

**DAWSON COUNTY BOARD OF COMMISSIONERS  
WORK SESSION AGENDA - THURSDAY, AUGUST 1, 2019  
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM  
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534  
4:00 PM**

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**NEW BUSINESS**

1. Presentation of Proposed Fire Prevention / Protection Ordinance and Fee Schedule-  
Emergency Services Director Danny Thompson
2. Presentation of State Route 136 at Toto Creek Bridge Replacement Detour Request-  
Public Works Director David McKee
3. Presentation of Updated Transit Drug and Alcohol Testing Policy- Senior Services  
Director Dawn Pruett
4. Presentation of Title VI Plan for Transit- Senior Services Director Dawn Pruett
5. Presentation of Proposed County Vape Shop Ordinance- Planning & Development  
Director Jameson Kinley
6. Presentation of Board Appointments:
  - a. EMS Advisory Council**
    - i. Danny Thompson- *replacing Lanier Swafford* (Term: August 2019 through  
December 2020)
  - b. Georgia Mountains Regional Commission**
    - i. David Headley- *reappointment* (Term: August 2019 through June 2020)
7. County Manager Report
8. County Attorney Report

***\*Executive Session may follow the Work Session meeting.***

*Those with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting, should contact the ADA Coordinator at 706-344-3666, extension 44514. The county will make reasonable accommodations for those persons.*





# DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: **Emergency Services**

Work Session: **08.01.19**

Prepared By: **Danny Thompson**

Voting Session: **08.15.19**

Presenter: **Danny Thompson**

Public Hearing: Yes  No

Agenda Item Title: **Fire Ordinance & Fee Schedule**

**Background Information:**

In August of 2005, Dawson County adopted an ordinance titled "Dawson County Fire Safety & Prevention Ordinance," referred to as the "Dawson County Fire Ordinance." This ordinance was incorporated as Chapter 22 of the Dawson County Code of Ordinances, and its intended purpose was to address fire safety and prevention concerns in a manner more tailored to our local needs.

In 2006, Dawson County adopted the then current GA State Minimum Fire Codes & Standards as our fire code. As an oversight, this expressly repealed Dawson's fire code.

**Current Information:**

It is in the best interest of the county to now update and amend Chapter 22 of the Dawson County Code of Ordinance as provided in the amendment presented. The changes incorporated therein will be applied in conjunction with the currently adopted GA State Minimum Fire Codes & Standards. Where this ordinance is more stringent than currently enforced code, ordinance or law, the provisions of this code shall control.

A revised fee schedule has been submitted for review and approval. This is being submitted as a stand-alone document. so as fees change. it doesn't require the ordinance to be readopted.

Budget Information: Applicable:  Not Applicable: Budgeted: Yes  No

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining
General	<b>Fire</b>	Prevention				

Recommendation/Motion: Approve agenda item

Department Head Authorization: DT

Date: 7.23.19

Finance Dept. Authorization: \_\_\_\_\_

Date: \_\_\_\_\_

County Manager Authorization: DH

Date: 7/25/19

County Attorney Authorization: \_\_\_\_\_

Date: \_\_\_\_\_

Comments/Attachments:

## Proposed Dawson County Fire Prevention and Protection Ordinance Summary

In August of 2005 Dawson County adopted an ordinance titled the “**Dawson County Fire Safety and Prevention Ordinance**”, also referred to as the “**Dawson County Fire Ordinance**”. This ordinance was incorporated as Chapter 22 of the **Dawson County Code of Ordinances**, and its intended purpose was to address fire safety and prevention concerns in a manner more tailored to our local needs.

The ordinance established minimum requirements for construction plan review, review of fire protection system plans, and issuance of permits. The ordinance also addressed performing inspections at various stages of construction on new buildings, annual inspections of existing buildings, and the issuing of Certificates of Occupancy. Lastly, the ordinance contained a fee schedule for the above services.

In the following year, 2006, Dawson County adopted the then current GA State Minimum Fire Codes and Standards as our fire code. In doing so, much of Dawson’s existing fire code was expressly repealed due to its contrary provisions. In essence, we wrote a more restrictive code for the county that was subsequently nullified due to its terms conflicting with the later adopted state code.

It is in the best interest of the county to now update and amend Chapter 22 of the Dawson County Code of Ordinances as provided in the amendment presented. The changes incorporated therein will be applied in conjunction with the currently adopted Ga State Minimum Fire Codes and Standards. Where this ordinance is more stringent than currently enforced code, ordinance, or law, the provisions of this code shall control.

### Ordinance Highlights:

- Sect 22-4 States that fire department access roadways shall be built to current Dawson County Construction Standards which allows for wider curb to curb widths, larger diameter cul-de-sac diameters than state minimum. Also stipulates all motorized security gates shall be required to be equipped with a Knox key switch.
- Sect 22-6 Establishes definitions of, and a schedule of fines for, recurring nuisance false fire alarms. \$100, \$250, \$1,000.
- Sect 22-22 Increases distance from lot line (side set back) from 15 feet to 25 feet, requiring fire resistance rated or non-combustible walls. Also stipulates that vinyl siding may be approved with 1 hr rated sheathing underneath the siding. And states guidelines for the potential granting of variances.

- Sect 22-23 Adds the requirement to fully sprinkle all attic spaces and breezeways of multi-family buildings where fire sprinkler systems are required.
- Sect 22-24 Clarifies that Dawson County will be entitled to charge fees for services such as plan reviews, inspections, and permits not to exceed the fees authorized by state statute or regulations.
- Sect 22-25 Reduces the minimum spacing between fire hydrants in residential areas from 600 feet to 500 feet, and increases the area required to be kept clear and unobstructed around fire hydrants from 3 feet to 5 feet.
- Sect 22-26 Establishes minimum fire flow requirements for new construction. Minimum of 1,000 gpm for residential, and minimum of 1,500 gpm for any commercial building. Larger buildings may require higher flows and are also addressed.
- Sect 22-27 Provides for the issuance of a stop work order in the event “un-permitted”, or construction other than what has been permitted based on approved plans, is found in the field.
- Sect 22-45 Stipulates that non-commercial outdoor burning of vegetative matter shall require a valid burn permit from the Georgia Forestry Commission, be attended at all times by a person 18 yrs or older with ability to extinguish fire, be conducted between 1 hr after sunrise until no later than 1 hr before sunset, and sets fine for being found guilty of violations of the ordinance at \$1,000

**AN ORDINANCE TO AMEND CHAPTER 22 OF THE DAWSON COUNTY CODE OF ORDINANCES REGARDING FIRE PREVENTION AND PROTECTION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the county may adopt clearly reasonable ordinances, resolutions and regulations; and

**WHEREAS**, O.C.G.A. §36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety, and welfare of the population of the unincorporated areas of the County; and

**WHEREAS**, the governing authority of Dawson County, to wit, the Board of Commissioners, desires to exercise its authority in adopting this Ordinance; and

**WHEREAS**, the Board of Commissioners previously adopted a fire prevention and protection ordinance which was codified as Chapter 22 of the Dawson County Code of Ordinances; and

**WHEREAS**, pursuant to O.C.G.A. § 36-80-19(c), ordinances and amendments shall be printed in substantially the same style as the code currently in effect in Dawson County and such ordinances and amendments shall be suitable in form for incorporation therein; and

**WHEREAS**, the Board of Commissioners now finds that it is in the public interest to update and amend the existing Chapter 22 of the Dawson County Code of Ordinances.

**NOW, THEREFORE, BE IT ORDAINED AND RESOLVED** by the Board of Commissioners of Dawson County, Georgia, and it is hereby enacted pursuant to the authority of same as follows:

**1. Ordinance Amendments**

Chapter 22 of the Dawson County Code of Ordinances is hereby modified as provided in Exhibit A, attached hereto and by this reference incorporated herein.

**2. Severability**

It is the express intent of the Dawson County Board of Commissioners that this Ordinance be consistent with both federal and State law. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which may be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**3. Effective Date**

This Ordinance shall become effective immediately upon passage.

SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**DAWSON COUNTY BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
Billy Thurmond, Chairman

Attest:

[COUNTY SEAL]

By: \_\_\_\_\_  
Kristen Cloud, County Clerk

Vote: Yes: \_\_\_\_\_  
No: \_\_\_\_\_

Dates of Public Hearings:

Dates of Advertising:

## EXHIBIT A

### DAWSON COUNTY CODE OF ORDINANCES Chapter 22 - FIRE PREVENTION AND PROTECTION ARTICLE I. - IN GENERAL

#### **Sec. 22-1. - Novelty lighters.**

- (a) *Defined.* The phrase "novelty lighters" means a lighter that has entertaining audio or visual effect or that depicts through the use of logos, decals, artwork, or by other means or that resembles in physical form or function articles commonly recognized as appealing to or intended for use by children ten years of age or younger, which includes, but is not limited to, lighters that depict or resemble cartoon characters, toys, guns, watches, musical instruments, vehicles, toy animals, food or beverages or that play musical notes or have flashing lights or other entertaining features. A novelty lighter may operate on any fuel including butane or liquid fuel.
- (b) *Prohibitions.* The retail sale, offer of retail sale, gift of, or distribution of any novelty lighter within the unincorporated area of Dawson County is prohibited. The prohibitions set forth herein are inapplicable to novelty lighters that are only being transported through Dawson County or novelty lighters located in a warehouse closed to the public for purposes of retail sales.
- (c) *Exceptions.* The term "novelty lighter" excludes any lighter manufactured before 1980 and any lighter that lacks fuel or any lighter that lacks a device necessary to produce combustion or flame.
- (d) *Penalty.* Any person or entity violating any provision of this section shall upon conviction thereof be subject to a fine or penalty of not less than \$100 for the first offense, \$250 for the second offense and \$500 for the third and any subsequent offense thereafter within any 12-month period. Jurisdiction to hear all cases related to alleged violation of this section shall lie concurrently in Dawson County Magistrate Court and Dawson County Superior Court.
- (e) *Other laws.* Any resolution or ordinance that may be applicable hereto and aid in carrying out or making effective the intent, purpose, and provisions hereof, which shall be liberally construed in favor of Dawson County, is hereby adopted as a part hereof.

#### **Sec. 22-2. - Persons allowed within the vicinity of a fire.**

No person shall be or remain in the immediate vicinity of any fire, after being instructed to leave, except for the following persons: a person authorized by the Georgia Fire Safety Commissioner pursuant to O.C.G.A. § 25-2-22, a member of the Board of Commissioners of Dawson County, a law enforcement officer of the jurisdiction where the fire occurs, an owner of the property or his or her agent, an agent of an insuring insurance company, or one ordered to the scene by the Fire Chief or his or her designee.

#### **Sec. 22-3. - Obstructing a firehouse.**



No person shall willfully or knowingly place any obstruction of any nature whatsoever in front of any firehouse.

**Sec. 22-4. - Fire Department access roadways.**

- (a) Fire Department access roadways shall have an unobstructed width conforming to Dawson County construction standards and specifications, latest edition, including but not limited to grade, and an unobstructed vertical clearance of not less than thirteen feet six inches (13'6").
- (b) Fire Department access roadways shall be designed and maintained to support the imposed load of a fire apparatus and shall be constructed in accordance with Appendix D of the Georgia State Minimum Standard Fire Code, within the confines of the Dawson County construction standards and specifications, latest edition, which shall be controlling.
- (c) Any dead-end Fire Department access roadway in excess of one hundred fifty (150) feet in length shall include a turnaround at the end conforming to Dawson County construction standards and specifications, latest edition.
- (d) All turns contained in a Fire Department access roadway shall maintain the minimum road width.
- (e) All dwellings units shall have address numbers plainly legible and visible from the roadway. Letters shall not be less than four (4") inches high and shall contrast with their background.
- (f) Security Gates:
  - (1) No security gates installed over Fire Department access roadways shall reduce the minimum width or vertical height requirements set forth in this section.
  - (2) All security gates shall be maintained in working order. In the event of an emergency, any security gate not properly maintained will be chained open or removed at the owner's expense.
  - (3) Fire Department access through all powered security gates constructed or replaced after [insert effective date of ordinance], 2019, shall be by "Knox Key Switch."
  - (4) All security gates across Fire Department access roadways shall be subject to inspection and must be approved by the County Fire Marshal prior to installation or replacement.
- (g) The Fire Chief, or his or her designee, shall designate fire lanes as necessary to provide access for firefighting equipment.

**Sec. 22-5. - No unauthorized fires.**

No person shall set fire to any building, structure, automobile, truck, or any other vehicle, without first having obtained a permit from the Fire Chief.

**Sec. 22-6. - Response to malfunctioning and/or false alarms.**

- (a) There shall be no penalty assessed for emergency response to a malfunctioning or false alarm system at a private property premises unless such malfunctioning or false alarm results in more than two (2) emergency responses within a rolling 12-month period.

- (b) A first and all subsequent false alarms to a premise within a 4-hour period shall be considered as one (1) violation. Dawson County Fire and Emergency Services shall issue a written warning, via personal service or certified mail, to the property owner for the first two (2) violations during a rolling 12-month period. Each subsequent malfunctioning or false alarm during such period shall result in the following penalties imposed against the owner and/or responsible party of such property:
- (1) For a third (3<sup>rd</sup>) false alarm, a fine of \$100.00;
  - (2) For a fourth (4<sup>th</sup>) false alarm, a fine of \$250.00; and
  - (3) For a fifth (5<sup>th</sup>) false alarm, a fine of \$1,000.00.
- (c) Any person or entity violating or failing to comply with any provisions of this section may be summoned to the Dawson County Magistrate Court for each violation and/or noncompliance, and upon conviction, shall be punished as provided by law.
- (d) If any owner and/or responsible party of a premises with a malfunctioning or false alarm alleges that an extraordinary or unusual circumstance led to such malfunction and/or false alarm such that the violation should not be counted against them, and if such violation has not occurred more than twice in a rolling 12-month period, then an appeal of such violation may be instituted. The appeal shall be in writing to the Fire Marshal within five (5) days of the date of the violation. Upon notice of such appeal, the Fire Marshal shall issue a finding as to whether the false alarm warning shall stand.

**Secs. 22-7—22-20. - Reserved.**

## ARTICLE II. - FIRE CODE AND FIRE SAFETY STANDARDS

### Sec. 22-21. - Reserved.

### Sec. 22-22. - Fire resistance rating of structures near lot lines.

- (a) *Structures designed for occupancy by humans 25 feet or less from the lot line and 20 feet or less from another structure for occupancy by humans.* Any structure designed for human occupancy that is located 25 feet or less from the lot line and/or 20 feet or less from another structure for occupancy by humans shall meet the following requirements:
- (1) Any exterior wall parallel to, or less than 90 degrees to, and within 25 feet of a property line shall be constructed of noncombustible material within the 25 feet; or
  - (2) Shall have a UL approved fire-resistant rating of not less than one hour within the 25 feet; and
  - (3) Any such structure shall be constructed in a manner and with materials that will ensure that the structure shall be in compliance with the fire rating standards for proposed spacing and shall be constructed in accord with plans and conditions approved by the Building Official's and the Fire Marshal's Office of Dawson County in accord with the terms of this article and the currently adopted International Fire Code; and
  - (4) The exterior wall shall be constructed of noncombustible or fire resistant rating as set forth herein, which shall include masonry veneer, rock, stone, concrete, or noncombustible siding. Vinyl siding may be approved with a one-hour rated fire resistant sheathing applied under the vinyl siding.
- (b) *Variance.* The Director of Planning and Development may grant variances from the regulating structures designed for occupancy 25 feet or less from the lot line section if the intent of the section can be achieved and equal performance.
- (1) *Guidelines for granting variances.*
    - a. The applicant shall state a clear hardship.
    - b. Previous zoning or variance conditions or stipulations will be addressed during staff review of the application.
    - c. The type of building materials of adjacent structures will be considered.
    - d. If approved, approvals will be based on the International Residential Code (IRC).
  - (2) *Notification.* The applicant may choose to either submit an affidavit attesting to notice that includes signatures of all adjoining property owners listed within the applicable package or the applicant may choose to permit written notice from the County Planning and Development Department adjoining property owners of the variance application and then wait at least ten business days from notice to all adjoining property owners before the variance may be considered for approval. Also, notice of the variance application shall be posted upon the property ten days before the variance is considered and shall state the variance requested and the date the variance shall be considered.

- (3) *Conditions of approval.* The Director of Planning and Development may impose reasonable conditions upon any administrative variance to ensure that the public health, safety, and general welfare are protected. A violation of any imposed condition shall be a violation of this subsection.
- (4) *Compliance with other County Codes.* The effect of an administrative variance approval shall be that a specific request is determined to be appropriate for a specific location. The administrative variance application shall not waive or modify any other requirements of any other County Code other than as specifically granted pursuant to the variance.
- (5) *Appeal.* The applicant or an adjoining property owner may appeal to the County Commission the decision of the Planning Director regarding an administrative variance within ten days of the decision via written objection and appeal. Any such appeal shall be heard by the Dawson County Board of Commissioners in accord with the standard appeal procedure. The developer may at their own risk proceed with development during appeal period if the application for a variance is approved.
- (c) *Enforcement.* The Dawson County Marshal's Office and the Building Inspection Department of Dawson County or any other entity designated by the Dawson County Board of Commissioners shall be authorized to enforce the terms hereof.
- (d) *Penalty.* Any person who violates any provision of this section shall be subject to the jurisdiction of the Magistrate Court of Dawson County and may be punished by maximum fine of \$1,000.00 per day of the violation, and all work at any site subject to the terms hereof may be stopped until the site is brought into compliance.
- (e) *Repealed.* All resolutions or parts of resolution in conflict with the terms of this section are hereby repealed but it is hereby provided that any resolution or law which may be applicable hereto and aid in carrying out or making effective the intent, purpose, and provisions hereof, which shall be literally construed to be in favor of Dawson County is hereby adopted as a part hereof.

**Sec. 22-23. - Sprinkler systems.**

The following sprinkler standards are hereby adopted:

- (a) *Commercial buildings (10,000 square feet or more).* All commercial buildings containing 10,000 square feet or more under a common roof and any building over one story in height, and any building with an occupant load of 100 persons or more shall contain a sprinkler system in accord with an approved National Fire Protection Association (NFPA) 13.
- (b) *Multi-family dwellings.* Multi-family dwellings which require an approved NFPA 13 shall include full sprinkler coverage in all attics and breezeways.
- (c) *Commercial buildings (6,000 square feet or more).* All commercial buildings containing 6,000 square feet or more under a common roof where vehicles are placed or stored inside the building for purpose of maintenance, repair, storage, or installation of accessories shall have an approved NFPA13 sprinkler system, unless the vehicle bay areas in the building are less than 600 square feet. If the vehicle bays in such building are less than 600 square feet, then an approved NFPA 13 with a maximum of six sprinkler heads from the domestic water supply may be provided instead of an approved sprinkler system for the entire building. Any

calculations in accord with this subsection shall be performed by a sprinkler system contractor certified by the State of Georgia, and such calculations shall be provided on plans submitted for approval by the Dawson County Fire Marshal.

- (d) *Day care and preschool structures.* All day care and preschool structures shall install a sprinkler system in accordance with NFPA 13.
- (e) *Home day care structures.* All home day care structures with seven or more children shall install a sprinkler system in accordance with NFPA 13.
- (f) *Group home care structures.* All group home care structures for assisted living shall install a sprinkler system in accord with NFPA 13.
- (g) *Mixed occupancies.* A structure or building designed for mixed occupancies that include a residential occupancy shall install a sprinkler system in accord with NFPA 13. If residential occupancy shall be located above any nonresidential occupancy of the building or structure, then a fire-resistance separation rating of not less than one hour shall be required.
- (h) *National fire protection association regulations.* A copy of the National Fire Protection Association Regulations shall be available for public review in the office of the Fire Marshal of Dawson County during normal business hours of Monday through Friday from 9:00 a.m. until 5:00 p.m.
- (i) *Review of construction documents.* The Fire Marshal of Dawson County may require construction documents and calculations for all fire protection systems with a stamp/seal from a licensed architect or engineer to be submitted for review and appropriate permitting before installation, rehabilitation, or modification of any fire protection systems. All construction documents for fire protection systems shall be submitted for review and approval before installation.
- (j) *Other laws.* Any resolution or law which may be applicable hereto and aid in carrying out or making effective the intent, purpose, and provisions hereof, which shall be liberally construed to be in favor of Dawson County and is hereby adopted as a part hereof.

