

**May 22, 2014**

## **Franklin County Transportation Planning Organization**

### **Title VI Complaint Process**

The Franklin County Transportation Planning Organization (FCTPO) has long been committed to the having an open, inclusive public participation process, and to ensuring that its transportation planning and program activities, including those related to transit services, are non-discriminatory. The FCTPO works to ensure that all populations, including minorities and low-income residents, are able to participate fully in regional transportation planning processes, and to have quality access to transportation facilities and services.

Title VI of the Civil Rights Act of 1964 prohibits discrimination in federally assisted programs and requires that no person in the United States of America shall, on the grounds of race, color, or national origin (including limited English proficiency), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance. Related federal nondiscrimination laws administered by the Federal Highway Administration, the Federal Transit Administration, or both prohibit discrimination on the basis of age, sex, and disability. In addition, the Massachusetts Public Accommodation Law, M.G.L. c 272 §§ 92a, 98, 98a, prohibits making any distinction, discrimination, or restriction in admission to or treatment in a place of public accommodation based on race, color, religious creed, national origin, sex, sexual orientation, disability, or ancestry. Likewise, the Governor's Executive Order 526, section 4 requires all programs, activities, and services provided, performed, licensed, chartered, funded, regulated, or contracted for by the state shall be conducted without unlawful discrimination based on race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status (including Vietnam-era veterans), or background.

Persons who believe that they have experienced or witnessed any act or inaction, intentional or otherwise, in any program, service, or activity related to the Franklin County Transportation Planning Organization or its staff the Franklin Regional Council of Governments that results in or may result in disparate treatment or impact, or carries on the effects of previous discriminations on the basis of race, color, or national origin may file a written complaint with the Franklin Regional Council of Governments.

## How to File a Complaint

Complaints must be filed in writing within 180 calendar days of the alleged discriminatory action or when the alleged discriminatory action became known to the complainant. Assistance is available to complainants who are unable to produce or submit a written complaint on their own. Written complaints consist of a one-page form entitled "Title VI and Related Discrimination Complaint Against the Franklin County TPO" (attached) and should be mailed to:

Franklin County Transportation Planning Organization  
Attention: Senior Transportation and Land Use Planner  
Franklin Regional Council of Governments  
12 Olive Street, Suite 2  
Greenfield, MA 01301-3313

Complaints may inadvertently be sent to the Franklin Regional Transit Authority (FRTA). If this occurs, the FRTA shall have 10 days to send the complaint to the Transportation Planning Organization (TPO) at the above address.

Upon immediately receiving the written complaint, the TPO staff will check in with the MassDOT Office of Diversity and Civil Rights so that they can provide jurisdictional determinations and processing recommendations.

The TPO shall determine at their next meeting if the complaint meets the criteria of a Title VI complaint, which are:

- 1) The complaint must be filed within 180 days of the alleged discriminatory action or when the alleged discriminatory action became known to the complainant.
- 2) The alleged action must be related to a potential discrimination on the basis of race, color, sex, age, national origin, or disability.
- 3) The alleged action must involve a program, service, or activity that received Federal financial assistance.

If the complaint does not meet the above criteria, the TPO can contact the complainant for more information or dismiss the complaint. A complaint can be dismissed if the complainant fails to provide additional information or the complainant requests to withdraw the complaint.

If the complaint does meet the above criteria, then the TPO will direct the TPO staff to investigate the complaint and prepare an investigative report with its conclusions. The TPO will have 60 days to render a decision from the date at which the complaint was formally accepted at the initial TPO meeting. The complainant will be notified of the decision in writing.

The complainant has the right to appeal the decision to the Director of Civil Rights at Massachusetts Executive Office of Transportation Civil Rights Unit, 10 Park Plaza, Boston, MA 02116-3969.

If the complaint was found to be valid, then the TPO should undertake actions to correct the situation.

The Title VI Officer shall maintain a log of Title VI Complaints received which shall include the date the complaint was filed; a summary of the allegations; the status of the complaint; actions taken in response to the complaint; and a summary of all civil rights compliance review activities conducted over the past three years.

### **Notice of Nondiscrimination Rights and Protections to Beneficiaries**

#### Federal "Title VI/Nondiscrimination" Protections

The Franklin Regional Council of Governments (FRCOG) operates its programs, services, and activities in compliance with federal nondiscrimination laws including Title VI of the Civil Rights Act of 1964 (Title VI), the Civil Rights Restoration Act of 1987, and related statutes and regulations. Title VI prohibits discrimination in federally assisted programs and requires that no person in the United States of America shall, on the grounds of race, color, or national origin (including limited English proficiency), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance. Related federal nondiscrimination laws administered by the Federal Highway Administration, the Federal Transit Administration, or both prohibit discrimination on the basis of age, sex, and disability. These protected categories are contemplated within FRCOG's Title VI Programs consistent with federal interpretation and administration. Additionally, FRCOG provides meaningful access to its programs, services, and activities to individuals with limited English proficiency, in compliance with U.S. Department of Transportation policy and guidance on federal Executive Order 13166.

#### State Nondiscrimination Protections

FRCOG also complies with the Massachusetts Public Accommodation Law, M.G.L c 272 §§ 92a, 98, 98a, prohibiting making any distinction, discrimination, or restriction in admission to or treatment in a place of public accommodation based on race, color, religious creed, national origin, sex, sexual orientation, disability, or ancestry. Likewise, FRCOG complies with the Governor's Executive Order 526, section 4 requiring all programs, activities, and services provided, performed, licensed, chartered, funded, regulated, or contracted for by the state shall be conducted without unlawful discrimination based on race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status (including Vietnam-era veterans), or background.

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If you need help understanding this document because you do not speak English or have a disability which impacts your ability to read the text, please contact FRCOG's Title VI Specialist

at (413) 774-3167 (voice) (MA Relay System: 800-439-2370), 413-774-3169 (fax), or  
mrhodes@frcog.org (e-mail).

English: If this information is needed in another language, please contact the FRCOG Title VI  
Specialist at (413) 774-3167.

Spanish: Si necesita esta información en otro idioma, por favor contacte al especialista de  
FRCOG del Título VI al (413)774-3167.

Russian: Если Вам необходима данная информация на любом другом языке, пожалуйста,  
свяжитесь со специалистом по Титулу VI FRCOG по тел: (413) 774-3167.