

KERN COUNCIL OF GOVERNMENTS

Title VI Program

This document was prepared by Kern Council of Governments and approved by its Board of Directors to further comply with Title VI of the Civil Rights Act of 1964, including new provisions detailed in United States Department of Transportation's Federal Transit Administration Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients".

Adopted: September 20, 2018

Amended: November 21, 2019

Prepared by:
Kern Council of Governments
1401 19th Street, Suite 300
Bakersfield, CA 93301
661-635-2900

KERN COUNCIL OF GOVERNMENTS'

Title VI Program

Board of Directors:

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Mayor Jose Gurrola, City of Arvin
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Supervisor David Couch, Kern County Board of Supervisors
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Executive Director

Ahron Hakimi

INTRODUCTION

POLICY STATEMENT

Kern COG is committed to operating its programs in an environment that is free from discrimination on the basis of race, color or national origin.

Kern COG will continue to not condone retaliation against an individual for his/her involvement in asserting his/her rights pursuant to Title VI or because he/she filed a complaint or participated in an investigation under Title VI, and /or this regulation.

As a Federal Transit Administration (FTA) fund sub-recipient, Kern COG will continue to ensure that its programs, policies and activities comply with Title VI of the Civil Rights Act of 1964, as amended, and United States Department of Transportation regulations.

Kern COG has prepared and adopted a comprehensive Title VI Program, in compliance with Federal regulations. It is available for public awareness.

Kern COG will continue to make good faith efforts to achieve environmental justice as part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, activities, and services on minority populations and low-income populations within Kern COG's service area as provided herein.

Kern COG will continue to ensure that Limited English Proficient (LEP) individuals have access to Kern COG's programs, activities, and services.

Kern COG's Title VI Policy will be posted on the agency website.

Any person, who believes that they have been subjected to discrimination on the basis of race, color or national origin, with respect to Kern COG's programs, activities, or services may file a Title VI complaint, utilizing an available form. Complaints must be filed in writing and signed by the complainant, or their designated representative, and should include the complainants name, address, and telephone number or other means by which the complainant can be contacted. Complaints should be filed as soon as possible to address and investigate and resolve the alleged complaint in a timely manner. Otherwise a complaint must be filed within one hundred and eighty 180 days of the date of the alleged discriminatory act.

To request additional information on Kern COG's non-discrimination obligations or to file a Title VI Complaint Form, please submit your request or complaint in writing to:

Kern COG

Ahron Hakimi, Executive Director
Kern COG
1401 19th Street, Suite 300
Bakersfield, CA 93301
Office 661-6352900
Fascimile 661-324-8215
Email: ahakimi@kerncog.org

Complaint Forms can also be obtained at: www.kerncog.org

Federal Transit Administration (FTA) Title VI Complaints may be filed directly to:

Federal Transit Administration Office of Civil Rights
Title VI Program Coordinator
East Building, 5th Floor - TCR
1200 New Jersey Avenue,
SE Washington, DC 20590

APPLICABILITY

This policy is applicable to all Kern COG employees, members of the public and all contractors hired by Kern COG. Failure of a Kern COG employee to follow this policy and procedure may subject such employee to disciplinary action up to and including employment termination.

DEFINITIONS

Adverse Effect means having a harmful or undesired effect.

Discrimination refers to any act or inaction, whether intentional or unintentional, in any program or activity of a Federal aid recipient, sub-recipient, or contractor that results in disparate treatment, disparate impact, or perpetuates the effects of prior discrimination based on race, color, or national origin.

Limited English Proficient (LEP) Persons are individuals for whom English is not their primary language and who have a limited ability to speak, understand, read, or write English. It includes people who reported to the U.S. Census that they do not speak English well or do not speak English at all.

Low-Income Population means any readily identifiable groups of low-income individuals who live in geographic proximity, and if circumstances warrant, geographically dispersed transient persons (such as migrant workers or Native Americans) who will continue to be similarly affected by a proposed DOT program, policy, or activity.

Minority Individuals

1. ***American Indian and Alaska Native***, which refers to people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
2. ***Asian***, which refers to people having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent.
3. ***Black or African American***, which refers to people having origins in any of the Black racial groups of Africa
4. ***Hispanic or Latino***, which includes people of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
5. ***Native Hawaiian and Other Pacific Islanders***, which refers to people having origins in any of the original people of Hawaii, Guam, Samoa, or other Pacific Islands.

National Origin means the particular nation in which a person was born, or where the person's parents or ancestors were born.

Race means a group of people united or classified together on the basis of common history, nationality, or geographic distribution.

Recipient means one that has received or is receiving Federal financial assistance. The term includes sub-recipients of a recipient and sub-recipients in FTA State administered programs.

Retaliation means any adverse action taken against another individual because of his/her participation in the complaint, investigation, or hearing relating to this policy or the provision of federal or State law.

Vital Documents are documents that convey information that critically affects the ability of the customer to make informed decisions about his/her participation in the program (e.g., public notices, consent forms, complaint forms, eligibility rules, notices pertaining to the reduction, denial or termination of services or benefits, right to appeal, and notices informing customers of the availability of free language assistance).

SECTION 1

Title VI Notice to the Public

A Title VI Notice to the Public shall be displayed to inform a sub-recipient's customers of their rights under Title VI. Sub-recipients must post the notice on the agency's website and in public areas of the agency's offices.

Notifying the Public of Rights Under Title VI Kern Council of Governments

- Kern Council of Governments operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with Kern Council of Governments.
- For more information on Kern Council of Governments civil rights program, and the procedures to file a complaint, contact 661-635-2900, (TTY 661-832-7433); or visit our administrative office at 1401 19th Street, Suite 300, Bakersfield, CA 93301. For more information, visit www.kerncog.org.
- A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.
- To obtain services or copies in an alternate format or language, please call 661-635-2900, or visit the website www.kerncog.org.
- Para recibir servicios o copias en otro formato o idioma, contacte a al (661) 635-2900 o visite el sitio web www.kerncog.org.

SECTION 2

Complaints and Appeals

How to File a Title VI Complaint with Kern COG: Any person who believes that he/she, or as a member of any specific class of individuals, has been subjected to discrimination on the basis of race, color, national origin, age sex, sexual orientation, or gender identity with respect to Kern COG programs, activities, services, may file a written complaint with Kern COG. A complaint may be filed by the individual or by a representative. A complaint must be filed within one hundred and eighty (180) days after the date of the alleged discrimination, but complainants are encouraged to submit complaints as soon as possible. Kern COG will continue to promptly investigate all complaints filed under Title VI, pursuant to this Regulation.

Complaint must include the following information:

1. A complaint must be in writing and signed and dated by the Complainant or his/her representative before any action can be taken.
2. A complaint shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination, including the name and address of the complainant, the date, time and location of the incident. The complaint shall include a description of the program, activity or service on which the alleged discrimination occurred.

A Complaint Form (Attachment C) can continue to be used to file a Title VI complaint with Kern COG. A Complaint Form will continue to be made in an accessible format, upon request. A Complaint Form can be obtained at:

1. Kern COG's website www.kerncog.org.
2. By calling Kern COG at (661) 635-2900 a Complaint Form can be mailed.
3. By picking up a complaint form at 1401 19th Street, Suite 300, Bakersfield, CA 93301.

If the complaint is received by anyone besides Kern COG's Executive Director, the individual in receipt of the complaint shall forward it to the Executive Director or his/her designee as soon as practicable but no later than two (2) business days of receipt. The Executive Director shall immediately provide a copy of the complaint to the Chair of the Board of Directors regarding the program, activity or service that is identified as being out of compliance.

Procedures for Investigating Complaints

The Executive Director or his/her designee shall promptly investigate the alleged complaint and shall prepare a written response as soon as practicable, but no later than ten (10) business days of his/her receipt of the complaint. The Executive Director or his/her designee may consult with appropriate staff in the preparation of his/her response to the complaint.

Efforts to Contact Complainant

The Executive Director or his/her designee shall make efforts to speak (meeting or telephone

conversation) with the complainant, at which time the complainant may give written or oral evidence supporting the allegation that his/her rights under Title VI have been violated. The Executive Director or his/her designee shall review and consider the response prepared by the Executive Director or his/her designee, all the information provided by the complainant, if any, and any other evidence available regarding the allegations of the complaint. The Executive Director or his/her designee shall prepare a written report of his/her findings and if corrective action is required, a timetable for the completion of such action.

Completion of Investigation

As soon as it is practicable, but no later than twenty (20) business days following receipt of the initial complaint, the Executive Director or his/her designee shall inform the complainant of his/her findings and any corrective action to be taken as a result of the complaint together with the timetable for completion of such action.

Appeal to Chairman of the Kern COG's Board of Directors

If the complainant is not satisfied with the findings and/or action of Kern COG's Executive Director or his/her designee, then the complainant may file his/her complaint with the Chair of the Board of Directors or with the FTA's Office of Civil Rights.

Appeal Process

If the complainant chooses to file his/her complaint with the Chair of the Board of Directors, then the complaint and any supporting documentation should be submitted within five (5) business days of his/her receipt of the results of the Executive Director's investigation, with the Chair of the Board of Directors by providing it to Executive Director at Kern COG facility. Upon review of the file, the Chair of the Board of Directors shall notify the complainant of what actions, if any, will continue to be taken as a result of the review by the Chair within ten (10) business days of the Chair's notification that the complainant is not satisfied with the results of the Executive Director's investigation. The decision of the Chair of Kern COG Board of Directors shall be final.