**Sec. 22-24. - County to enforce state minimum fire safety standards.**

- (a) Pursuant to an agreement made and entered into on August 4, 2005, by and between Dawson County, Georgia, a political subdivision of the State of Georgia, and the Safety Fire Commissioner of the State of Georgia, the County is authorized to adopt and enforce the state minimum fire safety standards as follows:
  - (1) Dawson County hereby adopts the State Minimum Fire Safety Standards as set forth in O.C.G.A. § 25-2-12 and any amendments thereto and will enforce such standards.
  - (2) Dawson County shall continue to enforce the state minimum fire safety standards regarding buildings and structures listed in O.C.G.A. § 25-2-13, except as otherwise provided herein.
  - (3) Dawson County personnel shall conduct fire safety inspections of new and existing commercial buildings and structures; issue building permits when plans are approved and conduct fire safety inspections of such buildings and structures; and issue permits and temporary certificates of occupancy, together with such other functions as shall from time

to time be specified by state law or regulation. The following occupancies are excepted from the enforcement activities of Dawson County: hospitals, nursing homes, jails, ambulatory health care centers and penal institutions, buildings and structures owned and operated or occupied by the State of Georgia.

- (4) Dawson County shall be responsible for investigating all cases of arson and other suspected incendiary fire within its jurisdiction in accord with O.C.G.A. § 25-2-12(a)(6).
- (5) Dawson County shall report all incidents of fire, whether accidental or incendiary, to the office of the Safety Fire Commissioner in accordance with O.C.G.A. § 25-2-32(b).
- (6) Dawson County shall be entitled to charge and retain appropriate fees, which shall not exceed the fees authorized by state statutes or regulations, for the activities performed in accordance with O.C.G.A. § 25-2-12 and the agreement referenced in subsection (a) above, and the fees to be charged and collected shall be in accordance with O.C.G.A. § 25-2-4.1, as amended. Fees for licenses, permits, and any other services provided by the Fire Department outside those licenses, permits, and services referenced in O.C.G.A. § 25-2-4.1 shall be established by separate resolution of the Board of Commissioners. Further, Dawson County shall have the right to designate an appropriate agency and appropriate personnel for the performance of the duties set forth herein.

**Sec. 22-25. - Fire hydrants.**

- (a) Water mains and fire hydrants shall be installed and shall be under sufficient water pressure as set forth below, and ready for fire service prior to beginning construction with combustible materials. Slab work may be completed prior to installation of water mains and fire hydrants, but water must be available before any framework of combustible materials is started; provided, however, that materials used in forming footings and foundations on grade shall not require the prior installation of water mains and fire hydrants.
- (b) Fire hydrants shall be:
  - (1) Placed a maximum of five hundred (500) feet apart as measured along an improved roadway;
  - (2) Installed within five hundred (500) roadway feet of any portion of the exterior of all buildings;
  - (3) Installed along the Fire Department access roadway; and
  - (4) Installed within not less than three (3) feet and not to exceed ten (10) feet from the edge of the pavement with the “steamer” connection facing the roadway.
- (c) The “steamer” fire hose connection on all fire hydrants shall be above the final surface grade a distance not less than eighteen (18) inches, nor more than twenty-four (24) inches, as measured from the bottom of the steamer cap.
- (d) Residential and multi-family occupancies, commercial and industrial buildings provided with automatic fire sprinkler protection or standpipe systems shall have a three-way type fire hydrant placed within fifty (50) roadway feet of the fire department connections.

- (e) No obstacle shall obstruct the approach or visibility of any fire hydrant or fire department connection, closer than five (5) feet in any direction, parallel with street access.
- (f) It shall be the responsibility of the property owner to maintain all privately-owned fire hydrants, as well as fire extinguishers, sprinkler systems, fire department connections (FDC), and emergency lighting as required by this Code. Such items shall be inspected at least annually, at the expense of the property owner, by a firm or company licensed to perform such inspections. A copy of the inspection report shall be maintained and kept available for review by the Dawson County Fire Marshal or his designee.

**Sec. 22-26. - Fire flows – minimum requirements.**

- (a) One- and two-family residential construction up to 3,600 square feet. Fire flow requirements for all one- and two-family residential buildings up to 3,600 square feet shall be a minimum of 1,000 gallons per minute. Fire flow requirements shall be verified and certified to Dawson County by a Georgia registered engineer.
- (b) All dwellings over 3,600 square feet. For all dwellings with a fire area larger than 3,600 square feet, use Table B105.1IFC to determine the required flow (look under the column heading type VB). Find the number in the column corresponding to the fire area. The fire flow is the number under the Fire Flow heading corresponding to the fire area. For example: a 4,500 square foot home would have a required fire flow of 1,750 gallons per minute.
- (c) Construction other than one- or two-family dwellings.
  - (1) Based upon the fire area (square footage) and type of construction utilized for each building, the County Fire Marshal shall determine the minimum fire flow requirements.
  - (2) The required fire flow for a building can be reduced by two methods:
    - a. Installing an approved fire sprinkler system:
      - i. For one- and two-family dwellings, the required fire flow is reduced by 50% in sprinkled buildings.
      - ii. For buildings other than one- and two-family dwellings, the fire flow can be reduced up to 75%, but the resulting fire flow cannot be reduced below 1,500 gallons per minute.
        - 1. Fire Flow Calculation Area: The fire flow calculation area shall be the total floor area of all floor levels within the exterior walls, and under the horizontal projections of the roof of a building, except as modified in Section B104.3IFC.
        - 2. Separate Fire Flow Calculation Areas: Portions of a building which are separated by fire walls without openings, constructed in accordance with the International Building Code (IBC 702.1), may be considered as separate fire flow calculation areas.

3. Fire Wall: a fire-resistance rated wall having protected openings (no openings of any kind, whether protected or otherwise, are allowed for separating fire flow calculation areas) which restricts the spread of fire.
  - b. Dividing the building into separate fire flow calculation areas constructed in accordance with the International Building Code (IBC). The fire flow for each fire flow calculation area within the building is then calculated according to Table B105.1IFC.
- (3) Water pressure:
  - a. Water systems shall be hydraulically designed to provide a maximum pressure range of 30-100 psi with desired range of 40-90 psi. A minimum residual pressure of 30 psi under peak hour design flow is required, and 20 psi residual pressure shall be maintained throughout the system under combined fire flow.
  - b. The minimum fire flow duration shall be designed for two (2) hours.

**Sec. 22-27. -Inspection of Buildings and Structures.**

- (a) The Fire Marshal shall inspect or cause to be inspected once yearly, or as often as reasonably practicable, all existing buildings and structures identified in O.C.G.A. § 25-2-13, as amended, and all commercial buildings and places of public assembly within the unincorporated area of Dawson County.
- (b) The Fire Marshal shall inspect or cause to be inspected at reasonable intervals all construction work, required to have a construction permit, in all buildings and structures which are covered by this Chapter, in conjunction with the Planning and Zoning Department.
  - (1) An eighty (80) percent completion inspection and a one hundred (100) percent final inspection shall be obtained from the Fire Safety Division prior to a Certificate of Occupancy being issued and the building or structure being occupied.
  - (2) Multi-family residential buildings, and any other buildings required by the Fire Marshal, shall also obtain a fifty (50) percent completion inspection in order that the methods of sealing penetrations within and through walls can be inspected.
- (c) At least thirty (30) days before beginning any construction, owners, their agents or designees, of buildings and structures described in subsection (a) above shall submit plans and specifications to the Fire Marshal, or his or her designee, for review and approval.
  - (1) All commercial site plans and fire protection system plans shall be submitted for review and approval.
  - (2) Construction documents and supporting data shall be submitted in two or more sets with each application for a permit and in such form and detail as required by the Fire Marshal.



- (3) One set of construction documents shall be retained by the Fire Marshal for a period of not less than one hundred and eighty (180) days from date of completion of the permitted work, or as required by state or local laws.
- (4) One set of approved construction documents shall be returned to the applicant and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.
- (5) Plans and specifications shall be submitted to the Fire Marshal according to procedures approved by the Fire Chief.
- (6) Any Person who builds, constructs, or erects any building or structure described in subsection (a) above without approved plans or in violation of approved plans, from which no appeal has been taken, shall be in violation of this section and subject to the issuance of an immediate stop work order.

**Secs. 22-28. - Division of Fire Prevention.**

- (a) The Division of Fire Prevention of the Dawson County Emergency Services Department shall also be known as the Fire Safety Division.
- (b) The Fire Safety Division shall be under the supervision of the Fire Chief or his or her designee.
- (c) The Fire Safety Division shall enforce the provisions of this Chapter.
- (d) The Fire Safety Division shall be managed by the Fire Marshal who shall report to the Fire Chief. The Fire Marshal shall have qualifications as set forth by the Fire Chief.
- (e) There shall be inspectors in the Fire Safety Division who shall report to the Fire Marshal. The inspectors shall have qualifications as set forth by the Fire Marshal. The inspectors shall conduct inspections of all newly constructed buildings and structures described in Section 22-27 which buildings and structures shall be re-inspected at least annually, or as often as reasonably practicable.
- (f) The Fire Safety Division is authorized to enter and inspect any building or structure described in Section 22-27, upon a showing that the public health or safety of the citizens of Dawson County require such entry and inspection. Except under circumstances which require immediate entry or the exigencies of the situation demand otherwise, no entry or inspection under the authorization granted herein shall take place other than during normal business hours; further, the one making the entry and inspection shall first make known his purpose, and seek permission for the entry and inspection from a person representing the building or structure. Entry into a structure covered by this section without the assistance or collaboration of an occupant shall not occur unless there be imminent danger to the lives of persons within the structure or one endangered by the structure sought to be entered.
- (g) A report of the Fire Safety Division shall be made semi-annually and transmitted to the Board of Commissioners. The report shall contain all activities and inspections undertaken pursuant to this section along with any additional information as determined by the Fire Chief.

**Secs. 22-29—22-44. - Reserved.**

### **ARTICLE III. - OUTDOOR BURNING**

#### **Sec. 22-45. - Regulated outdoor burning.**

- (a) This article shall apply in the unincorporated area of Dawson County and only to open burning of wastes hauled to the open burn via public right-of-way. No person shall cause, suffer, allow or permit open burning of wastes hauled to the open burn via public right-of-way without obtaining a permit from the Georgia Forestry Commission in accord with O.C.G.A. § 12-6-90, et seq., and complying with the terms of this article.
- (b) The following types of wastes shall be permitted within an open burn regulated by the terms hereof: only wood waste consisting of trees, logs, brush, leaves, stumps relatively free of soil, and natural wood products free of wood preserving chemicals, paints, and other contaminants.
- (c) Sawdust, or other densely packed wood wastes, and paper of any type may not be burned within an open burn regulated by the terms hereof.
- (d) Tires and other rubber products, plastics, heavy oils or asphaltic based or impregnated materials shall not be used to start or maintain the open burn.

#### **Sec. 22-46. - Times for permitted fires.**

All fires regulated pursuant to the terms hereof shall occur between one hour after sunrise and one hour before sunset.

#### **Sec. 22-47. - Limits—Conditions.**

A fire regulated in accord with the terms hereof shall not be authorized when conditions are such that the burn may jeopardize the safety of life and/or property. No open burning in accord with the terms hereof shall be authorized when restrictions are imposed by a state or federal agency for any reason.

#### **Sec. 22-48. - Control of outdoor burn.**

The party in control of the premises where a permitted burn is located shall be responsible for complying with the terms hereof. All permitted burns shall be attended at all times by a competent person 18 years or older having the ability to extinguish the fire. The Fire Marshal or the Dawson County Marshal's Office shall be authorized to cause any fire to be extinguished if the fire is determined to 1) pose a danger to public safety or 2) pose a danger to public or private property or 3) create environmental harm.

#### **Sec. 22-49. - Violations and penalties.**

A person, firm or corporation who violates any provision hereof shall, upon conviction, be deemed guilty of violating a county ordinance and shall be subject to a fine of a \$1,000.00 for each violation.

In addition to, or in lieu of, the fines set forth herein, a civil penalty of \$100.00 for each violation after notice from Dawson County to the person or entity in control of the premises where the improper open burning occurs. A separate civil penalty shall be exacted for each day a violation

occurs after notice thereof from Dawson County. These civil penalties shall be in addition to any other civil remedy available to Dawson County.

**Sec. 22-50. - Enforcement.**

The provisions of this Article shall be enforced by the Dawson County Fire Chief, the Dawson County Fire Marshal, the Dawson County Marshal's Office, and any law enforcement officer authorized to enforce Dawson County ordinances.

**Sec. 22-51. -Outdoor Burning – Generally.**

- (a) All burning operations in Dawson County shall comply with the rules and regulations of the Department of Natural Resources including but not limited to Chapter 391-3-1 (“Rules for Air Quality Control”) and must be in accordance with a permit issued by the Georgia Forestry Commission except as may be specifically modified herein.
- (b) No person shall cause, suffer, allow, or permit open burning in any area of Dawson County without a permit except as follows:
  - (1) Recreation/cooking fires. For recreational purposes, cooking food for immediate human consumption, campfires in designated camping areas and barbeque grills. Recreational bonfires are subject to the location and fuel type.
  - (2) Firefighter training. Fires set for training firefighting personnel when authorized by the Dawson County Fire Chief.
- (c) All fires authorized under this Chapter shall occur between no earlier than one hour after sunrise and shall be extinguished by one hour before sunset.
- (d) Open burning shall not be authorized when conditions are such that the burn may jeopardize the safety of life and/or property.
- (e) No open burning shall be authorized during an air pollution episode or when restrictions are imposed by a state or federal agency for any reason.
- (f) The burning of “household” garbage, trash and construction debris is prohibited.
- (g) The Dawson County Fire Department shall have the authority to cause any fire to be extinguished if it is determined that there is a danger to public safety, a danger to public or private property, a nuisance or sign of environmental harm.
- (h) The Fire Chief, or his or her designee, may grant specific exceptions or variances to any requirement of this section, upon written petition, if it is deemed necessary to protect the public health, safety, and general welfare.
- (i) The Fire Chief, or his or her designee, shall have the authority to impose additional safety precautions or restrict burning, including the issuance of a complete open burning ban, if it is determined that open burning imposes a threat to the public health, safety and general welfare.
- (j) The company/contractor/landowner or their representative in control of the property at the time of the burn is responsible for the compliance with the requirements of this Article. All burns must be attended by a competent person with the ability to extinguish the fire.

**A RESOLUTION BY THE DAWSON COUNTY BOARD OF  
COMMISSIONERS TO ESTABLISH FEES FOR CERTAIN PERMITS  
ISSUED AND SERVICES PERFORMED BY THE FIRE DEPARTMENT**

**WHEREAS**, the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, provides in Article IX, Section 2, Paragraph 1 thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations; and

**WHEREAS**, the Board of Commissioners previously adopted a fire prevention and protection ordinance which was codified as Chapter 22 of the Dawson County Code of Ordinances; and

**WHEREAS**, Section 22-24(a)(6) of the Dawson County Code of Ordinances provides, in part, that the Board of Commissioners shall, by resolution, establish fees for all licenses, permits and services performed by the Fire Department outside those licenses, permits and services referenced in O.C.G.A. § 25-2-4.1; and

**WHEREAS**, pursuant to Dawson County Code of Ordinances, Section 22-24(a)(6), the Board of Commissioners desires to establish fees for all licenses, permits and services performed by the Fire Department outside those licenses, permits and services referenced in O.C.G.A. § 25-2-4.1.

**NOW, THEREFORE, BE IT RESOLVED** that the fees for all licenses, permits and services performed by the Fire Department outside those licenses, permits and services referenced in O.C.G.A. § 25-2-4.1 are hereby established as stated in Exhibit A, attached hereto and by this reference incorporated herein.

Be it resolved this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**DAWSON COUNTY BOARD OF COMMISSIONERS**

By: \_\_\_\_\_  
Billy Thurmond, Chairman

Attest:

[COUNTY SEAL]

By: \_\_\_\_\_  
Kristen Cloud, County Clerk

Vote: Yes: \_\_\_\_\_  
No: \_\_\_\_\_

**Exhibit A**

<b><u>County License and Permit Fees:</u></b>	<b>Amount in U.S. Dollars</b>
Fire watch (per person, per hour)	40.00
Fire watch apparatus usage (per apparatus, per hour)	150.00
Blasting permit (proof of insurance, and copy of state license)	75.00
Installation of fire suppression system (fire protection systems)	100.00
Storage and handling of flammable-combustible-hazardous materials (other than LPG)	100.00
Stop Work Order Fee	250.00
Special Event permit inspection	200.00
<b><u>Other Fees:</u></b>	
Fire extinguisher classes	No charge
Heart Saver CPR classes with card (private citizens)	25.00
Heart Saver CPR classes with card (students K-12)	8.00
Healthcare provider CPR classes with card	10.00
Daycare provider fire safety classes for group (price per person)	20.00
Daycare provider fire safety classes for individual	30.00
Daycare provider first aid and CPR for group (price per person)	30.00
Daycare provider first aid and CPR for individual	35.00



**Item Attachment Documents:**

2. Presentation of State Route 136 at Toto Creek Bridge Replacement Detour Request-  
Public Works Director David McKee



## DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Public Works

Work Session: 8-1-19

Prepared By: David McKee

Voting Session: 8-15-19

Presenter: David McKee

Public Hearing: Yes  No

Agenda Item Title: SR 136 Toto Creek Bridge replacement Detour Approval

**Background Information:**

GDOT has programmed SR 136 Bridge over Toto Creek (Lake Lanier) to be replaced. Due to the environmental/financial/historical impacts, the roadway will need to be closed to replace the bridge. The proposed project will construct a replacement bridge for the functionally obsolete bridge. The closure of the roadway during construction will require all traffic to be detoured during construction; and 8- to 12-month closure.

**Current Information:**

GDOT has identified the most beneficial route is utilization of Henry Grady Highway, which is a county-maintained (off-system) road to accomplish the detour route. Staff has met with GDOT and inspected the road, which is adequate for use during the project. GDOT and staff will meet and inspect the roadway following the use for the detour to determine if any additional maintenance is needed following the increased traffic.

Budget Information: Applicable:  Not Applicable:  Budgeted: Yes  No

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: Motion to approve the use of Henry Grady Highway as the detour route identified by GDOT during the Toto Creek bridge reconstruction.

