

TITLE VI PLAN

Handi-Wheels Transportation, Inc.

Title VI prohibits discrimination in all Federal Transit Administration (FTA) services, programs, or benefits on the basis of Race, Color, or National Origin.

Title VI Program

FTA Circular 4702.1B, Chapter III for FTA Subrecipient:

Title VI Requirements & Guidelines for FTA Recipients at

<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/title-vi-requirements-and-guidelines-federal-transit>

The Federal Transit Administration Title VI Circular 4702.1B provides guidance to grantees on how to comply with Title VI regulations. The circular provides specific compliance information for each type of grantee and provides comprehensive appendices including additional guidance and examples to ensure recipients understand the requirements.

By filling out the required fields you are stating that your board of directors, appropriate government entity, or officials responsible for policy decisions and/or approval of board meeting minutes understand the required FTA Circular 4702.1B, Chapter III regulations and agree to adopt all Title VI Program guidelines:

Date: September 14, 2023

Title VI Contact Name: Roger Kjos

Title VI Contact Phone: 701-232-3231

Title VI Contact Email: rogerkjos@outlook.com

Title VI Program Requirements

[Attach a copy of the meeting minutes approving this action.]

Title VI Program Requirement

1. TITLE VI AND NON-DISCRIMINATION POLICY STATEMENT

Handi-Wheels transportation has developed a Title VI and Non-discrimination Policy Statement *using the template found on the NDDOT Transit Operator portal for subrecipient use at <http://www.dot.nd.gov/divisions/localgov/transit-operator-portal.htm>*

Handi-Wheels Transportation's Title VI Policy Statement can also be found in the Handi Wheels office located at 2525 Broadway #002, Fargo, ND 58102, in all buses owned and/or operated by Handi-Wheels Transportation and on the website <http://www.handi-wheels.org>.

In addition to the policy statement, an abbreviated "Statement of Non-discrimination" has been created using the template found on the NDDOT Transit Operator Portal for subrecipient use at the link posted above and is displayed in all transit vehicles.

2. COMPLAINT PROCEDURES/FORMS

Handi-Wheels Transportation has developed a Complaint Form and instructions specific to their transit agency by using the template found on the NDDOT Transit Operator Portal at <http://www.dot.nd.gov/divisions/localgov/transit-operator-portal.htm>.

Title VI Complaint Procedure

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by Handi-Wheels Transportation may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form.

Handi-Wheels Transportation investigates complaints received no more than 180 days after the alleged incident. Handi-Wheels Transportation will process complaints that are complete. Once the complaint is received, Handi-Wheels Transportation will review it to determine if our office has jurisdiction.

The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office. Handi-Wheels Transportation has 30 days to investigate the complaint. If more information is needed to resolve the case, the Handi-Wheels Transportation may contact the complainant.

The complainant has 30 business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 30 business

days, Handi-Wheels Transportation can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF).

A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed.

An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur. If the complainant wishes to appeal the decision, she/he has XX days after the date of the letter or the LOF to do so.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

COMPLAINT FORM:

Handi-Wheels Transportation has developed a Complaint Form and instructions specific to their transit agency by using the template found in **BlackCat Global Resources** or on the NDDOT Transit Operator Portal at <http://www.dot.nd.gov/divisions/localgov/transit-operator-portal.htm>.

COMPLAINT LOG:

Handi-Wheels Transportation has adopted NDDOTs Transit Title VI – List of Investigations, Lawsuits, and Complaints, SFN 60805 found in **BlackCat Global Resources** or on the NDDOT Transit Operators Portal at: <http://www.dot.nd.gov/divisions/localgov/transit-operator-portal.htm>

The completed form has been attached as part of the plan and will be submitted to NDDOT each year upon request.

3. TITLE VI NOTICE TO THE PUBLIC (GENERAL REQUIREMENT)

A Title VI Notice to the Public must be displayed to inform a recipient's customers of their rights under Title VI. At a minimum, recipients must post the notice on the agency's website and in public areas of the agency's office(s), including the reception desk,

meeting rooms, etc. Many agencies display their Title VI Notices in transit facilities (e.g., headquarters, transit shelters and stations, etc.), and on transit vehicles (e.g., buses, rail cars, etc.). **The Title VI Notice is a vital document.** If any of the Limited English Proficient (LEP) populations in your service area meet the Safe Harbor threshold (see Chapter III), then the Notice should be provided in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor Threshold. At a minimum, this statement in the Notice— "If information is needed in another language, then contact 701-232-3231"—should be stated in English and in any other language(s) spoken by LEP populations that meet the Safe Harbor threshold. See Title VI Non-Discrimination Statement Plaque in **BlackCat Global Resources** Template or in the: <https://www.dot.nd.gov/divisions/localgov/docs/TitleVINon-DiscriminationStatementPlaqueTemplate5-2016.docx>

STATEMENT OF NON-DISCRIMINATION

Under Title VI of the Civil Rights Act of 1964, and its related statutes and regulations, no person or groups of persons shall be, 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 and all programs or activities funded in whole or in part with Federal funds.

