

ALABAMA STATE PORT AUTHORITY

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION
TITLE VI PROGRAM
CIRCULAR 4702.1B



ALABAMA STATE PORT AUTHORITY TITLE VI PROGRAM

The above referenced program is required for documenting our continued compliance with 49 CFR Part 21, Title VI of the Civil Rights Act of 1964. The reference used to compile this program is FTA Circular FTA C 4702.1B, dated October 1, 2012.

TITLE VI NOTICE TO THE PUBLIC

NOTICE

The Alabama State Port Authority (ASPA) hereby gives public notice of its policy to assure full compliance with Title VI of the Civil Rights Act of 1964.

Title VI requires that no person in the United States of America shall, on the grounds of race, color, national origin, sex, age or disability, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which ASPA receives federal financial assistance.

Any person who believes that he or she has been subjected to unlawful discrimination under Title VI may file a formal complaint with ASPA. Any such complaint must be in writing and filed with ASPA's Vice President of Environmental and Program Management within one hundred eighty (180) days following the date of the alleged discrimination.

*Robert C. Harris, Jr., P.E., CSP
Vice President – Environmental and Program Management
P.O. Box 1588
Mobile, AL 36633*

A copy of the above listed notice has been placed on the Alabama State Port Authority's website and was advertised in the Mobile Press-Register for four weeks. A copy has also been placed on the bulletin board outside of the Human Resources Division.

TITLE VI COMPLAINT PROCEDURES

1. All complaints will be logged and tracked through disposition by the Vice President - Environmental and Program Management.
2. Any person who believes himself or any specific class of persons to be subjected to discrimination prohibited by this part may by himself or by a representative file a written complaint with the Vice President – Environmental and Program Management. A copy of the Title VI Complaint form can be found in attachment one (1).
3. All complaints must be filed within 180 days after the date of alleged discrimination.
4. The Vice President – Environmental and Program Management will make a prompt investigation whenever a compliance review, report, complaint, or other

information indicates a possible failure to comply with this part. The investigation will include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

5. Resolution of Matters. (A) If an investigation pursuant to paragraph (4) of this section indicates a failure to comply with this part, the Vice President – Environmental and Program Management will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in paragraph (6) below. (B) If an investigation does not warrant action pursuant to paragraph (5)(A) of this section, the Vice President – Environmental and Program Management will so inform the recipient and the complainant, if any, in writing.
6. If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law

A copy of the complaint form can be found on the ASPA website, www.asdd.com .

TITLE VI INVESTIGATIONS, COMPLAINTS AND LAWSUITS

The Alabama State Port Authority has not received any complaints, conducted any investigations or been a party to any lawsuits since the last submission relating to Title VI.

PUBLIC PRATICIPATION PLAN

The Alabama State Port Authority makes a diligent effort to educate the public regarding our Disadvantaged Business opportunities. Our annual goal is published on our web site and placed at the Mobile County Public Library, as well as the following media:

- Press-Register
- Birmingham News
- Mobile Beacon

Additionally, we participate annually in public outreach opportunities to include

- Partners for Environmental Progress Reverse Trade Show
- Alabama Industrial Development Training Jobs Recruitment Efforts
- Mobile Area Chamber of Commerce Job Fair
- Minority Business Enterprise Center
- Entrepreneurial Development Institute
- The Women’s Business Center, Inc.
- Mobile Area Chamber of Commerce Business Resource Fair

We offer small and minority business mentoring opportunities by coordinating pre-proposal and pre-bid meetings with the goal of establishing a meet and greet

atmosphere for small businesses to meet with and introduce themselves to larger firms with whom they may partner.

Additional efforts to communicate opportunities for minorities and low-income persons included the following:

- Presentation at DBE outreach event at Alabama A&M University on May 10, 2010, *“Doing Business with the Alabama State Port Authority”*.
- Participated in Partners for Environmental Progress Reverse Trade Show on October 14, 2010.
- Presentation at DBE outreach event for Alabama A&M University on May 10, 2011, *“Doing Business with the Alabama State Port Authority”*.
- Participated in Partners for Environmental Progress Reverse Trade Show on October 13, 2011.
- Presentation at DBE outreach event at Alabama A&M University on May 15, 2012, *“Doing Business with the Alabama State Port Authority”*.
- Participated in DBE outreach at Alabama Department of Transportation on June 14, 2012.
- Participated in Partners for Environmental Progress Reverse Trade Show on October 18, 2012.
- Presentation at DBE outreach event at Alabama Department of Transportation on October 31, 2012, *“Doing Business with the Alabama State Port Authority”*.

