August 8, 2017

Mr. Kevin Osborn  
Regional Civil Rights Officer  
Federal Transit Administration  
1961 Stout Street, Suite 13301  
Denver, CO 80294-3007  

RE: City of Rapid City - Title VI General Requirements

Dear Mr. Osborn:

The following information is being submitted as required by Title VI Program Guidelines for Federal Transit Administration Recipients, Circular 4702.1B dated October 1, 2012.

Please see the updated attached information for the City of Rapid City 2018-2020 Title VI program.

1. Title VI Notice to the Public, including a list of locations where the notice is posted: See attached “Public Notice” information outlining notification and postings. Information is also posted on the website www.rapidride.org.

2. Title VI Complaint Procedures: Title VI Plan: Attachment D

3. Title VI Complaint Form: Title VI Plan: Attachment D

4. List of transit related Title VI investigations, complaints, and lawsuits: there have been no transit related lawsuits or complaints alleging discrimination on the basis of race, color or national origin filed against the City of Rapid City within the past three years.

5. Public Participation Plan, including information about outreach methods to engage minority and LEP, as well as a summary of outreach efforts made since the last Title VI program submission:
   The City of Rapid City makes every effort to ensure public participation of all populations, including minority, low-income, and LEP populations, in the course of
conducting public outreach and involvement activities – notices are posted in various publications (the local newspaper, with the local MPO), on all vehicles and in all transit facilities where locations are conspicuous and accessible to all individuals, on bus schedules, letters are mailed to agencies providing services to minority, LEP, and low-income populations; and public meetings are held to encourage participation by all populations. The City utilizes social media, such as email and Facebook, to communicate with passengers regarding detours, promotions, service and fare changes, planning studies, storm detours, and any other information necessary to utilize the services effectively. Efforts since the last Title VI program have included all of the above activities.

6. Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP): Attached

7. A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees: There are currently no committees and/or councils where the membership is selected by the City. The decision making body governing the City of Rapid City Transit Division is the City of Rapid City Common Council which is made up entirely of elected officials.

8. Primary recipients shall include a description of how the agency monitors its subrecipients for compliance with Title VI, and a schedule of subrecipient Title VI program submissions: The City has no subrecipients.

9. A Title VI equity analysis if the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.: The City of Rapid City has not constructed any transit facilities.

10. A copy of board meeting minutes, resolution, or other appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI program: Attached.

11. Additional information as specified in chapters IV, V, and VI, depending on whether the recipient is a transit provider, State, or planning entity. Note: the recipient is a transit provider.

12. Requirements of Transit Providers (Chapter IV):
All fixed route transit providers must submit all requirements set out in Chapter III:
Service standards, vehicle load for each mode, vehicle headway for each mode, on-time performance for each mode, Service availability for each mode:

Fixed route bus service provided in the Rapid City area is limited to local bus service; the service does not distinguish between peak and off-peak service. Service hours are 6:20am-5:50pm M-F system-wide and 9:50am-4:40pm Saturdays (no Sunday fixed route service). Headways for all routes and performance measures tracked for every route on the system for 2016-2017 and are on file.

13. Service policies: (1) for transit amenities for each mode and (2) vehicle assignment for each
mode. Transit operates only one mode (local bus service). Amenities include one main transfer facility in downtown Rapid City where the system routes pulse with each other. The transfer facility is the location for system management and dispatch. The facility has restrooms, seating, and vending benches, route information, and is an attached enclosed facility with access to restrooms. In addition 47 bus shelters are located throughout the fixed route system.

Vehicles in the system include: 
Seven (7) 2013 30' Eldorado Passport HD
Two (2) 2016 30' Eldorado Passport HD
Three (3) 2006 29' Glaval
Two (2) 2009 29' Glaval
Two (2) 2008 29' SVI Trolleys
One (1) 2007 29' SVI Trolleys

Note: The City of Rapid City operates under 50 fixed route vehicles in peak service and is located in a UZA of under 200,000.

Submission of annual certifications and assurances: Attached. Current bus route schedules are available at www.rapidride.org or in printed form upon request. 2010 population counts by race and census tract in Rapid City are also available upon request.

If you have any questions concerning this information, please contact me at 605 394-6631 or by e-mail rich.sagen@rcgov.org.

Sincerely,

Rich Sagen
Transit Division Manager
City of Rapid City, SD
CITY OF RAPID CITY

TITLE VI NON-DISCRIMINATION POLICY STATEMENT

The City of Rapid City is committed to ensuring that no person is excluded from participation in, or denied the benefits of, or be subject to discrimination in the receipt of its services or programs on the basis of race, color or national origin or any other characteristics protected by law, including Title I of the Civil Rights Act of 1964, as amended. Further, under the Americans with Disabilities Act (ADA) of 1990, no entity shall discriminate against an individual with a physical or mental disability in connection with the provision of transportation service.

