

RESOLUTION NO. 3493-1018

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING AND ADOPTING THE CITY OF AVONDALE TITLE VI IMPLEMENTATION PLAN RELATING TO PUBLIC TRANSPORTATION SERVICES.

WHEREAS, the Federal Transit Administration (“FTA”) provides financial assistance to local transit to develop new transit systems and improve, maintain and operate existing systems; and

WHEREAS, the FTA is responsible for ensuring that its grant funding recipients fully comply with Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination based on race, color, national origin or disability; and

WHEREAS, the City of Phoenix, is the primary recipient of FTA grant funding and distributes said funds to the City of Avondale for public transportation programs; and

WHEREAS, the City of Avondale, as a sub-recipient, must develop, update and submit a Title VI Implementation Plan to the City of Phoenix to assist the City of Phoenix with its Title VI compliance requirements.

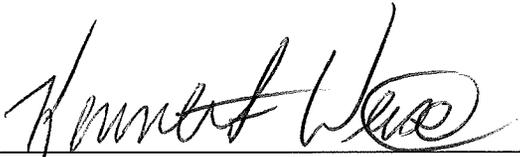
NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. The City of Avondale Title VI Implementation Plan, dated October 1, 2018 (the “Plan”) is hereby approved in substantially the form and substance attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to cause the execution of the Plan and to take all steps necessary to carry out the purpose and intent of this Resolution.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona,
October 1, 2018.



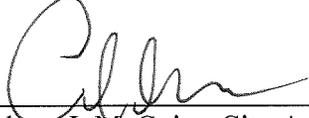
Kenneth N. Weise, Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



Andrew J. McGuire, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 3493-1018

[Plan]

See following pages.

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Title VI Policy Statement

The City of Avondale policy assures full compliance with Title VI of the Civil Rights act of 1964, the Restoration Act of 1987, section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), and related statutes and regulations in all programs and activities. Title VI states that “no person shall on the grounds of race, color, national origin, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination” under any City of Avondale sponsored program or activity. There is no distinction between the sources of funding.

City of Avondale also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies and activities on minority and low-income populations. Furthermore, City of Avondale will take reasonable steps to provide meaningful access to services for persons with limited English proficiency.

When City of Avondale distributes Federal-aid funds to another entity/person, City of Avondale will ensure all subrecipients fully comply with City of Avondale Title VI Nondiscrimination Program requirements. The City Manager has delegated the authority to Kristen Taylor, Title VI Program Coordinator, to oversee and implement FTA Title VI requirements.

Charles Montoya, City Manager

Title VI Notice to the Public

Notifying the Public of Rights Under Title VI CITY OF AVONDALE

The City of Avondale operates its programs and services without regard to race, color, national origin or disability in accordance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 (ADA). Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of Avondale.

For more information on the City of Avondale's civil rights program, and the procedures to file a complaint, contact Kristen Taylor 602-333-1030, (TTY (623) 333-0010); email ktaylor@avondale.org; or visit our administrative office at 11465 W. Civic Center Drive. For more information, visit www.avondale.org

A complainant may file a complaint directly with the City of Phoenix Public Transit Department or the Federal Transit Administration (FTA) by filing a complaint directly with the corresponding offices of Civil Rights: **City of Phoenix Public Transit Department:** ATTN: Title VI Coordinator, 302 N. 1st Ave., Suite 900, Phoenix AZ 85003 **FTA:** ATTN: Title VI Program Coordinator, East Building, 5th Floor-TCR 1200 New Jersey Ave., SE Washington DC 20590

If information is needed in another language, contact 1-800-752-6906. Para información en Español llame: 1-800-752-6096.