LANGUAGE ASSISTANCE PLAN

A copy of our Limited English Proficiency (LEP) Plan can be found in attachment two (2). A copy of this plan can also be found on the ASPA website, www.asdd.com.

ADVISORY COUNCILS

The Alabama State Port Authority does not have transit-related, non-elected planning boards, advisory councils or committees.

SUBRECIPIENT MONITORING

The Alabama State Port Authority does not have any subrecipients.

TITLE VI EQUITY ANALYSIS

The Alabama State Port Authority does not have a Title VI equity analysis because we have not constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.

BOARD OF DIRECTORS APPROVAL

A copy of the signed resolution where the Board of Directors approved the Title VI Program is located in attachment (3) three.

ATTACHMENT 1

TITLE VI COMPLAINT FORM

TITLE VI COMPLAINT FORM

Section I:					
Name:					
Address:					
Telephone (Home):			Telephone (Work) :		
E-Mail Address:					
Accessible Format Requirements?	Large Print		Audio Tape		
	TDD		Other		
Section II:					
Are you filing this complaint on your own behalf?				Yes*	No
* If you answered "yes" to this question, go to Section III.					
If not, please supply the name and relationship of the person for whom you are complaining:					
Please explain why you have filed for a third party:					
Please confirm that you have obtained permission of the aggrieved party if you are filing on behalf of a third party.				Yes	No
Section III:					
I believe the discrimination I experienced was based on (check all that apply):					
() Race () Color () National Origin					
Date of Alleged Discrimination (Month, Day, Year): _____					
<p>Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person (s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use back of this form.</p>					
Section IV:					
Have you previously filed a Title VI complaint with this agency?				Yes	No

Section V:	
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State Court?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, check all that apply:	
<input type="checkbox"/> Federal Agency _____	<input type="checkbox"/> State Agency _____
<input type="checkbox"/> Federal Court _____	<input type="checkbox"/> Local Agency _____
<input type="checkbox"/> State Court _____	
Please provide information about a contact person at the agency / court where the complaint was filed.	
Name: _____	
Title: _____	
Agency: _____	
Address: _____	
Telephone: _____	
Section VI:	
Name of agency complaint is against: _____	
Contact Person: _____	
Title: _____	
Telephone Number: _____	

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

Signature Date

Please mail this form to:
 Robert C. Harris, Jr., P.E., CSP
 Vice President - Environmental & Program Management
 Post Office Box 1588
 Mobile, AL 36633

ATTACHMENT 2

LANGUAGE ASSISTANCE PLAN

**ALABAMA STATE PORT AUTHORITY
FTA RECIPIENT ID # 6151
LIMITED ENGLISH PROFICIENCY PLAN**

I. Introduction

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

Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, indicates that differing treatment based upon a person's inability to speak, read, write or understands 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, including ASPA. ASPA receives federal assistance through the U.S. Department of Transportation [U.S. DOT].

A. Plan Summary

The Alabama State Port Authority has developed this *Limited English Proficiency Plan* to help identify reasonable steps for providing language assistance to persons with limited English proficiency [LEP] who wish to access services provided. As defined 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, the Planning Department coordinated the U.S. DOT four-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 an ASPA program, activity or service.
2. The frequency with which LEP persons come in contact with ASPA programs, activities or services.
3. The nature and importance of programs, activities or services provided by ASPA to the LEP population.
4. The resources available to ASPA and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is in the following section.

II. MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

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

The Environmental & Program Management staff reviewed the 2007-2011 U.S. Census Report and determined that 18,364 persons in Mobile County [4.8 % of the population] speak a language other than English. In Mobile County, of those persons with limited English proficiency, 3,811 speak Spanish, 2,908 speak Asian and Pacific Island language, 999 speak other Indo-European languages, and 449 speak other languages.

