



Fresno Council of Governments

Title VI Program

With Limited English Proficiency (LEP) Plan

Prepared by
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TABLE OF CONTENTS

Introduction	3
Governance and the Board	3
Fresno COG Title VI Policy Statement	3
Organization and Title VI Responsibilities	4
Program Area Responsibilities	4
Title VI Responsibilities for Program Areas	7
Appendix 1: Fresno COG Title VI Assurances	9
Appendix 2: Fresno COG Title VI Notice to the Public	12
Appendix 3: Fresno COG Complaint Procedures and Form	14
Appendix 4: Fresno COG Policy for Engaging Individuals with Limited English Proficiency (LEP)	18
Appendix 5: Fresno COG Plan for Engaging Individuals with Limited English Proficiency	19
Appendix 6: Signed Fresno COG Assurances	23
Appendix 7: Title VI Program Approval	37

TABLE OF CONTENTS

Introduction	3
Governance and the Board	3
Fresno COG Title VI Policy Statement	3
Organization and Title VI Responsibilities	4
Program Area Responsibilities	4
Title VI Responsibilities for Program Areas	7
Appendix 1: Fresno COG Title VI Assurances	9
Appendix 2: Fresno COG Title VI Notice to the Public	12
Appendix 3: Fresno COG Complaint Procedures and Form	14
Appendix 4: Fresno COG Policy for Engaging Individuals with Limited English Proficiency (LEP)	18
Appendix 5: Fresno COG Plan for Engaging Individuals with Limited English Proficiency	19
Appendix 6: Signed Fresno COG Assurances	23
Appendix 7: Title VI Program Approval	38

INTRODUCTION

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have had a longstanding policy of actively ensuring nondiscrimination in federally funded activities under Title VI of the 1964 Civil Rights Act. In recent years, a renewed emphasis on Title VI issues and environmental justice has become a more integral focus of the transportation planning and programming process. This document establishes a framework for Fresno Council of Government's (Fresno COG) efforts to ensure compliance with Title VI and related statutes regarding nondiscrimination and environmental justice.

It is worthwhile to note that Fresno COG completed the Fresno COG Environmental Justice Plan in 2009 that was adopted by the Fresno COG Policy Board on May 21, 2009. This document seeks to address three main principles of environmental justice.

- To avoid, minimize or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low income populations.

GOVERNANCE AND THE BOARD

Fresno COG, a joint powers agency is governed by the Policy Board which is comprised of the mayors of the 15 incorporated cities in Fresno County in addition to the Chairperson of the Fresno County Board of Supervisors. The Board has the authority and responsibility to make decisions affecting Fresno COG; creates and defines the duties of the Executive Director and various Fresno COG committees' and approves and adopts the Annual Overall Work Program. In its capacity as the Metropolitan Planning Organization (MPO) for Fresno County, Fresno COG establishes regional transportation policies, determines the allocation of available transportation funds, prioritizes transportation projects for the region and develops a long-range plan for the region. In addition to transportation planning for highways, transit, airports, and freight, the Policy Board develops plans and policies for other regional planning elements such as Measure C, air quality, housing and modeling.

FRESNO COG TITLE VI POLICY STATEMENT

Fresno Council of Governments (Fresno COG) assures that no person shall on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259), be excluded from participation in, be denied the benefits of or otherwise

subjected to discrimination under any agency-sponsored program or activity. Nor shall sex, age or disability stand in the way of fair treatment of all individuals.

Fresno COG further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

In the event that Fresno COG distributes Federal aid funds to another entity, Fresno COG will include Title VI language in all written agreements and will monitor for compliance. Title VI compliance is a condition of the receipt of federal funds. Fresno COG's Executive Director and Title VI Coordinator are authorized to ensure compliance with provisions of this policy and with the law, including the requirements of Title 23 Code of Federal Regulation (CFR) 200 and Title 49 CFR 21.

Fresno COG acknowledges its responsibility for initiating and monitoring Title VI activities, preparing required reports and other responsibilities as required by Title 23 CFR 200 and by Title 49 CFR 21.

Tony Boren
Fresno Council of Governments
August 3, 2011

ORGANIZATION AND TITLE VI COORDINATOR RESPONSIBILITIES

Title VI General Responsibilities

Fresno Council of Governments
Executive Director
Tony Boren
(559) 233-4148, ext.

Title VI Coordinator
Todd Sobrado
Senior Transportation Planner
(559) 233-4148, ext. 207

The Executive Director is responsible for ensuring Fresno COG's Title VI Program. The Title VI Coordinator, on behalf of the Executive Director is responsible for the overall management and day-to-day administration of the Title VI program. Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints as received by Fresno COG.

2. Collect statistical data (race, color, sex, age, disability, or national origin) of participants in and beneficiaries of state highway programs.
3. Conduct annual Title VI reviews of program areas (planning, consultant selection) to determine the effectiveness of program activities at all levels.
4. Conduct Title VI reviews of consultants and other recipients of federal-aid highway fund contracts administered through Fresno COG.
5. Participate in training programs on Title VI and other related statutes for Fresno COG employees and recipients of federal highway funds.
6. Prepare a yearly report of Title VI accomplishments and goals, as required by 23 CFR 200.
7. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.
8. Conduct post-grant approval reviews of Fresno COG programs and applicants (e.g. consultants, design and relocation, and persons seeking contracts with Fresno COG) for compliance with Title VI requirements.
9. Identify and eliminate discrimination.
10. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary, all within a period not to exceed 90 days.

PROGRAM AREA RESPONSIBILITIES

The Title VI Coordinator shall be responsible for coordinating the administration of the Title VI program, plan and assurances. The Title VI Coordinator serves under the direct supervision of the Executive Director of Fresno COG and is responsible for day-to-day administration.

