

# **KLAMATH BASIN SENIOR CITIZENS' CENTER POLICY**

## **TITLE VI Program Management**

Board Approval: September 2020  
Revised February 2021

### **References:**

Department of Transportation Circular 1000.12.B (November 1, 2019) *The Department of Transportation Title VI Program*

Nondiscrimination statement,  
complaint forms and instructions on filing a complaint at end of document.

## **1. PURPOSE**

**1.1** The purpose of this policy is to establish guidelines to effectively monitor and ensure that Klamath Basin Senior Citizens' Center (KBSCC) is in compliance with all FTA Title VI requirements and regulations in order to carry out the provisions of the Department of Transportation's (DOT) Title VI Regulations at 49 CFR Part 21 to ensure that no person in the United States, based on race, color, or national origin, is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program that DOT financially assists. Parts of this program are carried out in collaboration with the Basin Transportation Services District (AKA Basin Transit Service) or (BTS).

## **2. POLICY**

**2.2** Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or nation origin in programs or activities receiving federal financial assistance. Presidential Executive Order 12898 addresses environmental justice in minority and low-income populations. Presidential Executive Order 13166 addresses services to those individuals with Limited English Proficiency. These Presidential Executive Orders fall under the umbrella of Title VI. The Environmental Justice Policy Guidance for Federal Transit Administration Recipients (FTA C 4703.1 provides further guidance to incorporate environmental justice principles in plans, projects and activities that receive funding from FTA.)

**2.3** Discrimination refers to any action or inaction, whether intentional or unintentional, in any program of a recipient of Federal financial assistance, the effect of which is that programmatic benefits and services are denied, excluded, or otherwise made unavailable based on race, color, or national origin; or such action or inaction has the effect of imposing artificial, arbitrary, and unnecessary barriers to the accomplishment of the objectives of the program or activity with respect to individuals of a particular race, color, *or* national origin.

**2.4** KBSCC is committed to creating and maintaining public transportation that is free of all forms of discrimination. No person or group of persons shall be discriminated against with regard to routing, scheduling or the quality of transportation service provided by KBSCC. KBSCC will take whatever preventive, corrective or disciplinary action necessary for behavior that violates this policy or the rights and privileges designed to protect.

**2.5** Every application for financial assistance from the FTA is accompanied by an assurance that KBSCC will carry out the program in compliance with Title VI of the Civil Rights Act of 1964. This requirement is fulfilled annually when the applicant submits its certifications and assurances to the FTA via Oregon Department of Transportation Rail and Public Transit Division (ODOT RPTD)

### **3. OBJECTIVES**

**3.1** KBSCC established a Title VI Program in accordance with Department of Transportation regulation 49 CFR Part 21. KBSCC is the recipient of federal financial assistance from the Department of Transportation and as a condition of receiving this financial assistance KBSCC signed an assurance that it will carry out the program in accordance with requirements of Title VI of the Civil Rights Act of 1964.

**3.2** The primary objectives of KBSCC's Title VI Plan are to:

**3.2.1** Ensure that the level and quality of transportation service is provided without regard to race, color or national origin.

**3.2.2** Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of plans, projects and activities on minority populations and low-income populations

**3.2.3** Promote the full and fair participation of all affected populations in transportation decision making

**3.2.4** Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority population or low-income populations

**3.2.5** Ensure meaningful access to program and activities by persons with Limited English Proficiency (LEP)

### **4. PROGRAM**

#### **4.1 Providing information**

**4.1.1** KBSCC shall provide information to the public regarding Title VI obligations and advise members of the public of the protections against discrimination afforded to them by Title VI.

List of locations where notice is posted:

All KBSCC transportation vans (interior)  
KBSCC Building main lobby  
Online at [www.klamathseniorcenter.com](http://www.klamathseniorcenter.com)

**4.1.2** KBSCC is required to submit a Title VI update every three (3) years to determine compliance with ODOT RPTD as part of KBSCC's Title VI Program to ensure adherence to law and regulation.

**4.1.3** KBSCC will provide instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form to be available online.

## **4.2 Title VI Investigations and Complaints**

**4.2.1** KBSCC shall establish and publish the guidelines and procedures consistent with 28 CFR § 42.408 and 49 CFR §§ 21.11 through 21.17, DOT's External Civil Rights Complaint Processing Manual and the DOT General Counsel's February 15, 2019 Memorandum for Secretarial Officers and Heads of Operating Administrations concerning Procedural Requirements for DOT Enforcement Actions (and any corresponding regulations) for the prompt processing and disposition of Title VI complaints on its website.

