

CITY OF RAPID CITY TITLE VI PLAN

Submitted to:
Federal Transit Administration
Region 8
12300 West Dakota Avenue, Suite 310
Lakewood, CO 80228-2583

November 1, 2008

RECIPIENT INFORMATION

RECIPIENT: City of Rapid City
SUBMITTAL DATE: November 1, 2008
EXPIRATION YEAR: October 1, 2011

CONTACT INFORMATION:

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Transit Manager
Rapid Transit System
City of Rapid City
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I. PROVISION OF TITLE VI ASSURANCES

The City of Rapid City hereby certifies that, as a condition of receiving Federal financial assistance under the Urban Mass Transportation Act of 1964, as amended, it will ensure that:

- a. The City of Rapid City shall submit on an annual basis, their Title VI Assurance, as part of their annual Certification and Assurance submission to the FTA.
- b. No person, on the basis of race, color, or national origin, will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.
- c. The City of Rapid City will compile, maintain, and submit in a timely manner, Title VI information required by FTA Circular 4702.1A and in compliance with the Department of Transportation's Title VI Regulation, 49 CFR, Part 21.7.
- d. The City of Rapid City will make it known to the public that those persons or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Federal Transit Administration and/or the U.S. Department of Transportation.

II. TITLE VI COMPLIANCE HISTORY

- a. There are no outstanding lawsuits or complaints naming the City of Rapid City which allege discrimination on the basis of race, color or national origin with respect to service or other transit benefits.
- b. There are no pending applications for Federal Transit Administration (FTA) federal financial assistance, and there is no federal financial assistance currently being provided to the City of Rapid City other than that being supplied by the FTA through the 5307 & 5309 programs respectively.
- c. During the course of the last three (3) years, there have not been any civil rights compliance review activities conducted with respect to the City of Rapid City and there are no ongoing civil rights compliance review activities being conducted with respect to the City.
- d. There are currently no pending construction projects which would negatively impact minority communities being performed by the City.

III. INCORPORATION OF THE PROGRAM

The City of Rapid City (hereinafter referred to as the "CITY") hereby agrees that, as a condition to receiving any Federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations"), and other pertinent directives. 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 for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Transit Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) of the Regulations.

More specifically, and without limiting the above general assurance, the CITY hereby gives the following specific assurances with respect to its Federal Transit Administration program:

- a. That the CITY agrees that each "program" and each "facility", as defined in subsections 21.23(e) and 21.23(b) of the Regulations will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated, in compliance with all requirements imposed by, or pursuant to, the Regulations.
- b. That the CITY shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal Transit Administration programs and, in adapted form in all proposals or negotiated agreements:

The CITY, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders/proposers that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to the invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

- c. That the CITY shall insert the clauses as provided in a prior submittal dated September 5, 2005, as **APPENDIX A** in every contract subject to this Act and the Regulations.
- d. That the CITY shall insert the clauses as provided in a prior submittal, dated September 5, 2005, as **APPENDIX B**, as a covenant running with the land, in any deed from the United States affecting a transfer of real property, structures, or improvements thereon, or interest herein.
- e. That where the CITY receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
- f. That where the CITY receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
- g. That the CITY shall include the appropriate clauses as provided in a prior submittal, dated September 5, 2005, as **APPENDIX C**, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the CITY with other parties: (a) for the subsequent transfer of real property acquired or improved under Federal Transit Administration programs; and (b) for the construction or use of, or access to, space on, over, or under real property acquired, or improved under Federal Administration programs.
- h. That this assurance obligates the CITY for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the CITY or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the CITY retains ownership or possession of the property.
- i. The CITY shall provide for such methods of administration for the programs as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
- j. The CITY agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

- k. The CITY assures that the level and quality of transit service and related benefits are provided in a manner consistent with Title VI of the Civil Rights Act of 1964.

THESE ASSURANCES are given in consideration of, and for the purpose of, obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the recipient by the Department of Transportation under the Federal Administration and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Transit Administration programs.