Department Head Authorization: David McKee

Date: 7-18-19

Finance Dept. Authorization: \_\_\_\_\_

Date: \_\_\_\_\_

County Manager Authorization: DH

Date: 7/25/19

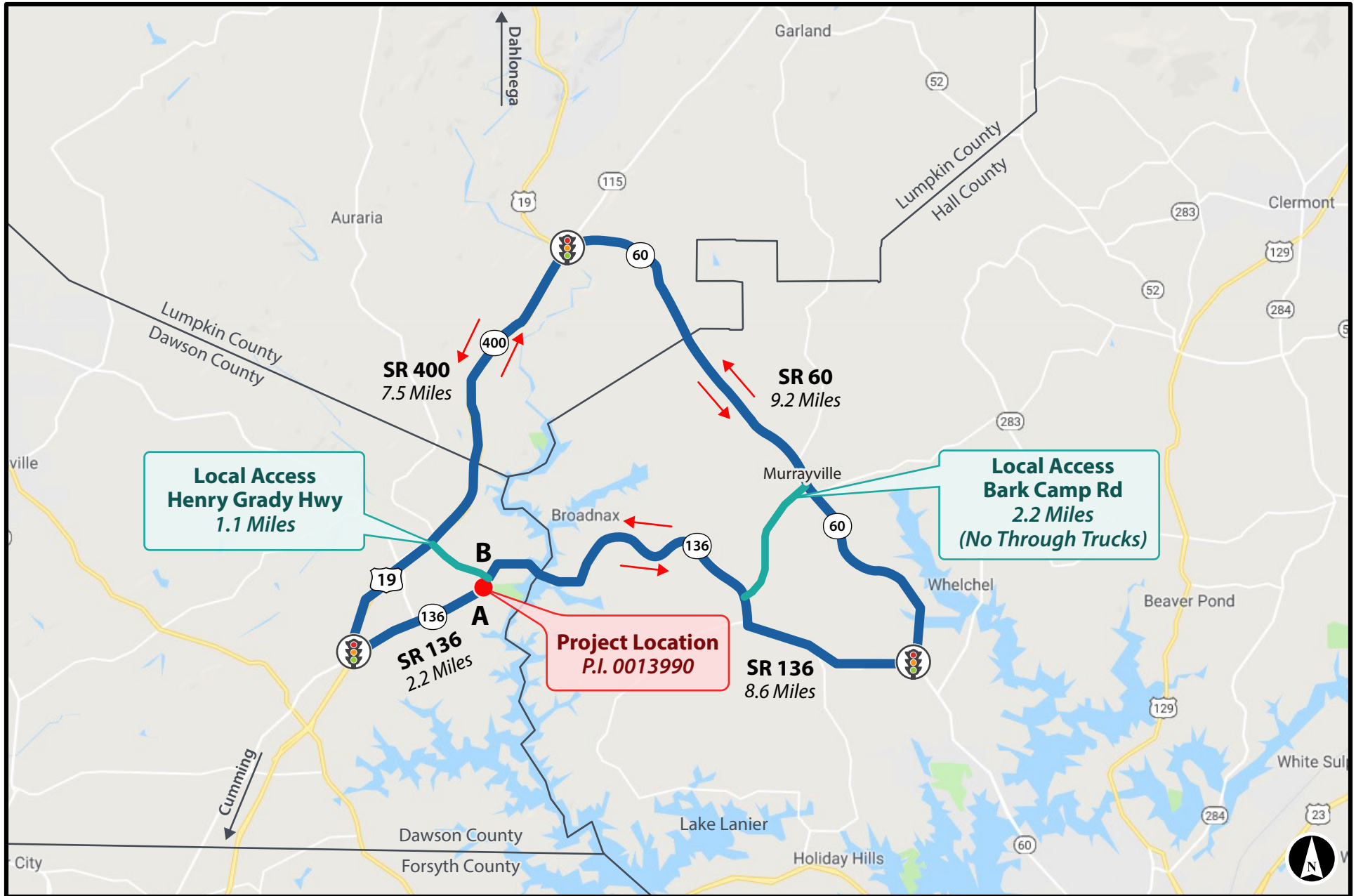
County Attorney Authorization: \_\_\_\_\_

Date: \_\_\_\_\_

**Comments/Attachments:**

Proposed detour route map provided by GDOT





**DETOUR MAP P.I. NO. 0013990**

SR 136 at Toto Creek (Lake Lanier) Bridge Replacement, Dawson County

Proposed Detour Route Length (A to B) = 27.6 Miles

**Item Attachment Documents:**

3. Presentation of Updated Transit Drug and Alcohol Testing Policy- Senior Services  
Director Dawn Pruett



## DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Senior Services – Transit

Work Session: 8-1-19

Prepared By: Dawn Pruett

Voting Session: 8-15-19

Presenter: Dawn Pruett

Public Hearing: Yes \_\_\_\_\_ No X

Agenda Item Title: Request for approval of updated Dawson County Transit Drug and Alcohol Testing Policy

**Background Information:**

Dawson County Transit has a separate testing policy beyond Dawson County that follows FTA/GDOT guidelines.

**Current Information:**

Minor changes to policy per GDOT regulations.

Budget Information: Applicable: Not Applicable: Budgeted: Yes X No \_\_\_\_\_

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: Approve updated Dawson County Transit Drug and Alcohol Testing Policy.

Department Head Authorization: Dawn Pruett

Date: 7-23-19

Finance Dept. Authorization: \_\_\_\_\_

Date: \_\_\_\_\_

County Manager Authorization: DH

Date: 7/25/19

County Attorney Authorization: \_\_\_\_\_

Date: \_\_\_\_\_

**Comments/Attachments:**

27

**DRUG AND ALCOHOL TESTING POLICY  
DAWSON COUNTY TRANSIT  
Adopted as of August 15, 2019**

**A. PURPOSE**

- 1) Dawson County Transit provides public transit and paratransit services for the residents of Dawson County. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, Dawson County Transit declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.
- 2) Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result, or a refusal to test. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.
- 3) Any provisions set forth in this policy that are included under the sole authority of Dawson County Transit and are not provided under the authority of the above-named Federal regulations are underlined. Tests conducted under the sole authority of Dawson County Transit will be performed on non-USDOT forms and will be separate from USDOT testing in all respects.

**B. APPLICABILITY**

This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full- or part-time) when performing safety sensitive duties. See Attachment A for a list of employees and the authority under which they are included.

08/2019

A safety-sensitive function is operation of public transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or persons controlling the movement of revenue service vehicles and any transit employee who operates a vehicle that requires a Commercial Driver's License to operate. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety-sensitive positions who perform one or more of the above-mentioned duties is provided in Attachment A. Supervisors are only safety sensitive if they perform one of the above functions. Volunteers are considered safety sensitive and subject to testing if they are required to hold a CDL, or receive remuneration for service in excess of actual expense.

### **C. DEFINITIONS**

*Accident:* An occurrence associated with the operation of a vehicle even when not in revenue service, if as a result:

- a. Death of an individual;
- b. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
- c. One or more vehicles incur disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, *disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

*Adulterated specimen:* A specimen that has been altered, as evidence by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

*Alcohol:* The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

08/2019

*Alcohol Concentration:* Expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under 49 CFR Part 40.

*Aliquot:* A fractional part of a specimen used for testing, It is taken as a sample representing the whole specimen.

*Canceled Test:* A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which is cancelled. A canceled test is neither positive nor negative.

*Confirmatory Drug Test:* A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or metabolite.

*Confirmatory Validity Test:* A second test performed on a different aliquot of the original urine specimen to further support a validity test result.

*Covered Employee Under FTA Authority:* An employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function (See Attachment A for a list of covered employees).

*Designated Employer Representative (DER):* An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655.

*DOT, The Department, DOT Agency:* These terms encompass all DOT agencies, including, but not limited to, the Federal Aviation Administration (FAA), the Federal Railroad Administration (FRA), the Federal Motor Carrier Safety Administration (FMCSA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Office of the Secretary (OST). For purposes of 49 CFR Part 40, the United States Coast Guard (USCG), in the Department of Homeland Security, is considered to be a DOT agency for drug testing purposes. These terms include any designee of a DOT agency.

*Dilute specimen:* A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

*Disabling damage:* Damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated

08/2019

but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

*Evidentiary Breath Testing Device (EBT):* A device approved by the NHTSA for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations, and appears on ODAPC's Web page for "Approved Evidential Breath Measurement Devices" because it conforms with the model specifications available from NHTSA.

*Initial Drug Test: (Screening Drug Test)* The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

*Initial Specimen Validity Test:* The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid

*Invalid Result:* The result reported by an HHS-certified laboratory in accordance with the criteria established by the HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

*Laboratory:* Any U.S. laboratory certified by HHS under the National Laboratory Certification program as meeting standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

*Limit of Detection (LOD):* The lowest concentration at which a measurand can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.

*Limit of Quantitation:* For quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.

*Medical Review Officer (MRO):* A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.



08/2019

*Negative Dilute:* A drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.

*Negative result:* The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen. An alcohol concentration of less than 0.02 BAC is a negative test result.

*Non-negative test result:* A urine specimen that is reported as adulterated, substituted, invalid, or positive for drug/drug metabolites.

*Oxidizing Adulterant:* A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or metabolites, or affects the reagents in either the initial or confirmatory drug test.

*Performing (a safety-sensitive function):* A covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

*Positive result:* The result reported by an HHS- Certified laboratory when a specimen contains a drug or drug metabolite equal or greater to the cutoff concentrations.

*Prohibited drug:* Identified as marijuana, cocaine, opioids, amphetamines, or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40, as amended.

*Reconfirmed:* The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.

*Rejected for Testing:* The result reported by an HHS- Certified laboratory when no tests are performed for specimen because of a fatal flaw or a correctable flaw that has not been corrected.

*Revenue Service Vehicles:* All transit vehicles that are used for passenger transportation service.

*Safety-sensitive functions:* Employee duties identified as:

- (1) The operation of a transit revenue service vehicle even when the vehicle is not in revenue service.



08/2019

- (2) The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Drivers License (CDL).
- (3) Maintaining a revenue service vehicle or equipment used in revenue service.
- (4) Controlling the movement of a revenue service vehicle and
- (5) Carrying a firearm for security purposes.

**Split Specimen Collection:** A collection in which the urine collected is divided into two separate bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

**Substance Abuse Professional (SAP):** A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist, or drug and alcohol counselor (certified by an organization listed at <https://www.transportation.gov/odapc/sap>) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

**Substituted specimen:** A urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

**Test Refusal:** The following are considered a refusal to test if the employee:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
- (6) Fail or decline to take a second test as directed by the collector or the employer for drug testing.
- (7) Fail to undergo a medical evaluation as required by the MRO or the employer's Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.

08/2019

- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.
- (14) As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

*Vehicle:* A bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A public transit vehicle is a vehicle used for public transportation or for ancillary services.

*Verified negative test:* A drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

*Verified positive test:* A drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

*Validity testing:* The evaluation of the specimen to determine if it is consistent with normal human urine. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

#### **D. EDUCATION AND TRAINING**

- 1) Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.
- 2) All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators

08/2019

of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

## **E. PROHIBITED SUBSTANCES**

- 1) Prohibited substances addressed by this policy include the following.
  - a. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opioids, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy  
  
Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all employees covered under FTA authority be tested for marijuana, cocaine, amphetamines, opioids, and phencyclidine as described in Section H of this policy. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty.
  - b. Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a Dawson County Transit supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.
  - c. Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited.

**F. PROHIBITED CONDUCT**

- 1) All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.
- 2) Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline for not fulfilling his/her on-call responsibilities.
- 3) The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol
- 4) Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater regardless of when the alcohol was consumed.
  - a. An employee with a breath alcohol concentration which measures 0.02-0.039 is not considered to have violated the USDOT-FTA drug and alcohol regulations, provided the employee hasn't consumed the alcohol within four (4) hours of performing a safety-sensitive duty. However, if a safety-sensitive employee has a breath alcohol concentration of 0.02-0.039, USDOT-FTA regulations require the employee to be removed from the performance of safety-sensitive duties until:
    - i. The employee's alcohol concentration measures less than 0.02; or
    - ii. The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.
- 5) No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.
- 6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

08/2019

- 7) Dawson County Transit, under its own authority, also prohibits the consumption of alcohol at all times the employee is on duty, or anytime the employee is in uniform.
- 8) Consistent with the Drug-free Workplace Act of 1988, all Dawson County Transit employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including transit system premises and transit vehicles.

#### **G. DRUG STATUTE CONVICTION**

Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify the Dawson County Transit management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action as defined in Section Q of this policy.

#### **H. TESTING REQUIREMENTS**

- 1) Analytical urine drug testing and breath testing for alcohol will be conducted as required by 49 CFR Part 40 as amended. All employees covered under FTA authority shall be subject to testing prior to performing safety-sensitive duty, for reasonable suspicion, following an accident, and random as defined in Section K, L, M, and N of this policy, and return to duty/follow-up.
- 2) A drug test can be performed any time a covered employee is on duty. A reasonable suspicion or random alcohol test can only be performed just before, during, or after the performance of a safety-sensitive job function. Under Dawson County Transit authority, a non-DOT alcohol test can be performed any time a covered employee is on duty.
- 3) All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment with Dawson County Transit. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in Section Q of this policy. The number of employees randomly selected for drug/alcohol testing during the calendar year shall not be less than the percentage rates set each year by the FTA Administrator. The

08/2019

current year testing rates can be viewed online at <https://www.transportation.gov/odapc/random-testing-rates>.

## **I. DRUG TESTING PROCEDURES**

- 1) Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.
- 2) The drugs that will be tested for include marijuana, cocaine, opioids, amphetamines, and phencyclidine. After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.
- 3) The test results from the HHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to

08/2019

Dawson County Transit. If a legitimate explanation is found, the MRO will report the test result as negative.

- 4) If the test is invalid without a medical explanation, a retest will be conducted under direct observation. Employees do not have access to a test of their split specimen following an invalid result.
- 5) Any covered employee who questions the results of a required drug test under paragraphs L through P of this policy may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. Dawson County Transit will ensure that the cost for the split specimen analysis is covered in order for a timely analysis of the sample, however Dawson County Transit will seek reimbursement for the split sample test from the employee.
- 6) If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled.
- 7) The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year. If the primary is positive, the primary and the split will be retained for longer than one year for testing if so requested by the employee through the Medical Review Officer, or by the employer, by the MRO, or by the relevant DOT agency.
- 8) Observed collections
  - a. Consistent with 49 CFR Part 40, as amended, collection under direct observation (by a person of the same gender) with no advance notice will occur if:



08/2019

- i. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to Dawson County Transit that there was not an adequate medical explanation for the result;
- ii. The MRO reports to Dawson County Transit that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed;
- iii. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen as negative-dilute and that a second collection must take place under direct observation (see §40.197(b)(1)).
- iv. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
- v. The temperature on the original specimen was out of range;
- vi. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with.
- vii. All follow-up-tests; or
- viii. All return-to-duty tests

## **J. ALCOHOL TESTING PROCEDURES**

- 1) Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). A list of approved EBTs can be found on ODAPC's Web page for "Approved Evidential Breath Measurement Devices". Alcohol screening tests may be performed using a non-evidential testing device (alcohol screening device (ASD)) which is also approved by NHTSA. A list of approved ASDs can be found on ODAPC's Web page for "Approved Screening Devices to Measure Alcohol in Bodily Fluids". If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial



08/2019

test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted no sooner than fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.

- 2) A confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in Section Q. of this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or for the duration of the work day whichever is longer and will be subject to the consequences described in Section Q of this policy. An alcohol concentration of less than 0.02 will be considered a negative test.
- 3) Dawson County Transit affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.
- 4) The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall be used for all FTA required testing. Failure of an employee to sign step 2 of the ATF will be considered a refusal to submit to testing.

#### **K. PRE-EMPLOYMENT TESTING**

- 1) All applicants for covered transit positions shall undergo urine drug testing prior to performance of a safety-sensitive function.
  - a. All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug test. An applicant will not be allowed to perform safety-sensitive functions unless the applicant takes a drug test with verified negative results.

- b. An employee shall not be placed, transferred or promoted into a position covered under FTA authority or company authority until the employee takes a drug test with verified negative results.
- c. If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded and the applicant will be provided with a list of at least two (2) USDOT qualified Substance Abuse Professionals. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of at least one year. Before being considered for future employment the applicant must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
- d. When an employee being placed, transferred, or promoted from a non-covered position to a position covered under FTA authority or company authority submits a drug test with a verified positive result, the employee shall be subject to disciplinary action in accordance with Section Q herein.
- e. If a pre-employment test is canceled, Dawson County Transit will require the applicant to take and pass another pre-employment drug test.
- f. In instances where a FTA covered employee does not perform a safety-sensitive function for a period of 90 consecutive days or more regardless of reason, and during that period is not in the random testing pool the employee will be required to take a pre-employment drug test under 49 CFR Part 655 and have negative test results prior to the conduct of safety-sensitive job functions.
- g. Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- h. Applicants are required (even if ultimately not hired) to provide *Dawson County Transit* with signed written releases requesting USDOT drug and alcohol records from all previous, USDOT-covered, employers that the applicant has worked for within the last two years. Failure to do so will result in the employment offer being rescinded. *Dawson County Transit* is required to ask all applicants

08/2019

(even if ultimately not hired) if they have tested positive or refused to test on a pre-employment test for a USDOT covered employer within the last two years. If the applicant has tested positive or refused to test on a pre-employment test for a USDOT covered employer, the applicant must provide Dawson County Transit proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

#### **L. REASONABLE SUSPICION TESTING**

- 1) All Dawson County Transit FTA covered employees will be subject to a reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under Dawson County Transit's authority, a non-DOT reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty.
- 2) Dawson County Transit shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action described in Section Q of this policy. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in Section Q of this policy.
- 3) A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation. This written record shall be submitted to Dawson County transit.

- 4) When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in his/her chain of command, the employee shall be referred for assessment and treatment consistent with Section Q of this policy. Dawson County Transit shall place the employee on administrative leave in accordance with the provisions set forth under Section Q of this policy. Testing in this circumstance would be performed under the direct authority of Dawson County Transit. **Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under Federal authority.** However, self-referral does not exempt the covered employee from testing under Federal authority as specified in Sections L through N of this policy or the associated consequences as specified in Section Q.

#### **M. POST-ACCIDENT TESTING**

- 1) FATAL ACCIDENTS – A covered employee will be required to undergo urine and breath testing if they are involved in an accident with a transit vehicle, whether or not the vehicle is in revenue service at the time of the accident, that results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.
- 2) NON-FATAL ACCIDENTS - A post-accident test of the employee operating the public transportation vehicle will be conducted if an accident occurs and at least one of the following conditions is met:
  - a. The accident results in injuries requiring immediate medical treatment away from the scene, and the covered employee may have contributed to the accident.
  - b. One or more vehicles incurs disabling damage as a result of the occurrence and must be transported away from the scene, and the covered employee may have contributed to the accident

In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision, will be tested.

08/2019

As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.

The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours of the accident for alcohol, and no longer than 32 hours for drugs. If an alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within (8) eight hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.

Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test.

An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.

Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

In the rare event that Dawson County Transit is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), Dawson County Transit may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

## **N. RANDOM TESTING**

- 1) All covered employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of

08/2019

safety-sensitive employees. Employees who may be covered under company authority will be selected from a pool of non-DOT-covered employees.

- 2) The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.
- 3) The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates set each year by the FTA administrator. The current year testing rates can be viewed online at <https://www.transportation.gov/odapc/random-testing-rates>.
- 4) Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection.
- 5) Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from the testing pool of non-safety-sensitive employees that are included solely under Dawson County Transit authority.
- 6) Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can only be performed just before, during, or just after the performance of a safety sensitive duty. However, under Dawson County Transit's authority, a non-DOT random alcohol test may be performed any time the covered employee is on duty. Testing can occur during the beginning, middle, or end of an employee's shift.
- 7) Employees are required to proceed immediately to the collection site upon notification of their random selection.

## **O. RETURN-TO-DUTY TESTING**

Dawson County Transit will terminate the employment of any employee that tests positive or refuses a test as specified in section Q of this policy. However, in the rare event an employee is reinstated with court order or other action beyond the control of the transit system, the employee must complete the return-to-duty process prior to the performance of safety-sensitive functions. All covered

08/2019

employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional before returning to work. For an initial positive drug test a Return-to-Duty drug test is required and an alcohol test is allowed. For an initial positive alcohol test a Return-to-Duty alcohol test is required and a drug test is allowed. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there are no undue concerns for public safety.

#### **P. FOLLOW-UP TESTING**

Covered employees that have returned to duty following a positive or refused test will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty test. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

In the instance of a self-referral or a management referral, the employee will be subject to non-USDOT follow-up tests and follow-up testing plans modeled using the process described in 49 CFR Part 40. However, all non-USDOT follow-up tests and all paperwork associated with an employee's return-to-work agreement that was not precipitated by a positive test result (or refusal to test) does not constitute a violation of the Federal regulations will be conducted under company authority and will be performed using non-DOT testing forms.

#### **Q. RESULT OF DRUG/ALCOHOL TEST**

- 1) Any covered employee that has a verified positive drug or alcohol test, or test refusal, will be removed from his/her safety-sensitive position, informed of educational and rehabilitation programs available, and will be provided with a list of at least two (2) USDOT qualified Substance Abuse Professionals (SAP) for assessment, and will be terminated.
- 2) Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the



08/2019

test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.

