

# **Department of Public Works (DPW)**

## **Title VI Program**

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## 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.

## 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 **Attachment A**.

## 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.

DPW will collect Title VI assurances from sub-recipients prior to passing through FTA funds.

## Notification of Beneficiaries of Protection under Title VI

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 DPW Title VI obligations shall be posted on our website and in public areas of the Main Office of DPW. Title VI notices will also be posted at facilities of all sub-recipients, stations or stops, and/or on transit vehicles.

Notification of DPW Title VI obligations can be found as **Attachment B**.

## **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 **Attachment C**.

**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.**

## **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.

## **Promoting Inclusive Public Participation Plan**

The Territory's plan to promote inclusive Public Participation plan is to hold public town hall meetings inviting the public to attend and provide feedback on transportation services provided. At the current moment the only transportation service being provided is the Dial a

Ride transit service for Senior citizens and individuals with disabilities. Since the launching of this program in January, three Town hall meetings have taken place. Meetings were advertised in the local paper as well as public radio and television broadcasting. The turnout was successful and method of participation is effective. The ASG DPW Transit system is currently in the process of building its website for the Department to provide information and feedback of the program for public participation.

## **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).

DPW will examine our provided services, identify any need for services to those with limited English proficiency (LEP). We will develop and implement a system to provide those services so LEP persons can have meaningful access to them.

DPW LEP Guidelines can be found as Attachment D.

## **Minority Representation on Planning and Advisory Bodies**

Presently, DPW does not have a transit-related governing board, advisory councils or committees in place.

## **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."

DPW will provide assistance to subrecipients as necessary and appropriate by us. DPW will provide the following information to subrecipients: such information, forms, and data may be kept in a central repository and available for all subrecipients:

- a. Notices to the public informing beneficiaries of their rights under DOT's Title VI regulations, procedures on how to file a Title VI complaint, and the recipients' Title VI complaint form.

- b. Procedures for tracking and investigating Title VI complaints filed with a subrecipient; and when the primary recipient expects the subrecipient to notify the primary recipient of complaints received by the subrecipient.
- c. Demographic information on the race and English proficiency of residents served by the subrecipient. This information will assist the subrecipient in assessing the level and quality of service it provides to communities within its service area and in assessing the need for language assistance.
- d. Any other recipient-generated or obtained data that will assist subrecipients in complying Title VI.

## **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.

In order to ensure DPW and its subrecipients are in compliance with Title VI requirements, DPW will undertake the following activities:

- a. Document its process for ensuring that all subrecipients are complying with the general reporting requirements of this circular, as well as other requirements that apply to the subrecipient.
- b. Collect Title VI Programs from subrecipients and review programs for compliance. Collection and storage of subrecipient Title VI Programs may be electronic at the option of DPW.
- c. At the request of FTA, in response to a complaint of discrimination, or as otherwise deemed necessary by DPW; DPW will request that subrecipients who provide transportation services verify that their level and quality of service is provided on an equitable basis.

## **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.”

Over the reporting period, DPW did not have any such projects. Therefore, DPW believes that the requirement to complete a Title VI equity analysis is not applicable.