**4.2.3** A complaint must meet the following criteria for acceptance:

- a. The Complaint must be filed within 180 days of alleged occurrence;
- b. The allegation must involve a covered basis such as race, color or national origin.

**4.2.4** A complaint may be dismissed for the following reasons:

- a. The Complainant requests the withdrawal of the complaint.
- b. The Complainant fails to respond to repeated requests for additional information needed to process the complaint.
- c. The Complainant cannot be located after reasonable attempts.

## **4.3 Procedures for complaints**

**4.3.1** It is the policy of KBSCC to provide an orderly process whereby problems and complaints will be considered as fairly and rapidly as possible without fear of retaliation. Every effort will be made to fund an acceptable solution by informal means at the lowest possible level.

**4.3.2** KBSCC has developed procedures for investigating and tracking Title VI complaints filed against them. These procedures are as follows:

**4.3.2.1** Any person who believes he/she has been discriminated against based on race, color, or national origin by KBSCC may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form (Appendix A). Submission may be by mail, drop off, or email. KBSCC investigates each complaint within 24 hours after the alleged incident. KBSCC will only process a complete complaint(s).

**4.3.2.2** Once Title VI Complaint Coordinator (the KBSCC Executive Director) receives the complaint, a supervisor is assigned the case. If more information is needed to resolve the case,

KBSCC may contact the complainant. After the investigator reviews the complaint, he/she will issue one of two letters: a closure letter or a letter of finding. A closure letter summarizes the allegations and states that there was not a Title VI violation and the case is closed. A letter of finding summarizes the allegations and the interviews regarding the alleged incident. It explains whether any disciplinary action, additional training of the staff or other action will occur. If the complainant wishes to appeal the decision, he/she has 30 days after the date of the letter or the letter of finding to the Executive Director.

4.4 A person may also file a complaint directly with the Federal Transit Administration, the Oregon Department of Transportation or Basin Transportation Services District.

FTA Office of Civil Rights  
1200 New Jersey Avenue SE  
Washington, DC 20590  
1-866-377-8642

Oregon Department of Transportation  
Office of Civil Rights, Title VI Office  
355 Capital Street NE  
Salem, OR 97301  
(503) 986-3169

Basin Transit Service  
1130 Adams Street  
Klamath Falls, Oregon 97601  
(541) 882-9630

## **4.5 Record Keeping Requirements**

**4.5.1** KBSCC shall maintain a log of Title VI complaints filed with it, and with its recipients, identifying each complainant by race, color, or national origin; the recipient; the nature of the complaint; the date the complaint was filed and the investigation completed; the disposition; the date of disposition; and other pertinent information. The log shall include the date of filing, a summary of the allegation(s), the status, and actions taken by the recipient in response and be maintained by the Executive Director. As of February 8, 2021, there are no Title VI complaints.

## **4.6 Public Participation Plan**

**4.6.1** KBSCC will seek out and consider the viewpoints of minority, low-income, and limited English proficiency (LEP) populations in the course of conducting public outreach and involvement activities. KBSCC will comply with grant-related public involvement requirements as defined by grant application documents. KBSCC will accomplish this in collaboration with Basin Transit Service in the following manner:

**4.6.2** Identification of social, economic, and environmental impacts of KBSCC's proposed transportation changes.

**4.6.3** Adequate public notice of public involvement activities and time for public review and comment at key decision points including persons with low-income, minority populations and those with Limited English Proficiency (LEP).

**4.6.4** Contact of agencies and individuals who are or who represent minorities, people with low-incomes and people with low English proficiency to participate in KBSCC's program.

**4.6.5** An annual summary of outreach efforts will be part of this plan effective December 2020. Current efforts are planned and will be executed effective October 2020 and reported on.

#### **4.7 Meetings**

**4.7.1** All meetings shall be held in accessible locations, at convenient meeting times and with appropriate notice. Meeting materials are prepared in alternative formats for people with disabilities if requested and adhere to the following:

**4.7.1.1** KBSCC shall provide adequate public notice

**4.7.1.2** All meeting agendas will include time for public comment arrangements made in advance. The meetings are open to the public; the meeting schedule and agenda are published and a contact number are posted on KBSCC's website

**4.7.1.3** When possible, committee members will represent people with disabilities, American Indian tribes, and people with low-income, seniors, local government and local transit agencies.

