

Dutchess County Transportation Council
Title VI Policy/Complaint Procedures

1. Policy Statement

The Dutchess County Transportation Council (DCTC) serves as the designated Metropolitan Planning Organization (MPO) for Dutchess County, and is responsible for ensuring that federal transportation funds are committed through a locally driven, comprehensive planning process. As a recipient of federal financial assistance, the DCTC assures that no persons or groups of persons shall, on the grounds of race, creed, color, gender, age, national origin, disability, income, sexual orientation, Limited English Proficiency (LEP), or veteran status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered or carried out by the DCTC, its direct recipients, consultants, or contractors.

2. Policy Scope and Guidance

Title VI of the Civil Rights Act of 1964 addresses discrimination based on race, color, and national origin, while related nondiscrimination legislation govern other protected classes based on gender (23 U.S.C. 324), age (42 U.S.C. 6101), and disability (29 U.S.C. 790 and Americans with Disabilities Act of 1990). In addition to these laws, a number of Executive Orders (EO) have been issued to evaluate possible negative impacts on protected populations and expand the scope of protected classes: Environmental Justice (EO #12898), low-income (EO #12898), and Limited English Proficiency (LEP) (EO #13166).

This Title VI Policy reflects the DCTC's firm commitment to achieving equal opportunity in all programs, services, and activities for which it has direct and oversight responsibilities. Unless otherwise designated, the Transportation Program Administrator shall serve as the designated Title VI Coordinator and is charged with monitoring the continued development and implementation of this Title VI Policy. This Title VI Policy shall be conspicuously placed on the DCTC website and made available to all organizations and entities doing business with it.

3. Title VI Complaints

This Title VI Policy describes the process used by the DCTC for processing complaints under the statutes and authorities identified above. In general, complaints of alleged discrimination will be investigated by the appropriate agency or authority that has jurisdiction over the subject program or policy in question. The DCTC will accept formal complaints regarding its compliance with Title VI and related regulations, if said complaint falls under the jurisdiction of the DCTC. The DCTC will make every effort to obtain an early resolution of complaints at the lowest level possible. On a case-by-case basis, the DCTC may exercise the option of an informal mediation meeting(s) between affected parties and the DCTC Title VI Coordinator to resolve Title VI complaints.

These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant. The DCTC further

affirms that the intimidation or retaliation towards a complainant, of any kind or form, is prohibited by law.

4. Filing a Title VI Complaint

- a. Any person who believes he or she, individually, as a member of any specific class (i.e. race, color, sex, national origin, age, disability, low income, or Limited English Proficiency), or in connection with any Disadvantaged Business Enterprise (DBE), has been subjected to discrimination by any programs, services, or activities administered or carried out by the DCTC, that is prohibited by Title VI of the Civil Rights Act of 1964 and other non-discrimination statutes and regulations, may file a complaint with the DCTC. A complaint may also be filed by a representative on behalf of such a person. All complaints will first be referred to the DCTC Title VI Coordinator for initial review and action.
- b. In order to have a complaint considered under these procedures, the complainant must file the complaint no later than 180 calendar days after:
 - i. The date of alleged act of discrimination; or
 - ii. Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.
- c. Complaints must be in writing, include the complainant's name and address, and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth, as fully as possible, the facts and circumstances surrounding the alleged discrimination (see Appendix 1 - DCTC Title VI Complaint Form). The DCTC Title VI Coordinator will provide appropriate assistance to complainants, including those persons with disabilities or who are limited in their ability to communicate in English. Complaints made over the phone will be written down by the DCTC Title VI Coordinator. The written complaint will be given back to the complainant for their review. The complainant and/or the complainant's representative must sign and return the complaint to the DCTC to formalize the complaint. The complaint shall then be handled according to the DCTC's Title VI Complaint Procedures outlined in this document.
- d. Complaints may be submitted to the DCTC Title VI Coordinator through the following methods:

By Email: dctc@dutchessny.gov
By Mail: Dutchess County Transportation Council
Attn: Title VI Coordinator
27 High St. (2nd Floor)
Poughkeepsie, NY 12601
By Phone: (845) 486-3600
- e. As a general practice, formal Title VI complaints made against the DCTC will be referred to the New York State Department of Transportation's (NYSDOT's) Office of Civil

Rights for review and possible investigation. As per its mission statement, the Office of Civil Rights is responsible for ensuring that no person in the State of New York be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination based on color, religion, race, national origin or disability under any program administered by NYSDOT or its divisions. For purposes of Title VI compliance, the DCTC acts as a division of NYSDOT.

