

# Title VI Program

## I-494 Corridor Commission and Commuter Services



Adopted: January 11, 2023

## **Introduction**

Commuter Services is an outreach program of the I-494 Corridor Commission. Our mission is to assist employers with the establishment, administration and promotion of commuter programs and incentives so that we can provide commuters with customized commute resources to help commuters choose an alternative to driving alone for their commute.

Commuter Services goal is to reduce vehicle miles driven as a direct result of our staff assisting drive-alone commuters convert to a sustainable commute mode choice.

## **Purpose of the Title VI Program**

The purpose of the I-494 Corridor Commission's Title VI Program is to ensure than no person, 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 under the control of Commuter Services.

Commuter Services will ensure that members of the public within the Commuter Services outreach area are aware of the Title VI provisions, complaint procedures, language assistance and our commitment to upholding the responsibilities associated with Title VI of the Civil Rights Act of 1964.

## **Title VI Requirements**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin in programs receiving federal financial assistance. Title VI states that “no person of 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.”

In 1994, President Bill Clinton issued Executive Order 12898, which states that each federal agency “shall make achieving environmental justice part of its mission by identifying and addressing disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”

To that end, the Federal Transit Administration (FTA) issued Circular 4702.1B in 2012, which replaced Circular 4702.1A issued in 2007. This document outlines Title VI and Environmental Justice compliance procedures for recipients of FTA-administered transit program funds.

Specifically, FTA requires recipients, including the I-494 Corridor Commission and Commuter Services, to “document their compliance with DOT’s [United States Department of Transportation’s] Title VI regulations by submitting a Title VI Program to their FTA regional civil rights officer once every three years or as otherwise directed by the FTA. For all recipients, including subrecipients, the Title VI Program must be approved by the recipient’s board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA”

## **General Requirements**

- The Title VI Circular requires all recipients of FTA funding to meet a number of basic requirements. The requirements that are addressed include:
- Prepare and submit a Title VI Program
- Notify beneficiaries to protection under Title VI
- Develop Title VI complaint procedures and complaint form
- Record and report transit-related Title VI investigation, complaints and lawsuits
- Promote inclusive public participation
- Provide meaningful access to persons with limited English proficiency
- Monitor and provide assistance to subrecipients

## **Title VI Public Notice, Grievance Procedure, and Complaint Form**

The Title VI Circular provides the following direction regarding public notice of Title VI protections:

Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI. At a minimum, recipients shall disseminate this information to the public by posting a Title VI notice on the agency's website and in public areas of the agency's office, including the reception desk, meeting rooms, etc.

As the primary recipient, the Metropolitan Council and Metro Transit provide notice of Title VI protections through a variety of means on behalf of the I-494 Corridor Commission and Commuter Services. Detailed information and instructions for filing a Title VI complaint are available at the following web addresses:

Metropolitan Council Title VI webpage

Metro Transit Title VI webpage

The I-494 Corridor Commission's webpage

In addition, Commuter Services posts its Title VI notice at its office located at:

7101 York Avenue S. Suite 156, Edina MN 55435.

## Complaint Procedures

As the primary recipient, The Metropolitan Council and Metro Transit posts its Title VI complaint procedures on its website on behalf of the I-494 Corridor Commission and Commuter Services at:

<https://metrocouncil.org/About-Us/What-We-Do/Office-of-Equal-Opportunity/Discrimination-Complaints/Public-Service-Discrimination/Discrimination-and-Title-VI.aspx>

This web page also includes a link to these procedures. The Title VI complaint procedures are as follows:

1. Any individual, group of individuals, or entity who believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with Commuter Services. The complaint must meet the following requirements:
  - a. Complaint shall be in writing and signed by the complainant(s).
  - b. Include the date of the alleged act of discrimination (the date when the complainant(s) became aware of the alleged discrimination, the date on which that conduct was discontinued, or the latest instance of the conduct).
  - c. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complained-of incident.
  - d. Allegations received by email will be acknowledged and processed, once the identities of the complainant(s) and the intent to proceed with the complaint have been established. The complainant is required to mail a signed, original copy of the email transmittal for Commuter Services to be able to process it.
  - e. Allegations received by telephone will be reduced to writing and provided to complainant for confirmation or revision before processing. A complaint form will be forwarded to complainant for them to complete, sign, and return to Commuter Services for processing.
2. Upon receipt of the complaint, Commuter Services will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. In cases where the complaint is against one of Commuter Services' sub-recipients of federal funds, Commuter Services will assume jurisdiction and will investigate and adjudicate the case. Complaints against Commuter Services will be referred to the FTA or the appropriate federal agency for proper disposition pursuant to their procedures.
3. In order to be accepted, a complaint must meet the following criteria:
  - a. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
  - b. The allegation(s) must involve a covered basis such as race, color, national origin.
  - c. The allegation(s) must involve a program or activity of a federal-aid recipient, sub-recipient, or contractor.
4. A complaint may be dismissed for the following reasons:
  - a. The complainant requests the withdrawal of the complaint.
  - b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
  - c. The complainant cannot be located after reasonable attempts.

