

Essex County Transportation  
8053 US RT 9 PO Box 217  
Elizabethtown, NY 12932  
(800) 914-9266

## **Civil Rights Plan**

### **I. Plan Statement**

The Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides 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" (42 U.S.C. Section 2000d).

Essex County Transportation (ECT) is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transportation services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.A. This plan was developed to guide ECT in its administration and management of Title VI-related activities.

Jennifer Mascarenas  
Title VI Coordinator  
**Human Resources Department**  
**7533 Court Street**  
**P.O. Box 217**  
**Elizabethtown, NY 12932**  
**(518) 873-3364**

### **II. Civil Rights Information Dissemination**

Civil Rights information posters shall be prominently and publicly displayed on [www.co.essex.ny.us/wp/transportation](http://www.co.essex.ny.us/wp/transportation) and all major facilities. Additional information relating to non-discrimination obligation can be obtained from the Essex County Transportation Title VI Coordinator.

Title VI information shall be disseminated to Essex County Transportation employees annually via the employee handbook containing the language set forth in Appendix A. This reminds employees of Essex County Transportation about the policy statement and of their Title VI responsibilities in their daily work and duties.

During Department Orientation, new employees shall be informed of the provisions of Title VI and the expectations of Essex County Transportation employees to perform their duties accordingly. All transportation employees shall be provided a copy of the Title VI Plan and are required to sign the Acknowledgment of Receipt (see Appendix B).

### III. Subcontracts and Venders

All subcontractors and venders who receive payments from Essex County Transportation where funding originates from any Federal assistance are subject to provisions of Title VI of the Civil Rights Act of 1964 as amended. Written contracts shall contain non-discrimination language, either directly or through the bid specification package which becomes an associated component of the contract.

### IV. Record Keeping

The Title VI Coordinator will maintain permanent records, which include, but are not limited to, signed acknowledgments of receipts from the employees indicating the receipt of the Essex County Transportation Title VI Plan, copies of the Title VI complaints or lawsuits and related documentation, and records of correspondence to and from complainants and Title VI investigations.

### V. Civil Rights Procedures

#### **How to file a Title VI Complaint**

The complainant may file a signed, written complaint up to one hundred and eighty (180) days from the date of the alleged discrimination. The complaint should include the following information.

Complainant's name, mailing address, and how to contact them (i.e., telephone number, email address, etc.) How, when, where and why they believe they were discriminated against. Include the location, names and contact information of any witnesses.  
Other information that they deem significant.

The Title VI Complaint Form (see Appendix C) may be used to submit complaint information. The complaint must be filed in writing with ECT at the following Address in order for Essex County Transportation to properly investigate any complaint:

Jennifer Mascarenas  
Title VI Coordinator  
**Human Resources Department**  
**7533 Court Street**  
**P.O. Box 217**  
**Elizabethtown, NY 12932**  
**(518) 873-3364**

NOTE: Essex County Transportation encourages all complainants to certify any mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked. For complaints originally submitted by facsimile, an original, signed copy of the complaint must be mailed to the Title VI Coordinator as soon as possible, but no later than one hundred eighty (180) days from the alleged date of discrimination.

**What happened to the complaint after it is submitted?**

All complaints alleging discrimination based on race, color or national origin in a service or benefit provided by Essex County Transportation will be directly addressed for investigation. Essex County Transportation shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Additionally, Essex County Transportation shall make every effort to address all complaints in an expeditious and thorough manner.

A letter acknowledging receipt of complaint will be mailed within seven (7) days (see Appendix D). Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

**How will the complainant be notified of the outcome of the complaint?**

The Title VI program coordinator will send a final written response letter (see Appendix E or F) to the complainant. In the letter notifying complainant that the complaint is not substantiated (Appendix F), the complainant is also advised of his or her right to

1) Provide additional information to Essex County Transportation for consideration of the complaint within seven (7) calendar days of receipt of the final written decision from Essex County Transportation and/or  
2) File a complaint externally with the U.S. Department of Transportation and/or the FTA. Every effort will be made to respond to the Title VI complaints within sixty (60) working days of receipt of such complaints. In addition to the complaint process described above, a complainant may file a Title VI complaint with the following offices:

**Federal Transit Administration Office of Civil Rights****Attention: Title VI Program Coordinator****East Building, 5th Floor- TCR****1200 New Jersey Ave****SE Washington DC 20590****VI. Language Assistance Plan (LAP)**

FTA Circular 4702.1B was developed by the Federal Transit Administration (FTA) and details the administrative and reporting requirements for recipients of FTA financial assistance to comply with Title VI and related executive orders including on LEP (Limited English Proficiency) persons.

Essex County Transportation (ECT) is committed to breaking down language barriers by implementing consistent standards of language assistance across its service area.

The United States Department of Transportation (DOT) published guidance that directed its recipients to ensure meaningful access to the benefits,

services, information, and other important portions of their programs and activities for LEP customers. Essex County Transportation Language Assistance Plan (LAP) includes a four factor analysis and implementation plan that complies with the requirements of the DOT LEP guidance.

1. The number or proportion of LEP persons in the service area.

The vast majority of the population with which we do business (individuals wishing to ride transit) is proficient in English, so that the LEP services are not normally required. According to 2015 census data for Essex County, English is spoken by 94.14% of residents in the transit service area. Spanish speaking residents represent 2.89% of the non-English speaking, French and Russian speaking residents represent .48% each and all other languages represent 2.01% of non-English speaking residents within the ECT service area.

2. The frequency with which LEP individuals come into contact with the service. Even though we have LEP services available as needed, current contact with LEP individuals is infrequent, even nonexistent. To date, no requests have been made by either individuals or groups.

3. The nature and importance of service provided by ECT. ECT provides important public transportation services to the public through its fixed routes.

4. The resources available to the recipients of the Federal funds to assure meaningful access to the service by LEP persons. ECT will incorporate LEP services policies on our buses, website and at any public meetings/trainings we hold in the future. We have received no requests for Language Line services to date, but will make sure to have these services available going forward. ECT plans to provide its employees with training to regarding cultural competency and our LEP services at time of employment and as needed.

## **IMPLEMENTATION PLAN**

Essex County Transportation will identify LEP persons in the service area through ridership, telephone contact counts, neighborhood demographics, general awareness surveys, etc. ECT will include information on LEP at all public forums held, as well as posting on buses, online and via telephone contact.

## **VII. Safe Harbor Provision**

The federal Transit Authority Circular 4702.1B states

*"DOT has adopted DOJ's Safe Harbor Provision, which outlines circumstances that can provide a "safe harbor" for recipients regarding translation of written materials for LEP populations. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered. Then such action will be considered strong evidence of compliance with the recipient's written translation obligation. Translations of non-vital documents, if needed, can be provided orally. If there are fewer than 50 persons in a language group that reaches the five percent (5%) trigger, the recipient is not required to translate vital materials but should provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.*

*These safe harbor provision apply to the translation of written documents only. The do not affect the requirement to provide access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. A recipient may determine, based on the Four Factors Analysis, that even though a language meets the threshold specified by the Safe Harbor Provision, written translation may not be an effective means to provide language assistance measures. For example, a recipient may determine that a large number of persons in that language group have low literacy skills in their native language and therefore require oral interpretation. In such cases, background documentation regarding the determination shall be provided to FTA in the Title VI Program."*

## **VIII. Membership of Non-elected Committees and Councils**

Essex County Transportation does not have a non-elected transit related advisory council at this time.

## **IX. Civil Rights Equity Analysis**

Essex County Transportation does not have transit related facilities.

## **Appendix A: Employee Annual Education Form Civil Rights Plan**

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 program or activity receiving federal financial assistance.

All employees of Essex County Transportation are expected to consider, respect, and observe this policy in their daily work and duties. If a participant or family member approaches you with a question or complaint relating to Title VI or discrimination of any kind based on race, color, or national origin, direct him or her to Essex County Transportation Title VI Coordinator.

In all dealings with anyone in the community, use courtesy titles (i.e. Mrs., Ms., or Miss) to address them without regard to race, color or national origin.

**Appendix B: Employee Acknowledgement of Receipt of Civil Rights Plan**

I hereby acknowledge the receipt of the Essex County Transportation Title VI Plan. I have read the plan and am committed to ensuring that no participant is excluded from or denied the benefits of its transportation services on the basis of race, color, or national origin, as protected by Title VI in Federal Administration (FTA) Circular 47002.1.A.

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Employee signature

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Print name

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Date

## **Appendix C: Public Participation Plan**

All applicants for Federal Transit Administration (FTA) financial assistance are required to ensure their programs, policies, and activities comply with US Department of Transportation (USDOT) Title VI of the Civil Rights Act of 1964. In order to comply with 49 CFR Section 21.9(b), sub recipients must develop, and submit to NYSDOT, a Public Participation Plan, which includes information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission.

The goal of Essex County Transportation's Public Participation Plan is to offer early, often, and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions. ECT will provide adequate notice of public participation activities, as well as early and continuous opportunities for public review and comment at key decision points.

ECT will determine how, when and how often-specific public participation activities should take place, and what specific measures are most appropriate based on:

- The composition of the population in our service area;
- The type public involvement activities we have planned;
- The resources ECT has available

For any change in service, even regular changes, public information sessions or website updates will inform low-income, minority and LEP populations. ECT will show these populations have been notified of the change by documenting the outreach activities and response.

In order to integrate the Civil Rights Plan, Environmental Justice (EJ), Limited English Proficiency (LEP), ECT will seek out and consider the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities.

Outreach to low-income minority and LEP populations will include phone contact with relevant local organizations for these populations prior to any changes. Local organizations include Community Based Organizations, advocacy groups for immigrants, Independent Living Centers, etc. Public information sessions will provide information for LEP populations, and location will be accessible to impacted people by transit.

ECT will document when and how groups were contacted, and the type of meeting they were invited to. Minutes and records of responses will be taken down and written for review and be held for response. ECT will provide a summary of outreach efforts as part of their Title VI Program submission.



ECT will consider the following effective practices when developing our Public Participation Plan:

- Use locations, facilities, and meeting times that are convenient and accessible to low-income and minority communities;
- Coordinating with individuals, institutions, or organizations and implementing community based public involvement strategies to reach out to members in the affected minority and/or low-income communities;
- Placing public notices of activities in all stations and in all vehicles; provide alternative language notices for LEP communities in our service area
- Provide opportunities through means other than written communication.
- Use different meeting sizes and formats that are tailored to our particular communities and populations;
- Utilize social media, such as Facebook and You Tube to complement, but not replace, other involvement strategies;
- Consider non-traditional methods such a posting notices in hair salons, street fairs, faith-based institutions, libraries, etc.

Appendix D: Civil Rights COMPLAINT FORM

Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Telephone: Home \_\_\_\_\_ Work \_\_\_\_\_ Cell \_\_\_\_\_

Basis of Complaint: (place checkmark}

- Race
- Color
- Sex
- National Origin
- Age
- Disability

Type of Complaint (place checkmark)

|         |         |         |          |
|---------|---------|---------|----------|
| Program | Service | Benefit | Activity |
|---------|---------|---------|----------|

Who allegedly discriminated against you?

Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_

If an organization what is its name?

Name of Organization \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_

Name of Contact \_\_\_\_\_

How were you discriminated against?

Dates and times discrimination occurred?

**Were there any other witnesses to the discrimination?**

**Name**

**Title**

**Work Phone**

**Home Phone**

**Have you filed your complaint with anyone else?**

**Who** \_\_\_\_\_

**When** \_\_\_\_\_

**Do you have an Attorney in this matter?**

**Name** \_\_\_\_\_

**Address** \_\_\_\_\_ **City** \_\_\_\_\_ **Zip** \_\_\_\_\_

**When did you acquire** \_\_\_\_\_

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

**Mail to:** Jennifer Mascarenas  
Title VI Coordinator  
**Human Resources Department**  
**7533 Court Street**  
**P.O. Box 217**  
**Elizabethtown, NY 12932**  
**(518) 873-3364**

**APPENDIX E: Letter Acknowledging Receipt of Complaint**

Date

Name

Address

City, State Zip

Dear Name:

This letter is to acknowledge receipt of your complaint against Essex County Transportation Department alleging \_\_\_\_\_.

An investigation will begin shortly. If you have additional information you wish to convey or questions concerning this matter, please feel free to contact this office by contacting our office at (518) 873-3364 or in writing to Title VI Coordinator, Human Resources Department, 7553 Court Street, Elizabethtown, NY 12932.

Sincerely,

Jennifer Mascarenas  
Title VI Coordinator

**APPENDIX F: Letter Notifying Complainant that the Complaint Is Substantiated**

Date

Name

Address

City, State Zip

Dear Name:

The matter referenced in your letter dated \_\_\_\_\_ against Essex County Transportation alleging Title VI violation has been investigated. (An/Several) apparent violation(s) of Title VI of the Civil Rights Act of 1964, including those mentioned in your letter (was/were) identified. Efforts are underway to correct these deficiencies.

Thank you for calling this important matter to our attention. You were extremely helpful during our review of the program. (If a hearing is requested, the following sentence may be appropriate.) You may be hearing from this office, or from federal authorities, if your services should be needed during the administrative hearing process.

Sincerely,

Jennifer Mascarenas  
Title VI Coordinator

**APPENDIX G: Letter Notifying Complaint and that the Complaint Is Not Substantiated**

Date

Name

Address

City, State Zip

Dear Name:

The matter referenced in your complaint dated \_\_\_\_\_ against the Essex County Transportation alleging \_\_\_\_\_ has been investigated. The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964, had in fact been violated. As you know Title VI prohibits discrimination based on race, color, or national origin in any program receiving federal financial assistance.

Essex County Transportation has analyzed the materials and facts pertaining to your case of evidence of the Department's failure to comply with any of the civil rights laws. There was no evidence found that any of these laws have been violated.

I therefore advise you that your complaint has not been substantiated and that I am closing the matter in our files.

You have the right to 1) provide additional information to this office for reconsideration of your complaint within seven (7) calendar days of receipt of this final written decision from Essex County Transportation and/or 2) file a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at:

Federal Transit Administration Office of Civil Rights Attention: Title VI Program Coordinator East Building, 5th Floor- TCR 1200 New Jersey Ave., SE Washington DC 20590

Thank you for taking the time to contact us. If I can be of assistance to you in the future, do not hesitate to call me.

Sincerely,

Jennifer Mascarenas  
Title VI Coordinator

**APPENDIX H: Sample of Narrative to be included in Posters to be displayed in Participants Transport Vehicles and Facilities**

Essex County Transportation is committed to ensuring that no person is excluded from participation in, denied the benefits of, or be subjected to discrimination in the receipt of its services on the basis of race, color, or national origin, as protected by Title VI of the Civil Rights Act of 1964.

If you feel you are being denied participation in or being denied benefits of the services provided by Essex County Transportation or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, you may contact our office at (518)873-3364.

**APPENDIX I: NYSDOT Public Transportation Programs  
Title VI Investigations, Complaints & Lawsuits Log**

**AGENCY:** Essex County Transportation.

**TITLE VI OFFICER:** Jennifer Mascarenas

**E-MAIL:** [jmascarenas@co.essex.ny.us](mailto:jmascarenas@co.essex.ny.us)

**CONTACT:** (518) 873-3364

**FISCAL YEAR FY:**

**REPORTING PERIOD** (check appropriate box):

1<sup>ST</sup> Half   
(July-December)

2<sup>ND</sup> Half   
(January-June)

Complete Fiscal Year   
(July-June)

1. Were any investigations, lawsuits or complaints filed during this time period?
2. If YES, please provide the following information for each investigation, lawsuit or complaint received during this time period:  
  
Date the investigation, lawsuit or complaint was filed, and Summary of the allegation(s) and status if resolved.
3. Based on the investigations, lawsuits or complaints filed during the Fiscal Year, please provide a status of each allegation. **(Report on separate paper at the end of the Fiscal Year).**
4. Please indicate if or what actions were taken by the sub recipient in response to the investigation, lawsuit or complaint. **(Report on separate paper at the end of the Fiscal Year).**



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**SERVICE STANDARDS**

**VEHICLE LOAD FOR FIXED ROUTE**

Essex County Transportation has adopted a method of allowing 1 standing per row in each vehicle during peak operating period and should not exceed vehicle achievable capacity for each of the following vehicles in our fleet:

| Vehicle Type  |              | Length | Capacity | Seated | Standing | Total | Max Load Factor                    |
|---------------|--------------|--------|----------|--------|----------|-------|------------------------------------|
| FORD          | E-450        | 26 Ft  | 20       | 20     | 8        | 28    | 1 standing per row in each vehicle |
| FREIGHTLINER  | CHAMPION     | 32 Ft  | 34       | 34     | 10       | 44    | "                                  |
| INTERNATIONAL | HC/TC        | 32 Ft  | 32       | 32     | 10       | 42    | "                                  |
| INTERNATIONAL | HC/TC        | 32 Ft  | 32       | 32     | 10       | 42    | "                                  |
| FORD          | E-450        | 26 Ft  | 20       | 20     | 8        | 28    | "                                  |
| FORD          | E-450        | 26 Ft  | 20       | 20     | 8        | 28    | "                                  |
| FORD          | E-450        | 26 Ft  | 20       | 20     | 8        | 20    | "                                  |
| FORD          | E-450        | 26 Ft  | 20       | 20     | 8        | 20    | "                                  |
| FORD          | F-550        | 32 Ft  | 24       | 24     | 8        | 32    | "                                  |
| FORD          | F-550        | 32 Ft  | 24       | 24     | 8        | 32    | "                                  |
| Chevrolet     | G4500        | 30 Ft  | 16       | 16     | 4        | 20    | "                                  |
| CHEVROLET     | G4500        | 30 Ft  | 16       | 16     | 4        | 20    | "                                  |
| Chevrolet     | G4500        | 30 Ft  | 16       | 16     | 4        | 20    | "                                  |
| FORD          | E-450        | 26 Ft  | 20       | 20     | 8        | 28    | "                                  |
| FREIGHTLINER  | TROLLEY      | 26 Ft  | 24       | 24     | 8        | 32    | "                                  |
| FREIGHTLINER  | TROLLEY      | 26 Ft  | 26       | 26     | 10       | 36    | "                                  |
| FORD          | E-450        | 26 Ft  | 20       | 20     | 8        | 28    | "                                  |
| FREIGHTLINER  | VILLAGER 190 | 30 Ft  | 26       | 26     | 10       | 36    | "                                  |

## **VEHICLE HEADWAY FOR FIXED ROUTE**

Currently Essex County Transportation (ECT) headways are adjusted based on ridership demand and market potential, using load factors, productivity, and development growth to inform the planning process. Current Vehicle Headways are 30 minutes to 4 hours depending on the service area route.

## **ON TIME PERFORMANCE FOR FIXED ROUTE**

Essex County Transportation monitors on time performance on all fixed routes at all-time points. ECT fixed route vehicles travel through all published time points and complete their established runs no more than 5 minutes late compared to the established published timetables before being considered late.

## **SERVICE AVAILABILITY FOR FIXED ROUTE**

Essex County Transportation considers convenient service distribution along routes to accommodate our rural areas as well as our more populated areas. We offer a  $\frac{3}{4}$  mile route deviation upon request to accommodate riders.

*Essex County Transportation*  
8053 US Rt. 9 PO Box 217  
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## **SERVICE POLICIES**

### **Vehicle Loading/Vehicle Assignment**

Essex County Transportation (ECT) will design its services to keep the number of passengers on its vehicles at a comfortable level, always within the limits of safety. In peak periods, this means that some passengers may be expected to stand for part of the trip. In off peak periods, services will be designed to try to provide a seat to all off peak customers.

Consideration is given to matching the capacity of the vehicles to the ridership levels on the route to avoid unnecessary increases in service levels. All vehicles are wheelchair lift or ramp equipped.

### **Passenger Amenities**

Bus stops are placed at the most convenient and frequented stops for passengers. Consideration is given to major hotels, stores, public parking areas, etc. in safe and accessible areas along fixed route.

Where appropriate, and as operating budget allows, ECT works with Towns and Villages to provide various amenities such as benches, etc.

Development around the major stops should be encouraged to follow ECT's supportive design principles-closer to the street, favor pedestrian connections, and customer friendly uses in commercial areas such as coffee shops, or passenger amenities.

