

COUNCIL BILL NO. 3140

RESOLUTION NO. 2164

A RESOLUTION ADOPTING THE UPDATED WOODBURN TRANSIT SYSTEM TITLE VI PROGRAM

WHEREAS, any entity receiving federal dollars, either directly from the Federal Transit Administration (FTA) or through the Oregon Department of Transportation Rail and Public Transit Division must not discriminate based on factors which include, but are not limited to, race, color, national origin, religion, age, marital status, sexual orientation, gender, or disability status; and


WHEREAS, subject entities are required to adopt and submit a Title VI Program meeting requirements established by the FTA every three years; and

WHEREAS, the City of Woodburn previously adopted a Title VI Program on September 25, 2017; **NOW THEREFORE**,

THE CITY OF WOODBURN HEREBY RESOLVES AS FOLLOWS:

Section 1. The updated Woodburn Transit System Title VI Program, dated November 9, 2020 and attached hereto as Exhibit "A", is hereby adopted.

Approved as to form:


City Attorney

11/9/2020
Date


Approved:


Eric Swenson, Mayor

Passed by the Council
Submitted to the Mayor
Approved by the Mayor
Filed in the Office of the Recorder
C

November 9, 2020
November 9, 2020
November 9, 2020
November 9, 2020

ATTEST:


Heather Pierson, City Recorder
City of Woodburn, Oregon



WOODBURN
Transit System

Woodburn Transit System
Title VI Program
November 9, 2020

City of Woodburn
Woodburn Transit System
270 Montgomery Street
Woodburn, Oregon 97071

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Introduction

This program reflects the Woodburn Transit System's commitment to ensuring that no person shall, on the ground of race, color, national origin, religion, age, marital status, sexual orientation, gender, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity provided by the Woodburn Transit System (WTS).

Policy Statement

It is the express policy of the WTS that no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any of its programs or activities on the grounds of race, color, national origin, sex, age, disability, or income, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Federal Aid Highway Act of 1973, Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Executive Order 12898 and Executive Order 13166.

Mel Gregg, Human Resources Director is the Title VI Coordinator for WTS, and can be reached at (503) 982-5231 by phone; at mel.gregg@ci.woodburn.or.us by email; or at 270 Montgomery St, Woodburn, OR 97071 by post.

Title VI Notice to the Public

The Title VI Notice to the Public can be found in **Attachment A** and will be posted at the Woodburn Transit office, on the Woodburn Transit webpage, and on board buses operated by Woodburn Transit System. The notice is provided in both English and Spanish.

Title VI Complaint Procedures

Complaints alleging discrimination which is prohibited under Title VI of the Civil Rights Act of 1964 shall be filed in accordance with the following procedure. The following procedures cover all complaints arising under Title VI. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal meetings between the Title VI Coordinator and affected parties may be utilized for resolution.

These procedures do not deny the right of the complainant after completion of the Title VI complaint process to file a complaint with state or federal agencies or to bring a private action based on the complaint.

1. Any person who believes he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by federal law, may file a complaint with the WTS. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to Title VI Coordinator for review and action.

2. In order to have the complaint considered under this procedure, the complainant must file the complaint no later than 180 days after:
 - a) The date of alleged act of discrimination; or
 - b) Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In either case, WTS may extend the time for filing or waive the time limit in the interest of justice, as long as WTS specifies in writing the reason for so doing.

3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the alleged discrimination. In the event a person makes a verbal complaint of discrimination to an officer or employee of WTS, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to WTS's investigative procedures.

The complaint may be filed in writing with WTS at the following address:

Woodburn Transit System
Human Resources Director
270 Montgomery Street
Woodburn, OR 97071
503-982-5231
mel.gregg@ci.woodburn.or.us

4. Within 10 days, the Title VI Coordinator will acknowledge receipt of the allegation, will determine if the City has jurisdiction over the complaint, whether the complaint is complete and if additional information is needed, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, such as the Oregon Department of Transportation (ODOT) and U.S. Department of Transportation (USDOT).
5. The Title VI Coordinator will advise ODOT and/or USDOT within 10 days of receipt of the allegations. Generally, the following information will be included in every notification to ODOT and/or USDOT:
 - a) Name, address, and phone number of the complainant.
 - b) Name(s) and address(es) of alleged discriminating official(s).
 - c) Basis of complaint (i.e., race, color, national origin, or sex)
 - d) Date of alleged discriminatory act(s).
 - e) Date complaint received by the recipient.
 - f) A statement of the complaint.