- 3) Refusal to submit to a drug/alcohol test shall be considered equivalent to a positive test result and a direct act of insubordination and shall result in termination and referral to a list of USDOT qualified SAPs. A test refusal includes the following circumstances:
- a. Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
  - b. Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
  - c. Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
  - d. In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
  - e. Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
  - f. Fail or decline to take a second test as directed by the collector or the employer for drug testing.
  - g. Fail to undergo a medical evaluation as required by the MRO or the employer's Designated Employer Representative (DER).
  - h. Fail to cooperate with any part of the testing process.
  - i. Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
  - j. Possess or wear a prosthetic or other device used to tamper with the collection process.
  - k. Admit to the adulteration or substitution of a specimen to the collector or MRO.
  - l. Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
  - m. Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

- 4) An alcohol test result of  $\geq 0.02$  to  $\leq 0.039$  BAC shall result in the removal of the employee from duty for eight hours or the remainder or the work day whichever is longer. The employee will not be allowed to return to safety-



08/2019

sensitive duty for his/her next shift until he/she submits to a NONDOT alcohol test with a result of less than 0.02 BAC.

- 5) In the instance of a self-referral or a management referral, disciplinary action against the employee shall include:
- a. Mandatory referral for an assessment by an employer approved counseling professional for assessment, formulation of a treatment plan, and execution of a return to work agreement;
  - b. Failure to execute, or remain compliant with the return-to-work agreement shall result in termination from Dawson County Transit employment.
    - i. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; the employee is cooperating with his/her recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as described in Section P of this policy; however, all follow-up testing performed as part of a return-to-work agreement required under section Q of this policy is under the sole authority of Dawson County Transit and will be performed using non-DOT testing forms.
  - c. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination. **All tests conducted as part of the return to work agreement will be conducted under company authority and will be performed using non-DOT testing forms.**
  - d. **A self-referral or management referral to the employer's counseling professional that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered as a positive test result in relation to the progressive discipline defined in Section Q of this policy.**
  - e. Periodic unannounced follow-up drug/alcohol testing conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result in relation to the progressive discipline defined in Section Q of this policy.
  - f. A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment with Dawson County Transit.
  - g. A Voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing.

08/2019

- 6) Failure of an employee to report within five days a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.

## **R. GRIEVANCE AND APPEAL**

The consequences specified by 49 CFR Part 40.149 (c) for a positive test or test refusal is not subject to arbitration.

## **S. PROPER APPLICATION OF THE POLICY**

Dawson County Transit is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

## **T. INFORMATION DISCLOSURE**

- 1) Drug/alcohol testing records shall be maintained by the Dawson County Drug and Alcohol Program Manager and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.
- 2) The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP follow-up testing plans.
- 3) Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, and other transit system management personnel on a need to know basis.
- 4) Records will be released to a subsequent employer only upon receipt of a written request from the employee.
- 5) Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on

behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the proceeding.

- 6) Records will be released to the National Transportation Safety Board during an accident investigation.
- 7) Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.
- 8) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- 9) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over Dawson County Transit or the employee.
- 10) If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended, necessary legal steps to contest the issuance of the order will be taken
- 11) In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

This Policy was adopted by the *Dawson County Board of Commissioners* on *[August 15, 2019]*.

APPROVE:

ATTEST:

\_\_\_\_\_  
Billy Thurmond, Chairman

\_\_\_\_\_  
Kristen Cloud, County Clerk

## Attachment A

<u>Job Title</u>	<u>Job Duties</u>	<u>Testing Authority</u>
<b>Director</b>	<b>Director of Transit</b>	<b>FTA</b>
<b>Coordinator</b>	<b>Supervision of Drivers</b>	<b>FTA</b>
<b>Driver</b>	<b>Operation of Transit Vehicle</b>	<b>FTA</b>
<b>DAPM</b>	<b>Drug &amp; Alcohol Program Mgr</b>	<b>FTA</b>
<b>Maintenance</b>	<b>Fleet Maintenance</b>	<b>FTA</b>

## **Attachment B Contacts**

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s).

### **Dawson County Transit Drug and Alcohol Program Manager**

Name: Lisa Green

Title: HR Director

Address: 25 Justice Way, Suite 2233, Dawsonville, GA 30534

Telephone Number: 706-344-3500

### **Medical Review Officer**

Name: Donald Freedman, M.D.

Title: Medical Review Officer

Address: P.O. Box 551051

4237 Salisbury #312, Jacksonville, FL 32255

Telephone Number: 904-332-0472

### **Substance Abuse Professional**

Name: Tom L. Watkins

Title: Substance Abuse Professional

Address: P.O. Box 2323, Gainesville, GA 30503

Telephone Number: 404-463-4166

### **HHS Certified Laboratory Primary Specimen**

Name: Russell Medical

Address: 4355 Browns Bridge Rd., Cumming, GA 30041

Telephone Number: 770-771-5050

### **Breath Alcohol Test**

Name: Russell Medical

Address: 4355 Browns Bridge Rd., Cumming, GA 30041

Telephone Number: 770-771-5050

**Item Attachment Documents:**

4. Presentation of Title VI Plan for Transit- Senior Services Director Dawn Pruett



## DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Senior Services/Transit

Work Session: 8-1-2019

Prepared By: Dawn Pruett

Voting Session: 8-15-2019

Presenter: Dawn Pruett

Public Hearing: Yes \_\_\_\_\_ No X

Agenda Item Title: Approval of Title VI Plan

Background Information:

GDOT requires approval of Title VI Plan by the BOC when regulations are changed.

Current Information:

Title VI plan has been updated and ready for approval with minor changes.

Budget Information: Applicable:  Not Applicable:  Budgeted: Yes  No

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: \_\_\_\_\_

Department Head Authorization: Dawn Pruett

Date: 7-23-19

Finance Dept. Authorization: \_\_\_\_\_

Date: \_\_\_\_\_

County Manager Authorization: DH

Date: 7/25/19

County Attorney Authorization: \_\_\_\_\_

Date: \_\_\_\_\_

Comments/Attachments:



# Dawson County Board of Commissioners



## Title VI Plan

*Date Adopted: August 15, 2019*

*Effective: August 15, 2019 thru 2021*



### Title VI Plan Activity Log

Date	Activity (Review/Update/Addendum/ Adoption/Distribution)	Concerned Person (Signature)	Remarks
05/16/2018	Update	D. Yarbrough	
07/03/2018	Adoption	Dawson Co. BOC	
02/05/2015	Adoption	Dawson Co. BOC	
08/15/2019	Adoption	Dawson Co. BOC	

### Title VI Plan Activity Log (Continued)

Date	Activity (Review/Update/Addendum/ Adoption/Distribution)	Concerned Person (Signature)	Remarks

Table of Contents

**1.0 Title VI/Nondiscrimination Policy Statement and Management Commitment to Title VI Plan 1-1**

**2.0 Introduction & Description of Services .....2-1**

    2.1 First Time Applicant Requirements ..... 2-2

    2.2 Annual Certifications and Assurances..... 2-3

    2.3 Title VI Plan Concurrence and Adoption..... 2-3

**3.0 Title VI Notice to the Public .....3-1**

    3.1 Notice to Public..... 3-1

    3.2 Notice Posting Locations..... 3-1

**4.0 Title VI Procedures and Compliance .....4-1**

    4.1 Complaint Procedure ..... 4-1

    4.2 Complaint Form ..... 4-1

    4.3 Record Retention and Reporting Policy..... 4-2

    4.4 Sub-recipient Assistance and Monitoring..... 4-2

    4.5 Sub recipients and Subcontractors..... 4-2

**5.0 Title VI Investigations, Complaints, and Lawsuits .....5-1**

**6.0 Public Participation Plan .....5-1**

**7.0 Language Assistance Plan .....7-1**

**8.0 Transit Planning and Advisory Bodies.....8-1**

**9.0 Title VI Equity Analysis.....9-1**

**10.0 System-Wide Service Standards and Service Policies .....10-1**

**11.0 Appendices.....11-1**

APPENDIX A FTA CIRCULAR 4702.1B REPORTING REQUIREMENTS FOR TRANSIT PROVIDERS

APPENDIX B CURRENT SYSTEM DESCRIPTION

APPENDIX C TITLE VI PLAN ADOPTION MEETING MINUTES AND GDOT CONCURRENCE LETTER

APPENDIX D TITLE VI SAMPLE NOTICE TO PUBLIC

APPENDIX E TITLE VI COMPLAINT FORM

APPENDIX F PUBLIC PARTICIPATION PLAN

APPENDIX G LANGUAGE ASSISTANCE PLAN

APPENDIX H OPERATING AREA LANGUAGE DATA: DAWSON COUNTY TRANSIT SERVICE AREA

APPENDIX I DEMOGRAPHIC MAPS

APPENDIX J TITLE VI EQUITY ANALYSIS

APPENDIX K TEXT FORMATTING PALETTE

## 1.0 Title VI/Nondiscrimination Policy Statement and Management Commitment to Title VI Plan

*49 CFR Part 21.7(a): Every application for Federal financial assistance to which this part applies shall contain, or be accompanied by, an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed or pursuant to [49 CFR Part 21].*

Dawson County Transit assures the Georgia Department of Transportation that no person shall on the basis of race, color, national origin, age, disability, family or religious status, as provided by Title VI of the Civil Rights Act of 1964, Federal Transit Laws, 49 CFR Part 21 Unlawful Discrimination, Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation and as per written guidance under FTA Circular 4702.1B, dated October 2012, be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity undertaken by the agency.

Dawson County Transit further agrees to the following responsibilities with respect to its programs and activities:

1. Designate a Title VI Liaison that has a responsible position within the organization and access to the recipient’s Chief Executive Officer or authorized representative.
2. Issue a policy statement signed by the Executive Director or authorized representative, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the Recipient’s organization and to the general public. Such information shall be published where appropriate in language other than English.
3. Insert the clauses of Section 4.5 of this plan into every contract subject to the Acts and the Regulations.
4. Develop a complaint process and attempt to resolve complaints of discrimination against Dawson County Transit.
5. Participate in training offered on the Title VI and other nondiscrimination requirements.
6. If reviewed by GDOT or any other state or federal regulatory agency, take affirmative actions to correct any deficiencies found within a reasonable time period, not to exceed ninety (90) days.
7. Have a process to collect racial and ethnic data on persons impacted by the agency’s programs.
8. Submit the information required by FTA Circular 4702.1B to the GDOT. (refer to Appendix A of this plan)

**THIS ASSURANCE** is given in consideration of and for the purpose of obtaining any and all federal funds, grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and is binding. The person whose signature appears below is authorized to sign this assurance on behalf of the agency.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Executive Director/Signatory Authority, Your Transit System, Date: Month/Day/Year

## 2.0 Introduction & Description of Services

Dawson County submits this Title VI Plan in compliance with Title VI of the Civil Rights Act of 1964, 49 CFR Part 21, and the guidelines of FTA Circular 4702.1B, published October 1, 2012.

Dawson County Transit is a sub-recipient of FTA funds and provides service in Dawson County. A description of the current Dawson County Transit system is included in Appendix B.

### Title VI Liaison

Dawn Pruett- Dawson County Transit Director  
Dawson County Board of Commissioners  
706-344-3700  
201 Recreation Rd.  
Dawsonville, GA 30534

### Alternate Title VI Contact

Lisa Green - Director of Human Resources  
Dawson County Board of Commissioners  
706-344-3501  
25 Justice Way, Suite 2233  
Dawsonville, GA 30534

Dawson County Transit must designate a liaison for Title VI issues and complaints within the organization. The liaison is the focal point for Title VI implementation and monitoring of activities receiving federal financial assistance. Key responsibilities of the Title VI Liaison include:

- Maintain knowledge of Title VI requirements.
- Attend training on Title VI and other nondiscrimination authorities when offered by GDOT or any other regulatory agency.
- Disseminate Title VI information to the public including in languages other than English, when necessary.
- Develop a process to collect data related to race, gender and national origin of service area population to ensure low income, minorities, and other underserved groups are included and not discriminated against.
- Implement procedures for the prompt processing of Title VI complaints.

## 2.1 First Time Applicant Requirements

*FTA Circular 4702.1B, Chapter III, Paragraph 3: Entities applying for FTA funding for the first time shall provide information regarding their Title VI compliance history if they have previously received funding from another Federal agency.*

Dawson County Transit is not a first time applicant for FTA/GDOT funding. The following is a summary of Dawson County Transit's current and pending federal and state funding.

### Current and Pending FTA Funding

None

### Current and Pending GDOT Funding

1. FY 2019 GDOT 5311 Program, 07/01/2018-06/30/2019, \$112,185.00
2. FY 2020 GDOT 5311 Program, 07/01/2019-06/30-2020, \$132, 747.00

### Current and Pending Federal Funding (non-FTA)

None

### Current and Pending State Funding (non-GDOT)

1. Deanna Specialty Transportation Inc. – FY 2019 Coordinating Transportation, 07/01/2017-06/30/2018- reimbursement basis (budgeted approximately \$35,000), current

GDOT conducted a Risk Assessment of Dawson County within the last three years and no deficiencies were found in the Dawson County VI Program.

## 2.2 Annual Certifications and Assurances

In accordance with 49 CFR Section 21.7(a), every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with Title VI regulations. This requirement shall be fulfilled when the applicant/recipient submits its annual certifications and assurances. Primary recipients will collect Title VI assurances from sub-recipients prior to passing through FTA funds.

Dawson County Transit will remain in compliance with this requirement by annual submission of certifications and assurances as required by the Georgia Department of Transportation.

## 2.3 Title VI Plan Concurrence and Adoption

This Title VI Plan received GDOT concurrence on July 17, 2019. The Plan was approved and adopted by the Dawson County Board of Commissioners during a meeting held on August 15, 2019. A copy of the meeting minutes and GDOT concurrence letter is included in Appendix C of this Plan.



### 3.0 Title VI Notice to the Public

*FTA Circular 4702.1B, Chapter III, Paragraph 5: Title 49 CFR 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI.*

#### 3.1 Notice to Public

Recipients must notify the public of its rights under Title VI and include the notice and where it is posted in the Title VI Plan. The notice must include:

- A statement that the agency operates programs without regard to race, color and national origin
- A description of the procedures members of the public should follow in order to request additional information on the grantee's nondiscrimination obligations
- A description of the procedure members of the public should follow in order to file a discrimination complaint against the grantee

A sample of the notice is included in Appendix D of this Plan. The sample notice should be translated into other languages, as necessary.

#### 3.2 Notice Posting Locations

The Notice to Public will be posted at many locations to apprise the public of Dawson County Transit's obligations under Title VI and to inform them of the protections afforded them under Title VI. At a minimum, the notice will be posted in public areas of Dawson County Transit's office(s) including the reception desk and meeting rooms, and on the Dawson County Government website at [www.dawsoncounty.org](http://www.dawsoncounty.org). Additionally, Dawson County Transit will post the notice at stations, stops and on transit vehicles.

A sample version of this notice is included in Appendix D of this Plan along with any translated versions of the notice, as necessary.

## 4.0 Title VI Procedures and Compliance

*FTA Circular 4702.1B, Chapter III, Paragraph 6: All recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to member of the public.*

### 4.1 Complaint Procedure

Any person who believes he or she has been discriminated against on the basis of race, color or national origin by Dawson County Transit may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form (refer to Appendix E). Dawson County Transit investigates complaints received no more than 180 days after the alleged incident. Dawson County Transit will process complaints that are complete.

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

Dawson County Transit has ninety (90) days to investigate the complaint. If more information is needed to resolve the case, Dawson County Transit may contact the complainant. The complainant has ten (10) 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 ten (10) business days, Dawson County Transit can administratively close the case. A case can also be administratively closed 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. A 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 seven (7) days to do so from the time he/she receives the closure letter or the LOF.

The complaint procedure will be made available to the public the Dawson County Government website [www.dawsoncounty.org](http://www.dawsoncounty.org)

### 4.2 Complaint Form

A copy of the complaint form in English and Spanish is provided in Appendix E and on Dawson County Government's website ([www.dawsoncounty.org](http://www.dawsoncounty.org)).

### 4.3 Record Retention and Reporting Policy

FTA requires that all direct and primary recipients (GDOT) document their compliance by submitting a Title VI Plan to their FTA regional civil rights officer once every three (3) years. Dawson County Transit will submit Title VI Plans to GDOT for concurrence on an annual basis or any time a major change in the Plan occurs.

Compliance records and all Title VI related documents will be retained for a minimum of three (3) years and reported to the primary recipient (GDOT) annually.

### 4.4 Sub-recipient Assistance and Monitoring

Dawson County Transit does not have any sub-recipients to provide monitoring and assistance to. As a sub-recipient to GDOT, Dawson County Transit utilizes the sub-recipient assistance and monitoring provided by GDOT, as needed. In the future, if Your Transit System has sub-recipients, it will provide assistance and monitoring as required by FTA Circular 4702.1B. ]

### 4.5 Sub recipients and Subcontractors

Dawson County Transit is responsible for ensuring that subcontractors (TPOs) are in compliance with Title VI requirements. Sub recipients may not discriminate in the selection and retention of any subcontractors. Subcontractors also may not discriminate in the selection and retention of any subcontractors. Dawson County Transit, subcontractors, and/or TPOs may not discriminate in their employment practices in connection with federally assisted projects. Subcontractors and TPOs are not required to prepare or submit a Title VI Plan. However, the following nondiscrimination clauses will be inserted into every contract with contractors and subcontractors subject to Title VI regulations.

#### Nondiscrimination Clauses

During the performance of a contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "Contractor") must agree to the following clauses:

1. **Compliance with Regulations:** The Contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter, "USDOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.
2. **Nondiscrimination:** The Contractor, with regard to the work performed during the contract, shall not discriminate on the basis of race, color, national origin, sex, age, disability, religion or family status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. **Solicitations for Subcontractors, including Procurements of Materials and Equipment:** In all solicitations made by the Contractor, either by competitive bidding or negotiation for work to be performed under a subcontract, including procurements of materials or leases of equipment; each potential subcontractor or supplier shall be notified by the Contractor of the subcontractor's obligations under this contract and the Regulations relative to nondiscrimination on the basis of race, color, national origin, sex, age, disability, religion or family status.
4. **Information and Reports:** The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the *Georgia Department of Transportation and/or the Federal Transit Administration*, to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information the Contractor shall so certify to the *Georgia Department of Transportation*, and/or the *Federal Transit Administration*, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, Dawson County Transit shall impose contract sanctions as appropriate, including, but not limited to:
  - a. withholding of payments to the Contractor under the contract until the Contractor complies, and/or
  - b. cancellation, termination or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The Contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the Dawson County Transit, Georgia Department of Transportation, and/or the Federal Transit Administration, may direct as a means of enforcing such provisions including sanctions for noncompliance.

#### Disadvantaged Business Enterprise (DBE) Policy

As a condition of your agreement with GDOT, Dawson County Transit and its contractors and subcontractors agree to ensure that Disadvantaged Business Enterprises as defined in 49 CFR Part 26, as amended, have the opportunity to participate in the performance of contracts. Dawson County Transit and its contractor and subcontractors shall not discriminate on the basis of race, color, national origin, or sex in the performance of any contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of GDOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of the contract or such other remedy as the recipient deems appropriate.

#### E-Verify

As a condition of your agreement with GDOT, vendors and contractors of Dawson County Transit shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the vendor or contractor while contracted with Dawson County Transit. Additionally, vendors and contractors shall expressly require any subcontractors performing work or

providing services pursuant to work for Dawson County Transit shall likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor while working for Dawson County Transit.

### 5.0 Title VI Investigations, Complaints, and Lawsuits

*FTA Circular 4702.1B, Chapter III, Paragraph 7: In order to comply with the reporting requirements of 49 CFR 21.9(b), FTA requires all recipients to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin: active investigations....; lawsuits, and complaints naming the recipient.*

In accordance with 49 CFR 21.9(b), Dawson County Transit must record and report any investigations, complaints, or lawsuits involving allegations of discrimination. The records of these events shall include the date the investigation, lawsuit, or complaint was filed; a summary of the allegations; the status of the investigation, lawsuit, or complaint; and actions taken by Dawson County Transit in response; and final findings related to the investigation, lawsuit, or complaint. The records for the previous three (3) years shall be included in the Title VI Plan when it is submitted to the Georgia Department of Transportation.