To obtain more information on Rapid Transit System’s nondiscrimination obligations or to file a Title VI complaint, contact Rich Sagen TITLE VI COORDINATOR, at (605) 394-6631, or by fax at (605) 394-6608, or by mail at 333 Sixth Street Rapid City SD 57701, or via the web at www.rapidride.org. You may file a written complaint no later than 180 calendar days after the date of the alleged discrimination.

Information on non-English alternative formats may be obtained from the Rapid Transit System office at the above mentioned address.
FEDERAL FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

FEDERAL FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES FOR
FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS
(Signature pages alternative to providing Certifications and Assurances in TrAMS)

Name of Applicant: CITY OF RAPID CITY, SD

The Applicant agrees to comply with applicable provisions of (Categories 01 – 23, X)
OR
The Applicant agrees to comply with applicable provisions of the Categories it has selected:

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FTA FISCAL YEAR 2017 CERTIFICATIONS AND ASSURANCES

FEDERAL FISCAL YEAR 2017 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE
(Required of all Applicants for federal assistance to be awarded by FTA and all FTA Grantees with an active Capital or Formula Award)

AFFIRMATION OF APPLICANT

Name of the Applicant: CITY OF RAPID CITY, SD

Name and Relationship of the Authorized Representative: STEVE ALLENDE, MAYOR

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all federal laws, regulations, and requirements, follow applicable federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in federal fiscal year 2017, irrespective of whether the individual that acted on his or her Applicant’s behalf continues to represent it.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply to each Award for which it now seeks, or may later seek federal assistance to be awarded during federal fiscal year 2017.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. § 3801 et seq., and implementing U.S. DOT regulations, “Program Fraud Civil Remedies,” 49 CFR part 31, apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. § 1001 apply to any certification, assurance, or submission made in connection with a federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute.

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature: ___________________________ Date: 12/20/16

Name: STEVE ALLENDE, MAYOR
Authorized Representative of Applicant

AFFIRMATION OF APPLICANT’S ATTORNEY

For (Name of Applicant): CITY OF RAPID CITY, SD 57701

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under state, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on it.

Signature: ___________________________ Date: 12/20/16

Name: JOE LAMDE, CITY ATTORNEY
Attorney for Applicant

Each Applicant for federal assistance to be awarded by FTA and each FTA Recipient with an active Capital or Formula Project or Award must provide an Affirmation of Applicant’s Attorney pertaining to the Applicant’s legal capacity. The Applicant may enter its electronic signature in lieu of the Attorney’s signature within FTA’s electronic award and management system, provided the Applicant has on file and uploaded to FTA’s electronic award and management system this hard-copy Affirmation, signed by the attorney and dated this federal fiscal year.
CITY OF RAPID CITY
TITLE VI PLAN
2018-2020

Submitted to:
Federal Transit Administration (FTA)
Region 8
1961 Stout Street, Suite 13301
Denver, CO 80294-3007

August 8, 2017
RECIPIENT INFORMATION

RECIPIENT: City of Rapid City

SUBMITTAL DATE: August 8, 2017

EXPIRATION DATE: November 30, 2020

CONTACT INFORMATION:

Rich Sagen
Transit Manager
Rapid Transit System
City of Rapid City
Rapid City, SD 57701
Telephone: 605-394-6631
Fax: 605-394-6608
# TITLE VI PLAN 2018-2020

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APPENDIX D - Public Notice of Rights / Complaint Process
I. PROVISION OF TITLE VI ASSURANCES

The City of Rapid City hereby certifies that, as a condition of receiving Federal financial assistance under the Urban Mass Transportation Act of 1964, as amended, it will ensure that:

a. The City of Rapid City shall submit on an annual basis, their Title VI Assurance, as part of their annual Certification and Assurance submission to the FTA.

b. No person, on the basis of race, color, or national origin, will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.

c. The City of Rapid City will compile, maintain, and submit in a timely manner, Title VI information required by FTA Circular 4702.1A and in compliance with the Department of Transportation's Title VI Regulation, 49 CFR, Part 21.7.

d. The City of Rapid City will make it known to the public that those persons or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the FTA and/or the U.S. Department of Transportation.