Complaints

Any individual who believes that he or she or any other program beneficiaries have been subjected to unequal treatment or discrimination in their receipt of benefits and/or services, or on the grounds of race, color, national origin, sex, disability, age or income status he or she may exercise their rights to file a complaint with Fresno COG. Every effort will be made to resolve the complaints information at the MPO and consultant level.

(Please refer to Appendix 3, Fresno COG Discrimination Complaint Procedure)

Current Investigations or Complaints

Fresno COG has never received any Title VI complaints. As a result, no Title VI investigations have ever taken place. Additionally, there are not any Title VI investigations taking place at this time.

Data Collection

Data on race, color, national origin, sex, age, disability, and income status of participants in and beneficiaries of federally funded program will be gathered and maintained by the Title VI Coordinator. Title VI information from FTA Section 5316 and 5317 sub-recipients will be maintained and incorporated in the Title VI Annual Update. The data gathering process will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI program administration.

Title VI Program Reviews

Fresno COG's Title VI Program reviews will be performed by the Title VI Coordinator to assess our administrative procedures, staffing and resources available for Title VI compliance. All programs will be reviewed annually to assure their effectiveness in compliance with Title VI provisions. This is in addition to the day to day monitoring. The Title VI Coordinator will coordinate efforts to ensure their equal participation in all programs and activities at all levels. The Title VI Coordinator will also conduct reviews of consultants and all other sub-recipients of federal funds to ensure compliance with Title VI provisions.

Annual Reports

An annual report will be submitted to the Agency reviewing Title VI accomplishments achieved during the year. The Title VI Coordinator will be responsible for coordination and preparation of the report. A Title VI Annual Report will be submitted to the supervising agency by October 31 of each year. The report will describe the accomplishments and changes to the program occurring during the preceding year, and will also include any changes to the goals and objectives for the upcoming year.

Public Dissemination

The Title VI Coordinator will disseminate Title VI Program information to Fresno COG employees, sub-recipients, consultants and beneficiaries as well as the general public. Public dissemination will include the posting of public statements, and the inclusion of the Title VI language in contracts.

In accordance with Title VI of the Civil Rights Act of 1964, Fresno COG is committed to establishing and maintaining practices that will ensure meaningful access to Fresno COG's plans and programs by persons with Limited English Proficiency (LEP). It is the policy of Fresno COG to ensure that no person is denied access to plans and programs as a result of the inability to communicate in the English language.

Remedial Action

Fresno COG will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When irregularities occur in the administration of the program's operation, corrective action will be taken to resolve Title VI issues, and reducing to writing a remedial action agreed upon to be necessary, all within a period not to exceed 90 days.

1. Sub-recipients placed in a deficiency status will be given reasonable time to voluntarily correct deficiencies that is not to exceed 90 days.
2. Fresno COG will seek the cooperation of the sub-recipient in correcting deficiencies found during the review. Fresno COG will also provide technical assistance and guidance needed to aid the sub-recipient to voluntarily comply.
3. When a sub-recipient fails or refuses to voluntarily comply with requirements within the time frame allotted, the MPO will submit to Caltrans Civil Rights Office or the FHWA two copies of the case file and a recommendation that the sub-recipient be found in noncompliance.
4. A follow-up review will be conducted within 180 days of the initial review to ensure that the sub-recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified.

TITLE VI RESPONSIBILITIES FOR PROGRAM AREAS

Planning

Fresno COG has the responsibility to develop long-and short-range plans to provide efficient transportation services to the citizens of Fresno County.

Fresno COG annually updates and coordinates the MPO's future transportation improvement plans and programs. A comprehensive transportation planning process is used which incorporates input from the public in coordination with the various jurisdictions affected. Planning includes the monitoring and collection of data. Title VI responsibilities include but are not limited to:

- 1 Ensure that all aspects of the planning process operation comply with Title VI of the Civil Rights Act of 1964
- 2 Ensure that various social, economic, and ethnic interest groups are represented in the planning process by disseminating program information to minority media and ethnic related organizations participating in roundtable meetings in predominantly minority communities.

- 3 Assist the Title VI Specialist in gathering and organizing the Planning section of the Annual Title VI Update Report.
- 4 Review the department's work program and other directives to ensure compliance with Title VI and other nondiscrimination program requirements

Contracting Services

Fresno COG is also responsible for setting policy and establishing procedures for consultant selection, negotiation, and administration of consultant contracts. Title VI responsibilities include but are not limited to:

1. Monitor DBE program requirements.
2. Ensure that all consultant contracts administered by the MPO have the appropriate Title VI provisions included.
3. Review directives and procedures to ensure Title VI compliance.
4. Maintain necessary data and documentation required for completion of the department's Title VI Annual Report.

Project Construction

Fresno COG is involved primarily in the planning and of federally funded transportation projects only. Fresno COG is not involved in the construction of transportation projects. As a result, Title VI requirements pertaining to agencies involved in construction do not apply.

Appendix 1

FRESNO COUNCIL OF GOVERNMENTS DEPARTMENT OF TRANSPORTATION TITLE VI ASSURANCES

The Fresno Council of Governments (hereinafter referred to as the “Recipient”) HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Transit Administration, and HEREBY GIVES ASSURANCES THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) of the Regulations

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Unified Planning Work Program:

1. That the Recipient agrees that each “program” and “facility” as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to the “program”) conducted, or will be (with regard to the “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for work or material subject to the Regulations and made in connection with all Unified Planning and Work Program work elements and, in adapted form in all proposals for negotiated agreement:

The Council of Fresno County Governments, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42. U.S.C. 2000D TO 2000d-4 and Title 49, Code of Federal Regulations, Transportation, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and

will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to this Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operating in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, of the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements enter into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Unified Planning Work Program; and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved under the Unified Planning Work Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is of the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for the purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits” or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or

other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Unified Planning Work Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Unified Planning Work Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Tony Boren, Executive Director
Fresno Council of Governments

Date: _____

Appendix 2

FRESNO COUNCIL OF GOVERNMENTS NOTICE TO THE PUBLIC

Fresno COG has in place a Title VI Complaint Procedure, which outlines a process for local disposition of Title VI complaints and is consistent with guidelines found in Chapter VII of the Federal Transit Administration Circular 4702.1, dated May 26, 1988.