Title VI Notice to the Public -Spanish

Aviso al Público Sobre los Derechos Bajo el Título VI CITY OF AVONDALE

City of Avondale (*y sus subcontratistas, si cualquiera*) asegura cumplir con el Título VI de la Ley de los Derechos Civiles de 1964, Sección 504 de la Ley de Rehabilitación de 1973 y La Ley de ciudadanos Americanos con Discapacidades de 1990 (ADA). El nivel y la calidad de servicios de transporte serán provehidos sin consideración a su raza, color, o país de origen.

Para obtener más información sobre la City of Avondale's programa de derechos civiles, y los procedimientos para presentar una queja, contacte Kristen Taylor, 623-333-1030, (TTY 623-333-1000); o visite nuestra oficina administrativa en 11465 W. Civic Center Drive, Avondale, Arizona, 85392. Para obtener más información, visite www.Avondale.org

El puede presentar una queja directamente con City of Phoenix Public Transit Department o Federal Transit Administration (FTA) mediante la presentación de una queja directamente con las oficinas correspondientes de Civil Rights: City of Phoenix Public Transit Department: ATTN Title VI Coordinator 302 N. 1st Ave., Suite 900, Phoenix AZ 85003 FTA: ATTN Title VI Program Coordinator, East Building, 5th Floor –TCR 1200 New Jersey Ave., SE Washington DC 20590

The above notice is posted in the following locations: City of Avondale City Hall, 11465 W. Civic Center Drive, Avondale, AZ, 85323

This notice is posted online at <http://www.avondaleaz.gov/transit>

Title VI Complaint Procedures

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by Valley Metro or our transit service provider may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form or by calling Valley Metro's Customer Service. This anti-discrimination protection also extends to the activities and programs of Valley Metro's third party contractors. Any such complaint must be filed within 180 days of the alleged discriminatory act (or latest occurrence). All complaints are logged into Valley Metro's Customer Assistance System (CAS) and will be investigated according to federal standards.

Passengers using federally funded public transportation are entitled to equal access, seating and treatment. Under Title VI of the Civil Rights Act of 1964 (as amended) and related statutes, Valley Metro must ensure that no person 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 federally funded program, activity or service it administers.

Complaints for alleged non-compliance with Title VI and related statutes may be lodged with Valley Metro Customer Service.

To submit a complaint online, fill out the online complaint form. Valley Metro's Title VI Complaint Form (English and Spanish) is located on the website: <https://www.valleymetro.org/form/title-vi-complaint-form>

To submit a claim by mail, by phone, or in person, please fill out the printable complaint form and mail/take to or call:

Regional Public Transportation Authority
4600 E. Washington St., Suite 101
Phoenix, Arizona 85034
Email: csr@valleymetro.org
Phone: (602) 253-5000
TTY: (602) 251-2039

Individuals may also file complaints directly with the Federal Transit Administration (FTA) within the 180-day timeframe.

Federal Transit Administration (FTA)
Attention: Title VI Coordinator
East Building, 5th Floor –TCR 1200
New Jersey Avenue, SE
Washington, D.C. 20590

Complaints received by Customer Service will be assigned to the appropriate staff member(s) for investigation in accordance with federal standards (28 CFR Part 35 and FTA Circular 4702.1B). After the complaint is processed, Customer Service will respond to the complainant and, if warranted by the investigation, take appropriate action. The City of Phoenix, as the designated recipient of federal funds for this region, is responsible for monitoring this process.

Note: To request information about Valley Metro's Title VI Policy, please send an e-mail to TitleVICoordinator@valleymetro.org. To request information in alternative formats, please contact Customer Service at csr@valleymetro.org or phone: (602) 253-5000, TTY: (602) 251-2039.

Valley Metro has 30 days to investigate each complaint. If more information is needed to resolve the case, Valley Metro may contact the complainant. Following the investigation of the complaint, a possibility of two letters will be sent to the complainant: a closure letter or a letter of finding. A closure letter states that there was not a Title VI violation; therefore, the case will be closed. A letter of finding states that there was a Title VI violation and explains what corrective action will be taken to remedy the situation. A complainant can appeal the decision within 60 days of receiving the letter. All appeals must be submitted to Valley Metro Customer Service.