Timeline Waiver

Any timeline set forth herein may be extended by the Executive Director upon a showing of good cause.

How to File a Title VI Complaint with the FTA Office of Civil Rights

Any person who believes that he/she or as a member of any specific class of individuals, has been subjected to discrimination on the basis of race, color, national origin, age, sex, sexual orientation, or gender identity, with respect to Kern COG's programs, activities, or services, or other transit related benefits, may file a written complaint with FTA. A complaint may be filed by the individual or by a representative. A complaint must be filed within one hundred and eighty (180) days after the date of the alleged discrimination. FTA will continue to promptly investigate all complaints filed under Title VI in accordance with the United States Department of Transportation (USDOT) regulations 49 CFR 21.11(b) and 21.11(c).

1. *A Complaint must include the following information:* A complaint must be in writing and signed and dated by the complainant or his/her representative before any action can be taken. In cases where a complainant is unable or incapable of providing a written statement, but wishes FTA or DOT to investigate alleged discrimination, a verbal

complaint of discrimination may be made to the FTA Director, Office of Civil Rights. If necessary, the Civil Rights Official will continue to assist the person in converting the verbal complaint into writing. All complaints must, however, be signed by the complainant or his/her representative.

FTA Civil Rights Office Address:
Federal Transit Administration Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor -
TCR 1200 New Jersey
Avenue, S.E. Washington,
DC 20590
TTY: 1-800-877-8339
Voice: 1-866-377-8642
(E) [www.FTA.ADAAssistance @dot.gov](http://www.FTA.ADAAssistance@dot.gov)

2. A complaint shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination, including the date, time and location of the incident. The complaint shall include a description of the program, activity or service on which discrimination occurred.

Complaint Acceptance

Once a complaint has been accepted, FTA will continue to notify Kern COG that it has been subject to a Title VI complaint and ask Kern COG to respond in writing to the complainant's allegations. Once the complainant agrees to release the complaint to Kern COG, FTA will provide Kern COG with the complaint. FTA may choose to close a complaint if the complainant does not agree to release the complaint to Kern COG. FTA strives to complete a Title VI complaint investigation within one hundred and eighty (180) days of the acceptance date of a complaint.

Investigations

FTA will continue to make a prompt investigation whenever a compliance review, report, complaint or any other information indicates a possible failure to comply with Title VI Regulations. FTA's investigation will continue to include a review of the pertinent practices and policies of Kern COG, the circumstances under which the possible noncompliance occurred, and other factors relevant to a determination as to whether Kern COG has failed to comply with Title VI regulations.

Following the investigation, FTA's Office of Civil Rights will continue to transmit to the complainant and Kern COG one of the following three (3) letters based on its finding:

1. *Letter of Resolution*: which explains the steps that Kern COG has taken or promises to take to come into compliance with Title VI.
2. *Letter of Finding (Compliance)*: which explains that Kern COG is found to be in compliance with Title VI. This letter will continue to include an explanation of why Kern COG was found to be in compliance, and provide notification of the Complainant's appeal rights.
3. *Letter of Finding (Noncompliance)*: which explains that Kern COG is found to be in noncompliance. This letter will continue to include each violation referenced, the

applicable regulations, a brief description of proposed remedies, notice of the time limit on the conciliation process, the consequences for failure to achieve voluntary compliance, and an offer of assistance to Kern COG in devising a remedial plan for compliance.

Appeals Process

The letters of finding and resolution will continue to offer the complainant and Kern COG the opportunity to provide additional information that would lead FTA to reconsider its conclusions. FTA requests that the parties in the complaint provide this additional information within sixty (60) days of the date of the FTA letter of finding. FTA's Office of Civil Rights will continue to respond to an appeal either by issuing a revised letter of resolution or finding to the appealing party, or by informing the appealing party that the original letter of resolution or finding remains in force.

Deficiencies with Title Vi Compliance

Compliance Reviews will continue to be conducted periodically by FTA, as part of its ongoing responsibility pursuant to its authority under 49 CFR 21.11(a).

If FTA determines that Kern COG is in noncompliance with Title VI, it will continue to transit a Letter of Finding that describes FTA's determination and requests that Kern COG voluntarily take corrective action(s) which FTA deems necessary and appropriate.

Kern COG will continue to submit a remedial action plan including a list of planned corrective actions and, if necessary, sufficient reasons and justification for FTA to reconsider any of its findings or recommendations within thirty (30) days of receipt of FTA's Letter of Finding.

ADMINISTRATION OF REGULATION

Kern COG will continue to integrate the provisions within its Title VI Program into all programs, activities, and services provided by Kern COG.

Kern COG will continue to integrate the Title VI Program into its policies and procedures.

LIST OF TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS

Kern COG does not have any past, current or pending Title VI complaints.

SECTION 3



**Kern Council
of Governments**



**Public Information Policies and Procedures
March 2015**

Article IX: Public Involvement Procedures and Policies

Section 1. Introduction

This document is a plan for providing guidance for Kern Council of Governments' (Kern COG) elected officials and staff in public participation and interagency consultation throughout the regional planning process. It contains the policies, guidelines and procedures Kern COG uses in developing the metropolitan planning process. This includes the development and approval of the Regional Transportation Plan, Regional and Federal Transportation Improvement Program, and environmental review documentation related to growth, transportation, air quality, and any product prepared by Kern COG staff that statutorily requires public participation, or for which the Kern COG Board of Directors determines is necessary. Kern COG carries out its transportation and air quality planning responsibilities in a continuing, cooperative and comprehensive manner in conformance with federal and state Law that determine how Metropolitan Planning Organizations (MPOs) provide for early consultation and public participation. The various laws include but may not be limited to:

Federal

- Transportation and Conformity Regulations of Title 40 CFR Part 93.105
 - Title 23 CFR Part 450.316
 - Title 23 CFR Part 450.322(g)(1) and (2)
 - Title 23 CFR Part 450.216(a)(1)
 - Title 23 USC Part 134(g)(4)
 - Title 23 USC Section 135(e)
 - Title VI of the Federal Civil Rights Act of 1964
 - Title 49 CFR Part 21.5
 - Title 42 USC Chapter 21 Section 2000(d)
 - Executive Order 12898 regarding Environmental Justice (1994)
 - Executive Order 13166 regarding Improving Access to Services for Persons with Limited English Proficiency
 - Executive Order 13175 regarding Consultation and Coordination with Indian Tribes
 - US DOT Order 5610.2 (1997)
 - US DOT Order 6640.23 (1998)
 - 1990 Americans with Disabilities Act
 - 1990 Clean Air Act Amendments
 - 2005 Safe, Accessible, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)
 - Moving Ahead for Progress in the 21st Century (MAP-21)
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State

- Government Code Section 11135
- Government Code Section 65080
- California Environmental Quality Act (CEQA)

Title 23 CFR Part 450.316(a) states the following concerning participation and consultation:

“The Metropolitan Planning Organization (MPO) shall develop and use a documented participation plan that defines a process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.”

A vigorous public information process not only serves Kern COG by meeting federal requirements, but also allows for a fruitful exchange of ideas while developing programs or projects that may be controversial.

Section 2. Background

The federal government has mandated that public involvement in the metropolitan planning process meet minimum requirements. How effectively planning agencies provide opportunities for public input is an important criterion to determine federal fund allocation for local, regional, state projects and programs. While legislation such as Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Moving Ahead for Progress in the 21st Century (MAP-21), the Americans with Disabilities Act and awareness of environmental justice issues have broadened the scope of public participation in the planning and programming process, prior federal transportation acts also required public participation.

California's Ralph M. Brown Act has long required state and local agencies to perform their duties in the public's full view and provide opportunities for public input. All environmental documents related to transportation plans include the public comment provisions of the California Environmental Quality Act (CEQA). Kern COG has always complied with California law in addition to meeting federal statute mandates.

Kern COG's Board of Directors and technical advisory committees assist the bottom-up planning process and frequent, ongoing public and interagency participation at all stages of the process. Outreach programs are designed in cooperation with technical advisory committees and other transportation and air quality agencies. These programs

will complement the decentralized planning process, which was established to increase participation in regional policy development.

Effective public involvement requires that affected individuals and groups be encouraged to participate in the development of local, regional, and state plans. The following policies, guidelines and procedures are designed to encourage participation during the preparation of the:

- A. Regional Transportation Plan – Refer to Appendix C of the 2014 RTP;
- B. Transportation Improvement Program;
- C. Environmental impact studies or reports; and
- D. Any product prepared by Kern COG staff that statutorily requires public participation or for which the Kern COG Board of Directors determines it is necessary.