The Title VI Coordinator will disseminate Title VI Program information to Fresno COG employees, sub-recipients, consultants and beneficiaries as well as the general public. Public dissemination will include the posting of public statements, and the inclusion of the Title VI language in contracts.

The complaint procedure has five steps outlined below:

1. Submission of Complaint:

Any person who feels that he or she, individually, or as a member of any class of persons, on the basis of race, color, national origin, age, sex, disability, religion, or low-income status has been excluded from or denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance through Fresno COG may file a written complaint with the Deputy Director. Such complaint must be filed within 60 days after the date the person believes the discrimination occurred.

2. Referral to Review Officer:

Upon receipt of the Complaint, the Fresno COG Title VI Coordinator will review, evaluate and investigate the Complaint. The Title VI Coordinator shall complete their review no later than 45 calendar days after the date Fresno COG received the complaint. If more time is required, the Deputy Director, Policy shall notify the Complainant of the estimated time-frame for completing the review. Upon completion of the review, the Title VI Coordinator shall make a recommendation regarding the merit of the Complaint and whether remedial actions are available to provide redress. Additionally, the Title VI Coordinator may recommend improvements to Fresno COG processes relative to Title VI and environmental justice, as appropriate. The Title VI Coordinator shall forward their recommendations to the Executive Director, for concurrence. If the Executive Director agrees, he shall issue Fresno COG's written response to the Complainant.

3. Request for Reconsideration:

If the Complainant disagrees with the Executive Director's response, he or she may request reconsideration by submitting the request, in writing, to the Executive Director within 10 calendar days after receipt of the Executive Director's response. The request for reconsideration shall be sufficiently detailed to contain any items the Complainant feels were not

fully understood by the Executive Director. The Executive Director will notify the Complainant of his decision either to accept or reject the request for reconsideration within 10 calendar days. In cases where the Executive Director agrees to reconsider, the matter shall be returned to the Title VI Coordinator to re-evaluate in accordance with Paragraph 2, above.

4. Appeal:

If the request for reconsideration is denied, the Complainant may appeal the Executive Director's response to the Complaint by submitting written appeal to Fresno COG's Administration Committee no later than 10 calendar days after receipt of the Executive Director's written decision rejecting reconsideration.

5. Submission of Complaint to the Department of Transportation:

If the Complainant is dissatisfied with Fresno COG's resolution of the complaint, he or she may submit a complaint to the Department of Transportation for investigation. In accordance with Chapter VII, Title VI Discrimination Complaints, of FTA Circular 4702.1, such a complaint must be submitted within 180 calendar days after the date of the alleged discrimination. Chapter VII of the FTA Circular 4702.1, which outlines the complaint process to the Department of Transportation, may be obtained by requesting a copy from Fresno COG's Public Information Officer at (559) 233.4148.

Appendix 3

FRESNO COUNCIL OF GOVERNMENTS COMPLAINT PROCEDURES AND COMPLAINT FORM

As a recipient of federal dollars, Fresno COG is required to comply with Title VI of the Civil Rights Act of 1964 and ensure that services and benefits are provided on a non-discriminatory basis. Fresno COG has in place a Title VI Complaint Procedure, which outlines the process for local disposition of Title VI complaints and is consistent with guidelines found in the Federal Transit Administration Circular 4702.1A dated May 13, 2007. The complaint procedure has five steps, outlined below:

- 1 **Submission of Complaint:** Any person who feels that he or she, individually, or as a member of any class of persons, on the basis of race, color, national origin, or low-income status has been excluded from or denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance through Fresno COG may file a written complaint to the Fresno COG Title VI Coordinator. Policy. Such complaint must be filed within 60 calendar days after the date the person believes the discrimination occurred.
- 2 **Referral to Review Officer:** Upon receipt of the Complaint, the Title VI Coordinator shall review, investigate and evaluate the Complainant, in consultation with the Executive Director. The Title VI Coordinator shall complete their review no later than 45 calendar days after the date Fresno COG received the Complaint. If more time is required, the Title VI Coordinator shall notify the complainant of the estimated time-frame for completing the review. Upon completion of the review, the Title VI Coordinator shall make a recommendation regarding the merit of the Complaint and whether remedial actions are available to provide redress. Additionally, the Title VI Coordinator may recommend improvements to Fresno COG's processes relative to Title VI and environmental justice, as appropriate. The Title VI Coordinator shall forward their recommendations to the Executive Director. Policy, for concurrence, if he or she concurs, he or she shall issue Fresno COG's written response to the Complainant.
- 3 **Request for Reconsideration:** If the Complainant disagrees with the response, he or she may request reconsideration by submitting the request, in writing, to the Executive Director within 10 calendar days after its receipt. The request for reconsideration shall be sufficiently detailed to contain any item's the Complainant feels were not fully understood by the Fresno COG Title VI Coordinator. Policy. The Executive Director will notify the complainant of his decision either to accept or reject the request for reconsideration within 10 calendar days. In cases where the Executive Director agrees to reconsider, the matter shall be returned to the Title VI Coordinator to re-evaluate in accordance with Paragraph 2, above.