TRACKING

Complaint comes in and is logged into the CAS system.

The Customer Service Administrator sends the complaint to the cities/transit provider for investigation and documentation within 24 hours. Complaint is returned to the Customer Service Administrator to ensure the information is complete and closes the complaint. Each cities administrator audits the complaints as well to ensure they meet the guidelines for Title VI.

The administrator reviews an outstanding weekly report identifying outstanding complaints. During the review process the administrator will send out notifications to the agency and a copy to the relevant city to remind the entity that the complaint is not yet resolved or closed out. This process is reinitiated each week to ensure timely compliance.

The administrator audits all completed Title VI complaints to check for accuracy and has complaint reopened by Customer Service administrator and sent back if not completed accurately.

INVESTIGATING

STEP ONE: Summary of the complaint, completed by the Regional Services Customer Relations staff.

STEP TWO: Statement of issues. List every issue derived from the complaint summary. Include questions raised by each issue:

1. Who?
2. What?
3. When?
4. Where?
5. How?

Add new issues that surface during investigation. The final list of issues becomes outline for investigation.

STEP THREE: Respondent's reply to each issue. Obtain information from each respondent, listen to each tape, review each document. All staff will document information collected in the customer contact (respondent area). After all respondent information is documented, complete the documentation (remaining steps). Determine the action taken. Follow up with the customer.

Note: "Respondent" is not confined to the transit vehicle operator. "Respondent" is defined as any source of information that can contribute to the investigation, such as:

- Operator (Interview/History)
- Radio/Dispatch/OCC reports
- GPS tracking software and programs
- Maintenance (Staff/Records)
- City Transit staff
- Witnesses
- Complainant (Interview/History)
- Spotter reports
- Video (camera) and/or audio recordings
- Courtesy cards
- Incident reports (supervisor, transit police, fare/security inspectors)
- Other transit employees
- Route history

STEP FOUR: Findings of fact. Investigate every "issue" (stated in the "statement of issues noted in step two). Separate facts from opinions.

STEP FIVE: Citations of pertinent regulations and rules. Develop list of all regulations, rules, policies, and procedures that apply to the investigation

Title VI requirements
Company rules and procedures
Valley Metro policies and service standards

STEP SIX: Conclusions of law. Compare each fact from “findings of fact” to the list of regulations, rules, etc...Make decision on whether violation(s) occurred. List of violations becomes “conclusions of law”.

STEP SEVEN: Description of remedy for each violation. Specific corrective actions for each violation found. Include plans for follow-up checks. Do not conclude report with “no action taken”. If no violations found, conclude the report in a positive manner. Review policies and procedures. Review Title VI provisions.

RESPONSE TO CUSTOMER

Detailed summary of conversation with customer. Send copy of letter to customer.

ACTION TAKEN

Must include specific corrective action for each violation found.
Include a follow-up action plan.
If no violations found, note policies, procedures, etc. reviewed with operator.
Never state “no action taken”.

TITLE VI COMPLAINT FORM

Any person who believes that he or she has been discriminated against by Valley Metro or any of its service providers, and believes the discrimination was based upon race, color or national origin may file a formal complaint with Valley Metro Customer Service.

Please provide the following information to process your complaint. Alternative formats and languages are available upon request. You can reach Customer Service at (602) 253-5000/TTY: (602) 251-2039, or email at csr@valleymetro.org.