Section 3. Partnerships

Kern COG staff maintains regular contact with the following agencies:

American Lung Association	City of Maricopa
Amtrak	City of McFarland
Bakersfield ARC	City of Ridgecrest
Bakersfield Senior Center	City of Shafter
Bakersfield Association of Realtors	City of Taft
Bakersfield Downtown Business Association	City of Tehachapi
Bakersfield Association of Retarded Citizens	City of Wasco
Bike Bakersfield	CommuteKern
Bureau of Land Management	County of Kern
California Air Resources Board	County of Kern Public Health Services Department
California Department of Conservation – Oil, Gas & Geothermal Division	Cultiva La Salud
California Department of Finance	Dolores Huerta Foundation
California Environmental Protection Agency	Eastern Kern County APCD
California Highway Patrol	Edwards Air Force Base
California Office of Planning and Research	Federal Highway Administration
Caltrans Districts 6 and 9	Federal Transit Administration
Center for Race Poverty & the Environment	Fresno Council of Governments
City of Arvin	Golden Empire Transit District (GET)
City of Bakersfield	Greater Bakersfield Chamber of Commerce
City of California City	Greyhound Lines
City of Delano	Independent Living Center
	Indian Wells Valley Airport District
	Inyo County Transportation Commission
	Kern Congestion Management Agency

Kern County Aging & Adult Services
 Department
 Kern County Building Industry
 Association
 Kern County Commission on Aging
 Kern County Economic Opportunity
 Corporation
 Kern County Housing Authority
 Kern County Superintendent of Schools
 Kern County Water Agency
 Kern Economic Development
 Department
 Kern Minority Contractors Association
 Kern Motorist Aid Authority
 Kern Regional Center
 Kern Transit
 Kern Transportation Foundation
 Kern Wheelmen Bicycle Club
 Kings County Regional Planning
 Agency
 Local Agency Formation Commission
 Madera Local Transportation
 Commission
 Merced County Association of
 Governments
 Metro Bakersfield Consolidated
 Transportation Service Agency
 Mexican-American Opportunity
 Foundation
 Minter Field Airport District

Mono County Transportation
 Commission
 Mojave Town Council
 Natural Resources Defense Council
 Naval Air Weapons Station - China
 Lake
 New Advances for People with
 Disabilities
 North of the River Recreation & Park
 District
 Blue Sky Partners
 San Joaquin County Council of
 Governments
 San Joaquin Valley Air Pollution Control
 District
 Santa Fe Railways
 Sierra Club
 Southern California Auto Club
 Stanislaus Area Association of
 Governments
 Tejon Indian Tribe of California
 Tribal communities
 Tubatulabal Tribe
 Tulare County Association of
 Governments
 Various chambers of commerce
 Various environmental organizations
 Wasco and Delano Associations for the
 Developmentally Disabled
 Wasco Housing Authority

Section 4. Guidelines

Kern COG is committed to developing and maintaining an effective citizen participation process. In order to accomplish this commitment, the following principles guide the public involvement process:

- A. It is the right and responsibility of citizens to be involved in the transportation planning process.
- B. Citizens should be educated about the needs and issues and encouraged to participate in finding solutions.
- C. Early and timely citizen involvement is necessary to build community agreement on needs and solutions before alternatives are proposed.

- D. Agreement on the final product is a desirable goal, but agreement does not mean 100 percent unanimity by all parties. Negotiation and compromise are essential ingredients to building agreement.
- E. The process by which a decision is reached is just as important as the product. Citizens should end the process satisfied that they had the opportunity to be significantly involved and that their voices were heard and reflected in the final document.
- F. After decisions are made, actions should follow to maintain confidence in the community involvement process.

Community involvement is not a one-time process. The manner in which the public is involved may change as the process progresses.

In Attachment A, Public Involvement Chart, Kern COG defines a public participation program for each document it produces. Final documents will reflect the needs and desires of affected communities within the region. This includes establishing procedures and responsibilities for:

- A. Informing, involving, and incorporating public opinion into the planning process;
- B. Consultative involvement of designated agencies on technical data and modeling used in developing regional plans and determining transportation improvement program and regional transportation improvement program conformity;
- C. Clearly designating a lead staff person who is knowledgeable about the entire planning process to be responsible for the public involvement program; and
- D. Providing adequate funds and schedule expenditures to implement the public participation program.

Section 5: Procedures

Metropolitan transportation planning requires that where a metropolitan planning area includes Federal public lands and/or Indian Tribal lands, the affected Federal agencies and Indian Tribal governments shall be involved appropriately in the development of transportation plans and programs. Discussion on environmental mitigation activities of the long-range transportation plan shall be developed in consultation with tribes. Kern COG shall initiate Government-to-Government consultation with the Tejon Indian Tribe of California in the development of transportation plans and programs.

Kern COG will notify interested or affected citizens who may be impacted through traditional and electronic meeting announcements, newspapers, public service announcements, press releases, social media, special mailers, publications and committee agendas, meetings and other opportunities to participate, as appropriate. Community members or organizations may include but are not limited to:

Academic and scientific communities
 Airport authorities
 Appropriate private transportation providers

Bicycle and pedestrian groups
 Business and industry officials
 Elected officials
 Environmental organizations

Freight shippers and receivers
Health and disabled organizations
Local public and private transit operators
Local, state and federal agencies
Minority and ethnic groups
Native American associations

Operators of major modes of transportation
Recreation groups
Senior citizen groups
Service organizations
Traffic, ridesharing, parking, and enforcement agencies
Youth services groups

- A. Kern COG encourages public participation and acknowledges the value of this input.
- B. Kern COG will provide complete and easily understood information and summaries. Planning issues and alternatives will be addressed in a realistic manner.
- C. Kern COG will publish public comments in a newsletter or report. Reports will include specific agency responses, the effect of citizen input on decisions, and (when appropriate) updated reports of citizen participation.
- D. Kern COG will conduct a thorough review of the program, including staff and citizen evaluation.
- E. Kern COG will consult with Federal agencies and Indian Tribal governments in the development of transportation plans and programs pursuant to Federal law.

Level I Procedures

Level I procedures address routine documents that serve as a subset of or facilitate more significant plans or determinations. These documents are implementing long-range direction provided by plans and documents that went through a more intensive public review procedure (Level II or III). These documents are subject to the minimum levels of public outreach under these policies. These procedures become effective once an initial draft document has been produced.¹

All Documents and Formal Meetings including:

- A. Regional Transportation Plan amendments
- B. Federal Transportation Improvement Program amendments (excluding technical or administrative modifications)
- C. State Transportation Improvement Program amendments
- D. Regional Transportation Improvement Program
- E. Air quality conformity determinations
- F. Miscellaneous studies
- G. Transit plans & studies
- H. Active Transportation Plans and studies currently under consideration
- I. Environmental Documents, as defined by the California environmental Quality Act and/or the National Environmental Policy Act ¹
- J. Congestion Management Program amendments

¹ See Attachment A, Kern COG Document Public Involvement Chart, for specific requirements on specific documents.

1. No person shall be denied participation.
2. A legal notice or display ad will be placed in the advertising sections of at least one newspaper of general circulation within the affected community, including a Spanish-language publication, if possible.
3. Display ads will be placed as deemed necessary and targeted specifically to affected communities to encourage involvement and address key decision-making points.
4. Non-traditional approaches, such as postal and electronic mailings to non-profit organizations, churches and chambers of commerce will be used to encourage involvement of the underserved and transit dependent in project development and public workshops. Spanish-language advertising will be included in these non-traditional approaches.
5. Public meetings are defined as those regular COG meetings normally held on the third Thursday of each month, excepting August and December.
6. Public workshops are defined as forums established specifically for the public to gain information and provide input on Kern COG documents and processes. This definition does not include technical workshops for member agency staff or elected officials even though they are technically open to the public.
7. Announcements dealing with documents and/or meetings and workshops shall be posted on the Kern COG web site and social media sites.
8. A mailing list of individuals who have expressed interest shall be maintained.
9. Meeting notices shall be mailed or e-mailed to individuals who have expressed interest.
10. Kern COG shall provide appropriate assistance, auxiliary aids and/or services when necessary to afford disabled individuals an equal opportunity. Individuals with disabilities will be provided an opportunity to request auxiliary aids.
11. Kern COG shall provide audio/visual presentations along with its maps, charts and graphics whenever practical to help the public better understand the plans, programs, projects or determinations it adopts.
12. Kern COG shall provide an interpreter, when requested, at any and all public hearings and workshops, and shall maintain its subscription to a language line for day-to-day public inquiries.
13. Kern COG's web site shall maintain a link to a translation service for information contained on the agency site.
14. Projects must be evaluated for their potential for public interest. Projects likely to have considerable public interest must also include Level III requirements.
15. A copy of draft transportation plan amendments and draft transportation improvement program amendments, environmental documents, and the Congestion Management Program amendments will be made available for review at Kern Council of Governments, Kern County Board of Trade, the main branch of the local library system, college libraries, and chambers of commerce within affected areas. Individual copies of all documents will also be distributed to any interested parties for a fee to offset printing charges.

Level II

Additional Public Involvement Requirements

Level II procedures address core agency plans, programs and declarations. These documents are subject to a higher level of public outreach than Level I documents

under these policies. These procedures become effective before an initial draft document has been produced. The following documents must also meet the public involvement requirements listed in Level I:

- A. Congestion Management Program
- B. State Transportation Improvement Program
- C. Federal Transportation Improvement Program
- D. Corridor Studies
- E. Transit Studies
- F. Regional Housing Needs Assessment
- G. Public involvement procedure amendments

1. Public review by various funding agencies submitting projects for the transportation improvement program will be accepted up to the final determination.
2. A copy of draft transportation plans and draft transportation improvement programs, environmental documents, and the Congestion Management Program will be made available for review at Kern Council of Governments, Kern County Board of Trade, the main branch of the local library system, college libraries, and chambers of commerce within affected areas. Individual copies of all documents will also be distributed to any interested parties for a fee to offset printing charges.
3. Public comments and responses, and the disposition of any comments, will be made part of final transportation plans, transportation improvement programs, and environmental documents.
 - a. **Prepare written summary/verbal presentation** – Staff will review all comments, synthesize them and prepare a narrative summary highlighting key points.
 - b. **List all comments** – Using a summary chart format, staff will review and summarize all comments, categorizing them by topic and type of comments (e.g. question, fact, desire, opinion).
 - c. **Respond to comments** – Staff will respond, in writing within 30 days, to significant comments. Those responses will be made part of the final document.
 - d. **Provide the full record** – The decision-making body will be given copies of the meeting notes, the transcript (for public hearings) or taped transcripts.
4. Transportation improvement programs and environmental documents will be made available for public review for no less than a 30-day public review period.
5. Programs, projects, or plans routed through the State Clearinghouse shall adhere to the public information requirements of the Clearinghouse and also be made available for no less than 30 days.
6. If regionally significant changes are made to the transportation plan, transportation improvement programs, and environmental documents during the review and comment period, the plan(s) will be made available for 30-day public review and comment prior to final adoption.