**4.7.1.4** Offer time for adequate review of material at key decision points.

**4.7.1.5** Demonstrate explicit and considered responses to input by maintaining documentation of responses.

#### **4.8 Title VI Language Assistance Plan**

**4.8.1** Limited English Proficiency (LEP) is a term used to describe people who do not speak English as their primary language and who also may have limited ability to read, write, or understand English.

**4.8.2** Presidential Executive Order (EO) 13166 – Improving Access to Services for Persons with Limited English Proficiency (LEP) is directed at implementing the protections afforded by

Title VI of the Civil Rights Act of 1964 and related regulations. Discrimination in providing services to LEP persons is covered in Title VI under national origin discrimination.

**4.8.3** The 1987 Civil Right Restoration Act broadened the coverage of Title VI to include all of the federal fund recipient's programs and activities, whether they are federally funded or not.

**4.8.4** EO 13166 states that recipients must provide LEP persons an equal opportunity to benefit from and ensure meaningful access to its programs and services that are normally provided in English.

**4.8.5** Limited English Proficiency (LEP) users interact with KBSCC's transportation services within a mixture of the City of Klamath Falls and immediate housing surrounding Klamath Falls called the Urban Growth Boundary serving an approximate population of 45,000.

**4.8.6** Regulation indicates that a recipient may conduct an individualized assessment that balances the following four factors:

**4.8.6.1** FACTOR 1: The number or proportion of LEP persons served or encountered in the eligible service population ("served or encountered" includes those persons who would be served or encountered by the recipient if the persons received adequate education and outreach and the recipient provided sufficient language services)

**4.8.6.2** FACTOR 2: The frequency with which LEP persons come into contact with the program

**4.8.6.3** FACTOR 3: The nature and importance of the program, activity, or service provided by the program

**4.8.6.4** FACTOR 4: The resources available and costs to the recipient.

**4.8.7** KBSCC/BTS's Four Factor Analysis

**4.8.7.1** Summary of Findings: KBSCC and BTS provide public transportation services for the City of Klamath Falls and the immediate surrounding Klamath Falls Urban Growth Boundary (UGB). The U.S. Census Bureau estimates for 2019 vintage year (vintage year refers to the final year of the series (2010 thru 2019) show that 13.8 % of Klamath County residents identified themselves as being of Hispanic or Latino origin. 6.1% of the population reports to speaking a language other than English at home as recorded on the 2014-2018 U.S. Census Bureau report and the 2018 ACS estimates subject table outlines that 3.3% of the population speak Spanish.

**4.8.7.2** Factor 1. Demography or the number or proportion and LEP persons served and languages spoken in the service area.

U.S. Census's American Community Survey (ACS) 2018 data for Klamath County

CITIZENS 18 YEARS AND OVER	Population	Percentage
All citizens 18 years old and over	50,411	
Speak only English	47,997	95.20%
Speak a language other than English	2,414	4.80%
Spanish	1,687	3.30%
Other languages	727	1.40%

**4.8.8.3 Factor 2. Frequency of contact with LEP customers**

The service area of KBSCC and BTS has long had a population of Spanish speaking customers. Spanish is the only language that is currently identified requiring attention.

KBSCC/BTS do not currently have data in regards to contact frequency with LEP individuals.

The organization will utilize the results of a survey to be launched no later than December 2020 by the Basin Transit Service to identify services are used more predominantly by LEP users.

**4.8.7.3 Factor 3. Importance of the program or service affect people's lives**

4.8.7.3.1 The services provided by KBSCC include demand responsive services within its service area. The service area population is approximately 45,000. Common destinations of riders include medical offices or services, hospital, courts, medical, entertainment, shopping, schools, college, links to other existing modes of transportation and KCSCC itself.

**4.8.7.4 Factor 4. Resources and Costs**

4.8.7.4.1 The decision to provide language assistance services should include an assessment of the number or proportion of LEP persons from a particular language group served or encountered in the surrounding community area.

4.8.7.4.2 KBSCC meets federal regulations by collaborating with its primary funder, Basin Transit Service, in distributing publications and materials relating to transportation services in multiple languages as appropriate.



4.8.7.4.3 Furthermore, KBSCC collaborates with Basin Transit Service leverages resources to assist LEP users by developing materials to educate both community leaders who serve Spanish speaking LEP populations and LEP community members.