5. Title VI Complaint Process

- a. DCTC receives a signed Title VI Complaint Form alleging discrimination in the metropolitan transportation planning process.
- b. Within three business days of receiving the signed Complaint Form, the DCTC Title VI Coordinator shall acknowledge receipt of the Complaint Form and inform the Complainant that it is being reviewed by the DCTC for completeness and jurisdiction.
- c. Within ten business days of acknowledging receipt of the Complaint Form, the DCTC Title VI Coordinator, in consultation with the Dutchess County Attorney, shall complete their review of the provided information and make a determination as to whether the DCTC has jurisdiction over the alleged discrimination. The DCTC Title VI Coordinator shall notify the Complainant of its determination.
 - i. If the complaint does not fall under the jurisdiction of the DCTC, the DCTC Title VI Coordinator shall forward the complaint to the responsible agency that has jurisdiction over the alleged discrimination (see Appendix 2).
 - ii. If the complaint falls under the jurisdiction of the DCTC, the DCTC Title VI Coordinator shall contact the complainant in writing or by telephone to obtain additional information if necessary. The Complainant shall be provided 15 business days to respond to any requests for additional information. Failure to do so may be considered good cause for a determination of no investigative merit and dismissal of the complaint. A Complainant may resubmit the complaint a second time if the DCTC Title VI Coordinator deems that a second review is warranted.
- d. Within ten business days of receiving additional information about the complaint, the DCTC Title VI Coordinator shall forward the complaint form and additional information to the NYSDOT Office of Civil Rights for their review and investigation. During its investigation, the Office of Civil Rights may request additional information from the Complainant or an in-person meeting to discuss the details of the complaint.
- e. Within ten business days of forwarding the complaint to the Office of Civil Rights, the DCTC Title VI Coordinator shall notify the Federal Highway Administration (FHWA), and/or Federal Transit Administration (FTA) that a Title VI complaint has been filed against the DCTC and that it is being investigated according to these procedures. The

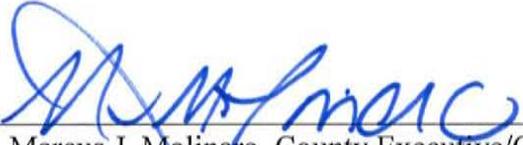
following information shall be included in any notification to federal agencies:

- i. Name, address, and phone number of the Complainant
 - ii. Name(s) and address(es) of the alleged discrimination official(s) or agencies(s)
 - iii. Basis of complaint (i.e. race, color, sex, national origin, age, disability, low income, or Limited English Proficiency)
 - iv. Date of alleged discriminatory act(s)
 - v. Date complaint received by the recipient
 - vi. A statement of the complaint
 - vii. Other agencies (e.g. federal, State, or local) where the complaint has been filed
- f. Within 90 business days of receiving the complaint from the DCTC Title VI Coordinator, the Office of Civil Rights shall complete its investigation of the allegation, and based on the information obtained, render a final determination of standing, and if warranted, a recommendation for action in a report of findings. The final determination and any report of findings shall be provided in writing to the DCTC Transportation Program Administrator. If a recommended action is identified, such action shall first be resolved by informal means whenever possible; such informal means shall be identified in the report of findings.
- g. Within ten business days of receipt of the Office of Civil Rights final determination and report of findings, the DCTC Title VI Coordinator shall notify the Complainant in writing of the final decision reached, including the proposed disposition of the matter, the action(s) being taken if specified, and/or the proposed process to address the allegation. The notification will advise the Complainant of their right to appeal to NYSDOT or USDOT, if they are dissatisfied with the final decision rendered by the DCTC. The DCTC Title VI Coordinator will also provide FHWA or FTA with a copy of this decision, summary of findings, and if necessary, the actions being taken to resolve the issue in the complaint.
- h. No later than one-year after receiving the final determination and report of findings, the DCTC Title VI Coordinator will assess the effectiveness of the recommended actions implemented to remedy the basis of the complaint. However, during the course of implementation, if the DCTC determines that the informal actions have not mitigated the basis of the complaint, the DCTC, in consultation with the Office of Civil Rights, shall implement other corrective actions to remedy the causes of the complaint.
- f. In cases where the complaint is against a recipient of federal transportation funds programmed by the DCTC, the DCTC shall forward the complaint to the applicable agency or authority for their review and action, in accordance with their Title VI procedures. See Appendix 2 for contact information for federal, State, and other Title VI administrative jurisdictions.

