



*Draft*

## **FY 2014-2017 Title VI Program**

**Cape Girardeau – Jackson Urbanized Area**

**Adopted**

\_\_\_\_\_, 2014

**Filed with MoDOT Transit Section**

\_\_\_\_\_, 2014

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**SEMPO**  
**2014-2017 Title VI Program**  
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**Attachments**

Attachment 1 – SEMPO Metropolitan Planning Area Boundary Map

Attachment 2 – Title VI Complaint Form

Attachment 3 – Title VI Self Survey Form

## A. Title VI Assurances

The Southeast Metropolitan Planning Organization (SEMPO) agrees to comply with all provisions prohibiting discrimination on the basis of race, color, or national origin of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 200d *et seq.*, and with U.S. DOT regulations, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act,” 49 CFR part 21.

SEMPO assures that no person shall, as provided by Federal and State civil rights laws, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity. SEMPO further ensures every effort will be made to ensure non-discrimination in all programs and activities, whether those programs and activities are federally funded or not.

SEMPO meets the objectives of the FTA Master Agreement which governs all entities applying for FTA funding, including SEMPO and its third-party contractors by promoting actions that:

- A. Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin.
- B. Identify and address, as appropriate, disproportionately high and adverse effects of programs and activities on minority populations and low-income populations.
- C. Promote the full and fair participation of all affected Title VI populations in transportation decision making.
- D. Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations.
- E. Ensure meaningful access to programs and activities by persons with Limited English Proficiency (LEP).

## **B. Agency Information**

### **1. Mission of SEMPO**

The Southeast Metropolitan Planning Organization (SEMPO) is a federally mandated and funded policy-making organization that oversees transportation planning for the Cape Girardeau – Jackson urbanized area. It is charged with developing and implementing a continuing, cooperative, and comprehensive transportation planning process.

### **2. History**

SEMPO was officially designated a Metropolitan Planning Organization (MPO) by the Governor of Missouri on March 12, 2013 and by the Governor of Illinois on February 7, 2013. Since that time, the organization has been developing and adopting its initial documents. On August 21, 2013, the Board of Directors adopted the FY 2014 Unified Planning Work Program (UPWP) and the FY 2014-2017 Interim Transportation Improvement Plan (TIP). SEMPO is currently preparing to begin work on the Long Range Transportation Plan (LRTP).

### **3. Regional Profile (regional population; growth projection)**

Southeast Missouri...

### **4. Population Served**

SEMPO serves a population of approximately \_\_\_\_\_ residents. Because the Cape Girardeau – Jackson urbanized area is a regional center for business, health care and education, the daytime population is estimated to be much higher.

### **5. Service Area**

The SEMPO Metropolitan Planning Area Boundary Map is included in the attachments at the end of this document. The boundary covers an area that includes the City of Cape Girardeau, the City of Jackson, Cape Girardeau County, and part of Scott County in Missouri, as well as the Village of East Cape Girardeau and part of Alexander County in Illinois. Major transportation routes include Interstate 55, US Highway 61, Missouri State Highway 74/Illinois State Highway 146, and the Mississippi River. This area is also served by a railroad mainline (operated by BNSF) and a regional airport (operated by the City of Cape Girardeau). Transit services are provided by the Cape Girardeau County Transit Authority as well as Southeast Missouri State University.

## **6. Governing Body**

SEMPO is governed by a Board of Directors. Members serve 2-year terms and may be re-appointed. There are 7 voting members: 2 members from the City of Cape Girardeau, 2 members from the City of Jackson, and 1 member each from Cape Girardeau County, the Southeast Missouri Regional Planning and Economic Development Commission, and the Cape Girardeau County Transit Authority/Southeast Missouri State University Transit. In addition, there are several ex-officio members representing other jurisdictions and transportation organizations. The Board is aided by a Technical Planning Committee, which serves in an advisory capacity and consists of staff from the Federal Highway Administration, Federal Transit Administration, Missouri Department of Transportation, Illinois Department of Transportation, Southeast Missouri and Bootheel regional planning commissions, Southeast Missouri Regional Port Authority, regional transit agencies, and local representatives. Staff support is provided by the City of Cape Girardeau.

