

Department of Public Works (DPW)

Title VI Program

2023-2025

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Section 1: Introduction

American Samoa receives Section 5310, 5311, 5339 grant programs of the Federal Transit Administration (FTA) that provide federal financial assistance to the transportation systems and services for the people of American Samoa. The Governor of American Samoa has designated the Department of Public Works (DPW) Federal Transit Administration Division as the administering agency for the FTA programs.

This program reflects the Department policies and procedures to ensuring that no person 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 provided by the Department.

DPW will ensure meaningful access to transit-related programs and activities by persons with limited English proficiency.

Section 2: Signed Policy Statement

A policy statement signed by the Department Director assuring compliance with Title VI of the Civil Rights Act of 1964 can be found as **Appendix A**.

Section 3: Plan Approval Document

A signed plan approval document by the Department Director demonstrates that the Title VI program has been reviewed and approved by the Director. **Appendix B**.

Section 4: Annual Title VI Certification and Assurances

DPW will electronically submit its Annual Certifications and Assurances within 90 days of the time of the request as published in the Federal Register or with the first grant application of the fiscal year, whichever comes first. The certifications and assurances are to be pinned by both the designated authorized official and the attorney unless the attorney authorizes the designated official to pin it on his/her behalf. A letter from the attorney to FTA shall be submitted to FTA and a copy will be placed in the file. The attorney is required to sign a hard copy of the certifications and assurances and maintain a copy for his/her file.

Section 5: Public Notice of Nondiscrimination

Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise member of the public of the protections against discriminations afforded to them by Title VI.

Notification of Nondiscrimination shall be posted on the ASG Dial-a-ride website <https://www.dialaride.as/> and in public areas of the Main Office of DPW and Port of Administration office and terminals. Title VI notices will also be posted at facilities of all sub-recipients, stations or stops, and/or on transit vehicles.

Notification of Nondiscrimination can be found as **Appendix C**.

Section 6: Title VI Complaint Procedures

Any person who believes he or she has been discriminated against on the basis of race, color, or national origin by the American Samoa Department of Public Works and the Department of Ports Administration may file a Title VI complaint form and submit it to the **American Samoa Government Department of Public Works (ASG DPW) Transit Division** (hereinafter referred to as "**the System**") may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. The **ASG Department of Public Works** investigates complaints received no more than 180 days after the alleged incident. **The System** will process complaints that are complete.

Similarly, the Americans with Disabilities Act of 1990 (ADA) prohibits discrimination and ensures equal opportunity and access for persons with disabilities. Any person who believes he or she has been discriminated against based on disability may also file a formal complaint with the **American Samoa Government Department of Public Works Transit Division**.

Once the complaint is received, **the System** will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office.

The System has **60 days** to investigate the complaint. If more information is needed to resolve the case, the System may contact the complainant. The complainant has **60** business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within **60** business days, **the System** can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue their case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member or other action will occur. If the complainant wishes to appeal the decision, she/he has **30** days after the date of the letter or the LOF to do so. Copies of complaints will be kept on file for five years.

Complaints may be filed by completing and submitting **the Title VI and ADA Complaint Form** by mail to the attention of the Transit Program Manager and Civil Rights Officer. ASG DPW Transit Division investigates complaints received no more than 180 days after the alleged incident. ASG DPW Transit Division will only process complaints that are complete.

The Consolidated Title VI and ADA complaint form can be found as **Appendix D**. Form can also be downloaded on the Dial-a-ride website: <https://www.dialaride.as/>

The Complaint Form may be submitted to:

**American Samoa Government
Department of Public Works
Transit Division c/o Cathy Faoa-Danielson
Pago Pago, American Samoa 96799
(684) 699-5357**

A person may also file a complaint directly with the Federal Transit Administration at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

Section 7: Record of Title VI Investigations, Complaints, or Lawsuits

In order to comply with 49 CFR Section 21.9(b), recipients and sub-recipients shall prepare and maintain a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the recipient and/or sub-recipient that allege discrimination on the basis of race, color, or national origin. This list shall include the date of the investigation, lawsuit, or complaint was filed; a summary of allegation(s); the status of the investigation, lawsuit or complaint; and actions taken by the recipient or sub-recipient in response to the investigation, lawsuit, or complaint.

Over the reporting period, DPW did not have any Title VI complaint, investigation or lawsuit filed against it. There are incidents reports filed but no official filed complaints. Some of these incident reports include concerns about miscommunications between drivers and dispatchers resulting in delayed pick-ups. Some concerns about rider behaviors as well as rider concerns about drivers.