- g) Other agencies (local, state, or Federal) where the complaint has been filed.
 - h) An explanation of the actions WTS has taken or proposed to resolve the issue in the complaint.
- 6. Within 60 days, the Title VI Coordinator will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report to the Woodburn City Manager. The report of will include identification of persons interviewed, findings, informal means of resolution attempted and results of such and recommended disposition. The Title VI Coordinator will provide City's investigative report and determination of appropriate action to ODOT and/or USDOT.
 - 7. Within 90 days of receipt of the complaint, the Title VI Coordinator will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with ODOT, or USDOT, if they are dissatisfied with the final decision rendered by WTS.
 - 8. Contact information for the state and federal Title VI administrative jurisdiction is as follows:

ODOT Public Transit Division
555 13th Street NE
Salem, OR 97301
503-986-4305
503-986-4189 fax

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

Record of Title VI investigations, Complaints, or Lawsuits

The City of Woodburn will maintain a list of any and all transit related Title VI investigations, complaints, and lawsuits. The list shall be kept and maintained at the Woodburn City Hall located at 270 Montgomery Street, Woodburn, OR 97071.

Minority Representation on Non-elected Bodies

At this time, the WTS does not have any non-elected bodies, committees, or councils of which it must report racial membership rates. If the Transit system develops any non-elected bodies the City will encourage the participation of minorities in proportion to the minority makeup of the service area. Additionally, the City will maintain a table documenting the racial makeup of membership of such committees.

Title VI Public Participation Plan

The WTS shall strive to include minority and LEP (Limited English Proficiency) individuals in its decision-making processes. This includes outreach to minority groups in Woodburn and the surrounding area.

Summary of Ongoing Public Participation Efforts and Outreach

In accordance with Oregon public meetings law, all public meetings, including budget committee and City Council meetings where resource allocation and transportation planning discussions and actions are taken, are open to the general public. Accommodations are available for those with limited English proficiency if requested in advance of the meeting.

Passenger Surveys

WTS conducts onboard rider and general awareness surveys occasionally, in both English and Spanish.

Bilingual Outreach

The City maintains a list of fluent Spanish-speaking employees, and can contract for Spanish interpreters, if necessary. Additionally, the City's Outreach Coordinator has responsibility for coordinating the City's communication and outreach activities with the Spanish speaking population.

Phone Access

The City has a contract with the translation service "Language Line" for phone calls taken from LEP individuals.

Schedules translated in Spanish

The current service schedule includes a Spanish section. New service schedules will be provided in English and Spanish and made available via paper brochures and on the WTS website.

Woodburn Transit System Limited English Proficiency Outreach Plan

WTS is required to take responsible steps to ensure meaningful access to the benefits, services, information and other important portions of our programs and activities of individuals who are Limited English Proficient (LEP). WTS consulted the USDOT's LEP Guidance and performed a four factor analysis of our contact with the public to determine the appropriate mix of LEP services to offer.

Four Factor Analysis:

Factor 1: The number or proportion of LEP persons in the service area.

Step 1: Prior experience with LEP individuals. Over the past year, our dispatchers have taken approximately 2 calls per week from LEP persons which have required the use of an interpreter.

Step 2: Data was gathered from the following sources to identify information on persons who speak languages other than English at home and those who speak English less than well or not at all and would be classified as Limited English Proficient or “LEP”:

a. U.S. Census Bureau’s American Community Survey-American Factfinder data

A review of the 2018 American Community Survey data (<http://factfinder.census.gov>) on the numbers of limited English proficient or LEP persons revealed that in Woodburn, Oregon the number of people over age 5 who speak a language other than English at home was 54.4% of the total population 5 and over in Woodburn. The same data shows that 25.1% of the Woodburn population over age 5 speak English less than “very well.” The data indicates the most common language other than English spoken at home for population over 5 is Spanish, with 49%. (Source: American Community Survey 5-Year Estimates, S1601, Woodburn, Oregon).

