availability

The SMART will work to distribute transit service so that 75% of all residents in the service area are within 1/4 mile.

## 7.2 Service Policies

FTA requires fixed route transit providers to develop a policy for service indicators. SMART has prepared the following policies for its transit system.

a. Distribution of Transit Amenities

Installation of transit amenities along bus and rail routes are based on the number of passengers boarding at stops and stations along those routes.

b. Vehicle Assignment

Vehicles will be assigned to the routes such that the average age of the fleet serving each route does not exceed 12 years. ADA accessible buses are deployed on frequent service and other high-ridership route, so these buses carry a higher share of ridership than their numerical proportion of the overall bus fleet. ADA accessible buses are also equipped with air conditioning and automated stop announcement systems.

Bus assignments take into account the operating characteristics of buses of various lengths, which are matched to the operating characteristics of the route. Local routes with lower ridership may be assigned 26-foot buses rather than the 34-foot buses. Some routes requiring tight turns on narrow streets are operated with 26-foot rather than 34-foot buses.

## **8.0 Appendices**

- A. FTA CIRCULAR 4702.1B REPORTING REQUIREMENTS FOR TRANSIT PROVIDERS
- B. DESCRIPTION OF SERVICES
- C. TITLE VI COMPLAINT FORM
- D. TITLE VI SAMPLE NOTICE TO PUBLIC
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# Appendix A

## **FTA Circular 4702.1B Reporting Requirements for Transit Providers**

Every three years, on a date determined by FTA, each recipient is required to submit the following information to the Federal Transit Administration (FTA) as part of their Title VI Program. Sub-recipients shall submit the information below to their primary recipient (the entity from whom the sub-recipient receives funds directly), on a schedule to be determined by the primary recipient.

### **General Requirements**

*All recipients must submit:*

- Title VI Notice to the Public, including a list of locations where the notice is posted
- Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)
- Title VI Complaint Form
- List of transit-related Title VI investigations, complaints, and lawsuits
- Public Participation Plan, including information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission
- Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance
- A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees
- Primary recipients shall include a description of how the agency monitors its sub-recipients for compliance with Title VI, and a schedule of sub-recipient Title VI Program submissions
- A Title VI equity analysis if the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.
- A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program. For State DOTs, the appropriate governing entity is the

State's Secretary of Transportation or equivalent. The approval must occur prior to submission to FTA.

- Additional information as specified in Chapters IV, V, and VI, depending on whether the recipient is a transit provider, a State, or a planning entity (see below)

### **Requirements of Transit Providers**

*All Fixed Route Transit Providers must submit:*

- All requirements set out in Chapter III (General Requirements)
- Service standards
  - Vehicle load for each mode
  - Vehicle headway for each mode
  - On time performance for each mode
  - Service availability for each mode
- Service policies
  - Transit Amenities for each mode
  - Vehicle Assignment for each mode

*Transit Providers that operate 50 or more fixed route vehicles in peak service and are located in an Urbanized Area (UZA) of 200,000 or more people must submit:*

- Demographic and service profile maps and charts
- Demographic ridership and travel patterns, collected by surveys
- Results of their monitoring program and report, including evidence that the board or other governing entity or official(s) considered, was aware of the results, and approved the analysis
- A description of the public engagement process for setting the "major service change policy," disparate impact policy, and disproportionate burden policy
- Results of service and/or fare equity analyses conducted since the last Title VI Program submission, including evidence that the board or other governing entity or official(s) considered, was aware of, and approved the results of the analysis

# Appendix B

## Description of Service

### Current System Description

1. An overview of the organization including its mission, program goals and objectives.  
The SMART's current and long-term focus as a transportation provider is on maintaining the best-coordinated transportation system possible for this community. Our goal is to create a coordinated system with the objective of providing safe, reliable, timely and efficient transportation services that connects MSU's campus to the Starkville community. The service offers the opportunity to ease the traffic from and within the city to the university and also enables citizens who may not have reliable transportation to be able to access all parts of the city and the University with ease. There is currently no charge to take advantage of the transportation.
2. Organizational structure, type of operation, number of employees, service hours, staffing plan and safety and security plan.  
MSU operates SMART. Our organization is made up of 49 full-time employees and 16 part-time employees. Our Transit Manager is responsible for all of the day-to-day operations of our organization and reports directly to the Associate Director of Parking & Transit Services.
3. Number of current transportation related employees  
Our transportation department has a total of 65 employees that include: 41 full-time drivers, 16 part-time drivers, 2 auto mechanics, 3 administrators and 3 support staff.
4. A detailed description of service routes and service area  
Transportation services provided through our program are available to university faculty, staff and students and the general public. Our service incorporates routes with multiple stops on each route as listed at [www.smart.msstate.edu](http://www.smart.msstate.edu). In addition to connecting the university to the Starkville community, we provide a wide range of trip purposes that include medical, nutrition, shopping, social service, training, employment, social and recreation.

# Appendix C

## Title VI Complaint Form Starkville-MSU Area Rapid Transit

<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"/> Age	
<input type="checkbox"/> Disability	<input type="checkbox"/> Family or Religious Status	<input type="checkbox"/> Other (explain)		
_____				
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.				
_____				
_____				



# Appendix D

## Notifying the Public of Rights Under Title VI

### Starkville-MSU Area Rapid Transit

- The Starkville-Mississippi State University Transit operates its programs and services without regard to race, color, or national origin in accordance with Title VI of the Civil Rights Act of 1964. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with The Starkville-Mississippi State University Transit.
- For more information on the Starkville-Mississippi State University Transit's civil rights program, and the procedures to file a complaint, contact the Chief Human Resources Officer at 662-325-3713 or visit our administrative office at 95 Buckner Lane, Mississippi State, MS 39762. For more information, visit [www.smart.msstate.edu](http://www.smart.msstate.edu).
- If information is needed in another language, contact Chief Human Resource Office at 662-325-3713

## **APPENDIX E**

# **Nondiscrimination Policy**

We are committed to operating our programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act of 1964. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint by contacting the Chief Human Resources Officer at 662-325-3713.

A complainant may file a complaint directly with the Federal Transit Administration at 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

# Appendix F

## Public Participation Plan (PPP)

### Introduction

The Public Participation Plan (PPP) for the SMART was developed to ensure that all members of the public, including minorities and Limited English Proficient (LEP) populations, are encouraged to participate in the decision-making process for the SMART system. Policy and service delivery decisions need to take into consideration community sentiment and public opinion based upon well-executed outreach efforts. The public outreach strategies described in the PPP are designed to provide the public with effective access to information about the SMART services and to provide a variety of efficient and convenient methods for receiving and considering public comment prior to implementing changes to services. The SMART also recognizes the importance of many types of stakeholders in the decision-making process, including other units of government, metropolitan area agencies, and community-based organizations, major employers, passengers and the general public, including low-income, minority, LEP, and other traditionally underserved communities.

### Public Participation Goals

The main goal of the PPP is to offer meaningful opportunities for all interested segments of the public, including, but not limited to, low-income, minority and LEP groups, to comment, about the SMART and its operations. The goals for this PPP include:

- **Inclusion and Diversity:** the SMART will proactively reach out and engage low-income, minority, and LEP populations for the SMART service area so these groups will have an opportunity to participate.
- **Accessibility:** All legal requirements for accessibility will be met. Efforts will be made to enhance the accessibility of the public's participation - physically, geographically, temporally, linguistically and culturally.
- **Clarity and Relevance:** Issues will be framed in public meetings in such a way that the significance and potential effect of proposed decisions is understood by participants. Proposed adjustments to fares or services will be described in language that is clear and easy to understand.
- **Responsive:** The SMART will strive to respond to and incorporate, when possible, appropriate public comments into transportation decisions.
- **Tailored:** Public participation methods will be tailored to match local and cultural preferences as much as possible.
- **Flexible:** The public participation process will accommodate participation in a variety of ways and will be adjusted over time as needed.

## Public Participation Methods

The methods of public participation included in this PPP were developed based upon best practices in conjunction with the needs and capabilities of the SMART intends to achieve meaningful public participation by a variety of methods with respect to service and any changes to service.

The SMART will continue to conduct community meetings and listening sessions as appropriate with passengers, employers, community based organizations, and advisory committees to gather public input and distribute information about service quality, proposed changes or new service options.

The public will be invited to provide feedback on the SMART website ([ww.smart.msstate.edu](http://www.smart.msstate.edu)) and all feedback on the site will be recorded and passed on to the SMART management. The public will also be able to call the SMART office at 662-325-5204 during its hours of operation. Feedback collected over the phone will be recorded and passed on to the SMART management. Formal customer surveys to measure performance, and listening sessions to solicit input, will be conducted periodically. The comments recorded as a part of these participation methods will be responded to as appropriate.

Meeting formats will be tailored to help achieve specific public participation goals that vary by project or the nature of the proposed adjustment of service. Some meetings will be designed to share information and answer questions. Some will be designed to engage the public in providing input, establishing priorities, and helping to achieve consensus on a specific recommendation. Others will be conducted to solicit and consider public comments before implementing proposed adjustments to services. In each case, an agenda for the meetings will be created that work to achieve the stated goals and is relevant to the subject and not overwhelming for the public.

For all public meetings, the venue will be a facility that is accessible for persons with disabilities and, preferably, is served by public transit. If a series of meetings are scheduled on a topic, different meeting locations may be used, since no one location is usually convenient to all participants.

For community meetings and other important information, the SMART will use a variety of means to make riders and citizens aware, including some or all of the following methods:

- In-vehicle advertisement
- Posters or flyers in transit center
- Posting information on website
- Press releases and briefings to media outlets
- Multilingual flyer distribution to community based organizations, particularly those that target LEP population
- Flyers and information distribution through various libraries and other civic locations that currently help distribute timetables and other information
- Communications to relevant elected officials
- Other methods required by local or state laws or agreements

All information and materials communicating proposed and actual service adjustments will be provided in English and any other language upon request.

Public Hearing

The SMART holds public hearings each year during a regularly scheduled Board of Alderman meeting.

# Appendix G

## Language Assistance Plan (LAP)

### **I. Introduction**

The SMART operates a transit system within Starkville, MS, Mississippi State University, Oktibbeha County and the Golden Triangle Regional Airport area. The Language Assistance Plan (LAP) has been prepared to address the SMART's responsibilities as they relate to the needs of individuals with Limited English Proficiency (LEP). Individuals, who have a limited ability to read, write, speak or understand English are LEP. In the SMART service area there are 410 residents or 1.8% who describe themselves as not able to communicate in English "very well" (Source: US Census). The SMART is federally mandated (Executive Order 13166) to take responsible steps to ensure meaningful access to the benefits, services, information and other important portions of its programs and activities for individuals who are LEP. The SMART has utilized the U.S. Department of Transportation (USDOT) LEP Guidance Handbook and performed a four-factor analysis to develop its LAP.

The U.S. Department of Transportation Handbook, titled "Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons: A Handbook for Public Transportation Providers, (April 13, 2007) " (hereinafter "Handbook"), states that Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., and its implementing regulations provide that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that receives Federal financial assistance (Handbook, page 5). The Handbook further adds that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination (Handbook, page 5).

Executive Order 13166 of August 16, 2000 states that recipients of Federal financial assistance must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons (Handbook, page 6). Additionally, recipients should use the DOT LEP Guidance to determine how best to comply with statutory and regulatory obligations to provide meaningful access to the benefits, services, information and other important portions of their programs and activities for individuals who are LEP (Handbook, page 6). These provisions are included in FTA Circular 4702.1B in Paragraph 9 of Chapter III (pages III-6 to III-9).

For many LEP individuals, public transit is the principal transportation mode available. It is important the SMART be able to communicate effectively with all of its riders. When the SMART is able to communicate effectively with all of its riders, the service provided is safer, more reliable, convenient, and accessible for all within its service area. The SMART is committed to taking reasonable steps to ensure meaningful access for LEP individuals to this agency's services in accordance with Title VI.

This plan will demonstrate the efforts that the SMART undertakes to make its service accessible to all persons without regard to their ability to communicate in English. The plan addresses how services will be provided through general guidelines and procedures including the following:

- Identification: Identifying LEP populations in service areas
- Notification: Providing notice to LEP individuals about their right to language services
- Interpretation: Offering timely interpretation to LEP individuals upon request
- Translation: Providing timely translation of important documents upon request
- Staffing: Identifying the SMART staff to assist LEP customers
- Training: Providing training on LAP to responsible employees.

## **II. Four Factor Analysis**

The analysis provided in this report has been developed to identify LEP population that may use the SMART services and identify needs for language assistance. This analysis is based on the "Four Factor Analysis" presented in the Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons, dated April 13, 2007, which considers the following factors:

1. The number and proportion of LEP persons in the service area who may be served or are likely to encounter the SMART program, activity or service.
2. The frequency with which LEP persons come in contact with the SMART programs, activities or services.
3. The nature and importance of programs, activities or services provided by the SMART to the LEP population.
4. The resources available to the SMART and overall costs to provide LEP assistance

### **a. Factor 1: The Number and Proportion of LEP Persons Served or Encountered in the Eligible Service Population**

Of the 21,200 residents in the SMART service area 410 residents describe themselves as speaking English less than "very well". People Asian descent are the primary LEP persons likely to utilize the SMART services. For the SMART service area, the American Community Survey of the U.S. Census Bureau shows that among the area's population 93.4% speak English "very well". For groups who speak English "less than very well", 0.5% speak Spanish and 1.0% speak Asian.

### **b. Factor 2: The Frequency with which LEP Individuals Come into Contact with Your Programs, Activities, and Services**

The Federal guidance for this factor recommends that agencies should assess the frequency with which they have contact with LEP individuals from different language groups. The more frequent the contact with a particular LEP language group, the more likely enhanced services will be needed.

The SMART has assessed the frequency with which LEP individuals come in contact with the transit system. The methods utilized for this assessment may include analysis of Census data, examining phone inquiries, requests for translated documents, and staff survey. As discussed above, Census data indicates that the majority of the area's population speak English very well. Therefore, the SMART speaks infrequently with the very low LEP individuals from different language groups. Phone inquiries and staff survey feedback indicated that the SMART dispatchers and drivers interact infrequently with LEP persons. The majority of these interactions have occurred with LEP persons who mainly spoke Asian. Over the past three years, the SMART has had no requests for translated documents.

**c. Factor 3: The Nature and Importance of the Program, Activity, or Service Provided by the Recipient to People's Lives**

Public transportation and regional transportation planning is vital to many people's lives. According to the Department of Transportation's *Policy Guidance Concerning Recipient's Responsibilities to LEP Persons*, providing public transportation access to LEP persons is crucial. A LEP person's inability to utilize public transportation effectively, may adversely affect his or her ability to access health care, education, or employment.

In 2020, an on-board passenger survey will be conducted to collect data on usage of and access to SMART. This survey will include questions about personal mobility options. Results from the survey will be compiled and will be included in The SMART's Title IV Plan.

**d. Factor 4: The Resources Available to the Recipient and Costs**

The SMART assessed its available resources that are currently being used, and those that could be used, to provide assistance to LEP populations. These resources include the following: MSU's International Institute and MSU's Department of Foreign Languages. The SMART provides a reasonable degree of services for LEP populations in its service area.

### **III. Language Assistance Plan**

In developing a Language Assistance Plan, FTA guidance recommends the analysis of the following five elements:

1. Identifying LEP individuals who need language assistance
2. Providing language assistance measures
3. Training staff
4. Providing notice to LEP persons
5. Monitoring and updating the plan

The five elements are addressed below.

**a. Element 1: Identifying LEP Individuals Who Need Language Assistance**

Federal guidance provides that there should be an assessment of the number or proportion of LEP individuals eligible to be serviced or encountered and the frequency of encounters pursuant to the first two factors in the four-factor analysis.

The SMART has identified the number and proportion of LEP individuals within its service area using United States Census data. As presented earlier, 93.4% of the service area population speaks English only. The largest non-English spoken language in the service area is Asian (2.9%). Of those whose primary spoken language is Asian, approximately 1.0% identify themselves as speaking less than “very well”. Those residents whose primary language is not English or Asian and who identify themselves as speaking English less than “very well” account for 0.8% of the service area population.

The SMART may identify language assistance need for an LEP group by:

1. Examining records to see if requests for language assistance have been received in the past, either at meetings or over the phone, to determine whether language assistance might be needed at future events or meetings.
2. Having Census Bureau Language Identification Flashcards available at the SMART Meetings. This will assist the SMART in identifying language assistance needs for future events and meetings.
3. Having Census Bureau Language Identification Flashcards on all transit vehicles to assist operators in identifying specific language assistance needs of passengers. If such individuals are encountered, vehicle operators will be instructed to obtain contact information to give to the SMART management to follow-up.
4. Vehicle operators and front-line staff (i.e. Dispatchers, Transit Manager, etc.) will be surveyed on their experience concerning any contacts with LEP persons during the previous year.

**b. Element 2: Language Assistance Measures**

Federal Guidance suggests that an effective LAP should include information about the ways in which language assistance will be provided. This refers to listing the different language services an agency provides and how staff can access this information.

For this task Federal Guidance recommends that transit agencies consider developing strategies that train staff as to how to effectively deal with LEP individuals when they either call agency centers or otherwise interact with the agency.

The SMART may undertake the following actions to improve access to information and services for LEP individuals:

1. Survey transit drivers and other front-line staff annually on their experience concerning any contacts with LEP persons during the previous year.
2. Provide Language Identification Flashcards onboard transit vehicles and in the the SMART offices.
3. When an interpreter is needed in person or on the telephone, staff will attempt to access language assistance services from a professional translation service or qualified community volunteers.

**c. Element 3: Training Staff**

Federal guidance states staff members of an agency should know their obligations to provide meaningful access to information and services for LEP persons and that all employees in public contact positions should be properly trained.

Suggestions for implementing Element 3 of the Language Assistance Plan, involve: (1) identifying agency staff likely to come into contact with LEP individuals; (2) identifying existing staff training opportunities; (3) providing regular re-training for staff dealing with LEP individual needs; and (4) designing and implementing LEP training for agency staff.

In the case of the SMART, the most important staff training is for dispatchers and transit drivers.

The following training will be provided to dispatchers and transit drivers:

1. Information on Title VI Procedures and LEP responsibilities
2. Use of Language Identification Flashcards
3. Documentation of language assistance requests
4. How to handle a potential Title VI/LEP complaint

**d. Element 4: Providing Note to LEP Persons**

The SMART will make Title VI information available in English on the Agency's website. Key documents are written in English. The translated documents will be provided upon request due to the low number of non-english speaking population. Notices are also posted in the SMART office lobby and on buses. Additionally, when staff prepares a document or schedules a meeting, for which the target audience is expected to include LEP individuals, then documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population.

**e. Element 5: Monitoring and Updating the Plan**

The plan will be reviewed and updated on an ongoing basis. Updates will consider the following:

- The number of documented LEP person contacts encountered annually
- How the needs of LEP persons have been addressed
- Determination of the current LEP population in the service area
- Determination as to whether the need for translation services has changed
- Determine whether the SMART financial resources are sufficient to fund language assistance resources needed

The SMART understands the value that its service plays in the lives of individuals who rely on this service, and the importance of any measures undertaken to make the use of system easier. The SMART is open to suggestions from all sources, including customers, the SMART staff, other transportation agencies with similar experiences with LEP communities, and the general public, regarding additional methods to improve their accessibility to LEP communities.

#### **IV. Safe Harbor Provision**

DOT has adopted the 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 population. The Safe Harbor Provision 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 affected or encountered, then such action will be considered strong evidence of compliance with the recipient’s written translation obligations. Translation of non-vital documents, if needed, can be provided orally. If there are fewer than 50 persons in a language group that reaches the five percent (5%) trigger, the recipient is not required to translate vital written materials but should provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

The SMART does not have LEP groups which speak English less than “very well” which exceed either 5.0% or 1,000 persons.

The Safe Harbor Provision applies to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. The SMART may determine, based on the Four Factor Analysis, that even though a language group meets the threshold specified by the Safe Harbor Provision, written translation may not be an effective means to provide language assistance measures.