Section 8: Promoting Inclusive Public Participation Plan

The Federal and State government mandate public involvement, because it helps to guide department decisions in providing public transportation services. Public involvement also benefits ASG DPW Transit division and the public by allowing for the development of services that meet the needs of its citizens and riders.

The Federal government mandates public involvement prior to raising fares, implementing major reductions in service.

Public Participation/Engagement

- a. Public Meetings
 - a. Customer information meetings, Town Hall meetings or Public hearings are setup as needed. Outreach to the local villages, church groups and District Health Centers are other avenues to getting information out about the Dial-a-ride services to the local community.
 - b. Public meetings are advertised using the local Newspaper and the local Radio stations for Public awareness. Notices are also posted in the buses for rider awareness.
 - c. Majority of the current ridership are Samoan speaking. However, meeting sizes and formats can be setup to accommodate the minority, disabled and limited English proficiency (LEP) populations as needed.
- b. Coordination
 - a. Other agencies – Territorial Administration on Aging the local Senior citizens center, local churches, LBJ Medical Center Social Services and Dialysis Center, Department of Human and Social Services (DHSS), Vocational Rehabilitation Center, American Samoa Advocacy Center are some of the local agencies and organizations that the Transit Division partners with to educate and solicit feedback on current services. These local partners have contributed tremendously to the ongoing improvement of service to the Dial-a-ride program.
 - b. Community Events: Senior citizen Fairs, Non-profit events, local government events serve as another way to provide education about our Dial-a-ride services to the local community. We usually set up a booth to provide information and brochures about our local service.
 - c. Interpretation services – Interpretation services are available through our local community liaisons upon request. Brochure pamphlets are also being printed in English for Non-Samoan speaking residents.
- c. Public Studies
 - a. As per requirements of [49 U.S.C. Sections 5307(b)] and [5307(c)(l)] ASG DPW will develop and/or consider a process to study public comment before raising a fare of carrying out a major reduction in transportation services.
 - b. ASG DPW will conduct annual customer survey for customer feedback of current services to help improve current services. Information received will be reflected in a combined report of feedback received and filed.

Section 9: ASG DPW Limited English Proficiency (LEP) Outreach Plan

Consistent with Title VI of the Civil Rights Act of 1964, DOT's implementing regulations, and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (65 FR 50121, Aug. 11, 2000), recipients shall take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited-English proficient (LEP).

ASG DPW will examine our provided services, identify any need for services to those with limited English proficiency (LEP).

DPW LEP Guidelines can be found as **Appendix E**

Section 10: Minority Representation on Planning and Advisory Bodies

Presently, DPW does not have a transit-related governing board, advisory councils or committees in place. The Authorizing Official for the Transit Division is the Director of the Department of Public Works.

Section 11: Providing Assistance to Subrecipients

Title 49 CFR Section 21.94(b) states that if a "primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part."

At the time of this report ASG DPW is the direct recipient of FTA funds. Port of Administration is a sister agency running the Ferry system and they fall under FTA guidelines and plans of the ASG DPW.

Section 12: Monitoring Subrecipients

In accordance with 49 CFR 21.9(b), and to ensure that subrecipients are complying with the DOT Title VI regulations, primary recipients must monitor their subrecipients for compliance with the regulations.

There are currently no subrecipients.

Section 13: Service Standards (for Fixed Route service only)

The only Fixed route service for ASG is the Ferry system operated by the Port of Administration. There are two Ferries purchased with FTA funds. The Manu'atele is a 150 cargo passenger Ferry and the Segaula Catamaran style has a seat capacity of 36 passengers. The Manu'atele travels to the Manu'a

Islands once a week on Wednesdays @ 10:00 pm and returns back from the Manu'a Islands on Fridays leaving the Manu'a Port @ 9:00 am.

Appendix F is the Fixed Route Service standards.

Section 14: Equity Analysis to Determination Site or Location of Facilities

Title 49 CFR part 21, Appendix C, Section (3)(iv) provides, "The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin."

ASG DPW currently has a Maintenance facility and office space building in review with FTA for construction. The land being used to erect this facility is government owned land a title VI equity analysis in not applicable.

APPENDIX A



Lemanu Peleti Mauga
Governor

Eleasaro V. Ale
Lt. Governor

**AMERICAN SAMOA GOVERNMENT
DEPARTMENT OF PUBLIC WORKS
OFFICE OF THE DIRECTOR**

Department of Public Works Building, 1st Floor
Tafuna, American Samoa 96799
Tel: (684) 699-9921 Fax: (684) 699-9913



Faleosina Voigt, P.E.
Director

TITLE VI POLICY STATEMENT

It is the policy of the Department of Public Works Federal Transit Division that no person shall on the grounds of race, color, national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of the Department of Public Works as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

This policy applies to all operations of the Department of Public Works, including its contractors and anyone who acts on behalf of the Department of Public Works. This policy also applies to the operations of any department or agency to which the Department of Public Works extends federal financial assistance. Federal financial assistance includes grants, training, and use of equipment, donations of surplus property, and other assistance.