Section I: Customer Information					
Name:					
Address:					
City:		State:		Zip:	
Work Phone:		Home Phone:		Cell Phone:	
Email Address:					
Section II: Incident Information					
Date of Incident:		Time of Incident:		AM/PM City:	
Incident Location:			Direction of Travel:		
Route #:		Bus/Light Rail #:			
Service Type: <input type="checkbox"/> Local <input type="checkbox"/> Express/RAPID <input type="checkbox"/> Light Rail <input type="checkbox"/> Circulator/Connector <input type="checkbox"/> Dial-a-Ride					
Operator Name:					
Operator Description:					
What was the discrimination based on? (Check all that apply)					
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Other:					
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known), as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.					
Have you filed this complaint with the Federal Transit Administration? <input type="checkbox"/> Yes <input type="checkbox"/> No					
If yes, please provide information about a contact person at the Federal Transit Administration where the complaint was filed.					
Name:		Title:			
Address:		Telephone:			
Have you previously filed a Title VI complaint with this agency: <input type="checkbox"/> Yes <input type="checkbox"/> No					
You may attach any written materials or other information that you think is relevant to your complaint.					
Signature and date required below:					
_____			_____		
Signature			Date		
				602.253.5000 TTY: 602.251.2039 valleymetro.org	
					

Title VI Investigations, Complaints, and Lawsuits

The City of Phoenix and Valley Metro operate City of Avondale transit service, therefore, those entities have reported all Avondale complaints in their respective programs for 2015-2018.

Investigations

There were no Title VI investigations during the reporting period.

Lawsuits

No Title VI lawsuits were filed.

Complaints

Routes operated by Valley Metro November 2015 to June 2018

Complaint Number	Incident Date	Routes	Primary Category	Subcategory	Action Taken
334499	7/11/17	3	Operator	Pass Up	No evidence of discrimination could be determined based on investigation. No action could be taken.

Public Participation Plan

City of Avondale/ Valley Metro Public Participation Plan

City of Avondale/Valley Metro is engaging the public in its planning and decision-making processes, as well as its marketing and outreach activities. The public will be invited to participate in the process whether through public meetings or surveys.

The City of Avondale does not anticipate that its transit-related programs and activities will change during the next year. In the event there are changes proposed to the City will utilize Valley Metro's Title VI Public Participation Plan.

Public Meetings:

- (1) Public meetings are scheduled to increase the opportunity for attendance by stakeholders and the general public. This may require scheduling meetings during non-traditional business hours, holding more than one meeting at different times of the day or on different days, and checking other community activities to avoid conflicts.
- (2) When a public meeting or public hearing is focused on a planning study or program related to a specific geographic area or jurisdiction within the region, the meeting or hearing is held within that geographic area or jurisdiction.
- (3) Public meetings are held in locations accessible to people with disabilities and are located near a transit route when possible.

Please see Attachment A for Valley Metro's Public Participation Plan

Limited English Proficiency Plan

City of Avondale/ Valley Metro

Limited English Proficiency Plan

Valley Metro has conducted a thorough LEP four factor analysis and resulting Language Access Plan to be utilized by all Valley Metro member agencies. This Language Access Plan, as set forth below, will be utilized by the City of Avondale to ensure compliance with its obligations to Limited English Proficiency (LEP) persons under Title VI.

Please see Attachment B for Valley Metro's Language Assistance Plan

Non-elected Committees Membership Table

A subrecipient who selects the membership of transit-related, non-elected planning boards, advisory councils, or committees must provide a table depicting the membership of those organizations broken down by race. Subrecipients also must include a description of the efforts made to encourage participation of minorities on these boards, councils, and committees.

The City of Avondale does not currently have any transit-related, non-elected planning boards, advisory councils, or committees. Therefore, this section is currently not applicable and the City does not have a process by which to encourage the participation of minorities on same. However, if and when the City of Avondale creates any such transit-related, non-elected planning boards, advisory councils, or committees, the City will adopt and implement a process which is fully compliant with Title VI and is designed to encourage and facilitate the participation of minorities in compliance with Title VI and any other applicable federal and state law, regulations, and rules.

Monitoring for Subrecipient Title VI Compliance

The City of Avondale does NOT currently have subrecipients and therefore does NOT monitor subrecipients for Title VI compliance. In the event subrecipients come under the control of the City of Avondale, the City will adopt and implement a policy and procedure which ensures that all subrecipients comply with their obligations under Title VI and any other applicable federal and state laws, regulations, and rules.