Factor 2: The frequency with which LEP individuals come into contact with the service.

Woodburn Transit serves LEP persons daily through transit and paratransit services. Over the past year, our dispatchers took approximately 2 calls per week from LEP persons which have required the use of an interpreter.

Factor 3: The importance of the service to LEP persons.

Woodburn Transit provides important transit services to the public through its fixed route and complementary paratransit programs. Woodburn Transit is one of a few public transportation providers that serve the City of Woodburn and provides a link between residential areas, commercial centers, healthcare facilities, educational campuses, and social service offices. Language barriers would most affect users of the complementary paratransit system as reservations for the system are taken via telephone. The complementary paratransit portion of Woodburn Transit provides approximately 52% of the total rides provided through the Woodburn Transit System.

Factor 4: The resources available to the recipient of the federal funds to assure meaningful access to the service by LEP persons

WTS currently provides some information in Spanish through bus schedules, the transit website, and information on the buses. The City of Woodburn maintains a list of employees who are fluent in Spanish and other languages, and professional translation services are available if required. WTS also contracts with “language line” to assist LEP individuals with phone inquiries.

Processes for providing language assistance services by language

Based on the four factor analysis, WTS recognizes the need to continue providing language services. A review of WTS relevant programs, activities and services that are being offered by the City as of October 2020 include:

- If a bilingual employee is unavailable, the City has a contract with the translation service “Language Line” for phone calls taken from LEP individuals
- Spanish speaking translators who work for the City are available upon request during normal business hours
- Route and schedule information are available in Spanish on the Woodburn Transit website
- Community surveys are available in Spanish language

Based on the demand for alternate language services, and considering the limited budget of the Woodburn Transit programs, other activities and services that will be developed in the next three years include:

- Transit surveys conducted by Woodburn Transit will be available in Spanish
- Future route maps will be available in both English and Spanish
- Bilingual employees will continue to be available to provide written and verbal translation services

Woodburn Transit's outreach and marketing initiatives have yielded a list of community organizations that serve populations with limited English proficiency. The following list of community organizations will be contacted to assist in gathering information and see what services are most frequently sought by the LEP population:

- Woodburn Public School District
- Hispanic Advisory Council
- Woodburn Area Chamber of Commerce

Providing notice to LEP's of language assistance

Notice will be placed on the transit buses, transit website, and on the bus schedules, and brochures announcing the availability of Language assistance.

Monitoring, evaluating and updating LEP

Woodburn Transit staff will contact the community organizations that serve LEP persons, as well LEP persons themselves, and also perform a four factor analysis every three years to identify what, if any, additional information or activities might better improve transit services to assure non-discriminatory service to LEP persons. WTS will then evaluate the projected financial and personnel needed to provide the requested services and assess which of these can be provided cost-effectively.

Training Employees

Woodburn Transit will train all employees, staff and volunteers to proficiency regarding the need and availability of language assistance to LEP individuals who use the service. Employees will be encouraged to use the services provided when contact with LEP individuals prevents or hinders communication. This training will be provided at least annually.

Primary recipients and monitoring sub recipients

Currently the City of Woodburn is not a primary recipient of FTA funds and does not have any sub-recipients.

Title VI equity analysis

There are no current planned facilities or construction projects that require a Title VI equity analysis.

Service Standards

Vehicle Load for Each Mode Standard (expressed as a ratio)

The peak-hour vehicle load standards by mode for Woodburn Transit System are: Vehicle Load Standards are expressed as a ratio. (A 40 passenger bus that allows 12 standees would have a load standard of 1.3)

Fixed Route (35 passenger bus)	1.2
Express (8 passenger van)	.75
Demand Response (8 passenger van)	.75
Demand Response (4 passenger van)	.5

Vehicle Headway for Each Mode (Time between vehicles on same route)

Fixed Route (35 passenger bus)	1 hour
Express (8 passenger van)	30 min
Demand Response (8 passenger van)	n/a
Demand Response (4 passenger van)	n/a

On Time Performance for Each Mode

	May Run Early (yes/no)	On-time Consideration
Fixed Route (35-passenger bus)	NO	<10 minutes behind
Paratransit (16 passenger van)	NO	(+or -) 5 minutes
Demand Response (16 passenger van)	YES	(+or -) 15 minutes
Demand Response (4 passenger van)	YES	(+or -) 15 minutes

Service Availability for Each Mode

The Woodburn Transit System provides equitable service availability to customers within the service area.