Dawson County Transit has had no investigations, complaints, or lawsuits involving allegations of discrimination on the basis of race, color, or national origin over the past three (3) years. A summary of these incidents is recorded in Table 1.

**Table 1: Summary of Investigations, Lawsuits, and Complaints**

	<b>Date (Month, Day, Year)</b>	<b>Summary (include basis of complaint: race, color, or national origin)</b>	<b>Status</b>	<b>Action(s) Taken</b>
Investigations	N/A	N/A	N/A	N/A
1.				
2.				
Lawsuits	N/A	N/A	N/A	N/A
1.				
2.				
Complaints	N/A	N/A	N/A	N/A
1.				
2.				

## 6.0 Public Participation Plan

*FTA Circular 4702.1B, Chapter III, Paragraph 4.a.4: Every Title VI Plan shall include the following information: A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Plan submission. A recipient's targeted public participation plan of minority populations may be part of efforts that extend more broadly to include constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others.*

The Public Participation Plan (PPP) for Dawson County Transit was developed to ensure that all members of the public, including minorities and Limited English Proficient (LEP) populations, are encouraged to participate in the decision making process for Dawson County Transit. Policy and service delivery decisions need to take into consideration community sentiment and public opinion based upon well-executed outreach efforts. The public outreach strategies described in the PPP are designed to provide the public with effective access to information about Dawson County Transit services and to provide a variety of efficient and convenient methods for receiving and considering public comment prior to implementing changes to services. The PPP is included as Appendix F to this Title VI Plan.

### Current Outreach Efforts

Dawson County Transit is required to submit a summary of public outreach efforts made over the last three (3) years. The following is a list and short description of Dawson County Transit's recent, current, and planned outreached activities.

- Dawson County Transit developed a brochure in both English and Spanish that described the system's policies, procedures, and fares.
- Dawson County Transit will continue to speak to civic and community groups in reference to the Transit Department. Transit brochures are left at local health departments and doctor offices. Information is posted on county websites and Facebook.

## 7.0 Language Assistance Plan

*FTA Circular 4702.1B, Chapter III, Paragraph 9: 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).*

Dawson County Transit operates a transit system within Dawson County. The Language Assistance Plan (LAP) has been prepared to address Dawson County Transit's responsibilities as they relate to the needs of individuals with Limited English Proficiency (LEP). Individuals, who have a limited ability to read, write, speak or understand English are LEP. In Dawson County Transit's service area there are 280 residents or 0.0225% who describe themselves as not able to communicate in English very well (Source: US Census). Dawson County Transit is federally mandated (Executive Order 13166) to take responsible steps to ensure meaningful access to the benefits, services, information and other important portions of its programs and activities for individuals who are LEP. Dawson County Transit has utilized the U.S. Department of Transportation (DOT) LEP Guidance Handbook and performed a four-factor analysis to develop its LAP. The LAP is included in this Title VI Plan as Appendix G.



## 8.0 Transit Planning and Advisory Bodies

*FTA Circular 4702.1B, Chapter III, Paragraph 10: Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees.*

Dawson County Transit does not have a transit-related committee or board, therefore this requirement does not apply.

## 9.0 Title VI Equity Analysis

*FTA Circular 4702.1B, Chapter III, Paragraph 4.a.8: If the recipient has constructed a facility, such as vehicle storage, maintenance facility, operation center, etc., the recipient shall include a copy of the Title VI equity analysis conducted during the planning stage with regard to the location of the facility.*

Title 49 CFR, Appendix C, Section (3)(iv) requires that “the location of projects requiring land acquisition and the displacement of persons from their residences and business may not be determined on the basis of race, color, or national origin.” For purposes of this requirement, “facilities” does not include bus shelters, as they are considered transit amenities. It also does not include transit stations, power substations, or any other project evaluated by the National Environmental Policy Act (NEPA) process. Facilities included in the provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. In order to comply with the regulations, Dawson County Transit will ensure the following:

1. Dawson County Transit will complete a Title VI equity analysis for any facility during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. Dawson County Transit will engage in outreach to persons potentially impacted by the siting of the facility. The Title VI equity analysis must compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site.
2. When evaluating locations of facilities, Dawson County Transit will give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. Analysis should be done at the Census tract or block group level where appropriate to ensure that proper perspective is given to localized impacts.
3. If Dawson County Transit determines that the location of the project will result in a disparate impact on the basis of race, color, or national origin, Dawson County Transit may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin. Dawson County Transit must demonstrate and document how both tests are met. Dawson County Transit will consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

Dawson County Transit has not recently constructed any facilities nor does it currently have any facilities in the planning stage. Therefore, Dawson Transit System does not have any Title VI Equity Analysis reports to submit with this Plan. Dawson County Transit will utilize the demographic maps included in Appendix I for future Title VI analysis.

## 10.0 System-Wide Service Standards and Service Policies

*FTA Circular 4702.1B, Chapter III, Paragraph 10: All fixed route transit providers shall set service standards and policies for each specific fixed route mode of service they provide.*

Dawson County Transit is not a fixed route service provider, therefore, are not required to provide system-wide service standards and paratransit policies.



## 11.0 Appendices

APPENDIX A	FTA CIRCULAR 4702.1B REPORTING REQUIREMENTS FOR TRANSIT PROVIDERS
APPENDIX B	CURRENT SYSTEM DESCRIPTION
APPENDIX C	TITLE VI PLAN ADOPTION MEETING MINUTES AND GDOT CONCURRENCE LETTER
APPENDIX D	TITLE VI SAMPLE NOTICE TO PUBLIC
APPENDIX E	TITLE VI COMPLAINT FORM
APPENDIX F	PUBLIC PARTICIPATION PLAN
APPENDIX G	LANGUAGE ASSISTANCE PLAN
APPENDIX H	OPERATING AREA LANGUAGE DATA: DAWSON COUNTY TRANSIT SERVICE AREA
APPENDIX I	DEMOGRAPHIC MAPS
APPENDIX J	TITLE VI EQUITY ANALYSIS
APPENDIX K	TEXT FORMATTING PALETTE

# Appendix A

## FTA Circular 4702.1B Reporting Requirements for Transit Providers

Every three years, on a date determined by FTA, each recipient is required to submit the following information to the Federal Transit Administration (FTA) as part of their Title VI Program. Sub-recipients shall submit the information below to their primary recipient (the entity from whom the sub-recipient receives funds directly), on a schedule to be determined by the primary recipient.

**General Requirements**

*All recipients must submit:*

- Title VI Notice to the Public, including a list of locations where the notice is posted
- Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)
- Title VI Complaint Form
- List of transit-related Title VI investigations, complaints, and lawsuits
- Public Participation Plan, including information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission
- Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance
- A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees
- Primary recipients shall include a description of how the agency monitors its sub-recipients for compliance with Title VI, and a schedule of sub-recipient Title VI Program submissions
- A Title VI equity analysis if the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.**
- A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program. For State DOTs, the appropriate governing entity is the State’s Secretary of Transportation or equivalent. The approval must occur prior to submission to FTA.
- Additional information as specified in Chapters IV, V, and VI, depending on whether the recipient is a transit provider, a State, or a planning entity (see below)

**Requirements of Transit Providers**

*All Fixed Route Transit Providers must submit:*

- All requirements set out in Chapter III (General Requirements)
- Service standards
  - Vehicle load for each mode
  - Vehicle headway for each mode
  - On time performance for each mode
  - Service availability for each mode
- Service policies
  - Transit Amenities for each mode
  - Vehicle Assignment for each mode

*Transit Providers that operate 50 or more fixed route vehicles in peak service and are located in an Urbanized Area (UZA) of 200,000 or more people must submit:*

- Demographic and service profile maps and charts
- Demographic ridership and travel patterns, collected by surveys
- Results of their monitoring program and report, including evidence that the board or other governing entity or official(s) considered, was aware of the results, and approved the analysis
- A description of the public engagement process for setting the “major service change policy,” disparate impact policy, and disproportionate burden policy
- Results of service and/or fare equity analyses conducted since the last Title VI Program submission, including evidence that the board or other governing entity or official(s) considered, was aware of, and approved the results of the analysis



# Appendix B

## Current System Description

### Current System Description

1. An overview of the organization including its mission, program goals and objectives.  
Dawson County's main goal is to provide public transportation and make sure that each Dawson County Transit Client is served in a timely manner and receives a professional experience. Our department strives to be one of the best coordinated transportation systems in our area.
2. Organizational structure, type of operation, number of employees, service hours, staffing plan and safety and security plan.  
Dawson County Transit is a government agency. Our organization is made up of 5 full-time employees and 3 part-time employees. Our Transit Coordinator is responsible for all of the day-to-day operations of our organization and reports directly to the Transit Director. The Transit Director reports to the County Manager who then reports to the Board of Commissioners. The service hours of operation of the system are Monday through Friday, 8:00 a.m. to 4:00 p.m.
3. Who is responsible for insurance, training and management, and administration of the agency's transportation programs?  
Dawson County's Transit Director and Coordinator are responsible for training and management of our transportation program. All safety sensitive employees are required to complete a GDOT approved safety and security training course as part of their new hire orientation. All new employees are required to complete the GDOT PASS training. Dawson County's Board of Commissioners is responsible for annual renewal of all liability insurance for both GDOT and agency owned vehicles, as well as vehicle registration renewal. It is the Transit Director's responsibility to administer all aspects of the transportation program and to control access and usage of all agency vehicles.
4. Who provides vehicle maintenance and record keeping?  
Maintenance on all agency vehicles is provided by Dawson County Fleet Maintenance, Chestatee Ford, Hamby's Garage, and National Bus Sales. All maintenance is performed using the Preventative Maintenance Plan, which conforms to the State Vehicle Maintenance Guidelines set forth in the GDOT Preventative Maintenance Guidelines s document. All vehicle files and driver files are kept on-site at our operations base located at 201 Recreation Road or at the Dawson County Human Resources Office in the Dawson County Government Center, and are maintained by the Dawson County Transit Coordinator. All records are maintained and retained for a minimum of four (4) years.
5. Number of current transportation related employees  
Our transportation department has a total of 8 employees that include 5 full-time drivers and 3 part-time drivers. Our safety sensitive maintenance employees include 2 full-time individuals that are assigned to Fleet Maintenance.
6. Who will drive the vehicle, number of drivers, CDL certifications, etc.?  
Only transportation employees that have completed all of the required safety and drivers training requirements will be allowed to drive the agency vehicles. All of our drivers have completed GDOT PASS Training.

7. A detailed description of service routes and ridership numbers

Transportation services provided through our program are available to all Dawson County residents. We provide a wide range of trip purposes that include: medical, nutrition, shopping, social service, training, employment, social and recreation. Approximately 25% of the medical trips we provide are to medical facilities out of the county; therefore, our out-of-county services are directed to the nearby highway corridors that surround this community for optimum efficiency of trip duration and the convenient route. Currently, we use a variety of vehicles to provide passenger services. Our fleet included 4-10 passenger buses with life capability. Four of our vehicles are equipped for wheelchair service. We prioritize grouping trips and multi-loading to the maximum extent possible. We make approximately 50 passenger trips per day on average and leverage our fleet resources so that all vehicles are used in a responsible manner to provide full coverage and retire the vehicles at a consistent pace and appropriate age and mileage.

# **Appendix C**

## **Title VI Plan Adoption Meeting Minutes and GDOT Concurrence Letter**

Insert a copy of the Title VI Plan adoption meeting minutes and the GDOT concurrence letter.

# Appendix D

## Title VI Sample Notice to Public

## Notifying the Public of Rights Under Title VI

**Dawson County Transit**

- Dawson County Transit operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with Dawson County Transit.
- For more information on the Dawson County Transit Civil rights program, and the procedures to file a complaint, contact 706-344-3700, email [dpruett@dawsoncounty.org](mailto:dpruett@dawsoncounty.org), or visit our administrative office at 25 Justice Way, Dawsonville, GA 30534. For more information, visit [www.dawsoncounty.org](http://www.dawsoncounty.org)
- If information is needed in another language contact 1-800-752-6096.
- Dial **7-1-1** or **1-800-255-0056** to reach Georgia Relay for TTY Assistance.
- Si se necesita información en otro idioma, comuníquese al 706-344-3501
- You may also file your complaint directly with the FTA at: Federal Transit Administration Office of Civil Rights Attention: Title VI Program Coordinator, East Building, 5th Floor - TCR 1200 New Jersey Ave., SE, Washington, DC 20590

# Appendix E

## Title VI Complaint Form



# Dawson County Transit

## Title VI Complaint Form

<b>Section I:</b>			
Name:			
Address:			
Telephone (Home):		Telephone (Work):	
Electronic Mail Address:			
Accessible Format Requirements?	Large Print		Audio Tape
	TDD		Other
<b>Section II:</b>			
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
<b>Section III:</b>			
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"/> Age
<input type="checkbox"/> Disability	<input type="checkbox"/> Family or Religious Status	<input type="checkbox"/> Other (explain) _____	
Date of Alleged Discrimination (Month, Day, Year): _____			
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.  _____  _____			
<b>Section IV</b>			
Have you previously filed a Title VI complaint with this agency?		Yes	No

<b>Section V</b>	
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:	
<b>Section VI</b>	
Name of agency complaint is against:	
Contact person:	
Title:	
Telephone number:	

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

Signature and date required below

\_\_\_\_\_  
Signature Date

Please submit this form in person at the address below, or mail this form to:

Dawn Pruett, Dawson County Title VI Liaison  
201 Recreation Rd.  
Dawsonville, GA 30534

## Complaint Form in Spanish

## JUNTA DE COMISIONADOS DEL CONDADO DE DAWSON

## Formulario de queja del Título VI

El Título VI de la Ley de Derechos Civiles de 1964 exige que "Ninguna persona en los Estados Unidos, por motivos de raza, color u origen nacional, sea excluida de la participación, se le nieguen los beneficios o sea objeto de discriminación en virtud de cualquier programa o actividad que recibe asistencia financiera federal".

Nota: La siguiente información es necesaria para ayudarnos a procesar su reclamo. Si necesita ayuda para completar este formulario, háganoslo saber.

Complete y envíe este formulario a Dawson County Human Resources, 25 Justice Way, Suite 2233, Dawsonville, GA 30534.

1. Nombre del demandante:
  
  
  
  
2. Dirección:
  
  
  
  
3. Ciudad, estado y código postal:
  
  
  
  
4. Número de teléfono (casa): (otro):
  
  
  
  
5. Persona discriminada (si alguien más que el demandante)

Nombre:

Dirección:

Ciudad, estado y código postal:

6. ¿Cuál de las siguientes opciones describe mejor la razón por la que cree que se produjo la discriminación? Fue por tu:

a. Carrera / Color

b. Origen nacional

c.. Otro

7. ¿En qué fecha tuvo lugar la supuesta discriminación?

8. En sus propias palabras, describa la supuesta discriminación. Explica qué sucedió y quién crees que fue el responsable. Utilice el reverso de este formulario si necesita espacio adicional.

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9. ¿Ha presentado esta queja ante cualquier otra agencia federal, estatal o local? o con cualquier tribunal federal o estatal? Si No En caso afirmativo, marque todo lo que corresponda:

Agencia Federal

Corte Federal

Agencia Estatal

Tribunal Estatal

Agencia local

10. Proporcione información sobre una persona de contacto en la agencia / tribunal donde se presentó la queja. Nombre:            Dirección:            Ciudad (\*): Estado (\*): Código postal:            Número de teléfono:

11. Por favor firme abajo. Puede adjuntar cualquier material escrito u otra información que considere relevante para su reclamo.

Firma del demandante    Fecha

# Appendix F

## Public Participation Plan (PPP)

## Introduction

The Public Participation Plan (PPP) for Dawson County Transit was developed to ensure that all members of the public, including minorities and Limited English Proficient (LEP) populations, are encouraged to participate in the decision making process for Dawson County Transit. Policy and service delivery decisions need to take into consideration community sentiment and public opinion based upon well-executed outreach efforts. The public outreach strategies described in the PPP are designed to provide the public with effective access to information about Dawson County Transit services and to provide a variety of efficient and convenient methods for receiving and considering public comment prior to implementing changes to services. Dawson County Transit also recognizes the importance of many types of stakeholders in the decision-making process, including other units of government, metropolitan area agencies, community based organizations, major employers, passengers and the general public, including low-income, minority, LEP, and other traditionally underserved communities.

## Public Participation Goals

The main goal of the PPP is to offer meaningful opportunities for all interested segments of the public, including, but not limited to, low-income, minority and LEP groups, to comment, about Dawson County Transit and its operations. The goals for this PPP include:

- **Inclusion and Diversity:** Dawson County Transit will proactively reach out and engage low-income, minority, and LEP populations for the Dawson County Transit service area so these groups will have an opportunity to participate.
- **Accessibility:** All legal requirements for accessibility will be met. Efforts will be made to enhance the accessibility of the public's participation – physically, geographically, temporally, linguistically and culturally.
- **Clarity and Relevance:** Issues will be framed in public meetings in such a way that the significance and potential effect of proposed decisions is understood by participants. Proposed adjustments to fares or services will be described in language that is clear and easy to understand.
- **Responsive:** Dawson County Transit will strive to respond to and incorporate, when possible, appropriate public comments into transportation decisions.
- **Tailored:** Public participation methods will be tailored to match local and cultural preferences as much as possible.
- **Flexible:** The public participation process will accommodate participation in a variety of ways and will be adjusted over time as needed.

## Public Participation Methods

The methods of public participation included in this PPP were developed based upon best practices in conjunction with the needs and capabilities of Dawson County Transit. Dawson County Transit intends to achieve meaningful public participation by a variety of methods with respect to service and any changes to service.

Dawson County Transit will conduct community meetings and listening sessions as appropriate with passengers, employers, community based organizations, and advisory committees to gather public input and distribute information about service quality, proposed changes or new service options.

The public will be invited to provide feedback on the Dawson County website ([www.dawsoncounty.org](http://www.dawsoncounty.org)) and all feedback on the site will be recorded and passed on to Dawson County Transit management. The public will also be able to call the Dawson County Transit office at 706-344-3603 during its hours of operation. Feedback collected over the phone will be recorded and passed on to Dawson County Transit management. Formal customer surveys to measure performance, and listening sessions to solicit input, will be conducted periodically. The comments recorded as a part of these participation methods will be responded to as appropriate.

Meeting formats will be tailored to help achieve specific public participation goals that vary by project or the nature of the proposed adjustment of service. Some meetings will be designed to share information and answer questions. Some will be designed to engage the public in providing input, establishing priorities, and helping to achieve consensus on a specific recommendation. Others will be conducted to solicit and consider public comments before implementing proposed adjustments to services. In each case, an agenda for the meetings will be created that work to achieve the stated goals and is relevant to the subject and not overwhelming for the public.

For all public meetings, the venue will be a facility that is accessible for persons with disabilities and, preferably, is served by public transit. If a series of meetings are scheduled on a topic, different meeting locations may be used, since no one location is usually convenient to all participants.

For community meetings and other important information, Dawson County Transit will use a variety of means to make riders and citizens aware, including some or all of the following methods:

- In-vehicle advertisement
- Posters or flyers in transit center
- Posting information on website
- Press releases and briefings to media outlets
- Multilingual flyer distribution to community based organizations, particularly those that target LEP population
- Flyers and information distribution through various libraries and other civic locations that currently help distribute timetables and other information
- Communications to relevant elected officials
- Other methods required by local or state laws or agreements

All information and materials communicating proposed and actual service adjustments will be provided in English and any other language that meets the “safe harbor” criteria.

#### Public Hearing

Our agency is required to hold public hearings when applicable.



LEP Meetings

Dawson County Transit will conduct LEP meetings as appropriate with passengers, employers, organizations, and committees as needed. Included in these meetings will be discussion and public input on service quality, the distribution of information, and any proposed changes. The public will be asked to provide feedback to Dawson County Transit on ways to improve communication problems and public awareness. Any meetings will be held at a facility that is accessible for persons with disabilities and served by Dawson County Transit.