7. Minor amendments to the transportation improvement programs will have a 14-day public review period and may be approved by the executive director.
8. Regionally significant changes to the transportation plan, transportation improvement programs, and environmental documents during the review and comment period shall also be advertised via press release to all media outlets, through electronic notice to Kern COG's address database and on the Kern COG web site as deemed necessary prior to final adoption.
9. The executive director or his/her designee will coordinate with the State to improve public awareness of the State Transportation Plan and/or the State Transportation Improvement Plan.
10. Records relating to the transportation plans, transportation improvement programs, and environmental impact reports will be made available for public review upon request.
11. Technical and policy information relating to the transportation plans, transportation improvement programs, and environmental impact reports will be made available for public review upon request.
12. Staff will hold at least one formal public workshop every four years in each local jurisdiction on the Regional Transportation Plan. These public meetings/workshops will be announced in a variety of formats, including public notices, display ads, press releases and direct mail and/or electronic mail notices in the affected communities.
13. All project plan amendments not considered administrative in scope shall be advertised via public notice and held for a 30-day review period.
14. Refer to the California Transportation Commission's 2010 Regional Transportation Plan Guidelines regarding addendums, supplemental and subsequent environmental documents to the Regional Transportation Plan.

Level III

Anticipated high-profile projects

The following must also meet the criteria listed in levels I and II. Level III procedures address plans that provide long-range direction for the organization or that Kern COG staff determines to be controversial based on their environmental impacts, project scope or other determining factors. These documents are subject to the highest levels of public outreach under these policies. These procedures become effective before an initial draft document has been produced. Kern COG staff will:

- A. Develop a Regional Transportation Plan/Sustainable Communities Strategy
- B. Help form a citizens' advisory committee.
- C. Develop a calendar of public workshops.
- D. Identify the appropriate media contact to respond to media inquiries.
- E. Develop a quarterly newsletter specific to the plan or project.
- F. Mail newsletter to the plan/project participants at regular intervals.
- G. Coordinate a news conference and/or press release highlighting the plan/program and coordination between Kern COG and public participation. Press releases will be sent to the appropriate radio stations, television channels, and newspapers.

Metropolitan transportation planning requires that where a metropolitan planning area includes Federal public lands and/or Indian Tribal lands, the affected Federal agencies

and Indian Tribal governments shall be involved appropriately in the development of transportation plans and programs. Discussion on environmental mitigation activities of the long-range transportation plan shall be developed in consultation with tribes. Kern COG shall initiate Government-to-Government consultation with the Tejon Indian Tribe of California in the development of transportation plans and programs.

Senate Bill 375 increased the minimum level of public participation required in the regional transportation planning process. Collaboration between partners in the region during the development of a Sustainable Communities Strategy (SCS) and/or an Alternative Planning Strategy (APS) is essential and may include business and industry stakeholders, environmental justice stakeholders, social equity stakeholders and others. Public participation pursuant to SB 375 shall include the following:

1. Outreach efforts encouraging the active participation of a broad range of stakeholders in the planning process, consistent with the agency's adopted Federal Public Participation Plan. This includes, but is not limited to, affordable housing advocates, transportation advocates, neighborhood and community groups, environmental advocates, home builder representatives, broad-based business organizations, landowners, commercial property interests, and homeowner associations.
2. Consultation with other regional congestion management agencies, transportation agencies, and transportation commissions.
3. At least three regional public workshops will be held with information and tools providing a clear understanding of policy choices and issues. To the extent practicable, each workshop shall include urban simulation computer modeling to create visual representations of the SCS and APS.
4. Preparation and circulation of a draft SCS (and APS, if one is required) not less than 55 days before adoption of a final RTP.
5. A process enabling the public to provide a single request to receive notices, information and updates.
6. During the development of the SCS (and APS, if applicable), at least two informational meetings will be held for members of the Board of Supervisors and City Councils. Only one informational meeting is needed if it is attended by representatives of the Kern County Board of Supervisors and City Councils that represent a majority of the cities representing a majority of the population in the incorporated areas of the county.
 - a. The purpose of the meeting (or meetings) will be to discuss the SCS (and APS, if applicable), including key land use and planning assumptions, with the members of the Board of Supervisors and City Councils and to solicit and consider their input and recommendations.
 - b. Notices of these meetings are to be sent to the Clerk of the Board of Supervisors and City Clerks.
7. In preparing an SCS, Kern COG will consider spheres of influence that have been adopted by the Local Agency Formation Commission (LAFCO). Kern COG will also consult with LAFCO regarding special districts within the region that provide property-related services such as water or wastewater services, and will

consult with these regional special districts, as appropriate, during development of a SCS (and APS if applicable).

Process for Receiving Public Comments

The following public involvement techniques may be used to inform and educate the public and/or gather information.

A. Formal Public Meetings/Workshops

Formal public meetings and/or workshops may be held during the process. The format for the workshops will be at the discretion of Kern COG. All Kern COG meetings and public workshops will be held in buildings accessible to persons with disabilities. The format options include:

- 'Theater' style with a presentation followed by audience response.
- 'Open-house' style with individual comments provided directly to a recorder, typed in by the participant, or via written comment sheets; or
- A mixed format with an 'open house' style meeting followed by a 'theater' style comment period.

In each case, Kern COG shall provide audio/visual presentations along with maps, charts and graphics, whenever practical, to help the public better understand the plans, programs, or projects it adopts.

B. Small Group Sessions

A meeting of selected citizens, businesses, and/or neighborhood residents may be invited to participate in small group sessions to discuss options and give opinions on specific transportation topics. Participants may be presented with materials and asked to respond. The following are types of small groups that might be involved in the process:

Plan/Program Advisory Committee (PAC) - An advisory committee established for the development of a plan or program may consist of a broadly representative group of citizens who understand other citizens' concerns, needs and wants, technical and administrative staff from various organizations, and officials from appropriate local and state entities.

A PAC with citizen participation can be a valuable asset. Generally, PACs provide and consider citizen input and advice regarding regional goals and objectives, problems and needs, and to discuss potential options and solutions regarding the activity and to be responsive to the citizen input.

PAC members may be expected to attend several public and neighborhood meetings. They may also be asked to assist, provide support and be responsible for the dissemination of information, and give testimony to the benefits and importance of the activity to the community, actively seek informed responses from the

community regarding transportation problems and priorities, and elicit potential solutions.

Kern COG will specifically consider the need for a PAC with regard to major transportation plans, studies, programs and projects. If the Board elects to form a PAC, the PAC shall be organized with a special effort to appoint persons who are or will represent the needs of the persons traditionally underserved such as low income, minorities, elderly and disabled. The ways and means of determining PAC membership, committee structure, and specific roles and responsibilities for an activity shall be presented to the TTAC and Board for their approval. Membership will not be permanent, thus PAC members will serve for the length of the development and completion of a plan or program.

Stakeholders - Interview or meet with individuals or groups who have a vested interest in the outcome of a Kern COG-developed plan or program. Interviews and meetings would be conducted to identify issues and concerns. Such groups may include business, neighborhood, environmental, and others.

PAC and stakeholder meetings may include the use of various public involvement techniques to keep the group informed, obtain information, identify preferences and resolve conflicts.

Focus Groups - Kern COG may use this approach to uncover information that is difficult to access. This includes uncovering attitudes, opinions, and emotions on specific issues or topics from a group of 'screened' participants. This method may also be used to clarify issues so as to develop surveys.

C. Internet

Whenever possible, Kern COG will provide access to plans and programs through Internet access. When applicable, an e-mail address will be presented and made available for public access to make and receive comments.

D. Fairs and Festivals

Kern COG will attend community fairs and festivals to present various aspects of transportation planning, programming and projects as set forth in the RTP, as well as the FTIP. Participants are encouraged to view exhibits, ask questions, consider the information and give comments. Fairs create interest and dramatize a plan, program or TIP project through visualized graphics, audiovisuals, and interaction with Kern COG staff.

E. Public Opinion Surveys

Surveys report what people know or want to know. Surveys test whether a plan, program or an element of them is acceptable to the public as it is being developed. An appropriately sized random sample will be drawn from the targeted population

and surveyed to develop a sense of general public attitudes. Surveys can be formal such as a direct mailing to citizens, businesses, and community organizations or informal such as a self-administered questionnaire attached within a draft document.

G. Phone/In-person Comments

A period of time may be provided to allow citizens to telephone or walk in their comments. Kern COG's phone number and address will be provided to the media and may be included on documents related to the plan or program. Kern COG will summarize verbal comments.