II. TITLE VI COMPLIANCE HISTORY

a. There are no outstanding lawsuits or complaints naming the City of Rapid City which allege discrimination on the basis of race, color or national origin with respect to service or other transit benefits.

b. There are no pending applications for FTA federal financial assistance, and there is no federal financial assistance currently being provided to the City of Rapid City other than that being supplied by the FTA through the 5307 & 5339 programs respectively.

c. During the course of the last three (3) years, there have not been any civil rights compliance review activities conducted with respect to the City of Rapid City and there are no ongoing civil rights compliance review activities being conducted with respect to the City.

d. There are currently no pending construction projects which would negatively impact minority communities being performed by the City.
III.  INCORPORATION OF THE PROGRAM

The City of Rapid City (hereinafter referred to as the “CITY”) hereby agrees that, as a condition to receiving any Federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the “Act”), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the “Regulations”), and other pertinent directives. 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 for which the Recipient receives Federal financial assistance from the Department of Transportation, including the FTA, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) of the Regulations.

More specifically, and without limiting the above general assurance, the CITY hereby gives the following specific assurances with respect to its FTA program:

a. That the CITY agrees that each “program” and each “facility”, as defined in subsections 21.23(e) and 21.23(b) of the Regulations will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated, in compliance with all requirements imposed by, or pursuant to, the Regulations.

b. That the CITY shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all FTA programs and, in adapted form in all proposals or negotiated agreements:

The CITY, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders/proposers that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to the invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.
c. That the CITY shall insert the clauses as provided in a prior submittal dated September 5, 2005, as APPENDIX A in every contract subject to this Act and the Regulations.

d. That the CITY shall insert the clauses as provided in a prior submittal, dated September 5, 2005, as APPENDIX B, as a covenant running with the land, in any deed from the United States affecting a transfer of real property, structures, or improvements thereon, or interest herein.

e. That where the CITY receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

f. That where the CITY receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.

g. That the CITY shall include the appropriate clauses as provided in a prior submittal, dated September 5, 2005, as APPENDIX C, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the CITY with other parties: (a) for the subsequent transfer of real property acquired or improved under Federal Transit Administration programs; and (b) for the construction or use of, or access to, space on, over, or under real property acquired, or improved under Federal Administration programs.

h. That this assurance obligates the CITY for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the CITY or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the CITY retains ownership or possession of the property.

i. The CITY shall provide for such methods of administration for the programs as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.

j. The CITY agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.
k. The CITY assures that the level and quality of transit service and related benefits are provided in a manner consistent with Title VI of the Civil Rights Act of 1964.

THESE ASSURANCES are given in consideration of, and for the purpose of, obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the recipient by the Department of Transportation under the FTA and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the FTA programs.

The person, whose signature appears below, is authorized to sign these assurances on behalf of the grant applicant or recipient.

----------------------------------
Steve Allender, Mayor
City of Rapid City

Date: 8/8/17

----------------------------------
ATTEST:
Pauline Sumpton, Finance Officer
City of Rapid City

Date: 8/8/17
IV. GENERAL GUIDELINES/REQUIREMENTS

a. Annual Certification and Assurance

As stated in Section I, the CITY shall submit annually, their Title VI assurance, as part of their annual Certification and Assurance submission to the FTA. The most recent submission for the CITY was approved by the Mayor on December 20, 2016 and was submitted to the FTA on that date.

b. Complaint Procedures

In compliance with 49 CFR Section 21.9(b), the CITY has developed procedures for investigating and tracking Title VI complaints filed against them. Such procedures shall be made available to the public upon request. The CITY complaint procedures and complaint form are contained herein as APPENDIX D.

c. Record Title VI Activities

In compliance with 49 CFR Section 21.9(b), the CITY shall prepare and maintain a list of any active investigations conducted by entities other than the FTA, lawsuits, or complaints naming the CITY that allege discrimination on the basis of race, color, or nation origin. Such list shall include:

1) Date the investigation, lawsuit, or complaint was filed;
2) Summary of the allegation(s);
3) The status of the investigation, lawsuit, or complaint; and
4) Actions taken by the CITY in response to the investigation, lawsuit or complaint.

d. Access for LEP Persons

The CITY shall take 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). The CITY will assist persons with limited English proficiency to participate in the transportation planning process. The CITY will make every effort to provide translators and document translation, where feasible, upon request.

e. Public Notification

In compliance with 49 CFT Section 21.9(d), the CITY 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 the Title VI. The
CITY complaint procedures and public notification information are contained herein as **APPENDIX D**.

f. **Additional Information**

The CITY acknowledges that, at the discretion of the FTA, information other than that which is required by FTA C 4702.1A, may be requested in writing of the CITY, to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI.

g. **Timely Submission**

The CITY acknowledges that their Title VI submissions and/or updates thereto, shall be supplied to their FTA Regional Office once every three (3) years. The submission shall include, but is not limited to:

