

# La Crosse & La Crescent Metropolitan Area



## Title VI and Non-Discrimination Program / Limited English Proficiency Plan

*November 19, 2014*



# Title VI and Non-Discrimination Program / Limited English Proficiency Plan

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La Crosse County Administrative Center  
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La Crosse, WI 54601

This Title VI Plan and other LAPC documents, meeting minutes and agendas, and other information may also be obtained on our website at:

[www.lapc.org](http://www.lapc.org)

If Title VI information is needed in another language, please contact  
(608) 785-5977.

Si se necesita informacion en otro idioma de contacto,  
(608) 785-5977,

Yog hais tias cov lus qhia uas yuav tsum tau nyob rau hauv lwm hom lus, hu rau  
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# La Crosse Area Planning Committee

## Policy Board

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## Purpose

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### Purpose for Title VI Program

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As a subrecipient of federal funds administered by the Federal Transit Administration (FTA), the La Crosse Area Planning Committee (LAPC) is required to comply with U.S. Department of Transportation (“DOT” or “the Department”) Title VI regulations (49 CFR part 21) and to integrate into its programs and activities considerations expressed in the Department’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (“LEP”) Persons (70 FR 74087, December 14, 2005).

The purpose of these regulations is to assure that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity administered by the LAPC.

These regulations also prohibit the LAPC from discriminating on the basis of race, color, or national origin in its programs or activities and ensure that the LAPC will provide meaningful access to services for persons with Limited English Proficiency.

### Format of Title VI Program

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This Title VI Program is formatted to the requirements found in *FTA Circular 4702.1B “Title VI Requirements and Guidelines for Federal Transit Administration Recipients*.

The next section addresses the requirements for chapters 3 and 6 of the Circular as they pertain to requirements and guidelines for the LAPC. Each requirement includes verbatim language from the Circular in italics followed by a discussion of how the LAPC meets the requirement.

## FTA Circular 4702.1B Title VI Requirements and Guidelines

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### Chapter III: General Requirements and Guidelines

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#### 2. REQUIREMENT TO PROVIDE TITLE VI ASSURANCES

*“In accordance with 49 CFR Section 21.7(a), every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT’s Title VI regulations.”*

The LAPC Title VI Assurances are included with this program in **Appendix A**.

#### 3. REQUIREMENTS FOR FIRST-TIME APPLICANTS

Not applicable.

#### 4. REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM

*“Title 49 CFR Section 21.9(b) requires recipients to ‘keep such records and submit to the Secretary timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this [rule].’ ...For all recipients (including subrecipients), the Title VI Program must be approved by the recipient’s board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA....Recipients shall submit a copy of the board resolution, meeting minutes, or similar documentation with the Title VI Program as evidence that the board of directors or appropriate governing entity or official(s) has approved the Title VI Program.*

An annual report of the LAPC Title VI activities is included in the annual *Planning Work Program for the La Crosse Planning Committee (PWP)*, available on the LAPC website.

A copy of the LAPC resolution approving this Title VI Program is included in **Appendix B**.

The requirements included in the “contents” part of this section (Section 4 Requirement to Prepare and Submit a Title VI Program) are also included and addressed in Sections 5 – 12 below, or are not applicable.

#### 5. REQUIREMENT TO NOTIFY BENEFICIARIES OF PROTECTION UNDER TITLE VI

*“Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient’s obligations under DOT’s Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI. Recipients shall disseminate this information to the public through measures that may include but are not limited to: posting a Title VI notice on the agency’s Web site, at the agency’s office, at stations or stops, and/or on transit vehicles.”*

The LAPC Title VI notice is included in **Appendix C** and is posted on the LAPC website and at the LAPC office. The LAPC does not provide transit services; other requirements of this section are not applicable.

### **6. REQUIREMENT TO DEVELOP TITLE VI COMPLAINT PROCEDURES AND COMPLAINT FORM**

*“In order to comply with the reporting requirements established in 49 CFR Section 21.9(b), all 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. Recipients must also develop a Title VI complaint form.”*

The LAPC Title VI complaint procedures are in **Appendix D**, and the LAPC Title VI complaint form is in **Appendix D**. The complaint procedure and complaint forms are posted on the LAPC website and at the LAPC office.

### **7. REQUIREMENT TO RECORD AND REPORT TRANSIT-RELATED TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS.**

*“In order to comply with the reporting requirements of 49 CFR Section 21.9(b), FTA requires all recipients to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin: active investigations conducted by entities other than FTA; lawsuits; and complaints naming the recipient.”*

There have been no Title VI investigations, complaints or lawsuits filed with the LAPC.

### **8. PROMOTING INCLUSIVE PUBLIC INVOLVEMENT.**

*“The content and considerations of Title VI, the Executive Order on LEP, and the DOT LEP Guidance shall be integrated into each recipient’s established public involvement plan or process (i.e., the document that explicitly describes the proactive strategies, procedures, and desired outcomes that underpin the recipient’s public involvement activities).”*

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The LAPC maintains the *La Crosse and La Crescent Metropolitan Area Public Participation Plan for LAPC Transportation Plans and Programs (PPP)*, available on the LAPC website. The LAPC Title VI Program is integrated into the PPP by reference. The following text is derived from the PPP and describes how the LAPC promotes inclusive public involvement:

### Public Participation Process

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The following policy statements to “ensure early and continuing involvement of the public in developing plans and TIPs” were derived from existing language in 23 CFR 450 and 49 CFR 613.

#### Coordination & Consultation

- Consult with agencies and officials responsible for other planning activities within the planning area that are affected by transportation in the development of MTPs and TIPs, including Indian Tribal governments and Federal land management agencies, if applicable.
- Coordinate with the public involvement and consultation processes for statewide transportation planning.

#### Accessibility & Information

- Hold public meetings at convenient and accessible locations and times.
- Make public information available in electronically-accessible format.
- Provide reasonable public access to technical and policy information used in the development of plans and programs.
- Employ visualization techniques to describe MTPs and TIPs.

#### Timeliness

- Provide timely information about transportation issues and processes to all concerned stakeholders, including affected public agencies, private providers of transportation, and other interested parties and segments of the community affected by transportation plans, programs, and projects.
- Provide adequate public notice of public involvement activities and time for public review and comment.

#### Public Comment

- Demonstrate explicit consideration and response to public input received during the development of the MTP and TIP.
- Provide an additional opportunity for public comment if the final MTP or TIP differs significantly from the version that was initially made available for comment.

- Include as part of the final plan or program a report or summary on the disposition of significant written or oral comments received on draft plans and programs.
- Seek out and consider the needs of those traditionally underserved by existing transportation systems.

Evaluation

- Review the effectiveness of the public participation plan so as to ensure a full and open participation process.

## 9. REQUIREMENT TO PROVIDE MEANINGFUL ACCESS TO LEP PERSONS.

*“Taken together, Title VI of the Civil Rights Act of 1964, its implementing regulations, and Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” require recipients to take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP).”*

The LAPC Limited English Proficiency Plan is included as **Appendix E**. The Limited English Proficiency Plan includes consideration of the Four Factor Analysis, Language Implementation Plan, and Safe Harbor Provision sections of Requirement 8.

## 10. MINORITY REPRESENTATION ON PLANNING AND ADVISORY BODIES.

*“Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin, “deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.” Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar decision-making bodies must provide a table depicting the racial breakdown of the membership of those bodies, and a description of efforts made to encourage the participation of minorities on such decision-making bodies.”*

The LAPC Policy Board is the sole decision-making body of the LAPC. The Board is comprised of the highest elected official of each member community and so minority representation is under the control of the electorate.

All other LAPC committees serve in an advisory role. LAPC staff encourages participation by all groups on the advisory committees by invitation to monthly meetings, public information meetings, etc. as outlined in the Public Participation Plan. Contacts are maintained in e-mail distribution lists and mail address lists.

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Minority representation on LAPC committees is illustrated in Table 1. We recognize that the minority representation on our boards is not reflective of the minority representation of our planning area, but members of minority groups invited to participate (i.e. Ho Chunk Nation, local chapter of the NAACP) have declined. We do continue to send out notices for meetings.

**TABLE 1: Minority Composition of LAPC Committees**

Body	Race						
	Non Hispanic White	Black or African American	American Indian/ Alaska Native	Asian	Native Hawaiian/ Pacific Islander	Hispanic or Latino	Some Other Race
Policy Board	100%	0%	0%	0%	0%	0%	0%
Technical Advisory Committee	97%	0%	0%	3%	0%	3%	0%
Bicycle/Pedestrian Advisory Committee	100%	0%	0%	0%	0%	0%	0%
Transit Coordinating Council	96%	0%	0%	4%	0%	0%	0%

**II. PROVIDING ASSISTANCE TO SUBRECIPIENTS.**

Not applicable; LAPC is a subrecipient.

**12. MONITORING SUBRECIPIENTS.**

Not applicable; LAPC is a subrecipient.

**Chapter VI: Requirements for Metropolitan Transportation Planning Organizations**

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**2. REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM.**

*“For all recipients (including subrecipients), the Title VI Program must be approved by the recipient’s board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. FTA will review and grant approval or conditional approval for Title VI Programs. Subrecipients, including MPOs that receive Federal planning money from the*

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*State, shall submit Title VI Programs to the State as the primary recipient from whom they receive funding, in order to assist the State in its compliance efforts.”*

A copy of the LAPC resolution approving this Title VI Program is included in Appendix B: LAPC Resolution Approving the Title VI Program.

In its regional transportation planning capacity, the MPO shall submit to the State, as the primary recipient, and also to FTA:

- (1) The information required under section 4 of chapter III (General Requirements) of this Circular (included above);
- (2) A demographic profile of the metropolitan area that includes identification of the locations of minority populations as covered by Title VI:

The LAPC uses the RACE AND HISPANIC OR LATINO ORIGIN variable from the U.S. Census to determine the distribution of minority and white populations as summarized in Table 2. Minorities are defined as Black or African American Alone, American Indian and Alaska Native Alone, Native Hawaiian or Other Pacific Islander Alone, Some Other Race Alone, and Two-or-more Races. Persons of Hispanic or Latino origin may be of any race.

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**TABLE 2: Distribution of Minority and White Populations by Community**

Community	Population						Minority Race <sup>1</sup>					
	Total	Non-Hispanic White	Hispanic	Total Minority <sup>2</sup>	Non-Hispanic White	Total Minority <sup>2</sup>	Black or African American	American Indian/Alaska Native	Asian	Native Hawaiian/Pacific Islander	Some Other Race	Two or more Races
	Total			Percent			Percent of Total Population					
<i>Cities</i>												
La Crescent	4,830	4,623	53	207	95.7	4.3	0.8	0.1	0.6	0.0	0.1	1.8
La Crosse	51,320	45,423	1,012	5,897	88.5	11.5	2.3	0.6	4.9	0.0	0.4	2.1
Onalaska	17,736	15,921	276	1,815	89.8	10.2	1.1	0.3	5.7	0.0	0.5	1.7
<i>Villages</i>												
Holmen	9,005	8,082	96	923	89.8	10.2	0.6	0.2	7.0	0.0	0.2	1.5
West Salem	4,799	4,601	59	198	95.9	4.1	0.4	0.6	0.7	0.0	0.3	1.3
<i>Towns</i>												
Barre	1,234	1,196	6	38	96.9	3.1	0.7	0.2	1.1	0.0	0.2	0.6
Campbell	4,314	4,069	41	245	94.3	5.7	0.9	0.5	2.1	0.1	0.3	1.2
Dresbach	456	428	15	28	93.9	6.1	0.0	0.7	1.1	0.0	0.4	2.0
Greenfield	2,060	2,018	15	42	98.0	2.0	0.2	0.0	0.4	0.0	0.4	0.5
Hamilton	2,436	2,386	9	50	97.9	2.1	0.3	0.0	0.9	0.0	0.1	0.4
Holland	3,701	3,513	22	188	94.9	5.1	0.5	0.3	3.1	0.1	0.0	0.6
La Crescent	1,446	1,423	1	23	98.4	1.6	0.1	0.1	0.7	0.1	0.1	0.6
Medary	1,461	1,404	24	57	96.1	3.9	0.3	0.1	1.2	0.1	0.1	0.5
Onalaska	5,623	5,341	76	282	95.0	5.0	0.7	0.4	2.0	0.0	0.1	0.8
Shelby	4,715	4,493	45	222	95.3	4.7	0.6	0.4	1.9	0.0	0.2	0.9
<i>Urban (cities &amp; villages)</i>	87,690	78,650	1,496	9,040	89.7	10.3	1.7	0.4	4.8	0.0	0.4	1.9
<i>Rural (towns)</i>	27,446	26,271	254	1,175	95.7	4.3	0.6	0.3	1.8	0.0	0.2	0.8
<b><i>Planning Area</i></b>	<b>115,136</b>	<b>104,921</b>	<b>1,750</b>	<b>10,215</b>	<b>91.1</b>	<b>8.9</b>	<b>1.4</b>	<b>0.4</b>	<b>4.1</b>	<b>0.0</b>	<b>0.3</b>	<b>1.7</b>

<sup>1</sup>Minority race categories include Black or African American Alone, American Indian and Alaska Native Alone, Native Hawaiian or Other Pacific Islander Alone, Some Other Race Alone, and Two-or-more Races. Persons of Hispanic or Latino origin may be of any race.

<sup>2</sup>Minority population includes all persons of minority races and the white race with Hispanic or Latino origin.

Source: QT-P3 Race and Hispanic or Latino Origin: 2010, 2010 Census Summary File 1, AmericanFactFinder, U.S. Census Bureau.

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(3) A description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process:

The procedures by which the mobility needs of minority populations are identified and considered in the LAPC planning process include 1) public outreach and 2) GIS analysis.

Public outreach involves inviting members of minority organizations to participate on our committees and in planning activities (i.e. public input meetings, focus groups). We maintain a distribution list of contacts that includes persons from the Ho Chunk Nation, the local chapter of the NAACP, the Hmong Mutual Assistance Association, Multicultural Student Services at the University of Wisconsin – La Crosse, and the La Crosse County Aging Unit (liaison to the Hmong community), to name a few.

GIS analysis is used to identify the locations of minority persons. The LAPC completes a transit development plan for the La Crosse Municipal Transit Utility that identifies block groups exhibiting higher percentages of minority or low-income persons than the percent of those groups for the planning area.

Other requirements of Section 2 are not applicable for the LAPC as a subrecipient.

(4) Demographic maps that overlay the percent minority and non-minority populations and charts that analyze the impacts of the distribution of State and Federal funds for public transportation purposes, including Federal funds managed by the MPO as a designated recipient.

Figure 1 illustrates the block groups in the planning area that have a percent minority higher than the percent minority of the planning area (8.9%). Within the four-year TIP, each year of projects is mapped against the areas identified as having a high percent minority to determine the potential for disproportionately high and adverse impacts on minority populations.

Table 3 illustrates the distribution of federal and state funds for public transportation for the year 2014 as included in the LAPC Transportation Improvement Plan.

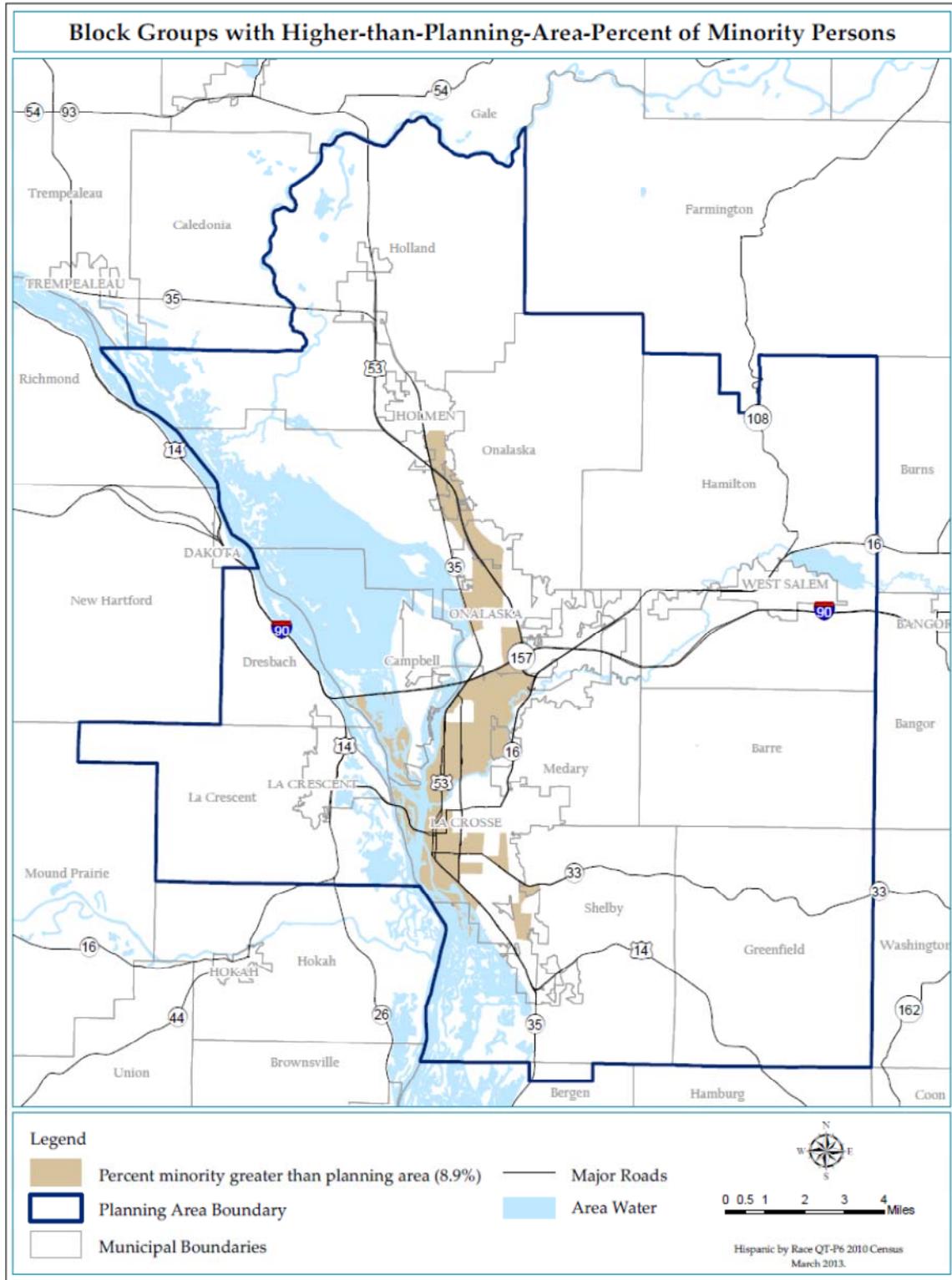


Figure 1: Block groups with a percent minority greater than the percent minority of the planning area.

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**TABLE 3: Distribution of Federal & State Funds for Public Transportation: 2013**

<b>Project</b>	<b>Program</b>	<b>Federal</b>	<b>State</b>	<b>Service Area</b>
La Crescent Transit Operating Assistance	5307	\$44,000		City of La Crescent, MN
La Crosse County Aging Unit Minibus & Volunteer Driver Program	85.21		\$250,200	La Crosse County
La Crosse County Aging Unit Rural Public Transit	5311	\$58,500	\$24,500	Bangor, Rockland, & Holland
Municipal Transit Utility of City of La Crosse Operating Assistance	5307; 85.20	\$1,804,000	\$1,400,000	City of La Crosse and contracting communities
Municipal Transit Utility Additional Buses	STP; 5309	\$2,824,000		City of La Crosse and contracting communities
Vernon County Aging Unit Mobility Manager & Volunteer Drivers	5310; 5317	\$74,800		La Crosse & Vernon Counties
City of Prairie du Chien Rural Transit Service	5311; STRAP	\$384,000		La Crosse, Crawford, and Vernon Counties
City of Onalaska Shared Ride Public Transit Operations & Vans	STP; 5307; 5309	\$608,800	\$206,700	Onalaska, Holmen, West Salem
<b>Total Public Transportation Funds (2014)</b>		<b>\$6,198,100</b>	<b>\$1,181,400</b>	
<b>Total TIP Funds (2014)</b>		<b>\$36,971,000</b>	<b>\$13,283,000</b>	
<b>Percent of TIP for Public Transportation</b>		<b>16.8</b>	<b>8.9</b>	

(5) An analysis of impacts identified in paragraph (4) that identifies any disparate impacts on the basis of race, color, or national origin, and, if so, determines whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact.

Taken in whole, the projects in the TIP, together with the other public- and privately-funded transportation improvements and services provided in the La Crosse and La Crescent urbanized area do not propose disproportionately high and adverse impacts on minority populations. The benefits of the transportation services and improvements provided are reasonably distributed as illustrated in Figure 2 to serve the needs of all populations in the area.

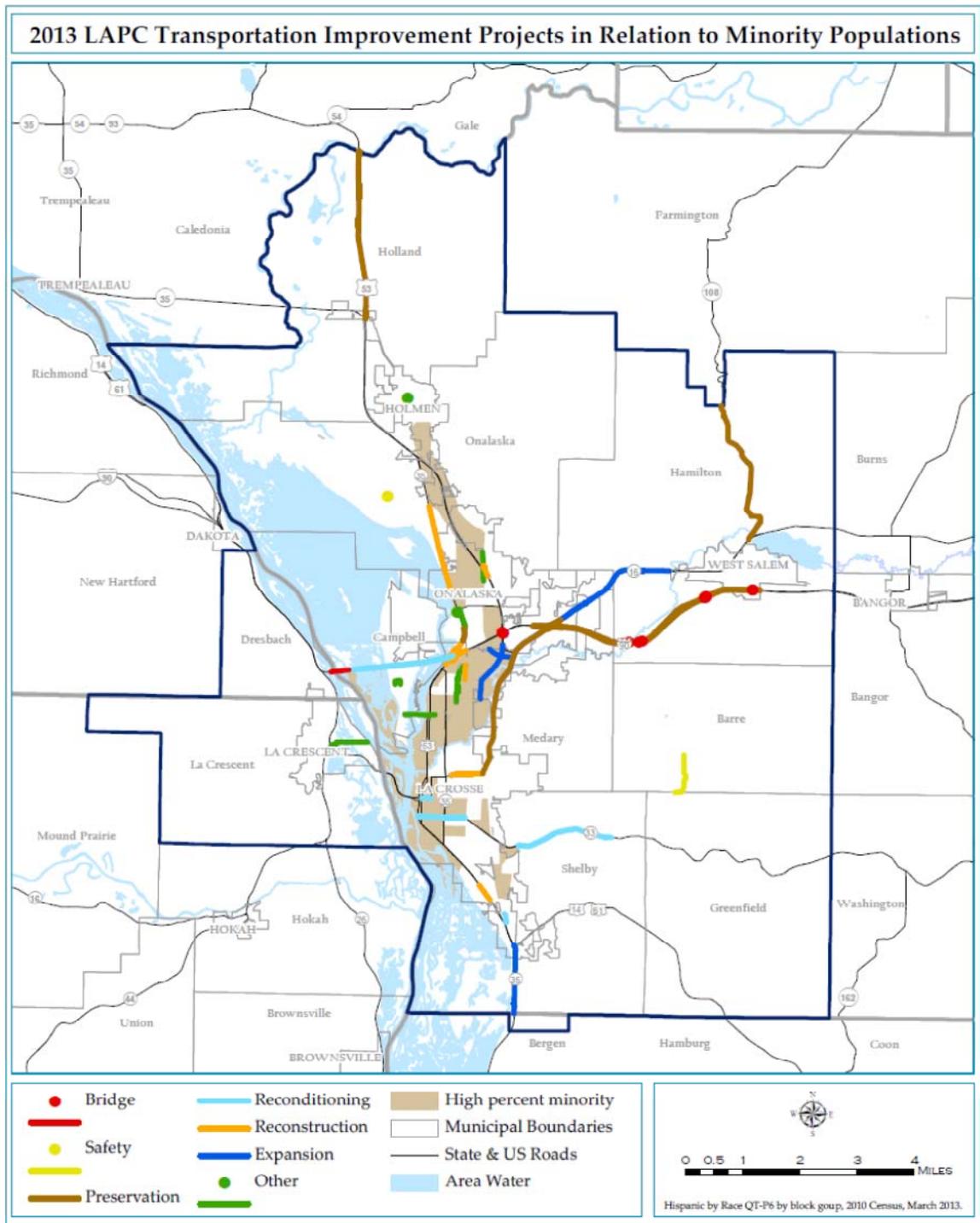


Figure 2: Roadway projects programmed for 2013 in relation to block groups of high percent minority.

**3. PLANNING.**

*“All MPOs are responsible for conducting planning activities that comply with 49 U.S.C. Section 5303, Metropolitan Transportation Planning, as well as subpart C of 23 CFR part 450, Metropolitan Transportation Planning and Programming, for a specified metropolitan planning area.”*

U.S. Department of Transportation regulations provide for self certification that the planning activities of the LAPC are being carried out in conformance with these and other applicable requirements. This self certification is included in the annual LAPC Planning Work Program and certified in the Work Program’s approval by the Minnesota and Wisconsin DOT and FHWA.

**4. DESIGNATED RECIPIENT.**

Not applicable; LAPC is a subrecipient.

**5. DIRECT RECIPIENT.**

Not applicable; LAPC is a subrecipient.

**6. REQUIREMENTS FOR PROGRAM ADMINISTRATION.**

Not applicable; LAPC is a subrecipient.

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## Appendix A: LAPC Title VI Assurances

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### TITLE VI ASSURANCES

The La Crosse Area Planning Committee (LAPC), (hereinafter referred to as the Recipient) HEREBY AGREES THAT, as a condition to receiving any federal financial assistance from the U. S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 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, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the U.S. Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives to the end that, in accordance with the Act, 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 through the Minnesota and/or Wisconsin Department of Transportation or the U.S. Department of Transportation; 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)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal Aid Highway or Transit Programs:

1. That the Recipient 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.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or materials subject to the regulations and made in connection with the Federal-Aid Highway or Transit Programs and, in adapted form, in all proposals for negotiated agreements:

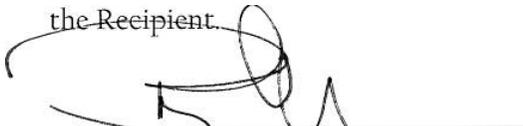
The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4, and Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the U.S. Department of Transportation, issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, Disadvantaged Business Enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

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3. That the Recipient shall insert the clauses of Appendix A in every contract subject to the Act and the Regulations.
4. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom he or she delegates specific authority, to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to the Act, the Regulations, and this assurance.
5. The Recipient 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.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, discounts, or other Federal financial assistance extended after the date hereof to the Recipient by the U.S. Department of Transportation under the Federal-Aid Highway or Transit Programs and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants in the Federal-Aid Highway or Transit Programs. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

  
\_\_\_\_\_  
Mike Poellinger, LAPC Chair

11/19/2014  
November 19, 2014

  
\_\_\_\_\_  
Tom Faella, LAPC Executive Director

11/19/2014  
November 19, 2014

**Appendix B: LAPC Resolution Approving Title VI Program**

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RESOLUTION 9 - 2014

APPROVING THE

*La Crosse Area Planning Committee (LAPC) Title VI Program*

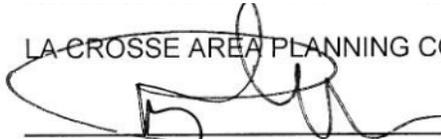
WHEREAS, the United States Department of Transportation regulations require the LAPC to establish and maintain a Title VI Program to carry out U.S. Department of Transportation Title VI regulations (49 CFR part 21) and to integrate into its programs and activities considerations expressed in the Department's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons (70 FR 74087, December 14, 2005).; and

WHEREAS, the LAPC intends that no person 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 LAPC program or activity, regardless of funding source; and

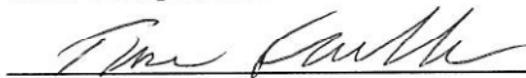
WHEREAS, the LAPC will affirmatively ensure that in any contract entered into, Disadvantaged Business Enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color or national origin; and

NOW, THEREFORE, BE IT RESOLVED: that the MPO approves the *La Crosse and La Crescent Metropolitan Area Title VI and Non-Discrimination Program / Limited English Proficiency Plan* as being consistent with metropolitan plans and policies.

LA-CROSSE AREA PLANNING COMMITTEE



Mike Poellinger, Chair



Tom Faella, Executive Director

Dated: November 19, 2014

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Appendix C: LAPC Title VI Notice

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Public Notice of Rights Under Title VI

**La Crosse Area Planning Committee (LAPC)**

The La Crosse Area Planning Committee (LAPC) operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes he or she has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the LAPC.

For more information on the LAPC's Title VI program, and the procedures to file a complaint, please contact Tom Faella at the LAPC office, 400 4<sup>th</sup> St N, Room 2300, La Crosse, WI 54601, (608) 785-5977, [TFaella@LaCrosseCounty.org](mailto:TFaella@LaCrosseCounty.org)

Complaint instructions and forms can be found in the LAPC *Title VI and Non-Discrimination Program / Limited English Proficiency Plan* posted at [www.LAPC.org](http://www.LAPC.org). If you would like a hard copy of the complaint instructions and/or forms mailed or emailed to you, please contact the LAPC office.

If Title VI information is needed in another language, please contact (608) 785-5977.

Si se necesita informacion en otro idioma de contacto, (608) 785-5977,

Yog hais tias cov lus qhia uas yuav tsum tau nyob rau hauv lwm hom lus, hu rau (608) 785-5977.

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## Appendix D: LAPC Title VI Complaint Procedures

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The scope of Title VI covers all external LAPC activities. Adverse impacts resulting in Title VI complaints can arise from many sources, including advertising, bidding, and contracts.

Complaints can originate from individuals or firms alleging inability to bid upon or obtain a contract with LAPC for the furnishing of goods and/or services. Examples include advertising for bid proposals; prequalification or qualification; bid proposals and awards; selection of contractors, subcontractors, material and equipment suppliers, lessors, vendors, consultants, fee appraisers, universities, etc.

Complaints can originate as a result of project impacts on individuals or groups. For example, social and economic, traffic, noise, air quality, access, accidents, and failure to maintain facilities.

### Formal Title VI Complaint Procedure

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The LAPC Title VI Policy assures that no person or groups of persons 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 and all programs, services, or activities administered by LAPC, its recipients, subrecipients, and contractors.

The LAPC uses the following procedures for prompt processing of all Title VI complaints received directly by it. These procedures include but are not limited to:

1. Any person or groups of persons who believe they have been aggrieved by an unlawful discriminatory practice under Title VI may individually, or through a legally authorized representative, make and sign a complaint and file the complaint with LAPC. Allegations received do not have to use the key words “complaint,” “civil rights,” “discrimination,” or their near equivalents. It is sufficient if such allegations imply any form of unequal treatment in one or more of LAPC’s programs for it to be considered and processed as an allegation of a discriminatory practice.
2. The complaint **must** be filed, in writing, no later than 180 calendar days after the date of the alleged discrimination. LAPC’s Title VI Complaint Form **must** be used. (See Appendix E)
3. The complaint may also be filed with the U. S. Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue, SE (S-33), Washington, D.C.

## Title VI and Non-Discrimination Program / Limited English Proficiency Plan

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20590. The complaint **must** be filed, in writing, no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary, U. S. Department of Transportation.

4. Immediately, upon receipt of a Title VI complaint, LAPC determines a course of action. Possible courses of action include:
  - a. Title VI complaints filed against LAPC are referred to the Minnesota Department of Transportation (MnDOT) or Wisconsin Department of Transportation (WisDOT) for processing. MnDOT or WisDOT notifies the U.S. Department of Transportation Division Office of the complaint.
  - b. Title VI complaints filed against LAPC recipients and subrecipients (e.g., contractors, subcontractors, material and equipment suppliers, lessors, vendors, consultants, fee appraisers, universities, etc.) are processed by LAPC in accordance with U.S. Department of Transportation approved complaint procedures. MnDOT and/or WisDOT is available to provide assistance.
    - (1) A copy of the complaint, together with a copy of LAPC report of the investigation and recommendations, are forwarded to U.S. Department of Transportation within sixty (60) days of the date the complaint was received by LAPC.
    - (2) A copy of the complaint, together with a copy of LAPC report of the investigation and recommendations, are provided to MnDOT or WisDOT's Title VI Coordinator for informational purposes only.
    - (3) The U.S. Department of Transportation makes the final agency decision.
5. LAPC reviews and determines the appropriate action regarding every complaint. LAPC will recommend to the U.S. Department of Transportation, with a copy to MnDOT, not to proceed with or continue a complaint investigation if:
  - a. The complaint is, on its face, without merit.
  - b. The same allegations and issues of the complaint have been addressed in a recently closed investigation or by previous federal court decisions.
  - c. The complainant's or injured party's refusal to cooperate (including refusal to give permission to disclose his or her identity) has made it impossible to investigate further.

6. If an investigation is to be initiated, LAPC determines the method of investigation and who will conduct the investigation.
7. The entire investigation process, including the submission of the final report of the investigation and recommendations to the U.S. Department of Transportation, with a copy to MnDOT or WisDOT, is to be carried out in a period not to exceed sixty (60) calendar days from the date the original complaint was received by LAPC.
8. LAPC acknowledges receipt of the allegation(s) within ten (10) working days. The complainant is notified of the proposed action to be taken to process the allegation(s). The notification letter contains:
  - a. The basis for the complaint.
  - b. A brief statement of the allegation(s) over which LAPC has jurisdiction.
  - c. A brief statement of LAPC jurisdiction over the recipient to investigate the complaint; and
  - d. An indication of when the parties will be contacted.
  - e. Depending on the nature of the complaint, the complaint will be referred to the following for final decision:
    - (1) U.S. Department of Transportation
    - (2) U. S. Department of Justice (USDOJ)
9. LAPC also notifies U.S. Department of Transportation, with a copy to MnDOT or WisDOT, within ten (10) calendar days of receipt of the allegations. The following information is included in the notification to U.S. Department of Transportation:
  - a. Name, address, and phone number of the complainant.
  - b. Name(s) and address(es) of persons alleged to have been involved in the act.
  - c. Basis of alleged discrimination (i.e., race, color, national origin).
  - d. Date of alleged discriminatory act(s).
  - e. Date complaint was received by LAPC.
  - f. A brief statement concerning the nature of the complaint.

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- g. Other agencies (federal, state, or local) with which the complaint has been filed.
  - h. An explanation of the actions LAPC proposes to take to resolve the issues raised in the complaint.
10. The investigation consists of an in-depth, personal interview with the complainant(s). Information gathered in this interview includes but is not limited to: identification of each complainant by race, color, or national origin; a complete statement concerning the nature of the complaint, including names, dates, places, and incidents involved in the complaint; the date the complaint was filed; and any other pertinent information the investigator(s) feels is relevant to the complaint. The interview(s) is recorded, either digitally or by an investigator taking notes. The investigator(s) arranges for the complainant to read, make necessary changes to, and sign the interview transcript or interview notes.
  11. Following the interviews, the investigator(s) develops a report of the investigation and recommendations based on the facts. The report contains the investigator's(s') findings, conclusions concerning each issue raised in the complaint, and recommendations for corrective action. The report is the last document prepared by the investigator(s). Any other actions taken as a result of the investigator's(s') findings and conclusions are the responsibility of LAPC management.
  12. The complainant receives a letter from LAPC detailing the findings and any recommendations for corrective action to be taken based on the facts. All issues in the complaint are addressed. The complainant is informed that the final determination is made by the U.S. Department of Transportation.
  13. LAPC forwards the report of the investigation and recommendations to the U.S. Department of Transportation, with a copy to MnDOT or WisDOT. Included with the report is a copy of the complaint, copies of all documentation pertaining to the complaint, the date the complaint was filed, the date the investigation was completed, and any other pertinent information.
  14. The U.S. Department of Transportation makes the final agency decision.

**Appendix E: LAPC Title VI Complaint Form**

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**TITLE VI COMPLAINT FORM**

**PART I - COMPLAINANT INFORMATION** (Print all items legibly.)

<b>Name</b>		<b>Telephone</b>
<b>Street Address/P.O. Box</b>		<b>Email Address</b>
<b>City</b>	<b>State</b>	<b>Zip Code</b>

**PART II - CAUSE OF DISCRIMINATION BASED ON** [Check all appropriate boxes.]

Race     Color     National Origin

**PART III - THE PARTICULARS ARE:** (Include names, dates, places, and incidents involved in the complaint.) [If additional space is needed, attach extra sheets.]


**PART IV - REMEDY SOUGHT** [State the specific remedy sought to resolve the issues.]


**PART V - VERIFICATION**

Complainant's Signature \_\_\_\_\_ Date \_\_\_\_\_

**INSTRUCTIONS**

1. Under Title VI of the Civil Rights Act of 1964 and the related statutes and regulations, no person or groups(s) of persons shall, on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by the LAPC. Any person or groups(s) of persons who feel they have been discriminated against may file a complaint.
2. Instructions provided within this form are not meant to be all inclusive. Complainants are responsible for all procedural requirements.
3. Complainants **must** include all required information and **must** meet all timeframes as defined in the LAPC Title VI Complaint Procedure. (NOTE: The complaint **must** be filed in writing no later than 180 days after the date of the alleged discrimination.)
4. Legible copies of all available pertinent documentation should be attached to this form.
5. All inquiries should be directed to LAPC, attn: Tom Faella, Executive Director, 400 4<sup>th</sup> St. N, La Crosse, WI, 54601.

**PART I:** Complete all information in this section.

**PART II:** Check all boxes that apply indicating the basis for the complaint. The discrimination **must** be based on at least one of the listed categories.

**PART III:** State the specific complaint in a manner that clearly identifies the issues upon which the complaint is based.

**PART IV:** State the minimum remedy acceptable for resolution of this complaint.

**PART V:** Sign and date this section to verify the information contained in Parts I through IV.

**Complaints filed with U. S. Department of Transportation**

Discrimination complaints based on race, color, or national origin may be filed with the Secretary, U.S. Department of Transportation, Room 4132, 400 Seventh Street, Southwest, Washington, D.C. 20590. The complaint **must** be filed, in writing, no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary, U.S. Department of Transportation.

## Appendix F: LAPC Limited English Proficiency Plan

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### Plan Summary

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This *Limited English Proficiency Plan* has been prepared to address LAPC's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

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

LAPC has developed its *Limited English Proficiency Plan* to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided. As defined by Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, LAPC used the four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the La Crosse and La Crescent Planning Area who may be served by the LAPC.
2. The frequency with which LEP persons come in contact with LAPC programs or services.
3. The nature and importance of programs or services provided by LAPC to the LEP population.
4. The interpretation services available to LAPC and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is in the following section.

### Meaningful Access: Four-Factor Analysis

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1. The number or proportion of LEP persons in the service area who may be served or are likely to require LAPC services.

NOTE: Data for the variable LANGUAGE SPOKEN AT HOME were available only for the metro area geography. These data include margins of error, which are not included in the following discussion.

The LAPC staff obtained data from the 2006-2010 American Community Survey 5-year estimates for LANGUAGE SPOKEN AT HOME and found that 6,591 persons (5.3%) over the age of five in the La Crosse Metro Area speak a language other than English. Of those persons, 1,612 speak Spanish or Spanish Creole; 1,671 speak Other Indo-European languages; and 3,162 speak Asian and Pacific Island languages. "Other" languages are spoken by 208 persons. Of the Asian languages, Hmong is the most prevalent.

Roughly 79% of those who speak a language other than English speak English less than "very well" or are "limited English proficient." This translates to 2.0% of the La Crosse Metro Area population.

2. The frequency with which LEP persons come in contact with LAPC services or programs.

LAPC staff reviewed the frequency with which it's Policy Board, staff, and contractors have, or could have, contact with LEP persons. This includes documenting phone inquiries or office visits. To date, the LAPC has had no requests for interpreters and no requests for translated program documents. The LAPC Policy Board, LAPC staff, and LAPC contractors have had very little contact with LEP persons.

3. The nature and importance of services and programs provided by LAPC to the LEP population.

The overwhelming majority of the population 5 years and over in the La Crosse Metro Area, 94.7%, speaks only English. As a result, there are few social services or professional and leadership organizations in the La Crosse Metro Area that focus on outreach to LEP individuals. The LAPC staff does have access to Hmong interpreters, however. The Policy Board, LAPC staff, and LAPC contractors are most likely to contact LEP individuals through public meetings and other general public involvement opportunities.

#### 4. The resources available to LAPC and overall costs to provide LEP assistance.

LAPC has reviewed its available resources that could be used for providing LEP assistance. The resources include access to Hmong language assistance through the La Crosse County Aging Unit and access to additional interpretive services through the La Crosse County Personnel Department. Based on the frequency of requests, the LAPC has determined that is in not cost effective to publish documents other than in English unless requested.

### Language Assistance

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A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to LAPC's programs and services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language.

How LAPC staff may identify an LEP person who needs language assistance:

- Post notice of LEP Plan and the availability of interpretation or translation services free of charge in languages LEP persons would understand.
- LAPC staff will be provided with "I Speak" cards to assist in identifying the language interpretation needed if the occasion arises.
- LAPC staff will be informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year.
- A notice will be posted on the LAPC website and at the LAPC office specifying that special needs related to offering a translator (LEP) or interpreter (sign language for hearing impaired individuals) will be available when LAPC sponsors an informational meeting or event. Additionally, a staff person may greet participants as they arrive. By informally engaging participants in conversation it is possible to gauge each attendee's ability to speak and understand English. Although translation may not be able to be provided at the event it will help identify the need for future events.

### Language Assistance Measures

Although there is a low percentage in the La Crosse Metro Area of LEP individuals, that is, persons who speak English "less than very well" LAPC will strive to offer the following measures:

## **Title VI and Non-Discrimination Program / Limited English Proficiency Plan**

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1. The LAPC staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.
2. The following resources will be available to accommodate LEP persons:
  - Interpretive services, within reason, will be provided for public meetings, if advance notice is provided to the LAPC and such services are readily available;
  - The LAPC will make translated versions (or provide for the interpretation of relevant sections) of all documents/publications available upon request, within a reasonable time frame and if resources permit.

### **Staff Training**

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The following training will be provided to all LAPC staff:

- Information on the Title VI Policy and LEP responsibilities.
- Description of language assistance services offered to the public.
- Use of the “I Speak” cards.
- Documentation of language assistance requests.
- How to handle a potential Title VI/LEP complaint.

All contractors or subcontractors performing work for LAPC will be required to follow the Title VI/LEP guidelines.

### **Translation of Documents**

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LAPC weighed the cost and benefits of translating documents for potential LEP groups. Considering the expense of translating the documents, the likelihood of frequent changes in documents and other relevant factors, LAPC will consider the translation of documents (or portions thereof) on a case by case basis, as requested.

When and if the need arises for LEP outreach related to LAPC’s programs and services, it will coordinate with the municipalities in the LAPC Planning Area to determine an appropriate course of action in regard to existing interpretive and outreach resources available.

### **Monitoring**

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LAPC will review the LEP Plan annually with its self-certification procedure per 23 CFR 450.334. An annual review and update (if appropriate) will include the following:

- The number of documented LEP person contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the service area.
- Determination whether the need for translation services has changed.
- Determine whether local language assistance programs have been effective and sufficient to meet the need.
- Determine whether LAPC's financial resources are sufficient to fund language assistance resources needed.
- Determine whether LAPC fully complies with the goals of this LEP Plan.
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.

### **Notice of LAPC'S LEP Plan**

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The LAPC will provide notice of the LEP Plan by:

- Posting notice of the LEP Plan signs at conspicuous and accessible locations in the LAPC's office notifying LEP persons of the LEP Plan and how to access language services.
- Including as part of public notices and related materials on the LAPC website that LEP persons needing interpretative service may contact the LAPC.
- Posting the LEP Plan on the LAPC website.