6. Dismissal of a Title VI Complaint

A Title VI complaint may be recommended for dismissal for the following reasons:

- a. The Complainant requests 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 to contact them.
- d. The responsible agency's Title VI Coordinator or legal counsel determines that the complaint has no standing.



Mr. Marcus J. Molinaro, County Executive/Chairperson
County of Dutchess, New York/
Dutchess County Transportation Council

6/8/18

Date

18-0201-PL

6-12-18

G1745

Appendix 1:

Dutchess County Transportation Council
Title VI Complaint Form

The Dutchess County Transportation Council (DCTC), as a recipient of federal financial assistance, is required to ensure that all of its activities and any benefits from these activities are conducted in a manner consistent with Title VI of the Civil Rights Act of 1964 and other non-discrimination statutes. Any person who believes that he or she has been subjected to discrimination under any of these activities based on their race, color, sex, national origin, age, disability, or low income may file a written complaint with the MPO. The following information is necessary to assist us in processing your complaint. Should you require any assistance in completing this form, please contact us at (845) 486-3600 or dctc@dutchessny.gov.

Complainant

Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Telephone Number: _____
Email Address: _____

Person Discriminated Against (if other than the complainant)

Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Telephone Number: _____
Email Address: _____

Were you discriminated against because of your:

- | | | |
|--|-------------------------------------|--|
| <input type="checkbox"/> Race | <input type="checkbox"/> Age | <input type="checkbox"/> Limited English Proficiency (LEP) |
| <input type="checkbox"/> Color | <input type="checkbox"/> Disability | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Sex | <input type="checkbox"/> Low Income | |
| <input type="checkbox"/> National Origin | | |

Date and Location of Alleged Discrimination:

Explain as clearly as possible what happened and how you were discriminated against. Indicate who was involved and any MPO projects, plans, or programs that made have led to the situation you are describing. Be sure to include the names and contact information of any witnesses. Please use additional pages, as necessary.

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

- Yes No

If yes, check and identify all that apply:

- Federal Agency _____
 Federal Court _____
 State Agency _____
 State Court _____
 Local Agency _____

Please provide information for a contact person at the Agency or Court where the complaint was filed.

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____

Email Address: _____

Briefly explain what action you are seeking:

Please sign below. You may attach any additional written materials or other materials you believe is relevant to your complaint.

Signature: _____ Date: _____

Please submit this signed form and any attachments to:

Dutchess County Transportation Council

Attn: Title VI Coordinator

27 High St (2nd Floor)

Poughkeepsie, NY 12601

(845) 486-3600

dctc@dutchessny.gov

Appendix 2
Title VI Contacts by Agency

Federal Highway Administration (FHWA)

Email: CivilRights.FHWA@dot.gov
Mail: Federal Highway Administration, Office of Civil Rights
1200 New Jersey Avenue, SE (8th Floor E81-105)
Washington, DC 20590
Phone: (202) 366-1599

Federal Transit Administration (FTA)

Mail: Federal Transit Administration, Office of Civil Rights
Attn: Complaint Team
1200 New Jersey Avenue, SE (East Building, 5th Floor – TCR)
Washington, DC 20590
Phone: (888) 446-4511

New York State Department of Transportation (NYSDOT)

Email: OCR-TitleVI@dot.ny.gov
Mail: New York State Department of Transportation, Office of Civil Rights
Attn: Title VI Coordinator
50 Wolf Rd (6th Floor)
Albany, NY 12232
Phone: (518) 457-1129

Metropolitan Transportation Authority (MTA)

Mail: MTA Office of Diversity/Civil Rights
Attn: Michael J. Garner, Chief Diversity Officer
2 Broadway (16th Floor)
New York, NY 10004
Phone: (800) 466-8577

Dutchess County Public Transit (DCPT)

Mail: Dutchess County Public Transit
Attn: Title VI Director
14 Commerce St.
Poughkeepsie, NY 12603
Phone: (845) 473-8424