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

- 5 **Submission of Complaint to the Federal Transit Administration.** If the complainant is dissatisfied with Fresno COG's resolution of the Complaint, he or she may also submit a complaint to the Federal Transit Administration for investigation. In accordance with Chapter IX, Complaints, of FTA Circular 4702.1A, such a complaint must be submitted within 180 calendar days after the date of the alleged discrimination. Chapter IV of the FTA Circular 4702.1A, which outlines the complaint process to the Federal Transit Administration, may be obtained by requesting a copy from Fresno COG.

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." 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 it to:

Fresno Council of Governments
ATTN: Fresno COG Title VI Coordinator
2035 Tulare Street, Suite 201
Fresno CA 93721
Phone: 559.233.4148
Fax: 559.233.9645

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 or color
- national origin
- income
- other

What was the date of the alleged discrimination?

Where did the alleged discrimination take place?

Please describe the circumstances 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 Fresno COG Title VI Coordinator (address is listed on page 1).

Your Signature

Print your name

Date

Appendix 4

FRESNO COUNCIL OF GOVERNMENTS POLICY FOR ENGAGING INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY (LEP)

It is the policy of the Fresno Council of Governments to provide meaningful access to its programs and persons who, as a result of national origin, are limited in English proficiency. The Fresno Council of Governments Limited English Proficiency Plan in Appendix 5 is established pursuant to and in accordance with Executive Order 13166. This directive applies to all program areas within the Metropolitan Planning Organization.

Appendix 5

FRESNO COUNCIL OF GOVERNMENTS PLAN FOR ENGAGING INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY (LEP)

Introduction

Individuals who have a limited ability to read, write, speak or understand English are Limited English Proficient, or “LEP”. In compliance with guidance and rules issued by the U.S. Department of Transportation, and Title VI of the Civil Rights Act of 1964, Fresno COG will take reasonable steps to ensure that all persons have meaningful access to its programs, services, and information at no additional cost.

An LEP Plan starts with an assessment to identify LEP individuals who need assistance. Implementation includes the development of language assistance measures, staff training, notification procedures to LEP individuals and monitoring of the plan.

In addition to this LEP Plan, a separate, related document, Fresno COG’s Public Information Plan lays out opportunities for the public to get involved in the transportation planning process. Copies of the Fresno COG Public Information Plan can be found on Fresno COG’s website at:

http://www.fresnocog.org/files/Get%20Involved/Final_Amend1-2007%20Public%20Participation%20Plan-120408.pdf

Determination of Need

In order to prepare this Plan, Fresno COG undertook the U.S. Department of Transportation’s four-factor LEP analysis, which considers the following:

1. The number and Proportion of LEP persons served or encountered in the Eligible service population
2. The frequency with which LEP persons come in contact with Fresno COG programs, activities, or services
3. The importance to LEP Persons of Fresno COG’s program, activities, and services
4. The resources available to Fresno COG and overall cost to provide LEP assistance.

Factor 1: Number and proportion of LEP persons served or encountered

For planning purposes, Fresno COG looked at American Community Survey data for people who speak English “less than very well” as Limited English Proficient persons. Table 1 shows the languages spoken at home, by ability to speak English, for persons five years of age or older, with number and percentage broken out by county. Looking at regional totals, the most spoken languages other than English are Spanish (14.3%), Chinese (0.2%), Tagalog (0.2%), Korean (0.1%) and Vietnamese (0.1%).

The data shows that providing language assistance in Spanish would give population groups that are identified as not speaking English very well and that represent greater than 5 percent of the county population access to information and services in the language spoken at home.

Table 1

Language Spoken at Home by Ability to Speak English, Persons Age 5 Years and Over, 2006-2008
 Fresno County
 American Community Survey 2006-2008

County	Speaks English Less than "Very Well"						Total Speaking English Less than "Very Well"	Speaks English "Very Well"	Total
	Spanish	Korean	Chinese	Vietnamese	Tagalog	Other Languages			
Fresno	116,919	864	1,745	1,136	1,446	27,054	149,164	667,136	816,300
	14.3%	0.1%	0.2%	0.1%	0.2%	3.3%	18.3%	81.7%	100.0%

Factor 2: Frequency of LEP populations' contact with programs, activities and services

Fresno COG's prior experience with Limited English Proficient persons has been primarily with Spanish speakers. Since 2010, Fresno COG has contracted with community-based organizations for each update of its long-range transportation plan to gather input from minority and low-income residents. Such meetings have been helpful in providing insight into the needs and concerns of residents who often do not participate in regional government. Material is translated into the language or languages recommended by the community group.

Factor 3: Importance to LEP population of programs, services and activities

Most Fresno COG programs, activities, and services of importance to LEP persons in general are long-term in nature since we primarily engage in planning activities. Fresno COG serves as the region's transportation banker and planner rather than a direct provider of services. However, there are some programs we are involved with that have a larger reach such as a 511 traveler information system, a variety of ridesharing programs and a farm worker transportation subsidy.

Factor 4: Resources available to Fresno COG and overall cost to provide LEP assistance

Providing translation services to allow LEP populations to participate in the development of Fresno COG's core planning and investment policies is a routine practice for Fresno COG. It is worth noting that there has not been significant demand from LEP residents to participate in these discussions. Additionally, Fresno COG works with many advocacy groups representing LEP persons to determine their needs and concerns for planning purposes.