5. Once Commuter Services decides to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within seven calendar days. The complaint will receive a case number and will then be logged into Commuter Services' records, identifying its basis and alleged harm.
6. In cases where Commuter Services assumes the investigation of the complaint, Commuter Services will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days from the date of Commuter Services written notification of acceptance of the complaint to furnish their response to the allegations.
7. Commuter Services final investigative report and a copy of the complaint will be forwarded to the appropriate federal agency and affected parties within 60 calendar days of the acceptance of the complaint.
8. Commuter Services will notify the parties of its final decision.
9. If the complainant is not satisfied with the results of the investigation of the alleged discrimination the complainant will be advised of the right to appeal to the appropriate federal agency.

The Title VI Complaint Form is available on The Metropolitan Council and Metro Transit website. Translations of the complaint instruction and complaint form are available on the website in Hmong, Karen, Somali, Spanish and Vietnamese.

### **Title VI Complaint, Investigation, Lawsuits**

There are no complaints, investigations, or lawsuits, either pending or that have occurred since the last Program update.

## **Facility Siting Equity Analysis**

The I-494 Corridor Commission and Commuter Services have not constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.

## **Public Participation Plan**

Current principles and tactics that are being employed to engage the public include:

- Offering our main materials in multiple languages
- Engaging with the people who are most affected by the work we do
- Conducting outreach to employers with large populations of shift workers
- Conducting outreach to employers with employee populations who speak English as a second language or have limited English proficient populations
- Providing 1:1 customized assistance to every person who calls our office, who enters our office, who contacts us through email and via our website
- Meeting with employers to understand how we can best serve their employee populations
- Survey 1,200 employers in our outreach area multiple times per year to ask how we can better serve and help them
- Survey 4,000 commuters multiple times per year to ask how we can better serve and help them
- Fostering an inclusive internal team culture that enables all perspectives to be heard

In addition, a copy of the Metropolitan Council's Public Engagement Plan is available here:

<https://metrocouncil.org/About-Us/Publications-And-Resources/Public-Engagement-Plan.aspx>

## **Language Assistance Plan**

Commuter Services will provide language assistance to persons with limited English proficiency (LEP) based on the DOT LEP Guidance.

Commuter Services is currently in the process of providing core written materials in languages other than English.

If Commuter Services is asked to provide information in a language other than English we will do so by using a translation service.

In addition, a copy of the Metropolitan Council's Language Assistance Plan is available at:

[https://metrocouncil.org/About-Us/Publications-And-Resources/EQUAL-OPPORTUNITY-  
DOCUMENTS/Limited-English-Proficiency-Language-Access-Plan.aspx](https://metrocouncil.org/About-Us/Publications-And-Resources/EQUAL-OPPORTUNITY-DOCUMENTS/Limited-English-Proficiency-Language-Access-Plan.aspx)

## **Minority Representation on Planning and Advisory Bodies**

The Title VI Circular states the following regarding the membership of planning and advisory bodies:

Recipients that have transit-related non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees or councils.

### **Committee Membership**

The following table depicts the membership of non-elected committees and councils, the membership of which is selected by the member cities of the I-494 Corridor Commission, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees.

I-494 Corridor Commission Board of Directors	White/Caucasian	Hispanic or Latino	Black or African- American	Asian or Asian- American	Native Hawaiian or Other Pacific Islander	Other Two or More Races
10 Members	90%	0%	10%	0%	0%	0%

The I-494 Corridor Commission's governing board is comprised of an elected official from each member city and a staff person from each member city. The City Council of each member city decides which elected official and which staff member will represent their city on the I-494 Corridor Commission.

## **Board/Agency Approval of the Title VI Program**

On January 11<sup>th</sup>, 2023, the Board of Directors of the I-494 Corridor Commission passed the following resolution:

WHEREAS, Title VI of the Civil Rights Act of 1964 states that no person in the United States shall, on the ground 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; and

WHEREAS, the I-494 Corridor Commission and Commuter Services does not discriminate on the basis of race, color, religion, sex, national origin, or disability in admission or access to, or treatment or employment in, its services, programs, and activities; and

WHEREAS, as a recipient of federal funds via Metropolitan Council and Metro Transit, the I-494 Corridor Commission and Commuter Services are required to adopt a Title VI Plan.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors for the I-494 Corridor Commission and Commuter Services as follows:

1. That the Board of Directors hereby approves and adopts the Title VI Plan attached to this resolution.
2. That the Executive Director is authorized to take such steps as she deems necessary to implement and manage the Title VI Plan for the I-494 Corridor Commission and Commuter Services.
3. That this Resolution is effective upon its adoption.

I certify that the I-494 Corridor Commission Board of Directors adopted the foregoing resolution on January 11<sup>th</sup>, 2023.

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Rebecca Schack

Chair, I-494 Corridor Commission

Minnetonka City Councilmember