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

The ASPA reviewed the frequency with which staff had, or could have, contact with LEP persons. To date, ASPA has had no requests for interpreters and no requests for translated program documents. Staff has had very little to no contact with LEP persons.

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

There is no large geographic concentration of any single type of LEP individuals in the Mobile area. The overwhelming majority of the population, 95.2% in Mobile, speaks English. As a result, there are few social, service, professional and leadership organizations within the ASPA service area that focus on outreach to LEP individuals.

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

ASPA reviewed its available resources that could be used for providing LEP assistance, 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 could be partnered with for outreach and translation efforts. The Alabama State Port Authority has employees that speak Spanish, Vietnamese, and English and are available as interpreter as needed.

III. LANGUAGE ASSISTANCE

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to ASPA programs and activities. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language. ASPA will determine when interpretation and/or translation are needed and are reasonable. How the ASPA staff may identify an LEP person who needs language assistance:

- 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.
- When ASPA sponsors an event, have a staff person greet participants as they arrive. By informally engaging participants in conversation it is possible to gauge each attendee's ability to speak and understand English.
- Have Census Bureau *Language Identification Flashcards* available at ASPA Pre-Bid Meetings. Individuals self-identifying as persons not proficient in English may not be able to be accommodated with translation assistance at the event, but it will assist the sponsoring agency in identifying language assistance needs for future events.
- Have *Language Identification Flashcards* available at the front desk of the department.
- Post notice of LEP Plan and the availability of *Language Identification Flashcards*.
- The Environmental Department will be informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year.

Language Assistance Measures – In Mobile there is a very low percentage of LEP individuals, that is, persons who speak English “not well” or “not at all”, ASPA will strive to offer the following measures:

1. ASPA's Title VI Policy and ASPA staff will take reasonable steps to provide the opportunity for meaningful access to LEP persons who have difficulty communicating in English.

2. There are several resources available to ASPA to accommodate LEP persons.

- i. An ASPA employee can be utilized for interpretative services under Spanish and Vietnamese languages.
- ii. The local Foreign Consulate offices can also be accessed for interpretive services.
- iii. The Society Mobile-La Habana can be accessed for interpretive assistance.
- iv. Foreign or International Student Program Administrators at University of South Alabama (USA), University of Mobile (UM), and Springhill College (SHC).
- v. A local translation company can be utilized when needed.

3. If an individual asks for language assistance and ASPA determines that the individual is an LEP person and that language assistance is necessary to provide meaningful access, reasonable efforts will be made to provide free language assistance. If reasonably possible, ASPA will provide the language assistance in the LEP client's preferred language. ASPA has the discretion to determine whether language assistance is needed, and if so, the type of language assistance necessary to provide meaningful access.

4. ASPA will periodically assess client needs for language assistance based on requests for interpreters and/or translation, as well as the literacy skills of the clients.

5. When an interpreter is needed, in person or on the telephone, staff will attempt to determine what language is required and then access language assistance at one or more of the available resources identified under Section 3.A.2.

IV. Staff Training

The following training will be provided to Environmental & Program Management staff:

- Information on the Title VI Policy and LEP responsibilities.
- Description of language assistance services offered to the public.
- Use of the *Language Identification Flashcards*.
- Documentation of language assistance requests.
- How to handle a potential Title VI/LEP complaint.

Information will be distributed to ASPA staff and Posted on the ASPA website, www.asdd.com

V. TRANSLATION OF DOCUMENTS

• ASPA weighed the cost and benefits of translating documents for potential LEP groups, considering the expense of translating the documents, the barriers to meaningful translation or

interpretation of busing information, the likelihood of frequent changes in documents, the existence of multiple dialects within a single language group, the apparent literacy rate in a LEP group and other relevant factors. At this time it is an unnecessary burden to have any documents translated.

