

# **KERN COUNCIL OF GOVERNMENTS FTA TITLE VI COMPLIANCE REPORT**

January 21, 2010



**Kern Council  
of Governments**

1401 19th Street, Suite 300  
Bakersfield, CA 93301  
(805) 861-2191

Developed in accordance with FTA Circular 4702.1A, May 26, 1988

Kern Council of Governments

U.S. Department of Transportation  
Title VI Complaint Procedure

Kern Council of Governments has in place a Title VI Complaint Procedure, which outlines a process for local disposition of Title VI complaints and is consistent with guidelines found in Chapter III and IV of the Federal Administration Circular 4702.1A, dated May 13, 2007. Kern COG's Title VI is posted on Kern COG's website at: [www.kerncog.org](http://www.kerncog.org) and written copies are available at:

Kern Council of Governments  
1401 19<sup>th</sup> Street, Suite 300  
Bakersfield, CA 93309

The complaint procedure has five steps outlined below:

**1. Submission of Complaint:** Any person who feels that he or she, individually, or as a member of any class of persons, on the basis of race, color, national origin, age, sex, disability, religion, or low-income status has been excluded from or denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance through Kern COG may file a written complaint with the Executive Director. Such complaint must be filed within 60 days after the date the person believes the discrimination occurred. If language or physical disabilities limit or prevent a person from filing a written complaint with Kern COG, Kern COG staff will provide technical assistance to ensure the complaint can be received and acted upon.

**2. Referral to Review Officer:** Upon receipt of the Complaint, the Executive Director shall appoint one or more staff review officers, as appropriate, to evaluate and investigate the Complaint, in consultation with the Office of General Council. The staff review officer(s) shall complete their review no later than 45 calendar days after the date Kern COG received the complaint. If more time is required, the Executive Director shall notify the Complainant of the estimated time-frame for completing the review. Upon completion of the review, the staff review officer(s) shall make a recommendation regarding the merit of the Complaint and whether remedial actions are available to provide redress. Additionally, the staff review officer(s) may recommend improvements to Kern COG processes relative to Title VI and environmental justice, as appropriate.

**3. Request for Reconsideration:** If the Complainant disagrees with the Executive Director's response, he or she may request reconsideration by submitting the request, in writing, to the Executive Director within 10 calendar days after receipt of the Executive Director's response. The request for reconsideration shall be sufficiently detailed to contain any items the Complainant feels were not fully understood by the Executive Director. The Executive director will notify the Complainant of his or her decision to accept or reject the request for reconsideration within 10 calendar days. In

cases where the Executive Director agrees to reconsider, the matter shall be returned to the staff review officer(s) to re-evaluate in accordance with Paragraph 2, above.

**4. Appeal:** If the request for reconsideration is denied, the Complainant may appeal the Executive Director's response to the Complaint by submitting written appeal to Kern COG's Executive Board no later than 10 calendar days after receipt of the Executive Director's written decision rejecting reconsideration.

**5. Submission of Complaint to the Department of Transportation:** If the Complainant is dissatisfied with Kern COG's resolution of the complaint, he or she may submit a complaint to the Department of Transportation for investigation. In accordance with Chapters III and IV, Title VI Discrimination Complaints, of FTA Circular 4702.1A, such complaint must be submitted within 180 calendar days after the date of the alleged discrimination. Chapters III and IV of the FTA Circular 4702.1A, which outlines the complaint process to the Department of Transportation, may be obtained by requesting a copy from Kern COG's Public Information Officer at (661) 861-2191.