Prohibited discrimination may be intentional or unintentional. Seemingly neutral acts that have disparate impacts on individuals of a protected group and lack a substantial legitimate justification are a form of prohibited discrimination. Harassment and retaliation are also prohibited forms of discrimination.

Examples of prohibited types of discrimination based on race, color, national origin, sex, disability, or age include: Denial to an individual any service, financial aid, or other benefit; Distinctions in the quality, quantity, or manner in which a benefit is provided; Segregation or separate treatment; Restriction in the enjoyment of any advantages, privileges, or other benefits provided; Discrimination in any activities related to highway and infrastructure or facility built or repaired; and Discrimination in employment.

Title VI compliance is a condition of receipt of federal funds. The Title VI Coordinator is authorized to ensure compliance with this policy, Title VI of the Civil Rights Act of 1964, 42 U.S.C § 2000d and related statutes, and the requirements of 23 Code of Federal Regulation (CFR) pt. 200 and 49 CFR pt. 21.

Faleosina Voigt, PE
Director, Public Works

Date

APPENDIX B



Lemanu Peleti Mauga
Governor
Eleasaro V. Ale
Lt. Governor

AMERICAN SAMOA GOVERNMENT

Department of Public Works

Tafuna Industrial Park, DPW Complex

Pago Pago, American Samoa 96799

Tel: (684) 699-9921 FAX: (684) 699-9913



Plan Approval Document

I hereby acknowledge the receipt of the ASG DPW Title VI Implementation Plan 2021-2025. I have reviewed and approve the Plan. I am committed to ensuring that no person is excluded from participation in, or denied the benefits of ASG DPW transportation services on the basis of race, color, or national origin, as protected by Title VI according to FTA circular 4702.1B, Title VI requirements and guidelines for Federal Transit Administration.

Faleosina Voigt, PE
Director

Date

Attachment B – Plan Approval Document



Am. Samoa Government

Department of Public Works



Notice of Nondiscrimination

The American Samoa Government is committed to ensuring that no person is excluded from, participation in, denied the benefits of, or otherwise subjected to discrimination on the basis of race, color or national origin as protected by Title VI of the Civil Rights Act of 1964.

- ✓ Any person who believes they've been aggrieved by any unlawful discriminatory practice may file a complaint with the ASG DPW.
- ✓ For more information on the ASG civil rights program, and the procedure to file a complaint, contact 699-5357 and ask for Cathy Faoa-Danielson
- ✓ Email: cathy.faoa-danielson@dpw.as.gov
- ✓ Or visit our office at the Dept. of Public Works 1st Fl.
- ✓ A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program

Coordinator, East Building 5th Floor-TCR, 1200 New Jersey Ave., SE Washington, DC 20590

- ✓ *If information is needed in another language, contact 699-5357.*
- ✓ *Mo le fa'aliliuina i se isi gagana valaau le numera 699-5357.*

Appendix D

**AMERICAN SAMOA GOVERNMENT
TITLE VI AND ADA COMPLAINT FORM**

Section I:				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic 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 the 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):				
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Disability				
Date of Alleged Discrimination (Month, Day, Year): _____				
Please summarize precisely 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 the back of this form.				

Attachment D – Title VI & ADA Complaint Form

<hr/> <hr/> <hr/>		
Section IV		
Have you previously filed a Title VI or ADA 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"/> Federal Court: _____ <input type="checkbox"/> State Agency: _____ <input type="checkbox"/> State Court: _____ <input type="checkbox"/> Local Agency: _____		
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.

Attachment D – Title VI & ADA Complaint Form

Signature

Date

Department of Public Works
Transit Division c/o
Cathy Faoa-Danielson
699-5357 or 699-4257

Please submit this form in person at the location above, or mail this form to:

Department of Public Works
Transit Division
c/o Cathy Faoa-Danielson
Tafuna, American Samoa 96799
(684) 699-9921
(684) 699-9913 Fax

Attachment D – Title VI & ADA Complaint Form

FOUR FACTOR ANALYSIS

FACTOR ONE
Number/Proportion of LEP Persons in Service Area

<ul style="list-style-type: none"> • Language • Samoan 88.6% • English 3.9% • Tongan 2.7% • Other Pacific Islanders 3% • Other 1.8% 	<ul style="list-style-type: none"> Ethic Groups - Samoan 88.9% - Tongan 2.7% - Filipino 2.2% - Korean/Chinese 1.4% - Mixed 2.7%
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Majority of our riders are all Samoan. Efforts to recruit other ethnic groups through community liaison coordination is scheduled to take place in the new year.