Section 6. Public Involvement Policy Evaluation

- A. Significant changes to Kern COG's Public Involvement Procedures shall be published and available for a 45-day public review and comment period before final adoption.
- B. Kern COG staff and the public will review the public review process biennially.

Evaluation Methodology

In order to regularly evaluate the Public Involvement Procedures, five performance measures are proscribed:

- A. The accessibility of the outreach process to serve diverse geographic, language and ability needs.
- B. The extent or reach of the process in involving and informing as many members of the public as possible.
- C. The diversity of participants in the outreach process and its ability to reflect the broad range of ethnicities, incomes and special needs of residents in the Kern region.
- D. The impact of public outreach and involvement on the plan/program and on policy board actions.
- E. The satisfaction with the outreach process expressed by participants.

For each of these five performance measures, a set of quantifiable indicators has been established. They will be applied as appropriate to each plan/program's level requirements.

A. Accessibility Indicators:

- Meetings are held throughout the county.
- 100 percent of meetings are reasonably accessible by transit.
- All meetings are accessible under Americans with Disability Act requirements.
- Meetings are linguistically accessible to 100 percent of participants with three working days' advance request for translation. (*Meeting announcements will offer translation services with advance notice to*

participants speaking any language with available professional translation services.)

B. Reach indicators

- Number of comments logged into comment tracking and response system.
- Number of individuals actively participating in outreach program.
- Number of visits to the specific section of the Kern COG website.
- Number of newspaper articles mentioning the plan/program.
- Number of radio/television interviews or mentions on the plan/program.

F. Diversity indicators

- Demographic of targeted workshop/charette/meeting roughly mirror the demographics of the Kern region.
- Percentage of targeted organizations and groups participating in at least one workshop/charette/meeting.
- Participants represent a cross-section of people of various interests, places of residence and primary modes of travel.

G. Impact Indicators

- 100 percent of written comments received are logged into a comment tracking system, analyzed, summarized and communicated in time for consideration by staff and the policy board.
- 100 percent of significant written comments are acknowledged so that the person making them knows whether his or her comment is reflected in the outcome of a policy board action, or, conversely, why the policy board acted differently.

H. Participant Satisfaction (*This information would be obtained via an online and written survey available on the Kern COG web site, and at each workshop/charette/public meeting involving the plan or program in question.*)

- Accessibility to meeting locations.
- Materials presented in appropriate languages for targeted audiences.
- Adequate notice of the meetings provided.
- Sufficient opportunity to comment.
- Educational value of presentations and materials.
- Understanding of other perspectives and priorities.
- Clear information at an appropriate level of detail.
- Clear understanding of items that are established policy versus those that are open to public influence.
- Quality of the discussion.
- Responsiveness to comments received.

Section 7. Media Resources

Print Media Resources

Kern County is situated in California's southern San Joaquin Valley occupying 8,075 square miles. It is the third largest county in the State; is larger than the states of Delaware, Connecticut, and Rhode Island combined, and is larger than the entire states of Massachusetts or Hawaii. The county is divided into three distinct geographical regions: The eastern third of the county is the Mojave Desert; the middle section straddles the Southern Sierra Nevada Mountains and the Transverse Ranges; the western portion is in the San Joaquin Valley. As of 2013, the county had a population of 864,124 registering an increase of more than 178,000 people over 2000. Because of the diversity in the market profile and geography of Kern County, it is necessary to address the county in segments. Public Notices must be carefully placed depending on the project and affected communities.

Countywide Publications	Type	Adjudicated
The Bakersfield Californian	Main / Greater Kern County	X
El Mexicalo	Hispanic Interest	X
Indian Wells Valley	Type	Adjudicated
The Daily Independent	Main / Ridgecrest	X
NWC Rocketeer	Military / China Lake	--
News-Review	Main / Ridgecrest	X
Southeastern Kern County	Type	Adjudicated
Antelope Valley Press	Main / Palmdale	X
The Bulletin	Main / North Edwards	--
Desert Wings	Military / Edwards Main	--
Lancaster Desert Mailer	Lancaster / Main	X
Mojave Desert News	Main / Mojave	X
Rosamond Weekly News	Main / Rosamond	X
Southeast Kern Weekender	Ridgecrest	
Tehachapi News	Main / Tehachapi	X
Kern River Valley	Type	Adjudicated
Kern Valley Sun	Main /Lake Isabella	X
Kern River Courier	Main/Lake Isabella	
Arvin/Lamont	Type	Adjudicated
Arvin Tiller	Main /Arvin	X
El Popular	Hispanic Interest	X
Lamont Reporter	Main / Lamont	X
Southwestern Kern County	Type	Adjudicated
The Pine Mountain Pioneer	Main / Frazier (monthly)	--
Mountain Enterprise	Main / Frazier Park (weekly)	X

Metropolitan Bakersfield	Type	Adjudicated
The Bakersfield Californian	Main / Kern County	X
Bakersfield News Observer	African-American Interest	X
El Mexicalo	Hispanic Interest	X
El Popular	Hispanic Interest	X
Northwest Kern County	Type	Adjudicated
Delano Record	Main / Delano	--
El Popular	Hispanic Interest	X
Shafter Press	Main / Shafter	X
Wasco Tribune	Main / Wasco	X
Western Kern County	Type	Adjudicated
The Midway Driller	Main / Taft	X

Section 8. Legal and Display Ad Minimum Requirements

Legal Notice:

Date, time, and place of public hearing or meeting;

Identity of the hearing body or officer;

General explanation of the matter to be considered;

General description, in text or by diagram, of the location of the real property, if any, that is the subject of the hearing or meeting;

The following statement when appropriate – “Individuals with disabilities may call Kern COG to request auxiliary aids necessary to participate in the public meeting/hearing.”

Kern Council of Governments

Address

Contact name

Telephone number

Web site: www.kerncog.org

E-mail: ahakimi@kerncog.org

Notice of Intent to Adopt:

Period during which comments will be received;

Date, time, and place of any public meetings or hearings on the proposed project;

Brief description of the proposed project and its location;

Address where copies of the proposed negative declaration are available for review;

The following statement when appropriate – “Individuals with disabilities may call

Kern COG to request auxiliary aids necessary to participate in the public meeting/hearing.”

Kern Council of Governments

Address

Contact name

Telephone number

Web site: www.kerncog.org

E-mail: ahakimi@kerncog.org

Notice of Determination: – Filed ONLY with Kern County Clerk's Office

Information identifying the project, including common name and location;
Brief description of the project;
Date on which Kern COG determines the project will not cause any significant adverse environmental effects;
Address where copy of the negative declaration may be examined;
The following statement – "Kern COG has complied with the California Environmental Quality Act in the preparation of this negative declaration;"
The following statement when appropriate – "Individuals with disabilities may call Kern COG to request auxiliary aids necessary to participate in the public review process."

Kern Council of Governments
Address
Contact name
Telephone number
TTY number
Fax number
Web site address
Project manager e-mail address

Notice of Preparation:

- A. Description of project;
- B. Project location on a map;
- C. Discussion of probable environmental effects of project;
- D. The following statement when appropriate - "Individuals with disabilities may call Kern COG to request auxiliary aids necessary to participate in the public review process."

Kern Council of Governments
Address
Contact name
Telephone number
TTY number
Fax number
Web site address
Project manager e-mail address

Notice of Completion:

- A. Description of project;
- B. Project location;
- C. Date, time, and place of any public meetings or hearings on the proposed project;
- D. Address where copies of the Draft EIR are available for review;
- E. Period during which comments will be received;

F. The following statement when appropriate -"Individuals with disabilities may call Kern COG to request auxiliary aids necessary to participate in the public review process."

Kern Council of Governments

Address

Contact name

Telephone number

TTY number

Fax number

Web site address

Project Manager e-mail address

Sample Notice

Notice of Public Hearing

Date

Before the Kern Council of Governments (Kern COG) in the matter of STATE
PURPOSE OF PUBLIC HEARING:

A. WHEREAS, Kern COG, in its capacity as the INSERT DESIGNATION will hold a public hearing to receive public comments regarding the INSERT PLAN, PROJECT, PROGRAM and

B. WHEREAS, NAME DOCUMENT AND PURPOSE

NOTICE IS HEREBY GIVEN THAT:

A. A PUBLIC HEARING will be held in the Kern COG conference room, 1401 19th Street, Suite 300, Bakersfield, California at 7:00 pm, on Thursday, STATE DATE, for the purpose of receiving public comments and testimony regarding INSERT PLAN, PROJECT, OR PROGRAM. This hearing will be a part of a regularly scheduled meeting of the Kern Council of Governments.

B. The INSERT PLAN, PROJECT, OR PROGRAM will be considered for INSERT ACTION by the Kern Council of Governments following the public hearing.

C. Any person wishing to present testimony related to INSERT PLAN, PROJECT, OR PROGRAM may be heard, or may submit written comments to Kern COG, 1401 19th Street, Suite 300, Bakersfield, California 93301, for inclusion in the official record of the hearing. Individuals with disabilities may call Kern COG to request auxiliary aids necessary to participate in the public review process.

Ahron Hakimi,
Executive Director
Kern Council of Governments
(661) 861-2191
TTY (661) 832- 7433
Fax: (661) 324-8215
Web site: www.kerncog.org
ahakimi@kerncog.org
DATE OF PUBLICATION

Display ads

Newspaper display ads, which may be inserted anywhere in the paper and are not confined to the classified section, will be used for the following documents: Regional Transportation Plan; Regional Transportation Improvement Program; Federal Transportation Improvement Program; all corridor studies; transit studies, including the unmet transit needs process; and all special studies.