The person whose signature appears below, is authorized to sign these assurances on behalf of the grant applicant or recipient.

Date:

Alan Hanks, Mayor
City of Rapid City

ATTEST:

Date:

Jim Preston, Finance Officer
City of Rapid City

IV. GENERAL GUIDELINES/REQUIREMENTS

a. Annual Certification and Assurance

As stated in Section I, the CITY shall submit annually, their Title VI assurance, as part of their annual Certification and Assurance submission to the FTA. The most recent submission for the CITY was approved by the Mayor on November 19, 2008 and was submitted to the FTA on that date.

b. Complaint Procedures

In compliance with 49 CFR Section 21.9(b), the CITY has developed procedures for investigating and tracking Title VI complaints filed against them. Such procedures shall be made available to the public upon request. The CITY complaint procedures and complaint form are contained herein as **APPENDIX D.**

c. Record Title VI Activities

In compliance with 49 CFR Section 21.9(b), the CITY shall prepare and maintain a list of any active investigations conducted by entities other than the FTA, lawsuits, or complaints naming the CITY that allege discrimination on the basis of race, color, or nation origin. Such list shall include:

- 1) Date the investigation, lawsuit, or complaint was filed;
- 2) Summary of the allegation(s);
- 3) The status of the investigation, lawsuit, or complaint; and
- 4) Actions taken by the CITY in response to the investigation, lawsuit or complaint.

d. Access for LEP Persons

The CITY shall take steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP). The CITY will assist persons with limited English proficiency to participate in the transportation planning process. The CITY will make every effort to provide translators and document translation, where feasible, upon request.

e. Public Notification

In compliance with 49 CFT Section 21.9(d), the CITY shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by the Title VI. The CITY complaint procedures and public notification information are contained herein as **APPENDIX D.**

f. Additional Information

The CITY acknowledges that, at the discretion of the FTA, information other than that which is required by FTA C 4702.1A, may be requested in writing of the CITY, to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI.

g. Timely Submission

The CITY acknowledges that their Title VI submissions and/or updates thereto, shall be supplied to their FTA Regional Office once every three (3) years. The submission shall include, but is not limited to:

- 1) A summary of public outreach and involvement activities undertaken since the last submission and a description of steps taken to ensure that minority and low-income people had meaningful access to these activities;
- 2) The CITY's process for persons with limited English proficiency (LEP);
- 3) Title VI Complaint and tracking procedures;
- 4) A list of any Title VI investigations, complaints or lawsuits filed since the last submission; and
- 5) A copy of the CITY's public notice regarding Title VI compliance and public access and instructions to the CITY Title VI complaint procedures.

h. Environmental Analysis of Construction Projects

The CITY shall integrate an environmental justice analysis into their National Environmental Policy Act (NEPA) documentation of construction projects of which require NEPA. If a Categorical Exclusion (CE) is performed, the CITY shall complete the FTA's standard CE check-list which includes a section on community disruption and environmental justice. While preparing an Environmental Assessment (EA) or Environmental Impact Statement (EIS), the CITY shall integrate into their documents, the following:

- 1) A description of the low-income and minority population within the study area affected by the project, and a discussion of the method used to identify this population;
- 2) A discussion of all adverse effects that would affect the identified minority and low-income population;
- 3) A discussion of all positive effects that would affect the identified minority and low-income population;

- 4) A description of all mitigation and environmental enhancement actions incorporated into the project to address the adverse effects, including, but not limited to, any special features of the relocation program that go beyond the requirements of the Uniform Relocation Act and address adverse community effects such as separation or cohesion issues, and the replacement of the community resources destroyed by the project, if applicable;
- 5) A discussion of the remaining effects, if any, and why further mitigation is not proposed; and
- 6) For projects that traverse predominantly minority and low-income and predominantly non-minority and non-low-income areas, a comparison will be completed of mitigation and environmental enhancement actions between the two stated areas. If there is no basis for such a comparison, the CITY shall describe why this is so.

i. Public Participation

The CITY shall seek out and consider viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities in regards to proposed transportation decisions. The CITY shall make every effort to include the following practices:

- 1) Coordination with individuals, institutions, or organizations and implementing community-based public involvement strategies to reach out to members in the affected minority and/or low-income communities;
- 2) Provision of opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments;
- 3) Utilization of locations, facilities and meeting times that are convenient and accessible to low-income and minority communities;
- 4) Utilization of different meeting sizes or formats, or varying the type and number of news media used to announce public participation opportunities; and
- 5) Implementation of DOT's policy guidance regarding the CITY's responsibilities to LEP persons.

The person whose signature appears below, is authorized to sign on behalf of the grant applicant or recipient.

Date:

Alan Hanks, Mayor
City of Rapid City

ATTEST:

Date:

Jim Preston, Finance Officer
City of Rapid City

APPENDIX D

TITLE VI PUBLIC NOTICE OF RIGHTS / COMPLAINT PROCESS CITY OF RAPID CITY, SOUTH DAKOTA

Public Notice of Rights

The following statement shall be posted on site at the Rapid Transit System office, on the Rapid Transit System website www.rapidride.org; permanently displayed on public transit vehicles; and other appropriate materials made available to the public:

Non-Discrimination - Your Rights Under Title VI of the Civil Rights Act of 1964

The United States Department of Transportation (DOT) ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color or national origin in the provisions of benefits and services resulting from federally assisted programs and activities. Any person, who believes the City of Rapid City, has violated his /her Title VI protections, should contact the Rapid Transit System at 605-394-6631 or rich.sagen@rcgov.org. The CITY's Title VI policy, complaint procedures shall be made available upon request by contacting the Rapid Transit System as indicated above. For federal Title VI information please contact the Federal Transit Administration (FTA), Region 8 at 720-963-3300. Federal Title VI information, including filing complaints, can also be accessed on the FTA web site at: www.fta.dot.gov.

Title VI Information, Limited English Proficient (LEP) information and Complaint Process (for printed materials, website, and other mediums upon request)

The City of Rapid City grants all citizens equal access to all its transportation services. It is further the intent of the City of Rapid City that all citizens are aware of their rights to such access. This is designed to serve as an educational tool for citizens so that they may understand one of the civil rights laws that protect their benefit of the CITY programs and services, specifically, as it relates to Title VI of the Civil Rights Act of 1964.

What is Title VI?

Title VI is a section of the Civil Rights Act of 1964 requiring 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."

Note that Title VI does not address gender discrimination. It only covers race, color and national origin. Other Civil Rights laws prohibit gender discrimination.

What is LEP?

As part of Title VI requirements, Executive Order 13166 "Improving Access to Services for Persons With Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000). A Limited English Proficiency person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English.

The City of Rapid City's Complaint and Investigation Procedures

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, for alleged discrimination in any program or activity administered by the City of Rapid City.

APPENDIX D (Continued)

TITLE VI PUBLIC NOTICE OF RIGHTS / COMPLAINT PROCESS
CITY OF RAPID CITY, SOUTH DAKOTA

These procedures do not deny the right of the complainant to file formal complaints with other State or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the City of Rapid City may be utilized for resolution. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited under Title VI and related statutes may file a complaint.

The following measures will be taken to resolve Title VI complaints:

- 1) A formal complaint must be filed within 180 calendar days of the alleged occurrence. Complaints shall be in writing and signed by the individual or his/her representative, and will include the complainant's name, address and telephone number; name of alleged discriminating official, basis of complaint (race, color, national origin), and the date of alleged act(s). A statement detailing the facts and circumstances of the alleged discrimination must accompany all complaints.

The City of Rapid City strongly encourages the use of the attached City of Rapid City Title VI Complaint Form when filing official complaints.

The preferred method is to file your complaint in writing using the City of Rapid City Title VI Complaint Form, and sending it to:

Rich Sagen, Transit Manager
Rapid Transit System
333 Sixth Street
Rapid City, SD 57701

- 2) In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the City of Rapid City, Title VI Coordinator. Under these circumstances, the complainant will be interviewed, and the City of Rapid City, Title VI Coordinator will assist the Complainant in converting the verbal allegations to writing.
- 3) When a complaint is received, the Title VI Coordinator will provide written acknowledgment to the Complainant, within ten (10) calendar days by registered mail.
- 4) If a complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided 60 calendar days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.
- 5) Within 15 calendar days from receipt of a complete complaint, the City of Rapid City will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) calendar days of this decision, the Transit Manager or his/her authorized designee will notify the Complainant and Respondent, by registered mail, informing them of the disposition.
 - a. If the decision is not to investigate the complaint, the notification shall specifically state the reason for the decision.

APPENDIX D (Continued)

TITLE VI PUBLIC NOTICE OF RIGHTS / COMPLAINT PROCESS
CITY OF RAPID CITY, SOUTH DAKOTA

- b. If the complaint is to be investigated, the notification shall state the grounds of the City of Rapid City's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
- 6) When the City of Rapid City does not have sufficient jurisdiction, the Transit Manager will refer the complaint to the appropriate State or Federal agency holding such jurisdiction.
- 7) If the complaint has investigative merit, the Transit Manager will instruct the Title VI Coordinator to fully investigate the complaint. A complete investigation will be conducted, and an investigative report will be submitted to the Transit Manager within 60 calendar days from receipt of the complaint. The report will include a narrative description of the incident, summaries of all persons interviewed, and a finding with recommendations and conciliatory measures where appropriate. If the investigation is delayed for any reason, the Title VI Coordinator will notify the appropriate authorities, and an extension will be requested.
- 8) The Transit Manager or his/her authorized designee will issue letters of finding to the Complainant and Respondent within 90 calendar days from receipt of the complaint.
- 9) If the Complainant is dissatisfied with the City of Rapid City's resolution of the complaint, he/she has the right to file a complaint with the:

Federal Transit Administration
Region 8
Attn: Civil Rights Officer
12300 West Dakota Avenue
Suite 310
Lakewood, CO 80228
720-963-3300
Fax 720-963-3333

FTA Complaint procedures can also be found on the FTA web site at: www.fta.dot.gov. These procedures are also outlined in FTA Circular 4702.1A, Chapter IX.

APPENDIX D (Continued)

TITLE VI PUBLIC NOTICE OF RIGHTS / COMPLAINT PROCESS
CITY OF RAPID CITY, SOUTH DAKOTA

Title VI Complaint Form

Complaint Form

Instructions: If you would like to submit a Title VI complaint to the City of Rapid City, please fill out the form below and send it to: Rapid Transit System, Attn: Rich Sagen, 333 Sixth Street, Rapid City, SD 57701. For questions or a full copy of the City of Rapid City's Title VI policy and complaint procedures call 605-394-6631 or email rich.sagen@rcgov.org.

1. Name (Complainant):	
2. Phone:	3. Home address (street no., city, state, zip):
4. If applicable, name of person(s) who allegedly discriminated against you:	
5. Location and position of person(s) if known:	6. Date of incident:
7. Discrimination because of: <input type="checkbox"/> Race/Color <input type="checkbox"/> Sex (includes sexual harassment) <input type="checkbox"/> National origin Disability	

8. Explain as briefly and clearly as possible what happened and how you believe you were discriminated against. Indicate who was involved. Be sure to include how you feel other persons were treated differently than you. Also, attach any written material pertaining to your case.

9. Why do you believe these events occurred?

10. What other information do you think is relevant to the investigation?

11. How can this/these issue(s) be resolved to your satisfaction?

12. Please list below any person(s) we may contact for additional information to support or clarify your complaint (witnesses):

Name:

Address:

Phone number:

13. Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court?

- Yes No

If yes, check all that apply:

- Federal agency Federal court State court
 Local agency State agency

If filed at an agency and/or court, please provide information about a contact person at the agency/court where the complaint was filed.

Agency/Court: Contact's Name: Address: Phone number:

Signature (Complainant):

Date of filing: