

Berkshire Regional Transit Authority



BRTA

Title VI/Non Discrimination Policy

Updated: May 2017

TITLE VI/NON DISCRIMINATION POLICY

Effective: April 1, 2017

Ref: FTA Circular 4702.1A Title VI and Title VI Dependent Guidelines for Federal Transit Administration Recipients.

Purpose: The purpose of this policy is to establish guidelines to effectively monitor and ensure that Berkshire Regional Transit Authority (BRTA) is in compliance with all FTA Title VI requirements and regulations in orders to carry out the provisions of the Department of Transportation's (DOT) Title VI Regulations at 49 CFR Part 21.

Policy: Effective April 1, 2017, the BRTA will ensure that their programs, policies, and activities all comply with the Department of Transportation's (DOT) Title VI regulations. BRTA is committed to creating and maintaining public transit service that is free of all forms of discrimination. The agency will take whatever preventive, corrective and disciplinary action necessary for behavior that violates this policy or the rights and privileges it is designed to protect.

Required to provide an annual Title VI certification and assurance: To ensure accordance with 49 CFR Section 21.7, every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with Title VI of the Civil Rights Act of 1964. This requirement, shall be fulfilled when the applicant submits its annual certifications and assurances to FTA. The text of FTA's annual certifications is available on FTA's website. The BRTA complies with this instruction annually in order to receive FTA funding.

Required to notify beneficiaries of protection under Title VI: In order to comply with 49 CFR Section 21.9(d), recipients shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. Recipients that provide transit service shall disseminate this information to the public through measures that can include but shall not be limited to a posting on the agency's website. BRTA has information on their website as well as signage posted on all buses and in the main transfer hub.

Required To Develop Title VI Complaint Procedures: In order to comply with 49 CFR Section 21.9(b), recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public upon request. BRTA provides for their contractors dispatchers to take complaints and then forward them to the Title VI Complaint Coordinator (General Manager) who categorizes, tracks, develops responses and forwards them to the BRTA Administrator and if needed, legal counsel, see form on page 5.

Required to record Title VI investigations, complaints and lawsuits: In order to comply with 49 CFR Section 21.9(b), recipients shall prepare and maintain a list of any active investigations conducted by entities other than the FTA, lawsuits, or complaints naming the recipient that allege discrimination on the basis of race, color, or national origin. This list shall include the date of the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of, lawsuit, or complaint. The BRTA Title VI

Complaint Coordinator (General Manager) maintains these files. The BRTA has had no Title VI investigations, complaints or lawsuits that have occurred since the last submission of this program.

Required to provide meaningful access to Limited English Proficient (LEP) persons: Title VI and its implementing regulations require that FTA recipients take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient. The BRTA has installed a language translator on their website, www.berkshirerta.com, which includes information on schedules, fares and policies. Operators and staff with frequent public contact have access to the brochure "Basic Spanish for Transit Employees". BRTA has an agreement with Certified Languages International (CLI) for telephone translation services. CLI offers: exceptional customer satisfaction; HIPAA compliant, Safe Harbor certified, and Joint Commission compliant; on-demand services 24/7/365; customized reporting and detailed call analytics; and Professional interpreters with industry-specific expertise. With such a small population of LEP individuals likely to use transit, it is initially not cost effective to engage in translating and publishing route and schedule information into other languages. The BRTA did produce informational materials regarding the transition of the fare structure, Charlie Card and new fareboxes in response to a customer's request. If future needs arise for document translation, BRTA has an arrangement with NWI global. Their mission is, *"NWI Global envisions a world where businesses, institutions and organizations communicate freely and easily with one another to exchange ideas, knowledge, goods and services. For this to occur, language translation and interpretation services must be readily available and highly responsive. For over 20 years we have grown our ability to facilitate communication this way in over 200 languages, building relationships that produce reliable results for our clients."* An LEP Plan was implemented to assist with limited English speaking customers.

Public Participation Plan: BRTA's Public Participation Plan has been prepared to ensure that no one is precluded from participating in BRTA's service planning and development process. The plan is based on the following principles:

- Flexibility- BRTA will accommodate participation in a variety of ways and be adjusted as needed.
- Inclusive- BRTA will engage low income, minority, and LEP populations from the BRTA service area.
- Respect- All feedback will be given careful and respectful consideration.
- Proactive and Timeliness- Participation methods will allow for early involvement and be ongoing.
- Clear, Focused, and Understandable- Participation methods will have a clear purpose and use for the input, and will be described in language that is easy to understand.
- Honest and Transparent- Information provided will be accurate, trustworthy, and complete.
- Responsiveness- BRTA will respond and incorporate appropriated public comments into transportation decisions.
- Accessibility- Meetings will be held in locations which are fully accessible, on or near a bus route, welcoming to all area residents, including, but not limited to, low-income and minority members of the public and in locations relevant to the topics being presented and discussed.

BRTA will use its public participation plan when considering fare changes, modifications to routes, and other transit planning projects when:

- A fare increase or significant change in the method of fare payment is being considered;
- A new route is established;
- An existing route is proposed for elimination;
- Discontinuance of service on any route or group of routes on any given day when service is currently offered.