Contact the Project Director at 701-232-3231 to request additional information on our nondiscrimination obligations or to file a complaint. Persons with limited English proficiency may receive language assistance free of charge upon request.

This Transportation service is Open to the PUBLIC

4. MINORITY REPRESENTATION ON PLANNING AND ADVISORY BOARDS:

Handi-Wheels Transportation has a non-elected transit board.

- Complete or copy table depicting racial breakdown of the membership.

Board, Council, or Committee Name	Member	White M/F	American Indian M/F	Hispanic M/F	Black M/F	Pacific Islander M/F	Asian M/F
Allan Peterson	President	M					
Jennifer Miller	Treasurer	F					
Dorothy Olson	Secretary	F					
James Martin	Member	M					
Mark Coppin	Member	M					
Jody Goodell-Lange	Member	F					
Katie Lobel	Member	F					
Brian Quigley	Member	M					

- Description of efforts made to encourage participation of minorities: Handi-Wheels participates in collaborative meetings and informal gathering where minority populations play an important and predominant role within the community/agencies. Handi-Wheels works in collaboration with and Family Healthcare Center to provide services to individuals who have come to this country as refugees as well as Lutheran Refugee Services.
- Handi-Wheels Transportation has updated their transit related planning board, advisory council, or committee information in the BlackCat System. Download, print, and attach list to this document by using the table above. (All agencies must complete in BlackCat System.)

5. MONITORING SUBRECIPIENT: In accordance with 49 CFR 21.9(b), and to ensure that subrecipients are complying with the DOT Title VI regulations, primary recipients must monitor their subrecipients for compliance with the regulations. Importantly, if a subrecipient is not in compliance with Title VI requirements, then the primary recipient is also not in compliance.

a. To ensure the primary and subrecipient are in compliance with Title VI requirements, the primary recipient shall undertake the following activities:

1. Document its process for ensuring that all subrecipients are complying with the general reporting requirements of this circular, as well as other requirements that apply to the subrecipient based on the type of entity and the number of fixed route vehicles it operates in peak service if a transit provider.

2. Collect Title VI Programs from subrecipients and review programs for compliance. Collection and storage of subrecipient Title VI Programs may be electronic at the option of the primary recipient.
 3. At the request of FTA, in response to a complaint of discrimination, or as otherwise deemed necessary by the primary recipient, the primary recipient shall request that subrecipients who provide transportation services verify that their level and quality of FTA service is provided on an equitable basis. Subrecipients that are fixed route transit providers are responsible for reporting as outlined in Chapter IV of this Circular.
- b. When a subrecipient is also a direct recipient of FTA funds, that is, applies for funds directly from FTA in addition to receiving funds from a primary recipient, the subrecipient/direct recipient reports directly to FTA and the primary recipient/designated recipient is not responsible for monitoring compliance of that subrecipient. The supplemental agreement signed by both entities in their roles as designated recipient and direct recipient relieves the primary recipient/designated recipient of this oversight responsibility. See Appendix L for clarification of reporting responsibilities by recipient category.

6. TITLE VI EQUITY ANALYSIS (ONLY applicable if a new storage facility, maintenance facility or operations center was constructed. If none indicate so.)

This does not apply since we have no storage or maintenance facility.

a. PUBLIC PARTICIPATION PLAN:

Tri-annually, each subrecipient is required to submit the following as part of their Title VI Plan. For immediate reference please review page(s) 25-26 of FTA C 4702.1B. Additional information can be found on page(s) 20-31 of FTA C 4703.1.

Title VI Public Participation, as required by USDOT Federal Transit Administration, describes the proactive strategies, procedures, and desired outcomes for the subrecipient's public participation activities.

- a. General Information Section (Answer the questions below or write a short paragraph describing. See example below.)

1. Public involvement as a necessity?

2. Why is public involvement necessary?
3. When is public involvement necessary?
4. How does public involvement benefit your transit agency?