# Appendix G

## Language Assistance Plan (LAP)

## I. Introduction

Dawson County Transit operates a transit system within Dawson County, Georgia. The Language Assistance Plan (LAP) has been prepared to address Dawson County Transit's responsibilities as they relate to the needs of individuals with Limited English Proficiency (LEP). Individuals, who have a limited ability to read, write, speak or understand English are LEP. In Dawson County Transit's service area there are 280 residents or 2% who describe themselves as not able to communicate in English "very well" (Source: US Census). Dawson County Transit is federally mandated (Executive Order 13166) to take responsible steps to ensure meaningful access to the benefits, services, information and other important portions of its programs and activities for individuals who are LEP. Dawson County Transit has utilized the U.S. Department of Transportation (USDOT) LEP Guidance Handbook and performed a four factor analysis to develop its LAP.

The U.S. Department of Transportation Handbook, titled "Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons: A Handbook for Public Transportation Providers, (April 13, 2007) " (hereinafter "Handbook"), states that Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., and its implementing regulations provide that 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 that receives Federal financial assistance (Handbook, page 5). The Handbook further adds that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination (Handbook, page 5).

Executive Order 13166 of August 16, 2000 states that recipients of Federal financial assistance must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons (Handbook, page 6). Additionally recipients should use the DOT LEP Guidance to determine how best to comply with statutory and regulatory obligations to provide meaningful access to the benefits, services, information and other important portions of their programs and activities for individuals who are LEP (Handbook, page 6). These provisions are included in FTA Circular 4702.1B in Paragraph 9 of Chapter III (pages III-6 to III-9).

For many LEP individuals, public transit is the principal transportation mode available. It is important for Dawson County Transit to be able to communicate effectively with all of its riders. When Dawson County Transit is able to communicate effectively with all of its riders, the service provided is safer, more reliable, convenient, and accessible for all within its service area. Dawson County Transit is committed to taking reasonable steps to ensure meaningful access for LEP individuals to this agency's services in accordance with Title VI.

This plan will demonstrate the efforts that Dawson County Transit undertakes to make its service accessible to all persons without regard to their ability to communicate in English. The plan addresses how services will be provided through general guidelines and procedures including the following:

- Identification: Identifying LEP populations in service areas
- Notification: Providing notice to LEP individuals about their right to language services

- Interpretation: Offering timely interpretation to LEP individuals upon request
- Translation: Providing timely translation of important documents
- Staffing: Identifying Dawson County Transit staff to assist LEP customers
- Training: Providing training on LAP to responsible employees.

## II. Four Factor Analysis

The analysis provided in this report has been developed to identify LEP population that may use Dawson County Transit services and identify needs for language assistance. This analysis is based on the “Four Factor Analysis” presented in the Implementing the Department of Transportation’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons, dated April 13, 2007, which considers the following factors:

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

### a. Factor 1: The Number and Proportion of LEP Persons Serviced or Encountered in the Eligible Service Population

Of the 22,330 residents in the Dawson County Transit service area 280 residents describe themselves as speaking English less than “very well”. People of Hispanic or Latino descent are the primary LEP persons likely to utilize Dawson County Transit services. For the Dawson County Transit service area, the American Community Survey of the U.S. Census Bureau shows that among the area’s population 96% speak English “very well”. For groups who speak English “less than very well”, 0.0095% speak Spanish and 0.0080% speak an other Indo-European language.

Appendix H contains a table which lists the languages spoken at home by the ability to speak English for the population within the Dawson County Transit service area.

### b. Factor 2: The Frequency with which LEP Individuals Come into Contact with Your Programs, Activities, and Services

The Federal guidance for this factor recommends that agencies should assess the frequency with which they have contact with LEP individuals from different language groups. The more frequent the contact with a particular LEP language group, the more likely enhanced services will be needed.

Dawson County Transit has assessed the frequency with which LEP individuals come in contact with the transit system. The methods utilized for this assessment include analysis of

Census data, examining phone inquiries, requests for translated documents, and staff survey. As discussed above, Census data indicates that the Dawson County Transit Service Area has a lack of a prominent LEP group. Phone inquiries and staff survey feedback indicated that Dawson County Transit dispatchers and drivers interact infrequently with LEP persons. The majority of these interactions have occurred with LEP persons who mainly spoke Spanish. Over the past 10 years, Dawson County Transit has had 0 requests for translated documents.

**c. Factor 3: The Nature and Importance of the Program, Activity, or Service Provided by the Recipient to People’s Lives**

Public transportation and regional transportation planning is vital to many people’s lives. According to the Department of Transportation’s *Policy Guidance Concerning Recipient’s Responsibilities to LEP Persons*, providing public transportation access to LEP persons is crucial. A LEP person’s inability to utilize public transportation effectively, may adversely affect his or her ability to access health care, education, or employment.

**d. Factor 4: The Resources Available to the Recipient and Costs**

Dawson County Transit assessed its available resources that are currently being used, and those that could be used, to provide assistance to LEP populations. Dawson County will make use of language resources at the point in time when surveys, census data, or service requested identify LEP populations wishing to access Transit services.

### **III. Language Assistance Plan**

In developing a Language Assistance Plan, FTA guidance recommends the analysis of the following five elements:

1. Identifying LEP individuals who need language assistance
2. Providing language assistance measures
3. Training staff
4. Providing notice to LEP persons
5. Monitoring and updating the plan

The five elements are addressed below.

**a. Element 1: Identifying LEP Individuals Who Need Language Assistance**

Federal guidance provides that there should be an assessment of the number or proportion of LEP individuals eligible to be serviced or encountered and the frequency of encounters pursuant to the first two factors in the four-factor analysis.

Dawson County Transit has identified the number and proportion of LEP individuals within its service area using United States Census data (see Appendix H). As presented earlier, 96% of the service area population speaks English only. The largest non-English spoken language in the service area is Spanish (0.032%). Of those whose primary spoken language is Spanish, approximately 0.0225% identify themselves as speaking less than “very well”. Those

residents whose primary language is not English or Spanish and who identify themselves as speaking English less than “very well” account for 0.0095% of the service area population.

Dawson County Transit may identify language assistance need for an LEP group in the future by:

1. Examining records to see if requests for language assistance have been received in the past, either at meetings or over the phone, to determine whether language assistance might be needed at future events or meetings.
2. Having Census Bureau Language Identification Flashcards available at Dawson County Transit Meetings. This will assist Dawson County Transit in identifying language assistance needs for future events and meetings.
3. Having Census Bureau Language Identification Flashcards on all transit vehicles to assist operators in identifying specific language assistance needs of passengers. If such individuals are encountered, vehicle operators will be instructed to obtain contact information to give to Dawson County Transit management to follow-up.
4. Vehicle operators and front-line staff (i.e. Dispatchers, Transit Operation Supervisors, etc.) will be surveyed on their experience concerning any contacts with LEP persons during the previous year.

**b. Element 2: Language Assistance Measures**

Federal Guidance suggests that an effective LAP should include information about the ways in which language assistance will be provided. This refers to listing the different language services an agency provides and how staff can access this information.

For this task Federal Guidance recommends that transit agencies consider developing strategies that train staff as to how to effectively deal with LEP individuals when they either call agency centers or otherwise interact with the agency.

Dawson County Transit has undertaken the following actions to improve access to information and services for LEP individuals:

1. Verbally survey transit drivers and other front-line staff annually on their experience concerning any contacts with LEP persons during the previous year.
2. When an interpreter is needed in person or on the telephone, staff will attempt to access language assistance services from a professional translation service or qualified community volunteers.

Your Transit System will utilize the demographic maps provided in Appendix I in order to better provide the above efforts to the LEP persons within the service area.

**c. Element 3: Training Staff**

Federal guidance states staff members of an agency should know their obligations to provide meaningful access to information and services for LEP persons and that all employees in public contact positions should be properly trained.

Suggestions for implementing Element 3 of the Language Assistance Plan, involve: (1) identifying agency staff likely to come into contact with LEP individuals; (2) identifying existing staff training opportunities; (3) providing regular re-training for staff dealing with LEP individual needs; and (4) designing and implementing LEP training for agency staff.

In the case of Dawson County Transit, the most important staff training is for Customer Service Representatives and transit drivers.

The following training will be provided to Customer Service Representative:

1. Information on Title VI Procedures and LEP responsibilities
2. Documentation of language assistance requests
3. How to handle a potential Title VI/LEP complaint

**d. Element 4: Providing Note to LEP Persons**

Dawson County Transit will make Title VI information available in English and Spanish on the Agency's website. Key documents are written in English and Spanish. Notices are also posted in Dawson County Transit's office lobby, and buses. Additionally, when staff prepares a document or schedules a meeting, for which the target audience is expected to include LEP individuals, then documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population.

**e. Element 5: Monitoring and Updating the Plan**

The plan will be reviewed and updated annually as needed. Updates will consider the following:

- The number of documented LEP person contacts encountered annually
- How the needs of LEP persons have been addressed
- Determination of the current LEP population in the service area
- Determination as to whether the need for translation services has changed
- Determine whether Dawson County Transit's financial resources are sufficient to fund language assistance resources needed
- New census data
- Customer and dispatch surveys
- Change in conditions
- Additional Outreach Measures

Dawson County Transit understands the value that its service plays in the lives of individuals who rely on this service, and the importance of any measures undertaken to make the use of system easier. Dawson County Transit is open to suggestions from all sources, including customers, Dawson County Transit staff, other transportation agencies with similar experiences with LEP communities, and the general public, regarding additional methods to improve their accessibility to LEP communities.

**IV. Safe Harbor Provision**

DOT has adopted the Department of Justice's Safe Harbor Provision, which outlines circumstances that can provide a "safe harbor" for recipients regarding translation of written materials for LEP population. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient's written translation obligations. Translation of non-vital documents, if needed, can be provided orally. If there are fewer than 50 persons in a language group that reaches the five percent (5%) trigger, the recipient is not required to translate vital written materials but should provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

Dawson County Transit's service area does not have LEP populations which qualify for the Safe Harbor Provision.

The Safe Harbor Provision applies to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. Dawson County Transit may determine, based on the Four Factor Analysis, that even though a language group meets the threshold specified by the Safe Harbor Provision, written translation may not be an effective means to provide language assistance measures.



# Appendix H

## Operating Area Language Data: Dawson County Transit Service Area

<u>Language</u>	<u>County</u>	<u>Percent of Population</u>
Total	22,230	
Speak only English	21,190	.9590
Spanish or Spanish Creole	716	.0320
Speak English “very well”	496	.0225
Speak English less than “very well”	220	.0095
French (incl. Patois, Cajun)		
Speak English “very well”		
Speak English less than “very well”		
French Creole		
Speak English “very well”		
Speak English less than “very well”		
Italian		
Speak English “very well”		
Speak English less than “very well”		
Portuguese or Portuguese Creole		
Speak English “very well”		
Speak English less than “very well”		
German		
Speak English “very well”		
Speak English less than “very well”		
Yiddish		
Speak English “very well”		
Speak English less than “very well”		
Other West Germanic languages		
Speak English “very well”		
Speak English less than “very well”		
Scandinavian languages		
Speak English “very well”		
Speak English less than “very well”		
Greek		
Speak English “very well”		
Speak English less than “very well”		
Russian		
Speak English “very well”		
Speak English less than “very well”		
Polish		
Speak English “very well”		
Speak English less than “very well”		
Serbo-Croatian		
Speak English “very well”		

Language	County	Percent of Population
Speak English less than “very well”		
Other Slavic Languages		
Speak English “very well”		
Speak English less than “very well”		
Armenian		
Speak English “very well”		
Speak English less than “very well”		
Persian		
Speak English “very well”		
Speak English less than “very well”		
Gujarati		
Speak English “very well”		
Speak English less than “very well”		
Hindi		
Speak English “very well”		
Speak English less than “very well”		
Urdu		
Speak English “very well”		
Speak English less than “very well”		
Other Indic languages		
Speak English “very well”		
Speak English less than “very well”		
Other Indo-European Languages	61	0.0030
Speak English “very well”	32	0.0110
Speak English less than “very well”	29	0.0080
Chinese		
Speak English “very well”		
Speak English less than “very well”		
Japanese		
Speak English “very well”		
Speak English less than “very well”		
Korean		
Speak English “very well”		
Speak English less than “very well”		
Mon-Khmer, Cambodian		
Speak English “very well”		
Speak English less than “very well”		
Hmong		
Speak English “very well”		
Speak English less than “very well”		
Thai		

Language	County	Percent of Population
Speak English “very well”		
Speak English less than “very well”		
Laotian		
Speak English “very well”		
Speak English less than “very well”		
Vietnamese		
Speak English “very well”		
Speak English less than “very well”		
Other Asian languages	97	.0400
Speak English “very well”	66	.0212
Speak English less than “very well”	31	.0188
Tagalog		
Speak English “very well”		
Speak English less than “very well”		
Other Pacific Island languages		
Speak English “very well”		
Speak English less than “very well”		
Navajo		
Speak English “very well”		
Speak English less than “very well”		
Other Native American languages		
Speak English “very well”		
Speak English less than “very well”		
Hungarian		
Speak English “very well”		
Speak English less than “very well”		
Arabic		
Speak English “very well”		
Speak English less than “very well”		
Hebrew		
Speak English “very well”		
Speak English less than “very well”		
African languages		
Speak English “very well”		
Speak English less than “very well”		
Other and unspecified languages	23	.0100
Speak English “very well”	23	.0100
Speak English less than “very well”		

# Appendix I

## Demographic Maps



# Appendix J

## Title VI Equity Analysis

Dawson County Transit has not performed Title VI Equity Analysis because we have had no transit construction projects, re-locations of transit services, no service area changes, and no major fare decreases/increases.







**Russell R. McMurry, P.E., Commissioner**  
One Georgia Center  
600 West Peachtree NW  
Atlanta, GA 30308  
(404) 631-1990 Main Office

\*Via E-mail transmission\*

July 18, 2019

Ms. Dawn Pruett, Transit Director  
Dawson County Transit  
P.O. Box 493  
Dawsonville, GA 30534

Dear Ms. Pruett,

The Department has completed its review of your Title VI Plan and has determined that it meets the requirements established in the Federal Transit Administration's (FTA) Circular 4702.1B, "Title VI Program Guidelines for Federal Transit Administration Recipients," effective October 1, 2012.

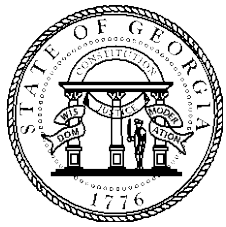
Thank you for your ongoing cooperation and compliance of the FTA Civil Rights Program requirements. Should you need assistance or have any questions, please do not hesitate to contact Ms. Michele Nystrom, Transit Compliance and Asset Manager directly at (404) 631-1235 or at [mnystrom@dot.ga.gov](mailto:mnystrom@dot.ga.gov)

Sincerely,

A handwritten signature in blue ink that reads 'LA Trainer'.

Leigh Ann Trainer, Transit Program Manager  
Division of Intermodal

cc: Michele Nystrom, Transit Compliance and Asset Manager  
Patricia Smith, Program Delivery Manager  
Freida Black, Assistant Program Delivery Manager, District Six



LEP/SI Program

## " I SPEAK " FLASHCARD

- |                          |   |                        |
|--------------------------|---|------------------------|
| <input type="checkbox"/> | ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.                               | 1. Arabic              |
| <input type="checkbox"/> | Խոսողու՞մ ե՞նք նշու՞մ կատարե՞ք այս քարտիկու՞մ, եթե խոսու՞մ կամ կարդո՞ւմ եք հայերեն: | 2. Armenian            |
| <input type="checkbox"/> | যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।                              | 3. Bengali             |
| <input type="checkbox"/> | ឈ្មួញក្នុងប្រអប់នេះ បើអ្នកអាច ឬនិយាយភាសា ខ្មែរ ។                                    | 4. Cambodian           |
| <input type="checkbox"/> | Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.        | 5. Chamorro            |
| <input type="checkbox"/> | 如果你能读中文或讲中文，请选择此框。  | 6. Simplified Chinese  |
| <input type="checkbox"/> | 如果你能讀中文或講中文，請選擇此框。  | 7. Traditional Chinese |
| <input type="checkbox"/> | Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.                     | 8. Croatian            |
| <input type="checkbox"/> | Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.                              | 9. Czech               |
| <input type="checkbox"/> | Kruis dit vakje aan als u Nederlands kunt lezen of spreken.                         | 10. Dutch              |
| <input type="checkbox"/> | Mark this box if you read or speak English.   | 11. English            |
| <input type="checkbox"/> | اگر خواندن و نوشتن بلد هستید، این مربع را علامت بنید.                               | 12. Farsi              |



LEP/SI Program

<input type="checkbox"/>	Cocher ici si vous lisez ou parlez le français.	13. French
<input type="checkbox"/>	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
<input type="checkbox"/>	Σημειώστε αυτό το πλαίσιο αν διαβάσετε ή μιλάτε Ελληνικά.	15. Greek
<input type="checkbox"/>	Make kazye sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
<input type="checkbox"/>	अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
<input type="checkbox"/>	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
<input type="checkbox"/>	Jelölje meg ezt a kockát, ha megérti vagy beszél a magyar nyelvet.	19. Hungarian
<input type="checkbox"/>	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
<input type="checkbox"/>	Marchi questa casella se legge o parla italiano.	21. Italian
<input type="checkbox"/>	日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
<input type="checkbox"/>	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
<input type="checkbox"/>	ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.	24. Laotian
<input type="checkbox"/>	Prosimy o zaznaczenie tego kwadratu jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish



LEP/SI Program

- |                          |  |                |
|--------------------------|--|----------------|
| <input type="checkbox"/> | Assinale este quadrado se você lê ou fala português.                           | 26. Portuguese |
| <input type="checkbox"/> | Însemnați această căsuță dacă citiți sau vorbiți românește.                    | 27. Romanian   |
| <input type="checkbox"/> | iiометьте этот квадратик, если вы читаете или говорите по-русски.              | 28. Russian    |
| <input type="checkbox"/> | Обележите овај квадратичић уколико читате или говорите српски језик.           | 29. Serbian    |
| <input type="checkbox"/> | Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.             | 30. Slovak     |
| <input type="checkbox"/> | Marque esta casilla si lee o habla español.                                    | 31. Spanish    |
| <input type="checkbox"/> | Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog. | 32. Tagalog    |
| <input type="checkbox"/> | ให้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย.                             | 33. Thai       |
| <input type="checkbox"/> | Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.                        | 34. Tongan     |
| <input type="checkbox"/> | Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.         | 35. Ukrainian  |
| <input type="checkbox"/> | اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔                     | 36. Urdu       |
| <input type="checkbox"/> | Xin ñaunh daáu vaøo ôa naøy neáu quyù vò bieát ñoïc vaø noui ñöôic Vieät Ngöô. | 37. Vietnamese |
| <input type="checkbox"/> | באצייכנט דעם אויב איר לייענט אדער רעדט אידיש.                                  | 38. Yiddish    |



## Partnering with Your LanguageLine Solutions® Interpreter to Ensure Effective Communication

1

### STARTING THE SESSION

- Allow the interpreter to start the session by giving you their name and Interpreter ID. Document this information for reference.
- Introduce yourself to the interpreter.
- Brief the interpreter and state the goal of the session and provide any specific instructions.
- Introduce yourself and the interpreter to the limited English proficient, Deaf, or Hard-of-Hearing individual.

2

### DURING THE SESSION

- Address the limited English proficient, Deaf, or Hard-of-Hearing individual, not the interpreter. The interpreter will be your voice. Keep in mind that everything stated will be interpreted.
- State information in short, concise sentences. When stating complicated or detailed information, speak at a slow pace and pause often. This allows the interpreter to note, retain, and relay the information. The interpreter may sometimes ask for repetitions or clarification.
- Avoid technical jargon and try to explain specialized terms or concepts.
- Avoid interrupting the interpreter or talking at the same time.
- Do not ask interpreters for their opinion.

3

### ENDING THE SESSION

- Ask the limited English proficient, Deaf or Hard-of-Hearing individual if they understood, or if they have any questions or concerns.
- Allow the interpreter to interpret everything before ending the session.