Village outreach is also scheduled to reach more population of senior citizens and individuals with disabilities who may still not be aware of our services.

FACTOR TWO
Frequency of Contact with LEP Persons

- The Dial-a-ride serves a majority of LEP persons who are senior citizens and/or individuals with disabilities
 - 96% - Samoan
 - 3% - Tongan
 - 1% - Fijian

Riders come to the office for a face-to-face interview with a staff member to assist in filling out the application form and to write down answers to the questions. Applications are both English and Samoan.

Operators are in contact daily with LEP persons and all speak Samoan. The Tongans riders speak Samoan and English. And the Fijian riders all speak English. Translators are available upon request.

FOUR FACTOR ANALYSIS

FACTOR THREE
Nature & Importance of the Service to LEP Persons

- The Dial-a-ride Transit service Mission Statement is to provide safe, comfortable, trustworthy transportation to Senior citizens and Individuals with disabilities; to increase their level of self sufficiency and expand the scope of their mobility.
- We provide transportation to medical appointments, social security office, retirement office, Senior citizen center, Financial institutions, local restaurants and shops...etc.
- We also provide transportation to local community events, Faith based events or just to spend time with friends and loved ones.
- Outreach to local communities on the use of the service and how to properly use the service is scheduled throughout the year.

FACTOR FOUR
Resources available and overall costs

- The Dial-a-ride serves a majority of LEP persons who are senior citizens and/or individuals with disabilities
 - 96% - Samoan
 - 3% - Tongan
 - 1% - Fijian

Riders come to the office for a face-to-face interview with a staff member to assist in filling out the application form and to write down answers to the questions. Applications are both English and Samoan.

Operators are in contact daily with LEP persons and all speak Samoan. The Tongans riders speak Samoan and English. And the Fijian riders all speak English. Translators are available upon request.

**American Samoa Government
Department of Public Works**

**Fixed Route Service Standards¹
Port of Administration
Passenger Ferry Mode**

FTA requires all fixed route transit providers of public transportation to develop *quantitative* standards for vehicle load, vehicle headway, on-time performance and service availability. Individual public transportation providers set these standards; therefore, these standards apply to each individual agency rather than across the entire transit industry.

Vehicle Load²

The Manu’atele Ferry vehicle load capacity is 150 passenger. Passengers do not exceed the amount of seat capacity. Ferry usually takes a trip to the Manu’a islands once every week. The Ferry departs from the Pago Pago Port with passengers traveling to Tau and Ofu islands. The Ferry overnights in either island depending on the route of the Ferry and will return with passengers from both islands.

The Segaula vehicle load capacity is 36 maximum. Passengers do not exceed the amount of seat capacity. The Segaula will run routes between the Ta’u and Ofu islands to accommodate passengers travelling on the weekly Ta’u air flights. The Segaula will most likely make three return trips throughout the week.

Vehicle Headway³

Service operates once a week from the Pago Pago Port to Ta’u and Ofu Port. The route can change from Pago to Ta’u to Ofu or Pago to Ofu to Ta’u. The route depends on the need for passengers traveling inter island between Ta’u and Ofu. The Manu’atele Vessel usually departs Pago Port 10:00 pm arriving the Manu’a islands early hours of the morning. Off-loading of passengers and cargo can take up to three to five hours before continuing on to the next Manu’a island where the Ferry will overnight and leave to return to Pago Pago the next day

On-Time Performance⁴

The Manu’atele Ferry usually leaves on schedule at both Ports. The Segaula Ferry will be monitored for on-time performance once it resumes service.

Service Availability⁵

¹ For guidance on how to set system-wide service standards and policies see [FTA C 4702.1B](#), Title VI Requirements and Guidelines for FTA Recipients, Chapter IV-4, Section 4. Requirement to Set System-Wide Service Standards and Policies and Appendix G.

² **Vehicle Load:** Generally expressed as the ratio of passengers to the number of seats on a vehicle, relative to the vehicle’s maximum load point. Transit providers can specify loads for peak. vs. off-peak times.

³ **Vehicle Headway:** The amount of time between two vehicles traveling the same direction on a given route.

⁴ **On-Time Performance:** A measure of runs completed as scheduled.

⁵ **Service Availability:** A general measure of the distribution of routes within an agency’s service area.