Language Assistance Measures

Fresno COG uses a number of techniques and practices to provide productive opportunities for all interested Fresno County residents to participate in the dialogue that informs important decisions, regardless of language barriers. This is done in several ways, including:

General Practices:

- Extensive use of visual aids including maps, charts, and photographs to illustrate trends, options, etc.,
- Avoid complex terminology and technical terms and target the presentation / document in a manner that is appropriate to the intended audience.
- Translation software for the Fresno COG website.
- Translation of key documents including brochures, fact sheets and important planning documents into Spanish.
- Tailor public participation activities to reflect the unique LEP population with a respective community.
- Review prior experiences with LEP populations to determine the types of language services needed.
- Personal interviews or use of audio recording devices to obtain oral feedback at workshops and meetings.
- Contract with a language translation firm for on-call assistance, establish a network of competent translators to call upon for service and have translators available at meetings as requested.

Local Media

- Work with non-English language media outlets to place articles or public service announcements about Fresno COG's work or announce participation opportunities.
- Purchase advertising in non-English language newspapers, radio stations or television stations to announce public meetings for the planning activities, major corridors or to announce other important transportation news.

Work with Advocacy Groups

- Work to involve in Fresno COG's activities non-profit groups that advocate for persons with limited English proficiency.
- Partner with community groups who can assist in tailoring presentations, meeting materials and announcements to meet the language needs of local participants.

Staff Training

Fresno COG works to instill in staff an awareness of and sensitivity to the needs of LEP residents. Staff is trained on procedures for accommodating LEP

populations. Some of the issues covered include information about LEP guidance from the U.S. Department of Transportation, Fresno COG’s contract with a language translation firm to assist all staff in translating documents and to obtain translation services for meetings, projects and services.

Notification to LEP or Low Literacy Persons

The public must be informed of their rights under Title VI. This will be done in several ways including:

- Notification on Fresno COG’s website.
- Documentation that describes an LEP person’s right to access Fresno COG services.
- Routine use of language on printed or electronic announcements for public workshops on key planning efforts that alert interested individuals on how to request translation services.

Maintenance and Monitoring of the Fresno COG LEP Plan

Fresno COG will monitor requests for translation and adjust practices to meet demand while maintaining a basic level of access by LEP populations to key programs and documents. Fresno COG’s LEP Plan will be updated periodically as needed to reflect new developments.

**Table 2:
Fresno COG Programs, Activities, Services and LEP Persons**

Program, Activity or Service	LEP Component
Fresno COG Meetings, planning an funding activities	<ul style="list-style-type: none"> • Fresno COG contracts with a firm to translate key documents or provide in-person translation assistance as needed upon request. • Multi-lingual instruction on how to request translation services. • Fresno COG’s website includes Spanish language content including translated versions or summaries of selected documents. • Flyers for major community workshops and similar meetings include instructions on how to request translation services. • Public participation plans for Fresno COG’s long-range plan include seeking out views of LEP populations.

Appendix B
Department of Transportation Title VI Assurance

The Council of Fresno County Governments (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Transit Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Unified Planning Work Program:

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Unified Planning and Work Program work elements and, in adapted form in all proposals for negotiated agreements:


The Council of Fresno County Governments, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Transportation, , Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to this Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, of for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements enter into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Unified Planning Work Program; and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved under the Unified Planning Work Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form

of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for the purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.

9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Unified Planning Work Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Unified Planning Work Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.



Tony Boron, Executive Director
Council of Fresno County Governments

Date: 8/16/10

I. FEDERAL FISCAL YEAR 2010/11 CERTIFICATIONS AND ASSURANCES FOR FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS

Each applicant for Federal assistance awarded by FTA must make all certifications and assurances in this Category I. Accordingly, FTA may not award any Federal assistance until the applicant provides assurance of compliance by signing the attached signature page at the end of this document.

A. AUTHORITY OF APPLICANT AND ITS REPRESENTATIVES

The authorized representative of the Applicant and legal counsel who sign these certifications, assurances, and agreements attest that both the Applicant and its authorized representative have adequate authority under state and local law and the by-laws or internal rules of the Applicant organization to:

- (1) Execute and file the application for Federal assistance on behalf of the Applicant,
- (2) Execute and file the required certifications, assurances, and agreements on behalf of the Applicant binding the Applicant, and
- (3) Execute grant and cooperative agreements with FTA on behalf of the Applicant.

B: STANDARD ASSURANCES

The Applicant assures that it will comply with all applicable Federal statutes, regulations, executive orders, FTA circulars, and other Federal administrative requirements in carrying out any grant or cooperative agreement awarded by FTA. The Applicant acknowledges that it is under a continuing obligation to comply with the terms and conditions of the grant or cooperative agreement issued for its approved project with FTA. The Applicant understands that Federal laws, regulations, polices, and administrative practices might be modified from time to time to time to time and affect the implementation of the project. The applicant agrees that the most recent Federal requirements will apply to the project, unless FTA issues a written determination otherwise.

C: DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS PRIMARY COVERED TRANSACTIONS

In accordance with the provisions of U.S. Department of Transportation (U.S. Dot) regulations on Government wide Debarment and Suspension (Non procurement) at 49 CFR 29.510, the Applicant (Primary Participant) certifies to the best of its knowledge and belief, that it and its principals:

- (1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state or local) transaction or contract under a public transaction; violation Federal or state antitrust statutes; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (3) Are not presently indicated for or otherwise criminally or civilly charged by a governmental entity (Federal, state, or local) with commission of any of the offenses listed in paragraph (2) of this certification; and,
- (4) Have not within a three year period preceding this application had one or more public transactions (Federal, state or local) terminated for cause or default.

The Applicant (Primary Participant) certifies that if it becomes aware of any later information that contradicts the statements in paragraphs (1) - (4) above, it will promptly inform FTA.

Should the Applicant (Primary Participant) be unable to certify to statements set forth in paragraphs (1) through (4) above, it shall so acknowledge with its signature and provide a written explanation to FTA.