## C. Notice to the Public

### Notice to the Public of Rights under Title VI

The Southeast Metropolitan Planning Organization (SEMPO) posts Title VI notices on our agency's website, in public areas of our agency, in our board room, and on our buses and/or paratransit vehicles.

SEMPO operates its programs and services without regard to race, color, or national origin, in accordance with Title VI of the Civil Rights Act of 1964.

If you believe you have been discriminated against on the basis of race, color, or national origin by SEMPO, you may file a Title VI complaint as follows:

#### How to file a Title VI complaint with SEMPO:

1. Obtain a **Title VI Complaint Form**, available on the SEMPO website at [www.southeastmpo.org](http://www.southeastmpo.org), or request a printed copy from the SEMPO Executive Director's Office, 401 Independence St., Cape Girardeau, MO 63703; (573) 339-6327 phone; (573) 339-6303 fax.
2. In addition to the complaint process at SEMPO, complaints may be filed directly with the Federal Transit Administration, Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.
3. Complaints must be filed within 180 days following the date of the alleged discriminatory action(s) and should contain as much detailed information about the alleged discrimination as possible.
4. The form must be signed and dated, and include your contact information.

If information is needed in another language, contact the SEMPO Executive Director's Office using the above contact information.

## D. Procedure for Filing a Title VI Complaint

The following complaint procedures apply to the beneficiaries of SEMPO's programs, activities, and services.

**RIGHT TO FILE A COMPLAINT:** Any person who believes they have been discriminated against on the basis of race, color, or national origin by SEMPO may file a Title VI complaint by completing and submitting the agency's **Title VI Complaint Form**. Title VI complaints must be received using this form within one hundred eighty (180) days of the alleged discriminatory action(s).

**HOW TO FILE A COMPLAINT:** Information on how to file a Title VI complaint is posted on our agency's website, and in public areas of our agency.

Obtain a **Title VI Complaint Form**, available on the SEMPO website at [www.southeastmpo.org](http://www.southeastmpo.org), or request a printed copy from the SEMPO Executive Director's Office, 401 Independence St., Cape Girardeau, MO 63703; (573) 339-6327 phone; (573) 339-6303 fax.

Complaints must be filed within one hundred eighty (180) days following the date of the alleged discriminatory action(s) and should contain as much detailed information about the alleged discrimination as possible. At a minimum, the following information should be provided:

- Complainant's full name, address and telephone number.
- Specific, detailed information about the alleged discriminatory action(s) (what, when, how, etc.)
- Any other relevant information, including the names of any persons, if known, the agency should contact for verification of the allegations.

The complaint form must be submitted to: SEMPO Executive Director's Office, 401 Independence St., Cape Girardeau, MO 63703; (573) 339-6303 fax.

**COMPLAINT ACCEPTANCE:** SEMPO will only process complaints that are completed using the complaint form and submitted within the one hundred eighty (180) day period. Upon receipt of a completed and timely complaint form, the SEMPO Executive Director will review it to determine if SEMPO has jurisdiction. If the Executive Director is alleged to have been involved in the discriminatory action(s), the complaint form will be reviewed by a member of SEMPO who is not alleged to have been involved or, if necessary, a designated third party. The complainant will receive an acknowledgement letter from the reviewing party informing them whether or not the complaint will be investigated.

**INVESTIGATIONS:** The reviewing party will generally complete an investigation within ninety (90) days from receipt of a completed complaint form. If more information is needed to resolve the case, the reviewing party may contact the complainant. Unless a longer period is specified

by the reviewing party, the complainant will have ten (10) days to provide the requested information.

If the requested information is not received within the specified period, the case will be closed. The case may also be closed if the complainant submits a signed written request to withdraw the complaint.

LETTER OF CLOSURE OR FINDING: Upon completion of the investigation, the reviewing party will issue either a Letter of Closure (LOC) or a Letter of Finding (LOF).

- A Letter of Closure (LOC) summarizes the allegations and states that there was not a Title VI violation and that the case will be closed.

