



City of Muscatine

ITEM NUMBER 2023-0454

AGENDA ITEM SUMMARY

DATE: 9/14/2023

STAFF

Amy Fortenbacher, Transit Supervisor
Stephanie Romagnoli, Human Resources Manager
Brian Stineman, Public Works Director

SUBJECT

Request Approval of Updated Title VI Policy, Assurances, and Non-Discrimination Agreement

EXECUTIVE SUMMARY

Presented for the City Council's consideration is a request to approve the updated Title VI Policy, Title VI Assurances, Title VI Non-Discrimination Agreement along with the Limited English Proficiency (LEP) Plan and Public Participation Plan (PPP). The City is required to update the policy and plans every three years. The last updated policy and plans were submitted in October 2020.

STAFF RECOMMENDATION

It is the recommendation of the Public Works/Transit/Human Resources staff to approve the update of the required documents: Title VI Policy, Title VI Assurances, Title VI Non-Discrimination Agreement, LEP Plan, and PPP.

BACKGROUND/DISCUSSION

The Standard Title VI Assurance and Title VI Non-Discrimination Agreement were adopted in 2017 as required for receiving Federal Transportation Funds. The City and the transit system are required to update the policy and plans every three years. The City Council approved the update on October 1, 2020. The Title VI Policy, LEP, and PPP were updated to reflect current population data and language spoken at home found in table S1601 of the US Census Bureau. No other changes were made to the policy or plans. The last City Council approval of the policy and plans was on October 1, 2020.

CITY FINANCIAL IMPACT

There is no cost to the City, but funds could be jeopardized if proper documentation is not filed with the IDOT.

ATTACHMENTS

1. Title VI Policy 2023
2. Title VI Assurances 2023
3. Title VI Nondiscrimination Agreement 2023
4. MuscaBus LEP Plan 10-23
5. City Of Muscatine Transit PPP 2023



CITY OF
MUSCATINE

FTA Title VI Program



Fixed-Route Public Transit System

Revised 9-14-2023

City of Muscatine
215 Sycamore Street
Muscatine, IA 52761

This program to be submitted every three years to the Iowa Department of Transportation Office of Public Transit.

Date: October 1, 2023

Recipient Profile

Recipient: City of Muscatine

Administrative Head: Carol Webb
Name

City Administrator
Title

Recipient Title VI Coordinator: Stephanie Romagnoli
Name

Human Resource Mgr
Title

Address: 215 Sycamore

City/State: Muscatine, IA

Zip Code/County: 52761/Muscatine

Phone: 563-264-1550

Fax: 563-264-0750

Email: sromagnoli@muscatineiowa.gov

Website: www.muscatineiowa.gov

Has the recipient signed and submitted its Title VI Assurances? Yes x No _____

General Requirements

1.

Attach a copy of recipient's Title VI notice to the Public.

Required elements:

x A statement that the agency operates programs without regard to race, color, or national origin

x A description of the procedures that members of the public should follow in order to request additional information on the recipient's Title VI obligations

x A description of the procedures that members of the public shall follow in order to file a Title VI discrimination complaint against the recipient

List locations where the notice is posted:

City Hall (215 Sycamore Street) on community bulletin board and in Finance Office at point of ticket sales, Public Works (1459 Washington Street) in the MuscaBus Office at point of ticket sales, all buses, all bus shelters

2.

- Please attach a copy of the recipient’s instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form.

Attachment A

- Are complaint procedures and the complaint form posted on the recipient’s website?
Please provide the URL: www.muscatineiowa.gov

3.

- Please list and describe any transit-related Title VI investigations, complaints, or lawsuits filed with, concerning, or naming the recipient in the last three years.

	Date Filed (Month, Day, Year)	Summary (include basis of complaint: race, color, or national origin)	Status	Action(s) Taken
Investigations				
1.	None			
2.				
Lawsuits				
1.	None			

2.				
Complaints	None			
1.				
2.				

4.

- Please attach a public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made in the last three years. Attachment B

Please describe the methods used to inform low-income and minority populations of planning efforts for transportation-related services and/or improvements:

The City of Muscatine Transit (MuscaBus) utilizes the Muscatine Journal for all printed notifications. It is published Monday through Saturday, year-round. We also publish information in Discover Muscatine, which is a weekly paper, released weekly. Individuals can access both newspapers at Musser Public Library. The Muscatine Journal can also be accessed online at www.muscatinejournal.com and Discover Muscatine at www.discovermuscatine.com . The library has current and past issues available for reading. The library is located on a bus route and handicapped accessible.

The City maintains a Facebook page and a website for sharing information. Notices of public meetings are on the City’s website. It is www.muscatineiowa.gov . Musser Public Library has desktop computers for public use and free Wi-Fi for individuals using their own devices.

MuscaBus utilizes local radio for paid advertising as well as Public Service Announcements. MuscaBus utilizes our own Facebook page for changes in routes due to construction and any weather related delays or suspension of routes.

List minority and/or community media utilized to ensure notification of public meetings or public review of recipient documents for residents in minority and low-income areas:

MuscaBus previously published information in the Hispanic newspaper. This paper is no longer published. The City and MuscBua promotes press releases to the public and to Muscatine Consortium, as public forum that has monthly meetings to promote items for many non-profit and government agencies that strive to help the minority and low-income population in our community.

When was the public participation plan last reviewed? Please describe how.

The Standard Title VI /Non-Discrimination Assurances plan was approved by the Muscatine City Council at the **September 21, 2023** meeting. Council meetings are held at City Hall which is handicapped accessible. The meetings are open to the public and televised live on the local access television station. The meetings are also on YouTube @muscatinecommunications6580. The next public hearing for Transit will be conducted in the spring of 2024 at the City Council Meeting. Bi-State Regional Planning Commission, a date yet to be determined, will conduct a Transit Summit meeting.

5.

- Please attach a copy of the recipient's plan for providing language assistance to persons with limited English proficiency, based on the DOT LEP Guidance, *Federal Register*, Volume 70, Number 239, <http://www.gpo.gov/fdsys/pkg/FR-2005-12-14/html/05-23972.htm>.

Attachment C

What steps has the recipient taken to ensure meaningful access to the benefits, services, information, and other important components of its programs and services to persons with limited English proficiency?

Muscatine does have a large population of Spanish speakers, but many of our passengers also speak English. When we do have a language barrier, the City of Muscatine Transit (MuscaBus) utilizes the services of "the big word" for translation services for individuals with limited English proficiency. The big word offers over the phone interpreting service for 50 languages. The State of Iowa provided access to this service for Transit providers.

Locally, MuscaBus also has a working relationship with The Diversity Center, an organization whose mission is to establish a community of support for minority and underserved senior citizens. Employees at The Diversity Center are bilingual (Spanish, English) speakers.

City of Muscatine Transit (MuscaBus) also has a bilingual driver (Spanish, English) that assists with any language barrier issues.

6.

List all non-elected committees and councils, the membership of which is selected by the recipient:

Our Transit Advisory Commission ended on June 12, 2018, as our City Code no longer required the commission. Bi-State Region 9 Planning Commission is our Advisory Commission.

Describe the process the recipient uses to encourage the participation of minorities on such committees.

Before the Transit Advisory Commission was dissolved, the Mayor appointed members to the Transit Advisory Commission with the approval of the City Council per City Code. The Transit Supervisor made recommendations for appointees. Because we have a working relationship with the staff at the Diversity Center, we have had Hispanic/Latino members on our commission.

Racial/Ethnic Breakdown of the Non-Elected Committees and Councils:

Group	Number
Male	
Female	
White	
Black or African American	
American Indian or Alaskan Native	
Asian	
Native Hawaiian or other Pacific Islander	
Other	

7.

If applicable, describe the efforts the recipient uses to ensure subrecipients are complying with Title VI:

No subrecipients

Include a schedule of subrecipient Title VI program submissions:

No subrecipient

8.

Has the recipient constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc., with Federal Transit Administration funds? ____ Yes x No

- If yes, please attach the Title VI equity analysis conducted during the planning stage with regard to the location of the facility.

9.

- Please attach a copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program.

Attachment D

Requirements of Fixed Route Transit Providers

1. System-wide service standards

- Please attach quantitative service standards for each fixed route mode of transit that the agency provides. Service standards should be set for the following four quantities for each mode:
- Vehicle load
 - Vehicle headways
 - On-time performance
 - Service availability

These standards, defined in FTA C 4702.1B, Appendix G, may be expressed in writing or tabular format. Examples are provided in Appendix G.

Vehicle load:

Acceptable load is 1.0. We do not have loads with passengers standing. If a route exceeds standards, it is monitored. If an overload is documented for five days, corrective action shall be taken to achieve acceptable standards.

Average Passenger Capacities

Vehicle Type	Seated	Standing	Total	Maximum Load
Conversion Van	9	0	9	1.0
158"wb Light Duty	16	0	16	1.0
176"wb Low Floor Minibus	14	0	14	1.0
176"wb Light Duty	18	0	18	1.0
176"wb Light Duty	20	0	20	1.0
182"wb Light Duty	18	0	18	1.0

Vehicle Headways:

Weekdays Blue, Red, and Yellow routes operate from 6:30 am to 5:00 pm connecting at City Hall every 30 minutes. City Hall functions as the central transfer point. Green route operates 7:40 am to 4:40 pm connecting with Red and Blue at the Muscatine Mall every 30 minutes.

Saturdays Red and Blue routes operate from 8:30 am to 4:00 pm connecting at City Hall every 30 minutes.

Policy Headways and Periods of Operation

WEEKDAY	HEADWAY	SATURDAY	HEADWAY
RED ROUTE	30 <i>Minutes</i>	RED ROUTE	30 <i>Minutes</i>
YELLOW ROUTE	30 <i>Minutes</i>		
BLUE ROUTE	30 <i>Minutes</i>	BLUE ROUTE	30 <i>Minutes</i>
GREEN ROUTE	30 <i>Minutes</i>		

On Time Performance:

The City of Muscatine Transit (MuscaBus) published timetables provide the transit passenger with a reasonable guarantee that the scheduled service will operate and be on time. We measure on time performance in terms of schedule adherence. Schedule adherence for our purpose is established at zero minutes to

seven minutes early and late. This allows some latitude for delays due to weather, construction, traffic or other occurrences without inconveniencing our passengers.

Service Availability:

The City of Muscatine Transit (MuscaBus) evaluates service based on proximity to:

1. High density housing developments including but not limited to low income housing and elderly housing
2. Medical facilities (nursing homes, clinics, hospital)
3. Schools (7 elementary, 1 junior high, 1 high school, 1 community college)
4. Shopping areas (grocery stores, mall, big box retail, downtown shops)
5. Recreational facilities (parks, aquatic center, community Y)
6. Social services (government, public agencies, shelters)

If we receive requests for service to a new area, we evaluate the need for transportation to this location based on demand and feasibility.

2. System-wide service policies

Please attach qualitative service policies for each fixed route mode of transit that the agency provides. Service policies should be set for each mode for the following two indicators:

- Transit amenities
- Vehicle assignment

These policies should be expressed in writing. Examples are provided in FTA C 4702.1B, Appendix H.

Transit Amenities:

Bus shelter placements are based on: number of boarding passengers at specific stops, shelter available from public buildings located at or next to the stop, ADA accessibility, safety concerns, customer requests, and exposure to elements at the location.

The City of Muscatine Transit (MuscaBus) currently maintains 12 shelters located throughout Muscatine. Eleven of the shelters were purchased and installed by the City. One shelter was purchased by the Muscatine High School and placed on their property for students riding MuscaBus. Shelters are also located near grocery stores, retail centers, elderly housing complexes, and high density, low-income apartments. All Shelters have bench seats and are ADA accessible. Each shelter has route map and timetables posted for the route system. The City of Muscatine Transit

(MuscaBus) also has two freestanding benches, one next to a housing complex for persons with disabilities and another near a shopping area.

Vehicle Assignments:

Our fleet consists of eleven light duty buses with wheel bases of 158", 176", & 182". We also have one 9-passenger conversion van. All buses are equipped with lifts or ramps to accommodate mobility devices. We use the 176"wb & 182"wb light duty buses on our route systems and rotate the route that each bus is used on a weekly basis. The drivers help to keep us consistent in the way we rotate the buses. Our Paratransit system utilizes the 158"wb light duty buses, 176"wb low floor minibuses and conversion van, as they are able to service the door-to-door service with more maneuverability. For the Paratransit service, we tend to use the newer buses first, then work in the older buses when the newer buses need serviced.

Declaration of the Respondent

I declare that I have provided information as a part of the Title VI Program to the best of my knowledge and believe it to be true, correct, and complete.

Amy Fortenbacher
Respondent

9-14-23
Date

Declaration of the Administrative Head

I declare that I have reviewed and approved the information provided in the Title VI Program and to the best of my knowledge believe it to be true, correct, and complete.

Respondent

Date

The United States Department of Transportation (USDOT)

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The City of Muscatine, IA (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the **Federal Highway Administration (FHWA)**, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations." respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the FHWA.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973) by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted **Federal Highway Program**:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

“The City of Muscatine, IA, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair 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.”

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient 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 Recipient, 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 Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program 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 recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal

financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, City of Muscatine, IA also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FHWA. You must keep records, reports, and submit the material for review upon request to FHWA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

City of Muscatine, IA gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal Highway Program. This ASSURANCE is binding on Iowa, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal Highway Program. The person (s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

City of Muscatine, IA

(Name of Recipient)

BBL
by Bradley Bark (Sep 19, 2023 17:41 CDT)

(Signature of Authorized Official)

DATED Sep 19, 2023

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, **Federal Highway Administration**, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the **Federal Highway Administration** to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the **Federal Highway Administration**, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the **Federal Highway Administration** may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the **Federal Highway Administration** may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the Department of Transportation as authorized by law and upon the condition that the City of Muscatine, IA will accept title to the lands and maintain the project constructed thereon in accordance with laws of the state of Iowa, the Regulations for the Administration of **Federal Highway Program**, and the policies and procedures prescribed by the **Federal Highway Administration** of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the City of Muscatine, IA all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto City of Muscatine, IA and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the City of Muscatine, IA, its successors and assigns.

The City of Muscatine, IA, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will 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 with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the City of Muscatine, IA will use the lands and interests in lands and interests in lands so conveyed, in compliance with 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, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the City of Muscatine, IA pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:
 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, City of Muscatine, IA will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the City of Muscatine, IA will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the City of Muscatine, IA and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/ agreements entered into by City of Muscatine, IA pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, City of Muscatine, IA will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, City of Muscatine, IA will there upon revert to and vest in and become the absolute property of City of Muscatine, IA and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).



**City Of Muscatine
Transit - MuscaBus**

**Limited English
Proficiency (LEP) Plan**

Created: October 16, 2020
Updated: September 14, 2023

City of Muscatine Transit - MuscaBus Limited English Proficiency (LEP) Plan

This limited English Proficiency (LEP) Plan has been prepared to address the City of Muscatine Transit's (MuscaBus) responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964; Federal Transit Administration Circular 4702.1B, dated October 1, 2012, which states that the level and quality of transportation service is provided without regard to 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 federal agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discriminations not take place. This order applies to all state and local agencies that receive federal funds.

MuscaBus is the provider of public transportation in the City limits of Muscatine. MuscaBus has developed this LEP Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency who wish to access services provided by MuscaBus. As defined in 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, and the ways in which assistance may be provided.

In order to prepare this plan, MuscaBus undertook the U.S. Department of Transportation (U.S.DOT) four-factor LEP analysis that considers the following factors:

1. The number and proportion of LEP persons eligible to be served or likely to be encountered in the service area

Most people in the City of Muscatine are proficient in the English language. Based on US Census 2021 ACS 5-Year Survey (Table S1601), 96.1% of the population speak only English or speak another language but speak English "very well". Only 3.9% (3.1% or 671 speak Spanish, .3% or 65 speak other Indo-European languages, .2% or 37 speak Asian and Pacific Island languages, and .3% or 75 speak other languages) of the population is not proficient in English. Of the 848 persons who speak English less than "very well", 27 or 3% are from ages 5 to 17, 758 or 89% are ages 18 to 64 and 63 or 8% are 65 years or older.

The Department of Justice defines the Safe Harbor threshold as 1,000 persons or 5% of the population of the service area (the city limits of the City of Muscatine) of MuscaBus, whichever is less for vital document translation. As determined through the analysis above, MuscaBus has determined that no one group exceeds the Department of Justice's Safe Harbor Provision threshold. Although MuscaBus is not required to provide documents in Spanish or other languages, if needed, translation of documents can be provided upon request.

S1601 | LANGUAGE SPOKEN AT HOME

American Community Survey | ACS 5-year Estimates Subject Tables

Notes | Geos | Topics | 123 | Dataset | Year | Hide | Transpose | Margin of Error | Restore | Excel | CSV | ZIP | Share | Print

Muscatine city, Iowa

Total

Percent

Label	Estimate	Margin of Error	Estimate	Margin of Error
▼ Population 5 years and over	21,901	±427	74%	±4%
Speak only English	18,671	±552	84.7%	±2.4
Speak a language other than English	3,229	±123	15.3%	±2.4
▼ SPEAK A LANGUAGE OTHER THAN ENGLISH				
▼ Spanish	2,765	±172	12.6%	±1.7
5 to 17 years old	454	±106	2.4%	±0.9
18 to 64 years old	2,059	±159	11.4%	±1.2
65 years old and over	251	±97	1.1%	±0.4
▼ Other Indo-European languages	372	±125	1.7%	±1.1
5 to 17 years old	36	±14	0.2%	±0.2
18 to 64 years old	295	±212	1.4%	±1.0
65 years old and over	41	±21	0.1%	±0.1
▼ Asian and Pacific Island languages	34	±56	0.1%	±0.2
5 to 17 years old	0	±19	0.0%	±0.1
18 to 64 years old	75	±56	0.4%	±0.2
65 years old and over	6	±16	0.0%	±0.1
▼ Other languages	135	±147	0.6%	±0.7
5 to 17 years old	27	±62	0.1%	±0.2
18 to 64 years old	101	±91	0.5%	±0.4
65 years old and over	7	±19	0.0%	±0.1

S1601 | LANGUAGE SPOKEN AT HOME

Revision: Community Survey | 2021 ACS 5-Year Estimates Subject Tables

Notes | Select | Topics | Codes | Dataset | Year | Hide | Transpose | Margin of Error | Restore | Download | CSV | ZIP | Share | Print

Percent of specified language speakers

Speak English only or speak English "very well"

Percent speak English only or speak English "very well"

Label	Estimate	Margin of Error	Estimate	Margin of Error
Population 5 years and over	21,122	±122	90.1%	±1.1
Speak only English	190	±90	1%	±0.0
Speak a language other than English	2,511	±129	12.8%	±1.2
▼ SPEAK A LANGUAGE OTHER THAN ENGLISH				
▼ Spanish	2,094	±188	10.7%	±1.0
5 to 17 years old	457	±177	34.4%	±7.0
18 to 64 years old	1,349	±292	71.7%	±9.4
65 years old and over	188	±112	72.7%	±28.0
▼ Other Indo-European languages	307	±195	32.5%	±11.8
5 to 17 years old	0	±14	100.0%	±11.1
18 to 64 years old	241	±171	78.8%	±16.4
65 years old and over	26	±31	100.0%	±11.0
▼ Asian and Pacific Island languages	47	±13	36.0%	±13.0
5 to 17 years old	0	±19	-	---
18 to 64 years old	41	±12	52.6%	±13.7
65 years old and over	6	±10	100.0%	±10.0
▼ Other languages	62	±62	48.1%	±19.0
5 to 17 years old	37	±62	100.0%	±12.8
18 to 64 years old	26	±24	25.7%	±12.8
65 years old and over	0	±19	-	---

S1601 | LANGUAGE SPOKEN AT HOME

Revision: Community Survey | 2021 ACS 5-Year Estimates Subject Tables



Speak English less than "very well"

Percent speak English less than "very well"

Label	Estimate	Margin of Error	Estimate	Margin of Error
Population 5 years and over	648	±148	3.9%	±1.1
Speak only English	161	±61	1%	±0.0
Speak a language other than English	848	±148	25.2%	±1.2
▼ SPEAK A LANGUAGE OTHER THAN ENGLISH				
▼ Spanish	621	±224	24.2%	±8.0
5 to 17 years old	27	±41	3.8%	±7.0
18 to 64 years old	561	±203	28.1%	±9.4
65 years old and over	89	±52	27.2%	±28.0
▼ Other Indo-European languages	65	±69	17.5%	±11.8
5 to 17 years old	0	±19	0.0%	±11.1
18 to 64 years old	65	±69	21.2%	±16.4
65 years old and over	0	±19	0.0%	±11.0
▼ Asian and Pacific Island languages	37	±39	31.0%	±13.0
5 to 17 years old	0	±19	-	---
18 to 64 years old	37	±39	17.6%	±13.7
65 years old and over	0	±19	0.0%	±10.0
▼ Other languages	70	±80	54.2%	±19.0
5 to 17 years old	0	±19	0.0%	±12.8
18 to 64 years old	70	±89	74.2%	±12.8
65 years old and over	0	±19	-	---

2. Frequency of Contract by LEP Persons with MuscaBus Services

The MuscaBus staff reviewed the frequency with which the transit supervisor, City Hall office staff, dispatchers and drivers have, or could have, contact with LEP persons. To date, MuscaBus has had zero requests for translated MuscaBus documents or translation services.

3. The importance of programs, activities or services provided by MuscaBus to the LEP

There is no large geographic concentration of any type of LEP individuals in the MuscaBus service area. The overwhelming majority of the population, 96.1% or 21,971, speaks English, or speaks another language, but speaks English "very well". MuscaBus staff is most likely to encounter LEP individuals through office visits, phone conversations and transit passengers.

4. The resources available to MuscaBus and overall cost to provide LEP assistance

MuscaBus reviewed its available resources that could be used for providing LEP assistance. MuscaBus utilizes Diversity Services Center of Iowa to translate documents into Spanish if needed. Utilizing The Big Word for interpreting phone conversations for individuals with limited English. MuscaBus also has staff that are bilingual and available to assist in interpreting.

Based on the four-factor analysis, MuscaBus developed a Limited English Proficiency (LEP) Plan as outlined in the following section.

Plan Outline

How MuscaBus staff may identify a person who needs language assistance:

1. Examine records to see if requests for language assistance have been received in the past, either at meetings or over the phone to determine whether language assistance might be needed at future events or meetings.
2. Have Census Bureau Language Identification Flashcards available at MuscaBus meetings. This will assist MuscaBus in identifying language assistance needs for future events and meetings.
3. Survey drivers and other first line staff on a regular basis, and at least annually at the beginning of each fiscal year regarding their experience on having any direct or indirect contact with LEP individuals.

Language Assistance Measures

There are various ways in which MuscaBus staff will respond to LEP persons, whether in person, by telephone or in writing.

- Post the MuscaBus Title VI Policy and LEP Plan on the agency website, www.muscatineiowa.gov
- When an interpreter is needed, in person or on the telephone, bilingual MuscaBus staff will be contacted for assistance. If staff is not available, The Big Word interpreting will be used for phone conversations by calling 1-877-704-9673 and entering access code (kept by dispatcher), enter language code & wait for interpreter. For in person situations where staff interpreter is not available, I Speak Cards will be utilized to discern need for interpreter.
- Document any requests for an interpreter or documents in a language other than English. Review requests annually, add documents in other languages based on number of requests.
- Survey bus operators and dispatchers annually related to their experience and contact with LEP persons during the previous year.

Staff Training

The following training will be provided to MuscaBus staff. This will also be part of MuscaBus' orientation process for new hires:

- Information on MuscaBus Title VI Procedures and LEP responsibilities.
- Description of language assistance services offered to the public.
- Use of Language Identification Flashcards and I Speak Cards.
- Documentation of language assistance requests.

Providing Notice to LEP Persons/Outreach Techniques

MuscaBus does not have a formal practice of outreach techniques due to lack of LEP population in the service area. However, the following will be incorporated when or if the need arises for LEP outreach.

- When staff prepares a document or schedules a meeting, for which the target audience is expected to include LEP individuals; documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population.
- Flyers shall be put in buses, bus shelters and other main transfer points in our service area. Announcements will be posted on MuscaBus' website and in the local newspaper.

Monitoring and Updating the LEP Plan

MuscaBus will update the LEP plan as required by the Title VI program. At minimum, the plan will be reviewed and updated when it is clear that higher concentrations of LEP individuals are present in the MuscaBus service area.

MuscaBus will continue to periodically evaluate the LEP population by language as defined by the ACS via the U.S. Census to ensure additional populations do not traverse over the safe harbor threshold of limited English proficient persons. Once there is any significant concentration of LEP persons not speaking English very well over the 1,000-person threshold in other languages in the City limits of Muscatine, MuscaBus will work to update its plan to provide written vital documents in that particular LEP language (s).

Updates include the following:

- How the needs of LEP persons have been addressed.
- Determine the current LEP population in the service area.
- Determine as to whether the need for translation services has changed.
- Determine whether local language assistance programs have been effective and sufficient to meet needs.
- Determine whether MuscaBus' financial resources are sufficient to fund language assistance resources as needed.
- Determine whether MuscaBus has fully complied with the goals of this LEP Plan.
- Determine whether complaints have been received concerning MuscaBus' failure to meet the needs of LEP individuals.

Dissemination of the MuscaBus Limited English Proficiency 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 Transit Supervisor.

Transit Supervisor
Amy Fortenbacher
1459 Washington St.
Muscatine, IA 52761
563-263-8152
afortenbacher@muscatineiowa.gov



**City Of Muscatine
Transit - MuscaBus**

**Public Participation
Plan**

Created: October 29, 2020

Updated: September 14, 2023

City of Muscatine Transit – MuscaBus

Public Participation Plan

Purpose of the Public Participation Plan

The Federal and State government mandate public involvement in Federal and State Funded Transit Agencies. Public involvement helps to guide department decisions in providing transportation services. A Public Participation Plan (PPP) establishes steps to follow for effective public involvement including procedures for including the public in a transit agencies planning process. This Public Participation Plan (PPP) was developed to identify and assess public involvement in the City of Muscatine Transit – MuscaBus, which will allow the development of services that will meet the transportation needs of area citizens/passengers.

Agency Overview

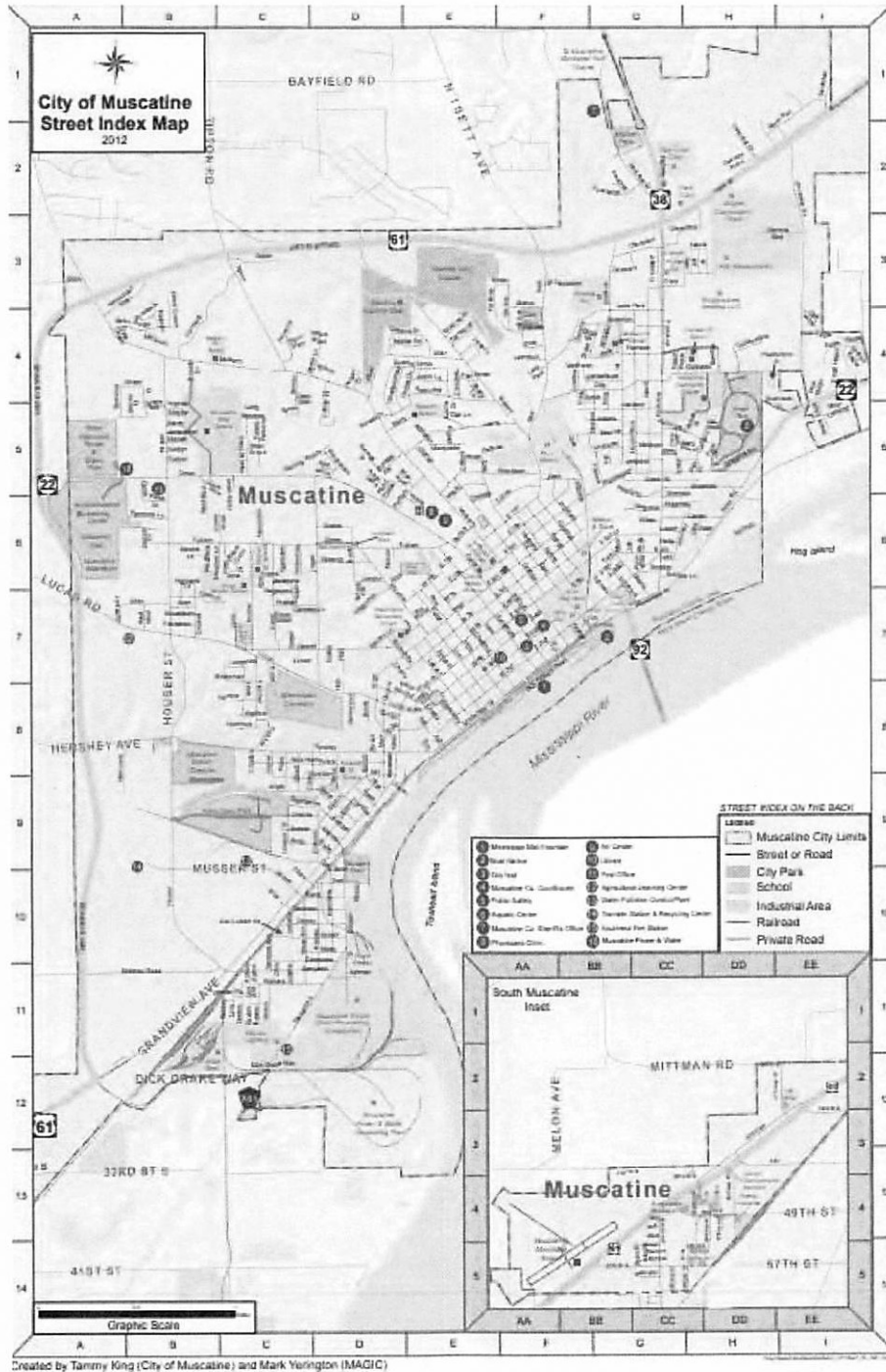
City of Muscatine Transit – MuscaBus is located in the City of Muscatine, Iowa. MuscaBus services the area within the City limits of Muscatine, Iowa, see Service Area Map. MuscaBus provides Fixed Route Bus service and Paratransit Shuttle service, operating from 6:30 am to midnight Monday through Friday and 8:30 am to midnight on Saturdays. Route maps and schedules can be found at www.muscatineiowa.gov, under Public Transit. MuscaBus is located at 1459 Washington Street, Muscatine, IA 52761. Office hours are 6:30 am to 5:00 pm Monday through Friday. To speak with a MuscaBus representative, please call 563-263-8152 or email transit@muscatineiowa.gov. For information on route changes, delays, and any other communication, please go to the MuscaBus Facebook page.

MuscaBus is under the Public Works department of the City of Muscatine and governed by the City Council. MuscaBus items requesting public commit are brought before the City Council, to be heard at a public meeting. MuscaBus participates in the Bi-State Region 9 Technical Committee and Regional Transportation Advisory Group (RTAG) meetings to obtain public involvement as well.

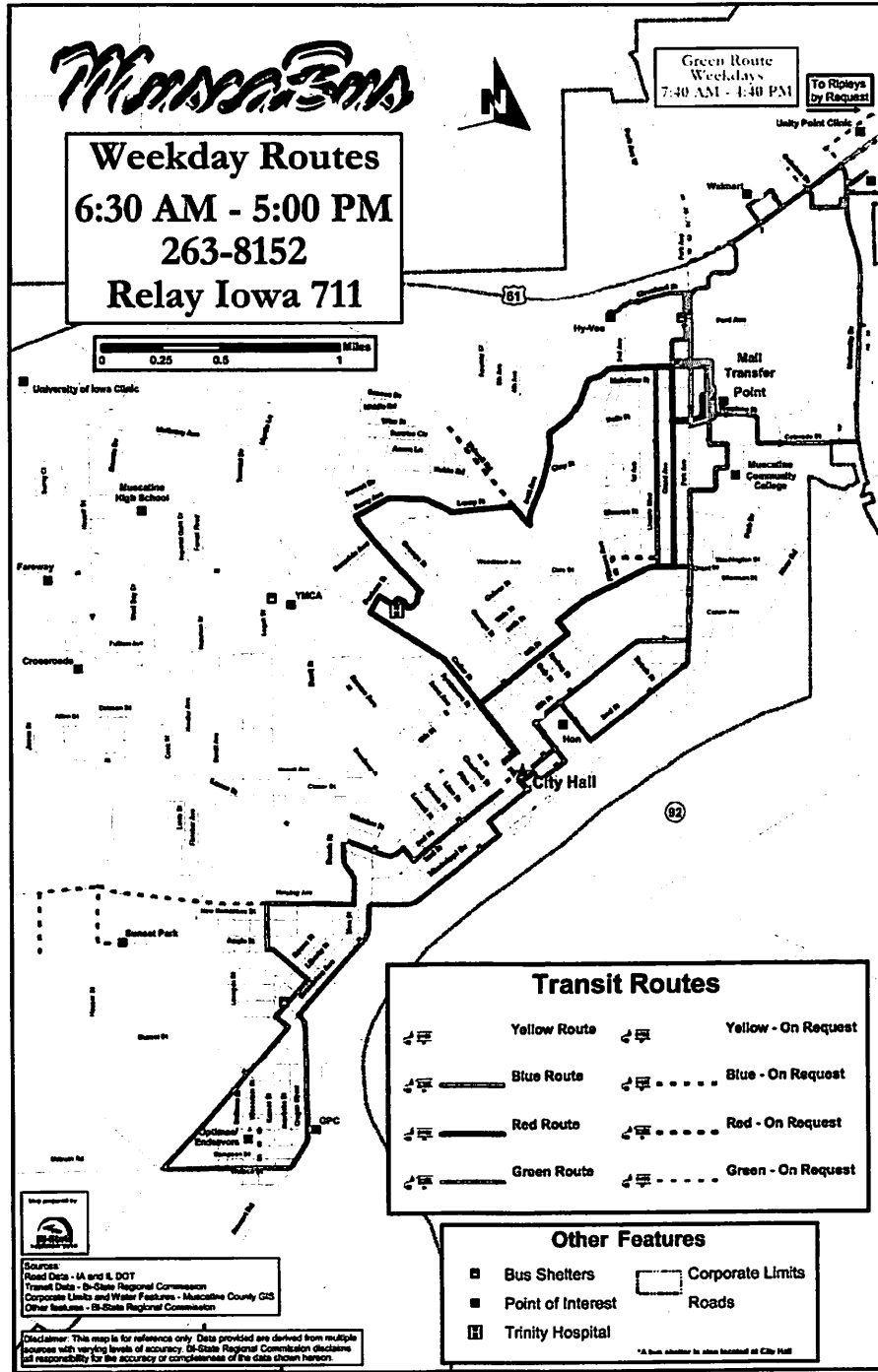
MuscaBus works to identify our community's evolving transportation needs through ongoing communication with community groups, organizations, and current

passengers. MuscaBus aims to provide and promote transportation for elderly, disabled, low-income individuals, and the general public.

Service Area Map:



MuscaBus Route Map:



Regulations

The Title VI Program and FTA 4702.1B along with FTA 4710.1 (Americans with Disabilities Act Guidance), Executive Order 12898, and DOT Order 5610.02(a) require all public transit agencies to follow a public participation plan. The City of Muscatine Transit – MuscaBus has developed a Public Participation Plan as outlined below.

The Federal government mandates public involvement prior to raising fares, implementing major reductions in service, or applying for grants/loans to finance transportation projects.

Iowa has an Open Meetings Law (Iowa Code, Chapter 21). It states that meetings should be open to the public except if permitted closed. Iowa also has a Public Records Law (Iowa Code, Chapter 22) that states every person has the right to examine, copy and disseminate a public record (in any form, “of or belonging to” a government body or official). All Muscatine City Council meetings and Bi-State Region 9 meetings are open to the public and records are available upon request.

Public Engagement

1. Public Meetings

MuscaBus brings all items requiring approval before the City of Muscatine City Council. The City Council meets every first, second, and third Thursday of each month. The meetings are held at the City Hall Council Chambers, 215 Sycamore Street, Muscatine, IA 52761 from 6:00 pm to 8:00 pm. This location is an ADA-accessible facility. Public Transportation (MuscaBus) is available upon request. The request must be made at least a day before the meeting time. All agendas and minutes are posted on the City of Muscatine Website (www.muscatineiowa.gov). Notice of public hearings will be published in local newspapers of general circulation and posted on the City of Muscatine Website.

MuscaBus participates in the Bi-State Region 9 Technical Committee meetings. All meetings are announced and agendas of the Region 9 Technical Committee shall be sent to local news media and the Regional Transportation Advisory Group (RTAG) prior to the actual meeting date no

less than 48 hours in advance. The location of the meeting rotates between the members of the group. All locations are ADA-accessible facilities. Agendas of these meetings are posted at Bi-State Regional Commission offices and on the Bi-State Regional Commission Website (www.bistateonline.org) while minutes are web-posted following approval by the Committee. In addition, proposed amendments to the annual Transportation Improvement Program (TIP) shall be sent to the same local media and RTAG, as well as local jurisdictions within the Region 9 area, as part of the Technical Committee agenda. Notice of public hearings will be published in local newspapers of general circulation and posted on the Bi-State Regional Commission Website.

2. Public Comment

The general public shall be afforded the opportunity to provide comments via the City Council meetings and the Bi-State Regional 9 Technical Committee meetings on the annual Transportation Improvement Program(TIP), raising fares, implementing major reductions in service, or applying for grants/loans (Consolidated Funding Application to the IowaDOT) to finance transportation projects. Written comments may be submitted to either group (contact information found in "Public Meetings" section) up to seven (7) days prior to approvals.

3. Publications

The City of Muscatine publishes all notices of City Council meeting agendas the Monday before each meeting at City Hall, Musser Public Library, and on the City of Muscatine website, www.muscatineiowa.gov. Notice of Public Hearings are published in the Muscatine Journal at least 30 days before the hearing. All minutes are posted on the City of Muscatine Website.

Bi-State Region 9 publishes the Long Range Transportation Plan (LRTP) and the Transportation Improvement Program (TIP) on their website, www.bistateonline.org.

4. Public Hearings

MuscaBus applies for Consolidated Transit Funding yearly. This application requires the transit agency to hold a public hearing to explain

the state and federal funding requests. The FTA requires a Public Hearing for an increase in fares and a major reduction of transit service. MuscaBus holds all Public Hearings at the Muscatine City Hall, 215 Sycamore St, Muscatine, IA 52761. This location is ADA-accessible. All comments from the public are recorded. A notice of the public hearing will be published in the Muscatine Journal or a general circulation in the vicinity of the service area and will be submitted to the Office of Public Transit (OPT) to be posted to the private sector clearinghouse webpage approximately 30 days in advance of the hearing.

Bi-State Region 9 Transportation Policy Committee shall hold public hearing, as deemed necessary, for TIP amendments and prior to the approval of the Iowa Region 9 Long Range Transportation Plan. Fourteen (14) days prior notice will be given for all public hearings. The location of the public hearing will be at an ADA-accessible facility. All comments from the public will be recorded.

5. Public Outreach

MuscaBus works to reach out to minorities, limited English proficient (LEP) individuals, low-income, and traditionally underserved populations. MuscaBus has a LEP plan that outlines the efforts to provide translation services to individuals not proficient in English. This plan is reviewed at least on an annual basis. Along with public outreach in the form of website and social media publications, MuscaBus also works closely with Muscatine Community Services to focus on transportation needs for those in a low-income and underserved population. MuscaBus routinely provides free tickets to organizations that service these populations to help remove barriers of limited transportation to all public meetings and other needed services. MuscaBus is in contact with organizations that service the disabled and elderly population of Muscatine to encourage public engagement in services we provide. MuscaBus regularly interacts with current riders, community leaders, government officials, City Council, faith based community, educational institutions, medical centers, long-term care centers, and social service agencies to involve and gain support for public transportation.

Accommodation

Reasonable accommodations to provide documents in an accessible format, as required by the Americans with Disabilities Act and Executive Order 13166 (Improving

access for Persons with Limited English Proficiency, 2000), will be made when requested by the public. For meetings and agendas, requests at least one working day in advance of the meeting is requested for reasonable accommodation prior to consideration of adoption or approval. Persons requesting assistance will be referred to the appropriate MuscaBus staff who will make reasonable accommodations for translation services or other accommodations based on the request. Meetings will be held at convenient and accessible locations and times with emphasis to engaging minorities, low-income, and LEP populations. Public input will be taken in a variety of formats – written, oral, or other means – where accommodations are requested and reasonable.

Dissemination of the MuscaBus Public Participation Plan (PPP)

Copies of the PPP 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 Transit Supervisor.

Transit Supervisor
Amy Fortenbacher
1459 Washington St.
Muscatine, IA 52761
563-263-8152
afortenbacher@muscatineiowa.gov

Signature: 
Cinda Hilger (Sep 20, 2023 13:13 CDT)

Email: chilger@muscatineiowa.gov

**Title VI Non-Discrimination Agreement
Iowa Department of Transportation
and
City of Muscatine , Iowa**

Agency Information

Name and title of administrative head:

Name: Carol Webb Title: City Administrator

Address: 215 Sycamore Street

City: Muscatine State: IA ZIP Code: 52761 County: Muscatine

Phone/FAX: 563-264-1550/563-264- Email: cwebb@muscatineiowa.gov

Name and title of designated Title VI coordinator:

Name: Stephanie Romognoli Title: Human Resources Manager

Address: 215 Sycamore Street

City: Muscatinr State: IA ZIP Code: 52761 County: Muscatine

Phone/FAX: 563-264-1550/563-264- Email: sromagnoli@muscatineiowa.gov

*If the Title VI coordinator changes, please contact the Iowa DOT Title VI specialist.

Title VI Program

- I. **Organization and staffing**
Pursuant to 23 C.F.R. § 200, City of Muscatine has appointed a Title VI coordinator identified above, who is responsible for implementing and monitoring the local public agency's (LPA's) Title VI program per this agreement, and is the representative for issues and actions pertaining to this agreement. The LPA will provide the Iowa Department of Transportation with a copy of the LPA's organizational chart that illustrates the level and placement of the Title VI coordinator.

The LPA will notify the Iowa DOT in writing of any changes to the LPA's organization chart, Title VI coordinator or Title VI coordinator contact information.

- II. **Assurances required**
Pursuant to 49 C.F.R. § 21.7, every application for federal financial assistance or continuing federal financial assistance must provide a statement of assurance and give reasonable guarantee that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to 49 C.F.R. § 21 (Nondiscrimination in Federally Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964). Fully executed standard DOT Assurances (including Appendices A, B and C) are attached to this agreement.

III. Implementation procedures

This agreement shall serve as the LPA's Title VI plan pursuant to 23 C.F.R. § 200 and 49 C.F.R. § 21. For the purpose of this agreement, "federal assistance" shall include all of the following.

- Grants and loans of federal funds.
- The grant or donation of federal property and/or interest in property.
- The detail of federal personnel.
- The sale and lease of, and permission to use (on other than a casual or transient basis), federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration that is reduced for the purpose of assisting the LPA, or in recognition of the public interest to be served by such sale or lease to the LPA.
- Any federal agreement, arrangement or other contract that has as one of its purposes the provision of assistance.

The LPA shall:

1. Issue a policy statement, signed by the head of the LPA, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the LPA's organization and to the public. Such information shall be published where appropriate in languages other than English.
2. Take affirmative action to correct any deficiencies found by the Iowa DOT, Federal Highway Administration or U.S. Department of Transportation (USDOT) within a reasonable time period, not to exceed 90 days, to implement Title VI compliance in accordance with this agreement. The head of the LPA shall be held responsible for implementing Title VI requirements.
3. Designate a Title VI coordinator who has a responsible position in the organization and easy access to the head of the LPA. The coordinator shall be responsible for implementing and monitoring Title VI activities and preparing required reports.
4. Develop and implement a public involvement plan that includes low-income and minority community outreach and ensures those persons who are limited-English proficient (LEP) can access services.
5. Process complaints of discrimination consistent with the provisions contained in this agreement. Investigations shall be conducted by civil rights personnel trained in discrimination complaint investigations. Identify each complainant by race, color, national origin or gender, the nature of the complaint, date the complaint was filed, date the investigation was completed, disposition, date of disposition, and other pertinent information. A copy of the complaint, together with a copy of the LPA's report of investigation, shall be forwarded to the Iowa DOT's civil rights coordinator within 60 days of the date the complaint was received by the LPA.
6. Collect statistical data (race, color, national origin, age, gender, disability, LEP and income of populations in service area) of participants in, and beneficiaries of, the programs and activities conducted by the LPA.
7. Conduct Title VI self-assessment of the LPA's program areas and activities, and of second-tier sub-recipients, contractor/consultant program areas and activities. Where applicable, revise policies, procedures and directives to include Title VI requirements. Ensure that programs, policies, and other activities do not have disproportionate adverse effects on minority and low-income populations.
8. Conduct training programs on Title VI and related statutes.
9. Prepare a yearly report of Title VI accomplishments and changes to the program covering the prior year, and identify goals and objectives for the coming year.
 - o Annual work plan: Outline Title VI monitoring and review activities planned for the coming year; and indicate a target date for completion.
 - o Accomplishment report: List major accomplishments made regarding Title VI activities. Include instances where Title VI issues were identified and discrimination was prevented. Indicate activities and efforts the Title VI coordinator and program area personnel have undertaken in monitoring Title VI. Include a description of the scope and conclusions of any special internal and external reviews conducted by the Title VI coordinator. List any major problem(s) identified and corrective action(s) taken. Include a summary and status report on any Title VI complaints filed with the LPA. Include a listing of complaints received against second-tier sub-recipients, if any, as well as a summary of complaints and actions taken.
10. Include Title VI compliant language in all contracts to second-tier sub-recipients.

IV. Discrimination complaint procedures – allegations of discrimination in federally assisted programs or activities

The LPA adopts the following discrimination complaint procedures for complaints relating to federally assisted transportation-related programs or activities.

1. **Filing a discrimination complaint:** Any person who believes that he or she, or any class of individuals, or in connection with any disadvantaged business enterprise, has been or is being subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d; the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 701 et seq.; and the Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28, has the right to file a complaint.

Any individual wishing to file a discrimination complaint must be given the option to file the complaint with the LPA, or directly with the Iowa DOT, FHWA, USDOT and U.S. Department of Justice. Complaints may be filed with all agencies simultaneously.

No individual or agency shall refuse service, discharge or retaliate in any manner against any persons because that individual has filed a discrimination complaint, instituted any proceeding related to a discrimination complaint, testified, or is about to testify, in any proceeding or investigation related to a discrimination complaint, or has provided information or assisted in an investigation.

2. **Complaint filing time-frame:** A discrimination complaint must be filed within 180 calendar days of one of the following.
 - (a) The alleged act of discrimination.
 - (b) Date when the person(s) became aware of the alleged discrimination
 - (c) Date on which the conduct was discontinued, if there has been a continuing course of conduct.

The LPA or their designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

3. **Contents of a complaint:** A discrimination complaint must be written. The document must contain the following information.
 - a) The complainant's name and address, or other means by which the complainant may be contacted.
 - b) Identification of individual(s) or organization(s) responsible for the alleged discrimination.
 - c) A description of the complainant's allegations, which must include enough detail to determine if the LPA has jurisdiction over the complaint and if the complaint was filed timely.
 - d) Specific prohibited bases of alleged discrimination (i.e., race, color, gender, etc.)
 - e) Apparent merit of the complaint.
 - f) The complainant's signature or signature of his/her authorized representative.

In the event that a person makes a verbal complaint of discrimination to an officer or employee of the LPA, the complainant shall be interviewed by the LPA's Title VI coordinator. If necessary, the Title VI coordinator will assist the complainant in reducing the complaint to writing and then submit the written version of the complaint to the person for signature.

4. **Complaints against the LPA:** Any complaints received against the LPA should immediately be forwarded to the Iowa DOT for investigation. The LPA shall not investigate any complaint in which it has been named in the complaint. The contact information for the Iowa DOT's Title VI program is:

Iowa Department of Transportation
Civil Rights Bureau
800 Lincoln Way
Ames, Iowa 50010
515-233-7970
515-232-6739 (FAX)
civil.rights@iowadot.us

5. **Notice of Receipt:** All complaints shall be referred to the LPA's Title VI coordinator for review and action. Within 10 days of receipt of the discrimination complaint, the coordinator shall issue an initial written Notice of Receipt that:
- a) Acknowledges receipt of the discrimination complaint.
 - b) Advises the complainant of his/her right to seek representation by an attorney or other individual of his or her choice in the discrimination complaint process.
 - c) Contains a list of each issue raised in the discrimination complaint.
 - d) Advises the complainant of the timeframes for processing the discrimination complaint and providing a determination.
 - e) Advises the complainant of other avenues of redress of their complaint, including the Iowa DOT, FHWA, USDOT and USDOJ.

6. **Notification of the Iowa DOT of a complaint:** The LPA shall advise the Iowa DOT within 10 business days of receipt of the complaint. Generally, the following information will be included in every notification to the Iowa DOT.

- a) Name, address and phone number of the complainant.
- b) Name(s) and address(es) of alleged discriminating official(s).
- c) Basis of complaint (i.e., race, color, national origin, gender).
- d) Date of alleged discriminatory act(s).
- e) Date of complaint received by the LPA.
- f) A statement of the complaint.
- g) Other agencies (state, local or federal) where the complaint has been filed.
- h) An explanation of the actions the LPA has taken or proposed to resolve the issue identified in the complaint.

7. **Processing a complaint and time-frame:** The total time allowed for processing the discrimination complaint is 90 calendar days from the date the complaint was filed. There is no extension available at this level. This time-frame includes 60 calendar days at the LPA level and 30 days for review at the state level, if needed.

If the complainant elects to file a complaint with both the LPA and Iowa DOT, the complainant shall be informed that the LPA has 90 calendar days to process the discrimination complaint and the Iowa DOT shall not investigate the complaint until the 90 calendar-day period has expired.

Immediately after issuance of the Notice of Receipt to the complainant (step four), the LPA's Title VI coordinator shall either begin the fact-finding or investigation of the discrimination complaint, or arrange to have an investigation conducted.

Based on the information obtained during that investigation, the coordinator shall render a recommendation for action in a Report of Findings to the head of the LPA.

8. **Alternative dispute resolution/mediation process:** The complainant must be given an invitation to participate in mediation to resolve the complaint by informal means. The LPA's Title VI coordinator shall include an invitation to mediation with the Notice of Receipt, offering the opportunity to use the alternative dispute resolution/mediation process.

If the complaint selects mediation, it allows disputes to be resolved in a less adversarial manner. With mediation, a neutral party assists two opposing parties in a dispute come to an agreement to resolve their issue. The mediator does not function as a judge or arbiter, but simply helps the parties resolve the dispute themselves.

Upon receiving a request to mediate, the LPA's Title VI coordinator shall identify or designate a mediator who must be a neutral and impartial third party. The mediator must be a person acceptable to all parties and who will assist the parties in resolving their disputes.

If the complainant chooses to participate in mediation, she or he or the designee must respond in writing within 10 calendar days of the date of the invitation. This written acceptance must be dated and signed by the complainant and must also include the relief sought.

After mediation is arranged, a written confirmation identifying the date, time and location of the mediation conference shall be sent to both parties. If possible, the mediation process should be completed within 30 calendar days of receipt of the discrimination complaint. This will assist in keeping within the 90 calendar-day time-frame of the written Notice of Final Action if the mediation is not successful.

If resolution is reached under mediation, the agreement shall be in writing. A copy of the signed agreement shall be sent to the Iowa DOT's Title VI program coordinator. If an agreement is reached, but a party to it believes his/her agreement has been breached, the non-breaching party may file another complaint. If the parties do not reach resolution under mediation, the LPA's Title VI coordinator shall continue with the investigation.

9. **Notice of Final Action:** A written Notice of Final Action shall be provided to the complainant within 60 days of the date the discrimination complaint was filed. It shall contain:
- a) A statement regarding the disposition of each issue identified in the discrimination complaint and reason for the determination.
 - b) A copy of the mediation agreement, if the discrimination complaint was resolved by mediation.
 - c) A notice that the complainant has the right to file a complaint with the Iowa DOT, FHWA, USDOT or USDOJ within 30 calendar days after the Notice of Final Action, if she or he is dissatisfied with the final action on the discrimination complaint.

The LPA's Title VI coordinator shall provide the Iowa DOT's Title VI program coordinator with a copy of this decision, as well as a summary of findings upon completion of the investigation. Should deficiencies be noted in the implementation of these discrimination complaint procedures by the LPA, the Iowa DOT's Title VI program coordinator will work in conjunction with the LPA's Title VI coordinator to review the information and/or provide technical assistance in the discrimination complaint process, mediation process, and/or investigation.

10. **Corrective action:** If discrimination is found through the process of a complaint investigation, the respondent shall be requested to voluntarily comply with corrective action(s) or a conciliation agreement to correct the discrimination.
11. **Confidentiality:** LPA and Iowa DOT Title VI program coordinators are required to keep the following information confidential to the maximum extent possible, consistent with applicable law and fair determination of the discrimination complaint.
- a) The fact that the discrimination complaint has been filed.
 - b) The identity of the complainant(s).
 - c) The identity of individual respondents to the allegations.
 - d) The identity of any person(s) who furnished information relative to, or assisting in, a complaint investigation.
12. **Record keeping:** The LPA's Title VI coordinator shall maintain a log of complaints filed that alleged discrimination. The log must include:
- a) The name and address of the complainant.
 - b) Basis of discrimination complaint.
 - c) Description of complaint.
 - d) Date filed.
 - e) Disposition and date.
 - f) Any other pertinent information.

All records regarding discrimination complaints and actions taken on discrimination complaints must be maintained for a period of not less than three years from the final date of resolution of the complaint.

V. Sanctions

In the event the LPA fails or refuses to comply with the terms of this agreement, the Iowa DOT may take any or all of the following actions.

- a) Cancel, terminate or suspend this agreement in whole or in part.
- b) Refrain from extending any further assistance to the LPA under the program from which the failure or refusal occurred, until satisfactory assurance of future compliance has been received from the LPA.
- c) Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the LPA.
- d) Refer the case to the USDOJ for appropriate legal proceedings.

IOWA DEPARTMENT OF TRANSPORTATION

City of Muscatine

Tracy Bradley
Signature

Tracy Bradley, Compliance Officer
Printed Name and Title

January 18, 2024
Date

Carol Webb
Carol Webb (Sep 19, 2023 10:26 CDT)
Signature

Carol Webb, City Administrator
Printed Name and Title

Sep 19, 2023
Date

Title VI Non-discrimination Policy Statement

The _____ City of Muscatine _____, hereinafter referred to as the LPA, hereby assures that no person shall on the grounds of race, color, national origin, gender, age or disability, as provided by Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d, and the Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28, be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance. The LPA further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, regardless of whether those programs and activities are federally funded.

It is the policy of the LPA to comply with Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e; Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §§ 4601-4655; 1973 Federal Aid Highway Act, 23 U.S.C. § 324; Title IX of the Education Amendments of 1972, Pub. L. No. 92-318, 86 Stat. 235; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 701 *et seq.*; Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28; Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 *et seq.*; Title VIII of the Civil Rights Act 1988, 42 U.S.C. §§ 3601-3631; Exec. Order No. 12898, 59 Fed. Reg. 7629 (1994) (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations); and Exec. Order No. 13166, 65 Fed. Reg. 50121 (2000) (Improving Access to Services for Persons with Limited English Proficiency).

The Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28, broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of federal-aid recipients, subrecipients and contractors/consultants, regardless of whether such programs and activities are federally assisted.

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 355, the LPA hereby gives assurance that no qualified disabled person shall, solely by reason of disability, be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.

The LPA also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies and activities on minority and low-income populations. In addition, the LPA will take reasonable steps to provide meaningful access to services for persons with LEP. The LPA will, where necessary and appropriate, revise, update and incorporate nondiscrimination requirements into appropriate manuals, directives and regulations.

In the event the LPA distributes federal-aid funds to a second-tier subrecipient, the LPA will include Title VI language in all written agreements.

The LPA's _____ Human Resource Manager _____, is responsible for initiating and monitoring Title VI activities, preparing reports and performing other responsibilities, as required by 23 C.F.R. § 200 and 49 C.F.R. § 21.


Carol Webb (Sep 19, 2023 20:26 CDT)

Signature

Carol Webb, City Administrator

Printed Name and Title

Sep 19, 2023

Date