To hold a public participation meeting, BRTA will:

- Research public venues, dates, and times with consideration of the proposed changes and their impact on specific locations/populations within the BRTA service area;
- Develop bilingual (English and Spanish) public outreach materials and post at the BRTA and on every fixed route bus.
- Generate an email to BRTA community partners.
- Provide the local media with a press release.
- Add the information to BRTA's website.

Over the past three years, BRTA has conducted public meeting on the subjects of a Comprehensive Service Analysis and bus route service efficiencies. All public meetings are held in a public meeting room at the Joseph Scelsi Intermodal Transportation Center, Columbus Avenue, Pittsfield, MA as well as locations in both North and South County. We will continue to hold public meetings at these accessible, transit friendly, central locations because it ensures all customers can easily participate if they wish. Meeting notices are posted on BRTA vehicles, posted within the BRTA facility, faxed to local radio and print media, and posted on the BRTA website.

Recent public solicitations have included required Federal clauses which contain civil rights requirements. All solicitations posted on the BRTA website contain civil rights Title VI disclaimers.

Table of membership for non-elected committees and councils: BRTA does not have any committees and/or councils that meet the description of membership selected by the BRTA.

Monitoring Subrecipients: BRTA does not have any subrecipients.

Title VI equity analysis: BRTA has not performed any recent construction projects.

Transit Amenities for each mode: BRTA owns bus shelters that are placed with the partnership of the town or city. The transit amenity is installed at the request of the city or town. BRTA assess the proposed site for the shelter to ensure the safety of the customer and bus. The bus shelter needs to be on a transit route and the bus stop is frequently used. BRTA has a variety of bus shelters placed in both urban, rural, and low income areas.

Vehicle Assignment for each mode: The vehicle assignment for each bus route actively changes on a day to day basis. The 30-35 foot buses run on the routes that have the highest ridership. Historically this has been the routes that connect Northern Berkshire County, Southern Berkshire County, to Pittsfield or Berkshire Community College main campus. The mini-buses are used on routes that have less ridership.

Required to provide additional information upon request: At the discretion of the FTA, information other than that required by the referenced circular may be requested, in writing, from a recipient in order to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI requirements. The BRTA Title VI Complaint Coordinator (General Manager) is available to provide additional information as needed and to respond to any inquiry.

Required to prepare and submit a Title VI Program: FTA requires recipients to report certain general information to determine their compliance with Title VI. The collection and reporting of this program constitute the recipients' Title VI Program. To ensure compliance with 49 CFR Section 21.9(b), FTA requires that all recipients document their compliance with this chapter by submitting a Title VI Program to FTA's regional civil rights officer once every three years.

Discrimination

Any act or omission of an act which would prevent the use of or exclude a person from access to public transportation based on (but not limited to) race, sex, disability, or religion.

Notice of Non-Discrimination

The notice below is posted on transit vehicles and throughout the transit facilities in English and the additional languages listed.

The BRTA complies with the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964 and other federal equal opportunity laws and therefore does not discriminate on the basis of race, sex, color, age, national origin, religion or disability, in admission or access to and treatment in BRTA programs and activities, as well as in BRTA's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding BRTA's nondiscrimination policies may be directed to BRTA, One Columbus Avenue, Suite 201, Pittsfield, MA 01201 Attn: Civil Rights Officer.

This notice will be made available in other languages.

Englis

h Este aviso estará disponible en otros idiomas.

Spanis

h Niniejsze obwieszczenie będą dostępne w innych językach

Polish

Questo avviso sarà resi disponibile in altre lingue

Italian

Este aviso será disponibilizado em outros idiomas

Portuguese

Это уведомление будет предоставляться на других языках.

Russian

Este aviso estará disponible en otros idiomas.

Spanish

El BRTA cumple con las Americans with Disabilities Act de 1990, la sección 504 del

Acta de rehabilitación de 1973, título VI de la ley de derechos civiles de 1964 y otras leyes federales igualdad de oportunidades y por lo tanto no discrimina en base de raza, sexo, color, edad, origen nacional, religión o discapacidad, en la admisión o acceso y tratamiento en BRTA programas y actividades, así como en BRTA está contratando o prácticas laborales. Las denuncias de presunta discriminación y consultas sobre política antidiscriminatoria de BRTA pueden ser dirigidas a BRTA, uno Columbus Avenue, Suite 201, Pittsfield, MA 01201 Attn: oficial de los derechos civiles.

Niniejsze obwieszczenie będą dostępne w innych językach

Polish

BRTA jest zgodny z Amerykanami z niepełnosprawnych ustawa z 1990 r., sekcji 504 ustawy o rehabilitacji z 1973 r., tytuł VI ustawy prawa obywatelskie prawa federalnego równych szans 1964 i innych i dlatego nie dyskryminacji ze względu na rasy, płci, kolor, wiek, pochodzenie, religię lub niepełnosprawności, czasowej lub dostęp do i leczenie w BRTA programów i działań, jak również w BRTA na wynajem lub praktyk zatrudnienia. Skargi o domniemanej dyskryminacji i zapytania dotyczące zasady niedyskryminacji w

BRTA mogą być kierowane do BRTA, jeden Columbus Avenue, Apartament 201, Pittsfield, MA 01201 Attn: oficer praw obywatelskich.

Questo avviso sarà resi disponibile in altre lingue

Italian

Il BRTA conforme l'Americans with Disabilities Act del 1990, sezione 504 del Rehabilitation Act del 1973, titolo VI del Civil Rights Act del 1964 e altre leggi federali pari opportunità e pertanto non discrimina sulla base di razza, sesso, colore, età, origine nazionale, religione o disabilità, di ammissione o di accesso e di trattamento in attività e programmi BRTA, come bene come in BRTA di assunzione o pratiche di occupazione. Denunce di presunte discriminazioni e richieste riguardanti le politiche di non discriminazione di BRTA possono essere indirizzate a BRTA, uno Columbus Avenue, Suite 201, Pittsfield, MA 01201 Attn: ufficiale di diritti civili.

Este aviso será disponibilizado em outros idiomas

Portuguese

O BRTA cumpre o Americans with Disabilities Act de 1990, seção 504 da lei de reabilitação de 1973, o título VI do acto de direitos civis de 1964 e outras leis federais de igualdade de oportunidades e, portanto, não discrimina com base em raça, sexo, cor, idade, nacionalidade, religião ou deficiência, na admissão ou o acesso e o tratamento em BRTA programas e atividades, como bem como BRTA está contratando ou práticas de emprego. Queixas de alegada discriminação e inquéritos sobre políticas de não

discriminação do BRTA podem ser direcionadas para BRTA, um Columbus Avenue, Suite 201, Pittsfield, MA 01201 Attn: oficial de direitos civis.

Это уведомление будет предоставляться на других языках. Russian

BRTA соответствует американцам-инвалидам закона 1990 года, статья 504 Закона о реабилитации от 1973 года, раздел VI Закона о гражданских правах 1964 и других законов федерального равных возможностей и поэтому не допускает дискриминации по признаку расы, пола, цвета, возраста, национального происхождения, религии или инвалидности, в приеме или доступ к и лечение в BRTA программах и мероприятиях, а также в BRTA в найме или занятости практики. Жалобы о предполагаемой дискриминации и запросы относительно BRTA в политику недискриминации могут быть направлены на BRTA, один Columbus Avenue, Suite 201, Питтсфилд, Ма 01201 Attn: сотрудник по вопросам гражданских прав.

Responsibilities

All employees and contractors of Berkshire Regional Transit Authority shall follow the intent of these guidelines in a manner that reflects agency policy.

Supervisors and managers receiving information regarding violations(s) of this order, shall determine if there is any basis for the allegation and shall proceed with resolution as stated in the sections Supervisor Responsibility and/or Investigation of Complaints and Appeal Process.

Supervisor Responsibility

Each supervisor or manager shall:

- A) Ensure that there are no barriers to service or accommodation that would prevent public transit usage or access.
- B) Train subordinates as to what constitutes discrimination and barriers to access.
- C) Take prompt and appropriate action to avoid and minimize the incidence of any form of discrimination.
- D) Notify the General Manager in writing of the circumstances surrounding any reported allegations of discrimination no later than the next business day.

Investigation of Complaints and Appeal Process

Various methods of resolution exist. If a customer feels that their accommodation request and/or access to public transportation was denied, they may file a complaint through the following process:

- 1) Submit a written complaint with contact information to:
BRTA, One Columbus Ave, Suite 201, Pittsfield, MA 01201
Attn: Civil Rights Officer
- 3) E-mail the BRTA at info@berkshirerta.com

The General Manager will investigate the complaint and make a determination. Formal investigation of the complaint will be confidential and will include, but is not limited to, details of the specific incident, frequency and dates of occurrences and names of any

witnesses. Customer will be notified of the resolution.

If the complainant is not satisfied with the resolution, an appeal process is available. An appeal request for review of a determination of unlawful denial of access or accommodation to public transportation must be filed, in writing, within 60 calendar days of the incident. The written appeal must include the customer's name, address, and telephone contact number. A statement of reason(s) why the applicant believes the denial of accommodation request or access to public transportation was inappropriate is recommended.

The Administrator will set a mutually agreed-upon time and place for the review process with the applicant and/or representatives within 30 days of the request. The applicant may submit documents or other information to be included with the record and considered in the review process. A record of the review will be kept, as determined by the Administrator. Anyone needing special accommodations may contact the BRTA office at (413) 499-2782 for assistance.

The right of the appellant to a prompt and equitable resolution of the complaint must not be impaired by the appellant's pursuit of other remedies, such as filing of a complaint with the Department of Justice or other appropriate federal agency or the filing of a suit in state or federal court. Use of this procedure is not a prerequisite to the pursuit of other remedies.

Disposition of Complaints

Sustained Complaints - If the complaint is substantiated, this policy and procedure prohibiting discrimination will be reviewed with the offender. Appropriate disciplinary action and/or training will be taken pursuant to the agency disciplinary procedures.

Unsustained Complaints - If there is insufficient evidence to either prove or disprove the allegation(s), both parties to the complaint will be informed of the reason(s) for this disposition.

Unfounded Complaint - If it is determined that an act reported pursuant to this policy/procedure did not in fact occur, a finding of unfounded shall be made.

Exonerated Complaints - If it is determined that an act reported pursuant to this policy/procedure did in fact occur, but was lawful and proper within the guidelines established herein, a finding of exonerated shall be made.

Robert Malnati, Administrator

Date

Attachments 1 - Board meeting minutes
Attachment 2 - Service Standards

MEMORANDUM

TO:  BRTA Advisory Board Members
FROM: Robert Malnati, Administrator
RE: Meeting Agenda of the BRTA Advisory Board
DATE: March 16, 2017

DATE: THURSDAY March 23, 2017
TIME: 4:00 PM
LOCATION: Joseph Scelsi Intermodal Transportation Center
One Columbus Avenue
Pittsfield, MA

The agenda for the meeting is as follows:

1. Roll Call
2. Minutes of January 26, 2017 meeting – VOTE
3. Administrator's Report
4. Title VI/LEP program update - VOTE
5. Cash Reports for January 2017 - February 2017 - VOTE
6. Budget YTD
7. Ridership YTD
8. Old Business
9. New Business
10. Next Meeting Date/Time
11. Adjournment



BERKSHIRE REGIONAL TRANSIT AUTHORITY
MEETING OF THE ADVISORY BOARD

March 23, 2017
4:00 PM
BRTA Intermodal Transportation Center
One Columbus Avenue Pittsfield, MA 01201

MINUTES

Berkshire Regional Transit Authority Advisory Board Members Present:

William Elovirta, Becket; Mary Cherry, Dalton; Peter Gallant, Lanesborough; Sandra Lamb, North Adams; Leonard Lipton, Pittsfield; Brian O’Grady, Williamstown; and Douglas McNally; Windsor. William Cooke, Gt. Barrington was not present for the first vote, but arrived for agenda item #3.

Berkshire Regional Transit Authority Advisory Board Members Absent:

Jeff Snoonian, Adams; Timothy Drumm, Alford; Paul Astorino, Cheshire; Carl McKinney, Clarksburg; Bruce Bernstein, Egremont; Glenn Burdick, Florida; Laurel Schialabba, Hinsdale; Thomas Wickham, Lee; Channing Gibson, Lenox; Carol Edelman, Monterey; Jim Lovejoy, Mount Washington; Robert Sarnacki, Otis; Gary Stergis, Peru; Alan Hanson, Richmond; Andrew Peterson, Sheffield; Ernest Cardillo, Stockbridge; Mike Case, Washington; and Vacant Disability Representative.

Also present: Robert Malnati, Sarah Vallieres, and Lisa Parise - BRTA staff; Kirk Dand and Corey Gagnon - BTM; Anuja Koirola- BRPC; Jonathan Levine- Pittsfield Gazette; and Patti Annechiarico.

	Voting Shares	Present	
Adams	2.16	0.00	
Alford	1.00	0.00	
Becket	1.06	1.06	
Cheshire	2.11	0.00	
Clarksburg	1.00	0.00	31.75
Dalton	2.09	2.09	needed for
Egremont	1.00	0.00	quorum
Florida	1.00	0.00	
Great Barrington	3.71	3.76	32.52 present
Hinsdale	1.33	0.00	36.23 after agenda
Lanesborough	2.92	2.68	item #3
Lee	3.80	0.00	
Lenox	3.19	0.00	
Monterey	1.00	0.00	
Mt. Washington	1.00	0.00	
North Adams	4.60	4.48	
Otis	1.00	0.00	
Peru	1.00	0.00	
Pittsfield	18.17	18.86	
Richmond	1.01	0.00	
Sheffield	1.01	0.00	
Stockbridge	2.67	0.00	
Washington	1.00	0.00	
Williamstown	2.68	2.33	
Windsor	1.00	1.00	
Disability Community	1.00	0.00	

1) **ROLL CALL**

Meeting was called to order at 4:00 PM.

2) **MINUTES OF JANUARY 26, 2017- MEETING- VOTE**

3) **ADMINISTRATORS REPORT**

4) **TITLE VI/LEP PROGRAM UPDATE- VOTE**

Ms. Vallieres gave a brief overview to the board on the BRTA's Title VI and Limited English Proficiency (LEP) program. The BRTA must review and update the Title VI program at least every three years. This exercise ensures that BRTA is using up to date census information in formulating the LEP calculations. She discussed two companies BRTA will be using if the need arises for phone translation and document translation. Both programs were attached to the email the Board Member received prior to the meeting. The Limited English Proficiency Program (LEP) is a stands alone document, but goes hand in hand with the Title VI Civil Rights Anti-Discrimination program. BRTA researches within our community what amount and percent of the population that speak English less than very well and use public transportation. BRTA uses census data from the Planning Commission to determine the native language of the population that speaks English less than very well and the number and percentage that are transit dependent. Mr. O'Grady made a motion to accept BRTA's Title VI and LEP Program. Mr. Elovirta seconded the motion which passes unanimously.

5) **CASH REPORTS FOR JANUARY- VOTE**

6) **BUDGET YTD**

7) **RIDERSHIP YTD**

8) **OLD BUSINESS**

9) **NEW BUSINESS**

10) **NEXT MEETING DATE/TIME**

May 25, 2017 @ 4PM.

11) **ADJOURNMENT**

Mr. Gallant made the motion to adjourn and Mr. Elovirta seconded the motion.

Berkshire Regional Transit Authority
Title VI Program
Fixed Route Standards

Vehicle Load Standards

The average load factor for all peak operating vehicles should not exceed the maximum capacity of the vehicle type. For a 22' Ford van Mini-Bus the capacity is 27, a Heavy Duty Low Floor bus has a capacity of 48. All BRTA fixed route vehicles are housed at the maintenance facility at 67 Downing Parkway in Pittsfield. The vehicle type and size are selected for each route type to accommodate the level of customers need. A full-size vehicle will be used on the feeder routes 1 and 2 during peak hours, then transition to a minibus during off peak periods.

Vehicle Type	Seating Capacity	Peak Seating	Maximum Load Factor
22' Mini-Bus	18	15	1.5
32' Low Floor Bus	32	28	1.5
35' Low Floor Bus	32	28	1.5

Vehicle Headway Standards

Service operates Monday – Friday on 60 minute headways. An Express route, weekday mornings and evenings, from Central to South County runs on an ~90-minute headway. On Saturday the longer runs operate on 60 minute headways with the local runs on 90 to 120 minute headway.

On-Time Performance Standards

A vehicle is considered “On-Time” if it departs no later than 5 minutes after the scheduled time. BRTA’s on-time performance objective is 90% or greater. BRTA continuously monitors on-time performance and posts them as part of the monthly performance report on the website www.berkshirerta.com. The current on-time performance for all fixed route operations is 92%.

Service Availability Standards

BRTA is a flag stop service. Buses will stop at the nearest safe location to a passenger’s destination. In addition to stops along the regular route, BRTA will deviate to select locations throughout the county. These destinations are determined by passenger need and accessibility. Currently BRTA is operating 99% or more of all scheduled trips.

Title VI Complaint Form

Section I:				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
Section II:				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party:				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
Section III:				
I believe the discrimination I experienced was based on (check all that apply):				
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin				
Date of Alleged Discrimination (Month, Day, Year): _____				
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.				

Title VI Complaint Form

Section IV		
Have you previously filed a Title VI complaint with this agency?	Yes	No
Section V		
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?		
<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, check all that apply:		
<input type="checkbox"/> Federal Agency: _____		
<input type="checkbox"/> Federal Court _____		<input type="checkbox"/> State Agency _____
<input type="checkbox"/> State Court _____		<input type="checkbox"/> Local Agency _____
Please provide information about a contact person at the agency/court where the complaint was filed.		
Name: _____		
Title: _____		
Agency: _____		
Address: _____		
Telephone: _____		
Section VI		
Name of agency complaint is against: _____		
Contact person: _____		
Title: _____		
Telephone number: _____		

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

Signature _____
 Date _____

Please submit this form in person at the address below, or mail this form to:
 Berkshire Regional Transit Authority
 Title VI Coordinator
 1 Columbus Avenue, Suite 201
 Pittsfield, MA 01201

**LIMITED ENGLISH PROFICIENCY PLAN FOR
BERKSHIRE REGIONAL TRANSIT AUTHORITY
PITTSFIELD, MASSACHUSETTS**



Updated March 2017

Berkshire Regional Transit Authority Limited English Proficiency (LEP) Plan

Background Information

Individuals with a limited ability to read, write, speak, or understand English are limited English proficient, or “LEP.” According to the 2011 American Community Survey (ACS) more than 13.5 million people reported that they do not speak English at all, or do not speak English well. The number of persons reporting that they do not speak English at all or do not speak English well grew by 35 percent from 2000 to 2011. Among limited English speakers, Spanish is the language most frequently spoken, followed by Chinese (Cantonese or Mandarin), Tagalog, and Vietnamese.

Public transit is a key means of achieving mobility for many LEP persons. According to the 2000 Census, more than 11 percent of LEP persons aged 16 years and over reported use of public transit as their primary means of transportation to work, compared with about 4 percent of English speakers. Recent immigrants to the United States (including those persons who may not be limited English proficient) use public transportation at higher rates than native-born adults. Agencies that provide language assistance to persons with limited English proficiency in a competent and effective manner will help ensure that their services are safe, reliable, convenient, and accessible to those persons. These efforts may attract riders who would otherwise be excluded from participating in the service because of language barriers.

Catering to LEP persons may also help increase and retain ridership among the agency’s broader immigrant communities in two important ways: 1) agencies that reach out to recent immigrant populations in order to prepare a language implementation plan send a positive message to these persons that their business is valued; and 2) community outreach designed to identify appropriate language assistance measures can also assist the agency in identifying the transportation needs of immigrant populations.

Legal basis for language assistance requirements

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., and its implementing regulations provide that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that receives Federal financial

Berkshire Regional Transit Authority Limited English Proficiency (LEP) Plan

assistance. The Supreme Court, in *Lau v. Nichols*, 414 U.S. 563 (1974), interpreted Title VI regulations to hold that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination.

Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services. The Executive Order states that recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. The U.S. DOT requires that DOT recipients take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP). DOT recommends that recipients use the DOT LEP Guidance to determine how best to comply with statutory and regulatory obligations to provide meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are LEP.

Evaluation

The Four Factor Analysis

Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors: (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee; (2) the frequency with which LEP individuals come in contact with the program; (3) the nature and importance of the program, activity, or service provided by the recipient to people's lives; and (4) the resources available to the recipient and costs.

Factor 1: The Number and Proportion of LEP Persons Served or Encountered in the Eligible Service Population

The Berkshire Regional Transit Authority (BRTA) provides public transportation services to its 25 member communities within Berkshire County in the Western end of Massachusetts. Fixed route

**Berkshire Regional Transit Authority
Limited English Proficiency (LEP) Plan**

service is provided by fourteen bus routes in 12 communities from Williamstown to Great Barrington and paratransit service is provided in 25 member communities. Almost one-third of the BRTA service is provided in rural communities (see the attached map outlining the BRTA fixed route service throughout Berkshire County referencing urban and non-urban areas). Only the City of Pittsfield and some adjacent census tracts in Dalton and Lanesborough are categorized as “urbanized area” by the US DOT’s Federal-Aid program. Fixed route service is available weekdays from 5:45 AM to 7:15 PM and 7:15 AM to 7:00PM on Saturdays. The BRTA does not operate Sunday or late evening service. The following data is provided from the Berkshire Regional Planning Commission using 2011-2015 American Community Survey information for Berkshire County detailing the number and percent of the population that speak English less than “very well”.

Table 1 – Language Spoken at Home by the Ability to Speak English
for the Population Age Five and Over
(2011-2015 American Community Survey 5-Year Estimates)

Subject	Berkshire County, MA	
	Total Estimate	Percent
Language Spoken at Home		
Population 5 years and over	123598	
English only	114469	92.61%
Language other an english		
Speak English less than "very well"	9129	7.39%
Spanish		
Speak English less than "very well"	3180	2.57%
Spanish		
Speak English less than "very well"	3908	3.16%
Other Indo-European languages		
Speak English less than "very well"	1584	1.28%
Other Indo-European languages		
Speak English less than "very well"	3917	3.17%
Asian and Pacific Islander languages		
Speak English less than "very well"	1125	0.91%
Asian and Pacific Islander languages		
Speak English less than "very well"	855	0.69%
Other languages		
Speak English less than "very well"	380	0.31%
Other languages		
Speak English less than "very well"	449	0.36%
Speak English less than "very well"	91	0.07%

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Factor 2: The Frequency with Which LEP Individuals Come In Contact with BRTA Programs, Activities and Services

As stated above, the LEP population in Berkshire County is a small percentage of the total population, 9,129 out of 123,598 or 7.39% with 3180 or 2.57% that speak English less than “very well”. The transit dependent population that speak English less than “very well” is 29 out of 681 or 4.3%. Therefore, .023% of the county wide population are transit dependent customers who speak English less than “very well” or 29 out of 123,598. See additional information on page 9.

Factor 3: The Importance to LEP Persons of BRTA Programs, Activity and Services

Most customer service requests are for schedule and route information and for the sale of tickets and passes. Most transit riders are regular users who use only a portion of the bus system for their daily travel, making routine trips, with little need for complex information. Thus, information requests for route and schedule information are most likely to be made by infrequent users or users new to using transit. This population could include recent immigrants in non-English speaking households, and therefore it is important to have language resources ready to enable them to be served. The BRTA’s website www.berkshirerta.com contains a language translator where basic information on routes, fares, and policies can be obtained and translated for LEP visitors.

Prior to the implementation of BRTA’s new fare structure, introduction of the Charlie Card, and new Scheidt & Bachmann farebox transition in January 2014 the instructional material was available in both English and Spanish.

Factor 4: The Resources Available to the Recipient and Costs

BRTA is a small urban public transit operator system receiving federal funds for transit operation under Section 5307 and a small amount of Section 5311 rural transit operating funds. It is a sub-recipient of the Governors Apportionment of 5317 New Freedom and 5339 Bus and Bus Facility funding administered through MassDOT.

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The BRTA, in further developing this LEP Plan, will explore through the BCC/ MCLA partnership at the Intermodal Transportation Center additional resource capabilities for language assistance that may be offered throughout Berkshire County and the Commonwealth of Massachusetts. The most cost-effective language assistance can be provided orally through interpretation services. BRTA has an agreement with Certified Languages International (CLI) for telephone translation services. CLI offers: exceptional customer satisfaction; HIPAA compliant, Safe Harbor certified, and Joint Commission compliant; on-demand services 24/7/365; customized reporting and detailed call analytics; and Professional interpreters with industry-specific expertise. With such a small population of LEP individuals likely to use transit, it is initially not cost effective to engage in translating and publishing route and schedule information into other languages. The BRTA did produce informational materials regarding the transition of the fare structure, Charlie Card and new fareboxes in response to a customer's request. If future needs arise for document translation, BRTA has an arrangement with NWI global. Their mission is, *"NWI Global envisions a world where businesses, institutions and organizations communicate freely and easily with one another to exchange ideas, knowledge, goods and services. For this to occur, language translation and interpretation services must be readily available and highly responsive. For over 20 years we have grown our ability to facilitate communication this way in over 200 languages, building relationships that produce reliable results for our clients."*

Training Staff

BCC, the local community college, offers Spanish for the Workplace classes annually and the BRTA will determine if additional staff should receive this training. Operators and staff with frequent public contact have access to the brochure "Basic Spanish for Transit Employees". Should the need arise for additional staff in the future, consideration will be given to candidates with bilingual capabilities.

Providing Notice to LEP Persons

BRTA provides the public announcements in alternative language formats to distribute on the BRTA transit vehicles and facilities as well as throughout the community.

Monitoring and Updating BRTA's LEP Plan

BRTA will review its LEP Plan at least every 3 years and seek to determine if changes have occurred in:

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- Current LEP populations in the service area or population encountered;
- Frequency of encounters with LEP language groups;
- Available resources, sources of additional resources, and associated costs;
- Staff's knowledge of and understanding of the LEP Plan, language assistance resources, and how to serve LEP individuals;
- The identified sources of assistance, to determine their continued availability.

Information gathered in this annual review will be used to update the LEP Plan, no less often than every three years to coincide with BRTA's submission of a Title VI Update to regulatory agencies.

Notice of Non-Discrimination

The notice below is posted on transit vehicles and throughout the transit facilities in English and is available in the additional languages listed.

The BRTA complies with the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964 and other federal equal opportunity laws and therefore does not discriminate on the basis of race, sex, color, age, national origin, religion or disability, in admission or access to and treatment in BRTA programs and activities, as well as in BRTA's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding BRTA's nondiscrimination policies may be directed to BRTA, One Columbus Avenue, Suite 201, Pittsfield, MA 01201 Attn: Civil Rights Officer.

This notice will be made available in other languages.	English
Este aviso estará disponible en otros idiomas.	Spanish
Niniejsze obwieszczenie będą dostępne w innych językach	Polish
Questo avviso sarà resi disponibile in altre lingue	Italian
Este aviso será disponibilizado em outros idiomas	Portuguese
Это уведомление будет предоставляться на других языках.	Russian

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Este aviso estará disponible en otros idiomas.

Spanish

El BRTA cumple con las Americans with Disabilities Act de 1990, la sección 504 del Acta de rehabilitación de 1973, título VI de la ley de derechos civiles de 1964 y otras leyes federales igualdad de oportunidades y por lo tanto no discrimina en base de raza, sexo, color, edad, origen nacional, religión o discapacidad, en la admisión o acceso y tratamiento en BRTA programas y actividades, así como en BRTA está contratando o prácticas laborales. Las denuncias de presunta discriminación y consultas sobre política antidiscriminatoria de BRTA pueden ser dirigidas a BRTA, uno Columbus Avenue, Suite 201, Pittsfield, MA 01201 Attn: oficial de los derechos civiles.

Niniejsze obwieszczenie będą dostępne w innych językach

Polish

BRTA jest zgodny z Amerykanami z niepełnosprawnych ustawa z 1990 r., sekcji 504 ustawy o rehabilitacji z 1973 r., tytuł VI ustawy prawa obywatelskie prawa federalnego równych szans 1964 i innych i dlatego nie dyskryminacji ze względu na rasy, płci, kolor, wiek, pochodzenie, religię lub niepełnosprawności, czasowej lub dostęp do i leczenie w BRTA programów i działań, jak również w BRTA na wynajem lub praktyk zatrudnienia. Skargi o domniemanej dyskryminacji i zapytania dotyczące zasady niedyskryminacji w BRTA mogą być kierowane do BRTA, jeden Columbus Avenue, Apartament 201, Pittsfield, MA 01201 Attn: oficer praw obywatelskich.

Questo avviso sarà resi disponibile in altre lingue

Italian

Il BRTA conforme l'Americans with Disabilities Act del 1990, sezione 504 del Rehabilitation Act del 1973, titolo VI del Civil Rights Act del 1964 e altre leggi federali pari opportunità e pertanto non discrimina sulla base di razza, sesso, colore, età, origine nazionale, religione o disabilità, di ammissione o di accesso e di trattamento in attività e programmi BRTA, come bene come in BRTA di assunzione o pratiche di occupazione. Denunce di presunte discriminazioni e richieste riguardanti le politiche di non discriminazione di BRTA possono essere indirizzate a BRTA, uno Columbus Avenue, Suite 201, Pittsfield, MA 01201 Attn: ufficiale di diritti civili.

Este aviso será disponibilizado em outros idiomas

Portuguese

O BRTA cumpre o Americans with Disabilities Act de 1990, seção 504 da lei de reabilitação de 1973, o título VI do acto de direitos civis de 1964 e outras leis federais de igualdade de

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oportunidades e, portanto, não discrimina com base em raça, sexo, cor, idade, nacionalidade, religião ou deficiência, na admissão ou o acesso e o tratamento em BRTA programas e atividades, como bem como BRTA está contratando ou práticas de emprego. Queixas de alegada discriminação e inquéritos sobre políticas de não discriminação do BRTA podem ser direcionadas para BRTA, um Columbus Avenue, Suite 201, Pittsfield, MA 01201 Attn: oficial de direitos civis.

Это уведомление будет предоставляться на других языках. Russian

BRTA соответствует американцам-инвалидах закона 1990 года, статья 504 Закона о реабилитации от 1973 года, раздел VI Закона о гражданских правах 1964 и других законов федерального равных возможностей и поэтому не допускает дискриминации по признаку расы, пола, цвета, возраста, национального происхождения, религии или инвалидности, в приеме или доступ к и лечение в BRTA программах и мероприятиях, а также в BRTA в найме или занятости практики. Жалобы о предполагаемой дискриминации и запросы относительно BRTA в политику недискриминации могут быть направлены на BRTA, один Columbus Avenue, Suite 201, Питтсфилд, Ма 01201 Attn: сотрудник по вопросам гражданских прав.

Documents translated

1. Notice of Non Discrimination
2. BRTA Fare Structure
3. BRTA Schedule (large print)

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B08113: Workers 16 years and over

**MEANS OF TRANSPORTATION TO WORK BY LANGUAGE
SPOKEN AT HOME AND ABILITY TO SPEAK ENGLISH
2008-2012 American Community Survey 5-Year Estimates**

	United States		Berkshire County, Massachusetts	
	Estimate	Margin of Error	Estimate	Margin of Error
Total:	139,893,639	+/-138,411	61,090	+/-1,176
Speak only English	110,950,748	+/-164,789	56,275	+/-1,115
Speak Spanish:	17,632,756	+/-27,473	2,123	+/-391
Speak English "very well"	9,111,628	+/-24,965	1,098	+/-218
Speak English less than "very well"	8,521,128	+/-30,892	1,025	+/-337
Speak other languages:	11,310,135	+/-21,921	2,692	+/-353
Speak English "very well"	7,238,115	+/-17,279	2,048	+/-300
Speak English less than "very well"	4,072,020	+/-17,210	644	+/-187
Car, truck, or van - drove alone:	106,519,805	+/-114,512	48,187	+/-1,177
Speak only English	87,284,251	+/-128,958	44,837	+/-1,104
Speak Spanish:	11,677,881	+/-25,700	1,399	+/-377
Speak English "very well"	6,659,073	+/-20,982	886	+/-208
Speak English less than "very well"	5,018,808	+/-17,421	513	+/-259
Speak other languages:	7,557,673	+/-21,177	1,951	+/-304
Speak English "very well"	5,031,911	+/-15,158	1,458	+/-268
Speak English less than "very well"	2,525,762	+/-14,282	493	+/-135
Car, truck, or van - carpooled:	14,032,099	+/-61,424	5,523	+/-555
Speak only English	9,666,929	+/-54,198	4,753	+/-523
Speak Spanish:	2,930,080	+/-14,938	444	+/-152
Speak English "very well"	1,131,310	+/-11,496	87	+/-56
Speak English less than "very well"	1,798,770	+/-14,506	357	+/-148
Speak other languages:	1,435,090	+/-10,773	326	+/-137
Speak English "very well"	782,489	+/-8,531	222	+/-98
Speak English less than "very well"	652,601	+/-7,213	104	+/-100
Public transportation (excluding taxicab):	6,967,689	+/-19,769	681	+/-180
Speak only English	4,358,092	+/-12,966	583	+/-171

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Speak Spanish:	1,466,431	+/-11,914	78	+/-68
Speak English "very well"	624,210	+/-6,601	49	+/-56
Speak English less than "very well"	842,221	+/-10,420	29	+/-40
Speak other languages:	1,143,166	+/-7,805	20	+/-20
Speak English "very well"	672,111	+/-6,503	20	+/-20
Speak English less than "very well"	471,055	+/-5,830	0	+/-29
Walked:	3,938,418	+/-17,554	3,063	+/-341
Speak only English	2,870,814	+/-13,318	2,783	+/-338
Speak Spanish:	596,096	+/-7,065	56	+/-41
Speak English "very well"	261,034	+/-3,973	15	+/-23
Speak English less than "very well"	335,062	+/-6,112	41	+/-34
Speak other languages:	471,508	+/-5,887	224	+/-91
Speak English "very well"	286,005	+/-4,478	219	+/-91
Speak English less than "very well"	185,503	+/-3,438	5	+/-8
Taxicab, motorcycle, bicycle, or other means:	2,457,999	+/-14,030	1,010	+/-201
Speak only English	1,773,366	+/-10,089	846	+/-151
Speak Spanish:	463,284	+/-6,757	120	+/-97
Speak English "very well"	165,599	+/-3,171	40	+/-40
Speak English less than "very well"	297,685	+/-5,978	80	+/-90
Speak other languages:	221,349	+/-3,560	44	+/-39
Speak English "very well"	136,759	+/-2,817	9	+/-14
Speak English less than "very well"	84,590	+/-2,434	35	+/-38
Worked at home:	5,977,629	+/-16,168	2,626	+/-320
Speak only English	4,997,296	+/-15,886	2,473	+/-289
Speak Spanish:	498,984	+/-6,161	26	+/-24
Speak English "very well"	270,402	+/-4,391	21	+/-22
Speak English less than "very well"	228,582	+/-4,885	5	+/-8
Speak other languages:	481,349	+/-5,751	127	+/-69
Speak English "very well"	328,840	+/-4,592	120	+/-66
Speak English less than "very well"	152,509	+/-2,640	7	+/-13

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