- A Letter of Finding (LOF) summarizes the allegations and provides an explanation of the corrective action taken.

If the complainant disagrees with the reviewing party's determination, the complainant may request reconsideration by submitting the request in writing to the reviewing party within seven (7) days after the date of the Letter of Closure or Letter of Finding, stating with specificity the basis for the reconsideration. The reviewing party will notify the complainant of the decision either to accept or reject the request for reconsideration within ten (10) days. In cases where reconsideration is granted, the reviewing party will issue a determination letter to the complainant upon completion of the reconsideration review.

In addition to filing a Title VI complaint with SEMPO, a person may also file a complaint directly with the Federal Transit Administration, Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

If information is needed in another language, contact the SEMPO Executive Director's Office using the above contact information.

## **E. Monitoring Title VI Complaints, Investigations, Lawsuits and Documenting Evidence of Agency Staff Title VI Training**

### **Documenting Title VI Complaints/Investigations**

All Title VI complaints will be entered and tracked in SEMPO’s complaint log. Active investigations will be monitored for timely response on the part of all parties. The agency’s Title VI Coordinator shall maintain the log.

### **Agency Title VI Complaint Log**

Date complaint filed	Complainant	Basis of complaint R-C-NO	Summary of allegation	Pending status of complaint	Actions taken	Letter of Closure (LOC)	Letter of Finding (LOF)	Date of LOC or LOF

### **Documenting Evidence of Agency Staff Title VI Training**

SEMPO’s staff are given Title VI training, and SEMPO can answer affirmatively to all the following questions:

1. Are new employees made aware of Title VI responsibilities pertaining to their specific duties?
2. Do new employees receive this information via employee orientation?
3. Is Title VI information provided to all employees and program applicants?
4. Is Title VI information prominently displayed in the agency and on any program materials distributed, as necessary?

## F. Public Engagement Plan

### Goal

The goal of the Public Engagement Plan is to have significant and ongoing public involvement, by all identified audiences, in the public participation process for major agency outreach efforts.

#### Objectives

- To understand the service area demographics and determine what non-English languages and other cultural barriers exist to public participation.
- To provide general notification of meetings and forums for public input, in a manner that is understandable to all populations in the area.
- To hold public meetings in locations that are accessible to all area stakeholders, including but not limited to minority and low income members of the community.
- To provide methods for two-way communication and information and input from populations which are less likely to attend meetings.
- To convey the information in various formats to reach all key stakeholder groups.

### Identification of Stakeholders

Stakeholders are those who are either directly or indirectly affected by an outreach effort, system or service plan or recommendations of that plan. Stakeholders include but are not limited to the following:

- Board of Directors – the governing board of the agency. The role of the Board is to establish policy and legislative direction for the agency. The Board defines the agency's mission, establishes goals, and approves then budget to accomplish the goals.
- Advisory Bodies – non-elected advisory bodies review current and proposed activities of the agency, and are encouraged to be active in the agency's public engagement process. Advisory bodies provide insight and feedback to the agency.
- Agency Transit riders and clients
- Minority and low income populations, including limited English proficient persons
- Local jurisdictions and other government stakeholders
- Private businesses and organizations
- Employers
- Partner agencies

## Elements of the Public Engagement Plan

It is necessary to establish a public participation plan that includes an outreach plan to engage minority and limited English proficient (LEP) populations.

Elements of the Public Engagement Plan include:

### 1. Public Notice

- a. Official notification of intent to provide opportunity for members of the general public to participate in public engagement plan development, including participation in open Board/council meetings, and advisory committees.

### 2. Public Engagement Process/Outreach Efforts:

- a. Public meetings
- b. Open houses
- c. Rider forums
- d. Rider outreach
- e. Public hearings
- f. Focus groups
- g. Surveys
- h. Services for the Disabled (Notices of opportunities for public involvement include contact information for people needing these or other special accommodations.)

Events such as public meetings and/or open houses are held at schools, churches, libraries and other non-profit locations easily accessible to public transit and compliant with the Americans with Disabilities Act.

### 3. Public Comment

- a. Formal public comment periods are used to solicit comments on major public involvement efforts around an agency service or system change.
- b. Comments are accepted through various means:
  - i. Dedicated email address.
  - ii. Website.
  - iii. Regular mail.
  - iv. Forms using survey tool for compilation.
  - v. Videotaping.
  - vi. Phone calls to Customer Service Center [phone]

### 4. Response to Public Input

All public comments are provided to the Board of Directors prior to decision making. A publicly available summary report is compiled, including all individual comments.

## **Title VI Outreach Best Practices**

SEMPO ensures all outreach strategies, communications and public involvement efforts comply with Title VI. SEMPO’s Public Engagement Plan proactively initiates the public involvement process and makes concerted efforts to involve members of all social, economic, and ethnic groups in the public involvement process. Aligned with the above referenced communication tactics, SEMPO provides the following:

- a. Public notices published in non-English publications (if available).
- b. Title VI non-discrimination notice on agency’s website.
- c. Agency communication materials in languages other than English (subject to Safe Harbor parameters).
- d. Services for Limited English Proficient persons. Upon advance notice, translators may be provided.

### **2014 – 2017 Title VI Program Public Engagement Process**

SEMPO will conduct a Public Engagement Process for the 2014-2017 Title VI Program. This process includes Community Meetings to seek input, provide education, and highlight key components of the Title VI Plan. Materials have been created to explain Title VI policies as well as provide education on how they relate to minority populations.

SEMPO will provide briefings to the Board of Directors and Advisory Bodies.

SEMPO will conduct a 30 day public comment period to provide opportunities for feedback on the 2014-2017 Title VI Program.

Comments are accepted during the public outreach period via:

- a. Email
- b. Mail
- c. Phone
- d. In person
- e. Survey tool (agency option)

### **Summary of 2014-2017 Public Outreach Efforts**


## G. Language Assistance Plan

### SEMPO Limited English Proficiency Plan

This limited English Proficiency (LEP) Plan has been prepared to address SEMPO's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964; Federal Transit Administration Circular 4702.1B, dated October 1, 2012, which states that the level and quality of transportation service is provided without regard to race, color, or national origin.

Executive order 13166, titled "Improving Access to Services for Persons with Limited English Proficiency," indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each federal agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discriminations do not take place. This order applies to all state and local agencies which receive federal funds.

#### Service Area Description:

SEMPO serves an area that includes the City of Cape Girardeau, the City of Jackson, Cape Girardeau County, and part of Scott County in Missouri, as well as the Village of East Cape Girardeau and part of Alexander County in Illinois. See Attachment 1 for a map of the service area.

SEMPO has developed this LEP Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency who wish to access services provided by SEMPO. As defined in Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, and the ways in which assistance may be provided.

In order to prepare this plan, SEMPO undertook the **four-factor LEP analysis** which considers the following factors:

#### **Four Factor Analysis**

##### 1. The number and proportion of LEP persons eligible to be served or likely to be encountered in the service area:

A significant majority of people in the SEMPO service area are proficient in the English language. Based on 2010 Census data, \_\_\_% of the population five years of age and older speak English "less than very well" – a definition of limited English proficiency.

<b>LEP Population in SEMPO Service Area</b>					
<b>Population 5 years and over by language spoken at home and ability to speak English</b>	<b>Service Area Sector [1]</b>	<b>Service Area Sector [1]</b>	<b>Service Area Sector [1]</b>	<b>Service Area Total</b>	<b>Percentage of Population 5 Years and Older</b>
<b>Population 5 Years and Over</b>					
Speak English "less than very well"					
<b>Spanish</b>					
Speak English "less than very well"					
<b>Other Indo-European</b>					
Speak English "less than very well"					
<b>Asian and Pacific Island</b>					
Speak English "less than very well"					
<b>All Other</b>					
Speak English "less than very well"					

**2. Frequency of Contact by LEP Persons with SEMPO's Services:**

The SEMPO staff reviewed the frequency with which office staff, dispatchers and drivers have, or could have, contact with LEP persons. To date, SEMPO has, on average, zero requests per month for an interpreter. SEMPO averages zero phone calls per month.

<p>LEP Staff Survey Form</p> <p>SEMPO is studying the language assistance needs of its riders so that we can better communicate with them if needed.</p> <ol style="list-style-type: none"> <li>How often do you come into contact with passengers who do not speak English or have trouble understanding you when you speak English to them? DAILY    WEEKLY    MONTHLY    LESS THAN MONTHLY</li> <li>What languages do these passengers speak?</li> <li>What languages (other than English) do you understand or speak?</li> <li>Would you be willing to serve as a translator when needed?</li> </ol>
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Frequency of Contact with LEP Persons	
Frequency	Language Spoken by LEP Persons
Daily	
Weekly	
Monthly	
Less frequently than monthly	

3. The importance of programs, activities or services provided by SEMPO to LEP persons:

Outreach activities, summarized in SEMPO’s Title VI Public Engagement Plan, include events such as public meetings and/or open houses held at schools, churches, libraries and other non-profit locations, and include specific outreach to LEP persons to gain understanding of the needs of the LEP population, and the manner (if at all) needs are addressed.

Outside Organization LEP Survey
Organization: _____
<ol style="list-style-type: none"> <li>1. What language assistance needs are encountered?</li> <li>2. What languages are spoken by persons with language assistance needs?</li> <li>3. What language assistance efforts are you undertaking to assist persons with language assistance needs?</li> <li>4. When necessary, can we use these services?</li> </ol>

4. The resources available to SEMPO and overall cost to provide LEP assistance:

Strategies for Engaging Individuals with Limited English Proficiency include:

1. Language line. Upon advance notice, translators can be provided.
2. Language identification flashcards.
3. Written translations of vital documents (identified via safe harbor provision)
4. One-on-one assistance through outreach efforts.
5. Website information.
6. To the extent feasible, assign bilingual staff for community events, public hearings and Board of Directors meetings and on the customer service phone lines.

*As applicable:* Based on our demographic analysis (Factor 1) SEMPO has determined that no language group(s) within its service area meets Safe Harbor criteria requiring written translated “vital documents” by language group(s).

\_\_\_\_\_ will provide assistance and direction to LEP persons who request assistance.

## **Staff LEP Training**

The following training will be provided to SEMPO staff:

1. Information on SEMPO's Title VI Procedures and LEP responsibilities.
2. Description of language assistance services offered to the public.
3. Use of Language Identification Flashcards.
4. Documentation of language assistance requests.

## **Monitoring and Updating the LEP Plan**

The LEP Plan is a component of SEMPO's Title VI Plan requirement.

SEMPO will update the LEP plan as required. At minimum, the plan will be reviewed and updated when it is clear that higher concentrations of LEP individuals are present in the SEMPO service area. Updates include the following:

1. How the needs of LEP persons have been addressed.
2. Determine the current LEP population in the service area.
3. Determine as to whether the need for, and/or extent of, translation services has changed.
4. Determine whether local language assistance programs have been effective and sufficient to meet the needs.
5. Determine whether SEMPO's financial resources are sufficient to fund language assistance resources as needed.
6. Determine whether SEMPO has fully complied with the goals of this LEP Plan.
7. Determine whether complaints have been received concerning SEMPO's failure to meet the needs of LEP individual.

## H. Advisory Bodies

**Table Depicting Membership of Committees, Councils, By Race**

<b>Committee [examples]</b>	<b>Caucasian</b>	<b>Latino</b>	<b>African American</b>	<b>Asian American</b>		<b>Total</b>
Population Committee						100%
Access Committee						100%
Citizens Advisory Council						100%

**Description of efforts made to encourage minority participation on committees:**

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## **I. Subrecipient Assistance**

SEMPO does not have any subrecipients.

## **J. Subrecipient Monitoring**

SEMPO does not have any subrecipients.

## **K. Equity Analysis of Facilities**

SEMPO has not constructed any storage facilities, maintenance facilities, or operations centers in the last three years.