

**South Carolina
Department of Transportation**

2020 -2023

**Title VI Implementation Plan
for the
Office of Public Transit**



RECIPIENT INFORMATION

RECIPIENT: South Carolina Department of Transportation

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I. INTRODUCTION

The purpose of the Title VI Program is to demonstrate compliance with requirements listed in Circular 4702.1B Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients"; Circular 9040.1G; "Formula Grants for Rural Areas: Program Guidance and Application Instructions", Circular 9070.1G "Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidance and Application Instructions", and 49 CFR Part 21 Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964.

As a recipient of Federal Transit Administration (FTA) funds, the South Carolina Department of Transportation (SCDOT) developed this program to comply, as appropriate, with Title VI of the Civil Rights Act of 1964, Executive Order 11246, The Americans with Disability Act, Sections 504 and 503 of the Rehabilitation Act of 1973, and Age Discrimination in Employment Act of 1967.

"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 subjected to discrimination under any program or activity receiving federal financial assistance." In this regard, the responsibility of SCDOT is to ensure that federally supported transit services and related benefits are distributed to applicants, recipients, and subrecipients of FTA assistance in a manner consistent with Title VI.

This program describes how SCDOT, with FTA concurrence, will comply with Title VI in accordance with responsibilities as set forth by the Title VI regulations issued by the United States Department of Justice (DOJ) (28 CFR Part 42) and the United States Department of Transportation (USDOT) (49 CFR Part 21) (include reference to Certifications and Assurances See Appendix A)

II. OBJECTIVES

- To ensure that FTA-assisted benefits and related services are made available and are equitably distributed without regard to race, color, or national origin.
- To ensure that the level and quality of FTA-assisted transit services are sufficient to provide equal access and mobility for any person without regard to race, color, or national origin.
- To ensure that opportunities to participate in the transit planning and decision-making processes are provided to people without regard to race, color, or national origin.
- To ensure that decisions on the location of transit services and facilities are made without regard to race, color, or national origin.
- To ensure that all FTA recipients take corrective measures to ensure non-discriminatory treatment of any beneficiary based on race, color, or national origin.

III. DEFINITIONS

For purposes of this program, the following definitions will be used:

Applicant: eligible public entity or organization that submits an application for financial assistance under an FTA program administered on behalf of the State.

Compliance: a satisfactory condition wherein an applicant, recipient, or subrecipient has effectively implemented all of the Title VI requirements or can demonstrate that every good-faith effort toward achieving this end has been made.

Contractor: any entity or organization that has entered into a contract with SCDOT relating to transit service delivery or construction.

Covered Employment Practices: practices under federally assisted programs in which the primary objective of the federal financial assistance is to provide employment, particularly if those practices would result in discrimination on the basis of race, color, or national origin against beneficiaries of federally assisted services and benefits.

Discrimination: involves any act (or action) whether intentional or unintentional through which a person in the United States, solely because of race, color, or national origin, has been otherwise subjected to unequal treatment under any program or activity receiving financial assistance from the South Carolina Department of Transportation.

FTA Activity: any program of assistance authorized by sections of the FTA Act; the Federal Aid Urban System Program (23 U.S.C. 142(a) (2) and the Interstate Transfer Program (23 U.S.C. 103(e) (4).

Minority or Minority Group People includes the following:

African Americans: people with origins in any of the Black racial groups of Africa.

Hispanic Americans: people of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race.

Native Americans: a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Asian-Pacific Americans: a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Philippine Islands, Thailand, and Vietnam.

Asian-Indian Americans: people with origins in India, Pakistan, and Bangladesh.

National Origin: particular nation where a person was born or where the person's parents or ancestors were born.

Noncompliance: the condition wherein a recipient has failed to meet prescribed requirements and has shown a lack of good-faith effort in implementing all of the Title VI requirements.

Primary Recipient: SCDOT or any department, division, or agency authorized to request federal assistance on behalf of subrecipients and to distribute financial assistance to subrecipients' contracts for carrying out a program.

Recipient: South Carolina, or any political subdivision or instrumentality thereof; or any public or private agency, institution, or organization, or other entity; or any individual in South Carolina to whom federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term recipient does not include any ultimate beneficiary under any such program. Examples of recipients include MPOs, COGs, towns, cities, counties, school districts, or any subrecipient.

Secretary: the chief administrative officer of the South Carolina Department of Transportation.

Service Standard/Policy: an established policy or service performance measure used by a transit provider or other applicant, recipient, or subrecipient as a means to plan, program, or distribute services and benefits within its service area.

Subcontractor: any entity or organization that has entered into a subcontract relating to transit service delivery with a contractor to provide a service in connection with a program or activity initiated by an applicant, recipient, or subrecipients.

Subrecipient: any entity or organization that receives FTA assistance and enters into a contract with SCDOT relating to transit service delivery.

Title VI Implementation Plan: the system of requirements, procedures, action and sanctions adopted by federal, state, and local agencies and other applicants, recipients, and subrecipients that are deemed necessary and appropriate to comply with Title VI of the Civil Rights Act of 1964 and the implementing regulations issued by the United States Department of Justice and the United States Department of Transportation.

IV. GENERAL PROGRAM REQUIREMENTS

1. Notice to the Public

In accordance with 49 CFR, §21.9(b), SCDOT provides information to the public regarding their SCDOT's Title VI obligations and apprise members of the public of the protections against discrimination afforded them by Title VI. The primary means of disseminating information to the public is through SCDOT's website: <https://www.scdot.org/business/bus-development-titleVI.aspx>

Website information includes the following:

- SCDOT's Title VI Plan
- Title VI Brochure (English and Spanish)
- Title VI Complaint Procedures (English)
- Title VI Complaint Form (English and Spanish) (See Appendix B)
- Limited English Proficiency (LEP) Plan

SCDOT does not provide public transportation; therefore, there are no vehicles or transit-related facilities in which to post the Title VI Notice to the Public.

2. Title VI Complaint Procedures

This section provides the process for Title VI Complaints received by the Department. In reviewing a written complaint, the Title VI Coordinator and/or Designee must ensure that it is:

- 1) Based upon race, color, or national origin
- 2) Filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the Complainant.

Upon receipt of a verbal complaint, the Title VI Coordinator and/or Designee must:

- 1) Advise Complainant that their concerns must be reduced to writing;
- 2) File within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the Complainant;
- 3) Provide the Complainant with the appropriate documents for filing.

When SCDOT receives a written complaint, which alleges discrimination as addressed by Title VI of the Civil Rights Act of 1964, a copy will be immediately forwarded to the Secretary of Transportation. The original document will be forwarded to the SCDOT Office of Minority & Small Business Affairs, which is responsible for logging the document and maintaining the statistical data required regarding the alleged complaint of discrimination.

Investigation of Complaints

Upon receipt, the Secretary of Transportation will respond, in writing, acknowledging receipt of complaint within five (5) calendar days from the date of Department's receipt. SCDOT will assume responsibility for investigating complaints against any of its subrecipients. Complaints, in which SCDOT is named as the Respondent, shall be forwarded to FTA or the appropriate Federal agency for proper disposition, in accordance with their procedures. If determined that SCDOT should investigate the complaint, the procedures listed below will be followed:

Investigative Review Team

Within ten (10) calendar days of receipt of delegated complaint, the Secretary of Transportation, hereinafter referred to as the Secretary will, in writing, (via memorandum) designate an Investigative Review Team (Team), appoint a lead investigator and, if necessary, an assistant investigator.

The team will include the Title VI Coordinator and SCDOT staff members familiar with the program area in which the discrimination is alleged, and, if determined necessary by the Secretary, a representative from SCDOT's Office of Chief Counsel. Pursuant to 23 CFR §200.9(b) (3), complaints shall be investigated by State civil rights personnel trained in compliance investigations.

The team will evaluate the complaint and develop an investigative plan. Investigations shall be confined to the issues and facts relevant to the specific allegations in the complaint unless the evidence clearly indicates the need to expand the issue as deemed appropriate by the Secretary. SCDOT must complete investigations within sixty (60) calendar days of receipt.

Interview with Complainant(s):

- 1) Within thirty-one (31) calendar days of receipt of the complaint, the investigator(s) will schedule an interview with the Complainant(s) in order to:
 - a) Identify the nature of the complaint;
 - b) Identify the recipient of federal financial assistance involved;
 - c) Identify and briefly describe the project involved;
 - d) Obtain supporting documents, as needed;
 - e) Identify relief being sought;
 - f) Document names and positions of all persons involved and/or to be interviewed; and
 - g) Obtain phone numbers and addresses of parties involved.

The investigator(s) will schedule and conduct interviews of other concerned parties in accordance with its findings and recommendations, prepare a detailed summary report of all interviews, findings, etc., and disseminate to the members of the investigative review team. Investigator(s) will also seek the additional expertise of other SCDOT offices and FTA personnel, when needed, to determine the feasibility of proposed measures to resolve the complaint.

Preliminary Report to Investigative Review Team

Within forty (40) calendar days of receipt of the complaint, the investigator(s) will analyze the evidence, coordinate with program personnel, as necessary, complete and submit a report of findings of facts with recommendations to the investigative review team.

Informal Resolution

It is in the best interest of all parties involved that issues raised in a complaint of discrimination be resolved informally. At each stage of the process, the investigator will make appropriate efforts to pursue a resolution of the complaint. Initial interviews with the Complainant and the Respondent will request information regarding specifically requested relief and settlement opportunities.

Final Report to Appropriate Deputy Secretary

Within forty-five (45) calendar days, the investigator will submit a final report of findings of facts with recommendations to the appropriate Deputy Secretary. When deemed appropriate, may delegate the duty to another SCDOT Deputy Secretary. The report will:

- 1) Identify the nature of the complaint;
- 2) Identify concerned parties by name and position;
- 3) Identify Complainant's concerns and issues;
- 4) Determine if the complaint has a basis in fact;
- 5) Identify Complainant race, color, or national origin;
- 6) Identify supporting documents received and reviewed;
- 7) State specific finding of fact;
- 8) List possible options for remedy of relief of complaint; and
- 9) Make recommendations.

Evaluations are confined to facts and issues relevant to the allegations contained in the complaint and recommendations for resolving the issues. Investigator(s) should resolve complaints by informal means, in coordination with the program office and Complainant, whenever possible. Options presented for resolution and the methods agreed upon should be documented as part of the investigative report. If at any point during the investigation it appears that resolution can be reached with the Complainant, the appropriate Deputy Secretary should be consulted regarding the recommendations for resolution.

Appropriate Deputy Secretary Proposed Resolution to Secretary of Transportation

Upon receipt of the investigative report, the appropriate Deputy Secretary will review. If he/she concurs with the investigative report and the proposed recommendations, he/she will prepare a proposed resolution of the complaint and forward to the Secretary.

When the appropriate Deputy Secretary does not concur with the investigative report and proposed recommendations, he/she may make an alternate recommendation(s). The proposed resolution will be sent to the Secretary within ten (10) calendar days of receipt of the investigative report.

Secretary of Transportation's Final Determination

Upon receipt and review of the appropriate Deputy Secretary proposed resolution, the Secretary may take one of the following actions:

- 1) Adopt the Deputy Secretary's recommendation;
- 2) Adopt the recommendation contained in the investigative report (if different from the Deputy Secretary's proposed resolution);
- 3) Modify either recommendation;
- 4) Return to the Deputy Secretary for further investigation.

Upon reaching a final determination, the Secretary shall submit to FTA Civil Rights Office, a copy of the Report of Investigation (ROI), complete investigative file and a recommendation for a Final Agency Decision (FAD). FTA will review the ROI and compose a Letter of Finding based on the ROI.

Request for Extension

If the investigation cannot be completed within the sixty (60) calendar day timeframe, SCDOT may request in writing a thirty (30) calendar day extension from FTA.

Appeal Procedure

In the event FTA concludes that the respondent is in compliance with laws/regulations and the Complainant disagrees, the complainant may, if dissatisfied, file an action in the appropriate U.S. District Court. Every effort will be made to obtain early resolution of complaints at the lowest possible level. The option of informal mediation meeting(s) between the affected parties and the investigator may be utilized for resolution, at any stage of the process. Investigator(s) will make every effort to pursue a resolution of the complaint. (In special cases warranting intervention, FTA may assume jurisdiction and either complete or obtain services to review or investigate a matter. Materials already obtained by the Department investigators may be relied upon, supplemented, or the matter may be reinvestigated.)

3. **List of transit related Title VI investigations, complaints, and lawsuits**

SCDOT Office of Public Transit (OPT) did not receive any Title VI complaints since the last Title VI program submission. (See Complaint Log - Appendix C).

4. **Public Participation Plan**

The Public Participation Plan provides direction for effective participation in the development of the South Carolina Department of Transportation's (SCDOT) transportation plans and programs. For SCDOT's stakeholders, the participation plan describes opportunities to participate in identifying the statewide priorities for transportation investments in South Carolina. While many of the same communication techniques described in this plan are used during the study and design of specific transportation improvements, project development differs significantly from the statewide planning process. For this reason, project-level participation is not included within the scope of this plan.

Two major components of the statewide planning process are the Statewide Multimodal Transportation Plan and the State Transportation Improvement Program (STIP). The Statewide Multimodal Transportation Plan provides long-term guidance for the development of transportation programs and establishes strategies to achieve transportation goals for a 20-year period.

Federal Requirements

Along with the desire to include a diversified public in its planning processes, SCDOT relies on various federal statutes to help guide its participation activities.

Federal regulations related to participation in transportation decision-making can be found in the code of Federal Regulations: Title 23; Chapter 1; Subchapter E; Part 450; Subpart B – Statewide Transportation Planning. These regulations leave the methods for carrying out participation to the discretion of each state.

Consultation Parties

Federal transportation laws require the establishment of a Metropolitan Planning Organization (MPO) in every urbanized area of the United States with a population over 50,000. In South Carolina, there are eleven (11) Metropolitan Planning Organizations that were created in order to ensure that existing and future expenditures for transportation projects and programs were based on a comprehensive, cooperative, and continuing (3-C) planning process. The role of the MPO includes establishing a local forum for transportation decision making; evaluating transportation alternatives; developing and updating a long - range transportation plan; developing a Transportation Improvement Program (TIP); and getting the public involved as early as possible.

To ensure that SCDOT's public participation process adheres to Title VI requirements, OPT shall:

- Release program announcements for funding opportunities
- Provide press releases to minority communities via minority media organizations (See Appendix D)
- Provide state funding for feasibility study for public transportation in the minority counties and/or communities.

(See Appendix E) Link to Public Participation Plan:

https://www.scdot.org/inside/pdf/planning/public_participation_plan.pdf

5. **Language Assistance Plan (LAP)**

SCDOT takes 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. SCDOT will assist persons with Limited English Proficiency to participate in the transportation planning process. Efforts will be made to provide translators, interpreters, and document translation. SCDOT's Limited English Proficiency Plan can be found on its website:

https://www.scdot.org/business/pdf/businessDevelop/titleVI_LEP.pdf?v=2 (See Appendix F).

6. **Non-elected Councils, Committees, Boards and Commissions**

SCDOT Commission is the administrative and governing authority of SCDOT. It is composed of nine (9) members: one (1) member from each Congressional District and two (2) at-large members. The District members are appointed by the Governor, subject to approval of the legislative delegations of their respective Districts. The at-large members are appointed by the Governor, subject to approval by a separate confirmation vote in both the Senate and the House of Representatives.

SCDOT Office of Public Transit has no input in the selection of the Board of Commissioners. A table depicting the membership of the Commission by district and race is listed below:

Commissioner Name	Title	Congressional District	Race/Gender
Tony K. Cox	Chairman	Seventh	White/Male
John Barnwell Fishburne	Vice Chairman	Sixth	White/Male
Robert D. "Robby" Robbins	Commissioner	First	White/Male
John H. Burriss	Commissioner	Second	White/Male
Ben H. Davis, Jr.	Commissioner	Third	White/Male
Woodrow "Woody" W. Willard, Jr.	Commissioner	Fourth	White/Male
David E. "Gene" Branham, Sr.	Commissioner	Fifth	White/Male
James T. McLawhorn, Jr.	Commissioner	Governor's At-Large Appointee	African American/Male

7. Conducting Title VI Reviews of Subrecipients

SCDOT is required to review subrecipients. These reviews are conducted to determine compliance with applicable civil rights policies, procedures and practices.

a) Types of Compliance Reviews

At its discretion, SCDOT's Office of Public Transit will conduct a subrecipient agency review. Federal statutes, Executive Orders and regulations will guide SCDOT. Reviews will consist of a "desk audit" or an "on-site review". A desk audit is a review of the documentation submitted to SCDOT by the subrecipient. Desk audits may be extended to include an on-site review if numerous deficiencies are identified. On-Site Reviews will consist of, but not be limited to, recommendations for corrective actions and technical assistance.

b) Subrecipient Compliance Review Process

- 1) A notification packet will be sent to the subrecipient notifying them of the review.
- 2) The notification packet will include the following:
 - a. Notification letter, which will include the date the information, must be submitted to SCDOT's Office of Public Transit.
 - b. The Compliance Review Questionnaire, which must be completed and submitted along with the required documentation by the requested deadline.
- 3) Upon review of preliminary information, SCDOT will determine if an on-site review is required. On-site reviews will be conducted if there are Title VI implications as a result of the preliminary review.
- 4) If an on-site review is required, SCDOT will contact the subrecipient to schedule the review. A letter confirming the date and time of the review will be sent to the

subrecipient.

- 5) Upon completion of the review, SCDOT will identify any deficiencies and issue a Corrective Action Plan (CAP).
- 6) The subrecipient must correct all deficiencies within the established time that SCDOT has noted in the Summary of Findings and submit to OPT.
- 7) Once the subrecipient forwards the required documentation, SCDOT will determine if the submission satisfies the deficiencies. A letter will be issued regarding if the applicable requirements have been met.
- 8) If the requirements have not been met, SCDOT will provide technical assistance to assist in correcting the deficiencies noted.

8. **Title VI Equity Analysis**

SCDOT's Office of Public Transit has not had any construction projects initiated since the previous Title VI Program submission; therefore, a Title VI Equity Analysis has not been conducted.

V. **PROGRAM SPECIFIC REQUIREMENTS FOR A STATE DOT**

Demographic profile of the State:

SCDOT's Office of Public Transit is not a provider of public transportation services (fixed route or other). The function of this office is the administration and oversight of Federal and State funds to support (primarily rural) public transportation in South Carolina. Rural transportation services are available in forty (40) of the forty-six (46) counties in the State.

The link below provides two interactive maps of the state that illustrate the racial and ethnicity of individuals in each county by aggregate and by the percentage of those below the poverty level: <http://scdot.maps.arcgis.com/apps/webappviewer/index.html?id=5bd1d5b93d4146a8b384d8344f643cea> (See Appendix G - A table depicting the demographic profile of South Carolina, by county and COG region.)

1. **Demographic maps that show the impact of the distribution of State and Federal funds in the aggregate for public transportation projects:**

SCDOT Office of Public Transit disburses funds to rural and human service agencies based upon Council of Governments (COGs) regions. Link to Demographic maps can be found on the Office of Public Transit website at: <https://www.scdot.org/travel/travel-transitproviders.aspx>

2. **Analysis of the State's transportation system investments that identifies and addresses any disparate impacts:**

The Office of Public Transit (OPT) conducted an analysis utilizing this data to determine which of the six (6) counties do not have public transportation services and could possibly exceed the States aggregate minority population, (See Appendix H). The counties listed in Appendix H do not exceed the state's minority population means of 36.3%.

OPT has initiated steps to address future potential disparate impacts, by funding a transit feasibility study of Abbeville, Saluda, Greenwood, and Union Counties. The most recent study for Union County has been accepted by their County Council and they are exploring options for implementing public transportation services within the next three (3) years. The study for Abbeville, Saluda and Greenwood is being considered for an update to explore options of developing a public transportation service that may encompass three (3) of these counties.

3. **Description of the statewide planning process that identifies the transportation needs of minority populations:**

Prior to FTA projects being entered in STIP, they must adhere to a twenty-one (21) day public comment period.

4. **Description of the procedures the agency uses to ensure nondiscriminatory pass-through of FTA financial assistance:**

SCDOT provides pass-through funding to eligible subrecipients in a nondiscriminatory manner. Program announcements are posted on the SCDOT website, and SCDOT Communications Office issues Press Releases. Applications for the Section 5310, are initially reviewed and ranked by the local Council of Governments, with emphasis on project locations (i.e. poor and minority areas receives higher rankings). All ranked projects are forwarded to OPT for final decision.

Applications for Section 5311, utilizes a funding formula. The SCDOT Commission approved the formula, and one of the tier factors of the formula is the population of the poor and minority of each county. (See Appendix I – Analysis of 5310 Funding Distribution).

5. **Description of the procedures the agency uses to provide assistance to potential subrecipients, including efforts to assist applicants that would serve predominantly minority populations:**

OPT provides assistance to all potential applicants, and in particular potential applicants that serve predominantly minority populations. In 2018, OPT conducted four (4) 5310 Application Workshops across the State for potential applicants. Press Releases were forwarded to minority media outlets regarding the workshops. OPT provides technical assistance to all 5310 applicants and encourages minority groups and groups that predominantly serve minority communities to apply for funding.