These advertisements should run at the beginning, middle, and toward the end of the document development process. They will announce either a public input period, draft review availability or a final review period.

Display ads should be no smaller than 2 columns in width by no less than 4 inches deep. If financial constraints allow, display ads should run 2 columns wide by 7 inches deep or larger.

Given the larger canvas with which to work, display ads should contain at least one art element by which to draw the eye. This should include, but not necessarily be limited to the Kern COG logo. The number of different fonts used should be limited to two.

Sign In Sheets

Have a sign-in sheet available. This will become part of Kern COGs official record. Make sure people write legibly, this information will become a part of the mailing list. At a minimum, include: name, address (street, city, zip), daytime contact telephone number and e-mail address. The information needed from the sign-in sheet may vary from meeting to meeting. If quite a bit of information is needed, consider developing an information card that attendees can complete at their seat.

Have Kern COG materials available

Several items will help the public to understand the purpose of the agency, the project and Kern COGs role. Many questions as can be answered prior to the meeting, which will save time during the meeting.

- A. Comment Sheets
- B. Project Information Guide
- C. Kern COG Information Guide
- D. Presentation-specific support materials

Visual Aids

- A. PowerPoint presentation
- B. Slides
- C. Enlarged diagrams and graphs
- D. Enlarged maps
- E. Videos
- F. Handouts

Anticipate Questions

Anticipated questions should be developed and answered when the Project Information Guide is created. However, it is likely the audience will have many more. The process of transportation planning is not an easy one to grasp. Many members of the audience will have wishes and desires that simply cannot be fulfilled. How staff responds to questions or statements of desire will make a difference with their opinion of Kern COGs efforts to involve the public. Kern COG staff should create ways of telling the audience the planning process instead of telling the audience “No, we can’t.”

Are there creative ways to help the audience understand that transportation planning is a dynamic give-and-take process?

SECTION 4

Limited English Proficient (LEP) Individuals and Public Participation Requirements

Kern COG will continue to seek out and consider the viewpoints of minority, low income and Limited English Proficient (LEP) populations in the course of conducting public outreach and involvement activities. Kern COG's public participation strategy will continue to offer early and continuous opportunities for the public to be involved in the identification of social, economic and environmental impacts of proposed transportation decisions. Kern COG's public outreach plan "Public Information Policies and Procedures" can be found at <http://www.kerncog.org/policies/>.

Kern COG will continue to ensure that individuals have access to its programs, activities and services by developing and carrying out the language plan herein. Kern COG will continue to continually assess the language assistance needs of the population to be served.

Kern COG will continue to use the following four (4) factors to determine what measures must be undertaken to provide reasonable and meaningful access to LEP individuals:

1. Languages likely to be encountered and the number or proportion of **LEP** persons in the eligible service population likely to be affected by the program, activity, or service;
2. Frequency with which **LEP** individuals come into contact with Kern COG programs, activities, and services;
3. Importance of the program, activity, or service provided by Kern COG in individual's lives;
4. Resources needed to provide effective language assistance and costs.

Oral Language Assistance

Kern COG will continue to make every effort to have available bilingual assistance to provide Spanish-speaking interpretation at its offices and during its meetings.

2018 Regional Transportation Plan/Sustainable Communities Strategy Outreach Results

Results from the 2018 Regional Transportation Plan/Sustainable Communities Strategy outreach can be found at <http://www.kerncog.org/wp-content/uploads/2018/05/Appendix-C.pdf>.

SECTION 5

Limited English Proficiency (LEP) Plan

Introduction

This Limited English Proficiency (LEP) Plan has been prepared to address the Kern COG responsibilities as a sub-recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, Federal Transit Administration Circular 4702.1A dated May 13, 2007, which States that no person shall be subjected to discrimination on the basis of race, color or national origin.

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

Plan Summary

Kern COG is the Metropolitan Planning Organization for the County of Kern and 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 Kern COG. 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, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, Kern COG undertook the U.S. Department of Transportation (U.S. DOT) four (4) factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter a Kern COG program, activity or service.
2. The frequency with which LEP persons come in contact with Kern COG programs, activities or services.
3. The nature and importance of programs, activities or services provided by Kern COG to the LEP population.
4. The resources available to Kern COG and overall costs to provide LEP assistance.

A summary of the results of the Kern COG four-factor analysis is in the following section.

Four-Factor Analysis

1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter a Kern COG program, activity or service.

Kern COG staff reviewed the 2016 Community Survey and determined that 365,365 persons over the age of 5 in Kern County (44.9%) of the population have the ability to speak a language other than English. In Kern County, 154,156 persons (19%) indicate having limited English proficiency; that is, they speak English "not very well".

Of the 154,156 people who "speak English not 'very well'", six LEP groups fall outside the Department of Transportation's Safe Harbor Provision threshold (meaning that translations of vital documents should be available for LEP populations that comprise 5% of the general population (in the case of Kern County, this is 18,268 people) or 1,000 persons, whichever is lowest). Only one LEP population meets the 5% threshold: Spanish speakers (see #3 below).

2. The frequency with which LEP persons come in contact with Kern COG programs, activities or services.

Kern COG assessed the frequency with which staff have, or could have, contact with LEP persons. This includes phone inquiries for requests for interpreters and translated documents. Currently Kern COG has two staff members fluent in Spanish who answer Spanish telephone inquiries. Kern COG also utilizes a language line service for individuals needing assistance in languages other than English.

3. The nature and importance of programs, activities or services provided by Kern COG to the LEP population.

The largest geographic concentration of LEP individuals in the Kern COG service area is Spanish. Six (6) concentrated areas have been identified as having significant percentages of the population identified as *Hispanic*, they are; Delano (76.5%); McFarland (94.5%); Wasco (80.1%); Shafter (83.3%); Lamont (95.1%) and Arvin (92.5%).

It is also likely that Kern COG will continue to encounter LEP individuals at the Kern COG offices and community outreach events.

4. The resources available to Kern COG and overall costs to provide LEP assistance.

Kern COG assessed its available resources that could be used for providing LEP assistance, including determining the cost of a professional interpreter and translation service on an as-needed basis, which of its documents would be the most valuable to be translated if the need should arise, and taking an inventory of available organizations that Kern COG could partner with for outreach and translation efforts. Based on the four-factor analysis, Kern COG developed its LEP Plan as outlined in the following section.

Limited English Proficiency (LEP) Plan Outline

How Kern COG and staff may identify an LEP person who need 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 a staff person greet participants as they arrive to Kern COG sponsored events. By informally engaging participants in conversation it is possible to gauge each attendee's ability to speak and understand English.

Language Assistance Measures

There are numerous language assistance measures available to LEP persons, including both oral and written language services. There are also various ways in which Kern COG staff responds to LEP persons, whether in person, by telephone or in writing.

- Provide bilingual staffing to provide Spanish-speaking interpretation at its Administrative offices.
- Network with local human service organizations that provide services to LEP individuals and seek opportunities to provide information on Kern COG programs and services.
- Placement of Statements in notices and publications that interpreter services are available for these meetings, with three (3) day advance notice.
- Post the Kern COG Title VI Program and LEP Plan on the agency website www.kerncog.org.
- When interpretation is needed for a language other than Spanish, in person or on the telephone, Kern COG will utilize its language line service.

Staff Training

The following training will continue to be provided to Kern COG staff:

1. Information on the Kern COG Title VI Program and LEP responsibilities.
2. Description of language assistance services offered to the public.
3. Documentation of language assistance requests.
4. Use of professional interpreter services (over the phone interpretation provider).
5. How to handle a potential Title VI / LEP complaint.

Outreach Techniques

In order to ensure that LEP individuals are aware of Kern COG's language assistance measures, Kern COG provides:

- Bilingual staff are present most service hours for in-person or phone customer service at the administrative offices
- When staff schedules a meeting for which the target audience is expected to include LEP individuals, documents, meeting notices, flyers, and agendas will be printed and available in an alternative language based on the known LEP population. These notices will be posted in the following locations:
 - Kern COG Administrative offices.
 - Kern COG website.

Such notices may also be posted or announced with local stakeholders, community centers and effected route major transfer points. Interpreters will continue to be available as needed.

Monitoring and Updating the LEP Plan

Kern COG will continue to update the LEP plan as required by U.S. DOT. At a minimum, the plan will continue to be reviewed and updated every three (3) years in conjunction with the Title VI submission, or when data from the 2020 U.S. Census is available, or when it is clear that higher concentrations of LEP individuals are present in the Kern COG service area. Updates will continue to include the following:

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

Dissemination of the Kern COG LEP Plan

A link to the Kern COG LEP Plan and the Title VI Program is included on the Kern COG website at: www.kerncog.org.

Any person or agency with internet access will continue to be able to access and download the plan from the Kern COG website. Alternatively, any person or agency may request a copy of the plan via telephone, mail, or in person and shall be provided a copy of the plan at no cost. LEP individuals may request copies of the plan in translation which Kern COG will continue to provide, if feasible.

Questions or comments regarding the LEP Plan may be submitted to the Kern COG, Executive Director:

Ahron Hakimi, Executive Director
Kern COG
1401 19th Street, Suite 300
Bakersfield, CA 93301
Office 661-6352900
Facsimile 661-324-8215
Email: ahakimi@kerncog.org

SECTION 6

Environmental Justice Requirements

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” was signed by President Clinton on February 11, 1994. Subsequent to issuance of the Executive Order, the U.S. Department of Transportation (DOT) issued a DOT order for implementing the Executive Order on environmental justice (EJ).

The Presidential memorandum accompanying EO 12898 identified Title VI of the Civil Rights Act of 1964 as one of several Federal laws that should be applied “to prevent minority communities and low-income communities from being subject disproportionately high and adverse environmental effects.” According to the U.S. Department of Justice, “...the core tenet of environmental justice – that development and urban renewal benefitting a community as a whole not be unjustifiably purchased through the disproportionate allocation of its adverse environmental and health burdens on the community’s minority – flows directly from the underlying principle of Title VI itself.”

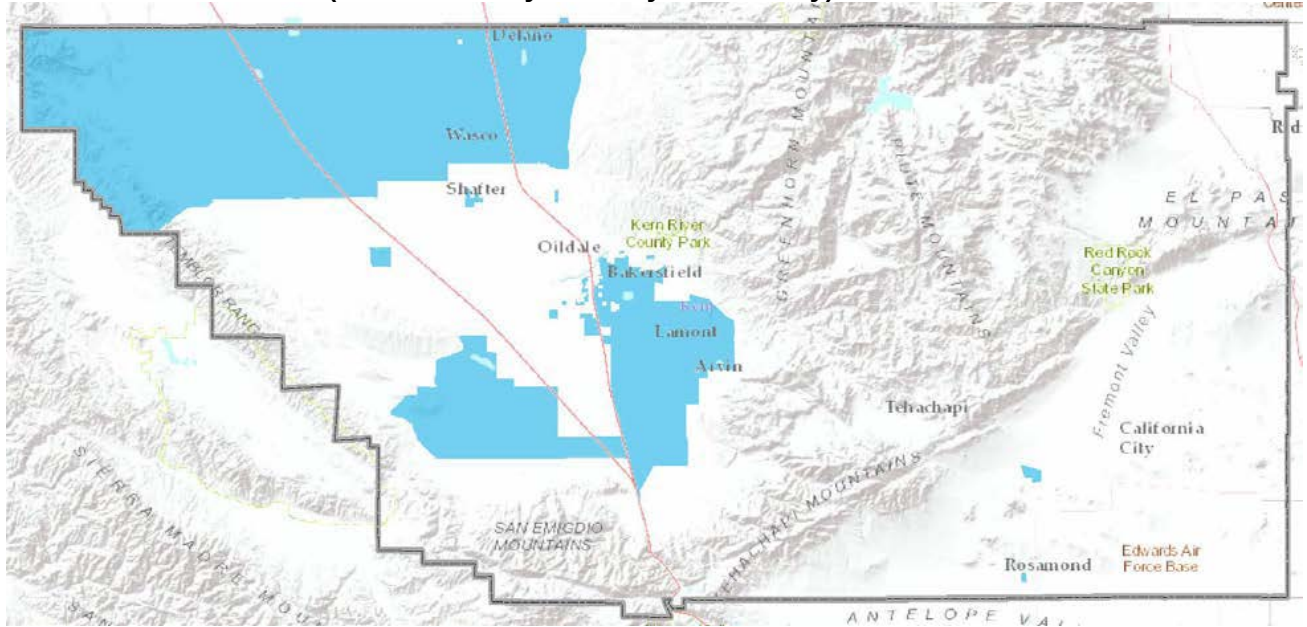
Title VI prohibits discrimination by recipients of Federal financial assistance on the basis of race, color, and national origin, including the denial of meaningful access for Limited English Proficient (LEP) persons. Under DOT’s Title VI regulations, recipients of Federal financial assistance are prohibited from, among other things, using “criteria or methods of administering its program which have the effect of subjecting individuals to discrimination based on their race, color, or national origin.”

Key differences between Title VI and Environmental Justice Requirements:

Key Aspects of the Authorities	Title VI	Environmental Justice
What is the basis for the authority?	Title VI is a Federal statute and provides that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.	The basis for addressing environmental justice is an Executive Order: EO 12898 directs each Federal agency to “make achieving environmental justice part of its mission.” The EO is intended to improve the internal management of the executive branch and not to create legal rights enforceable by a party against the U.S.
What is the purpose of the authority?	Title VI prohibits recipients of Federal financial assistance (e.g., states, local governments, transit providers) from discriminating on the basis of race, color, or national origin in their programs or activities and it obligates Federal funding agencies to enforce compliance.	EO 12898 calls on each Federal agency to achieve “environmental justice...by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations...”
	Title VI is a Federal law that	EO 12898 applies to Federal

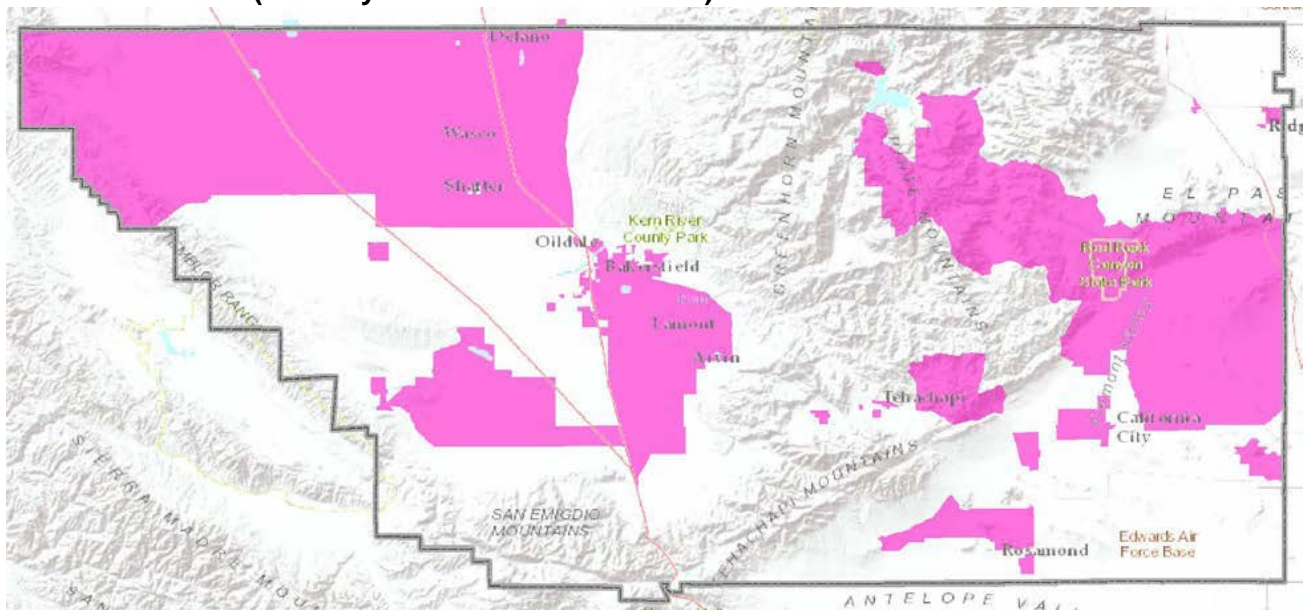
To whom does the authority apply?	applies to recipients and sub-recipients of Federal financial assistance (e.g., States, local governments, transit providers), and not to DOT itself	agency actions, including DOT's and FTA's actions. Title VI is one of the tools used by Federal agencies to implement this directive.
What does the authority require, and of whom?	Under Title VI, DOT has the responsibility to provide oversight of recipients and to enforce their compliance with Title VI, to ensure that recipients do not use DOT funds to subsidize discrimination based on race, color, or national origin.	EO 12898 is a directive from the President of the United States to Federal agencies intended to improve the internal management of the Federal government. DOT issued its own Order implementing EO 12898, and updated the Order in May 2012 (Order 5620.2(a)).
What does the authority say with regard to negative effects or impacts?	In accordance with 49 CFR part 21 and Title VI case law, if an otherwise facially neutral program, policy, or activity will have a discriminatory impact on minority populations, that program, policy, or activity may only be carried out if (1) the recipient can demonstrate a substantial legitimate justification for the program, policy, or activity; (2) there are no comparably effective alternative practices that would result in less-disparate impacts; and (3) the justification for the program, policy or activity is not a pretext for discrimination.	In accordance with EO 12898 and the DOT Order on EJ, if a DOT program, policy, or activity will have a disproportionately high and adverse effect on minority or low-income populations, that program, policy, or activity may only be carried out if further mitigation measures or alternatives that would reduce the disproportionately high and adverse effects are not practicable. In determining whether a mitigation measure or an alternative is "practicable," the social, economic (including costs) and environmental effects of avoiding or mitigating the adverse effects will be taken into account.
Does the authority create any rights or remedies?	Title VI allows persons alleging discrimination based on race, color, or national origin by recipients of Federal funds to file administrative complaints with the Federal departments and agencies that provide financial assistance. Persons alleging intentional discrimination (i.e., disparate treatment) may bring a court action seeking to enforce Title VI but cannot do so with regard to allegations of discrimination based on agency disparate impact regulations. Disparate impact claims may be filed with the Federal agency.	EO 12898 establishes the Executive Branch policy on environmental justice; it is not enforceable in court and does not create any rights or remedies.