### FOR MORE INFORMATION

[www.LanguageLine.com](http://www.LanguageLine.com) / 1-800-752-6096



Onsite Interpreters



Over-the-Phone Interpreters



Video Remote Interpreters

Figure 3: STIP Area Minority EJ Population

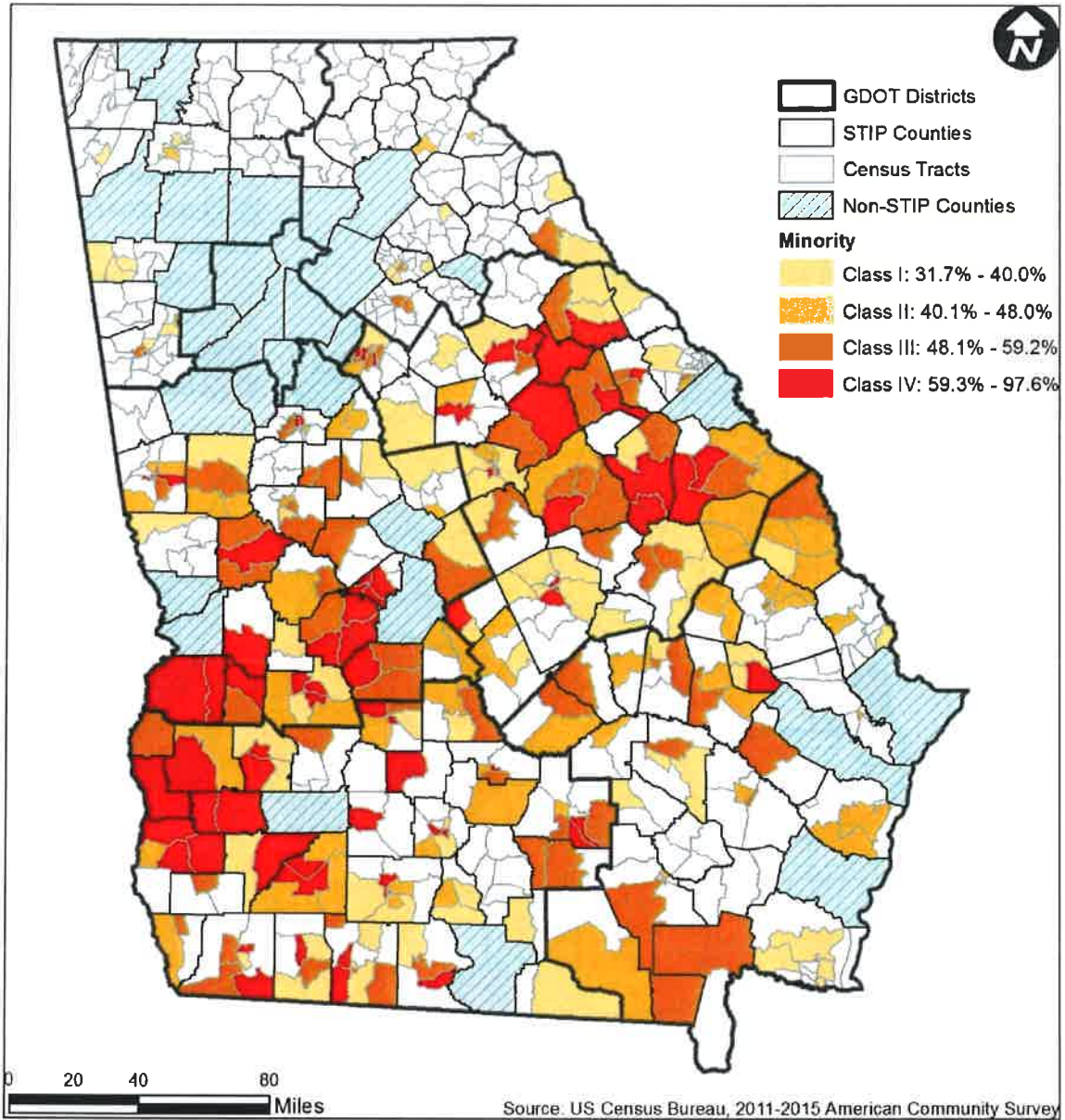




Figure 5: STIP Area Low-income EJ Population

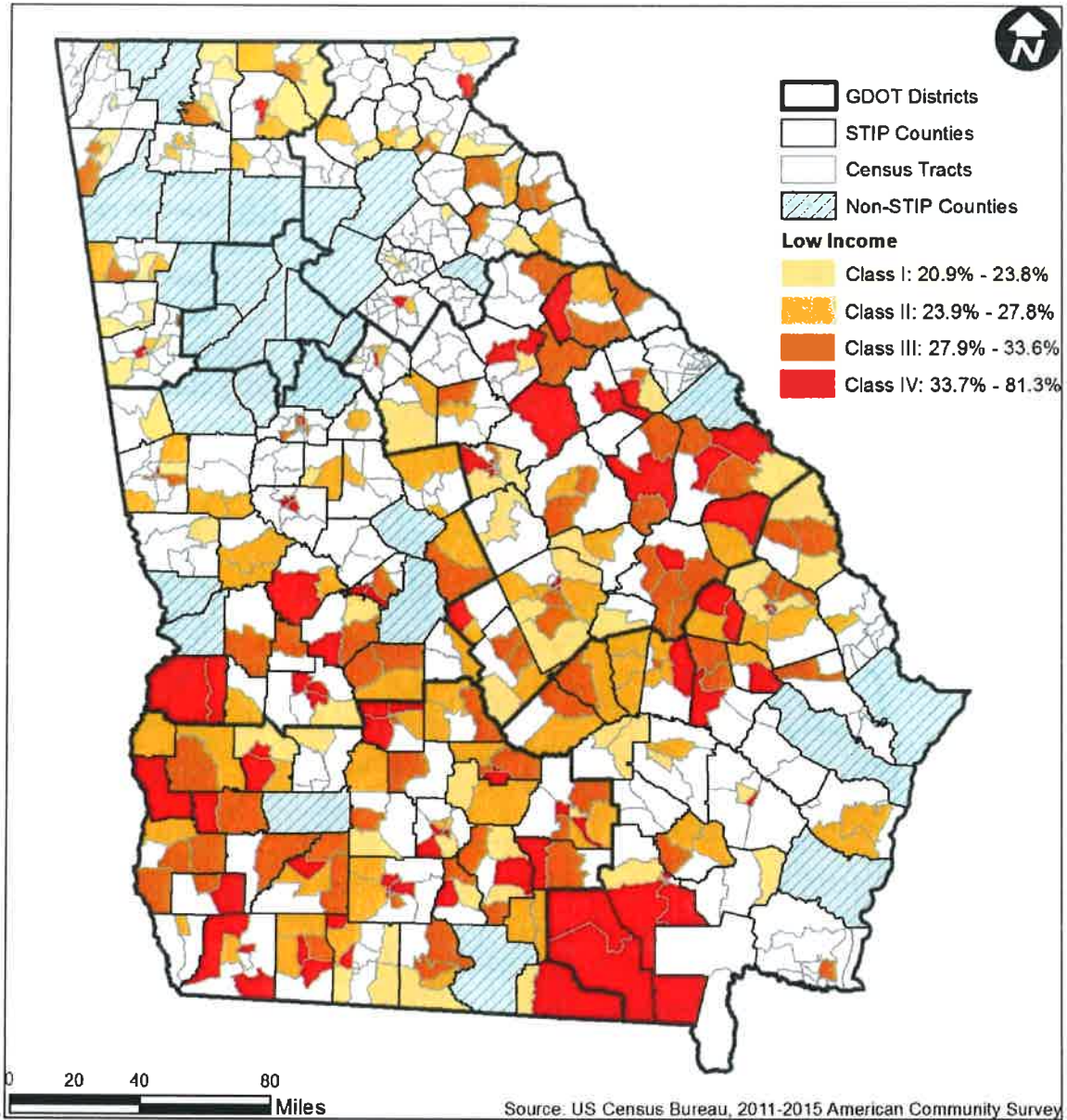
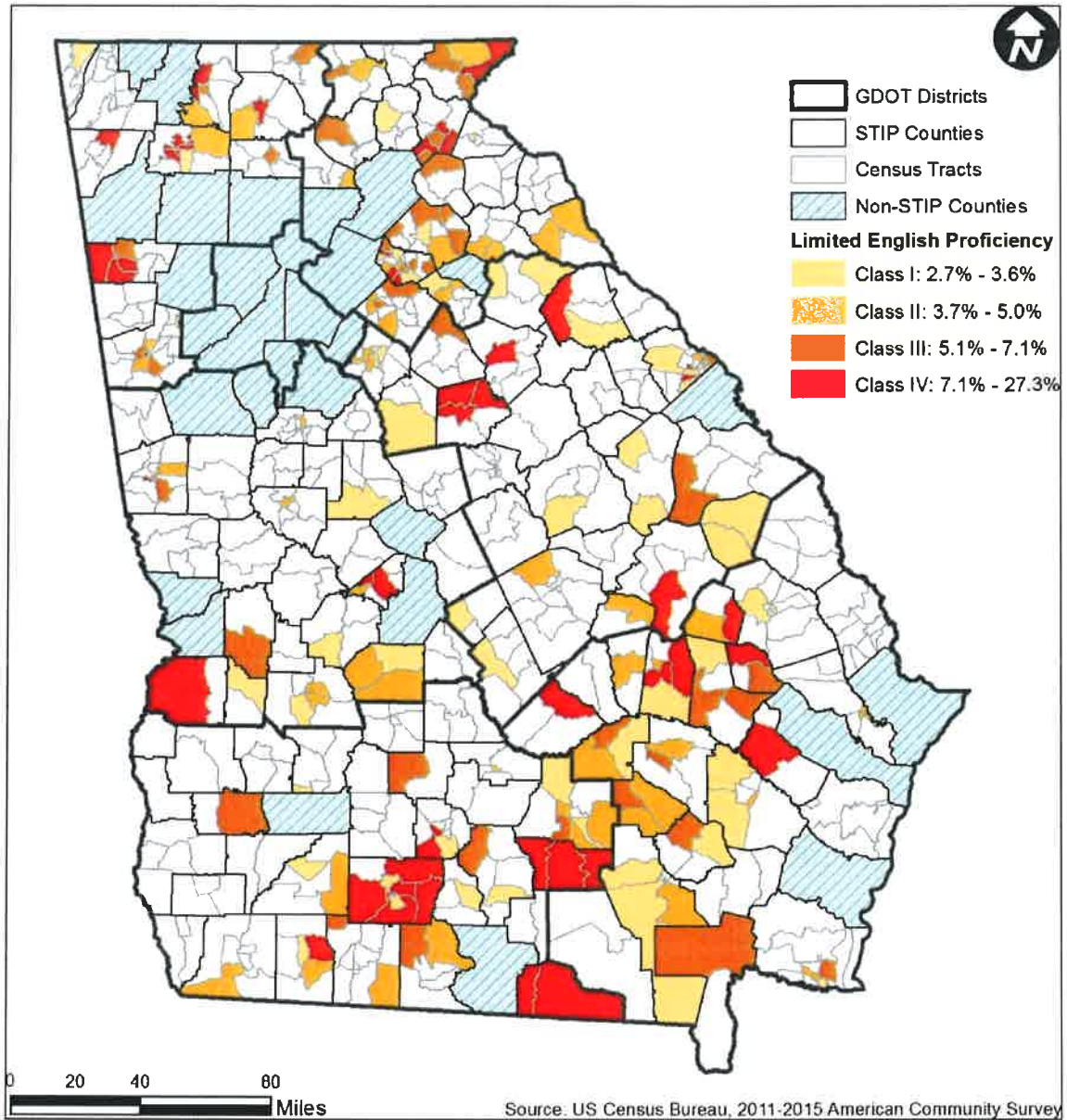




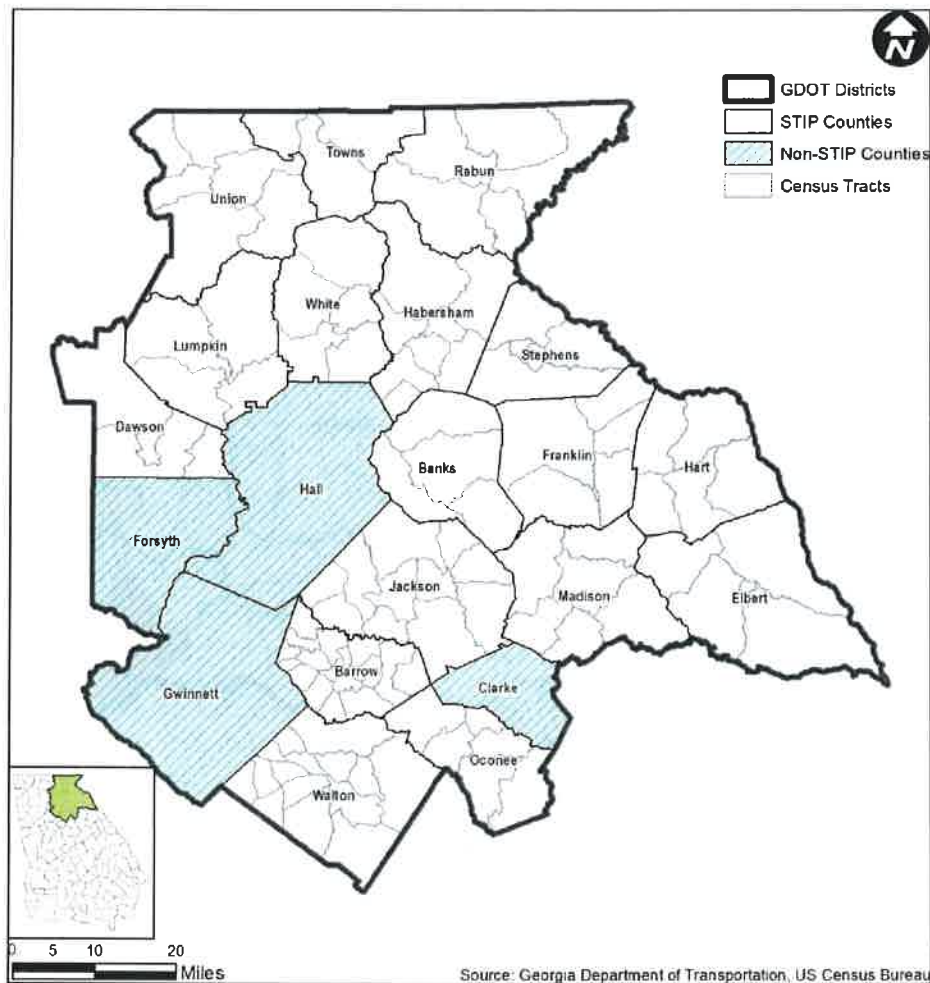
Figure 7: STIP Area LEP EJ Population



### 5.1 District 1

District 1 is in northeastern Georgia and consists of 21 counties. It begins directly northeast of the Atlanta metro area and stretches to the North Carolina and South Carolina borders. The study area consists of 17 counties, and thus does not include the 4 counties in District 1 that are under the authority of the MPOs. District 1 contains 114 census tracts of which 15 are over the Minority EJ threshold, 48 are over the Hispanic EJ threshold, 63 are over the Elderly EJ threshold, 26 are over the low-income EJ threshold and 48 are over the LEP EJ threshold and. Figure 8, below, is a map of the counties located in District 1.

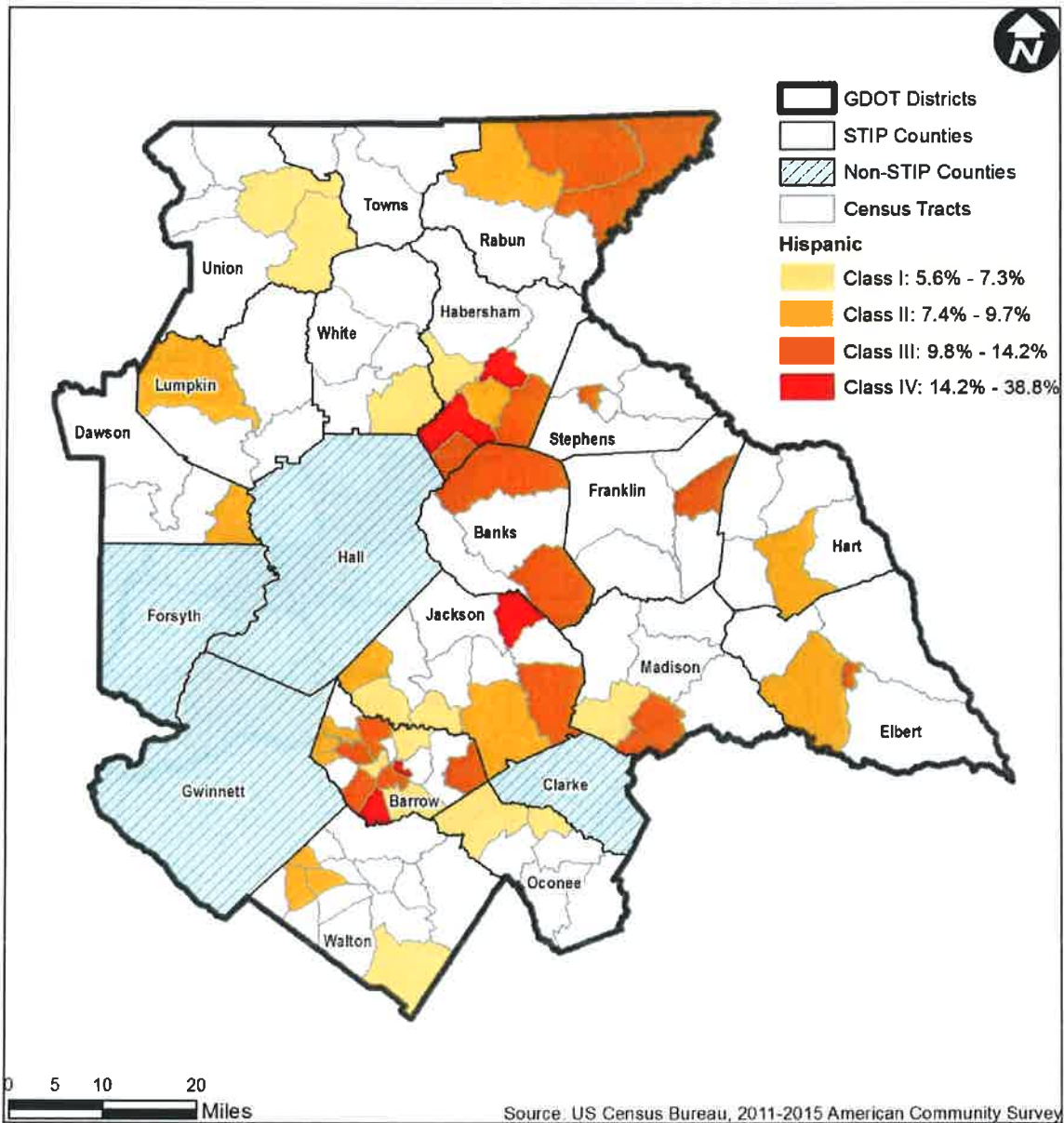
Figure 8: District 1



### 5.1.2 Hispanic EJ Population

Figure 10 is a map of the Hispanic EJ population located in District 1. Within District 1, 42 percent of the tracts have a Hispanic population above the Hispanic EJ threshold. The analysis shows 5 Class IV tracts located in the following counties: Barrow, Habersham and Jackson. The analysis also shows 16 Class III tracts, 14 Class II tracts and 13 Class I tracts. Tract locations can be found in Figure 10.