Distribution of Transit Amenities for Each Mode

The Woodburn Transit System has a policy to distribute transit amenities equally across the system. Any new amenities will be distributed equally across the system without regard to race or national origin of users from that service area. This applies to:

- Seating and benches at stops and stations
- Bus shelters
- Provision of information including maps, route maps, and schedules
- Waste receptacles.

Vehicle Assignment for Each Mode

The Woodburn Transit System sets a policy of vehicle assignment for each mode without regard to race, color, national origin, religion age, marital status, sexual orientation, gender, or disability of users from that service area. Woodburn Transit will assign vehicles with higher capacity to routes with higher ridership. Age of the vehicles will only be considered a factor when assigning vehicles to routes.

Attachment A

Notifying the Public of Rights under Title VI City of Woodburn, Oregon

- The City of Woodburn operates its 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 they have been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of Woodburn.
- For more information on the City of Woodburn's Civil Rights Program and/ or the procedures for filing a complaint, contact Mel Gregg, Human Resources Director at (503) 982-5231 or mel.gregg@ci.woodburn.or.us or visit Woodburn City Hall at 270 Montgomery St, Woodburn, OR 97071.
- A complaint may also be filed directly with the Federal Transit Administration's Office of Civil Rights at:

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

- If information is needed in another language, please contact the City of Woodburn's community outreach office at (503) 982-5233.

Notificación al Público bajo Los Derechos de Título VI Ciudad de Woodburn, Oregon

- Los programas y servicios de la Ciudad de Woodburn funcionan sin ninguna consideración por motivos raciales, de color y origen nacional de acuerdo con el Título VI de los Derechos Civiles de 1964. Alguna persona que cree que fue ofendido de una práctica discriminatoria ilegal bajo este Título VI puede presentar una queja con la Ciudad de Woodburn.
- Para más información tocante el Programa de Derechos Civiles de la Ciudad de Woodburn y/o para saber el proceso de presentar una queja, comuníquese con Mel Gregg, Director de Recursos Humanos al (503) 982-5231 o por correo electrónico al mel.gregg@ci.woodburn.or.us o visítenos en el Ayuntamiento de la Ciudad al 270 Montgomery St., Woodburn, OR 97071.
- Una queja también se puede presentar con las Oficinas de Derechos Civiles de la Administración Federal de Transito al:

*Oficinas de Derechos Civiles de la Administración Federal de Transito
Atentamente: Coordinador del Programa Title VI
East Building, 5th Floor – TCR*

1200 New Jersey Avenue, SE
Washington, DC 20590

- Si necesita la información en otra idioma por favor comuníquese con la oficina del Agente Comunitario al 503-982-5233.

Attachment B

City of Woodburn Title VI Complaint Form

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____

Were you discriminated against because of your:

☐ Race/Ethnicity

□ National Origin

☐ Gender

☐ Religion

☐ Age

☐ Disability

☐ Other: _____

To your best recollection, date and time of alleged incident: _____

Explain as clearly as possible what happened and how you were discriminated against. Indicate who was involved and if applicable, the transit route and vehicle. Be sure to include the names and contact information of any witnesses. If more space is needed, please use additional pages.

[illegible]

Have you filed this complaint with any other federal, state or local agency or with any court? ☐ Yes ☐ No

If yes, check and identify all that apply:

- ☐ Federal Agency _____
- ☐ Federal Court _____
- ☐ State Agency _____
- ☐ State Court _____
- ☐ Local Agency _____

Please provide information for a contact person at the Agency or Court where the complaint was filed.

Name: _____

Address: _____

City, State, & Zip Code: _____

Telephone Number: _____

Please sign below (We cannot accept unsigned complaints). You may attach any additional written materials or other information you believe is relevant to your complaint.

Signature

Date

Please mail this form to or email:

Human Resources Director
City of Woodburn
270 Montgomery St
Woodburn, OR 97071

hr@ci.woodburn.or.us