Federal Title VI Areas (Predominantly Minority Areas Only)



Sources: U.S. Census,
U.S. EPA EJ Screen Tool 2015

Federal EJ Areas (Minority and Low Income Areas)



Sources: U.S. Census,
U.S. EPA EJ Screen Tool 2015

SECTION 7

Kern Council of Governments Title VI Complaint Form

Title VI of the 1964 Civil Rights Act requires that "No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Complaints can be filed with Kern Council of Governments or directly with Caltrans or the Federal Highway Administration. If you feel you have been discriminated against in transit services, please provide the following information in order to assist us in processing your complaint and send to:

Kern Council of Governments
Kern COG Title VI Coordinator
1401 19th Street, Suite 300
Bakersfield, CA 93301
Phone: (661) 635-2900
Fax: (661) 324-8215

FHWA
California Division
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814
Phone: (916) 498-5001
Fax: (916) 498-5008

Caltrans
Headquarters
1120 N Street
Sacramento, CA 95814
Phone: (916) 654-5266

Please print clearly:
Name:

Address:

City, State, Zip Code:

Telephone Number: (Home) _____ (Cell) _____

Person discriminated against:

Address of person discriminated against:

City, State, Zip Code:

Please check off why you believe the discrimination occurred:

_____ race
_____ color
_____ national origin

What was the date of the alleged discrimination?

Where did the discrimination take place?

Please describe the circumstance as you saw it:

Please list any and all witnesses' names and phone number:

What type of corrective action would you like to see taken?

Please attach any documents you have which support the allegation.

Then date and sign this form and send to the Kern Council of Governments' Title VI Coordinator
(address is listed on page 1).

Signature: _____

Print your name: _____

Date: _____

BEFORE THE KERN COUNCIL OF GOVERNMENTS
STATE OF CALIFORNIA, COUNTY OF KERN

RESOLUTION NO. 19-45

In the matter of:

KERN COG TITLE VI PROGRAM

WHEREAS, the Kern Council of Governments (Kern COG) is a sub-recipient of Federal Funds and has always been required to meet federal regulatory requirements pertaining to Title IV of the Civil Rights Act of 1964, as established by 49 CFR part 21.7; and

WHEREAS, Kern COG has, and will continue to provide, annual "certifications and assurances" through the California Department of Transportation's (Caltrans) Mass Transit Program, to the Federal Transit Administration as required in order to demonstrate its understanding, adherence and compliance with Title VI of the Civil Rights Act; and

WHEREAS, Kern COG continues to assure that no person or group of persons on the basis of race, color, or national origin, including Limited English Proficient persons, are never to be subject to discrimination in any form, at any level, or quality of its "open to the general public" programs and provided activities, whether federally funded or not; and

WHEREAS, Kern COG assures that all residents and visitors of Kern County are afforded meaningful access to our programs, activities and services; and

WHEREAS, the Kern COG has updated its Title VI Program to meet the current defined emphasis to the Federal Transit Administration's Guidelines and Requirements as they pertain to Title VI.

NOW, THEREFORE BE IT RESOLVED, that Kern COG's Board of Directors approves and adopts the updated Kern COG Title VI Program, following an expressed opportunity for public comment.

AUTHORIZED AND SIGNED THIS 21st DAY OF November, 2019.

AYES:

NOES:

ABSTAIN:

ABSENT:

Bob Smith, Chairman
Kern Council of Governments

ATTEST:

I hereby certify that the foregoing is a true copy of a resolution of the Kern Council of Governments duly authorized at a regularly-scheduled meeting held on the ____ day of _____, 2019.

Ahron Hakimi, Executive Director
Kern Council of Governments

Caltrans Division of Transportation Planning

Office of Regional Planning – Title VI Program Checklist

Agency Name: Kern Council of Governments

Title VI Amendment Date: November 21, 2019

General Requirements Chapter III – Metropolitan Transportation Planning Organizations (MPOs)

Page #	Select One	
4	X	1. Notice to the Public
4	X	a. Race, color, and national origin (Sample notice in Appendix B)
4	X	b. Translated into non-English language and consistent with the agency's Limited English Proficiency (LEP) Plan (Chapter III-4)
4	X	2. List of locations where notice is posted, at a minimum (Chapter III-4 and Appendix B)
4	X	a. Agency's website
	N/A	b. Public areas of the agency's office, including reception desk and meeting rooms
	N/A	c. Station or stops
		d. Transit vehicles
5&6	X	3. How to file a Title VI discrimination complaint and complaint form must be on agency's website (Chapter III-5 and Appendix C and D)
8	X	4. List of any public transportation Title VI investigations, complaints or lawsuits filed since last submission (Appendix E)
9-30	X	5. Public Participation Plan – Promoting Inclusive Public Participation (Chapter III-5)
31	X	a. Summary of outreach efforts made (Link to website)
9-30	X	b. Outreach plan to engage minority and limited English proficient population (can be a component of a larger outreach for those that are traditionally unreserved)
32-36	X	6. LEP Plan
33	X	a. Four Factor Analysis (Chapter III-7)
33	X	i. The number of proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.
33	X	ii. The frequency with LEP persons come into contact with the program.
33	X	iii. The nature and importance of the program, activity, or service provided by the program to people's lives.
33	X	iv. The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.
34	X	b. Describe how the agency provides language assistance services by language (Chapter III-8)

Page # Select
One

- | | | |
|----|-----|--|
| 33 | X | c. Safe Harbor Provision – applies to the translation of written documents only (Chapter III-9) |
| 35 | X | d. Describe how the agency provides notice to LEP person about the availability of language assistance |
| 35 | X | e. Describe how the agency monitors, evaluates and updates the language access plan |
| 34 | X | f. Describe how the agency trains employees to provide timely and reasonable language assistance to LEP population |
| | N/A | 7. A table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees. |
| | N/A | 8. If a facility has been constructed, a Title VI equity analysis must have been conducted during the planning stage regarding the location. A copy of the analysis must be provided. (Chapter III-11) |
| 42 | X | 9. Board Resolution or similar approving the Title VI Plan (Chapter III-1) |

Additional Requirements for MPOs

Requirements in Chapter IV apply to MPO that are a provider of fixed route public transportation service that receive federal assistance. **Kern COG does not provide fixed route public transportation services.**

If the MPO is a direct recipient or primary recipient, the MPO will be required to submit additional information to FTA. **Kern COG is not a direct recipient.**

- | | | |
|--|-----|--|
| | N/A | 10. A demographic profile of the metropolitan area that includes identification of the locations of minority populations in the aggregate |
| | N/A | 11. A description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process |
| | N/A | 12. Demographic maps that overlay the percent minority and non-minority populations as identified in Census or ACS data, at Census tract or block group level, and charts that analyze the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes, including Federal funds managed by the MPO as a designated recipient |
| | N/A | 13. An analysis of impacts identified in the paragraph above that identifies any disparate impacts on the basis of race, color, or national origin, and, if so, determines whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact. |

Planning Certification Review

All MPOs are required to self-certify compliance with all applicable federal requirements. Planning certification reviews conducted jointly by Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) of the metropolitan transportation planning processes of transportation management areas include a review of Title VI compliance.

By checking the following boxes, the MPO certifies that the below items are achieved for Planning certification reviews by FTA and FHWA.

Check

- ☒ a. Analyze regional demographic data to identify minority populations within the region.
- ☒ b. Where necessary, provide member agencies with regional data to assist them in identifying minority populations in their service area.
- ☒ c. Ensure that members of minority communities are provided with full opportunities to engage in the transportation planning process. This includes actions to eliminate language, mobility, temporal, and other obstacles to allow these populations to participate fully in the process.
- ☒ d. Monitored the activities of subrecipients with regard to Title VI compliance, where the MPOs passes funds through to subrecipients.

Requirements for Program Administration

In order to comply with 49 CFR Section 21.5, the general nondiscrimination provision, MPOs shall document that they pass through FTA funds under any FTA programs to subrecipient without regard to race, color, or national origin and assure that minority populations are not being denied the benefits of or excluded from participating in these programs. MPOs shall prepare and maintain, but not report unless requested by FTA, the following information:

Check

- ☒ a. A record of funding requests received from private non-profit organizations, State or local governmental authorities, and Indian tribes. The record shall identify those applicants that would use grant program funds to provide assistance to predominantly minority populations. The record shall also indicate which applications were rejected and accepted for funding.
- ☒ b. A description of how the MPO develops its competitive selection process or annual program of projects submitted to FTA as part of its grant applications. This description shall emphasize the method used to ensure the equitable distribution of funds to subrecipients that serve predominantly minority populations, including Native American tribes, where present. Equitable distribution can be achieved by engaging in outreach to diverse stakeholders regarding the availability of funds, and ensuring the competitive process is not itself a barrier to selection of minority applicants.
- ☒ c. A description of the MPO's criteria for selecting entities to participate in an FTA grant program.

I have reviewed the above information and certify that it is correct and complete.

Ahron Hakimi, Executive Director
Kern Council of Governments

Date

For additional information and resources see the web addresses below:

Federal requirements FTA Circular 4702.1B (October 1, 2012)
<http://www.fta.dot.gov/civilrights/12328.html>

Overview of Final Circular 4702.1B Title VI Requirements and Guidelines for Recipients
http://www.fta.dot.gov/documents/Title_VI_Overview_4702.1B_11.05.12_ER.pdf

For information, guidance, and technical assistance on the implementation of the LEP initiative please visit <http://www.LEP.gov>