## **4.9 General Strategy**

**4.9.1** This program will utilize existing networks within the Spanish-speaking community to contact, engage, and educate community leaders serving Spanish-speaking LEP populations and LEP community members about KBSCC's and Klamath Basin Transit's services and programs. These include: community-based organizations, churches, social clubs, business organizations and state, county and city social service agencies. Currently, all non-elected members of all transit-related planning boards, advisory councils or committees are English Speaking Caucasians but a proactive effort to have a more diverse population is in effect. A table depicting breakdown of racial representation will be constructed in 2021 based on the effort's outcome.

### **4.9.2 Program Elements**

#### **4.9.2.1 Outreach – External Stakeholders:**

- Community based organizations serving Spanish-speaking LEP populations
- Rural Spanish-speaking LEP communities
- BTS Hispanic Advisory Board
- State, county, and city governments
- Bilingual Basin Transit Service staff person at public hearings, open houses, and other service outreach activities when available or upon request

#### **4.9.3 Outreach – Internal Stakeholders:**

- Employee training
- Service and scheduling
- Media – Include Spanish when promoting KBSCC when feasible
- Translation of pertinent information
- Bus Riding Rules and Bus Safety information published in English will also be published in Spanish when requested.
- Printed materials available in English will also be made available in Spanish when requested : Bus Schedules (to include fare information),
- Title VI Complaint information

## **4.10 Demand Responsive Policies**

### **4.10.1 Vehicle Load Standards**

**4.10.1.1** The average of all loads during the peak operating period does not exceed the vehicles' achievable capacity.

### **4.10.2 Vehicle Headway Standards and Periods of Operation**

4.10.2.1.1 KBSCC's Public Transportation operates within the Urban Growth Boundary, (UGB) of Klamath County. Transit service provided by KBSCC includes Demand Responsive Services and the referral to BTS when appropriate for Fixed Route, Para-Transit and Extended Service for outlying areas. Days and hours of operations for all services; Monday through Friday, 8:00 am to 4:30 pm, Fridays; 9:00 am to 2:00 pm on Friday, dispatching hours 7:00 am to 3:30 pm Monday through Thursday and 7:00am to 12:00 pm on Fridays. KBSCC does not provide service on Saturday or Sunday.

### **4.10.4 Service Availability Standards**

**4.10.4.1** The service area includes the City of Klamath Falls, surrounding suburban neighborhoods and other locations within the Urban Growth Boundary of Klamath County. Services provided by KBSCC demand responsive services. All vehicles are fully ADA accessible.

### **4.10.5 Service Policy**

**4.10.5.1** It is the commitment of KBSCC to maintain vehicles and equipment in excellent condition in accordance with manufacturer's recommendations to provide safe, reliable transportation, effective and efficient service to the community protecting the public investment in that equipment.

**4.10.5.2** Program elements: Pre-trip inspections, basic service routines, vehicle cleaning, repairs, documentation, and analysis.

## **Title VI Notice**

### **Klamath Basin Senior Citizens' Center, Inc.**

Klamath Basin Senior Citizens' Center, Inc. (KBSCC) provides services without regard to race, color, or national origin in accordance with Title VI of the Civil Rights Act. Any person who believes he or she subjected to any unlawful discriminatory practice under Title VI may file a complaint with KBSCC.

For more information on KBSCC's civil rights program and obligations and procedures to file a complaint, call 541-883-7171, email [seniorcenter@kbscc.org](mailto:seniorcenter@kbscc.org), or in person at 2045 Arthur Street, Klamath Falls, Oregon.

A person may also file a complaint directly with the Federal Transit Administration: Office of Civil Rights, Attn: Title VI Program Coordinator, East Building, 5<sup>th</sup> Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590

## **Aviso del Título VI**

### **Klamath Basin Senior Citizens' Center, Inc.**

Klamath Basin Senior Citizens' Center, Inc. (KBSCC) provee servicios sin tener en cuenta la raza, el color o el origen nacional de acuerdo con el Título VI de la Ley de Derechos Civiles. Cualquier persona que crea que está sujeto a cualquier práctica discriminatoria ilegal bajo el Título VI puede presentar una queja ante KBSCC.

