

City of Daly City
Federally Funded Transportation Program
TITLE VI PLAN

for Bayshore Shuttle Service

Submitted to the Metropolitan Transportation Commission

By:
City of Daly City
333 90th Street
Daly City, CA 94015

June 27, 2016



Policy Statement, Authorities, and Citations


- A. **Policy of Nondiscrimination** – City of Daly City assures that no person shall on the grounds of race, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any City sponsored program or activity. City of Daly City further assures every effort will be made to ensure non-discrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

Title VI compliance is a condition of receipt for federal funds. Assurance of compliance, therefore, falls under the proper authority of the City Council of City of Daly City pursuant to its budgetary authority and responsibility. The City Manager is authorized to ensure compliance with provisions of this policy and with the law, including the requirements of 23 Code of Federal Regulation (CFR) 200 and 49 CFR 21.

- B. **Authorities** – Title VI of the 1964 Civil Rights Act provides that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.
- C. **Additional Citations** – Title VI of the Civil Rights Act of 1964; 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; 28 CFR 50.3
- D. **Purpose** – The City of Daly City is submitting this Plan to the Metropolitan Transit Commission (MTC) as its Title VI Plan for FY 2015. This plan outlines the practices and operations of the City of Daly City's shuttle program compliant with Title VI. The City of Daly City provides transit services without excluding or discriminating on the grounds of race, color or national origin, or creating additional barriers to their use of City of Daly City shuttle services.



Patricia E. Martel – City Manager



Date

I. Title VI Public Notice

A. General Compliance

The City of Daly City has developed procedures for its shuttle services program to meet the general reporting requirement which include procedures for filing civil rights complaints; Title VI investigations, complaints, and lawsuits; plans for providing access to persons with limited English proficiency; protection notifications; information distribution and outreach to ensure access to programs and services.

B. Title VI Public Notification of Protection

Notice to the riders, notifying their protection under Title VI, has been posted on the City of Daly City's website (http://www.dalycity.org/Residents/Bayshore_Shuttle/Title_VI.htm). See Attachment A.

II. Filing Complaints

A. Title VI Complaint Procedure

The City of Daly City employs its best efforts to ensure all programs, services, activities and benefits are implemented without discrimination. The City follows complaint investigation and format procedures which ensure Title VI compliance. The discussion below outlines the City's procedure for tracking and investigating complaints alleging discrimination on the basis of race, color, or national origin.

Any person who believes they individually, or as a member of any specific class of persons, have been subjected to discrimination on the basis of race, color, or national origin may file a written complaint with the City of Daly City, the Federal Transit Administration (FTA) or the Secretary of Transportation. The City prohibits intimidation, coercion or engagement in other discriminatory conduct against anyone because they have filed a complaint to secure Title VI protected rights.

A signed complaint must be filed within 180 days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary of Transportation. The City of Daly City encourages complaints to be initially filed with the City for resolution. However, in those cases where the complainant is dissatisfied with the resolution by the City, the same complaint may be submitted to the FTA or the Secretary of Transportation for investigation. Unless otherwise permitted, the final determination of all Title VI complaints affecting programs administered by the FTA will be made by the Office of the Secretary, Department of Transportation (DOT).

Signed written complaints may be submitted to the City of Daly City directly or the FTA offices identified below:

City of Daly City
Department of Public Works
Title VI Program Coordinator
333 90th Street
Daly City, CA 94015

Federal Transit Administration Region IX
Civil Rights Officer
201 Mission Street, Suite 1650
San Francisco, CA 94105-1839

Federal Transit Administration
Office of Civil Rights
Title VI Program Coordinator
East Building, 5th Floor-TCR
1200 New Jersey Avenue, SE
Washington, DC 20590

The complaint information should include the date of the alleged act of discrimination, when the complainant(s) became aware of the alleged action of discrimination; or the date on which that conduct was observed or the latest instance of discriminatory conduct.

To the best of their ability, complainants should present a detailed description of the issue(s), including the name(s) and job title(s) of those individual(s) perceived as parties in the complaint. The allegation must involve discrimination on the grounds of race, color, or national origin. Allegations must involve a City of Daly City transit service, program(s) or activity of a federal-aid recipient, sub-recipient, or contractor.

In cases where the complainant is unable or incapable of providing a written statement but wishes the City of Daly City or the FTA to investigate alleged discrimination, a verbal complaint of discrimination may be made by calling the City at (650) 991-8038, or appearing in person at 333 90th Street, Daly City, California. The complainant will be interviewed by an appropriate official authorized to receive complaints. If necessary, the official will assist the complainant in converting verbal complaints to writing. Translation services will be provided to all complainants, as necessary. All complaints must, however, be signed by the complainant or his/her representative.

Information for filing a Title VI complaint can be accessed on the City of Daly City website at www.dalycity.org or by contacting the City at 650-991-8038. E-mail inquiries or initial complaints can be sent directly to the City at schan@dalycity.org.

B. Complaint Format

All complaints must be in writing and signed by the complainant or his/her representative before action can be taken. Complaints shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination. See Attachment B.

C. Tracking Complaints

The following complaint information will be tracked by the City of Daly City:

1. Date the complaint was received by the City of Daly City
2. Date an acknowledgment letter was sent to the complainant
3. Entity
4. Program/Activity/Service
5. Summary of the allegation
6. Status of the complaint
7. Was the complaint investigated – yes/no
8. Action Taken
9. The response letter was sent to the complainant - action taken

D. Determination of Investigative Merit

The City of Daly City will begin an investigation within fifteen (15) working days of valid complaint receipt. A complaint shall be regarded as meriting investigation unless:

1. It clearly appears on its face to be frivolous or trivial.
2. Within the time allotted for making the determination of jurisdiction and investigative merit, the party complained against, voluntarily concedes noncompliance and agrees to take appropriate remedial action.
3. Within the time allotted for making the determination of jurisdiction and investigative merit, the complainant withdraws the complaint; or Other good cause for not investigating the complaint exists (e.g. respondent is presently under investigation by another Federal agency).

E. Request for Additional Information

In the event the complainant or respondent have not submitted sufficient information to make a determination of jurisdiction or investigative merit, the City of Daly City may request additional information from either party. Failure of the complainant to submit additional information within the designated time frame may be considered good cause for a no investigative merit determination.

F. Record Keeping

The City of Daly City will ensure all records relating to its shuttle program(s) Title VI Complaint Process are maintained with the department records for three years as of the date of the complaint. Records will be available for compliance review audits.

III. Public Transportation-Related Title VI Lawsuits

There have been no lawsuits naming the City of Daly City alleging discrimination on the basis of race, color, or national origin.

IV. Public Participation

A. Information and Contacts

The City of Daly City receives comments from shuttle patrons by phone, mail, email, and in-person. The City has multiple bilingual staff throughout the organization ensuring the ability to communicate with shuttle users.

B. Public Hearings

Public hearings will be held to solicit formal comments from the public regarding planned service changes and impacts of proposed service changes in accordance to the City's shuttle service policy. Advance notice of such public hearings is published at least 72 hours in advance. Advance notice of such public hearings shall be posted on the City's website. The City will make every effort to provide language interpreters upon request, if given sufficient notice.

C. Community Meetings

Transportation issues may be brought up at the City Council meetings. All Daly City City Council meetings are open to the public and follow the Opening Meetings Act. Daly City official and employees attend and participate in a number of meetings, workshops and other community events to promote its services to the public. The City will continually assess its communication and public involvement strategies and will employ best practices that foster meaningful involvement by traditionally underrepresented persons.

A satisfaction survey will be provided to all shuttle riders on a yearly basis. This survey will be reviewed by the Title VI Coordination and Director of Public Works.

Upon Request City personnel attend regularly scheduled or special civic and community-organization meetings to address proposed projects or service changes that are of interest to commuters. City staff maintains relationships with communities to ensure that relevant project or service related issues and concerns are addressed and resolved.

V. Limited English Proficiency

The City of Daly City adheres to the attached plan (see Attachment C) to address the Title VI limited English proficiency requirement.

VI. Transit-Related Planning Boards

This section is not applicable to the City of Daly City.

VII. Primary Recipient Efforts

This section is not applicable to the City of Daly City.

VIII. Facility Construction and/or Operation

This section is not applicable to the City of Daly City.

IX. Additional Information

This section is not applicable to the City of Daly City.

Attachment A

City of Daly City Title VI Notice to the Public

The City of Daly City hereby gives public notice that it is the City's policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all transportation programs and activities. Title VI requires that no person shall, on the grounds of race, color, sex, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Federal Aid Highway program or other activity for which the City receives federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the City of Daly City. Any such complaint must be in writing and filed with the City within one hundred, eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from the Department of Public Works at no cost to the complainant by calling (650) 991-8038.

Attachment B

City of Daly City Title VI Complaint Form

Title VI of the Civil Rights Act of 1964 provides 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 subjected to discrimination under any program or activity receiving federal financial assistance.”

It is the policy of the City of Daly City’s shuttle program to employ its best efforts to ensure all programs, services, activities, and benefits are implemented in a non-discrimination manner.

Any person who believes as an individual, or as a member of any specific class of persons, has been subjected to discrimination on the basis of race, color, or national origin may file a written complaint within 180 days after the date of the alleged discrimination with the City of Daly City, the FTA, or the Secretary of Transportation. Further, the City of Daly City prohibits intimidation, coercion, or engagement in other discriminatory conduct against anyone because he/she has filed a complaint to secure rights protected by Title VI.

Please provide the following information on the following form:

Title VI Complaint Form

Your Name:		Phone Number:
Street Address:		
City:	State:	Zip Code:
Person(s) Discriminated Against (if other than complainant)		
Street Address:		
City:	State:	Zip Code:
Date of Incident:		
Please Describe the Alleged Discrimination Incident (please attach additional sheet(s) if necessary):		

Complainant's Signature

Date

If you have filed a complaint with any other federal, state or local agencies please provide the following information:

Agency:		Contact Person:
Street Address:		
City:	State:	Zip Code:

Agency:		Contact Person:
Street Address:		
City:	State:	Zip Code:

Agency:		Contact Person:
Street Address:		
City:	State:	Zip Code:

Please mail your complaint form directly to:

City of Daly City
 Department of Public Works
 Title VI Program Coordinator
 333 90th Street
 Daly City, CA 94015

Listed below are the state and federal addresses if you wish to file a Title VI complaint directly with one or both of these agencies:

Federal Transit Administration Region IX
 Civil Rights Officer
 201 Mission Street, Suite 1650
 San Francisco, CA 94105-1839

Federal Transit Administration
 Office of Civil Rights
 Title VI Program Coordinator
 East Building, 5th Floor-TCR
 1200 New Jersey Avenue, SE
 Washington, DC 20590

Attachment C

City of Daly City Title VI Limited English Proficiency (LEP) Plan

Introduction

This Limited English Proficiency (LEP) Plan has been prepared to address the City of Daly City's responsibilities as a recipient of federal financial assistance as it relates to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964 and its implementing regulations which states no person in the United States shall be subjected to discrimination on basis of race, color, or national origin.

Four Factor Analyses

The United States Department of Transportation (DOT) issued its Policy Guidelines Concerning Recipient's Responsibilities to Limited English Proficient (LEP) Persons (Federal Register: December 14, 2005, Volume 70, Number 239). This policy states 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 shuttle program. There are four factors the City of Daly City considers when assessing language needs and determining what steps to take to ensure access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient.
2. The frequency with which LEP individuals come into contact with the program.
3. The nature and importance of the program, activity or service provided by the recipient to people's lives.
4. The resources available to the recipient and cost of those resources.

A brief description of the self-assessment undertaken in each of these areas is as follows:

1. Twenty-eight percent of Bayshore's 973 households are considered linguistically isolated. The U.S. Census defines a linguistically isolated household as one with in which no one person 14 years or older speaks English "well" or "very well." Of the 436 households that speak primarily an Asian or Pacific Island language, 44% (192) do not include anyone over the age of 14 who can communicate comfortably in English. Only 10% of Asian and Pacific Islander households speak English as their primary language. There are also 182 households in the project area that speak primarily Spanish. Of these Spanish-speaking households, 40% (72) do not include anyone over age 14 who can speak English comfortably.

2. The shuttle has been in operation since January 2014. To date, the City of Daly City has had zero requests for interpreters and zero requests for translated City of Daly City documents related to the Bayshore Shuttle.
3. Eleven percent of the households in the Bayshore neighborhood do not have access to a car, as compared to 6% in San Mateo County and 8% in Daly City. Residents of both the Bayshore project area and Daly City have relatively high rates of transit use as compared to the State of California and San Mateo County. According to the 2000 U.S. Census, 16% (254 residents) of the Bayshore area population, and an even higher 18% (8,858) of Daly City's population, use public transit for their work commute. In California and the County, public transit use for commute trips is 5% and 7%, respectively.

Bayshore and Daly City residents also use other commute alternatives to driving alone at a higher rate than the state and county. Fifty-eight percent of both Bayshore and Daly City workers drive alone to work, while 72% of California workers and 73% of San Mateo County workers drive alone to work. In addition, the carpool rate in the project area is relatively high at 22%, compared to 20% in Daly City as a whole, 13% in the County, and 15% in the State.

4. The City of Daly City has staff whom are able to provide bilingual assistance and services and will make reasonable efforts to assist those with limited English language proficiency.

Language Assistance Measures

There are various ways in which City of Daly City staff can assist and respond to LEP persons, whether in person, by telephone, or in writing. When these translation services are required, the City will attempt to provide services with bilingual staff, professional translation services, or from other qualified persons.

Monitoring and Updating the LEP Plan

This plan is designed to be flexible and should be viewed as a work in progress. It is important to consider whether new documents and services need to be made accessible for LEP persons and also to monitor changes in demographics and types of services and to update the LEP plan when appropriate. At a minimum, the City of Daly City will follow the Title VI Program requirements.

Daly City also ensures the shuttle operator remains compliant and updates as needed its Title VI plan.