

Ozark Regional Transit

Title VI Program Update

Updated: November 4, 2016

DRAFT

Introduction

Ozark Regional Transit (ORT) is a political subdivision of the State of Arkansas. ORT was established as a public transit authority in the State of Arkansas. It is neither a State DOT nor an MPO. ORT's service area is the four counties of northwest Arkansas to include Benton County, Carroll County, Madison County and Washington County. There are four primary cities that ORT serves, these cities are; Bentonville, Fayetteville, Rogers and Springdale. Each of the four counties and four cities are represented by an elected official (or their designee) on the ORT Board of Directors.

On September 26, 2013, the ORT Board of Directors approved by unanimous vote, the Title VI program. The minutes from that meeting are as follows:

"Motion was made by Craig Hull and seconded by Lori Ericson to approve the Title VI Program update. The board passed the motion with the approval of all Board Members".

A complete copy of the entire Board minutes from the September 26, 2013 meeting are to be uploaded with this document.

Ozark Regional Transit

Transit Authority for Northwest Arkansas

Title VI Program Civil Rights Certificates and Assurances

Ozark Regional Transit (ORT) the Transit Authority for Northwest Arkansas, hereby certifies that; as a condition of receiving Federal financial assistance under federal transit laws and Civil Rights Act of 1964 (as amended), will ensure that:

No person, based on race, color, or national origin, will be subjected to discrimination in the level and quality of transportation services and transit related benefits.

ORT will compile, maintain, and submit in a timely manner, Title VI information required by FTA Circular 4702.1B and in compliance with the Department of Transportation's Title VI regulation, 49 CFR, Part 21.

ORT will make it known to the public that those person(s) alleging discrimination based on 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 (FTA) and/or the U.S. Department of Transportation (DOT).

ORT does not have any sub-recipients.

The person's whose signature appears below is authorized to sign this assurance on behalf of the grant application or recipient.



Joel K. Gardner, Executive Director

Signed on this 4 day of November, 2016

Title VI Assurance

ORT (hereinafter referred to as "Recipient") hereby agrees that, as a condition to receiving any Federal financial assistance from the Department of Transportation (DOT), it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42, USC 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, DOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the DOT 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 DOT, including the FTA 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 Recipient hereby gives the following specific assurances with respect to its FTA program:


1. That the Recipient agrees that each "program" and each "facility", as defined in subsections 21.23(b) and 21.23(e) 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.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all FTA programs and, in adapted form in all proposals for negotiated agreements:

The Ozark Regional Transit Authority, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 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 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.

3. That the Recipient shall insert the clauses of **Appendix A** of this assurance in every contract subject to this Act and the Regulations.
4. That the Recipient shall insert the clauses of **Appendix B** of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon or interest therein.
5. That where the Recipient 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.

6. That where the Recipient receives Federal financial assistance in the form of, 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.
7. That the Recipient shall include the appropriate clauses set forth in **Appendix C** of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses and similar agreements entered into by the Recipient 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 FTA programs.
8. That this assurance obligated the Recipient 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 Recipient or any transferee for the longer of the following period:
 - 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 Recipient retains ownership or possession of the property.
9. The recipient shall **provide** for such methods of administration of the programs as are found by the Secretary of Transportation (or the official to whom he/she delegates specifically), **reasonable guarantee that it and other participants of Federal financial assistance under such program(s) will comply with all requirements imposed or pursuant to the Act, the Regulations, and this assurance.**
10. The Recipient 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.
11. The recipient assures that the level and quality of transit service and related benefits are provided in a manner consistent with the Title VI of the Civil Rights Act of 1964 (as amended).

This Assurance is 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 Transit Administration and is binding on it, other recipients, sub grantees, 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 this assurance on behalf of the Recipient.


Joel K. Gardner, Executive Director

Signed on this 14 day of November, 2016

Appendix A

Non-Discrimination Clause

During the performance of this Contract, the Contractor, for itself, its assignees and successors in interest (hereinafter referred to as "Contractor"), agrees as follows:

1. **Compliance with Regulations:** the Contractor agrees to and shall comply with the Title VI of the Civil Rights Act of 1964, 45 USC 2000d and the Regulations relative to nondiscrimination in Federally assisted programs of the Department of Transportation (DOT) Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as "Regulations") which are herein incorporated by reference and made part of this Contract.
2. **Nondiscrimination:** the Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, religion, color, sex, age, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitations for Subcontracts, Including Procurement of Materials and Equipment:** in all solicitations, either by competitive bidding or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, religion, color, sex, age, or national origin.
4. **Information and Reports:** the Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Transit Administration (FTA) to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information is required, which is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to ORT, or the FTA, as appropriate and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** in the event of the Contractor's noncompliance with the nondiscrimination provisions of this Contract, ORT shall impose such contract sanctions as it of the TRA may determine to be appropriate including, but not limited to:
 - a. Withholding payments to the Contractor under the Contract until the Contractor complies; and/or
 - b. Cancellation, termination or suspension of the Contract, in whole or in part.
6. **Incorporation of Provisions:** the Contractor shall include the provisions of paragraphs 1 through 5 of this section in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto.

7. The contractor shall take such action with respect to any subcontract or procurement as ORT or the FTA may direct, as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event a Contractor becomes involved in, or is threatened with litigation with a subcontractor or supplier as a result of such directions, the Contractor may request ORT to enter into such litigation to protect the interests of ORT and, in addition, the Contractor may request the services of the Attorney General in such litigation to protect the interests of the United States.

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Appendix B Real Property

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States:

NOW, THEREFORE, the Department of Transportation, as authorized by Law, and upon the condition that the Ozark Regional Transit Authority (ORT) will accept title to the Lands and maintain the project constructed thereon, in accordance with the State of Arkansas, the Regulations for the Administration of the Program and the policies and procedures prescribed by the Federal Transit Administration (FTA) of the Department of Transportation (DOT) and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, DOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation (herein after referred to as "Regulations") pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d to 2000d-4, does hereby remise, release, quit claim and convey unto ORT all the right, title and interest of the DOT in and to said lands described in **Exhibit A** attached hereto and made a part hereof.

TO HAVE AND TO HOLD said lands and interests therein unto ORT and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for the purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on ORT, its successors, and assigns.

ORT, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that:

- a. no person 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 with regard to any facility located wholly or in part on, over or under such lands, and
- b. that ORT shall use the lands and interest in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, DOT, 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 (as amended), and
- c. that in the event of breach of any of the above mentioned nondiscrimination conditions, the DOT shall have the right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the DOT and its assigns as such interest existed prior to this instruction.

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Appendix C

Federally Funded Real Property

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by Ozark Regional Transit (ORT) pursuant to the provisions of **Assurance 7(a)**;

The grantee, licensee, lessee, permittee etc. (as appropriate) for herself/himself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a DOT program or activity is extended or for another purpose involving the provision of similar service or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, DOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination of Federally Assisted Programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964 (as amended).

Include the following clause in licenses, leases, permits, etc.;

That in the event of breach of any of the above nondiscrimination covenants, ORT shall have the right to terminate the license, lease, permit, etc., and re-enter and repossess said land and facilities thereon, and hold the same as if said license, lease, permit etc. had never been made or issued.

Include the following clause in deeds;

That in the event of a breach of any of the above nondiscrimination covenants, ORT shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to, vest in, and become the absolute property of ORT and its assigns.

The following shall be included in all deeds, licenses, leases, permits or similar agreements entered into by ORT pursuant to the provisions of **Assurance 7(b)**;

The grantee, licensee, lessee, permittee etc. (as appropriate) for herself/himself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that;

- a. no person on the grounds of race, color, or national origin shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in the use of said facilities
- b. that in the construction of any improvements on, over or under such land and the furnishing services thereon, no person on the grounds of race, color or national origin shall be excluded from the participation in, be denied the benefits of, or otherwise be subjected to discrimination, and
- c. that the grantee, licensee, lessee, permittee, etc., shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, DOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in the Federally Assisted Programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964 (as amended).

Include the following clause in licenses, leases, permits, etc.;

That in the event of breach of any of the above nondiscrimination covenants, ORT shall have the right to terminate the license, lease, permit, etc. and to re-enter and repossess said land and the facilities thereon, and hold the same as if said license, lease, permit, etc. had never been made or issued.

Include the following clause in deeds;

That in the event of a breach of any of the above nondiscrimination covenants, ORT shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall there upon revert to and vest in and become the absolute property of ORT and its assigns.

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Title VI Program Complaint Procedures

Title VI of the Civil Rights Act of 1964 (as amended) prohibits discrimination on the basis of race, color, or national origin in programs receiving Federal financial assistance.

General

A member of the public, a group of people, or their representatives who believe they have been denied the benefits of, excluded from participation in, or subject to discrimination can file an administrative complaint against a recipient of Federal financial assistance from the Federal Transit Administration (FTA), a transportation provider, a transportation related entity, or the FTA itself alleging discrimination and/or adverse environmental effects. This includes social and economic effects against a specific minority, low income community, or population group due to a project or activity funded or carried out by the FTA.

The Title VI Civil Rights Complaint Procedures implemented by Ozark Regional Transit (ORT) outlines specific steps and procedures ORT will maintain in receiving, recording, investigating, determining, and resolving Title VI complaints. The following procedures do not deny the complainant the right to file formal complaints with the Arkansas Council on Human Relations, the Equal Employment Opportunity Commission, the Federal Transit Administration, and/or seek private counsel for complaints alleging discrimination, intimidation or retaliation of any kind that is prohibited by law. Complainants have the right to submit complaints directly to the appropriate agency.

Procedure

1. The complaint must meet the following requirements;
 - a. The complaint shall be in writing and signed by the complainant(s). In cases where Complainant is unable to, or incapable of providing a written statement, a verbal complaint may be made. The ORT Program Director will interview the Complainant and assist the person in converting verbal complaints to writing. All complaints must, however, be signed by the Complainant or his/her representative.
 - b. Include the date of the alleged act of discrimination; the date when the Complainant became aware of the alleged act of discrimination; or the date on which that conduct was discontinued or the latest instance of conduct.
 - c. Present a detailed description of the issues, including names and job titles of those individuals perceived and parties in the complaint.
 - d. Federal and State law requires complaints to be filed within one hundred eighty (180) calendar days of the alleged incident.
2. Upon receipt of the complaint, the ORT Program Director will determine its jurisdiction, acceptability, need for additional information, as well as begin the investigation into the merit of the complaint.
3. The Complainant will be provided with a written acknowledgment that ORT has either accepted or rejected the complaint.

4. A complaint must meet the following criteria for acceptance:
 - a. The complaint must be filed within 180 days of the alleged occurrence.
 - b. The allegation must involve a covered basis such as race, color or national origin.
 - c. The allegation must involve an ORT service that is a product of Federal financial assistance, a sub-recipient or a contractor.
5. A complaint may be dismissed for the following reasons:
 - a. The Complainant requests to withdraw 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.
6. Once ORT decides to accept the complaint for investigation, the Complainant will be notified in writing of such determination. The complaint will receive a case number and will be logged in a database identifying:
 - a. Complainant's name
 - b. Basis of complaint
 - c. Alleged harm to Complainant
 - d. Race of Complainant
 - e. Color of Complainant
 - f. National origin of Complainant
7. In cases where ORT assumes the investigation of the complaint, within ninety (90) calendar days of the acceptance of the complaint, ORT will prepare an investigative report. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for determination of the complaint.
8. The investigative report and its findings will be reviewed by the ORT Program Director, and in some cases, the investigative report and findings will be reviewed by ORT's Legal Counsel. The report will be modified as needed.
9. The Program Director and/or Legal Counsel will make a determination on the investigative report of the complaint. Determinations will be stated as follows:
 - a. Complaint – Not in Violation of Title VI
Position Statement in the investigative report will detail reasons for ORT's compliance.
 - b. Noncompliant – Violation of Title VI
Letter will document the specific violation and instructions on planned actions to remedy the violation in order to be in compliance with – not a violation of – Title VI
10. Notice of ORT's Program Director's determination will be mailed to the Complainant. The notice shall include information on the investigative report and determination as well as the appeal rights of Complainant and instructions for initiating such an appeal. Notices of appeals are as follows:
 - a. ORT will reconsider this determination if new significant facts are presented.

- b. If Complainant is dissatisfied with the determination and/or resolution set forth by ORT, the same complaint may be submitted to the FTA for investigation. Complainant will be advised to contact the Federal Transit Administration, Office of Civil Rights, East Building, 5th Floor – TCR, 1200 New Jersey Avenue, SE, Washington DC, 20590
11. A copy of the complaint, ORT's investigative report including determination, and, if appropriate, the planning actions ORT will implement to remedy the violation, will be issued to the FTA within 120 days of the receipt of the complaint.
12. A summary of the complaint and its resolution will be included as part of the Title VI updates to the FTA.

RECORD KEEPING REQUIREMENT

The ORT Program Director will ensure that all records relating to ORT's Title VI Complaint Process are maintained with department records.


Records will be made available for compliance review audits.

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TITLE VI

Investigations, Complaints, and Lawsuits

As of the 4 day of November 2016 there **are no** active investigations, complaints or lawsuits naming Ozark Regional Transit that allege discrimination on the basis of race, color, or national origin.


Joel K. Gardner, Executive Director

Signed on this 4 day of November, 2016

As of the _____ day of _____, 2016 there **are** active investigations, complaints or lawsuits naming Ozark Regional Transit that allege discrimination on the basis of race, color, or national origin.

Joel K. Gardner, Executive Director

Signed on this _____ day of _____, 2016

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Title VI Complaint Form

ORT is committed to ensuring that no person is excluded from participation in or denied the benefits of its transit service on the basis of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964 (as amended).

Any person who believes that he or she has been subjected to discrimination has the right to file a formal Title VI complaint within 180 days from the date of the alleged discrimination.

The following information is necessary to assist ORT in processing your formal Title VI complaint:

If you are filing an ADA complaint, please locate ORT's ADA Discrimination Complaint form at www.ozark.org or by calling 479-756-5901.

SECTION 1

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone (home): _____ Phone (cell): _____

Email: _____

Do you have any accessible format requirements?

Large Print: YES _____ NO _____

Audio Tape: YES _____ NO _____

TDD: YES _____ NO _____

Other: _____

The Federal Transit Administration (FTA) Office of Civil Rights is responsible for civil rights compliance and monitoring, which includes ensuring that providers of public transportation properly abide by Title VI of the Civil Rights Act of 1964 (as amended), Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations", and the Department of Transportation's (DOT) Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries.

SECTION 2

This complaint is being filed based on;

RACE _____

COLOR _____

NATIONAL ORIGIN _____

Are you filing this complaint on your own behalf? YES _____ NO _____

If **NO**, please supply the name and relationship of the person for whom you are filing:

Name: _____

Relationship: _____

Please explain why you have filed for a 3rd party:

Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a 3rd party. YES _____ NO _____

SECTION 3

Have you previously filed a Title VI complaint with ORT? YES _____ NO _____

If **YES**, what was your ORT Complaint Number? _____

(Note: This information is needed for administrative purposes. ORT will assign a new complaint number to the new complaint.)

Have you filed this complaint with any of the following agencies?

Federal Transit Administration: YES _____ NO _____

Department of Justice: YES _____ NO _____

Ark. Dept. of Transportation: YES _____ NO _____

U.S. Dept. of Transportation: YES _____ NO _____

EEOC: YES _____ NO _____

Have you filed a lawsuit regarding this complaint? YES _____ NO _____

If **YES** to any of the above, please provide a copy of the complaint form or lawsuit.

(Note: This information is helpful for administrative tracking purposes. However, if litigation is pending regarding the same issue(s), ORT will defer to the decision of the Court.)

SECTION 4

Complaint is against: _____

Contact Person: _____

Title: _____

Briefly describe the nature of the complaint:

(Include specific details such as names, dates, times, witnesses and any other information that would assist ORT in the investigative process of your allegations. Please use additional paper as needed.)

SECTION 5

Signature: _____

Signed on this _____ day of _____, 20____.

Ozark Regional Transit will not accept your complaint without a signature.

Submit your completed form by:

US MAIL

Ozark Regional Transit
c/o Title VI Program Director
2423 E. Robinson Ave.
Springdale, Arkansas 72764

EMAIL

keccles@ozark.org

FAX

479-756-2901

For questions or clarification of information on this form, please call 479-756-5901

Limited English Proficiency Four Factor Analysis

Factor 1:

The number and proportion of Limited English Proficiency (LEP) persons service or encountered in ORT's service area:

Populations in ORT Service Area – By County (2010 Census Information)

Benton County	221,339
Carroll County	27,446
Madison County	15,717
Washington County	203,065
Total Population	467,567

An analysis of the area's population groups noted that the Hispanic and Marshallese are the two most dominant groups. Within the Hispanic population, 7.056% are LEP compared to the Arkansas statewide average of 2.614%. Only .004% or 8 Marshallese persons speak limited English. Therefore it is determined that services should be provided in Spanish, but not in the Marshallese language.

LEP (Spanish Speaking/Marshallese) Population in ORT Service Area – By County (2010 Census Information)

Benton County	Spanish 13,684	Marshallese	106	
Carroll County	Spanish 1,598	Marshallese	0	
Madison County	Spanish 265	Marshallese	0	
Washington County	<u>Spanish 17,464</u>	<u>Marshallese</u>	<u>1985</u>	
Total Population	Spanish 33,011	Marshallese	2091	35,102

Total Population English Proficient	92.94%
Total Population Limited English Proficiency (Spanish)	7.056%
Total Population Limited English Proficiency (Marshallese)	.004%

Benton County

Estimate	
198,860 Total Population	
168,531 English Speaking Only	
24,191 Spanish/English	12%
12,375 English Very Well	6%
11,816 Less than Very Well	5%

Carroll County

Estimate	
25,480 Total Population	
22,375 English Speaking Only	
2,617 Spanish/English	10%
1,077 English Very Well	4%
1,540 Less than Very Well	6%

Madison County

Estimate

14,602 Total Population

13,909 English Speaking Only

627 Spanish/English 4%

374 English Very Well 2%

253 Less than Very Well 2%

Washington County

Estimate

185,300 Total Population

153,381 English Speaking Only

23,850 Spanish/English 12%

10,628 English Very Well 5%

13,222 Less than Very Well 7%

Factor 2:

The frequency with which LEP individuals come into contact with ORT's programs, activities, and services.

Based upon bus operator surveys conducted annually (or on an as-needed basis), on interactions and discussions with social service and community-based organizations, as well as on historical evidence of very limited contact with and requests for language services, it is determined that ORT programs, activities, and services come into contact with LEP populations on a very limited and infrequent basis.

Factor 3:

The nature of ORT's services to LEPs is to provide information and vital documents regarding its programs, activities, and services in both English and Spanish via telephone (bilingual staff) on each revenue vehicle, for hardcopy documents, and on its website. Important safety and security information and instructions are available in English and Spanish as well as ORT's Notice of Title VI Rights, route schedules, fare structure and system map.

As ORT continues to grow and develop, the system conducts public input sessions. During these sessions, ORT staff works toward obtaining information in regards to the needs of the LEP population. The importance of obtaining these critical pieces of information will allow for meaningful access to the services and effectively will not delay or deny ORT's programs, activities, and services to LEP populations.

ORT staff regularly works with our local Univision contacts to determine what factors are most important with the LEP population in our area. Invitations to our public input meetings are regularly extended and attended by the Univision staff. Univision staff regularly invites ORT staff to the special events that are held in the area that are specifically designed for the Spanish speaking community.

Factor 4:

The resources available to the recipient and costs.

ORT currently provides all vital documents and critical information in English and Spanish. ORT has very limited staff resources and encounters LEP populations on occasion.

The resources utilized for translation to Spanish are;

- from in-house staff
- community based organizations, and
- the internet through Google Translate

ORT will also partner with in-house staff, community individuals and interpretive partners in the Marshallese Community for the very rare occasions where these services are necessary.

As needs develop from the LEP populations, ORT staff will continue to provide at its best ability (in regards to time and cost), the most current and updated language assistance to ensure that LEP populations have meaningful access to ORT's programs, activities, and services.

Costs for translation services (either verbal or written) are figured at less than 10% of two employee's salaries (1 coach operator @ \$30,933 (all inclusive) and 1 receptionist @ \$28,392 (all inclusive)). Printing costs are negligible.

Limited English Proficiency Implementation Plan

Based upon historical evidence from bus operator and community surveys, as well as from very limited language assistance requests, it is determined that ORT's programs and services serve very few LEP populations. Due to the limited resources of staff and funding, ORT has implemented the following steps to determine if specific languages are coming into contact with ORT services and, if so, to identify necessary steps needed to ensure meaningful access by LEP persons to its programs and services.

Assess the number of, or proportion of LEP populations served.

The information provided below indicates the population in our service area that speaks English only, English and Spanish, Spanish speaking that speaks English very well, and Spanish speaking with English less than very well.

LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER - Universe: Population 5 years and over 2007-2011 American Community Survey 5-Year Estimates

Benton County

Estimate
198,860 Total Population
168,531 English Speaking Only
24,191 Spanish/English
12,375 English Very Well
11,816 Less than Very Well

Carroll County

Estimate
25,480 Total Population
22,375 English Speaking Only
2,617 Spanish/English
1,077 English Very Well
1,540 Less than Very Well

Madison County

Estimate
14,602 Total Population
13,909 English Speaking Only
627 Spanish/English
374 English Very Well
253 Less than Very Well

Washington County

Estimate
185,300 Total Population
153,381 English Speaking Only
23,850 Spanish/English
10,628 English Very Well
13,222 Less than Very Well

Based on the information displayed in the above tables, it is estimated that approximately six percent (6%) of the population in the service area does not speak English well. Of the other languages spoken in the area, Spanish is the most dominant language spoken.

In addition to reviewing US Census data, ORT periodically conducts a general bus operator survey which includes questions regarding operator's contact with bus passengers speaking a language other than English. ORT also routinely meets with several social service agencies and discusses ORT programs and services specifically needed by LEP populations to identify other languages.

Language Assistance

ORT provides all written applications for ORT programs and services and other vital documents in English as well as Spanish. Other documents include, but are not limited to Para-Transit Application, Reduced Fare Application, system map, route schedules, fare structures, web-site information, Title VI Rights, Title VI Complaint Form, and the ADA Complaint Form. Upon request, ORT will provide Spanish translation services for public meetings through the use of in-house staff. ORT will continue to work with established language translators and with area social service agencies to assist in translator services for in-person and over-the-phone contact with LEP individuals to ensure competency of interpreters and translation services.

Staff Awareness and Training

ORT administration and customer service representatives are made aware of the obligations to provide meaningful access to information and services for LEP individuals. ORT employees that are subject to contact with LEP populations are trained at the time of hire as well as on an annual basis on the language assistance policies and the procedures that ORT has implemented.

Notice to LEP Populations

ORT notifies Spanish speaking populations of their right to free language services through several mechanisms including community outreach, public events, advertising, and working with community-based organizations to assist in informing LEP populations of ORT programs and language assistance. Vital documents are translated into Spanish with a footnote stating that Spanish-language interpretive and translation services are available upon request.

Below is a list of strategic efforts ORT implements on a regular basis to reach Spanish and other LEP populations:

- a. Regular advertising with Univision and other Spanish news outlets.
- b. Information distribution at schools, colleges, local libraries, medical facilities and social service agencies.
- c. Informational booths at community events such as health fairs and student orientation days at local colleges and universities.

Monitoring and Updating the LEP Plan

ORT will utilize the annual bus operator surveys, on-going partnership developments with social-service and community-based organizations, as well as a review of American Community Survey and US Census data to periodically monitor LEP Populations to determine if the LEP Plan needs to be updated. Continuous ORT administrative and customer service dialogue will also assist in determining if additional LEP populations are coming into contact with ORT programs and services.

Notice of Title VI Rights

The following Notice of Title VI Rights is posted on each of ORT's fixed route vehicles in both English and Spanish. It is also posted at ORT's reception desk, break room and driver's lounge.

NOTICE OF TITLE VI RIGHTS

The Ozark Regional Transit Authority operates its programs and services without regard to sex, age, religion or disability; and race, color, and national origin in accordance with Title VI of the Civil Rights Act of 1964 (as amended). Any person who believes he or she has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the Ozark Regional Transit Authority.

For more information on the Ozark Regional Transit Authority's civil rights program, and the procedures to file a complaint, contact the Program Administrator at 479-756-5901, submit a complaint online at www.ozark.org, or visit our administrative offices at 2423 E. Robinson Avenue, Springdale, Arkansas 72764

A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Avenue, S.E., Washington, DC 20590

If information is needed in another language,
please contact 479-756-5901

Aviso De Derechos Del Título VI

La autoridad de Ozark Regional Transit opera sus programas y servicios sin importar sexo, edad, religión, discapacidad; o raza, color y origen nacional según el título VI de la ley de derechos civiles de 1964 (modificada). Cualquier persona que cree que él o ella ha sido agraviada por cualquier práctica discriminatoria ilegal bajo el título VI puede presentar una queja con la autoridad de Ozark Regional Transit.

Para obtener más información sobre el programa de derechos civiles de la autoridad de Ozark Regional Transit y procedimientos para presentar una queja con la autoridad de Ozark Regional Transit, Comuníquese con el administrador del programa al 479-756-5901. O presente una queja en nuestra página web en www.ozark.org , o visite nuestras oficinas administrativas en el 2423 E. Robinson Ave. Springdale, AR 72764

El demandante puede presentar una queja directamente a la Administración Federal de Transito mandando una queja a la oficina de derechos civiles, Atención: Coordinador del Programa Titulo VI, East Building, 5th Floor-TCR, 1200 New Jersey Ave. SE, Washington, DC 20590

Si necesita información en otro idioma, Comuníquese
al 479-756-5901

Requirement to Provide Assistance to Sub-recipients

Ozark Regional Transit does not have any sub-recipients.

Public Hearing Process

Purpose

The purpose of this Policy is to define the process by which Ozark Regional Transit (ORT) will solicit and consider public comment for substantial service and/or fare structure changes. This policy is adopted by the Board of Directors of ORT and may be revised by the Board from time to time without notice. This policy defines minimum practices. It is the intent of the Board to take any practical means to afford the public ample notice of any significant actions or changes in service or fare.

Definitions

Route: a route which a transit vehicle travels that is specifically labeled or numbered for the purpose of picking up or discharging passengers at regularly scheduled stops and intervals.

Route Mile: a route mile is a distance of one statute mile along a route regularly traveled by transit vehicles while available to the general public as a passenger vehicle. The length of a route is the round-trip distance traveled from the first specified pickup point to the end of the line and return to the starting point to begin another circuit of the route. If a route is defined only in one direction, the one-directional distance is the route length.

Revenue Vehicle Mile: a revenue vehicle mile is the distance of one statute mile traveled while a transit vehicle is available to the general public as a passenger vehicle.

Ridership: the number of unlinked revenue passenger trips carried. An unlinked passenger trip does not include transfers.

Service Change: any addition or deletion resulting in the physical realignment of a transit route, or a change in the type of frequency of serviced provided in a specific regularly-scheduled transit route.

Experimental Service: a change or addition to an existing transit route or the establishment of a new transit route for a pre-determined period of time.

Assurances

ORT assures that in the event of substantial service and/or fare structure changes, ORT will:

1. Have held a public hearing or have afforded an adequate opportunity for such hearings after public notice
2. Have given proper consideration to views and comments expressed in such hearings; and
3. Have given consideration to the effect of the service and/or fare changes on energy conservation, as well as on their economic, environmental and social impact.

Public Hearing Requirements

A public hearing opportunity is required when:

1. There is a change in any fare.
2. There is any change in service of:

- a. Twenty-five percent (25%) or more of the number of transit miles in a route; or
 - b. Twenty-five percent (25%) or more of the number of transit revenue miles in a route, computed on a daily basis for the day of the week for which the change is made; or
 - c. Twenty-five percent (25%) or more of the number of transit hours in a route
- 3. A new transit route is established.
 - 4. If a number of changes on a route during the fiscal year add up to the percentages above, a hearing must be held prior to the last change.

Exemptions

Reduced or free promotional fares which are instituted on a daily basis or periodically within a period of one hundred eighty (180) days are exempt from the public hearing process.

Headway adjustments of up to five (5) minutes during peak-hour service, and up to fifteen (15) minutes during non-peak hour service are exempt from the public hearing requirements.

Standard seasonal variations are exempt from the public hearing requirement unless the number, timing, or type of standard seasonal variation changes.

Experimental service changes may be instituted for up to one hundred eighty (180) days without holding a public hearing. The public hearing on experimental service changes is required if the experimental service change remains in effect for more than one hundred eighty (180) days and if the change meets the "25% or more" test outlined above. The hearing on experimental service will satisfy the requirement for a final public hearing if the hearing notice states that the service may become permanent at the end of the experimental period. If a hearing is not held prior to or during the period of the experimental service, the service that existed prior to the change must be reinstituted at the end of the one hundred eighty (180) day period. If the experimental service is to be extended beyond the one hundred eighty (180) day period, a public hearing must be held prior to its continuation.

In an emergency situation, a service change may be implemented immediately without holding a public hearing. A public hearing on the emergency change must be held if the emergency change is to be in effect for more than one hundred eighty (180) days or if the change meets the test percentages of the above paragraphs. Examples of emergency service changes include, but are not limited to;

- a. Those made because of a power failure on rail or fixed guide-way system
- b. Those made because of a rail or fixed guide-way system failure
- c. Those made because of a bridge collapse over which a bus passes
- d. Those made due to major road or rail construction, or
- e. Those made due to inadequate supplies of fuel

Public Hearing Requirements

Prior to implementation of a fare change or to a service change falling within the previously stated percentage levels, ORT will publish a notice of public hearing. The notice will be published in a newspaper of general circulation within the urbanized area and will announce the opportunity for, and the intent to hold a public hearing. The notice will also be published in newspapers oriented to specific groups or neighborhoods that may be affected. The public hearing notice will be posted on the ORT website, announced on ORT's Facebook page and other social media outlets. The notice will be posted on each bus and to area community centers as well as distributed to various city and county social service agencies. ORT will make every effort to coordinate with the community and faith-based organizations, educational institutions, and other organizations to implement public engagement

strategies that reach out specifically to members of affected minority and/or LEP communities. ORT continues to work with local radio, television, and newspapers that serve LEP populations. Notifications of Public Hearings and/or the Public Participation process will continue to be distributed through these outlets.

The notice must be published at least 30 days prior to the hearing.

The notice for fare and/or service changes must contain:

- a. A description of the contemplated service change or the fare change.
- b. If the hearing is for experimental or emergency service which has extended over 180 days, the notice must describe the previous changes made and the last contemplated change which makes the final changes permanent.
- c. The time and place of the hearing.

In the event a fare change or substantial service change is mandated by the Interstate Commerce Commission, a public utility commission or equivalent, the state legislature or other public legislative body, the public hearing requirements may be satisfied if the public is afforded the opportunity to appear before these bodies to present their views. ORT will still be required to publish the opportunity for public hearing as noted above and appear before these bodies to present its views concerning the fare or service change.

Minutes will be taken at each public hearing and copies of those minutes made available to the public for review during ORT's normal working hours.

The requirement to Conduct Equity Analysis to Determine Site or Location of Facilities (Chapter III, 13):

No such projects were conducted during the reporting period.

System-Wide Service Standards

To comply with FTA Circular 4702.1BB, Chapter IV.4, ORT has adopted system-wide service policies to ensure service design and operational practices do not result in discrimination on the basis of race, color or national origin.

Vehicle Load Factor

The following maximum vehicle load factor standards shall apply:

- a. Express Routes – 125% of seated capacity
- b. Local Routes (Peak Hours) – 125% of seated capacity
- c. Local Routes (Off-peak Hours) – 125% of seated capacity
- d. Rural Demand Response – 100% of seated capacity

In the event that these standards are consistently exceeded, ORT will determine to either substitute a larger bus on the affected route, or add an additional trip to the schedule in order to bring the service within the Vehicle Load Factor standard.

Vehicle Headway (Frequency of Service)

The frequency of bus service to a location is significantly dictated by the demand for the service as well as providing a convenient and viable public transportation option. ORT has established the following headways to be maintained:

- a. Peak Hour Express Routes – One (1) hour headway
- b. Off-peak Hour Express Routes – Two (2) hour headway
- c. Peak Hour Local Routes – One (1) hour headway maximum
- d. Off-peak Hour Local Routes – One (1) hour headway maximum

On-Time Performance

Although shortages of manpower or equipment (breakdowns or accidents) may keep trips from operating, it is ORT's goal that ninety eight percent (98%) of all trips scheduled will be operated. Of those trips operating, it is ORT's goal that eighty five percent (85%) of all trips will be on time.

For the purpose of this standard, on-time is defined as any departure time from a designated stop falling between the scheduled time and five (5) minutes after the scheduled time. ORT has made its objective to become known for being on-time and dependable.

Service Availability

It is the goal of ORT to provide fixed route services within the communities it serves at levels that are expected by the communities. Currently, ORT receives funding from four different cities at different levels of participation. The amount of services provided to each city is directly proportional to the funding levels received. ORT is continuously working with city officials and planners to establish increased funding levels in order to provide more levels of services.

Basic requirements for Service Availability will include:

- a. Maximum headway of 60 minutes per route
- b. Maximum distance between posted stops will be 300 yards (unless area is designated as a flag zone)

- c. Each participating city has at least one (1) route that makes a meaningful connection with a route from a neighboring city.

Distribution of Transit Amenities

As ORT receives requests for shelters and benches, those requests are placed on a "waiting list". Specific requests are given priority based on several factors including; ridership, space available, the cost of placement, ease of placing shelter or bench and receiving approval from the appropriate city or state departments.

The exact cost associated with placing a shelter or bench in a specified location depends on several factors, including; right-of-way access, geographic features, the location of existing utilities, space available, ADA accessibility and costs associated with curb cuts and sidewalks.

It has been ORT's "practice" not to place bus shelters in residential neighborhoods. Factors contributing to this "practice" include, but are not limited to; complaints from property owners of visual aesthetics, degradation of personal property, negative perception of bus rider conduct, and excessive litter around a bus shelter. Bus shelters are focused in locations where ORT buses meet with Razorback Transit buses, at retail locations, business offices, high traffic land use, schools and other public buildings throughout the communities served.

Based on the above quantitative and qualitative informational review for the location of bus shelters and benches, ORT attempts to place a shelter or benches at bus stops that:

- a. have high passenger counts,
- b. where multiple routes meet; and
- c. where ORT vehicles meet with Razorback Transit vehicles

Vehicle Assignment

Vehicles shall be assigned to ensure that no route serving a predominately minority census tract shall operate with equipment that exceeds the system fleet average age by more than thirty-three percent (33%).

Transit Security

It is the goal of ORT to provide safety measures that protect the public, ORT employees and ORT assets from any intentional act or threat of criminal behavior. ORT has deployed digital surveillance and recording technology on each revenue vehicle and at ORT administrative and maintenance facilities. ORT has implemented a safety and security training program for ORT employees.

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Ozark Regional Transit Board of Directors

The ORT Board consists of eight members. One each from the primary cities served, and one each from the counties served. The city members are appointed by their respective Mayor, the county members are appointed by their respective County Judge. Each term is for four years.

Member Name	Board Position	City or County	Ethnic Group	Gender
Jerre VanHoose	Chair	City of Springdale	White	Male
Mike Lanier	Secretary	Madison County	White	Male
Jim Kimbrough	Director	Washington County	White	Male
Don Marr	Director	City of Fayetteville	White	Male
John Reeve	Director	Carroll County	White	Male
Neal Elliot	Director	Benton County	White	Male
Tim Stachowiak	Director	City of Bentonville	White	Male
Ethan Hunter	Director	City of Rogers	White	Male