Subrecipients are required to submit a Public Participation Plan as part of their Title VI Program. For immediate reference please review FTA C 4702.1B, Chapter III-8. Additional information can be found on page(s) 20-31 of FTA C 4703.1.

Handi-Wheels Transportation has developed a Public Participation Plan specific to their agency using the template found on the NDDOT Transit Operator Portal for subrecipient use at <http://www.dot.nd.gov/divisions/localgov/transit-operator-portal.htm>.

Handi-Wheels Transportation works closely with Family Health Care Center, Cass County Social Services and Southeast Human Services to provide services to Limited English Proficiency populations, people who utilize mental health facilities, and low-income individuals. Handi-Wheels Transportation Passenger Policy and Procedure manual is disseminated at these and other locations in an effort to reach out to individuals who can benefit from Handi-Wheels' services.

Handi-Wheels Transportation has adopted NDDOT Sign-In-Sheet form SFN: 59531 for use at public meetings. The form can be found on the NDDOT website at <https://www.dot.nd.gov/divisions/civilrights/titlevi.htm> under Title VI Forms.

Handi-Wheels Transportation has adopted NDDOT Title VI Public Participation Survey form SFN: 60149 as a mechanism for tracking information. This form can be found on the NDDOT website on the <https://www.dot.nd.gov/divisions/civilrights/titlevi.htm> under Title VI Forms.

b. Public Participation/Engagement-Subrecipients have wide latitude to determine how, when, and how often specific public participation activities should take place, and which specific measures are most appropriate.

1. Public Meetings

- i. What meetings, if any, are open to the public?

All board and committee meetings are open to the public.

- ii. How do you inform the public of upcoming meetings and agendas?

Meetings are made public through our Facebook page and website.

- iii. Do you employ different meeting sizes and formats to accommodate the minority, disabled, and limited English proficiency (LEP) populations?

Joint meetings are held on a regular basis to streamline services between and among Handi-Wheels Transportation, Lutheran Refugee Services New American Program, Family Healthcare Center and Cass County Social Services staff.

Handi-Wheels Transportation has adopted NDDOT Sign-In-Sheet form SFN: 59531 for use at public meetings. The form can be found on the NDDOT website at <https://www.dot.nd.gov/divisions/civilrights/titlevi.htm> under Title VI Forms.

Handi-Wheels Transportation has adopted NDDOT Title VI Public Participation Survey form SFN: 60149 as a mechanism for tracking information. This form can be found on the NDDOT website on the <https://www.dot.nd.gov/divisions/civilrights/titlevi.htm> under Title VI Forms.

8. LIMITED ENGLISH PROFICIENCY (LEP) PLAN:

Subrecipients are required to submit a Limited English Proficiency (LEP) Plan as part of their Title VI Program in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency. For immediate reference please review FTA C 4702.1B, Chapter III-9.

Handi-Wheels Transportation has developed a Limited English Proficiency (LEP) Plan using the template found on the NDDOT Transit Operator Portal for subrecipient use at <http://www.dot.nd.gov/divisions/localgov/transit-operator-portal.htm>.

NDDOT will assist subrecipient by providing demographic data. The demographic data by county will be placed in the **BlackCat System under Global Resources**. This information will be updated by NDDOT as needed.

9. FIXED ROUTE SERVICE STANDARDS (Does not apply)

Handi-Wheels Transportation

EXTERNAL SERVICE COMPLAINT

PART I - COMPLAINANT INFORMATION (Print all items legibly.)

Name		Telephone
Street Address/P.O. Box		Email Address
City	State	Zip Code

PART II – COMPLAINT BASED ON [Check all appropriate box(s).]

- ☐ Driver Conduct/Attitude ☐ Late/Tardy ☐ Early ☐ Did Not Show
- ☐ Telephone/Dispatch ☐ Careless Driving/Comfort ☐ Disturbance on Bus ☐ Air
- Conditioning/Heating ☐ Vehicle Maintenance ☐ Other
-

PART III - THE PARTICULARS ARE: (Include names, dates, places, and incidents involved in the complaint.) [If additional space is needed, attach extra sheet(s).]

PART II

Check all boxes that apply indicating the basis for the complaint. If the complaint type is not listed, select "Other" and describe.

PART III

State the specific complaint in a manner that clearly identifies the issues upon which the complaint is based.

PART IV

State the minimum remedy acceptable for resolution of this complaint.

PART V

Sign and date this section to verify the information contained in Parts I through IV.

Service Complaints Procedure

Instructions for Completing External Complaint Form

GENERAL

5. Instructions provided within this form are not meant to be all inclusive. Any person or group(s) of persons filing external service complaints are responsible for all procedural requirements contained in the external complaints.

If this is a complaint regarding Title VI (race, color or national origin) or other Nondiscriminatory Statutes/Executive Orders (sex, disability, limited English proficiency, age or income status) complete the External Complaints of Discrimination form.

6. Complainants **must** include all required information and **must** meet all timeframes as defined in the **_HANDI-WHEELS TRANSPORTATION** External Complaint Procedure.
7. Legible copies of all available pertinent documentation should be attached to this form.
8. All inquiries should be directed to **Roger Kjos, HANDI-WHEELS TRANSPORTATION, 2525 Broadway N., #002, Fargo, ND 58102, 701-232-3231.**

PART I

Complete all information in this section.

PART II

Check all boxes that apply indicating the basis for the complaint. If the complaint type is not listed, select "Other" and describe.

Limited English Proficiency Plan

Handi-Wheels Transportation

September 13, 2023

TITLE VI COORDINATOR

Roger Kjos, Executive Director

2525 Broadway N., #002, Fargo, ND, 58102

701-232-3231

MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

1. **The number or proportion of LEP persons in the service area who may be served or are likely to require Handi-Wheels Transportation services.**

Handi-Wheels Transportation's staff reviewed the most current 2015 American Community Survey 5 Year Estimate and 2020 Census Data and determined that 10,840 persons (8% of the population) in Handi-Wheels' service area speak a language other than English. Of those 10840 persons 39% have limited English proficiency; that is, they speak English "not well" or "not at all", this is only 3% of the overall population in the service area. In Handi-Wheels Transportation's service area, of those persons with limited English proficiency, 36% speak Spanish, 34% speak Indo-European, and 24% speak Asian or other Pacific Islander Languages.

2. **The frequency with which LEP persons come in contact with Handi-Wheels Transportation services.**

The **Handi-Wheels Transportation** staff reviewed the frequency with which the board/council, office staff and bus/van drivers have, or could have, contact with LEP persons. This includes documenting phone inquiries or office visits. To date, **Handi-Wheels Transportation** has had 0 requests for interpreters and 0 requests for translated program documents. The board/council, office staff and bus/van drivers have had very little contact with LEP persons.

3. **The nature and importance of services provided by Handi-Wheels Transportation to the LEP population.** There is no large geographic concentration of any type of LEP individuals in the service area for **Handi-Wheels Transportation**. The overwhelming majority of the population, 90%, speak only English. As a result, there are few social, service, professional and leadership organizations within the **Handi-Wheels Transportation** service area that focus on outreach to LEP individuals. **Handi-Wheels Transportation** board/council, office staff and bus/van drivers are most likely to encounter LEP individuals through bus/van rides, office visits, phone conversations, and attendance at Board/Council meetings.

4. **The resources available to Handi-Wheels Transportation, and overall costs to provide LEP assistance.**

Handi-Wheels Transportation reviewed its available resources that could be used for providing LEP assistance, which of its documents would be most valuable to be translated if the need should arise. Handi-Wheels Transportation is a very small organization with a budget of about \$160,000, 4 part-time staff, two of which are drivers, and three volunteers. No one of the staff speak a language other than English. We would be totally dependent upon volunteers to fulfill such tasks or refer clients to other agencies in the area, such as Lutheran Refugee Services. Should the need arise a call to volunteers could be sent out. Given the nature of our business and our small budget, a telephone interpreter line seems to be not feasible.

LANGUAGE ASSISTANCE

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to **Handi-Wheels Transportation** services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language.

How **Handi-Wheels Transportation** staff may identify an LEP person who needs language assistance:

- Post notice of LEP Plan and the availability of interpretation or translation services free of charge in languages LEP persons would understand.
- All **Handi-Wheels Transportation** staff will be provided with Google Translate to assist in identifying the language interpretation needed if the occasion arises.
- All **Handi-Wheels Transportation** staff will be informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year.
- When the **Handi-Wheels Transportation** sponsors an informational meeting or event, an advanced public notice of the event should be published including special needs related to offering a translator (LEP) or interpreter (sign language for hearing impaired individuals). Additionally, a staff person may greet participants as they arrive. By informally engaging participants in conversation it is possible to gauge each attendee's ability to speak and understand English. Although translation may not be able to be provided at the event it will help identify the need for future events.