D. DRUG - FREE WORKPLACE CERTIFICATION

In accordance with U.S. DOT regulations on Drug-Free Workplace Requirements (Grants) at 49 CFR 29.630, the Applicant certifies that it will provide a drug-free workplace by:

- (1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (2) Establishing an ongoing drug-free awareness program to inform employees about:
 - (a) The dangers of drug abuse in the workplace;
 - (b) The Applicant's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and,
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (3) Making it a requirement that each employee to be engaged in the performance of the grant or cooperative agreement be given a copy of the statement required by paragraph (1);
- (4) Notifying the employee in the statement required by paragraph (1) that, as a condition of employment financed with Federal assistance provided by the grant or cooperative agreement, the employment will:
 - (a) Abide by the terms of the statement, and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than 5 calendar days after such conviction;
- (5) Notifying FTA in writing, within 10 calendar days after receiving notice under paragraph (4)(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every project officer or other designee on whose project activity the convicted employee was working. Notice shall include the identification number(s) of each affected grant or cooperative agreement.
- (6) Taking one of the following action, within 30 calendar days of receiving notice under paragraph (4)(b), with respect to any employee who is convicted:
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, state, or local health, law enforcement, or other appropriate agency;
- (7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4),(5),(6), and (7).

The Applicant has or will provide to FTA a list identifying its headquarters location and each workplace it maintains in which FTA assisted activities are conducted.

E. INTERGOVERNMENTAL REVIEW ASSURANCE

The Applicant assures that each project application submitted to FTA for Federal assistance has been or will be submitted, as required by each State, for intergovernmental review to the appropriate state and local agencies. Specifically, the Applicant assures that it has fulfilled or will fulfill the obligations imposed on FTA by U.S. DOT regulations, "Intergovernmental Review of Department of Transportation Programs and Activities," 49 CFR part 17.

F. NONDISCRIMINATION ASSURANCE

In accordance with 49 U.S.C. 5332 and Title VI of the Civil Rights Act of 1964, as amended, 2000d; U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of the Title VI of the Civil Rights Act," at 49 CFR 21.7, the Applicant assures that it will comply with all requirements pursuant to 49 CFR part 21; FTA circular 4702.1 "Title VI Program Guidelines for Federal Transit Administration Recipients"; and other applicable directives, so that on person in the United States, on the basis of race, color, national origin, creed, sex, or age will be

excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in any program or activity (particularly in the level and quality of mass transportation services and mass transportation related benefits) for which the Applicant receives Federal financial assistance from the U.S. DOT or FTA.

The Applicant assures that the project or program will be conducted, property acquisitions will be undertaken, and project facilities will be operated in compliance with all requirements of 49 CFR part 21 and 49 U.S.C. 5332. The Applicant understands that this assurance extends to its entire facility and facilities operated in connection with the project.

The Applicant assures that it will take the appropriate action to ensure that any transferee receiving property financed with Federal assistance derived from U.S. DOT or FTA will comply with the provisions of 49 CFR part 21 and 49 U.S.C. 5332. As required by 49 CFR 21.7(a)(2), the Applicant will include in each third party contract, sub grant, or sub agreement appropriate clauses to impose the requirements of 49 CFR and part 21, and 49 U.S.C. 5332; and include appropriate provisions imposing those requirements in deeds and instruments recording the transfer of real property, structures, improvements.

The Applicant assures that it will promptly take the necessary actions to effectuate this assurance. In particular, the Applicant will notify the public that complaints pertaining to discrimination in the provision of mass transportation - related services or benefits may be filed with U.S. DOT or FTA. Upon request by U.S. DOT or FTA, the Applicant assures that it will submit the requisite information pertaining to its compliance with these requirement. The Applicant assures that it will make such changes in 49 U.S.C. 5332 and Title VI implementing procedures as U.S. DOT or FTA may request.

G. ASSURANCE OF NONDISCRIMINATION ON THE BASIS OF DISABILITY

In accordance with U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving and Benefiting from Federal Financial Assistance," 49 CFR 27.9, which implement the Rehabilitation Act of 1973 as amended, and the Americans with Disabilities Act of 1990, the Applicant assures that, as a condition to the approval or extension of any Federal financial assistance from FTA to construct any facility, obtain any rolling stock or other equipment, undertake studies, conduct research, or to participate in or obtain any benefit from any program administered by FTA, no otherwise qualified person with a disability shall be, solely by reason of that disability, excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any program or activity receiving or benefiting from Federal financial assistance administered by the FTA or any entity within U.S. DOT.

Specifically, the Applicant assures it will implement any program or operate any facility so assisted in compliance with all applicable requirements imposed by U.S. DOT regulations implementing the Rehabilitation Act of 1973, as amended, and the American with Disabilities Act of 1990 (and any subsequent amendments thereto) at 49 CFR parts 27, 37, and 38, as well as all applicable regulations and directives issued in accordance thereto by other Federal Departments or agencies.

H. PROCUREMENT COMPLIANCE

The Applicant certifies that its procurements and procurement system will comply with all applicable requirements imposed by Federal laws, executive orders, or regulations and the requirements of FTA Circular 4220.1D, "Third Party Contracting Requirements," and other implementing requirements FTA may issue. The Applicant certifies that it will include in its contracts financed in whole or in part with FTA assistance all clauses required by Federal laws, executive orders, or regulations, and will ensure that each sub recipient and contractor will also include in its sub agreements and contracts financed in whole or in part with FTA assistance all applicable clauses by Federal laws, executive orders, or regulations.

III. LOBBYING CERTIFICATION

An Applicant that submits, or intends to submit this fiscal year, an application of FTA assistance exceeding \$100,000 must provide the following certification. FTA may not provide Federal assistance for an application exceeding \$100,000 until the Applicant provides certification of the following by signing the attached signature page at the end of this document.