1) A summary of public outreach and involvement activities undertaken since the last submission and a description of steps taken to ensure that minority and low-income people had meaningful access to these activities;

2) The CITY's process for persons with limited English proficiency (LEP);

3) Title VI Complaint and tracking procedures;

4) A list of any Title VI investigations, complaints or lawsuits filed since the last submission; and

5) A copy of the CITY's public notice regarding Title VI compliance and public access and instructions to the CITY Title VI complaint procedures.

h. **Environmental Analysis of Construction Projects**

The CITY shall integrate an environmental justice analysis into their National Environmental Policy Act (NEPA) documentation of construction projects of which require NEPA. If a Categorical Exclusion (CE) is performed, the CITY shall complete the FTA's standard CE check-list which includes a section on community disruption and environmental justice. While preparing an Environmental Assessment (EA) or Environmental Impact Statement (EIS), the CITY shall integrate into their documents, the following:

1) A description of the low-income and minority population within the study area affected by the project, and a discussion of the method used to identify this population;
2) A discussion of all adverse effects that would affect the identified minority and low-income population;

3) A discussion of all positive effects that would affect the identified minority and low-income population;

4) A description of all mitigation and environmental enhancement actions incorporated into the project to address the adverse effects, including, but not limited to, any special features of the relocation program that go beyond the requirements of the Uniform Relocation Act and address adverse community effects such as separation or cohesion issues, and the replacement of the community resources destroyed by the project, if applicable;

5) A discussion of the remaining effects, if any, and why further mitigation is not proposed; and

6) For projects that traverse predominantly minority and low-income and predominantly non-minority and non-low-income areas, a comparison will be completed of mitigation and environmental enhancement actions between the two stated areas. If there is no basis for such a comparison, the CITY shall describe why this is so.

i. **Public Participation**

The CITY shall seek out and consider viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities in regards to proposed transportation decisions. The CITY shall make every effort to include the following practices:

1) Coordination 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;

2) Provision of opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments;

3) Utilization of locations, facilities and meeting times that are convenient and accessible to low-income and minority communities;

4) Utilization of different meeting sizes or formats, or varying the type and number of news media used to announce public participation opportunities; and
5) Implementation of DOT's policy guidance regarding the CITY's responsibilities to LEP persons.

The person, whose signature appears below, is authorized to sign on behalf of the grant applicant or recipient.

Steve Allender, Mayor
City of Rapid City

Date: 8/8/17

ATTEST:

Pauline Sumption, Finance Officer
City of Rapid City

Date: 8/8/17
APPENDIX D

AND

TITLE VI NOTICE TO THE PUBLIC

TITLE VI PUBLIC NOTICE OF RIGHTS / COMPLAINT PROCESS
CITY OF RAPID CITY, SOUTH DAKOTA

Public Notice of Rights

The following statement shall be posted on site at the Rapid Transit System office, on the Rapid Transit System website www.rapidride.org; permanently displayed on public transit vehicles; and other appropriate materials made available to the public:

Non-Discrimination - Your Rights under Title VI of the Civil Rights Act of 1964
The United States Department of Transportation (DOT) ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color or national origin in the provisions of benefits and services resulting from federally assisted programs and activities. Any person, who believes the City of Rapid City, has violated his/her Title VI protections, should contact the Rapid Transit System at 605-394-6631 or rich.sagen@rgov.org. The CITY's Title VI policy, complaint procedures shall be made available upon request by contacting the Rapid Transit System as indicated above. For federal Title VI information please contact the Federal Transit Administration (FTA), Region 8 at 720-963-3300. Federal Title VI information, including filing complaints, can also be accessed on the FTA web site at: www.fta.dot.gov.

Title VI Information, Limited English Proficient (LEP) Information and Complaint Process (for printed materials, website, and other mediums upon request)

The City of Rapid City grants all citizens equal access to all its transportation services. It is further the intent of the City of Rapid City that all citizens are aware of their rights to such access. This is designed to serve as an educational tool for citizens so that they may understand one of the civil rights laws that protect their benefit of the CITY programs and services, specifically, as it relates to Title VI of the Civil Rights Act of 1964.

What is Title VI?
Title VI is a section of the Civil Rights Act of 1964 requiring 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 subjected to discrimination under any program or activity receiving federal financial assistance." Note that Title VI does not address gender discrimination. It only covers race, color and national origin. Other Civil Rights laws prohibit gender discrimination.

What is LEP?
As part of Title VI requirements, Executive Order 13166 "Improving Access to Services for Persons With Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000). A Limited English Proficiency person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English.

The City of Rapid City's Complaint and Investigation Procedures
These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, for alleged discrimination in any program or activity administered by the City of Rapid City.

Title VI Complaint Process Rapid City Revised 8/8/2017
APPENDIX D (Continued)

TITLE VI PUBLIC NOTICE OF RIGHTS / COMPLAINT PROCESS
CITY OF RAPID CITY, SOUTH DAKOTA

These procedures do not deny the right of the complainant to file formal complaints with other State or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the City of Rapid City may be utilized for resolution. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited under Title VI and related statutes may file a complaint.

The following measures will be taken to resolve Title VI complaints:

1) A formal complaint must be filed within 180 calendar days of the alleged occurrence. Complaints shall be in writing and signed by the individual or his/her representative, and will include the complainant’s name, address and telephone number; name of alleged discriminating official, basis of complaint (race, color, national origin), and the date of alleged act(s). A statement detailing the facts and circumstances of the alleged discrimination must accompany all complaints.

The City of Rapid City strongly encourages the use of the attached City of Rapid City Title VI Complaint Form when filing official complaints.

The preferred method is to file your complaint in writing using the City of Rapid City Title VI Complaint Form, and sending it to:

Rich Sagen, Transit Manager
Rapid Transit System
333 Sixth Street
Rapid City, SD 57701

2) In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the City of Rapid City, Title VI Coordinator. Under these circumstances, the complainant will be interviewed, and the City of Rapid City, Title VI Coordinator will assist the Complainant in converting the verbal allegations to writing.

3) When a complaint is received, the Title VI Coordinator will provide written acknowledgment to the Complainant, within ten (10) calendar days by registered mail.

4) If a complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided 60 calendar days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.

5) Within 15 calendar days from receipt of a complete complaint, the City of Rapid City will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) calendar days of this decision, the Transit Manager or his/her authorized designee will notify the Complainant and Respondent, by registered mail, informing them of the disposition.

a. If the decision is not to investigate the complaint, the notification shall specifically state the reason for the decision.
APPENDIX D (Continued)

TITLE VI PUBLIC NOTICE OF RIGHTS / COMPLAINT PROCESS
CITY OF RAPID CITY, SOUTH DAKOTA

b. If the complaint is to be investigated, the notification shall state the grounds of the City of Rapid City's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.

6) When the City of Rapid City does not have sufficient jurisdiction, the Transit Manager will refer the complaint to the appropriate State or Federal agency holding such jurisdiction.

7) If the complaint has investigative merit, the Transit Manager will instruct the Title VI Coordinator to fully investigate the complaint. A complete investigation will be conducted, and an investigative report will be submitted to the Transit Manager within 60 calendar days from receipt of the complaint. The report will include a narrative description of the incident, summaries of all persons interviewed, and a finding with recommendations and conciliatory measures where appropriate. If the investigation is delayed for any reason, the Title VI Coordinator will notify the appropriate authorities, and an extension will be requested.

8) The Transit Manager or his/her authorized designee will issue letters of finding to the Complainant and Respondent within 90 calendar days from receipt of the complaint.

9) If the Complainant is dissatisfied with the City of Rapid City's resolution of the complaint, he/she has the right to file a complaint with:

Attn: Mr. Kevin Osborn, Civil Rights Officer
Federal Transit Administration Region VIII
1961 Stout Street, Suite 13301
Denver, CO 80224-3007
Phone 303 362-2393
Fax 303 292-5904

FTA Complaint procedures can also be found on the FTA web site at: www.fta.dot.gov. These procedures are also outlined in FTA Circular 4702.1A, Chapter IX.
Title VI
Complaint Form

Complaint Form
Instructions: If you would like to submit a Title VI complaint to the City of Rapid City, please fill out the form below and send it to: Rapid Transit System, Attn: Rich Sagen, 333 Sixth Street, Rapid City, SD 57701. For questions or a full copy of the City of Rapid City’s Title VI policy and complaint procedures call 605-394-6631 or email rich.sagen@rcgov.org.

<table>
<thead>
<tr>
<th>1. Name (Complainant):</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>2. Phone:</th>
<th>3. Home address (street no., city, state, zip):</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>4. If applicable, name of person(s) who allegedly discriminated against you:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>5. Location and position of person(s) if known:</th>
<th>6. Date of incident:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>7. Discrimination because of:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Race</td>
</tr>
<tr>
<td>☐ Color</td>
</tr>
<tr>
<td>☐ National origin</td>
</tr>
</tbody>
</table>

Title VI Complaint Process Rapid City Revised 8/8/2017
8. Explain as briefly and clearly as possible what happened and how you believe you were discriminated against. Indicate who was involved. Be sure to include how you feel other persons were treated differently than you. Also, attach any written material pertaining to your case.

9. Why do you believe these events occurred?

10. What other information do you think is relevant to the investigation?

11. How can this/these issue(s) be resolved to your satisfaction?

12. Please list below any person(s) we may contact for additional information to support or clarify your complaint (witnesses):
   Name:  Address:  Phone number:
13. Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court?
   □ Yes       □ No

If yes, check all that apply:
   □ Federal agency       □ Federal court       □ State court
   □ Local agency         □ State agency

If filed at an agency and/or court, please provide information about a contact person at the agency/court where the complaint was filed.
Agency/Court:  Contact’s Name:  Address:  Phone number:

Signature (Complainant):  Date of filing:
The person, whose signature appears below, is authorized to sign on behalf of the grant applicant or recipient.

Steve Allender, Mayor
City of Rapid City

ATTEST:
Pauline Sumption, Finance Officer
City of Rapid City

Date: 8/8/17
# LANGUAGE ASSISTANCE PLAN

FOR LIMITED ENGLISH PROFICIENCY

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I  INTRODUCTION

The purpose of this limited English proficiency policy guidance is to clarify the responsibilities of recipients of federal financial assistance from the U.S. Department of Transportation (DOT) and assist them in fulfilling their responsibilities to limited English proficient (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. It was prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance, and;

II  EXECUTIVE ORDER 13166

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 that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice’s (DOJ’s) Policy Guidance entitled “Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency." (See 65 FR 50123, August 16, 2000 DOJ's General LEP Guidance). Different treatment based upon a person’s inability to speak, read, write, or understand English may be a type of national origin discrimination.

Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies such as the City of Rapid City, and private and non-profit entities, and subrecipients.

III  PLAN SUMMARY

The City of Rapid City/Rapid Transit System has developed this Limited English Proficiency Plan (LEP) to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to city services as required by Executive Order 13166. A Limited English Proficiency person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English.

This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, training staff, how to notify LEP persons that assistance is available, and information for future plan updates.
In developing the plan while determining the city’s extent of obligation to provide LEP services, the city undertook a U.S. Department of Transportation four factor LEP analysis which considers the following: 1) The number or proportion of LEP persons eligible in the city’s service area who maybe served or likely to encounter a city program, activity, or service; 2) the frequency with which LEP individuals come in contact with an city services; 3) the nature and importance of the program, activity or service provided by the city to the LEP population; and 4) the resources available to the city and overall costs to provide LEP assistance. A brief description of these considerations is provided in the following section.

IV FOUR FACTOR ANALYSES

1. The number or proportion of LEP persons eligible in the city service area who maybe served or likely to encounter a city program, activity, or service. The city examined the US Census report from 2010 and was able to determine that approximately 5% people spoke a language other than English. Of the 3124 people reporting they speak other languages than English, 1.1% of respondents either speak English “not well” or “not at all.” (See APPENDIX A City of Rapid City Languages Spoken at Home Chart).

2. The frequency with which LEP individuals come in contact with a city program, activity, or service
The city will assess the frequency at which Rapid Transit System staff and drivers have or could possibly have contact with LEP persons. This includes documenting phone inquiries and verbally surveying drivers. The city has never had a request for interpreters or translated city documents. The staff and drivers have had very little to no contact with LEP individuals.

3. The nature and importance of the program, activity, or service provided by the city to the LEP community
There is no large geographic concentration of any one type of LEP individuals in the city service area. The overwhelming majority of the population, 98.9% speaks only English very well.

Therefore, there is a lack of any social, service, professional and leadership organizations within the city service area that focuses on outreach or membership of LEP individuals.

4. The resources available to the city and overall costs
The city assessed its available resources that could be used for providing LEP assistance. This included identifying how much a professional interpreter and translation service would cost on as needed basis, which documents would be the most valuable to be translated if and when the populations supports, taking an inventory of available
organizations that the city could partner with for outreach and translation efforts, and what level of staff training is needed.

After analyzing the four factors, the city developed the plan outlined in the following section for assisting persons of limited English proficiency.

V  LIMITED ENGLISH PROFICIENCY PLAN OUTLINE

a) **How to Identify an LEP Person who Needs Language Assistance** - Below are tools to help identify persons who may need language assistance:

- Examine records requests for language assistance from past meetings and events to anticipate the possible need for assistance at upcoming meetings;

- When city sponsored workshops or conferences are held, set up a sign-in sheet table, have a staff member greet and briefly speak to each attendee. To informally gage the attendee’s ability to speak and understand English, ask a question that requires a full sentence reply;

- Have the Census Bureau’s “I Speak Cards” at the workshop or conference sign-in sheet table (contained herein as **APPENDIX B**). While staff may not be able to provide translation assistance at this meeting, the cards are an excellent tool to identify language needs for future meetings. Also, have the cards available at the Rapid Transit system dispatch area; and

- Frequently survey Rapid Transit System drivers and other first line staff of any direct or indirect contact with LEP individuals.

b) **Language Assistance Measures** - The city has or will implement the following LEP procedures. The creation of these steps are based on the very low percentage of persons speaking other languages or not speaking English at least “well,” and the lack of resources available in the city service area:

- Census Bureau’s “I Speak Cards” will be located at their customer service location at all times

- When the Rapid Transit System’s website is redesigned, AltaVista Babel Fish translation will be an added feature.

- When an interpreter is needed, in person or on the telephone, and city staff has exhausted the above options, staff will first attempt to determine what language is required. Staff shall use the telephone interpreter service - Language Line Services at [http://www.languageline.com](http://www.languageline.com). On the Language Line home page the
staff will select the Need an Interpreter Now link and follow the directions to receive and access code.

c) **City Staff Training** - All Rapid Transit System staff will be provided with the LEP Plan and will be educated on procedures to follow. This information will also be part of the Rapid Transit System staff orientation process for new hires. Training topics are listed below:

- Understanding the Title VI policy and LEP responsibilities;
- What language assistance services the city offers;
- Use of LEP “I Speak Cards”;
- How to use the Language Line interpretation and translation services;
- Documentation of language assistance requests;
- How to handle a Title VI and/or LEP complaint (this process is contained in APPENDIX D of the CITY Title VI Plan)

d) **Outreach Techniques** – Due to the lack of LEP population and resources available in the service area the city has not developed outreach techniques. However, the following are a few options that the city will incorporate when and/or if the need arises for LEP outreach:

- If staff knows that they will be presenting a topic that could be of potential importance to an LEP person or if staff will be hosting a meeting or a workshop in a geographic location with a known concentration of LEP persons, meeting notices, fliers, advertisements, and agendas will be printed in an alternative language, based on known LEP population in the area.

- When running a general public meeting notice, staff will insert the clause, based on the LEP population and when relevant, that translates into “A (insert alternative Language) translator will be available”. For example: "Un traductor del idioma español estará disponible" This means “A Spanish translator will be available”.

- Key print materials, including but limited to schedules and maps, will be translated and made available at the Milo Barber Transportation Center and on board Rapid Transit System revenue vehicles.

e) **Monitoring and Updating the LEP Plan** - This plan is designed to be flexible and is one that can be easily updated. At a minimum, the city will follow the Title
VI Program update schedule for the LEP Plan. However, major updates most likely will not occur until the next Census in 2020 unless the city finds it necessary and crucial for an update before such time.

Each update should examine all plan components such as:

- How many LEP persons were encountered?
- Were their needs met?
- What is the current LEP population in city service area?
- Has there been a change in the types of languages where translation services are needed?
- Is there still a need for continued language assistance for previously identified city programs? Are there other programs that should be included?
- Have the city’s available resources, such as technology, staff, and financial costs changed?
- Has the city fulfilled the goals of the LEP Plan? and
- Were any complaints received?

f) **Dissemination of the city Limited English Proficiency Plan** - The city includes the LEP Plan with its Title IV Policy and Complaint Procedures. The city’s Notice of Rights under Title VI to the public is posted in the Rapid Transit System office, on all Rapid Transit vehicles, and in selected printed materials and also refers to the LEP Plan’s availability. Any person, including social service, non-profit, and law enforcement agencies and other community partners with internet access will be able to access the plan. Copies of the LEP Plan will be provided, on request, to any person(s) requesting the document via phone, in person, by mail or email. LEP persons may obtain copies/translations of the plan upon request. Any questions or comments regarding this plan should be directed to the city Title VI Coordinator.

Rich Sagen  
City of Rapid City Title VI Coordinator  
Rapid Transit System  
333 Sixth Street  
Rapid City, SD 57702  
Phone: (605) 394-6631  
Fax: (605) 394-6608  
Email: rich.sagen@rcgov.org
## APPENDIX A

### LANGUAGE SPOKEN AT HOME

<table>
<thead>
<tr>
<th>Subject</th>
<th>Rapid City, South Dakota</th>
<th>Percent of specified language speakers</th>
<th>Speak English &quot;very well&quot;</th>
<th>Speak English less than &quot;very well&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Estimate</td>
<td>Margin of Error</td>
<td>Estimate</td>
<td>Margin of Error</td>
</tr>
<tr>
<td>Population 5 years and over</td>
<td>62,479</td>
<td>+/-0.9</td>
<td>98.9%</td>
<td>+/-0.5</td>
</tr>
<tr>
<td>Speak only English</td>
<td>95.0%</td>
<td>(X)</td>
<td>(X)</td>
<td>(X)</td>
</tr>
<tr>
<td>Speak a language other than English</td>
<td>5.0%</td>
<td>+/-0.9</td>
<td>78.6%</td>
<td>+/-8.4</td>
</tr>
<tr>
<td>Spanish or Spanish Creole</td>
<td>1.7%</td>
<td>+/-0.6</td>
<td>72.6%</td>
<td>+/-20.8</td>
</tr>
<tr>
<td>Other Indo-European languages</td>
<td>1.1%</td>
<td>+/-0.3</td>
<td>73.3%</td>
<td>+/-12.6</td>
</tr>
<tr>
<td>Asian and Pacific Island languages</td>
<td>0.5%</td>
<td>+/-0.4</td>
<td>62.5%</td>
<td>+/-20.7</td>
</tr>
<tr>
<td>Other languages</td>
<td>1.8%</td>
<td>+/-0.5</td>
<td>91.8%</td>
<td>+/-6.5</td>
</tr>
<tr>
<td><strong>SPEAK A LANGUAGE OTHER THAN ENGLISH</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spanish or Spanish Creole</td>
<td>1,049</td>
<td>+/-381</td>
<td>72.6%</td>
<td>+/-20.8</td>
</tr>
<tr>
<td>5-17 years</td>
<td>282</td>
<td>+/-147</td>
<td>70.2%</td>
<td>+/-33.1</td>
</tr>
<tr>
<td>18-64 years</td>
<td>655</td>
<td>+/-260</td>
<td>73.1%</td>
<td>+/-21.8</td>
</tr>
<tr>
<td>65 years and over</td>
<td>112</td>
<td>+/-75</td>
<td>75.9%</td>
<td>+/-23.2</td>
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<tr>
<td>Other Indo-European languages</td>
<td>659</td>
<td>+/-215</td>
<td>73.3%</td>
<td>+/-12.6</td>
</tr>
<tr>
<td>5-17 years</td>
<td>124</td>
<td>+/-88</td>
<td>45.2%</td>
<td>+/-35.3</td>
</tr>
<tr>
<td>18-64 years</td>
<td>403</td>
<td>+/-174</td>
<td>86.1%</td>
<td>+/-13.5</td>
</tr>
<tr>
<td>65 years and over</td>
<td>132</td>
<td>+/-66</td>
<td>60.6%</td>
<td>+/-29.8</td>
</tr>
<tr>
<td>Asian and Pacific Island languages</td>
<td>299</td>
<td>+/-219</td>
<td>62.5%</td>
<td>+/-20.7</td>
</tr>
<tr>
<td>5-17 years</td>
<td>0</td>
<td>+/-127</td>
<td>-</td>
<td>**</td>
</tr>
<tr>
<td>18-64 years</td>
<td>277</td>
<td>+/-217</td>
<td>59.6%</td>
<td>+/-23.3</td>
</tr>
<tr>
<td>65 years and over</td>
<td>22</td>
<td>+/-36</td>
<td>100.0%</td>
<td>+/-67.9</td>
</tr>
<tr>
<td>Other languages</td>
<td>1,100</td>
<td>+/-313</td>
<td>91.8%</td>
<td>+/-6.5</td>
</tr>
<tr>
<td>5-17 years</td>
<td>27</td>
<td>+/-30</td>
<td>100.0%</td>
<td>+/-61.3</td>
</tr>
<tr>
<td>18-64 years</td>
<td>864</td>
<td>+/-276</td>
<td>90.6%</td>
<td>+/-7.9</td>
</tr>
<tr>
<td>65 years and over</td>
<td>209</td>
<td>+/-156</td>
<td>95.7%</td>
<td>+/-8.3</td>
</tr>
<tr>
<td><strong>PERCENT IMPUTED</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Language status</td>
<td>2.0%</td>
<td>(X)</td>
<td>(X)</td>
<td>(X)</td>
</tr>
<tr>
<td>Language status (speak a language other than English)</td>
<td>0.5%</td>
<td>(X)</td>
<td>(X)</td>
<td>(X)</td>
</tr>
<tr>
<td>Ability to speak English</td>
<td>4.5%</td>
<td>(X)</td>
<td>(X)</td>
<td>(X)</td>
</tr>
</tbody>
</table>
APPENDIX B
Census Bureau's "I Speak Cards"

Census 2000

Arabic

Armenian

Bengali

Cambodian

Chamorro

Chinese

Creole

Croatian (Serbo Croatian)

Czech

Dutch

English

Farsi