Para obtener más información sobre el programa de derechos civiles y las obligaciones y procedimientos de KBSCC o para presentar una queja, comuníquese al 541-883-7171, envíe un correo electrónico [seniorcenter@kbacc.org](mailto:seniorcenter@kbacc.org), visítenos en línea o en persona en 2045 Arthur Street Klamath Falls, Oregon 97603

Una persona también puede presentar una queja directamente ante la Administración Federal de Tránsito: Oficina de Derechos Civiles, Attn: Coordinador del Programa Título VI, East Building, 5<sup>th</sup> Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590

KLAMATH BASIN SENIOR CITIZENS' CENTER

TITLE VI COMPLAINT FORM

APPENDIX A

Section I

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone (Home): \_\_\_\_\_  
Telephone (Work): \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

Accessible Format                      Large Print \_\_\_\_\_ Audio Tape \_\_\_\_\_  
Requirements?                      TTY \_\_\_\_\_ Other \_\_\_\_\_

Section II

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 \_\_\_\_\_

Section III

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

[   ] Race    [   ] Color    [   ] National Origin

Date of Alleged Discrimination (Month, Day, Year): \_\_\_\_\_

Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all person(s) who were involved, including the name and contact information of the person(s) who discriminated against you (if known). List

name(s) and contact information of any witnesses. If more space is needed, please use the back of this form.

#### Section IV

Have you previously filed a Title VI complaint with this agency? Yes \_\_\_\_ No \_\_\_\_

#### Section V

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 and enter name of agency or court:

☐ Federal Agency: ☐ Federal Court ☐ State Agency ☐ State Court

☐ Local Agency

Please provide information about a contact person at the agency or court where the complaint was filed:

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

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

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

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

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

#### Section VI

Name of agency complaint is against: \_\_\_\_\_

Contact person: \_\_\_\_\_

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

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

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

Signature and date required below

_____	_____
Signature	Date

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

Klamath Basin Senior Citizens' Center, Inc.  
2045 Arthur Street  
P.O. Box JE

Klamath Falls, Oregon 97602  
Email: [seniorcenter@kbscc.org](mailto:seniorcenter@kbscc.org)

**KLAMATH BASIN SENIOR CITIZEN'S CENTER, INC.**

**FORMULARIO DE QUEJA DEL TÍTULO VI**

**APPENDIX A**

**Sección I**

Nombre: \_\_\_\_\_  
Dirección: \_\_\_\_\_  
Teléfono: \_\_\_\_\_  
Teléfono(trabajo): \_\_\_\_\_  
Dirección de correo electrónico: \_\_\_\_\_

**Sección II**

¿Está presentando esta queja en su propio nombre? Sí \_\_\_\_ No \_\_\_\_  
(Si respondió "Sí" a esta pregunta, vaya a la Sección III.)

Si no es así, proporcione el nombre y la relación de la persona de la que se queja:

\_\_\_\_\_

Por favor, explique por qué ha presentado una pregunta para un  
tercero: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Confirme que ha obtenido el permiso de la parte agraviada si está presentando en nombre de un  
tercero. Yes \_\_\_\_ No \_\_\_\_

**Sección III**

Creo que la discriminación que experimenté se basó en (marque todo lo que corresponda):  
☐ Raza ☐ Color ☐ Origen Nacional

Fecha de la supuesta discriminación (mes, día, año): \_\_\_\_\_

Explique con la mayor claridad posible lo que sucedió y por qué cree que fue discriminado. Describa a todas las personas involucradas, incluyendo el nombre y la información de contacto de la(s) persona(s) que lo discriminaron (si se conocen). Liste nombre(s) e información de contacto de cualquier testigo. Si se necesita más espacio, utilice la parte posterior de este formulario.

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#### Sección IV

¿Ha presentado previamente una queja de Título VI ante esta agencia? Sí \_\_\_\_ No \_\_\_\_

#### Sección V

¿Ha presentado esta queja ante cualquier otra agencia federal, estatal o local, o con cualquier tribunal federal o estatal? ☐ Sí ☐ No

En caso afirmativo, marque todos los que correspondan e introduzca el nombre de la agencia o tribunal:

☐ Agencia Federal: ☐ Tribunal Federal ☐ Agencia Estatal ☐ Tribunal Estatal  
☐ Agencia Local

Proporcione información sobre el contacto en la agencia o tribunal donde se presentó la queja:

Nombre: \_\_\_\_\_  
Título: \_\_\_\_\_  
Agencia: \_\_\_\_\_  
Dirección: \_\_\_\_\_  
Teléfono: \_\_\_\_\_

Adjunte cualquier material escrito u otra información que crea que es relevante para su queja.

Firma y fecha requeridas a continuación

\_\_\_\_\_ Fecha de firma

Por favor envíe este formulario en persona en la siguiente dirección, o envíe este formulario a:

Klamath Basin Senior Citizens' Center, Inc.  
2045 Arthur Street  
P.O. Box JE

Klamath Falls, Oregon 97602  
Email: [seniorcenter@kbscc.org](mailto:seniorcenter@kbscc.org)