Language Assistance Measures

Although there is a very low percentage in the **Handi-Wheels Transportation** of LEP individuals, that is, persons who speak English "not well" or "not at all", it will strive to offer the following measures:

1. The **Handi-Wheels Transportation** staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.
2. The following resources will be available to accommodate LEP persons:
 - Volunteer interpreters for the Spanish language are available and will be provided within a reasonable time period.
 - Google Translate.

STAFF TRAINING

The following training will be provided to all staff:

- Information on the Title VI Policy and LEP responsibilities.
- Description of language assistance services offered to the public.

- Use of Google Translate.
- Documentation of language assistance requests.
- How to handle a potential Title VI/LEP complaint.

All contractors or subcontractors performing work for Handi-Wheels Transportation will be required to follow the Title VI/LEP guidelines.

TRANSLATION OF DOCUMENTS

Handi-Wheels Transportation weighed the cost and benefits of translating documents for potential LEP groups. Considering the expense of translating the documents, the likelihood of frequent changes in documents and other relevant factors, at this time it is an unnecessary burden to have any documents translated.

Handi-Wheels Transportation has developed a Public Participation Plan and has an outreach procedure in place, as of 2020. Translation resources have been identified and are limited in this region. However, when and if the need arises for LEP outreach, **Handi-Wheels Transportation** will consider the following options:

- When staff prepares a document, or schedules a meeting, for which the target audience is expected to include LEP individuals, then documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population.

MONITORING

Monitoring and Updating the LEP Plan - Handi-Wheels Transportation will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when data from the 2020 U.S. Census is available, or when it is clear that higher concentrations of LEP individuals are present in the **Handi-Wheels Transportation** service area. Updates will include the following:

- The number of documented LEP person contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the service area.
- Determination as to whether the need for translation services has changed.
- Determine whether local language assistance programs have been effective and sufficient to meet the need.
- Determine whether **Handi-Wheels Transportation's** financial resources are sufficient to fund language assistance resources needed.
- Determine whether **Handi-Wheels Transportation** fully complies with the goals of this LEP Plan.
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.
- Maintain a Title VI complaint log, including LEP to determine issues and basis of complaints.

DISSEMINATION OF THE Handi-Wheels Transportation LEP PLAN

- Post signs at conspicuous and accessible locations notifying LEP persons of the LEP Plan and how to access language services.
- State on agendas and public notices in the language that LEP persons would understand that documents are available in that language upon request at 701-232-3231.

Handi-Wheels Transportation Board of Directors Meeting
New Horizons Manor Community Room
June 6, 2023
5:00 PM

Present:

Allan Petersen – President
Dorothy Olson – Secretary
Jennifer Miller – Treasurer
Jody Goodell-Lange – Board Member
Jim Martin – Board Member
Roger Kjos – Executive Director

Absent:

Mark Coppin - Board Member
Katie Lobel – Board Member
Brian Quigley – Board Member

Treasurer Report:

Checking Account: 51,552.42

Savings Account: 525.39

- Jennifer made a motion to accept the minutes of the last meeting with the removal of the statement that the Dakota Foundation would help us with a plan to purchase a new bus. Jody seconded the motion. Motion carried.
- The profit and loss for the month of April was a loss of 8,208.12
- For January through April we had a loss of 16,325.02.
- Roger will e-mail a proposal for a fundraiser that should help with the finances.
- We are waiting to hear from the FM Foundation
- Alex Stern Family Foundation is due in November.
- Jim made a motion to approve the Title VI Nondiscrimination Policy Jody seconded the motion. Motion carried.
- Julie from DOT will be doing a on-site review.
- The date has been set for Friday, November 3rd from 4:00 to 8:00. Roger will put out a press release.
- Plan Evaluation: 1. Still trying to get more board members. 2. Need to find a garage space by Fall. 3. Would like to have 90,000 to 100,000 in bank account at all times.
- Looking for someone to do the reports and bill paying and other reports.
- Ridership has been up and down. We have sent out brochures in packets of 25.
- We have a new driver for Thursday and Friday – Ron Kopperdahl. He is training with Ross and then starting out on his own. He may be interested in the office position.
- Mini van is being used now. 907 is at Bert's Trucking – 947.00 lift work and then send it to Wallworks for the air conditioner to be worked on.

- New bus loosely expected off the assembly line in September.
- We have an extension until Nov 15 on the 990. Mollie at Eide Bailly is working on it with Kate. Roger has also submitted information to them.

With there being no further business, the meeting was adjourned at 6:30 pm.

Next meeting: August 1, 2023 at 5:00 p.m.

Respectfully Submitted

Dorothy Olson, Secretary