Title VI Equity Analysis

A subrecipient planning to acquire land to construct certain types of facilities must not discriminate on the basis of race, color, or national origin, against persons who may, as a result of the construction, be displaced from their homes or businesses. "Facilities" in this context does not include transit stations or bus shelters, but instead refers to storage facilities, maintenance facilities, and operation centers.

There are many steps involved in the planning process prior to the actual construction of a facility. It is during these planning phases that attention needs to be paid to equity and non-discrimination through equity analysis. The Title VI Equity Analysis must be done before the selection of the preferred site.

Note: Even if facility construction is financed with non-FTA funds, if the subrecipient organization receives any FTA dollars, it must comply with this requirement.

The City of Avondale has no current or anticipated plans to develop new transit facilities covered by these requirements.

Board Approval for the Title VI Program

ATTACH A COPY OF THE BOARD MEETING MINUTES HERE

Regional System Wide Standards and Policies

The City of Avondale follow a multiple phase Transit Standards and Performance Measures (TSPM) guided by Valley Metro. These standards fall in line with federal and state requirements. The TSPM help manage our regionally funded transit services and investments like bus stops, park-and-ride facilities and future light rail destinations. The following three phase approach is posted on Valley Metro's Website².

Phase I

The first phase in the plan establishes service provision goals to guide the development of Valley Metro's TSPM. This phase established standardized transit service types, operating characterized for each service type and bus stop spacing standards.

Phase II

The second phase focuses on the development of transit service performance measures, transit service thresholds, application principles and implementation standards for new service.

Phase III

The third phase establishes standard and performance measures for regionally funded transit vehicles such as buses and light rail vehicles and transit facilities including bus stops and park-and-ride facilities.

The City of Avondale has all of their service provided by Valley Metro and will follow their Regional System Wide Standards and Policies. Please see Attachment C for a copy of their policy.

The only part of their policy that will not apply is the Distribution of Transit Amenities. The City of Avondale will use the following policy.

Transit Amenities refer to fixed items of comfort and convenience available to the general riding public such as shelter placement, signage, benches and trash can placement. Generally, individual municipalities are responsible for the provision, monitoring and maintenance of shelters, bus stop signs, benches and other amenities. The following sections briefly summarize the City's policies or standards that govern the deployment of amenities on the City's transit system. Avondale policy is to review and ensure amenities are placed within the City without regard to race, color, national origin, or income considerations.

Shelter Placement – City of Avondale continues to use ridership as the primary criterion for determining shelter placement. A variety of bus shelter shapes and sizes are available to address site restrictions, opportunities, and ridership needs.

The following criteria should be used as a guide in the placement of customer shelters:

- Shelters should be placed at all established park and ride lots.
- A shelter should “aesthetically fit” its surroundings where economically feasible
- Shelters can be standardized to some degree for possible cost effectiveness via quantity purchase prices, for maintenance purposes or to maintain aesthetic continuity
- Shelters should be installed at major transfer points between routes
- Shelters should include amenities such as display space for route maps and schedules, benches, trash cans and lighting.

Signage – All bus stops shall feature signs mounted in a uniform manner to identify the area as a stop and provide readable and accurate information.

Benches – Ridership figures are used to determine seating requirements while the built environment often dictates seating options.

Trash Can Placement – Trash cans are only placed at sheltered bus stops with high ridership and must not infringe upon the ADA pad or pedestrian pathway.

Service and Fare Changes

The City of Avondale implemented one major service change since 2015. Valley Metro on behalf of the City of Avondale conducted a number of public outreach events and solicited public comment throughout the region.

The City of Avondale implemented the Zoom North which was approved by the City Council through the FY2018 Budget Process. The City Council approved the final budget on June 19, 2017.

See attachment C for the Valley Metro Title IV assessment that was completed for the October 2017 service changes.