VI. FORMAL INTERPRETERS

- When necessary to provide meaningful access for LEP persons, ASPA will provide qualified interpreters, including any bilingual staff of the Alabama State Port Authority, if available. At important stages that require one-on-one contact, written translation and verbal interpretation services will be provided consistent with the four-factor analysis used earlier.
- ASPA may require a formal interpreter to certify to the following:
 - a. The interpreter understood the matter communicated and rendered a competent interpretation.
 - b. The interpreter will maintain private information. Non-public data will not be disclosed without written authorization from the individual.
 - c. Bilingual ASPA employees, when available, can provide limited assistance to ASPA staff and LEP individuals as part of their regular job duties.

VII. INFORMAL INTERPRETERS

- Informal interpreters may include the family members, friends, legal guardians, service representatives or advocates of the LEP individual. ASPA staff will determine whether it is appropriate to rely on informal interpreters, depending upon the circumstances and subject matter of the communication. However, in many circumstances, informal interpreters, especially children, are not competent to provide quality and accurate interpretations. There may be issues of confidentiality, competency, or conflict of interest.
- An LEP person may use an informal interpreter of his or her own choosing and at their expense, either in place of or as a supplement to the free language assistance offered by the City. If possible, ASPA should accommodate an LEP individual's request to use an informal interpreter in place of a formal interpreter.
- If an LEP person prefers an informal interpreter, after ASPA has offered free interpreter services, the informal interpreter may interpret. In these cases, the LEP individual and interpreter should sign a waiver of free interpreter services.
- If an LEP individual wants to use his or her own informal interpreter, ASPA reserves the right to also have a formal interpreter present.

VIII. OUTSIDE RESOURCES

- Outside resources may include community volunteers
- Outside resources may be used for interpreting services at public or informal meetings or events if a timely request has been made.

IX. MONITORING

Monitoring and Updating the LEP Plan- ASPA will update the LEP as required by U.S. DOT. At a minimum, the plan will be reviewed and updated when it is clear that higher concentrations of LEP individuals are present in the ASPA service area. Updates will include the following:

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

X. Dissemination of the ASPA LEP Plan

- A link to the Alabama State Port Authority's LEP Plan and the Title VI Plan will be included on the ASPA website, www.asdd.com
- Any person or agency with internet access will be able to access and download the plan from the ASPA website. Alternatively, any person or agency may request a copy of the plan via telephone, fax, 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 ASPA will provide, if feasible.
- Questions or comments regarding the LEP Plan may be submitted to Mr. Robert Harris, Alabama State Port Authority, Environmental & Program Management, Post Office Box 1588, Mobile, Alabama, 36633, phone (251) 441-7082.

ATTACHMENT 3
BOARD OF DIRECTORS
RESOLUTION

**RESOLUTION NO. 2013-11
OF THE BOARD OF DIRECTORS OF THE ALABAMA STATE PORT AUTHORITY
APPROVING UPDATED TITLE VI PLAN**

WHEREAS, the Alabama State Port Authority (the "Authority") regularly applies for and receives grants from the Federal Transit Administration; and

WHEREAS, the Environmental & Program Management Division of the Authority has advised that one of the requirements for the Authority to continue to apply for and receive grants from the Federal Transit Administration is that it have an updated Title VI Program which includes the new requirements to ensure compliance with the revised circular, FTA C4702.1B; and

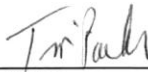
WHEREAS, the Environmental & Program Management Division of the Authority has prepared such an updated plan, a copy of which is attached hereto as Exhibit A (the "Updated Plan"), and recommended that the Updated Plan be reviewed and approved by the Board of Directors as so required by the Updated Plan; and

WHEREAS, the Legal and Planning Committee of the Authority has considered the Updated Plan and recommended that the Board of Directors adopt a resolution acknowledging its review and approval thereof;


NOW, THEREFORE, BE IT RESOLVED that pursuant to the recommendation of Environmental & Program Management Division of the Authority and the Legal and Planning Committee, the Board of Directors hereby acknowledges that it has reviewed the Updated Plan and approves the adoption of the same on behalf of the Authority.

Done this 23rd day of April, 2013 in Mobile, Alabama.

**ALABAMA STATE PORT AUTHORITY
BOARD OF DIRECTORS**

By  _____
Tim Parker
Its Chairman

ATTEST:

By  _____
Larry R. Downs
Its Secretary-Treasurer