In accordance with U.S. DOT regulations, "New Restrictions on Lobbying," at 49 CFR 20.110, for each application for Federal assistance exceeding \$100,000, the Applicant's authorized representative certifies to the best of his or her knowledge and belief that:

- A. No Federal appropriated funds have been paid or will be paid, by on behalf of the Applicant, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal grant or cooperative agreement.
- B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the Applicant shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

The Applicant understands that: (1) This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into; (2) Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352; and (3) Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

CERTIFICATIONS AND ASSURANCE FOR FISCAL YEAR 2010/11
Council of Fresno County Governments


BY ENDORSING THIS SIGNATURE PAGE, Tony Boren declares that he or she is duly authorized by the Applicant to make the certifications and assurances on behalf of Applicant and bind the Applicant to comply with them. Thus, when its authorized signs this document, the Applicant agrees to comply with all Federal statutes, regulations, executive orders, and administrative guidance required for any application it makes to the Federal Transit Administration (FTA) during the fiscal year.

The California State Department of Transportation and FTA intend that the certifications and assurances under Category I, "Certifications and Assurances Required of Each Applicant" and Category III, "Lobbying Certification Required for Each Application Exceeding \$100,000", should apply, as required, to each project for which Applicant seeks now, or may later, seek FTA assistance during the fiscal year.

The Applicant affirms the truthfulness and accuracy of the certifications and assurances it has made in the statements submitted herein with this document and any other submission made to FTA, and acknowledges that the provision of the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 et seq., as implemented by DOT regulations, "Program Fraud Civil Remedies, "49 CFR part 31 apply to any certification, assurance or submission made to FTA. The criminal fraud provisions of 18 U.S.C. 1001 apply to any certification, assurance or submission made in connection with the FTA formula assistance program for urbanized areas, and may apply to any other certification, assurance, or submission made in connection with any program administered by FTA.

In signing this document, I declare under the penalty of perjury that the foregoing certifications and assurances, and any other statements made by me on behalf of the Applicant are true and correct.

Date: 8/16/10



Tony Boren, Executive Director
Council of Fresno County Governments

AFFIRMATION OF APPLICANT'S ATTORNEY

As the undersigned legal counsel for the above named Applicant hereby I affirm that the Applicant has authority under state and local law to make and comply with the certifications and assurances as indicated in the foregoing pages. I further affirm that, in my opinion, the certifications and assurances have been legally made and constitute legal and binding obligations on the Applicant.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or threatened that might adversely affect the validity of these certifications and assurances, or the performance of the project. Furthermore, if I become aware of circumstances that change the accuracy of the foregoing statements, I will notify the Applicant, the California State Department of Transportation and FTA.

Date: _____

Janelle E. Kelley, Deputy Counsel

APPENDIX B

FTA Certifications and Assurances

FEDERAL FISCAL YEAR 2010 CERTIFICATIONS AND ASSURANCES FOR FEDERAL TRANSIT
ADMINISTRATION ASSISTANCE PROGRAMS

Name of Applicant: **Council of Fresno County Governments**

The Applicant agrees to comply with applicable requirements of Categories 01 - 23. _____

OR

The Applicant agrees to comply with the applicable requirements of the following Categories it has selected:

<u>Category</u>	<u>Description</u>	
01.	For Each Applicant.	<u> x </u>
02.	Lobbying.	<u> x </u>
03.	Procurement Compliance.	<u> x </u>
04.	Private Providers of Public Transportation.	_____
05.	Public Hearing.	<u> x </u>
06.	Acquisition of Rolling Stock.	_____
07.	Acquisition of Capital Assets by Lease.	_____
08.	Bus Testing.	_____
09.	Charter Service Agreement.	_____
10.	School Transportation Agreement.	_____
11.	Demand Responsive Service.	_____
12.	Alcohol Misuse and Prohibited Drug Use.	_____
13.	Interest and Other Financing Costs.	_____
14.	Intelligent Transportation Systems.	<u> x </u>
15.	Urbanized Area Formula Program.	_____
16.	Clean Fuels Grant Program.	_____
17.	Elderly Individuals and Individuals with Disabilities Formula Program and Pilot Program.	_____
18.	Nonurbanized Area Formula Program.	_____

AFFIRMATION OF APPLICANT'S ATTORNEY

For: Council of Fresno County Governments

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under state and local law to make and comply with the certifications and assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the certifications and assurances have been legally made and constitute legal and binding obligations on the Applicant.

I further affirm to the Applicant that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these certifications and assurances, or of the performance of the project.

Signature Janelle K Kelley **Date:** May 10, 2010
Name Janelle K Kelley
Attorney for Applicant

Each Applicant for FTA financial assistance (except 49 U.S.C. 5312(b) assistance) and each FTA Grantee with an active capital or formula project must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its signature in lieu of the Attorney's signature, provided the Applicant has on file this Affirmation, signed by the attorney and dated this Federal fiscal year.

APPENDIX B

FTA Certifications and Assurances

FEDERAL FISCAL YEAR 2010 CERTIFICATIONS AND ASSURANCES FOR FEDERAL TRANSIT
ADMINISTRATION ASSISTANCE PROGRAMS

Name of Applicant: **Council of Fresno County Governments**

The Applicant agrees to comply with applicable requirements of Categories 01 - 23. _____

OR

The Applicant agrees to comply with the applicable requirements of the following Categories it has selected:

<u>Category</u>	<u>Description</u>	
01.	<i>For Each Applicant.</i>	__X__
02.	<i>Lobbying.</i>	__X__
03.	<i>Procurement Compliance.</i>	__X__
04.	<i>Private Providers of Public Transportation.</i>	_____
05.	<i>Public Hearing.</i>	__X__
06.	<i>Acquisition of Rolling Stock.</i>	_____
07.	<i>Acquisition of Capital Assets by Lease.</i>	_____
08.	<i>Bus Testing.</i>	_____
09.	<i>Charter Service Agreement.</i>	_____
10.	<i>School Transportation Agreement.</i>	_____
11.	<i>Demand Responsive Service.</i>	_____
12.	<i>Alcohol Misuse and Prohibited Drug Use.</i>	_____
13.	<i>Interest and Other Financing Costs.</i>	_____
14.	<i>Intelligent Transportation Systems.</i>	__X__
15.	<i>Urbanized Area Formula Program.</i>	_____
16.	<i>Clean Fuels Grant Program.</i>	_____
17.	<i>Elderly Individuals and Individuals with Disabilities Formula Program and Pilot Program.</i>	_____
18.	<i>Nonurbanized Area Formula Program.</i>	_____

- 19. **Job Access and Reverse Commute Program.** ___x___
- 20. **New Freedom Program.** ___x___
- 21. **Alternative Transportation in Parks and Public Lands Program.** _____
- 22. **Infrastructure Finance Projects.** _____
- 23. **Deposits of Federal Financial Assistance to State Infrastructure Banks.** _____

FEDERAL FISCAL YEAR 2010 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE
 (Required of all Applicants for FTA assistance and all FTA Grantees with an active capital or formula project)

AFFIRMATION OF APPLICANT

Name of Applicant: Council of Fresno County Governments

Name and Relationship of Authorized Representative: Tony Boren, Executive Director

BY SIGNING BELOW, on behalf of the Applicant, I declare that the Applicant has duly authorized me to make these certifications and assurances and bind the Applicant's compliance. Thus, the Applicant agrees to comply with all Federal statutes, regulations, executive orders, and directives applicable to each application it makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2010.

FTA intends that the certifications and assurances the Applicant selects on the other side of this document, as representative of the certifications and assurances this document, should apply, as provided, to each project for which the Applicant seeks now, or may later, seek FTA assistance during Federal Fiscal Year 2010.

The Applicant affirms the truthfulness and accuracy of the certifications and assurances it has made in the statements submitted herein with this document and any other submission made to FTA, and acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 et seq., as implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31 apply to any certification, assurance or submission made to FTA. The criminal fraud provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with a Federal public transportation program authorized in 49 U.S.C. chapter 53 or any other statute.

In signing this document, I declare under penalties of perjury that the foregoing certifications and assurances, and any other statements made by me on behalf of the Applicant are true and correct.

Signature Tony Boren Date: 5/11/10

Name Tony Boren, Executive Director
Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For: Council of Fresno County Governments

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under state and local law to make and comply with the certifications and assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the certifications and assurances have been legally made and constitute legal and binding obligations on the Applicant.

I further affirm to the Applicant that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these certifications and assurances, or of the performance of the project.

Signature *Janelle R. Kelley* **Date:** *May 10, 2010*
Name *Janelle R. Kelley*
Attorney for Applicant

Each Applicant for FTA financial assistance (except 49 U.S.C. 5312(b) assistance) and each FTA Grantee with an active capital or formula project must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its signature in lieu of the Attorney's signature, provided the Applicant has on file this Affirmation, signed by the attorney and dated this Federal fiscal year.

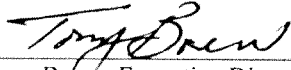
Appendix A

Urban Mass Transportation Administration Civil Rights Assurance

The Council of Fresno County Governments HEREBY CERTIFIES THAT, as a condition of receiving Federal financial assistance under the Urban Mass Transportation Act of 1964, as amended, it will ensure that:

1. No person on the basis of race, color, or national origin will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.
2. The Council of Fresno County Governments will compile, maintain, and submit in a timely manner Title VI information required by UMTA Circular 4702.1 and in compliance with the Department of Transportation's Title VI regulation, 49 CFR Part 21.9.
3. The Council of Fresno County Governments will make it known to the public that those persons or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Urban Mass Transportation Administration and/or the U.S. Department of Transportation.

The person or persons whose signature appears below are authorized to sign this assurance on behalf of the grant applicant or recipient.



Tony Boron, Executive Director
Council of Fresno County Governments

Date: 8/16/10



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION IX

201 Mission Street
Suite 1650
San Francisco, CA 94105-1839

September 9, 2011

Mr. Todd Sobrado
Title VI Coordinator
Council of Fresno County
2100 Tulare Street, Suite 619
Fresno, CA 93721

Re: Title VI Program Approval, Recipient ID 1612

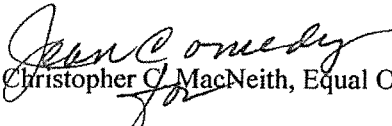
Dear Mr. Sobrado:

This letter is to inform you that we received Council of Fresno County's Title VI program on August 11, 2011. This submission is required pursuant to Title VI of the Civil Rights Act of 1964; Title 49, Chapter 53, Section 5332 of the United States Code; and the Federal Transit Administration's (FTA) Circular 4702.1A, "Title VI Program Guidelines for Federal Transit Administration Recipients," dated May 13, 2007.

We have reviewed your program and determined that it meets the requirements set out in the FTA's Title VI Circular, 4702.1A. Your Title VI program will next need to be updated by July 7, 2013. Please plan to submit to me an updated Title VI program within thirty (30) days of the expiration date listed above or by June 7, 2013.

If you have any questions regarding this approval, please do not hesitate to contact me directly at 415-744-2614 or at Christopher.MacNeith@dot.gov.

Sincerely,


Christopher MacNeith, Equal Opportunity Specialist

cc: Tony Boren, Executive Director, Council of Fresno County
Leslie Rogers, Regional Administrator, TRO-9
Linda Ford, FTA Civil Rights, Acting Director