Figure 10: District 1 Hispanic EJ Population

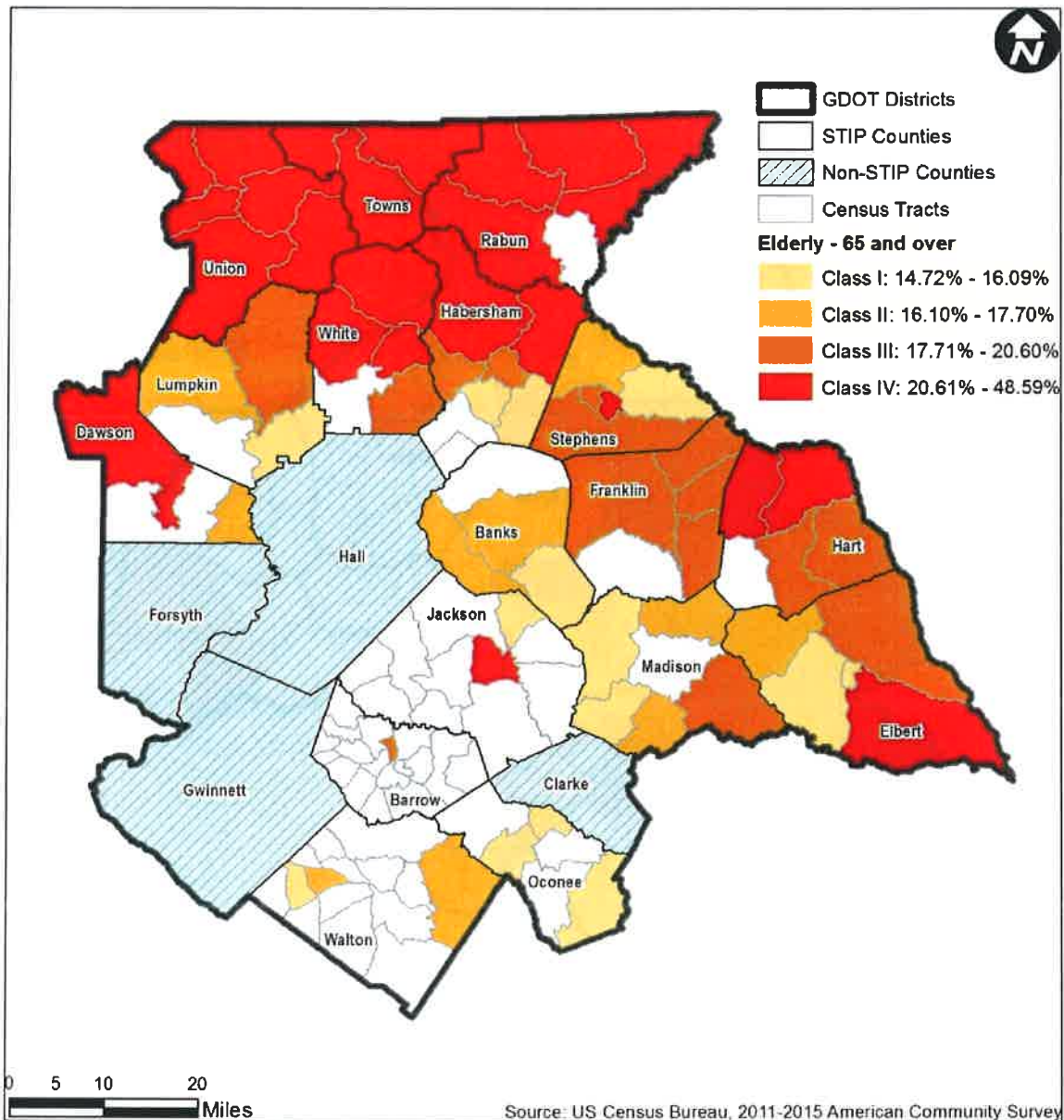




### 5.1.4 Elderly EJ Population

Figure 12 is a map of the Elderly EJ population located in District 1. Within District 1, 55 percent of the tracts have an elderly population above the elderly EJ threshold. The analysis shows 24 Class IV tracts located in the following counties: Dawson, Elbert, Habersham, Hart, Jackson, Rabun, Stephens, Towns, Union and White. The analysis also shows 15 Class III tracts, 10 Class II tracts, and 14 Class I tracts. Tract locations can be found in Figure 12.

Figure 12: District 1 Elderly EJ Population



**Item Attachment Documents:**

5. Presentation of Proposed County Vape Shop Ordinance- Planning & Development  
Director Jameson Kinley



## DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Planning & Development

Work Session: 08/01/2019

Prepared By: Harmony Gee

Voting Session: 8/15/2019

Presenter: Jameson Kinley \_\_\_\_\_

Public Hearing: Yes No x

Agenda Item Title: Presentation of County Vape Shop Ordinance

**Background Information:**

The Planning & Development department has discussed the need for a vaping ordinance.

**Current Information:**

See attached proposed ordinance.

Budget Information: Applicable: \_\_\_\_\_ Not Applicable: x Budgeted: Yes \_\_\_\_\_ No x

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: \_\_\_\_\_

Department Head Authorization: \_\_\_\_\_

Date: \_\_\_\_\_

Finance Dept. Authorization: \_\_\_\_\_

Date: \_\_\_\_\_

County Manager Authorization: DH \_\_\_\_\_

Date: 7/25/19

County Attorney Authorization: \_\_\_\_\_

Date: \_\_\_\_\_

**Comments/Attachments:**

**AN ORDINANCE OF THE DAWSON COUNTY BOARD OF COMMISSIONERS TO PROVIDE FOR LICENSING OF VAPE SHOPS, IMPOSE RESTRICTIONS ON OPERATION OF VAPE SHOPS, AND RESTRICT USE OF VAPOR PRODUCTS AND ALTERNATIVE NICOTINE PRODUCTS AROUND SCHOOLS AND CHURCHES; TO REPEAL CONFLICTING PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**WHEREAS**, the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, provides in Article IX, Section 2, Paragraph 1 thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations;

**WHEREAS**, the Board of Commissioners of Dawson County has determined that it is in the public interest to regulate the sale and use of vapor products and alternative nicotine products to the extent consistent with Georgia law; and

**WHEREAS**, the Dawson County Board of Commissioners has determined to adopt an ordinance regulating these matters;

**NOW THEREFORE BE IT ORDAINED** by the Board of Commissioners of Dawson County, Georgia, as follows:

**SECTION 1.**

Chapter 30, Article II of the Code of Dawson County, Georgia is amended as shown in Exhibit A hereto.

**SECTION 2.**

Chapter 34, Article I of the Code of Dawson County, Georgia is hereby amended as shown in Exhibit B hereto.

**SECTION 3.**

Chapter 38, Article II of the Code of Dawson County, Georgia is hereby amended as shown in Exhibit C hereto.

**SECTION 4.**

If any section, provision or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to

be invalid. It is hereby declared as the intent that this Ordinance would have been adopted had such invalid portion not been included herein.

**SECTION 5.**

All Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 6.**

This ordinance shall become effective on \_\_\_\_\_, the public good demanding the same.

**SO ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2019.

**Dawson County Board of Commissioners**

\_\_\_\_\_  
Billy Thurmond, Chairman

\_\_\_\_\_  
Sharon Fausett, Member

\_\_\_\_\_  
Chris Gaines, Member

\_\_\_\_\_  
Tim Satterfield, Member

\_\_\_\_\_  
Julie Hughes Nix, Member

Attest:

By: \_\_\_\_\_  
Kristen Cloud, County Clerk

[COUNTY SEAL]



## Exhibit A

Chapter 30, Article II of the Code of Dawson County, Georgia is amended as follows:

1. Section 30-115 is amended by adding a new subsection (b)(4) as follows: “Vape shops as defined in section 30-363.”
2. A new Section 30-128 is added reading as follows: “Sec. 30-128 – Incorporation of Vape Shop License into Business License. As provided in Division 10 of this Article, a license to sell “alternative nicotine products” and “vapor products” (as defined in Division 10) shall, if approved, be issued as a component of an applicant’s business license. Additional application materials and fees will be required from any applicant seeking to have this licensure component included in its business license.”
3. Chapter 30, Article II of the Code of Dawson County, Georgia is amended by adding a new Division 10 containing the following text:

### DIVISION 10. – VAPE SHOPS

#### **Sec. 30-362. - State law reference.**

The rules and regulations set forth in this division shall govern the operation of all vape shops in the unincorporated areas of Dawson County. This division is adopted under the home rule provisions of Art. IX, Section III, Paragraph I of the state constitution (Ga. Const. art. IX, § III, ¶ I).

#### **Sec. 30-363. – Definitions.**

For the purposes of this section, the following terms shall have the following meanings:

- (a) "Alternative nicotine product" shall mean any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. The term "alternative nicotine product" shall not include any tobacco product (as defined in Ga. R&Reg. 560-8-1.01), vapor product, or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.
- (b) "Person" shall mean and refer to any individual, natural person, partnership, firm, corporation, joint venture, proprietorship, business entity, association, agency, group, organization or group of persons or any other entity.
- (c) “Specialty vape shop” shall mean a vape shop whose sales of alternative nicotine products and vapor products, combined, exceed twenty-five percent (25%) of the aggregate retail sales of the shop, as determined by averaging sales from the prior three months.

- (d) “Vape juice” shall mean any substance that contains nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device; and
- (e) “Vapor product” shall mean any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. The term "vapor product" shall include any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, any vape juice, and any vapor cartridge or other container for vape juice. The term "vapor product" shall not include any tobacco product (as defined in Ga. R&Reg. 560-8-1.01), or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.
- (f) “Vape shop” shall mean any business whose product line for retail sale includes alternative nicotine products and/or vapor products.

**Sec. 30-364. - Licenses generally; expiration and application dates; renewals.**

- (a) All persons aged 21 and over, before beginning the business of operating a vape shop, shall first obtain a license to conduct such a business. Such application shall be made to the County Planning and Development Department, in conjunction with the application for a business license under Division 3 of this Article. Except as specifically provided in this Division 10, the application for and issuance of a vape shop license shall be performed in conjunction with, and subject to the terms of, the business licensing process as described in Divisions 2 and 3. No separate paper license will be issued for operation of a vape shop; instead, permission to operate a vape shop will be indicated on the granted business license.
- (b) All persons aged 21 and over operating a vape shop under a County business license as of [insert effective date of ordinance], 2019 shall file an application for a vape shop license in connection with the shop’s next annual business license renewal application.
- (c) All licenses issued under this division shall:
  - (1) Permit the licensee to sell alternative nicotine products and vapor products within Dawson County and outside municipalities in Dawson County, Georgia, pursuant to the terms of this division and not inconsistent with the laws of the State of Georgia and of the United States;
  - (2) Be subject to the restrictions on transfer of business licenses under Section 30-106, except that a vape shop license may not be transferred from one location to another without the prior approval of the County upon written application;
  - (3) Be subject to all terms and conditions imposed or provided for by future provisions or amendments to this vape shop ordinance; and
  - (4) Indicate if the licensee is authorized to operate a specialty vape shop pursuant to Section 30-365(b)(2).

- (d) In addition to the administrative fee imposed for a business license, a separate nonprorated, nonrefundable administrative fee of \$25.00 shall be required on all applications for a vape shop license.

**Sec. 30-365. - Application for license; issuance of license; denial; appeal; renewal**

- (a) *Application Contents.* Each application for a vape shop license, in addition to the standard requirements of an application for a business license, shall provide a survey (dated no more than 180 days prior to submission of the application), certified by a registered surveyor of the State of Georgia, showing a scaled drawing of the premises, the location on the premises where the applicant desires to sell any item of alternative nicotine product and/or vapor product and the distance to the nearest church building, school building, educational building, school grounds or college grounds, and college campus building. The distance shall be measured in a straight line from the front door of the proposed licensed premise to the front door of the church, day care, or treatment facility, and from the front door of the proposed licensed premise to the nearest property line of the real property used for school, college or educational purposes.
- (b) *Grant/Denial.* Grant or denial of applications for a vape shop licenses shall follow the process provided for businesses licenses. No license shall be issued if any of the following are true:
- (1) An applicant is not at least 21 years of age.
  - (2) An applicant's intent is to operate a specialty vape shop, unless such applicant demonstrates that it operated a specialty vape shop on [insert effective date of this ordinance], and has consistently operated a specialty vape shop since that time, up to and including the date of application. In such case, the license shall specifically state that the licensee is authorized to operate a specialty vape shop.
  - (3) An applicant is not the owner of the premises for which the license is held or the holder of the lease thereon for the period covered by the license.
  - (4) An applicant has had an application for a license denied under the provisions of this division and has made re-application within one year from the final date of such denial. For purposes of this provision, the final date of a denial of license shall be the date of written notice of such denial if the denial is not appealed; or, if the denial is appealed, the date of written notice of denial of the appeal.
  - (5) An applicant has had a license revoked under the provisions of this division within three years from the date of application. For purposes of this provision, the final date of a revocation of license shall be the date of written notice of such revocation if the revocation is not appealed; or, if the revocation is appealed, the date of written notice of denial of the appeal.
  - (6) A proposed business fails to comply with the minimum distance limits set forth in this division.
  - (7) An applicant fails to pay required fees.
  - (8) An applicant refuses to respond to requests for information, or provides untruthful or substantially inaccurate information, upon request by the Department of Planning and Development.

**Sec. 30-366. - Sale or possession for sale of alternative nicotine products or vapor products without license or beyond boundaries of premises covered by license.**

Except as provided in Section 30-364(b), it shall be unlawful for any person to sell, distribute, or possess for the purpose of sale any alternative nicotine product and/or vapor product if the person does not have a vape shop license granted by Dawson County.

**Sec. 30-367. – Restrictions on sale and display.**

- (a) No licensee, employee of any licensee, or other person may sell or permit to be sold any alternative nicotine product and/or vapor product to any person who is under 21 years of age, either directly or indirectly.
- (b) No licensee may operate a specialty vape shop unless its license specifically authorizes such operation, as provided in Section 30-365(b).
- (c) Each licensee shall maintain its entire inventory of alternative nicotine product and/or vapor product and any additional line of devices in a screened area. It shall be unlawful for a licensee to allow any item of alternative nicotine product or vapor product to be in view of the public, except during actual sales transactions of such items.
- (d) No licensee shall sell any vape juice that contains any chemical, substance, drug, or other harmful additive other than pharmaceutical grade vegetable glycerin, propylene glycol, nicotine, food-grade flavoring, and water.
- (e) All licensees shall prominently post a sign on any premises where vape juice is sold stating that the only chemicals authorized to be used in such vape juice are pharmaceutical grade vegetable glycerin, propylene glycol, nicotine, food-grade flavoring, and water.
- (f) All licensees shall prominently post a sign on any premises where alternative nicotine products and/or vapor products are sold explaining how to safely use e-batteries for alternative nicotine product and/or vapor products.
- (g) It shall be prohibited to mix or prepare vape juice on the premises of any building or establishment that offers alternative nicotine products and/or vapor products for retail sales to consumers.

**Sec. 30-368. – Location and minimum distance**

No license shall be issued under this division for the sale of alternative nicotine products and/or vapor products if the intended premises is within 300 feet of any church building, or on any property owned or leased to a church, or in or within 600 feet of any school building, educational building, school grounds, or college campus, or on any property owned or leased to a public or private school or school board for elementary or secondary education. Provided, however, that any premises that sells alternative nicotine products and/or vapor products as of [insert effective date of ordinance] and that is located within such restricted proximity may continue to sell such products in such premises provided that said license holder remains in compliance with all other provisions of this division and the use of the premises to sell alternative nicotine products and/or vapor products remains ongoing and continuous. And provided further than no license renewal application shall be denied for violating this section if at the time of the original license application the location was in compliance with this section. If

the sale of alternative nicotine products and/or vapor products is discontinued, the grandfathering entitlement under this paragraph shall be forfeited.

**Sec. 30-369. - Suspension or revocation of license.**

- (a) *Suspension/Revocation.* Suspension or revocation of vape shop licenses shall follow the process provided for business licenses.
- (b) A vape shop license may be suspended or revoked for any reason stated under Section 30-113, or for any the following reasons:
  - a. A licensee or its agents commit a felony or any crime involving moral turpitude.
  - b. A license is determined to have been issued due to administrative error, or due to mistake, or in reliance upon any misrepresentation by the applicant or anyone providing information on behalf of the applicant.

**Sec. 30-370. - Penalties for violation of chapter.**

Any person who violates any provision of this chapter, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine and/or imprisonment in accord with the limits established in O.C.G.A. § 36-1-20 and O.C.G.A. § 15-10-60.

**Sec. 30-371—30-387. – Reserved.**

## Exhibit B

Chapter 34, Article I of the Code of Dawson County, Georgia is amended by adding a new Section 34-5 with the following text:

### **Sec. 34-5. – Use of alternative nicotine product and/or vapor products**

- (a) For purposes of this section, “alternative nicotine product” and “vapor product” shall have the definitions stated in Section 30-363.
- (b) Prohibition
  - (1) It shall be unlawful for any person under the age of 21 to:
    - (A) Purchase or attempt to purchase, or use alternative nicotine products or vapor products; or
    - (B) Possess for personal use any alternative nicotine products or vapor products. This subparagraph shall not apply to possession of such products by a person under the age of 21 when a parent or guardian of such person gives the alternative nicotine products or vapor products to the person, and the possession occurs in the home of the parent or guardian and such parent or guardian is present; provided that the only additive in such products is tobacco or nicotine; or
    - (C) Misrepresent such person's identity or age or use any false identification of the purpose of purchasing or procuring any alternative nicotine products or vapor products.
  - (2) The use of alternative nicotine products or vapor products is prohibited in or within 300 feet of any church building, or on any property owned or leased to a church, other than in designated areas, if any.
  - (3) The use of alternative nicotine products or vapor products is prohibited in or within 600 feet of any school building, educational building, school grounds, or college campus, or on any property owned or leased to a public or private school or school board for elementary or secondary education, other than in designated areas, if any.
  - (4) The use of alternative nicotine products or vapor products is be prohibited in the premises of a shop that offers for sale any alternative nicotine product, vapor product or tobacco product unless such premises has an operational dehumidifier and exhaust fan vented to the outside to dispel any smoke or vapor produced by on-premises use.
- (c) Any person who violates any provision of this section, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine and/or imprisonment in accord with the limits established in O.C.G.A. § 36-1-20 an O.C.G.A. § 15-10-60.

**Exhibit C**

Chapter 38, Article II, Section 38-44, Subsection (b) of the Code of Dawson County, Georgia is deleted and replaced with the following text:

“No person shall use any alternative nicotine product or vapor product (as defined in Section 30-363), including e-cigarettes, on property owned, leased, or operated by Dawson County.”

**Item Attachment Documents:**

6. Presentation of Board Appointments:

**a. EMS Advisory Council**

i. Danny Thompson- *replacing Lanier Swafford* (Term: August 2019 through December 2020)

**b. Georgia Mountains Regional Commission**

i. David Headley- *reappointment* (Term: August 2019 through June 2020)





## DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: **Emergency Services**

Work Session: **08.01.19**

Prepared By: **Danny Thompson**

Voting Session: **08.15.19**

Presenter: \_\_\_\_\_

Public Hearing: Yes \_\_\_\_\_ No **X**

Agenda Item Title: **Region 2 EMS Council Appointment**

Background Information:

The State of Georgia is comprised into 10 EMS Regional Councils. The purpose of these councils is to coordinate and facilitate the improvement of emergency medical services. Dawson County is a member of the 13-county Region 2 Council and each county is assigned two positions on this council.

Current Information:

Lanier Swafford maintained his position as Chairman of this council, until his recent acceptance as the Region 2 EMS Coordinator. As outlined in the by-laws of the EMS Council, he can no longer retain his chairman status. As of July 15<sup>th</sup>, he has vacated his council position as Chairman. This leaves a partial term for Dawson County vacant.

1. Accept resignation of Lanier Swafford from the Region 2 EMS Council
2. Appoint Chief Danny Thompson to the second EMS Council position

Budget Information: Applicable: \_\_\_\_\_ Not Applicable: **X** Budgeted: Yes \_\_\_\_\_ No \_\_\_\_\_

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: **Approve agenda item**

Department Head Authorization: FDI

Date: 7.23.19

Finance Dept. Authorization: \_\_\_\_\_

Date: \_\_\_\_\_

County Manager Authorization: \_\_\_\_\_

Date: \_\_\_\_\_

County Attorney Authorization: \_\_\_\_\_

Date: \_\_\_\_\_

Comments/Attachments: