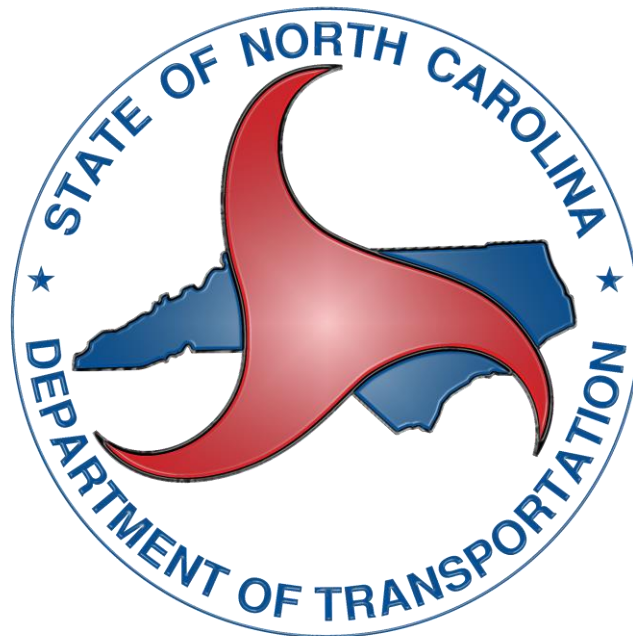


# North Carolina Department of Transportation Office of Civil Rights

## TITLE VI NONDISCRIMINATION PROGRAM FFY 2023-2026 IMPLEMENTATION PLAN FOR FTA



Contact Information:

Shelby Scales  
Director, Office of Civil Rights (OCR)  
919-508-1808

Mark Whisenant  
Manager, Title VI Program  
919-508-1795  
[mawhisenant@ncdot.gov](mailto:mawhisenant@ncdot.gov)

J. Eric Boyette, NCDOT Secretary

# NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

---

Office of Civil Rights  
Title VI Program

**Integrated Mobility Division**

## *TITLE VI PROGRAM* Implementation Plan for FTA

April 1, 2023

# TABLE OF CONTENTS

PART I:	INTRODUCTION	
	1.1 Letter from the Secretary.....	4
	1.2 Title VI Nondiscrimination Policy Statement .....	5
	Declaración de la Política de No Discriminación Título V .....	6
	1.3 Title VI Program Overview.....	7
	1.4 Program Authorities.....	8
PART II:	GENERAL REPORTING REQUIREMENTS	
	2.1 Annual Title VI Certification and Assurance.....	9
	2.2 Notice of Nondiscrimination .....	9
	2.3 Title VI Complaint Procedures .....	9
	2.4 Title VI Investigations, Complaints, and Lawsuits .....	10
	2.5 Public Participation Plan.....	10
	2.6 Language Access Plan.....	11
	2.7 Providing Assistance to Subrecipients.....	12
	2.8 Monitoring NCDOT's Subrecipients.....	13
	2.9 Site or Location of Facilities.....	15
	2.10 Additional Information Upon Request.....	15
PART III:	REQUIREMENTS FOR NCDOT	
	3.1 Statewide Transportation Planning .....	16
	3.2 Analysis of Transportation System Investments.....	18
	APPENDICES	
	Appendix A: NCDOT's Notice of Nondiscrimination .....	20
	Appendix B: External Complaint Procedures and Forms .....	21
	Appendix C: Title VI Complaint Log .....	33
	Appendix D: Title VI Voluntary Public Involvement Form .....	34
	Appendix E: Subrecipient Title VI Compliance Review Checklist .....	36
	Appendix F: Schedule of IMD Oversight Reviews .....	39
	Appendix G: NCDOT Minority Map.....	42
	Appendix H: NC Limited English Proficiency Map.....	43
	Appendix I: NC Population 65 Years of Age and Older Map.....	44
	Appendix J: NC Poverty Map.....	45
	Appendix K: Limited English Proficiency Plan .....	46
	Appendix L: Subrecipient Title VI Program Template.....	56

**THIS PAGE IS LEFT BLANK INTENTIONALLY**

## 1.1 Letter from the Secretary



### STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

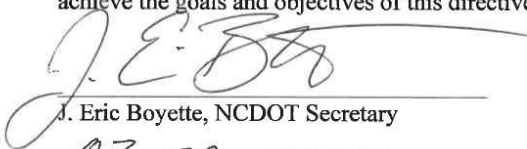
March 28, 2023

Letter from the Secretary:

As Secretary of the North Carolina Department of Transportation (NCDOT), I am fully committed to upholding the intent and spirit of Title VI of the Civil Rights Act of 1964 and other related Federal and State civil rights authorities, to the fullest extent possible. I am also committed to seeing that no person is excluded from participation in, denied the benefits of, or subjected to discrimination under any NCDOT program or activity on the basis of race, color, national origin, limited English proficiency, income-level ("Environmental Justice"), sex, age, or disability; including religion, where applicable. In accordance with the 1987 Civil Rights Restoration Act, this commitment extends to all programs, activities and services of the Department, whether federally assisted or not.

Further, I have assured the United States Department of Transportation that the NCDOT will work diligently to ensure that all pertinent nondiscrimination requirements are continually integrated and carried out in all phases of our operations. This includes those transportation-related programs and activities carried out by subrecipients and contractors using financial assistance received through this Department. Finally, if any alleged discriminatory action should occur, the Department will take all actions necessary to resolve any findings of noncompliance or discrimination in a fair and timely manner.

The contents of this Title VI Implementation Plan are hereby approved, and it is the responsibility of each and every employee of the Department to work cooperatively to achieve the goals and objectives of this directive.

  
\_\_\_\_\_  
J. Eric Boyette, NCDOT Secretary  
03-28-2023  
\_\_\_\_\_  
Date

*Mailing Address:*  
NC DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
1501 MAIL SERVICE CENTER  
RALEIGH, NORTH CAROLINA 27699-1501

*Telephone:* 919-707-2800  
*Fax:* 919-733-9150  
*Customer Service:* 1-877-368-4968  
*Website:* [ncdot.gov](http://ncdot.gov)

*Location:*  
1 SOUTH WILMINGTON STREET  
RALEIGH, NORTH CAROLINA 27601

# 1.2 TITLE VI POLICY STATEMENT



## STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

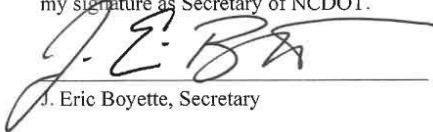
### Title VI Nondiscrimination Policy Statement

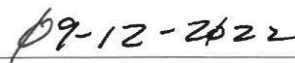
It is the policy of the North Carolina Department of Transportation (NCDOT) to ensure that no person shall, on the ground of race, color, national origin, limited English Proficiency, income-level, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any NCDOT program or activity, including, where applicable, religion, as provided by Title VI of the Civil Rights Act of 1964, United States Department of Transportation (DOT) Order 1050.2A, Title 49 Code of Federal Regulations (CFR) Part 21, the Civil Rights Restoration Act of 1987, and other pertinent nondiscrimination authorities.<sup>1</sup>

The following practices are hereby prohibited throughout NCDOT to comply, at a minimum, with Title VI and related requirements:

- Denying to an individual any standard service, financial aid, or other program benefit without good cause;
- Providing any service, financial aid, or other benefit to a person which is distinct in quantity or quality, or is provided in a different manner, from that provided to others under the program;
- Subjecting a person to segregation or separate treatment in any part of a program;
- Restrictions in the enjoyment of any advantages, privileges, or other benefits enjoyed by others;
- Methods of Administration which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
- Different standards, criteria, or other requirements for admission, enrollment, or participation in planning, advisory, contractual or other integral activities;
- Acts of intimidation or retaliation, including threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because s/he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing;
- Discrimination in any employment resulting from a program, a primary objective of which is to provide employment.

To assure that appropriate program measures are implemented and monitored, I have designated Tunya M. Smith, Director, Office of Civil Rights as NCDOT's Title VI Coordinator; 984-236-1291; titlevi@ncdot.gov. As an expression of my commitment to and support of the Department's Title VI Nondiscrimination Program, below is my signature as Secretary of NCDOT.

  
J. Eric Boyette, Secretary

  
Date

<sup>1</sup> Pertinent Nondiscrimination Authorities

a. *Race, Color, National Origin* – Title VI of the Civil Rights Act of 1964, 42 U.S.C. 20006f, DOT Order 1050.2A, "Standard Title VI/Non-Discrimination Assurances," 49 CFR 21 (DOT); 23 CFR 200 (FHWA); C 4702.1B (FTA); 49 CFR 303 (FMCSA); DOT Order 1000.12. *Sex* – 1973 Federal-Aid Highway Act, 23 U.S.C. 324; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681. *Age* – Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101. *Disability* – Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 790, The Americans with Disabilities Act of 1990, as amended, P.L. 101-336, Section 508 of the Rehabilitation Act of 1973, 29 U.S.C. 794d. The 1987 *Civil Rights Restoration Act*, P.L. 100-259, clarified and restored the original intent of Title VI by expanding coverage to include all "programs and activities" of federal-aid recipients, subrecipients, and contractors, whether or not such programs and activities are federally-assisted.

b. *Other nondiscrimination authorities include, but are not limited to: Religion* – Title VIII of the 1968 Civil Rights Act, 42 U.S.C. 3601 (Fair Housing Act); 49 U.S.C. 5332; 49 U.S.C. 47123 (Nondiscrimination). *Environmental Justice* – Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations;" DOT Order 5610.2a; FHWA Order 6640.23A; FTA Circular 4703.1. *Limited English Proficiency* – Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency;" DOT Policy Guidance Concerning Recipient's Responsibilities to Limited English Proficient (LEP) Persons, 74 FR 74087. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 1601.

Mailing Address:  
NC DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
1501 MAIL SERVICE CENTER  
RALEIGH, NORTH CAROLINA 27699-1501

Telephone: 919-707-2800  
Fax: 919-733-9150  
Customer Service: 1-877-368-4968

Location:  
1 SOUTH WILMINGTON STREET  
RALEIGH, NORTH CAROLINA 27601

Website: ncdot.gov





STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

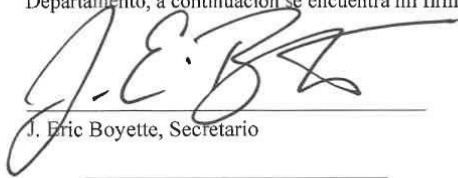
**Declaración sobre la política antidiscriminatoria del Título VI**

El Departamento de Transporte de Carolina del Norte (NCDOT) tiene como política asegurar que ninguna persona, debido a su raza, color, país de origen, limitación para hablar o entender inglés, nivel de ingresos, sexo, edad o discapacidad, sea excluida de la participación en, le sean negados los beneficios de, o sea discriminada de cualquier otra manera por cualquier programa o actividad del NCDOT, incluyendo, cuando aplique, su religión, como se indica en el Título VI del Acta de los Derechos Civiles de 1964, en la Orden 1050.2A del Departamento de Transporte (DOT) de los Estados Unidos, en el Título 49 de la Parte 21 del Código de Regulaciones Federales (CFR), en el Acta de Restauración de los Derechos Civiles de 1987 y otras autoridades antidiscriminatorias pertinentes.<sup>1</sup>

Por ende y en cumplimiento, como mínimo, con el Título VI y otros requisitos relacionados, quedan prohibidas las siguientes prácticas:

- Negar a un individuo cualquier servicio, ayuda financiera u otro beneficio de los programas sin causa válida;
- Brindar a una persona cualquier servicio, ayuda financiera u otro beneficio que sea distinto, en cantidad o calidad, u ofrecido de una manera diferente, a lo brindado a otros bajo los mismos programas;
- Segregar o tratar por separado a una persona durante cualquier parte de un programa;
- Restringir el aprovechamiento de cualquier ventaja, privilegio u otros beneficios aprovechados por otros;
- Métodos de administración los cuales, de manera directa o a través de relaciones contractuales, impidan la aplicación de prácticas antidiscriminatorias efectivas;
- Estándares o criterios diferentes, o cualquier otro requisito de admisión, registro o participación en actividades integrales de planeación, asesoría o contractuales;
- Actos de intimidación o represalias, incluyendo amenazas, coerción o discriminación contra cualquier individuo cuyo objetivo sea interferir con cualquier derecho o privilegio amparado bajo cualquier ley antidiscriminatoria pertinente, o como respuesta a una queja, testimonio, asistencia o cualquier tipo de participación del individuo en una investigación, procedimiento o audiencia;
- Discriminación laboral sobre aquellos trabajos que surjan de un programa cuyo objetivo principal sea brindar oportunidades laborales.

Para asegurar que las medidas del programa sean implementadas y monitoreadas, he designado a Tunya M. Smith, directora de la oficina de Derechos Civiles, como coordinador del Título VI del NCDOT; 984-236-1206; [titlevi@ncdot.gov](mailto:titlevi@ncdot.gov). Como expresión de mi compromiso y apoyo al Programa Antidiscriminatorio del Título VI del Departamento, a continuación se encuentra mi firma como Secretario de NCDOT.

  
J. Eric Boyette, Secretario

09-12-2022  
Fecha

<sup>1</sup> Autoridades antidiscriminatorias pertinentes

a. *Raza, color, país de origen* – Título VI de la Ley de Derechos Civiles de 1964, 42 U.S.C. 2000d; Orden DOT 1050.2A, "Título Estándar VI / Seguros de no discriminación," 49 CFR 21 (DOT), 23 CFR 200 (FHWA); C 4702.1B (FTA); 49 CFR 303 (FMCSA); Orden DOT 1000.12. *Sexo* – 1973 Ley Federal de Ayudas a la Carretera, 23 U.S.C. 324; Título IX de las Enmiendas a la Educación de 1972, 20 U.S.C. 1681. *Edad* – Ley de Discriminación por Edad de 1975, según enmendada, 42 U.S.C. 6101. *Discapacidad* – Sección 504 de la Ley de Rehabilitación de 1973, 29 U.S.C. 790; La Ley de Americanos con Discapacidades de 1990, según enmendada, P.L. 101-336; Sección 508 de la Ley de Rehabilitación de 1973, 29 U.S.C. 794d. *Ley de Restauración de Derechos Civiles de 1987*, P.L. 100-259, clarificó y restauró la intención original del Título VI al expandir su cobertura para incluir todos los "programas y actividades" de los beneficiarios de la ayuda federal, así dichos programas y actividades no reciban asistencia federal.

b. *Otras autoridades antidiscriminatorias incluyen, pero no están limitadas a:* *Religión* – Título VIII de la Ley de Derechos Civiles de 1968, 42 U.S.C. 3601 (Ley de Vivienda Justa), 49 U.S.C. 5332; 49 U.S.C. 47123 (No discriminación). *Justicia ambiental* – Orden Ejecutiva 12898, "Acciones Federales para Abordar la Justicia Ambiental en Poblaciones Minoritarias y Poblaciones de Bajos," Orden DOT 5610.2a; Orden FHWA 6640.23A; Circular FTA 4703.1. *Limitación para hablar o entender inglés* – La Orden Ejecutiva 13166, "Mejorando el Acceso a Servicios para Personas con Competencia Limitada en Inglés," Orientación de la Política del DOT con respecto a las Responsabilidades de los Destinatarios de Personas con Dominio Limitado en Inglés (LEP), 74 FR 74087. Ley de Asistencia de Reubicación Uniforme y Acciones de Adquisición de Bienes Raíces de 1970, 42 U.S.C. 4601.

Mailing Address:  
NC DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
1501 MAIL SERVICE CENTER  
RALEIGH, NORTH CAROLINA 27699-1501

Telephone: 919-707-2800  
Fax: 919-733-9150  
Customer Service: 1-877-368-4968

Location:  
1 SOUTH WILMINGTON STREET  
RALEIGH, NORTH CAROLINA 27601

Website: [ncdot.gov](http://ncdot.gov)

## 1.3 Title VI Program Overview

---

The North Carolina Department of Transportation (NCDOT) is a recipient of Federal financial assistance from the U.S. Department of Transportation (USDOT). As a recipient of USDOT funds, NCDOT must comply with Title VI of the 1964 Civil Rights Act (“Title VI”) and other related nondiscrimination laws and authorities. The intent of Title VI is to ensure nondiscrimination in all programs, activities, and services provided by entities receiving Federal dollars.

Title VI and other related nondiscrimination authorities form the basis of the Title VI Nondiscrimination Program (“Title VI Program” or the “Program”) by which NCDOT assures the USDOT that minorities and other protected persons will be treated fairly and included in decision-making activities; the Title VI Program monitors Departmental efforts with regard to these goals. The principal areas of the Program include: 1) Title VI Program Administration; 2) Environmental Justice (EJ); 3) Limited English Proficiency (LEP); and 4) the External Discrimination Complaints Process.

Title VI is the predecessor of other federal<sup>1</sup> nondiscrimination laws, including:

- Section 504 of the Rehabilitation Act (1973);
- Age Discrimination Act (1975);
- Civil Rights Restoration Act (1987);
- Americans with Disabilities Act (1990);
- Title VIII of the Civil Rights Act of 1968 (Fair Housing Act);
- 49 United States Code (U.S.C.) §5332;
- Uniform Relocation Assistance and Real Property Acquisition Policies Act (1970);
- Executive Order 12898 on EJ; and
- Executive Order 13166 on LEP.

Collectively, these laws protect against discrimination on the basis of race, color, national origin, income-level, LEP, sex, age or disability; and creed/religion (49 U.S.C. §5332).

### Title VI Program Objectives

- To execute the provisions of Title VI and related authorities to ensure no person shall, on the grounds of race, color, national origin, income-level, LEP, sex, age, or disability, (and creed/religion, where applicable) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted or funded by NCDOT, whether or not those programs and activities are federally-assisted;
- To inform applicants, participants and beneficiaries of NCDOT programs and activities of the rights afforded them by Title VI and related nondiscrimination laws;
- To inform NCDOT funding recipients of their Title VI Nondiscrimination obligations;
- To ensure public funds are not spent in a way that encourages, subsidizes, or results in (*intentional or unintentional*) discrimination by NCDOT employees, subrecipients and contractors; and
- To receive, investigate and resolve Title VI complaints promptly.

---

<sup>1</sup> Federal law supersedes state law and policy (“Supremacy Clause,” U.S. Constitution, Article VI, Clause 2); therefore, all NCDOT policies must comply with Title VI and other pertinent nondiscrimination laws.



## 1.4 PROGRAM AUTHORITIES

---

*Title VI of the Civil Rights Act of 1964* (“Title VI”), 42 U.S.C. 2000d, is the focal point of nondiscrimination law. Title VI provides that, “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” The broader application of nondiscrimination law is found in other statutes, executive orders, and regulations. The nondiscrimination authorities below fall within the scope of the Title VI Program.

- ❑ ***The Civil Rights Restoration Act of 1987*** – clarifies the intent of Title VI to include **ALL** programs and activities of Federal-aid recipients and contractors whether those programs and activities are federally funded or not.
- ❑ ***49 U.S.C. §5332 “Nondiscrimination”*** – prohibits discrimination based on race, color, creed/religion, national origin, sex or age under federally-assisted public transportation projects, programs or activities.
- ❑ ***49 C.F.R. § 21, et al - Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964*** – requires entities receiving federal funding to adhere to federally mandated non-discrimination requirements.
- ❑ ***Age Discrimination Act of 1975*** – prohibits discrimination based on age.
- ❑ ***Section 504 of the Rehabilitation Act of 1973*** – prohibits discrimination of qualified persons with a physical or mental handicap.
- ❑ ***Americans with Disabilities Act of 1990 (ADA)*** – provides enforceable standards to address discrimination against individuals with disabilities. ADA also prohibits discrimination in the provision of access to public buildings and accessibility of wheelchairs at rest areas.
- ❑ ***Title IX of the Education Amendments of 1972 (20 U.S.C. §1681)*** prohibits discrimination on the basis of sex in education programs and activities of federal-aid recipients.
- ❑ ***Executive Order 12898 “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”*** – requires the Department to achieve environmental justice as part of its mission by identifying disproportionately high and adverse human health or environmental effects of their programs, services, policies, and activities on low-income and minority populations.
- ❑ ***Executive Order 13166 “Improving Access to Services for Persons with Limited English Proficiency (LEP)”*** – directs the Department to ensure meaningful access to services is provided to persons who are limited in the English language.
- ❑ ***Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons*** – Guidance concerning services and policies by recipients of Federal financial assistance from the USDOT related to persons with limited English proficiency.
- ❑ ***FTA Circular 4702.1B “Title VI Requirements and Guidelines for Federal Transit Administration Recipients”*** – FTA’s guidance to grantees on how to comply with Title VI regulations, as well as to ensure grantees provide meaningful language access to LEP persons.
- ❑ ***FTA Circular 4703.1 “Environmental Justice Policy Guidance for Federal Transit Administration (FTA) Recipients”*** – FTA’s guidance on incorporating environmental justice principles into plans, projects, and activities that receive funding from FTA.

## Part II: General Reporting Requirements

---

### 2.1 Annual Title VI Certification and Assurance

The annual Certifications and Assurances are signed by the NCDOT attorney and Integrated Mobility Division (IMD) Director. The signed copy is uploaded into the FTA electronic grants management system, TrAMS, and Certifications and Assurances are pinned in TrAMS by both parties.

Subrecipients provide an executed original of the annual FTA Certifications and Assurances as part of the grant application cycle. It is executed by the authorized official and legal counsel. This document is required for the subrecipient transit agencies to receive federal funding.

### 2.2 Notice of Nondiscrimination

The NCDOT provides notice to the general public that the Department delivers programs, activities, and services without regard to race, color or national origin (See [Appendix A – Notice of Nondiscrimination](#)). The Notice also informs the public how to file a discrimination complaint and request additional information regarding the Department’s Title VI nondiscrimination obligations.

The NCDOT Secretary has signed a Policy Statement that expresses the Department’s commitment to ensure nondiscrimination in programs and activities covered by Title VI. The Policy Statement and Notice include other nondiscrimination bases not specific to Title VI, such as sex, age, and disability. These two documents are posted on the Department’s website and also provided as examples to subrecipients, who are required to post their own Title VI notices on bulletin boards and in other places visible to the general public, such as in transit stations and vehicles.

*Dissemination of Information:* Title VI information shall be disseminated to NCDOT employees, contractors, subrecipients, and beneficiaries, including the general public. Reasonable steps shall be taken by the NCDOT to promote equal opportunity and nondiscrimination policies through public and community outreach, meetings, workshops, and conferences. The NCDOT will notify the public of the Department’s Title VI obligations and protections against discrimination afforded to them by visibly posting nondiscrimination policies in public areas at NCDOT facilities, incorporating Title VI language into contracts, and placing notices in newspapers and minority publications having a circulation in the general vicinity of proposed projects and activities when announcing public meetings and hearings. IMD will also ensure that transit systems similarly disseminate Title VI information to fulfill their obligations.

*Document Translation:* The NCDOT continues to translate vital documents, consistent with the DOT LEP Guidance. Vital documents for Title VI include, but are not limited to, the Policy Statement, Complaint Procedures and Form, and the Voluntary Public Involvement Form. The Notice of Nondiscrimination currently includes a statement in Spanish indicating the availability of language assistance services.

*Subrecipients:* The NCDOT makes documents available to assist subrecipients in the development of an effective Title VI Program. Documents available to subrecipients include, but are not limited to, templates for external discrimination complaints, nondiscrimination notices and policies, data collection tools, and a comprehensive Title VI Program Plan covering all nondiscrimination bases stipulated by 49 USC 5332 and 01.D. “Nondiscrimination Assurance” of the FTA Certifications & Assurances (See [Appendix L – Title VI Program Template](#)). Subrecipients may choose to adopt the documents provided by NCDOT or create documents of their own that are satisfactory to NCDOT.

### 2.3 Title VI Complaint Procedures

The NCDOT has developed external discrimination complaint procedures in accordance with federal guidance and regulations (See [Appendix B – External Complaint Procedures and Complaint Forms](#)). This information is made available to any member of the public, consultant or contractor via the internet or by email, mail, or in person, upon request. Complaints received are tracked on a complaint log maintained by NCDOT’s Title VI

section. NCDOT employees, subrecipients and contractors are informed of external complaint procedures during training, compliance reviews and through notices posted at workplace and project sites.

## 2.4 Title VI Investigations, Complaints, and Lawsuits

The Title VI Program has developed procedures to receive, process, investigate, and track complaints of alleged discrimination filed against the Department and its subrecipients and contractors consistent with the provisions of 49 CFR 21(b), FTA Circular 4702.1B and other federal regulations applicable to NCDOT. Discrimination complaints received by NCDOT business units shall be forwarded to the Program for review and processing within 1-3 days of receipt.

The Program records complaints received on a Complaint Log form ([See Appendix C – Title VI Complaint Log](#)) that identifies each complainant by race, color, national origin, sex, LEP, income-level, age, or disability; (or creed/religion, where applicable). Information maintained on the log includes the complainant's name, complaint basis, date the complaint or lawsuit was filed, the action taken, status of the complaint, lawsuit, or investigation, and the disposition of the complaint.

Subrecipients should also have procedures to receive, investigate and resolve discrimination complaints. The procedures should notify complainants that they may file a discrimination complaint directly with their office or with NCDOT's Office of Civil Rights or USDOT (e.g., FTA). Transit grant applicants submit a list of all complaints of discrimination for the previous fiscal year and the current status of the complaints to NCDOT's IMD. The form is signed by the applicant's authorized official. If an applicant lists outstanding complaints, the form is provided to the Program.

## 2.5 Public Participation Plan

IMD monitors subrecipients' public involvement and outreach through the application process and Transit Advisory Board (TAB) meetings. The application process requires that a public hearing be held in front of the applicant's governing body. The applicant must publish one public notice in a newspaper(s) having general circulation in the project's proposed service area. The applicant MUST also publish a public hearing notice in English and each widely used (spoken/read) language in the transit system's service area. For most, but not all areas, this will be Spanish only. IMD and the Title VI Program also check the Public Participation Plans (PPP) of subrecipients to screen for compliance with federal requirements, including Title VI, during compliance reviews.

Actively engaged TABs are a requirement for receipt of funds from the Section 5311 program. A TAB is typically made up of stakeholders from the service area that care about the services provided by the transit system. The make-up of the TAB is representative of the various target audiences in the service area and typically includes one or more passengers of the transit system. An actively engaged TAB is expected to discuss unmet needs in the service area, service design and scheduling, billing rates and fares, and to resolve complaints. They also monitor compliance with federal regulations and the status of any deficiencies noted in any official federal, state or local review or report. As a locally formed advisory group, TAB members are able to ensure that information regarding funding availability, service changes and related information is provided to the population groups they represent, including minorities, low-income and disabled persons. All TAB meetings are advertised.

The Program promotes a proactive, inclusive and accommodating approach to public participation across NCDOT, endorsing public involvement efforts tailored to meet the accessibility needs of all participants. This includes public involvement techniques that disseminate information to and include children in decision-making, when appropriate (i.e., public school systems). Title VI staff reviews the public involvement procedures of NCDOT business units and participates in public involvement activities when notified of potential Title VI issues. Title VI staff also serves on project teams that plan public outreach and engagement strategies, including targeted measures designed to seek out and obtain participation from minority, low-income, and limited English populations. In this role, Title VI staff reviews studies conducted by other NCDOT units, such as Community Impact Assessments from project development units and Comprehensive

Transportation Plans (CTPs) from the Transportation Planning Division (TPD), to identify potential barriers to participation by minority and low-income groups and ensure that input from these groups is considered in the decision-making process. Reviews of transcripts from recorded public meetings and comment sheets may also occur, when necessary.

Where the Department's programs or activities require public meetings, the Program may provide technical assistance to ensure that notices of scheduled events reach all segments of an affected community. Title VI staff often coordinates with NCDOT's Public Involvement Group on outreach strategies for projects (i.e., highway, rail, transit, and others) affecting vulnerable populations. Meeting notices are placed in local newspapers, publications having a large circulation among minority groups in the project's study area, announced through local broadcast media (TV and radio), and posted at venues frequented by targeted groups. Newsletters are disseminated via direct mailings and email lists and maintained on project websites. Additionally, NCDOT's Title VI Policy Statement and Notice of Nondiscrimination are displayed at meetings with persons potentially affected by NCDOT policies and actions, including minority and low-income communities. Title VI staff participates in these meetings, which are held at times and locations convenient to protected populations, such as churches, community centers, and community events. This enables Title VI staff to ensure that members of the public are informed of the rights afforded to them under Title VI.

In accordance with USDOT LEP guidance, when a significant number or proportion of persons speaks English less than very well ("safe harbor threshold"), the Department shall publish notices and vital information in languages other than English. The Department shall take other reasonable steps, including the furnishing of interpreters, to meet the communication and accessibility needs of the non-English speaking population. NCDOT may coordinate with Language Access Resource Contacts (LARCs) to plan outreach strategies for LEP persons.

Title VI compliance reviews of NCDOT's business units include a section to determine if public outreach events are provided to citizens in a nondiscriminatory manner.

## 2.6 Language Access Plan

While there is not always a direct relationship between an individual's language and national origin, language often serves as an identifier of national origin. The Department recognizes the failure to remove language barriers to LEP persons may deny these persons vital access to programs or activities and risks violating the Title VI provision against national origin discrimination. (See Appendix K – LEP Plan)

To ensure meaningful access by LEP persons to Departmental programs and activities, NCDOT shall conduct individualized assessments that balance the following four factors:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.
- The frequency with which LEP persons come into contact with the program.
- The nature and importance of the program, activity or service provided by the program to people's lives.
- The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.

To further accommodate LEP persons affected by NCDOT programs and activities, NCDOT will proactively:

- Advertise public meetings, hearings, workshops, etc., in appropriate languages, when necessary.
- Request that participants inform NCDOT of needed accommodations to meet reasonable requests.
- Procure qualified translators and interpreters for use during public outreach activities.
- Recruit bilingual staff to act as interpreters and translators.
- Translate and publish vital written materials into languages other than English, free of charge.
- Provide spoken (oral interpretation), sign language, or any other language service, free of charge.

The Office of Civil Rights (OCR) currently has bilingual employees who can assist OCR with written translation and interpretation services in Spanish. The Department utilized a LEP survey to determine what language assistance services are needed and how LEP services will be funded and provided.

## 2.7 Providing Assistance to Subrecipients

NCDOT's webpage is used to provide technical assistance to subrecipients. Information regarding grants and funding and program requirements, including those related to Title VI, is included. The IMD website is located at <https://www.ncdot.gov/initiatives-policies/access-for-all/nondiscrimination-program/Pages/default.aspx>

***Technical Assistance:*** Technical assistance is provided to inform subrecipients of their Title VI obligations and Federal requirements. It also enables the Department to respond to specific concerns of subrecipients and offer assistance when deficiencies are identified during a compliance review, or there are changes to a subrecipient's procedures.

Technical assistance may include the following: 1) reviewing and providing feedback on documents; 2) explaining procedures for filing a complaint, providing sample complaint procedures, forms and a Notice to the Public; 3) assisting subrecipients with establishing diverse boards and committees and sufficient Title VI programs, policies and procedures; 4) reviewing the accuracy of statistical data (race, national origin, income, age, etc.); or 5) participating in workshops, conferences for NCDOT employees, subrecipients and beneficiaries.

***Education and Training:*** Title VI (e.g., LEP, Environmental Justice, Complaints Process) training is made available to NCDOT staff, contractors and subrecipients. The training provides information pertaining to Title VI provisions, its application to program operations, identification of Title VI issues and resolution of complaints. A summary of any training conducted is reported in update reports required by federal agencies. Suggested strategies to assist subrecipients in preventing discrimination in programs, services, and activities include:

- Conduct necessary Title VI training.
  - General Title VI training may be conducted during IMD conferences, workshops and seminars.
  - The Office of Civil Rights will offer comprehensive Title VI training to subrecipients' Title VI Coordinators in conjunction with IMD's compliance review schedule.
- Carry out periodic reviews and evaluations.
- Encourage and sustain public participation, involvement and cooperation.
- Develop public involvement strategies according to the situation at hand.
- Pursue public outreach activities.
- Create an atmosphere of trust and respect.
- Encourage information sharing on significant nondiscrimination practices, policies, and procedures.
- Empower the community by listening and providing a prompt response to inquiries.
- Establish a two-way free and frank line of communication with the public.
- Maintain proper statistical, income & demographic data.
- Adopt policies and procedures supportive of Title VI.
- Document processes, data and activities related to Title VI.
- Actively monitor program outputs to ensure equitable services for LEP persons.

***Data Collection:*** The collection and analysis of statistical data is a key element of a successful Title VI enforcement strategy. Data collection is the primary means by which an agency can monitor whether program funds are equitably distributed among all populations. Accordingly, subrecipients are required to keep accurate and complete records necessary to ascertain their compliance with Title VI and submit requested records to NCDOT in a timely manner. This includes racial and ethnic data showing the extent to which members of minority groups are beneficiaries of the subrecipient's programs and services and the subrecipient's efforts to collect, analyze, and maintain demographic data (49 CFR 21.9(b)). The NCDOT develops tools and guidance to help subrecipients record and report statistical data. The NCDOT also collects data on race, color, national origin, age, sex, income, and disability of participants in and beneficiaries of Departmental programs and



services, including during public outreach events to identify gaps in outreach and plan strategies to reach protected populations (See [Appendix D – Title VI Voluntary Public Involvement \(VPI\) Form](#)). The VPI form is also provided to subrecipients as a template for use during their public outreach events.

## 2.8 Monitoring NCDOT’s Subrecipients

The Department recognizes that Title VI and related nondiscrimination statutes, Environmental Justice and LEP policies impact all transportation decision-making. The NCDOT operates consistent with 49 CFR 21 and FTA C 4702.1B, which establish general reporting requirements and require monitoring of subrecipients to ensure compliance with Title VI. Monitoring will be accomplished by conducting Title VI compliance reviews of subrecipients receiving federal funds through NCDOT, including during 1) Compliance Reviews and 2) Subrecipient site-visits. The NCDOT Office of Civil Rights (OCR) will concur with IMD regarding subrecipients’ written Title VI plans. Once concurrence is obtained, the plans must be locally adopted with each change and a final copy submitted to IMD.

IMD subrecipients are currently monitored on a triennial basis to determine the effectiveness of activities and services at all levels, unless it is determined more frequent monitoring is needed. Subrecipients will be required to address all Title VI Program requirements including, but not limited to, the complaints process, notifications to the public, meaningful access to LEP persons, and public outreach efforts. Subrecipients must provide information, documentation and procedures to demonstrate that services are provided on an equitable basis to all populations. The subrecipient’s Title VI Coordinator will be NCDOT’s point of contact during Title VI reviews (including the Title VI section of the PR). A comprehensive Compliance Review Checklist modeled after the Title VI Checklist in FTA C 4702.1B may be utilized during reviews (See [Appendix E – Subrecipient Title VI Compliance Review Checklist](#)).

Title VI Plans must be current and must be updated based on the following: 1) issuance of new FTA guidance; 2) a change in either Title VI Coordinator or the authorized official who signs the subrecipient’s agreements; 3) updates to Census data; or 4) when a subrecipient begins to operate a fixed route, to include the required elements for Transit Providers. *Note:* Items in the Plan for documenting and reporting compliance with Title VI will be used year-round, therefore, parts of the Plan will be completed as Title VI-related activities occur (e.g., public meeting records, complaints log, acknowledgement forms). IMD has developed a schedule for its subrecipient Title VI Program submissions (See [Appendix F – Schedule of IMD Compliance Reviews](#)). The Title VI review process broadly includes the following steps:

### **Preliminary analysis includes, but is not limited to, desk reviews of the following:**

1. Title VI-related assurances, policies and procedures (e.g., public involvement and LEP plans) for ensuring nondiscriminatory implementation of programs and services.
2. Contracts and similar agreements to verify inclusion of nondiscrimination language.
3. Equity analyses (and environmental justice evaluations) conducted by subrecipients.
4. Procedures for ensuring the level and quality of services to predominantly minority and low-income communities are provided on an equitable basis.
5. Program-specific questionnaires and statistical data submitted prior to an on-site visit.

### **Subrecipient On-site Visits**

The purpose of the on-site visit is to determine and record compliance with Title VI requirements by verifying information during the preliminary analysis phase. The on-site compliance workbook is updated as needed to reflect changes in legislation, guidance or areas identified in which additional attention. OCR works with IMD to assure on-site questions are effective at ascertaining whether subrecipients are implementing the Title VI Programs they submit for approval. Areas of focus during the on-site visit may include, but not limited to:

1. Staff awareness of Title VI, equal opportunity and related nondiscrimination laws and concepts.
2. Complaint files, if the subrecipient received complaints.
3. Data collection tools and procedures.
4. Verifying that the level and quality of transportation services provided by subrecipients is equitable.
5. Physical aspects of the site – programmatic and architectural accessibility.



6. Stakeholder interviews with community-based organizations to determine public involvement and LEP coordination.
7. Arrangements with local organizations to provide needed services to persons with special needs.
8. Display of announcements, posters or signs, and notices for clients with LEP and visual or hearing disabilities.
9. Interviews with citizens at bus stops and transit facilities to determine if public notification, involvement and dissemination of information are adequate.

## **Compliance Determination**

Compliance reviews are summarized in a Compliance Report provided to the subrecipient for review and comment. The report includes a finding of deficiencies/no deficiencies, advisories, significant observations and comments, which document the subrecipient's efforts in meeting Title VI requirements. Records, such as Title VI complaints, demographic data on participants and beneficiaries of the Federal-aid transit program, routine correspondence and system-wide service policies, are reviewed to make a compliance determination. Any deficiencies must be corrected prior to close out of the review. If deficiencies are found, recommendations, advisory comments, and technical assistance are provided to subrecipients to ensure corrective action is taken.

*Finding of no deficiencies:* a determination made when no deficiencies are found in the subrecipient's Title VI Program during the compliance review. Following a finding of no deficiencies, corrective actions are not necessary except with regard to advisory comments. The subrecipient must notify NCDOT of their intent regarding advisory comments.

*Finding of deficiencies:* a determination made in review of a subrecipient's Title VI Program, or after the results of an investigation, of a failure to comply with federal Title VI requirements. Subrecipients must take corrective action when deficiencies are found. Deficiencies can take the form of technical violations, such as failing to post nondiscrimination notices or complete an assurance, or more serious, overt discriminatory practices, such as denying equal access to benefits and services based on race, color or national origin.

*Finding of noncompliance:* a determination made when a subrecipient refuses to comply with the requirements of 49 CFR 21 or FTA 4702.1B Circular, or has engaged in activities that have the purpose or effect of excluding, or discriminating against, persons based on race, color, national origin, etc. If noncompliance cannot be corrected informally, the subrecipient may be subject to remedial action or proceedings.

## **Corrective Action Process**

If Title VI deficiencies are found, the Compliance Report will include a draft corrective action plan (CAP) with due dates. A final CAP is issued following a compliance conference call with the subrecipient. The subrecipient will be expected to provide periodic updates until all deficiencies are corrected and NCDOT will provide technical assistance to the subrecipient, as needed. When NCDOT has determined that all deficiencies are sufficiently corrected, the subrecipient will be notified that the review process is complete and no further progress reporting is needed (i.e., "close out"). When a subrecipient refuses to correct its deficiencies, the subrecipient moves from a deficiency status to noncompliance.

*Effecting Compliance:* When a subrecipient fails to take appropriate corrective action in response to the findings of deficiencies in the compliance report, NCDOT may initiate proceedings that could result in action taken to suspend, terminate, or refuse to grant or continue financial assistance to a subrecipient.

## **Criteria for selection of subrecipients for review outside the PR Process:**

The factors considered by OCR when selecting transit subrecipients for Title VI compliance reviews will typically include:

1. Status as a recipient of federal financial assistance.
2. Lawsuits, complaints, or investigations conducted by organizations other than NCDOT alleging the subrecipient is noncompliant with Title VI regulations.

3. Alleged noncompliance brought to the attention of NCDOT by other Federal, State, or local agencies or the general public.
4. A subrecipient submitting an incomplete or insufficient Title VI Program to IMD or OCR. (*Note:* Depending on the time between PR reviews, NCDOT may request for additional information (i.e., a progress report or status update) to verify that subrecipients are implementing their Title VI plans. An unsatisfactory response by a subrecipient could result in an on-site review).
5. Title VI findings or recommendations on prior Triennial, State Management, or Planning Certification Reviews that have not been sufficiently resolved or implemented or repeat findings in any NCDOT review concerning Title VI and related nondiscrimination authorities.

## 2.9 Site or Location of Facilities

The IMD may conduct transit facility studies when needed for its transit subrecipient agencies. This includes a Needs Assessment Study and Title VI Equity Analyses. Subrecipients may utilize a consulting firm to create this study and a portion of this study may be supported by federal and state funds. In addition to many other aspects, this study compares various properties and site locations to determine the most suited location. In this study, the following criteria are identified and used to screen site selection.

- **Environmental Issues/NEPA/Title VI Equity Analyses**—Historic Resources, Air/Noise/Vibration, Hazardous Materials, Community Disruption & Environmental Justice, Use of Public Parkland and Recreation Areas, Wetlands and Floodplains, Ecologically Sensitive Areas & Endangered Species
- **Real Estate Issues**—Availability/Timing, Real Estate Cost, Site Development Preparation Costs, Zoning, Compatible Adjacent Land Uses, Acquisitions & Relocations
- **Site Characteristics**—Site Configuration, Existing Building Utilization, Expandability, Adequate Utilities
- **Access and Traffic to the Facility**

## 2.10 Additional Information upon Request

The NCDOT and subrecipients shall permit access by FTA and OCR during normal business hours to such books, records, accounts, other sources of information, and facilities as may be pertinent to ascertain compliance with Title VI. NCDOT may request, at its discretion, information other than that required by FTA C 4702.1B from a subrecipient in order to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI.

## Part III: Requirements for NCDOT

---

### 3.1 Statewide Transportation Planning

In North Carolina the long-range transportation planning process is a cooperative effort between the NCDOT and its regional planning partners – i.e., Metropolitan and Rural Planning Organizations. Together, these entities work to identify the state’s infrastructure deficiencies, system improvement needs, and local transportation needs promoting each of the six modes of transportation. One way this objective is accomplished is through NCDOT’s Transportation Planning Division (TPD) and the development of the Comprehensive Transportation Plans (CTP). Title VI and nondiscrimination considerations have been integrated into TPD’s procedures for planning and public involvement activities connected to long-range planning, including, but not limited to, CTPs and all regional and statewide planning initiatives. IMD assists the TPD on projects that consider transit and offers comments regarding priorities, such as during the development of long-range transportation plans and prioritizing strategic transportation investments. IMD staff also attends planning-related workshops and provides input and consultation on CTPs.

Comprehensive Transportation Planning: Long-range planning is a collaborative process, and local input is integral to CTP development. The key steps relevant to minority and low-income populations, and their associated transportation needs, focus on the identification and proximities of diverse populations, the provision of meaningful opportunities for participation in the planning process, the analysis of effects during the locally collaborative selection of proposed transportation improvements, and assessing demographic participation to determine if additional outreach efforts are needed.

Methods used to accomplish these goals include:

- On-site data collection.
- The survey of community residents, public officials, and local planning professionals about the transportation needs and locations of transportation deficient and traditionally underserved communities.
- Public involvement event(s) planning to target locations that are accessible to these communities.
- The inclusion of community stakeholders and advocates on the decision-making committees that guide the development of the plan.
- Model assessment of communities with low vehicular trip generation for alternative mode choice plan development (generally, low trip generation households is indicative of transportation deficient and low-income communities).
- Title VI training for program staff.
- Development of strategies that serve the goals and objectives of all sectors of the study area population.
- Assessing the benefits and burdens of transportation improvements on communities within close proximity to proposed projects.

Title VI and nondiscrimination procedures related to long-range planning include the development of topographical screening tools designed to aide transportation planners in the early identification of minority and low-income populations present within a study area, as well as language and literacy barriers. This process also improves the documentation of minority and low income-concerns for subsequent project development processes. Geocoding public involvement participation to determine if outreach initiatives have been successful in reaching vulnerable communities within close proximity to proposed projects may also be utilized under this process.

Regional Planning: Metropolitan and Rural Planning Organizations (MPOs and RPOs) are engaged as planning partners in the delivery of transportation planning services and products at the local level. In this role, the Transportation Planning Division continues to work with the NCDOT OCR to ensure the identification and consideration of minorities and other traditionally underserved populations in the planning processes of MPOs and RPOs and assisting the OCR by encouraging these organizations to develop Title VI

Plans, as required. Additionally, IMD works with RPOs to provide consultation during the drafting of Coordinated Public Transportation and Human Services Transportation Plans. These plans, which is required by federal transit law, identifies the transportation needs of individuals with disabilities, older adults and people with low incomes, provide strategies for meeting these needs and prioritize transportation services for funding and implementation.

The local transit system stakeholders establish a Transit Advisory Committee (TAC) to guide regional planning recommendations. Composition of the steering committee would include representatives from:

#### Transportation Partners

- Area transportation planning agencies, including rural planning organizations, metropolitan planning organizations, councils of government, regional councils, coalitions on aging, associations of governments, local governments and NCDOT
- Public transportation providers (including Americans with Disabilities Act (ADA) paratransit providers and agencies administering the projects funded under FTA urbanized and nonurbanized programs)
- Private transportation providers, including private transportation brokers, taxi operators, vanpool providers, school transportation operators and intercity bus operators
- Nonprofit transportation providers
- Human service agencies funding, operating and/or providing access to transportation services

#### Passengers and Advocates

- Existing and potential riders, including both general and targeted population passengers (individuals with disabilities, older adults and people with low incomes)
- Protection and advocacy organizations
- Independent living centers
- Advocacy organizations working on behalf of targeted populations

#### Human Service Partners

- Agencies that administer health, employment or other support programs for targeted populations. Examples of such agencies include, but are not limited to, departments of social/human services, employment one-stop services; vocational rehabilitation, Workforce Investment board, Medicaid, community action programs, agency on aging, developmental disability council, community services boards
- Nonprofit human service provider organizations that serve the targeted populations
- Job training and placement agencies
- Housing agencies
- Health care facilities
- Mental health agencies

#### Others

- Security and emergency management agencies
- Tribes and tribal representatives
- Economic development organizations and representatives of the business community (e.g., employers)
- Faith-based and community-based organizations
- Appropriate local or state officials and elected officials
- School districts
- Policy analysts or experts

## 3.2 Analysis of Transportation System Investments

Utilizing data from funds distribution, minority makeup and low-income group maps these can be overlaid to determine if any disparate impacts on the basis of race, color or national origin occur. Subsequent analysis shows that fund distribution is determinate upon population size and the establishment of public transit systems in the region. All areas with higher minority or low-income populations received comparable funding based on their density and ability to utilize funding through existing or expanded public transportation services. IMD will continue to monitor and analyze the relationship between the distribution of funds in aggregate and identified groups to ensure disparate impacts are avoided or mitigated.

To ensure IMD is analyzing appropriate data on minority populations, ArcGIS, a geographic information system (GIS) mapping tool was utilized to create a demographic profile of North Carolina that identifies the minority populations (See Appendix G – NC Minority Population Map). IMD gathered data to show the distribution of various demographic information, such as limited English proficiency (See Appendix H – NC Limited English Proficiency Map); a map that depicts citizens over 65 years of age (See Appendix I – NC Population 65 Years of Age and Older Map); and a map that depicts NC poverty levels (See Appendix J – NC Poverty Map).

# APPENDICES



## NCDOT NOTICE OF NONDISCRIMINATION AND ACCESSIBILITY RIGHTS

The North Carolina Department of Transportation (NCDOT), pursuant to its policy to comply with Title VI of the Civil Rights Act of 1964 and other pertinent nondiscrimination authorities, will not exclude from participation in, deny the benefits of, or subject to discrimination any person, based on **race, color, national origin, limited English Proficiency, income-level, sex, age, or disability (or religion, where applicable)**, under any programs or activities conducted or funded by NCDOT.

Any person who believes they have been wronged by a discriminatory act (action or inaction) of NCDOT or its funding recipients, has the right to file a complaint with NCDOT. For instructions on how to file a complaint, or additional information regarding NCDOT's nondiscrimination obligations, please contact the:

NCDOT Office of Civil Rights  
Title VI Program  
1511 Mail Service Center  
Raleigh, NC 27699  
919-508-1808 or 800-522-0453

Anyone with a hearing or speech impairment may use Relay NC, a telecommunications relay service, to call the NCDOT Civil Rights Office. Relay NC can be accessed by dialing 711 or 1-877-735-8200.

**ATTENTION:** If you speak a language other than English, the following language assistance services are available to you, free of charge: Qualified interpreters and information written in other languages. Call 1-800-522-0453.

**ATENCIÓN:** Si habla un idioma distinto al inglés, los siguientes servicios de asistencia lingüística están a su disposición gratuitamente: intérpretes calificados e información escrita en otros idiomas. Llame al 1-800-522-0453.

## AVISO DE NCDOT CONTRA LA DISCRIMINACIÓN Y DERECHOS DE ACCESIBILIDAD

El Departamento de Transporte de Carolina del Norte (NCDOT), conforme a su política para cumplir con el Título VI de la Ley de Derechos Civiles de 1964 y otras autoridades pertinentes contra la discriminación, no excluirá de la participación en, negará los beneficios de, o sujetará a discriminación a ninguna persona, basado en **raza, color, origen nacional, dominio limitada del inglés, nivel de ingreso, sexo, edad, o discapacidad (o religión, donde sea aplicable)**, bajo cualquier programa o actividad conducida o financiada por NCDOT.

Cualquier persona que cree que ha sido perjudicado(a) por algún acto discriminatorio (acción o inacción) de NCDOT o sus recipientes de fondos, tiene derecho a presentar una queja con NCDOT. Para obtener instrucciones sobre cómo presentar una queja, o información adicional con respecto a las obligaciones de NCDOT contra la discriminación, comuníquese con el:

NCDOT Office of Civil Rights  
Title VI Program  
1511 Mail Service Center  
Raleigh, NC 27699  
919-508-1808 or 800-522-0453

Cualquier persona con impedimentos auditivos o del habla puede usar Relay NC, un servicio de retransmisión de telecomunicaciones, para llamar a la Oficina de Derechos Civiles de NCDOT. Relay NC puede ser accedido marcando 711 o 1-877-735-8200.

**ATENCIÓN:** Si habla un idioma distinto al inglés, los siguientes servicios de asistencia lingüística están a su disposición gratuitamente: intérpretes calificados e información escrita en otros idiomas. Llame al 1-800-522-0453.

**ATTENTION:** If you speak a language other than English, the following language assistance services are available to you, free of charge: Qualified interpreters and information written in other languages. Call 1-800-522-0453.

# EXTERNAL DISCRIMINATION COMPLAINTS

APPENDIX B



North Carolina Department of Transportation  
Office of Civil Rights

January 2023

# NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT)

## EXTERNAL DISCRIMINATION COMPLAINT PROCEDURES

These Discrimination Complaint procedures apply to NCDOT as a whole, its subrecipients (e.g., transit systems, MPOs, universities, counties) and contractors (e.g., consultants, License Plate Agencies, etc.). They describe the process used by the NCDOT Office of Civil Rights (OCR) to process and investigate complaints filed under Title VI of the Civil Rights Act of 1964 and related nondiscrimination authorities. Complaints based on race, color, national origin, income-level, Limited English Proficiency (LEP), sex, age, and disability are covered. **Note:** Religion is covered under NCDOT's Right of Way program (Fair Housing), and programs funded by the Federal Aviation Administration.

Complaints of alleged discrimination will be investigated by the appropriate authority (i.e., OCR, an NCDOT subrecipient, or a federal agency). NCDOT will make every effort to obtain early resolution of complaints at the lowest level possible. The option of informal mediation between the affected parties and NCDOT staff may be utilized for resolution. OCR staff will inform complainants of all filing options and avenues of appeal.

### FILING OF COMPLAINTS

1. **Applicability** – External complaints cover how participants and beneficiaries (e.g., members of the public and contractors) of NCDOT programs and activities are affected by NCDOT and recipients of federal and state funds through NCDOT, such as contractors and subrecipients. **Note:** Title VI does not include internal complaints related to Equal Employment Opportunity (EEO).
2. **Eligibility** – Any person or class of persons who believes that he/she has been subjected to discrimination prohibited by any pertinent civil rights authorities, based upon race, color, national origin, sex, age, disability, income-level, or LEP, (and religion, where applicable) may file a written complaint with NCDOT's OCR. The law also prohibits intimidation or retaliation of any sort.
3. **Filing Options and Time Limits** – Complaints may be filed by the affected individual(s) or a representative and must be filed no later than 180 calendar days after the following:
  - The date of the alleged act of discrimination; or
  - The date when the person(s) became aware of the alleged discrimination; or
  - Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

Title VI and related discrimination complaints may be submitted to the following entities:

- **North Carolina Department of Transportation**, Office of Civil Rights, Title VI Program, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919-508-1808 or toll free 800-522-0453
- **US Department of Transportation**, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590; 202-366-4070
  - **Federal Highway Administration (FHWA)**, Office of Civil Rights, 1200 New Jersey Avenue, SE, 8<sup>th</sup> Floor, E81-314, Washington, DC 20590, 202-366-0693 / 202-366-0752
  - **Federal Highway Administration**, North Carolina Division Office, 310 New Bern Avenue, Suite 410, Raleigh, NC 27601, 919-747-7010
  - **Federal Transit Administration (FTA)**, Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5<sup>th</sup> Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590
  - **Federal Motor Carrier Safety Administration (FMCSA)**, Office of Civil Rights, 1200 New Jersey Avenue, SE, Room #W65-312, Washington, DC 20591, 202-366-8810
  - **Federal Aviation Administration (FAA)**, Office of Civil Rights, 800 Independence Avenue, SW, Washington, DC 20591, 202-267-3258

- **US Department of Justice**, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530, 202-514-6255 or toll free 877-218-5228

4. **Format for Complaints** – Complaints must be in writing and include the complainant’s name, address, and telephone number. Complaints received by fax or e-mail will be acknowledged and processed. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. Complaints will be accepted in other languages, including Braille.
5. **Complaint Basis** – Allegations must be based on issues involving race, color, national origin, sex, age, disability, income-level, or LEP. The term “basis” refers to the complainant’s membership in a protected group category. *Note:* Religion (or creed) is protected under Right of Way and Aviation programs.

Protected Categories	Definition	Examples	Pertinent Statutes and Regulations	
			FHWA	FTA
Race	An individual belonging to one of the accepted racial groups; or the perception, based usually on physical characteristics that a person is a member of a racial group	Black/African American, Hispanic/Latino, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; 23 CFR 200; ( <i>Executive Order 13166</i> )	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; Circular 4702.1B; ( <i>Executive Order 13166</i> )
Color	Color of skin, including shade of skin within a racial group	Black, White, brown, yellow, etc.		
National Origin (LEP)	Place of birth. Citizenship is not a factor. ( <i>Discrimination based on language or a person’s accent is also covered</i> )	Mexican, Cuban, Japanese, Vietnamese, Chinese; Russian; French		
Income-Level	An individual or household determined to be low-income	Poverty status	Executive Order 12898	
Sex	The sex of an individual. <i>Note:</i> Sex under this program does not include sexual orientation.	Women and Men	1973 Federal-Aid Highway Act	Title IX of the Education Amendments of 1972
Age	Persons of any age	21-year-old person	Age Discrimination Act of 1975	
Disability	Physical or mental impairment, permanent or temporary, or perceived	Blind, alcoholic, paraplegic, epileptic, diabetic, arthritic	Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990	
Religion	Creed. An individual belonging to a religious group; or the perception, based usually on distinguishable characteristics that a person is a member of a religious group	Muslim, Christian, Sikh, Hindu, etc.	Title VIII of the Civil Rights Act of 1968 (Fair Housing Act); 49 USC 47123 (FAA); 49 USC 5332	

#### COMPLAINT INTAKE

1. **Initial Contact** – As a resource, Office of Civil Rights (OCR) will provide complainants with an explanation of filing options, information concerning the discrimination complaint process, and a Discrimination Complaint Form.
2. **Complaint Appraisal**
  - a. OCR will review complaints upon receipt to ensure that the necessary information is provided and will determine which agency should process the complaint.
  - b. OCR will process and investigate discrimination complaints for which it has responsibility to.

- c. All complaints shall be investigated unless:
  - The complainant fails to provide required information in a timely manner.
  - The complaint was not timely filed.
  - The complaint is withdrawn.
  - Any issues that do not involve discrimination, are not based on a protected basis, or do not fall under NCDOT's jurisdiction will be directed to the appropriate entity. Under no circumstances will complainants be discouraged from filing a complaint.
- d. Per FMCSA and FTA Title VI Program requirements, discrimination complaints filed against NCDOT's Division of Motor Vehicles (DMV), and Integrated Mobility Division (IMD) will also be investigated by OCR. **Note:** Until otherwise directed, complaints filed against NCDOT business units including subrecipients, contractors, subcontractors, consultants other than DMV and IMD will be forwarded to the appropriate federal agency for processing and investigation, and the complainant will be informed that the complaint has been forwarded.
- e. Per FTA guidance, complaints filed against recipients of FTA funds through IMD (i.e., transit providers) may be investigated by the transit provider, or OCR. Should the transit provider investigate the complaint instead of OCR, OCR will review the investigation findings and recommendations and concur or propose alternate remedial actions.
- f. Complaints filed against the NCDOT Division of Aviation, or airports in North Carolina, will be forwarded to the FAA, until otherwise instructed.

#### COMPLAINT ROUTING

1. All discrimination complaints received at NCDOT (by a business unit, Division or field office, or an NCDOT subrecipient or contractor) will be sent to the NCDOT Office of Civil Rights (OCR) section **within 1-3 calendar days of receipt.**
2. Upon receipt of a possible discrimination complaint by any business unit, the Title VI Liaison Officer of the unit will promptly log the complaint on a complaint tracking sheet. **Note:** Complaint tracking sheets shall be made available to OCR Title VI staff, upon request.
3. Complainants alleging discrimination in person or over the phone shall be referred to OCR at 919-508-1808 by the official who receives the complaint. **Note:** The official who referred the complainant to OCR should also inform his/her Title VI Liaison Officer of the referral in a method to be determined by their Title VI Liaison.
4. **Written** discrimination complaints may be received on NCDOT's Discrimination Complaint Form, via email, or in letter format. Written complaints shall be immediately sent to the receiving unit's Title VI Liaison to be logged.
5. The Title VI Liaison Officer will then forward the complaint form or letter and any other pertinent information to OCR for processing (Total time elapsed should be no more than 1-3 calendar days).

#### COMPLAINT NOTIFICATION

1. When a complaint is received by the Office of Civil Rights (OCR) section, OCR will provide written acknowledgment to the Complainant by certified registered mail within 10 days of receipt of the complaint. The name of the investigator will be provided as well as the complainant's rights under Title VI and related statutes.
2. If the complaint is complete and no additional information is needed, the complainant will receive a letter of acceptance along with a Complainant Consent/Release form.
3. If the complaint is incomplete, the Complainant will be contacted in writing or by telephone to obtain the additional information. The complainant will be given 15 calendar days to respond to the request for additional information. Failure to do so may be considered good cause for a determination of no investigative merit.

4. The Respondent(s) (the person(s) against whom the complaint was filed) will be notified by certified mail that he/she has been named in a complaint and informed of his/her rights under Title VI and related statutes. This letter also identifies the investigator's name and informs the respondent that he/she will be contacted for an interview.
5. Within 15 days from receipt of a complete complaint, OCR will determine jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) days of this decision, OCR will by registered mail inform the Complainant and Respondent of the decision.
  - a. If the decision is not to investigate the complaint, the notification shall specifically state the reasons for the decision.
  - b. If the complaint will be investigated, the notification shall state the grounds of the NCDOT's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
6. The Complainant and Respondent will be informed that NCDOT will attempt to resolve complaints within 60 calendar days after NCDOT has accepted the complaint for investigation. **Note:** In the event that OCR requests an extension to complete an investigation, the Complainant and Respondent will also be notified of the extension.
7. OCR will send a letter to the top official of the NCDOT Division or field office when the complainant(s) or respondent(s) are located in their area. If the parties are located in Headquarters, the program manager will be informed that a complaint was filed. The letter will list the names of the parties involved, the basis of the complaint, and the assigned investigator. **Note:** OCR may request a written response to the allegation(s) in the complaint at this time.

## COMPLAINT LOG

1. When a complaint is received by OCR, the complaint will be recorded on the External Discrimination Complaint Log with other pertinent information and assigned a Case Number. (**Note:** All complaints must be logged).
2. The Complaint Log will be maintained by the NCDOT's Office of Civil Rights and shared with federal oversight agencies (e.g., FHWA, FTA, FMCSA) when requested.

## INVESTIGATION

### 1. Investigative Plan

The investigator shall prepare an investigative plan that captures, but is not limited to the following:

- Complainant(s) name and address,
- Respondent(s) name and address,
- Contract number (or project number) and contractor and/or subcontractor name(s), if applicable,
- Applicable law(s),
- Basis for the complaint,
- Allegations, events or circumstances that caused the person to believe he/she has been subjected to discrimination,
- Appropriate information needed to address the issue,
- Name of persons to be interviewed and issues of which they have first-hand knowledge,
- Questions for the complainant, respondent, witness(es), etc.,
- Evidence to be obtained during the investigation; and
- Remedy sought by the complainant.

### 2. Conducting the Investigation

- The investigation will address only those issues relevant to the allegations in the complaint.
- Confidentiality will be maintained to the fullest extent possible.
- Interviews will be conducted to obtain the facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case that the witness can provide firsthand information.



- Interviews may be recorded. Consent to record may be required if the interviewee is located outside of NC.
- A chronological contact sheet shall be maintained in the case file throughout the investigation.
- The interviewee may have representation of his/her choice at the interview.

### 3. **Informal Resolution**

The Alternative Dispute Resolution (ADR) process is offered as an alternative for resolving Title VI and other external complaints. The investigator and/or Office of Civil Rights (OCR) will make every effort to assist the parties with reaching a voluntary, mutual resolution. During initial interviews with the complainant and respondent, the investigator will request information regarding specifically requested relief and settlement opportunities. The attempts to resolve complaints using ADR are required by the Alternative Dispute Resolution Act of 1998.

Resolution Expectations – If the complaint is against an NCDOT subrecipient or business unit, such as the DMV, where Office of Civil Rights (OCR) will conduct the investigation, the OCR will, as deemed appropriate, contact the organization or unit and seek to determine if they are able to informally resolve the allegation(s) short of issuing a Letter of Finding (LOF). If they commit to resolving the allegation(s), OCR will hold open the complaint giving them time to implement the agreed upon corrective action(s). Once they have resolved the allegation(s), OCR will not issue an LOF, but will document close-out of the complaint and notify the complainant as to the decision. **Note:** If a complainant is not satisfied with NCDOT’s disposition of their complaint, OCR will apprise the complainant of their options to appeal the decision to a federal agency with jurisdiction or file a separate complaint directly with another agency.

### 4. **Investigative Report**

- Within 60 days of starting the investigation, the investigator will complete an investigative report and submit the report and supporting documentation to the Office of Civil Rights Manager for review. The investigative report should also include recommended actions, if necessary. **Note:** An investigation may extend beyond 60 days if a federal agency (e.g., FHWA) approves an extension.
- The OCR Manager will review the investigative report and case file. Subsequent to the review, the OCR Manager will submit the investigative report, investigative files, and recommended decisions to the OCR Director.
- Upon the OCR Director’s approval, the investigative report and recommendations shall be deemed final or forwarded to the appropriate federal agency for a final agency decision.

### **CASE FILES**

All complaint records and investigative working files will be maintained electronically or in a confidential area within the OCR. Records will be considered working for as long as the related incident, project, or issue is considered open or unresolved. When the case is closed, non-transitory records will be placed in a closed case file and kept for at least 12 years, after which they may be destroyed, or deleted if electronic.

# EXTERNAL DISCRIMINATION COMPLAINTS

## Discrimination Complaint Form



North Carolina Department of Transportation  
Office of Civil Rights  
External Civil Rights

January 2023

# NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT)

## EXTERNAL DISCRIMINATION COMPLAINT INSTRUCTIONS

### INTRODUCTION

The NCDOT Office of Civil Rights (OCR), External Civil Rights (ECR) is responsible for processing discrimination complaints filed under Title VI of the Civil Rights Act of 1964 and related nondiscrimination laws. Participants and beneficiaries of programs and activities administered or funded by NCDOT who feel they have been discriminated against based on race, color, national origin, income-level, Limited English Proficiency (LEP), sex, age, or disability have a right to file a complaint. Complaints of alleged discrimination will be investigated by the appropriate authority, such as ECR, a federal agency, or an NCDOT subrecipient (usually a local government agency). **Note:** Religion is *only* covered under NCDOT's Right of Way program (Fair Housing), and programs funded by the Federal Aviation Administration (FAA) or Federal Transit Administration (FTA).

### FILING OF COMPLAINTS

1. **Applicability** – These complaint procedures apply to NCDOT programs, activities and services, including subrecipients (e.g., municipalities, counties, Metropolitan Planning Organizations (MPO), transit agencies) and contractors (e.g., subcontractors, consultants, License Plate Agencies) receiving federal or state funds through NCDOT. **Note:** Title VI does not include internal complaints related to Equal Employment Opportunity (EEO).
2. **Eligibility** – Any person or class of persons who believes he/she has been subjected to discrimination based on race, color, national origin, income-level, LEP, sex, age, or disability, (and religion, where applicable) may file a written complaint with ECR. The law also prohibits intimidation or retaliation against anyone who files a complaint.
3. **Filing Options and Time Limits** – Complaints may be filed by the affected individual(s) or a representative and must be filed no later than 180 calendar days after the following:
  - The date of the alleged act of discrimination; or
  - The date when the person(s) became aware of the alleged discrimination; or
  - Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

Title VI and related discrimination complaints may be submitted to the following entities:

- **North Carolina Department of Transportation**, Office of Civil Rights, Title VI program, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919-508-1808 or toll free 800-522-0453
  - **US Department of Transportation**, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590; 202-366-4070
    - **Federal Highway Administration**, Office of Civil Rights, 1200 New Jersey Avenue, SE, 8<sup>th</sup> Floor, E81-314, Washington, DC 20590, 202-366-0693 / 202-366-0752
    - **Federal Highway Administration**, North Carolina Division Office, 310 New Bern Avenue, Suite 410, Raleigh, NC 27601, 919-747-7010
    - **Federal Transit Administration**, Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5<sup>th</sup> Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590
    - **Federal Motor Carrier Safety Administration**, Office of Civil Rights, 1200 New Jersey Avenue, SE, Room #W65-312, Washington, DC 20591, 202-366-8810
    - **Federal Aviation Administration**, Office of Civil Rights, 800 Independence Avenue, SW, Washington, DC 20591, 202-267-3258
  - **US Department of Justice**, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530, 202-514-6255 or toll free 877-218-5228
4. **Format for Complaints** – Complaints **must be in writing and signed** by the complainant(s) or a representative, and include the complainant's name, address, and telephone number. Complaints received by fax or e-mail will be acknowledged and processed. Allegations received by telephone

will be reduced to writing and provided to the complainant for confirmation or revision before processing. Complaints will be accepted in other languages, including Braille. (See DISCRIMINATION COMPLAINT FORM included below.)

5. **Complaint Basis** – Allegations must be based on issues involving race, color, national origin, income-level, LEP, sex, age, or disability; (and religion, where applicable). The term “basis” refers to the complainant’s membership in a protected group category. **Note:** Religion (or creed) is *only* protected under Right of Way, Public Transportation and Aviation programs.

Protected Categories	Definition	Examples	Pertinent Statutes and Regulations	
			FHWA	FTA
Race	An individual belonging to one of the accepted racial groups; or the perception, based usually on physical characteristics that a person is a member of a racial group	Black/African American, Hispanic/Latino, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; 23 CFR 200; ( <i>Executive Order 13166</i> )	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; Circular 4702.1B; ( <i>Executive Order 13166</i> )
Color	Color of skin, including shade of skin within a racial group	Black, White, brown, yellow, etc.		
National Origin (LEP)	Place of birth. Citizenship is not a factor. ( <i>Discrimination based on language or a person’s accent is also covered</i> )	Mexican, Cuban, Japanese, Vietnamese, Chinese; Russian; French		
Income-Level	An individual or household determined to be low-income	Poverty status	Executive Order 12898	
Sex	The sex of an individual. <i>Note:</i> Sex under this program does not include sexual orientation.	Women and Men	1973 Federal-Aid Highway Act	Title IX of the Education Amendments of 1972
Age	Persons of any age	21-year-old person	Age Discrimination Act of 1975	
Disability	Physical or mental impairment, permanent or temporary, or perceived	Blind, alcoholic, para-amputee, epileptic, diabetic, arthritic	Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990	
Religion	Creed. An individual belonging to a religious group; or the perception, based usually on distinguishable characteristics that a person is a member of a religious group	Muslim, Christian, Sikh, Hindu, etc.	Title VIII of the Civil Rights Act of 1968 (Fair Housing Act); 49 USC 47123 (FAA); 49 USC 5332	

**COMPLAINT RECEIPT AND RESPONSE**

1. NCDOT’s Civil Rights Office will provide written acknowledgment of your complaint within ten (10) calendar days, by registered mail.
2. External Civil Rights (ECR) will review your complaint upon receipt to ensure the required information was provided, the complaint was timely filed, and jurisdictional requirements were met.
  - a. If the complaint is complete and no additional information is needed, ECR will send you a letter of acceptance as well as a Complainant Consent/Release form.
  - b. If the complaint is incomplete, you will be contacted in writing or by telephone to obtain the needed information. **Note:** Failure to respond and/or provide the requested information within 15 calendar days may be considered good cause for a determination of no investigative merit.
3. Within 15 calendar days of receiving your complaint, ECR will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) days of this decision,

ECR will notify you and Respondent (the person(s) against whom you have filed the complaint), by registered mail, stating the decision.

- a. If the decision is to not investigate the complaint, the notification shall specifically state the reasons for the decision.
  - b. If the decision is to investigate the complaint, the notification shall state the grounds of NCDOT's jurisdiction and require your and the Respondent's full cooperation in assisting the investigator.
  - c. Interviews may be recorded during the investigation. Consent to record may be required if the interviewee is located outside of NC.
4. NCDOT will attempt to resolve all discrimination complaints within 60 days of accepting the complaint for investigation. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation between the affected parties and NCDOT staff may be utilized for resolution. ECR will make known all filing options and avenues of appeal.



North Carolina Department of Transportation  
**DISCRIMINATION COMPLAINT FORM**

**Any person who believes that he/she has been subjected to discrimination based upon race, color, sex, age, national origin, disability, income-level, or limited English proficiency, may file a written complaint with NCDOT's Office of Civil Rights, within 180 days after the discrimination occurred.**

Last Name:		First Name:		<input type="checkbox"/> Male
				<input type="checkbox"/> Female

Mailing Address:		City	State	Zip
------------------	--	------	-------	-----

Home Telephone:	Work Telephone:	E-mail Address
-----------------	-----------------	----------------

Identify the Category of Discrimination:

RACE       COLOR       NATIONAL ORIGIN       LIMITED ENGLISH PROFICIENCY       AGE  
 RELIGION       DISABILITY       SEX       INCOME-LEVEL

*NOTE: Religion is covered as a basis **only** under NCDOT's Right of Way Unit (Fair Housing) and Public Transportation and Aviation Divisions.*

Identify the Race of the Complainant

Black       White       Hispanic       Asian American  
 American Indian       Alaskan Native       Pacific Islander       Other \_\_\_\_\_

Date and place of alleged discriminatory action(s). Please include earliest date of discrimination and most recent date of discrimination.

Names of individuals responsible for the discriminatory action(s):

How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. **(Attach additional page(s), if necessary)**

The law prohibits intimidation or **retaliation** against anyone because he/she has either taken action, or participated in action, to secure rights protected by these laws. If you feel you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation. **(Attach additional page(s), if necessary)**

Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint: (Attached additional page(s), if necessary).

<u>Name</u>	<u>Address</u>	<u>Telephone</u>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____



**DISCRIMINATION COMPLAINT FORM**

Have you filed, or intend to file, a complaint regarding the matter raised with any of the following? If yes, please provide the filing dates. Check all that apply.

- Federal Highway Administration \_\_\_\_\_
- Federal Transit Administration \_\_\_\_\_
- Federal Motor Carrier Safety Administration \_\_\_\_\_
- US Department of Transportation \_\_\_\_\_
- Federal or State Court \_\_\_\_\_
- Other \_\_\_\_\_

Have you discussed the complaint with any NCDOT representative? If yes, provide the name, position, and date of discussion.

Please provide any additional information that you believe would assist with an investigation.

Briefly explain what remedy, or action, are you seeking for the alleged discrimination.

**\*\*WE CANNOT ACCEPT AN UNSIGNED COMPLAINT. PLEASE SIGN AND DATE THE COMPLAINT FORM BELOW.**

\_\_\_\_\_  
**COMPLAINANT'S SIGNATURE**

\_\_\_\_\_  
**DATE**

**MAIL COMPLAINT FORM TO:**  
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION  
OFFICE OF CIVIL RIGHTS – EXTERNAL CIVIL RIGHTS  
1511 MAIL SERVICE CENTER  
RALEIGH, NC 27699-1511  
984-236-1200

**FOR OFFICE USE ONLY**

Date Complaint Received: \_\_\_\_\_

Processed by: \_\_\_\_\_

Case #: \_\_\_\_\_

Referred to:  FHWA     FTA     FMCSA     FAA    Date Referred: \_\_\_\_\_

OCR-ECR (Rev 01/17)

## TITLE VI COMPLAINT LOG

CASE NO.	BASIS	DATE COMPLAINT FILED	DATE COMPLAINT RECEIVED	ACTION TAKEN	DATE INVESTIGATION COMPLETED	DISPOSITION
During this reporting period, there were no actionable FTA related complaints received.						

# TITLE VI PUBLIC INVOLVEMENT FORM

Completing this form is **completely** voluntary. You are not required to provide the information requested in order to participate in this meeting.

<b>Meeting Type:</b> <b>Location:</b>	<b>Date:</b>
<b>TIP No.:</b> <b>Project Description:</b>	

In accordance with Title VI of the Civil Rights Act of 1964 and related authorities, the N.C. Department of Transportation assures that no person(s) shall be excluded from participation in, denied the benefits of, or subjected to discrimination under any of the Department's programs, policies, or activities, based on their race, color, national origin, disability, age, income, or gender.

**Completing this form helps meet our data collection and public involvement obligations under Title VI and NEPA and will improve how we serve the public.** Please place the completed form in the designated box on the sign-in table, hand it to an NCDOT official or mail it to the Environmental Analysis Unit, 1598 Mail Service Center, Raleigh, NC 27699-1598.

All forms will remain on file at the NCDOT as part of the public record.

<b>Zip Code:</b> _____	<b>Gender:</b> <input type="checkbox"/> Male <input type="checkbox"/> Female
<b>Street Name:</b> <b>(i.e., Main Street)</b> _____	<b>Age:</b> <input type="checkbox"/> Less than 18 <input type="checkbox"/> 45-64 <input type="checkbox"/> 18-29 <input type="checkbox"/> 65 and older <input type="checkbox"/> 30-44
<b>Total Household Income:</b> <input type="checkbox"/> Less than \$12,000 <input type="checkbox"/> \$47,000 – \$69,999 <input type="checkbox"/> \$12,000 – \$19,999 <input type="checkbox"/> \$70,000 – \$93,999 <input type="checkbox"/> \$20,000 – \$30,999 <input type="checkbox"/> \$94,000 – \$117,999 <input type="checkbox"/> \$31,000 – \$46,999 <input type="checkbox"/> \$118,000 or greater	<b>Have a Disability:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Race/Ethnicity:</b> <input type="checkbox"/> White <input type="checkbox"/> Black/African American <input type="checkbox"/> Asian <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Native Hawaiian/Pacific Islander <input type="checkbox"/> Hispanic/Latino <input type="checkbox"/> Other (please specify): _____	<b>National Origin:</b> (if born outside the U.S.) <input type="checkbox"/> Mexican <input type="checkbox"/> Central American: _____ <input type="checkbox"/> South American: _____ <input type="checkbox"/> European: _____ <input type="checkbox"/> Chinese <input type="checkbox"/> Vietnamese <input type="checkbox"/> Korean <input type="checkbox"/> Other (please specify): _____

How did you hear about this meeting? (newspaper advertisement, flyer, and/or mailing) \_\_\_\_\_

For more information regarding Title VI or this request, please contact the NCDOT Title VI Nondiscrimination Program at (919) 508-1808 or toll free at 1-800-522-0453, or by email at [titleVI@ncdot.gov](mailto:titleVI@ncdot.gov). Thank you for your participation!

# FORMULARIO DE PARTICIPACIÓN PÚBLICA / TÍTULO VI

Llenar este formulario es un acto **absolutamente** voluntario. No está obligado a brindar la información aquí solicitada para participar en esta reunión.

<b>Tipo de reunión:</b> Reunión pública	<b>Fecha:</b>
<b>Ubicación:</b>	
<b>No. TIP:</b>	
<b>Descripción del proyecto:</b>	

En cumplimiento con el Título VI del Acta de Derechos Civiles de 1964 y autoridades relacionadas, el Departamento de Transporte de Carolina del Norte (NCDOT) asegura que ninguna persona deberá ser excluida de participar en, sus beneficios negados o ser discriminada en cualquiera de los programas, políticas o actividades del Departamento debido a su raza, color, origen nacional, discapacidad, edad, ingreso o género.

**Llenando este formulario nos ayuda a cumplir con nuestras obligaciones de recolección de información y participación pública bajo el Título VI y NEPA, además que nos ayudará a servir mejor al público.** Por favor deposite el formulario completo en la urna correspondiente, localizada en la mesa de registro, entrégueselo a un representante del NCDOT o envíelo por correo a: Environmental Analysis Unit, 1598 Mail Service Center, Raleigh, NC 27699-1598.

Todos los formularios permanecerán en los archivos del NCDOT como parte del registro público.

<b>Código postal:</b> _____	<b>Género:</b> <input type="checkbox"/> Hombre <input type="checkbox"/> Mujer
<b>Nombre de la calle:</b> (por ejemplo, Main Street) _____	<b>Edad:</b> <input type="checkbox"/> Menos de 18 <input type="checkbox"/> 45-64 <input type="checkbox"/> 18-29 <input type="checkbox"/> 65 o más <input type="checkbox"/> 30-44
<b>Ingreso total del hogar:</b> <input type="checkbox"/> Menos de \$12,000 <input type="checkbox"/> \$47,000 – \$69,999 <input type="checkbox"/> \$12,000 – \$19,999 <input type="checkbox"/> \$70,000 – \$93,999 <input type="checkbox"/> \$20,000 – \$30,999 <input type="checkbox"/> \$94,000 – \$117,999 <input type="checkbox"/> \$31,000 – \$46,999 <input type="checkbox"/> \$118,000 o más	<b>Tiene alguna discapacidad:</b> <input type="checkbox"/> Sí <input type="checkbox"/> No
<b>Raza/Grupo étnico:</b> <input type="checkbox"/> Blanco <input type="checkbox"/> Negro/Afroamericano <input type="checkbox"/> Asiático <input type="checkbox"/> Indio Americano/Nativo de Alaska <input type="checkbox"/> Nativo de Hawaii/Islas del Pacífico <input type="checkbox"/> Hispano/Latino <input type="checkbox"/> Otro (por favor, especifique): _____	<b>Origen nacional:</b> (si nació fuera de EE.UU.) <input type="checkbox"/> Mexicano <input type="checkbox"/> Centroamericano: _____ <input type="checkbox"/> Sudamericano: _____ <input type="checkbox"/> Europeo: _____ <input type="checkbox"/> Chino <input type="checkbox"/> Vietnamita <input type="checkbox"/> Coreano <input type="checkbox"/> Otro (por favor, especifique): _____

¿Cómo se enteró sobre esta reunión? (anuncio en el periódico, postal y/o correo directo) \_\_\_\_\_

Para más información sobre el Título VI o esta solicitud, por favor contacte a la Programa anti discriminatorio del Título VI del NCDOT llamando a los teléfonos (919) 508-1808, número gratuito 1-800-522-0453, o por email a [titleVI@ncdot.gov](mailto:titleVI@ncdot.gov). ¡Gracias por su participación!

## SUBRECIPIENT TITLE VI COMPLIANCE REVIEW CHECKLIST

## System Name

**Formula Grants Documentation:** Check every box for each Formula Grant received by your agency by selecting whether you received the funds through NCDOT, or directly from the Federal Transit Administration (FTA). If you also received an FTA grant through any agency other than NCDOT or FTA, name the other agency and grant under Other Transit Agency.

Grant Title	NCDOT	FTA	Grant Title	NCDOT	FTA
5307 (Urbanized Area Formula)	<input type="checkbox"/>	<input type="checkbox"/>	5311 (b)(3) (Rural Transit Assistance)	<input type="checkbox"/>	<input type="checkbox"/>
5309 (b)(2) (Fixed Guideway Modernization)	<input type="checkbox"/>	<input type="checkbox"/>	5339 (Bus and Bus Facilities Formula)	<input type="checkbox"/>	<input type="checkbox"/>
5310 (Transportation for Elderly Persons and Persons with Disabilities)	<input type="checkbox"/>	<input type="checkbox"/>	5303, 5304 and/or 5305 (Metropolitan & Statewide Planning)	<input type="checkbox"/>	<input type="checkbox"/>
5311 (Formula Grants for Other than Urbanized Areas)	<input type="checkbox"/>	<input type="checkbox"/>	<b>Other Transit Agency:</b>	<input type="checkbox"/>	<input type="checkbox"/>

**Instructions:** Provide all items requested in **Section I** (Program Administration). Provide the items in **Section II** (Transit Providers), *only if applicable to your program*. Check the **Attached** box for each item you provide. If you do not currently have an item listed below, check the **Does Not Have** box. **NOTE:** NCDOT is required to provide technical assistance to help you come into compliance. Therefore, please do not rush to produce any items you do not currently have prior to returning this Checklist. Our office will help you develop them properly.

### I. Program Administration (General Requirements)

**Requirement:** FTA C 4702.1B – Title VI Requirements and Guidelines for FTA Recipients, Chapter III – General Requirements and Guidelines.

**Note:** Every NCDOT subrecipient receiving any of the FTA Formula Grants listed above must complete this section. Check the **extra box** in items 13, 14 and 15 if the **bolded condition** specified in each **does not apply** to your system.

Requested Items (Please attach electronic documents (.pdf, .doc, etc.) or provide links to online versions)	Attached	Does Not Have
1. A copy of the recipient's <i>signed</i> NCDOT's Title VI Nondiscrimination Agreement	<input type="checkbox"/>	<input type="checkbox"/>
2. Title VI Policy Statement ( <i>signed</i> )	<input type="checkbox"/>	<input type="checkbox"/>
3. Title VI Notice to the Public, including a list of locations where the notice is posted	<input type="checkbox"/>	<input type="checkbox"/>
4. Type the name and title of your Title VI Coordinator and attach a list of their Title VI duties. <b>Name/Title:</b>	<input type="checkbox"/>	<input type="checkbox"/>
5. Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)	<input type="checkbox"/>	<input type="checkbox"/>
6. Title VI Complaint Form	<input type="checkbox"/>	<input type="checkbox"/>
7. List of transit-related Title VI investigations, complaints, and lawsuits (i.e., discrimination complaints log)	<input type="checkbox"/>	<input type="checkbox"/>
8. Public Participation Plan, including information about outreach methods to engage traditionally underserved constituencies (e.g., minorities, limited English proficient populations (LEP), low-income, disabled), as well as a summary of outreach efforts made since the last Title VI Program submission	<input type="checkbox"/>	<input type="checkbox"/>
9. Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance, which requires conducting four-factor analyses	<input type="checkbox"/>	<input type="checkbox"/>

10. 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	<input type="checkbox"/>	<input type="checkbox"/>
11. 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 <b>reviewed and approved</b> the Title VI Program	<input type="checkbox"/>	<input type="checkbox"/>
12. A description of the procedures the agency uses to ensure nondiscriminatory administration of programs and services	<input type="checkbox"/>	<input type="checkbox"/>
13. <b>If you pass through FTA funds to other organizations</b> , include a description of how you monitor your subrecipients for compliance with Title VI, and a schedule for your subrecipients' Title VI Program submissions ➤ <b>No Subrecipients</b> <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. A Title VI equity analysis <b>if you have constructed or conducted planning for a facility</b> , such as a vehicle storage facility, maintenance facility, operation center, etc. <b>No Facilities Planned or Constructed</b> <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Copies of environmental justice assessments conducted for <b>any construction projects during the past three years</b> and, if needed based on the results, a description of the program or other measures used or planned to mitigate any identified adverse impact on the minority or low-income communities ➤ <b>No Construction Projects</b> <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. If the recipient has undergone a Title VI Compliance Review in the last 3 years, please indicate the year of the last review and who conducted it. <b>Year/Agency:</b>		

**II. Transit Providers**

*Requirement: FTA C 4702.1B, Chapter IV – Requirements and Guidelines for Fixed Route Transit Providers.*

**Note:** All NCDOT subrecipients that provide **fixed route** public transportation services (e.g., local, express or commuter bus; bus rapid transit; commuter rail; passenger ferry) must complete this section. **\*\*Deviated fixed routes are not applicable to this section.**

➤ **Not Applicable**  (Check this box if you do not provide **fixed route** services, and skip questions 17 and 18. This section does not apply to you if you **only** provide demand response services, including deviated fixed routes, which are demand response.)

<b>Requested Items</b> (Please attach electronic documents (.pdf, .doc, etc.) or provide links to online versions)	<b>Attached</b>	<b>Does Not Have</b>
17. Service standards ( <b>quantitative measures</b> ) developed for <i>each specific fixed route mode</i> that the recipient provides (standards may vary by mode) must be submitted for each of the following indicators:		
<ul style="list-style-type: none"> <li>• Vehicle load for each mode (Can be expressed as the ratio of passengers to the total number of seats on a vehicle. For example, on a 40-seat bus, a vehicle load of 1.3 means all seats are filled and there are approximately 12 standees.)</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• Vehicle headway for each mode (Measured in minutes (e.g., every 15 minutes), headway refers to the amount of time between two vehicles traveling in the same direction on a given line or combination of lines. A shorter headway corresponds to more frequent service. Service frequency is measured in vehicles per hour (e.g., 4 buses per hour).)</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• On time performance for each mode (Expressed as a percentage, this is a measure of runs completed as scheduled. The recipient must define what is considered to be “on time.” Performance can be measured against route origins and destinations only, or against origins and destinations as well as specified time points along a route.)</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>

<ul style="list-style-type: none"> <li>• Service availability for each mode (Refers to a general measure of the distribution of routes within a transit provider's service area, such as setting the maximum distance between bus stops or train stations or requiring that a percentage of all residents in the service area be within a one-quarter mile walk of bus service.)</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<p>18. Service policies (<b>system-wide policies</b>) adopted to ensure that service design and operations practices do not result in discrimination on the basis of race, color or national origin, must be submitted for each of the following:</p> <ul style="list-style-type: none"> <li>• Transit amenities for each mode (e.g., benches, shelters/canopies, printed materials, escalators/elevators, and waste receptacles. <b>NOTE:</b> Attach this information <u>only</u> if you have decision-making authority over siting transit amenities or you set policies to determine the siting of amenities.)</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• Vehicle assignment for each mode (Refers to the process by which transit vehicles are placed into service throughout a system. Policies for vehicle assignment may be based on the type or age of the vehicle, where age would be a proxy for condition, or on the type of service offered.)</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>



## SCHEDULE OF IMD COMPLIANCE REVIEWS

Transit System/Subrecipient	Next Compliance Review Year
Alamance County Transportation Authority (ACTA)	Calendar Year 2024
Albemarle Regional Health Services (ICPTA)	Calendar Year 2024
Alexander County (DSS)	Calendar Year 2023
Alleghany County	Calendar Year 2024
Anson County Council on Aging	Calendar Year 2023
Anson County Transportation System	Calendar Year 2025
AppalCART Boone	Calendar Year 2023
Ashe County Transportation Authority	Calendar Year 2024
Avery Association of Exceptional Youth	Calendar Year 2023
Avery Co. (ACT)	Calendar Year 2024
Baron's Bus	Calendar Year 2023
Beaufort County Developmental Center, Inc.	Calendar Year 2025
Bladen County (BARTS)	Calendar Year 2023
Brunswick Transit System, Inc.	Calendar Year 2025
Buncombe County/Mountain Mobility	Calendar Year 2024
Cabarrus County Transportation Services (CCTS)	Calendar Year 2025
Carteret County	Calendar Year 2025
Caswell County	Calendar Year 2023
Caswell County	Calendar Year 2024
Catawba County	Calendar Year 2023
Central Carolina Community College (Lee County)	Calendar Year 2023
Chatham County Council on Aging	Calendar Year 2023
Chatham Transit Network	Calendar Year 2025
Cherokee County	Calendar Year 2025
Choanoke Public Transportation Authority (CPTA)	Calendar Year 2023
Clay County	Calendar Year 2024
Cleveland County (Transportation Administration of Cleveland County, Inc.)	Calendar Year 2025
Columbus County	Calendar Year 2025
Community & Senior Services of Johnston County	Calendar Year 2023
County of Davidson, Senior Services	Calendar Year 2023
Craven County (CARTS)	Calendar Year 2025
Cumberland County Transit	Calendar Year 2023
Dare County	Calendar Year 2025
Davidson County Transportation System (DCTS)	Calendar Year 2025
Duplin County	Calendar Year 2023
Gaston County	Calendar Year 2024
Gates County	Calendar Year 2025

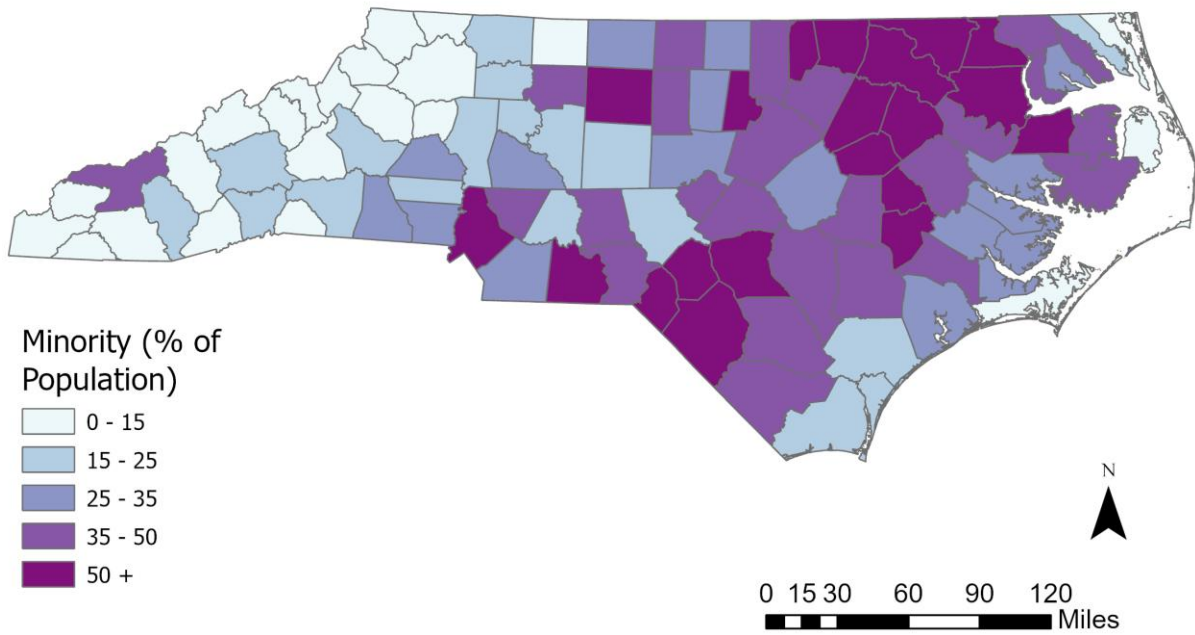
Goldsboro-Wayne Transportation Authority	Calendar Year 2023
GoWake Access	Calendar Year 2024
Graham County	Calendar Year 2025
Graham County-Senior Center	Calendar Year 2023
Granville County Senior Center	Calendar Year 2023
Greene County	Calendar Year 2023
Greyhound/Flixbus	Calendar Year 2023
Guilford County Transportation and Mobility Services (TAMS)	Calendar Year 2024
Harnett Area Rural Transit System (HARTS)	Calendar Year 2023
Hoke Area Transit Service (H.A.T.S.)	Calendar Year 2024
Hyde County / Tyrrell County	Calendar Year 2025
Hyde Health Dept	Calendar Year 2023
Iredell County (ICATS)	Calendar Year 2025
Iredell County Council on Aging	Calendar Year 2025
Jackson County	Calendar Year 2025
Johnston County Area Transit (JCATS)	Calendar Year 2024
Johnston County Industries (JCI)	Calendar Year 2023
Kerr Area (KARTS)	Calendar Year 2024
Kerr Tar COG	Calendar Year 2023
Land of Sky Regional Council	Calendar Year 2023
Lee County (COLTS)	Calendar Year 2023
Lenoir County	Calendar Year 2025
Lincoln County	Calendar Year 2025
Lincoln County Senior Services	Calendar Year 2023
Macon County	Calendar Year 2025
Madison County Transportation Authority	Calendar Year 2024
Martin County	Calendar Year 2025
Mayland Community College	Calendar Year 2023
McDowell County Transportation	Calendar Year 2024
Mitchell County Transportation Authority	Calendar Year 2023
MONARCH - Columbus County	Calendar Year 2023
MONARCH - Currituck County	Calendar Year 2023
MONARCH - Moore County	Calendar Year 2025
MONARCH - Pasquotank County	Calendar Year 2023
MONARCH - Robeson County	Calendar Year 2023
MONARCH - Stanly County	Calendar Year 2023
Moore County	Calendar Year 2025
Mountain Projects Inc. Haywood Co.	Calendar Year 2024
Ocracoke Island Tram	Calendar Year 2023
Onslow United Transit System, Inc. (OUTS)	Calendar Year 2023

Orange County Public Transportation	Calendar Year 2023
OUTS Onslow County	Calendar Year 2023
Pender Adult Services Inc. (PAS)	Calendar Year 2024
Person County (PATS)	Calendar Year 2025
Pitt County Council on Aging	Calendar Year 2023
Pitt County/Pitt Area Transit System	Calendar Year 2023
Polk County	Calendar Year 2024
Randolph County (RCATS)	Calendar Year 2023
Richmond Interagency Transportation, Inc.	Calendar Year 2025
Robeson County (SEATS)	Calendar Year 2025
Rockingham (ADTS)	Calendar Year 2024
Rowan Transit System (RTS)	Calendar Year 2024
Rutherford County Life Services	Calendar Year 2023
Rutherford County Senior Center	Calendar Year 2023
Rutherford County Transit	Calendar Year 2024
Sampson County	Calendar Year 2024
Scotland County (SCATS)	Calendar Year 2024
Southeastern Stages	Calendar Year 2023
Stanly County (SCUSA)	Calendar Year 2025
Stanly County Senior Services	Calendar Year 2023
Stevens Center (Lee County)	Calendar Year 2023
Swain County Focal Point on Aging Inc.	Calendar Year 2025
Tar River Transit	Calendar Year 2024
The Life Center	Calendar Year 2023
The Workshop of Davidson	Calendar Year 2023
Transylvania County	Calendar Year 2023
Trolley Inc.	Calendar Year 2023
Union County Transportation	Calendar Year 2024
Washington County (Riverlight Transit)	Calendar Year 2025
Western Carolina Community Action, Inc. (WCCA-Apple Country (Henderson County)	Calendar Year 2024
Western Piedmont Regional Transit Authority	Calendar Year 2024
Wilkes Transportation Authority (WTA)	Calendar Year 2024
Wilson County	Calendar Year 2025
Wilson, City of	Calendar Year 2025
Yadkin Valley Economic Development District (YVEDDI)	Calendar Year 2025
Yancey County Transportation	Calendar Year 2023

## North Carolina Minority Population

What percent of the population in each NC county is a minority?

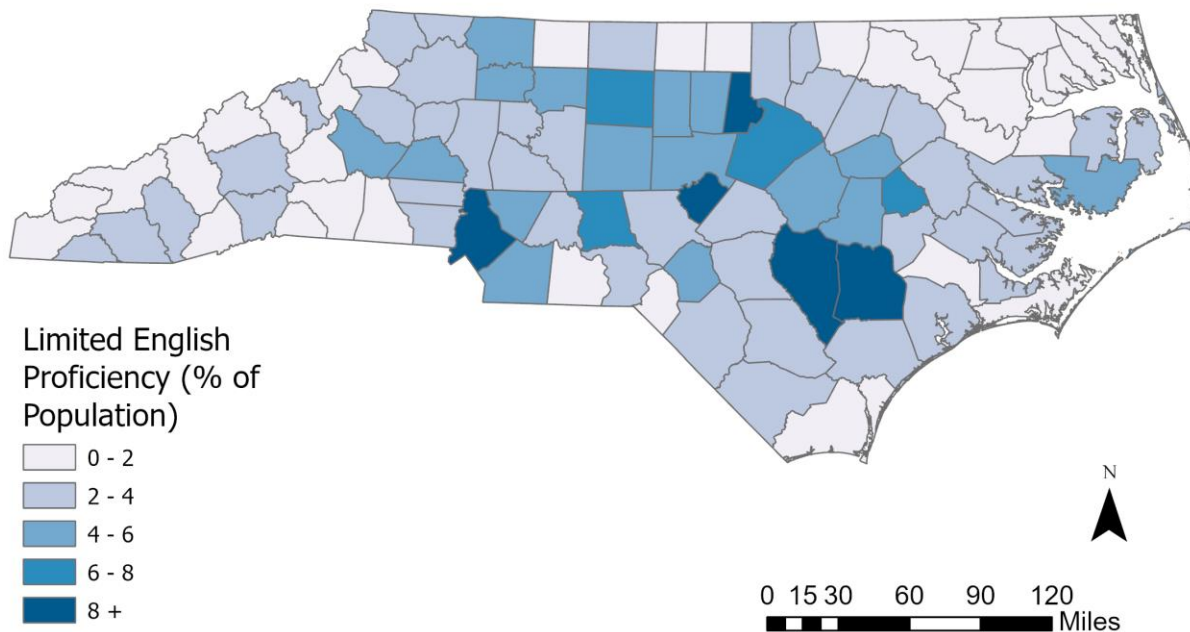
Source: US Census Bureau, American Community Survey 5-year Estimates (2016-2020)



## North Carolina Limited English Proficiency

What percent of the population in each NC county has Limited English Proficiency (LEP)?

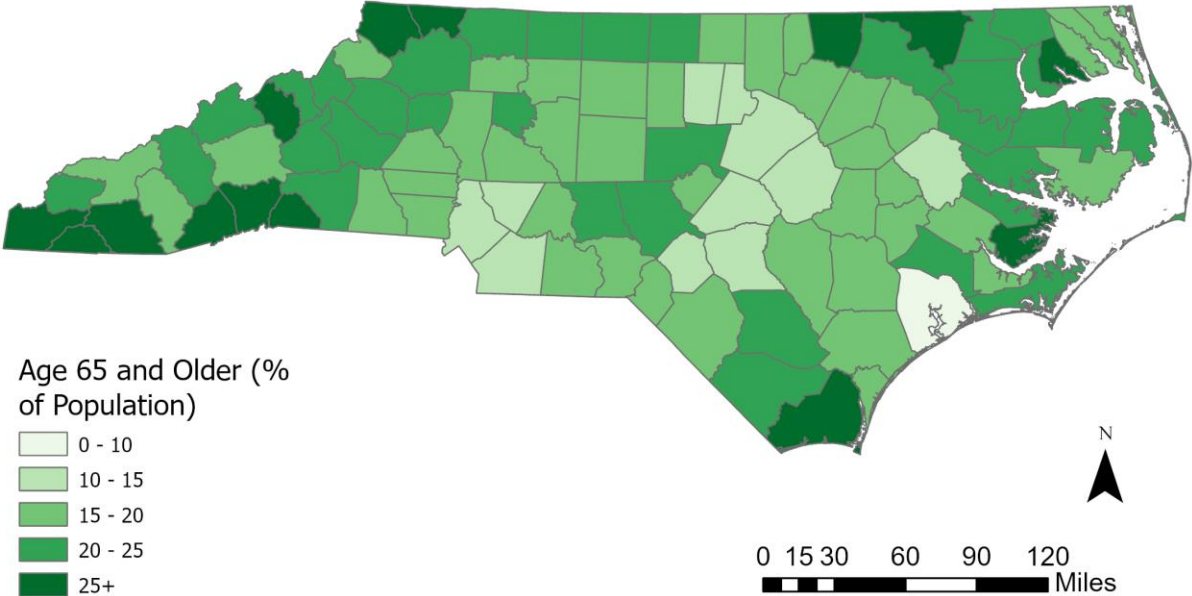
Source: US Census Bureau, American Community Survey 5-year Estimates (2016-2020)



# North Carolina Population 65 Years of Age and Over

What percent of the population in each NC county is 65 years or older?

Source: US Census Bureau, American Community Survey 5-year Estimates (2016-2020)

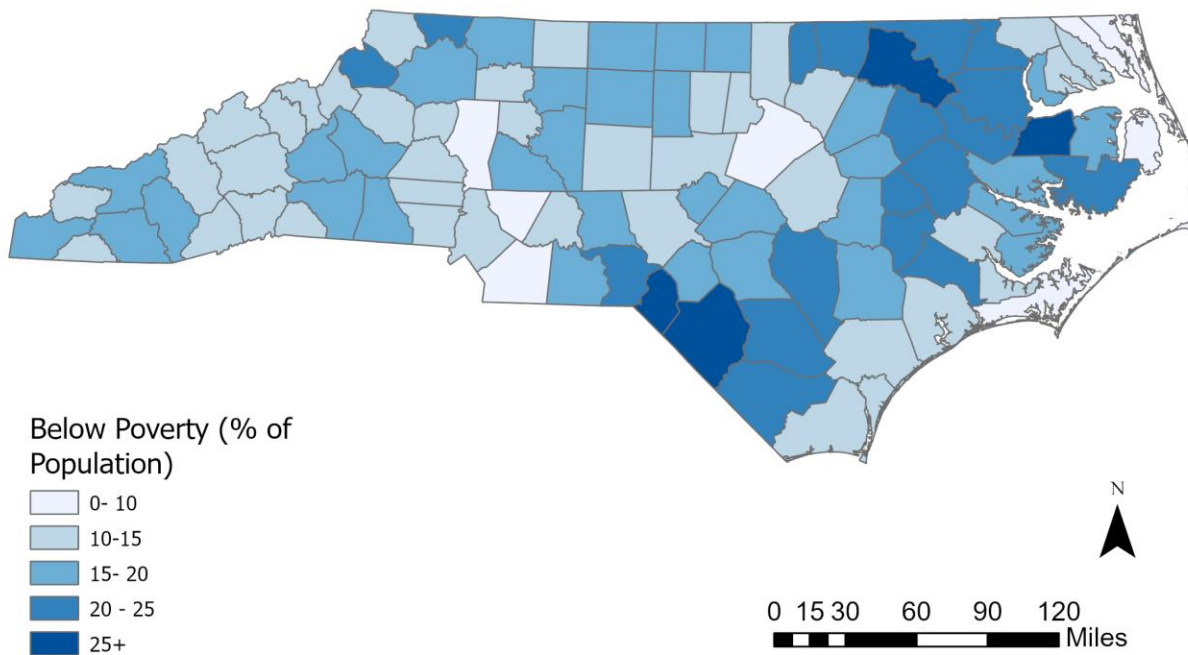




## North Carolina Poverty

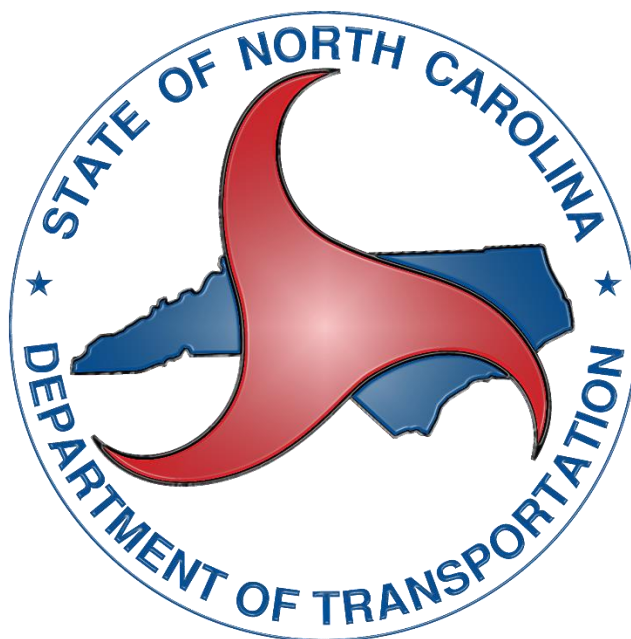
What percent of the population in each NC county is below the poverty line?

Source: US Census Bureau, American Community Survey 5-year Estimates (2016-2020)



North Carolina Department of Transportation  
**Office of Civil Rights**

TITLE VI NONDISCRIMINATION PROGRAM  
2023 LIMITED ENGLISH PROFICIENCY PLAN





## NORTH CAROLINA DEPARTMENT OF TRANSPORTATION LANGUAGE ASSISTANCE PLAN

### Limited English Proficiency Plan

The North Carolina Department of Transportation’s (NCDOT) Limited English Proficiency Plan (“LEP Plan,” “Language Assistance Plan,” or the “Plan”) was developed to ensure equal access to NCDOT programs and services for persons with limited English proficiency (LEP). LEP persons are defined as individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. These individuals have reported to the U.S. Census that they speak English *less than very well*.

### Authority

The legal basis for this Plan extends back to Title VI of the Civil Rights Act of 1964 (“Title VI”). Title VI prohibits recipients of Federal financial assistance from excluding or discriminating against individuals on the ground of race, color, or national origin. The U.S. Supreme Court determined that excluding participants due to their inability to speak English may constitute discrimination on the basis of national origin (*Lau v. Nichols*, 414 U.S. 563 (1974); Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d).

On August 11, 2000, Executive Order (EO) 13166, “*Improving Access to Services for Persons with Limited English Proficiency*,” was issued to improve access to federal programs and activities for persons who, typically because of national origin, are limited English proficient. The EO directs each Federal agency to provide guidance and technical assistance on how meaningful access will be offered to LEP persons, improve language accessibility in all programs and activities, and reduce language barriers by implementing consistent standards of language assistance. Accordingly, on December 14, 2005, the U.S. Department of Transportation (US DOT) published its “*Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons*,” which is the primary source for the development of this LEP Plan.

Consistent with the Civil Rights Restoration Act of 1987, the requirement to provide meaningful access to LEP persons is not limited to specific programs or activities receiving federal funds; rather, coverage extends to all NCDOT programs and activities, whether federally assisted or not.

### Purpose

The NCDOT is committed to providing equal opportunity in all programs and services and recognizes that Title VI and EO 13166 require nondiscrimination based on national origin and LEP. The purpose of this Plan is to ensure compliance with Title VI and other applicable federal and state guidelines relative to LEP persons.

As a federal-aid recipient, the Department is aware of its obligation to provide language assistance to LEP persons who are eligible to be served or likely to be encountered or affected by Departmental programs, services and activities. It is the operating policy of this agency to fully serve LEP persons/groups as they may encounter barriers to understanding and exercising their rights and accessing program benefits or services. Any individual eligible to participate in or benefit from an NCDOT program or service who cannot speak, read, write or understand English to the extent that he/she may be denied program access or service delivery has the right to language assistance at no cost to them. Administrative methods or procedures, which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations, are prohibited.

### Scope of Policy

These requirements apply to the NCDOT and its contractors, vendors, and subrecipients (including sub-grantees). All NCDOT programs and activities, as well as subrecipients and contractors using funds received from NCDOT, must take adequate steps to ensure meaningful access by LEP persons. Subrecipients can ensure

that LEP persons have meaningful access to their programs and activities by developing and implementing an LEP Plan in accordance with USDOT LEP guidelines. Certain grantees or subrecipients, such as those serving very few LEP persons may choose not to develop a written LEP Plan. However, the absence of an LEP Plan does not preclude the underlying obligation to ensure meaningful access by LEP persons to a grantee's program or activities. Subrecipients not required to prepare a written language assistance plan, based on not meeting the safe harbor threshold, will still need to demonstrate a documented process for ensuring meaningful access.

The Department will consider the following four factors when ensuring meaningful access to LEP persons: 1) the number of LEP persons to be served; 2) the frequency with which LEP persons come into contact with services; 3) the nature and importance of services provided; and 4) the costs and resources available to NCDOT. This Plan defines the Department's responsibilities to ensure LEP persons can participate and benefit effectively.

## Definitions

**Limited English Proficient (LEP) persons** – individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English.

**Meaningful access (or involvement)** – means people have an opportunity to participate in decisions about activities that may affect their environment and/or health; the public's contribution can influence the regulatory agency's decision; community concerns will be considered in the decision-making process; and decision makers will seek out and facilitate the involvement of those potentially affected.

**Vital Documents and Information** – includes, but are not limited to, applications, consent forms, meeting notices and other outreach materials, and information advising LEP persons of their rights and the availability of free language assistance. For lengthy documents, only vital information needs to be translated (e.g., the Executive Summary in an Environmental Impact Statement).

**Translation** –the written transfer of a message from one language to another language.

**Interpretation** – the oral or spoken transfer of a message from one language to another language.

**Safe Harbor Threshold for Translation:** Five percent or 1,000 people, whichever is less, used to determine if, at a minimum, written translation should be provided. If there are fewer than 50 persons in a language group that reaches the 5% trigger, vital written materials do not have to be translated. However, written notice of the right to receive competent oral interpretation of those written materials must be provided, free of cost, in the primary language of the LEP language group.

**Language Access Assessments** – a survey used to collect information about the types and frequency of contacts with limited English proficient (LEP) individuals.

## Providing Notice to LEP Persons/Groups

- A. The Department will take appropriate steps to inform all beneficiaries, applicants, recipients, community organizations, and other interested persons, including those whose primary language is other than English, of their rights under Title VI and related nondiscrimination laws. Such notification will include the following contact information: NCDOT Office of Civil Rights, Title VI Program, 1511 Mail Service Center, Raleigh, NC 27699-1511, 919-508-1808.
- B. The Department will post and maintain important information in “likely to be encountered” languages other than English in waiting rooms, reception areas and other initial points of contact, including on its website, and disseminate information to significant language groups, when appropriate. NCDOT will inform applicants, participants and beneficiaries of their right to free language assistance services and invite them to identify themselves as persons needing such services.
- C. The Department will include statements of the right to free language assistance in Spanish and other significant languages in all vital outreach material that is routinely disseminated to the public (including electronic text).

## Language Access Assessments

NCDOT recognizes that full compliance at all levels of programs and activities with regard to LEP groups will require a series of implementing actions over time. Language access assessments and planning tools will be utilized to ensure that NCDOT communicates effectively with LEP individuals. As part of this process, a self-assessment will be conducted to determine what types of contact are (or should be) occurring with LEP persons by NCDOT program officials, how often, and the resources available (or needed) to provide LEP persons meaningful access to Departmental programs and information. NCDOT will need to develop a schedule of steps necessary to conduct the assessment and develop or revise Departmental language assistance policy directives, plans, procedures, and tools. The NCDOT Office of Civil Rights will oversee LEP planning, implementation, enforcement, evaluation, and updates, including monitoring Departmental compliance with language assistance requirements.

The following four factors will be analyzed as part of the Department’s LEP self-assessment:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient;
- The frequency with which LEP persons come into contact with the program;
- The nature and importance of the program, activity or service provided by the program to people’s lives; and
- The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.

*General N.C. LEP Figures:* According to the 2017-2021 American Community Survey (ACS), Five-year estimate:

- Of North Carolina’s estimated population of 9,773,018 people 5 years and over, 12.1% (approx. 1,179,594 individuals) do not speak English only. This number was 11.2% in 2015.
- Of the 1,179,594 individuals 5 years and over who do not speak English only, 37.2% speak English “less than very well,” a modest decrease from 42.8% in 2015.
- Among the population 5 years and over, the most widely represented non-English language groups in N.C. are Spanish, Other Indo-European languages and Asian and Pacific Islander languages.
- Persons identifying as Hispanic or Latino make up 30.9% of the state’s population. Of the 1,179,594 persons 5 years and over who do not speak English only, 63.8% (approx. 753,142) speak Spanish, and of those 40.5% speak English “less than very well,” down from 50.3% in 2015.
- According to the ACS Five-Year estimate, Five Year estimate: 61% of LEP persons residing in N.C. are foreign born, suggesting 39% were born in the United States.
- Most LEP persons in N.C. are concentrated near the state’s major metropolitan areas, as indicated below.

Highlighted Service Areas	Total Limited English Proficiency* Population in North Carolina		
	Population Five Years Old and Greater	Number of Limited English Proficient Persons	Total Percentage of Limited English Proficient Persons
Durham County	300,274	55,121	18.3%
Forsyth County	358,435	53,554	14.9%
Guilford County	506,115	70,651	13.9%
Wake County	1,046,390	182,985	17.4%
Mecklenburg County	1,029,430	210,019	20.4%
<b>North Carolina</b>	<b>9,773,018</b>	<b>1,179,594</b>	<b>12.6%</b>

US Census, 2017-2021 ACS 5-Year Estimates, \*Speaks English “less than well”.

The Department recognizes the U.S. Census is merely an estimate and multiple resources may need to be consulted to accurately determine the number and location of LEP persons in a geography. Equally, minority, low-income, and LEP populations have historically been undercounted by the Census. While not every person can be identified using the Census, each LEP analysis will typically begin with a review of Census data, which is often the best data available at the state level. According to the 2021 ACS Survey data, only the Spanish LEP language group exceeds five percent of North Carolina’s statewide population, but many LEP groups have at least 1,000 total persons statewide who speak English *less than very well*. Given the State’s large total population and NCDOT’s 14 Highway Divisions, the Department will primarily collect and analyze LEP data at the Divisional and project level.

NCDOT will determine which Departmental programs and projects are likely to encounter, serve, impact, or educate LEP persons and ensure appropriate resources are available to those areas and activities. This will enable program officials to discern when heightened responsibility to ensure meaningful access applies. Below are several Departmental program areas that are likely to encounter or provide important services to LEP persons across the state:

- Division of Motor Vehicles
- Office of Civil Rights
- Communications Office
- Division of Highways (14 Divisions)
- Transit, Integrated Mobility Division
- Governor’s Highway Safety Program
- Project Development (Environmental Analysis)
- Right of Way Unit

The results of the Language Access Assessment (self-assessment) will be used to estimate what financial (costs) and nonfinancial resources are necessary to provide written translation, oral interpretation and other language services to LEP persons, free of charge. The NCDOT will carefully explore the most cost-effective means of delivering reasonable and appropriate language assistance to LEP persons before limiting services due to resource concerns. Business units may procure qualified language assistance translators and interpreters of their own. However, due to federal monitoring requirements business units choosing to procure their own interpreting services must contact OCR for coordination and oversight of such services. The Department will identify and work with community-based organizations (i.e., “Language Access Resource Contacts,” or “LARC”) and qualified (or trained) community volunteers to conduct outreach and education to LEP populations.

## Provision of Services to LEP Beneficiaries and Applicants

### A. Assessing Language Assistance Capabilities and Resources

1. The Department will evaluate its language assistance capabilities by providing language access assessment tools to each program area (e.g., Integrated Mobility Division) and Highway Division with instructions for completing the self-assessment materials. This information will be used to determine:
  - a. types of contact the Department has with the public and the State’s LEP populations;
  - b. language services already provided across NCDOT, including use of LEP consultants;
  - c. records detailing interactions (e.g., phone calls, meetings, DMV) with LEP persons;
  - d. vital documents and information provided by NCDOT programs and activities;
  - e. intake areas or points of contact where language assistance is most needed;
  - f. current fiscal, staff (bilingual) and technological resources available for language services;
  - g. sufficiency of existing LEP and Communication policy directives, plans and procedures;



- h. Departmental LEP awareness and training needs; and
  - i. other areas as determined.
2. The Department will determine the language assistance needs of the population to be served by reviewing responses to the assessments conducted under Section A. 1 This will identify if, by whom, and how the Department engages in vital public information and involvement activities. The next step will be utilizing the four-factor analysis to determine reasonable steps to provide meaningful access to LEP persons.
- a. Collect (or review) LEP data to determine (or validate) primary languages of LEP persons who have (or should have) come into contact with the Department. Data utilized by OCR, Highway Divisions and program areas may include:
    - i. U.S. Census data (required) and GIS mapping;
    - ii. school system data;
    - iii. reports from federal, state, and local government agencies;
    - iv. information provided by community-based organizations (e.g., churches, LARCs);
    - v. data from client files; and
    - vi. Other sources where available.
  - b. Verify frequency of encounters (records of interactions) with language groups across NCDOT.
  - c. Verify the NCDOT (including for Divisions) programs, activities and services important to LEP populations and prioritize LEP resources and responses, accordingly. If necessary, verification will occur through Departmental interviews and surveys with LEP participants and beneficiaries.
  - d. Identify funding and other resources for providing Departmental language services (e.g., written translation, oral interpretation) to LEP persons. Other resources include, but are not limited to, internal staff, advocacy groups, and private consulting firms. Please note:
    - i. Federal Title VI guidance advises that the State DOT’s civil rights leadership be fully involved in the agency’s budget process and ensure that the agency has an earmarked budget and appropriation for external civil rights enforcement (e.g., language assistance services).
    - ii. NCDOT leadership should coordinate with the Departmental Office of Civil Rights (i.e., OCR Director and Title VI program staff) to determine how the Department will fund and provide language services.
    - iii. Failing to provide language assistance could result in determinations of noncompliance or discrimination (intentional or unintentional) under federal reviews or investigations.
  - e. As federally required, program areas will be expected to utilize language assessment tools and resources to also determine the language needs of beneficiaries/applicants under their specific programs and activities, including projects. OCR will identify and notify any areas where this will be needed.
3. As a federal-aid recipient, all NCDOT programs and officials must comply with Title VI and LEP requirements. Compliance with LEP guidelines will depend largely on each program’s type of work (i.e., Title VI implementation under transportation planning and construction is different because planning and construction perform different activities. Likewise, language assistance may not be identical because planning and construction inform and/or engage the public differently). Meeting the language needs of LEP beneficiaries and applicants begins with:

- a. Contacting OCR's Title VI Program if you have questions regarding your program or unit's Title VI and LEP obligations (*Note*: The remainder of this Plan will focus almost exclusively on meeting the needs of LEP persons, in general).
- b. At the first point of contact, identifying the primary language of each LEP beneficiary/applicant. Below are potential methods:
  - i. Multi-language ("I speak") identification cards and/or a poster-size language list for indicating preferred languages;
  - ii. Tools to determine English proficiency, provided they can be administered in a manner that is sensitive and respects individual dignity and privacy;
  - iii. Maintain records from activities with LEP persons and any correspondence with the public, LARCs, and organizations representing LEP groups. This information will be reported to OCR, upon request; this includes requests made under Title VI reviews; and
  - iv. Other reasonable methods, as necessary, based on the circumstances.
- c. Informing LEP beneficiaries and applicants of their right to have an oral interpreter provided at no cost to them, via written notice in their primary language. Oral interpretation and written translation are discussed further in the remaining sections of this Plan.

#### B. Provision of Bilingual/Interpretive Services

1. The Department will ensure that necessary and effective oral interpretation services are provided free of charge to LEP persons. The provision of bilingual/interpretive services will be prompt without undue delays. The Department will provide language assistance at all levels of interaction with LEP persons/groups, including telephone interactions.
2. Absent an individual request for oral language services, program areas that release public information or solicit public involvement will conduct a demographic profile of the area to be served or likely encountered by an activity. They will also identify and establish LARC relationships with community organizations and advocates. The results of these efforts will assist in determining and enabling appropriate use of bilingual/interpretive services.
3. A formal reporting procedure will be developed to document and track oral interpretation services including languages provided, frequency of use (or number of persons served), the circumstances surrounding each use, and the interpretation service expenditures associated with the contact.

#### C. Interpreter Standards and Use

1. Providers of oral interpretation services will meet the linguistic and cultural competency standards set forth below. The Department will ensure that interpreters and bilingual staff have been screened to ensure the following standards are met before they are approved to provide interpreter services:
  - a. Can fluently and effectively communicate in both English and the primary language of the LEP person/group;
  - b. Can competently and impartially interpret between English and other languages;
  - c. Has a basic knowledge of specialized terms and concepts used frequently in the provision of the Department's services;
  - d. Demonstrates knowledge of cultural mores and preferences;
  - e. Understands the obligation to maintain confidentiality; and
  - f. Understands the roles of interpreters and the ethics associated with being an interpreter.
2. Interpreters will be required to demonstrate the full range and level of proficiency in a given language during a Departmental prequalification process (Certification by the American Translators Association is sufficient).
3. An interpreter will be provided for all meetings and hearings, upon request, or if the Hearing Officer or demographic data determines that an interpreter is necessary.

4. When staff members have reason to believe that an interpreter is not qualified or properly trained to serve as an interpreter, the staff member will report this concern to OCR to determine what other actions are necessary.
5. During prequalification, interpreters shall sign an acknowledgement affirming that they will competently and impartially provide language assistance services.

#### D. Use of Family Members or Friends as Interpreters

1. Beneficiaries/applicants may provide their own interpreter; however, the Department will not require them to do so. Please note that due to the legalities of certain services provided, the Department can require the use of contracted interpreters.
2. The Department will first inform an LEP person, in the primary language of the LEP person, of the right to free, competent interpreter services and the potential problems with ineffective interpretation. If the LEP person declines such services and requests the use of a family member or friend, the Department may utilize the family member or friend to interpret only if the use of such person would not compromise the effectiveness of services or violate the LEP person's confidentiality. The Department will monitor these interactions and again offer interpreter services, if it appears there are problems with this arrangement.
3. The Department will implement the use of a waiver form to document that an offer of oral interpretation services was made and rejected; that the person/group was informed of the potential problems associated with using friends or family members and the name of the person serving as an interpreter at the LEP individual's request.
4. **NCDOT discourages the use of minors (under the age of 18 years) as interpreters.** However, under extenuating circumstances the Department shall allow a minor to temporarily act as an interpreter, such as where the denial or delay of services significantly impacts access to the program, service or activity. The Office of Civil Rights will be consulted in these situations.

#### E. Provision of Written Translations

1. Where a substantial number or percentage of the population does not speak English very well, the Department will provide vital written materials, at no cost, in languages other than English.
2. Copies of all translated documents from each Division/program area/business unit shall be maintained and made available to the Office of Civil Rights and/or the Communications Office to verify compliance.
3. Translation of Vital Documents
  - a. The Department will ensure that the vital documents of each program area/business unit/Division are translated according to the safe harbor threshold (5% or 1,000 persons whichever is less) outlined in the DOT LEP Guidance. If the number of LEP persons meets the threshold, the Department will translate and provide vital documents in other languages, as necessary.
  - b. If the primary language of an LEP group is a language that does not meet the threshold for written translation, or there are fewer than 50 persons in a language group that reaches the 5% trigger, translation of written materials is not mandatory. Instead, written notices shall be translated into the language of the LEP group to inform them of the right to competent oral interpreters. The notification will include the following statement both in English and the primary language of the LEP group: **"Important: If English is not your primary language, please ask NCDOT for assistance. An interpreter can be made available free of charge"**.
  - c. When written materials require an entity or individual to insert additional information, the information must be accepted in the person's primary language.

#### F. Staff Development and Training

1. The Department will ensure staff awareness of the LEP Plan through training programs. Topics may include:

- a. Language assistance policies and procedures, resources available to support LEP procedures, how to effectively utilize interpreters, and familiarization with the discrimination complaint process.
  - b. Cultural awareness information, including specific cultural characteristics of the LEP groups served by the Department to provide better understanding and sensitivity toward various cultural groups to ensure equal treatment and delivery of services.
2. The Department will encourage training and certification opportunities for bilingual staff and interpreters employed by the Department, including, but not limited to, the ethics of interpreting (confidentiality); methods of interpreting; orientation to the organization; procedures and terminology specific to the Department; and cultural competencies.
  3. Subrecipients, contractors, cooperative agreement recipients, and other entities receiving state or federal dollars will be notified and/or trained in the requirements of this policy.

## Compliance Monitoring

Office of Civil Rights, Title VI Program will be responsible for monitoring Departmental knowledge and implementation of this Plan and related procedures. Monitoring will also include assisting program officials (e.g., IMD) with ensuring subrecipient programs, services and activities are assessing the demographic make-up of service areas to identify and meet the communication needs of LEP persons.

- A. The Department will continuously self-monitor for LEP compliance. Documentation and records will be reviewed and updated as needed to assess and/or meet the following:
  1. Language needs of LEP persons/groups;
  2. Reviews of quality of language services and outreach provided to LEP persons;
  3. Awareness of the right to file a complaint by persons, groups or advocates concerning disparate treatment or impacts of Departmental practices on LEP persons; and
  4. The review of expenditures associated with providing language access.
- B. The Department will monitor subrecipients to ensure that LEP persons have meaningful access to all programs, services and activities funded by the Department. Monitoring will occur through reviews or investigations concerning Title VI compliance and involve the following:
  1. Conducting periodic audits;
  2. Conducting LEP-related discrimination complaint investigations;
  3. On-site visits; and
  4. The collection of data necessary to ensure compliance.
- C. The Department will monitor contractors for compliance with Title VI and LEP requirements. Typically, this will occur on an as-needed basis.
- D. The Department will cooperate with reviews or LEP-related information requests by federal agencies.

## Documentation of LEP Contacts

The Department will maintain sufficient records to enable a review of its compliance with LEP requirements. Following the Departmental language access assessment, OCR will issue internal guidance related to the maintenance of LEP-related data and information. This guidance will require NCDOT officials who assist or encounter LEP persons to, at a minimum:

- A. Log the primary languages of participants and other LEP persons encountered (i.e., I, Speak cards may be utilized to determine the person's preferred language);
- B. Document the method used to provide language assistance (e.g., written translation, bilingual employee acted as interpreter, consultant interpreter was used, or client provided interpreter);
- C. Document in detail the circumstances requiring temporary use of a minor as an interpreter (e.g., due to exigent circumstances, the client insists on using a minor for interpretation).

1. Note: No NCDOT official should ever recommend that an LEP client use a child as an interpreter.
- D. Document whether the language assistance was satisfactory (i.e., did the LEP person accept or reject the written materials or interpretation services offered, or indicate a lack of understanding).

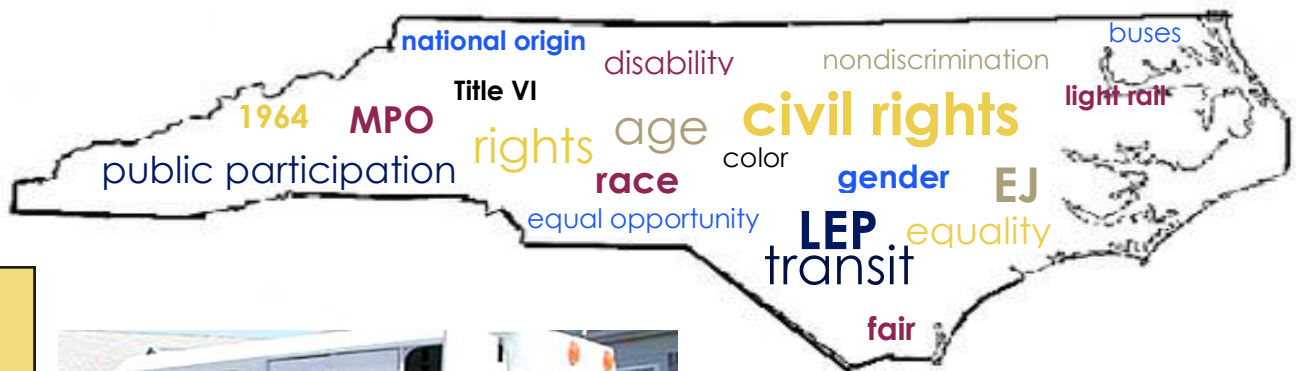
## Complaints, Investigation and Resolution of Matters

The Department will provide language assistance to LEP persons if they indicate they would like to file a discrimination complaint. NCDOT's External Discrimination Complaints procedures will be utilized to process and investigate Title VI complaints by LEP persons. Language assistance services under the complaints process will include:

- Providing forms and correspondence in the primary language of the LEP person;
- Assisting the LEP person with submitting the complaint in writing;
- Utilizing oral interpreters who are aware of confidentiality requirements during complaint intake, interviews and resolution attempts; and
- Permitting (but not requiring) LEP complainants to bring their own interpreters.

SUBRECIPIENT TITLE VI PROGRAM PLAN TEMPLATE

# Transit Name



Date Adopted  
Month/Day/Year

## Title VI Program Plan





## TEMPLATE INSTRUCTIONS:

This template was developed by NCDOT's Office of Civil Rights (OCR) in coordination with the NCDOT Integrated Mobility Division (IMD) and Region 4 of the Federal Transportation Administration (FTA). This document is intended to assist any public transportation system that receives federal funds through NCDOT with development of their Title VI Plan. Transit agencies that fall into this category will typically be rural and small-urban systems that operate *less than* 50 vehicles in peak service and serve a population of *less than* 200,000 people.

\*\* Transit agencies are not required to use this template to develop their Title VI Plans. However, all agencies receiving federal financial assistance through FTA's formula grant program **must still have a Title VI Plan** that addresses all requirements of FTA Circular 4702.1B applicable to their agency.

This document is color-coded to help you distinguish between regular (non-highlighted) text that should, unless you choose otherwise, remain unchanged, and placeholder text (highlighted) that you will need to replace or delete, as follows:

**Text** – Any text highlighted **in yellow color** should be replaced or customized with your agency's information.

**Text** – Any text highlighted **in blue color** are instructions for completing the template. Please delete all blue highlighted text prior to completing your Plan.

You may contact an OCR Title VI Officer or IMD official at any time if you require direct assistance completing any civil rights (OCR – 919-508-1808) or integrated mobility (IMD – **Contact #**) section in this template. We hope this process will reduce the administrative burden placed on your system and provide useful knowledge ahead of future on-site Title VI compliance reviews that will focus on how your system is implementing your written and adopted Title VI Plan.

**Please delete this entire page prior to completing the template.**

**TITLE VI PLAN REVIEW AND ADOPTION**

On behalf of the **Name of Decision-making Body**, I hereby acknowledge receipt of the Title VI Nondiscrimination Plan. We, the **Board**, have **reviewed and hereby adopt** this Plan. We are committed to ensuring that all decisions are made in accordance with the nondiscrimination guidelines of this Plan, to the end the no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any **Organization Name (Abbreviation)** services and activities on the basis of race, color, national origin, sex, age, creed (religion), or disability, as protected by Title VI of the Civil Rights Act of 1964 and the nondiscrimination provisions of the Federal Transit Administration.

\_\_\_\_\_  
Signature of Authorizing Official

\_\_\_\_\_  
DATE

# Table of Contents

<b>Title VI Nondiscrimination Agreement.....</b>	<b>6</b>
<b>1.0 Introduction.....</b>	<b>7</b>
<b>2.0 Description of Programs and Services.....</b>	<b>7</b>
2.1 Program(s) and Services Administered .....	7
2.2 Funding Sources / Tables .....	7
2.3 Decision-Making Process.....	8
2.4 Title VI Coordinator .....	9
2.5 Change of Title VI Coordinator and/or Head of Decision-making Body .....	9
2.6 Organizational Chart.....	9
2.7 Subrecipients .....	9
<b>3.0 Title VI Nondiscrimination Policy Statement .....</b>	<b>10</b>
<b>4.0 Notice of Nondiscrimination.....</b>	<b>11</b>
<b>5.0 Procedures to Ensure Nondiscriminatory Administration of Programs and Services .....</b>	<b>12</b>
<b>6.0 Contract Administration.....</b>	<b>13</b>
6.1 Contract Language.....	13
6.2 Nondiscrimination Notice to Prospective Bidders .....	14
<b>7.0 External Discrimination Complaint Procedures .....</b>	<b>15</b>
Discrimination Complaint Form.....	17
Discrimination Complaints Log .....	19
Investigative Guidance .....	20
SAMPLE Investigative Report Template.....	21
<b>8.0 Service Area Population Characteristics .....</b>	<b>22</b>
8.1 Race and Ethnicity .....	22
8.2 Age & Sex .....	22
8.3 Disability .....	23
8.4 Poverty.....	24
8.5 Household Income .....	24
8.6 Limited English Proficiency Populations .....	25
8.7 Population Locations.....	25
<b>9.0 Title VI Equity Analyses (and Environmental Justice Assessments).....</b>	<b>25</b>
<b>10.0 Public Involvement.....</b>	<b>26</b>
10.1 Introduction .....	26
10.2 Public Notification .....	26
10.3 Dissemination of Information .....	26
10.4 Meetings and Outreach.....	27
10.5 Limited English Proficiency .....	28
10.6 Demographic Requests.....	31

10.7 Key Community Contacts .....	32
10.8 Summary of Outreach Efforts Since the Last Title VI Program Submission.....	32
<b>11.0 Staff Training .....</b>	<b>32</b>
<b>12.0 Nonelected Boards and Committees – By Race and Gender .....</b>	<b>33</b>
<b>13.0 Record-Keeping and Reports .....</b>	<b>33</b>
<b>14.0 Transit Providers .....</b>	<b>34</b>
14.1 Service Standards.....	34
14.2 Service Policies.....	34
<b>Appendices .....</b>	<b>36</b>
Appendix A – Applicable Nondiscrimination Authorities	
Appendix B – Organizational Chart	
Appendix C– NCDOT’s Transit Review Checklist	
Type chapter title (level 2)	
Type chapter title (level 2)	
Type chapter title (level 2)	

**TITLE VI NONDISCRIMINATION AGREEMENT**  
BETWEEN  
**THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION**  
AND  
**THE ORGANIZATION NAME**

In accordance with DOT Order 1050.2A, **the Organization Name (Abbreviation)** assures the North Carolina Department of Transportation (NCDOT) that no person shall, on the ground of **race, color, national origin, sex, creed, age, or disability**, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and related nondiscrimination authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity undertaken by **the Organization Name or Abbreviation** .

Further, **the Organization Name or Abbreviation** hereby agrees to:

1. Designate a Title VI Coordinator that has a responsible position within the organization and easy access to the **Chief Administrative Officer (CAO, or head)** of the organization.
2. Issue a policy statement, signed by the **CAO** of the organization, which expresses a commitment to the nondiscrimination provisions of Title VI and related applicable statutes. The signed policy statement shall be posted and circulated throughout the organization and to the general public and published where appropriate in languages other than English. The policy statement will be re-signed when there is a change of **CAO**.
3. Insert the clauses of the contract language from Section 6.1 in every contract awarded by the organization. Ensure that every contract awarded by the organization's contractors or consultants also includes the contract language.
4. Process all and, when required, investigate complaints of discrimination consistent with the procedures contained within this Plan. Log all complaints for the administrative record.
5. Collect statistical data (race, color, national origin, sex, age, disability) on participants in, and beneficiaries of, programs and activities carried out by the organization.
6. Participate in training offered on Title VI and other nondiscrimination requirements. Conduct or request training for employees or the organization's subrecipients.
7. Take affirmative action, if reviewed or investigated by NCDOT, to correct any deficiencies found within a reasonable time period, not to exceed 90 calendar days, unless reasonable provisions are granted by NCDOT.
8. Document all Title VI nondiscrimination-related activities as evidence of compliance. Submit information and reports to NCDOT on a schedule outlined by NCDOT.

**THIS AGREEMENT** 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.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

**Printed Name**  
**Official Title**

## 1.0 INTRODUCTION

Title VI of the 1964 Civil Rights Act, 42 U.S.C. 2000d provides that: “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” The broader application of nondiscrimination law is found in other statutes, executive orders, and regulations, which provide additional protections based on age, sex, creed (religion), and disability, including the 1987 Civil Rights Restoration Act, which extended nondiscrimination coverage to all programs and activities of federal-aid recipients, subrecipients, and contractors, including those that are not federally-funded (see Appendix A – Applicable Nondiscrimination Authorities).

The Organization Name (Abbreviation) is a recipient of Federal Transit Administration (FTA) funds from the North Carolina Department of Transportation (NCDOT). Organization (Name or Abbreviation) establishes this Title VI Nondiscrimination Plan for the purpose of complying with Title VI of the Civil Rights Act of 1964, as required by FTA Circular 4702.1B, and related requirements outlined within the FTA Certifications & Assurances, “Nondiscrimination Assurance.” This document details the nondiscrimination program, policies, and practices administered by Organization (Name or Abbreviation), and will be updated periodically to incorporate changes and additional responsibilities as they are made. This Plan will be submitted to NCDOT or FTA, upon request.

## 2.0 DESCRIPTION OF PROGRAMS AND SERVICES

[Provide sufficient detail in the appropriate sections below on your organization’s programs and services and the federal and state funding you receive, and then delete the blue highlighted text.]

### 2.1 PROGRAM(S) AND SERVICES ADMINISTERED

The Organization provides public transportation options to its customers within the town/city limits of geographical area/County, North Carolina. [Outline or list all types of services, specific days of the week and times available, and the fares for each service, including whether costs vary by time or route, or age of user, and whether any services utilize a call-in line. For fixed route service, also provide the number of routes, frequency of vehicles, and general descriptions of the area surrounding each route (such as low-income residential, commercial or business district, predominantly minority, or upper class)]

Type of Service	Days of week	Times	Fare (if applicable)
Add columns as needed			

### 2.2 FUNDING SOURCES / TABLES

For the purpose of federally assisted programs, "federal assistance" shall include:

1. grants and loans of Federal funds;
2. the grant or donation of Federal property and interest in property;
3. the detail of Federal personnel;
4. the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and
5. any Federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.

Each FTA Formula Grant received by our system during the past year, and whether the funds were received through NCDOT or directly from FTA, is checked below. [To check a box, double click on the check box. In the pop up select “Checked.” Delete the rows for any grants you do not receive.]

Grant Title	NCDOT	FTA	Details (i.e., purpose, frequency, and duration of receipt)
5307 (Urbanized Area Formula)	<input type="checkbox"/>	<input type="checkbox"/>	
5309 (b)(2) (Fixed Guideway Modernization)	<input type="checkbox"/>	<input type="checkbox"/>	
5310 (Transportation for Elderly Persons and Persons with Disabilities)	<input type="checkbox"/>	<input type="checkbox"/>	
5311 (Formula Grants for Other than Urbanized Areas)	<input type="checkbox"/>	<input type="checkbox"/>	
5311 (b)(3) (Rural Transit Assistance)	<input type="checkbox"/>	<input type="checkbox"/>	
5303, 5304 and/or 5305 (Metropolitan & Statewide Planning)	<input type="checkbox"/>	<input type="checkbox"/>	
5339 (Bus and Bus Facilities Formula)	<input type="checkbox"/>	<input type="checkbox"/>	
Other:	<input type="checkbox"/>	<input type="checkbox"/>	

### 2.3 DECISION-MAKING PROCESS

[Summarize how your agency makes final decisions like adopting program documents, including whether there is a voting or board approval process with timeframes, different committees that address different types of issues, and set dates for meetings]

[List the different committees that are part of your decision-making process and whether they are elected or appointed/unelected in the table below. Add or delete rows, as needed.]

Board or Committee Name	Appointed	Elected	# of Members
Transit Advisory Board	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

### 2.4 TITLE VI COORDINATOR

The individual below has been designated as the Title VI Coordinator for **the Organization**, and is empowered with enough authority and responsibility to implement the Title VI Nondiscrimination Program:

Name  
 Official Title  
 Address  
 Phone  
 Email

Key responsibilities of the coordinator include:

- Maintaining knowledge of Title VI and related requirements.
- Attending civil rights training when offered by NCDOT or any other regulatory agency.
- Administering the Title VI Nondiscrimination Program and coordinating implementation of this Plan.
- Training internal staff and officials on their Title VI nondiscrimination obligations.
- Disseminating Title VI information internally and to the general public, including in languages other than English.
- Presenting Title VI-related information to decision-making bodies for input and approval.
- Ensuring Title VI-related posters are prominently and publicly displayed.
- Developing a process to collect data related to race, national origin, sex, age, and disability to ensure minority, low-income, and other underserved groups are included and not discriminated against.



- Ensuring that non-elected boards and committees reflect the service area and minorities are represented.
- Implementing procedures for prompt processing (receiving, logging, investigating and/or forwarding) of discrimination complaints.
- Coordinating with, and providing information to, NCDOT and other regulatory agencies during compliance reviews or complaint investigations.
- Promptly resolving areas of deficiency to ensure compliance with Title VI nondiscrimination requirements.

## 2.5 CHANGE OF TITLE VI COORDINATOR AND/OR HEAD OF DECISION-MAKING BODY'S TITLE OR "CAO"

If Title VI Coordinator or Title of CAO changes, this document and all other documents that name the coordinator, will immediately be updated, and an updated policy statement (and nondiscrimination agreement, if standalone) will be signed by the new Title of CAO.

## 2.6 ORGANIZATIONAL CHART

Organization Name or Abbreviation currently employs NUMBER staff which consist of the following job categories:

- |                                 |                   |
|---------------------------------|-------------------|
| • Executive Director            | • Dispatchers (2) |
| • Operations Coordinator        | • Scheduler       |
| • Finance Coordinator           | • Lead Driver     |
| • Administrative Assistants (2) | • Drivers (7)     |
| • Lead Dispatcher               |                   |

An organizational chart showing the Title VI Coordinator's place within the organization is in Appendix B.

## 2.7 SUBRECIPIENTS

Organization Name does not have pass through funds to any other organizations and, therefore, does not have any subrecipients. [If you pass through FTA funds to other organizations, include a description of how you monitor your subrecipients for compliance with Title VI, and a schedule for your subrecipients' Title VI Program submissions should be added to the Appendix of this document and referenced in this section.]

### 3.0 TITLE VI NONDISCRIMINATION POLICY STATEMENT

It is the policy of **The Organization Name (Abbreviation)**, as a federal-aid recipient, to ensure that no person shall, on the ground of **race, color, national origin, sex, creed (religion), age or disability**, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of our programs and activities, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and all other related nondiscrimination laws and requirements.

*Signature*

---

Type Name, Title of Responsible Official

---

Date

#### **Title VI and Related Authorities**

Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d) provides that, “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” The 1987 Civil Rights Restoration Act (P.L. 100-259) clarified and restored the original intent of Title VI by expanding the definition of “programs and activities” to include all programs and activities of federal-aid recipients, subrecipients, and contractors, whether such programs and activities are federally assisted or not.

Related nondiscrimination authorities include, but are not limited to: U.S. DOT regulation, 49 CFR part 21, “Nondiscrimination in Federally-assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act”; 49 U.S.C. 5332, “Nondiscrimination (Public Transportation)”; FTA Circular 4702.1B - Title VI Requirements and Guidelines for Federal Transit Administration Recipients; DOT Order 5610.2a, “Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”; FTA C 4703.1 - Environmental Justice Policy Guidance For Federal Transit Administration Recipients; Policy Guidance Concerning (DOT) Recipient’s Responsibilities to Limited English Proficient (LEP) Persons, 74 FR 74087; The Americans with Disabilities Act of 1990, as amended, P.L. 101-336; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 790; Age Discrimination Act of 1975, as amended 42 U.S.C. 6101; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601; Section 508 of the Rehabilitation Act of 1973, 29 U.S.C. 794d

#### **Implementation**

- This statement will be signed by the **CAO/CEO Title of the Organization Name** and re-signed whenever a new person assumes that position.
- The signed statement will be posted on office bulletin boards, near the receptionist’s desk, in meeting rooms, **at transit stops**, inside vehicles, and disseminated within brochures and other written materials.
- The *core* of the statement (signature excluded) will circulate *internally* within annual acknowledgement forms.
- The statement will be posted or provided in languages other than English, when appropriate.

## 4.0 NOTICE OF NONDISCRIMINATION

- **The Organization** operates its programs and services without regard to **race, color, national origin, sex, creed (religion), age, and disability** in accordance with Title VI of the Civil Rights Act and related statutes. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice may file a complaint with **the Organization**.
- For more information on **the Organization's** civil rights program, and the procedures to file a complaint, contact **800-555-1212**, (TTY **800-555-1111**); email **800-555-1212**, (TTY **800-555-1111**); or visit our administrative office at **1234 Center Street, City of USA, State 11111**. For more information, visit **www.city.ca.us**.
- If information is needed in another language, contact **800-555-1212**.
- A complainant may file a complaint directly with the North Carolina Department of Transportation by filing with the Office of Civil Rights, External Civil Rights Section, 1511 Mail Service Center, Raleigh, NC 27699-1511, Attention: Title VI Nondiscrimination Program; phone: 919-508-1808 or 800-522-0453, or TDD/TTY: 800-735-2962.
- A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

### Implementation

- The notice will be posted in its entirety on our website and in any documents and reports we distribute.
- The notice will be posted in our offices and **inside/on** our vehicles.
- Ads in newspapers and other publications shall include the following: "**Organization** operates without regard to **race, color, national origin, sex, creed (religion), age or disability**. For more information on **Organization's** Title VI program or how to file a discrimination complaint, please contact **phone**; **email**."
- The statement will be posted or provided in languages other than English, when appropriate.
- **See Appendix C** for Spanish and French versions of this notice.

## 5.0 PROCEDURES TO ENSURE NONDISCRIMINATORY ADMINISTRATION OF PROGRAMS AND SERVICES

We are committed to nondiscriminatory administration of our programs and services, organization wide. **Organization Name or Abbreviation** will remind employees of Title VI nondiscrimination obligations through staff training and use of the **Annual Education and Acknowledgment Form** below. The Title VI Coordinator will periodically assess program operations to ensure this policy is being followed.

### **Annual Education and Acknowledgement Form**

#### **Title VI Nondiscrimination Policy**

*(Title VI and related nondiscrimination authorities)*

No person shall, on the grounds of race, color, national origin, sex, age, creed, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of a Federal-aid recipient.

All employees and representatives of **Agency** are expected to consider, respect, and observe this policy in their daily work and duties. If any person approaches you with a civil rights-related question or complaint, please direct him or her to **Name of Title VI Coordinator** at **Contact Info**.

In all dealings with the public, use courtesy titles (e.g., Mr., Mrs., Miss, Dr.) to address or refer to them without regard to their race, color, national origin, sex, age or disability.

#### ***Acknowledgement of Receipt of Title VI Program***

I hereby acknowledge receipt of **Agency's** Title VI Program and other nondiscrimination guidelines. I have read the Title VI Program and I am committed to ensuring that no person is excluded from participation in or denied the benefits of **Agency's** programs, policies, services and activities on the basis of race, color, national origin, sex, age, creed (religion), or disability, as provided by Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

#### **Implementation**

- Periodically, but not more than **once a year**, employees and representatives will receive, review and certify commitment to the Title VI Program.
- New employees shall be informed of Title VI provisions and expectations to perform their duties, accordingly, asked to review the Title VI Program, and required to sign the acknowledgement form.
- Periodic review of operational practices and guidelines by the Title VI Coordinator to verify compliance with the Title VI Program. Maintain documents of each review on file.
- Signed acknowledgement forms and records of internal assessments will remain on file for **at least three years**.

## 6.0 CONTRACT ADMINISTRATION

**Organization Name** ensures all contractors will fulfill their contracts in a nondiscriminatory manner. While contractors are not required to prepare a Title VI Program, they must comply with the nondiscrimination requirements of the organization to which they are contracted. **Organization Name or Abbreviation** and its contractors will not discriminate in the selection and retention of contractors (at any level) or discriminate in employment practices in connection with any of our projects.

### 6.1 CONTRACT LANGUAGE

I. During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

**(1) Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally assisted programs of the U.S. Department of Transportation, Federal Transit Administration (FTA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

**(2) Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, creed (religion), low-income, limited English proficiency, or disability in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

**(3) Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.

**(4) Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FTA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FTA, as appropriate, and will set forth what efforts it has made to obtain the information.

**(5) Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FTA may determine to be appropriate, including, but not limited to:

- (a) withholding payments to the contractor under the contract until the contractor complies; and/or
- (b) cancelling, terminating, or suspending a contract, in whole or in part.

**(6) Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FTA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

II. During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following nondiscrimination statutes and authorities; including but not limited to:

#### Pertinent Nondiscrimination Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been

acquired because of Federal or Federal-aid programs and projects).

- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex).
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27.
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age).
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex).
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex).

- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100).
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).
- Federal transit laws, specifically 49 U.S.C. § 5332 (prohibiting discrimination based on race, color, religion, national origin, sex (including gender identity), disability, age, employment, or business opportunity).

\*The Contractor has read and is familiar with the terms above:

**Contractor's Initials**

**Date**

### Implementation

- The nondiscrimination language above (**with** initials line) will be appended to any *existing* contracts, purchase orders, and agreements that do not include it, and initialed by the responsible official of the other organization.
- The nondiscrimination language above (**without** initials line) will be incorporated as standard language before the signature page of our standard contracts, purchase orders, and agreements.
- The Title VI Coordinator will review *existing* contracts to ensure the language has been added.

## 6.2 NONDISCRIMINATION NOTICE TO PROSPECTIVE BIDDERS

The **Organization Name**, in accordance with Title VI of the Civil Rights Act of 1964 and related nondiscrimination authorities, and Title 49 Code of Federal Regulations, Parts 21 and 26, hereby notifies all bidders that it will affirmatively insure that in any contact entered into pursuant to this advertisement, minority and women business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, creed, limited English proficiency, low-income, or disability in consideration for an award.

**Implementation**

- The nondiscrimination language above will be included in all solicitations for bids for work or material and proposals for negotiated agreements to assure interested firms that we provide equal opportunity and do not discriminate.
- Outreach efforts will be made to minority and women-owned firms that work in requested fields and documented.
- Unless specifically required under Disadvantaged Business Enterprise (DBE) or Affirmative Action programs, all contractors will be selected without regard to their race, color, national origin, or sex.



## 7.0 EXTERNAL DISCRIMINATION COMPLAINT PROCEDURES

These discrimination complaint procedures outline the process used by **Organization Name (Abbreviation)** to process complaints of alleged discrimination filed under Title VI of the Civil Rights Act of 1964 and related nondiscrimination laws that are applicable to **Organization Name or Abbreviation** programs, services, and activities. Complaints will be investigated by the appropriate authority. Upon completion of an investigation, the complainant will be informed of all avenues of appeal. Every effort will be made to obtain early resolution of complaints at the lowest level possible by informal means.

### FILING OF COMPLAINTS

1. **Applicability** – These procedures apply to the beneficiaries of our programs, activities, and services, such as the members of the public and any consultants/contractors we hire.
2. **Eligibility** – Any person or class of persons who believes that he/she has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities based upon race, color, sex, age, national origin, creed (religion) or disability, may file a written complaint. The law prohibits intimidation or retaliation of any sort. The complaint may be filed by the affected individual or a representative and must be in writing.
3. **Time Limits and Filing Options** – A complaint must be filed no later than 180 calendar days after the following:
  - The date of the alleged act of discrimination; or
  - The date when the person(s) became aware of the alleged discrimination; or
  - Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

Complaints may be submitted to the following entities:

- **Organization Name and Contact Information**
  - **North Carolina Department of Transportation**, Office of Civil Rights, External Civil Rights Section, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919-508-1830 or toll free 800-522-0453
  - **US Department of Transportation**, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590; 202-366-4070  
**Federal Transit Administration**, Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5<sup>th</sup> Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590
  - **US Department of Justice**, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530, 202-514-6255 or toll free 877-218-5228
4. **Format for Complaints** – Complaints shall be in **writing** and **signed** by the complainant(s) or a representative and include the complainant's name, address, and telephone number. Complaints received by fax or e-mail will be acknowledged and processed. Allegations received by telephone or in person will be reduced to writing, may be recorded and will be provided to the complainant for confirmation or revision before processing. Complaints will be accepted in other languages, including Braille.
  5. **Discrimination Complaint Form** – The Discrimination Complaint Form is consistent with the FTA Certifications & Assurances, "Nondiscrimination Assurance."
  6. **Complaint Basis** – Allegations must be based on issues involving race, color, national origin, sex, age, creed (religion) or disability. The term "basis" refers to the complainant's membership in a protected group category.

Protected Categories	Definition	Examples	Applicable Statutes and Regulations
			FTA
Race	An individual belonging to one of the accepted racial groups; or the perception, based usually on physical characteristics that a person is a member of a racial group	Black/African American, Hispanic/Latino, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White	Title VI of the Civil Rights Act of 1964. 49 CFR Part 21. 49 U.S.C. 5332(b). FTA Circular 4702.1B
Color	Color of skin, including shade of skin within a racial group	Black, White, brown, yellow, etc.	
National Origin	Place of birth. Citizenship is not a factor. Discrimination based on language or a person's accent is also covered.	Mexican, Cuban, Japanese, Vietnamese, Chinese	
Sex	Gender	Women and Men	49 U.S.C. 5332(b); Title IX of the Education Amendments of 1972
Age	Persons of any age	21-year-old person	Age Discrimination Act of 1975
Disability	Physical or mental impairment, permanent or temporary, or perceived.	Blind, alcoholic, paraplegic, epileptic, diabetic, arthritic	Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990
Creed	Religion.	Muslim, Christian, Hindu, Atheist	49 U.S.C. 5332(b)

### Complaint Processing

1. When a complaint is received, an Acknowledgment Letter and a Complainant Consent/Release Form will be mailed to the complainant within ten (10) business days by registered mail.
2. We will consult with the NCDOT Title VI Program to determine the acceptability and jurisdiction of all complaints received. (Note: If NCDOT will investigate, the Title VI Program will be responsible for the remainder of this process. We will record the transfer of responsibility in our complaints log).
3. Additional information will be requested if the complaint is incomplete. The complainant will be provided 15 business days to submit any requested information and the signed Consent Release form. Failure to do so may be considered good cause for a determination of no investigative merit.
4. Upon receipt of the requested information and determination of jurisdiction, we will notify the complainant and respondent of whether the complaint has enough merit to warrant investigation.
5. If the complaint is investigated, the notification shall state the grounds of our jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
6. If the complaint does not warrant investigation, the notification to the complainant shall specifically state the reason for the decision.

### Complaint Log

1. When a complaint is received, the complaint will be entered into the Discrimination Complaints Log with other pertinent information and assigned a **Case Number**. (Note: All complaints must be logged).
2. The complaints log will be submitted to the NCDOT's Civil Rights office during Title VI compliance reviews. (Note: NCDOT may also be request the complaints log during pre-grant approval processes).
3. The **Log Year(s)** since the last submittal will be entered (e.g., 2015-2018, 2017-2018, FFY 2018, or 2018) and the complaints log will be signed before submitting the log to NCDOT.
4. When reporting **no complaints**, check the **No Complaints or Lawsuits** box and sign the log.

**Organization Name**

**DISCRIMINATION COMPLAINT FORM**

**Any person who believes that he/she has been subjected to discrimination based upon race, color, creed, sex, age, national origin, or disability may file a written complaint with **Organization Name**, within 180 days after the discrimination occurred.**

Last Name:	First Name:	<input type="checkbox"/> Male <input type="checkbox"/> Female
------------	-------------	--

Mailing Address:	City	State	Zip
------------------	------	-------	-----

Home Telephone:	Work Telephone:	E-mail Address
-----------------	-----------------	----------------

Identify the Category of Discrimination:

<input type="checkbox"/> RACE	<input type="checkbox"/> COLOR	<input type="checkbox"/> NATIONAL ORIGIN	<input type="checkbox"/> SEX
<input type="checkbox"/> CREED (RELIGION)	<input type="checkbox"/> DISABILITY	<input type="checkbox"/> LIMITED ENGLISH PROFICIENCY	<input type="checkbox"/> AGE

\*NOTE: Title VI bases are race, color, national origin. All other bases are found in the "Nondiscrimination Assurance" of the FTA Certifications & Assurances.

Identify the Race of the Complainant

<input type="checkbox"/> Black	<input type="checkbox"/> White	<input type="checkbox"/> Hispanic	<input type="checkbox"/> Asian American
<input type="checkbox"/> American Indian	<input type="checkbox"/> Alaskan Native	<input type="checkbox"/> Pacific Islander	<input type="checkbox"/> Other _____

Date and place of alleged discriminatory action(s). Please include earliest date of discrimination and most recent date of discrimination.

Names of individuals responsible for the discriminatory action(s):

How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. **(Attach additional page(s), if necessary).**

The law prohibits intimidation or **retaliation** against anyone because he/she has either taken action, or participated in action, to secure rights protected by these laws. If you feel that you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation.

Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint: (Attached additional page(s), if necessary).

<u>Name</u>	<u>Address</u>	<u>Telephone</u>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

**DISCRIMINATION COMPLAINT FORM**

Have you filed, or intend to file, a complaint regarding the matter raised with any of the following? If yes, please provide the filing dates. Check all that apply.

- NC Department of Transportation \_\_\_\_\_
- Federal Transit Administration \_\_\_\_\_
- US Department of Transportation \_\_\_\_\_
- US Department of Justice \_\_\_\_\_
- Federal or State Court \_\_\_\_\_
- Other \_\_\_\_\_

Have you discussed the complaint with any **Organization Name or Abbreviation** representative? If yes, provide the name, position, and date of discussion.

Please provide any additional information that you believe would assist with an investigation.

Briefly explain what remedy, or action, are you seeking for the alleged discrimination.

**\*\*WE CANNOT ACCEPT AN UNSIGNED COMPLAINT. PLEASE SIGN AND DATE THE COMPLAINT FORM BELOW.**

\_\_\_\_\_  
**COMPLAINANT'S SIGNATURE**

\_\_\_\_\_  
**DATE**

**MAIL COMPLAINT FORM TO:**

**ORGANIZATION NAME**  
**STREET ADDRESS**  
**CITY, NC ZIP CODE**  
**EMAIL**  
**PHONE**

**FOR OFFICE USE ONLY**

Date Complaint Received: \_\_\_\_\_

Processed by: \_\_\_\_\_

Case #: \_\_\_\_\_

Referred to:  NCDOT  FTA Date Referred: \_\_\_\_\_



## **INVESTIGATIVE GUIDANCE**

- A. Scope of Investigation** – An investigation should be confined to the issues and facts relevant to the allegations in the complaint, unless evidence shows the need to extend the issues.
- B. Developing an Investigative Plan** – It is recommended that the investigator prepares an Investigative Plan (IP) to define the issues and lay out the blueprint to complete the investigation. The IP should follow the outline below:
1. Complainant(s) Name and Address (Attorney name and address if applicable)
  2. Respondent(s) Name and Address (Attorney for the Respondent(s) name and address)
  3. Applicable Law(s)
  4. Basis/(es)
  5. Allegation(s)/Issue(s)
  6. Background
  7. Name of Persons to be interviewed
    - a. Questions for the complainant(s)
    - b. Questions for the respondent(s)
    - c. Questions for witness(es)
  8. Evidence to be obtained during the investigation
    - a. Issue – e.g., Complainant alleges his predominantly African American community was excluded from a meeting concerning a future project which could affect the community.
      - i. Documents needed: e.g., mailing list which shows all physical addresses, P.O. Box numbers, property owner names, and dates when the meeting notification was mailed; other methods used by the RPO to advertise the meeting.
- C. Request for Information** – The investigator should gather data and information pertinent to the issues raised in the complaint.
- D. Interviews** – Interviews should be conducted with the complainant, respondent, and appropriate witnesses during the investigative process. Interviews are conducted to gain a better understanding of the situation outlined in the complaint of discrimination. The main objective during the interview is to obtain information that will either support or refute the allegations.
- E. Developing an Investigative Report** – The investigator should prepare an investigative report setting forth all relevant facts obtained during the investigation. The report should include a finding for each issue. A sample investigative report is provided below.

## A. TEMPLATE/SAMPLE Investigative Report

**I. COMPLAINANT(S) NAME** (or attorney for the complainant(s) – name and address if applicable)

Name, Address, Phone: 999-999-9999

**II. RESPONDENT(S)** (or attorney for the respondent(s) – name and address if applicable)

Name, Address, Phone: 999-999-9999

**III. APPLICABLE LAW/REGULATION**

[For example, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); 49 CFR §21.11; 49 CFR §26.53]

**IV. COMPLAINT BASIS/(ES)**

[For example, Race, Color, National Origin, Creed (Religion), Sex, Age, Disability]

**V. ISSUES/ALLEGATIONS**

[Describe in logical sequence, each allegation including the prohibited basis for the alleged discriminatory conduct, (e.g., race, color, creed, sex, national origin, age, or disability) and the specific statutory or regulatory provision the allegation would violate, if proven to be true.]

Issue #1 – Complainant alleges that transit system failed to inform minority communities of rate increases.

Issue #2 – Complainant alleges that transit system has not sufficiently publicized or held public meetings to share information regarding fare increases and route changes that impacts low-income and minority citizens.

**VI. BACKGROUND**

[Provide detailed information regarding the complaint, including a historical overview of the case, including any activities or actions taken prior to accepting the complaint for investigation.]

**VII. INVESTIGATIVE PROCEDURE**

[Describe in detail, methods used to conduct the investigation, such as document requests, interviews and site visits. Include witnesses' names and addresses, documents received and/or reviewed, emails sent and received.]

**VIII. ISSUES / FINDINGS OF FACT**

[Provide a detailed description of the investigator's analysis of each allegation, based on clear and factual findings. Include specific evidence used to support your findings.]

**IX. CONCLUSION**

[State whether discrimination did or did not occur. Conclusions must be evidence-based and defensible. Test conclusions by considering all possible rebuttal arguments from the respondent and complainant. Both respondent and the complainant should be given an opportunity to confirm or rebut the assertions of the other party and your findings, but all the evidence you've presented should speak for itself.]

**X. RECOMMENDED ACTIONS**

[Outline what should be done to remedy the findings or, if necessary, provide justice for the complainant.]

**APPENDIX**

[Include in the Appendix any supplemental materials that support your findings and conclusion.]



## 8.0 SERVICE AREA POPULATION CHARACTERISTICS

To ensure that Title VI reporting requirements are met, we will collect and maintain population data on potential and actual beneficiaries of our programs and services. This section contains relevant population data for our overall service area. This data provides context for the Title VI Nondiscrimination Program and will be used to ensure nondiscrimination in public outreach and delivery of our programs and services.

### 8.1 RACE AND ETHNICITY

The following table was completed using data from Census Table QT-P3, Race and Hispanic or Latino Origin: 2010:

1. Open the following link:  
[http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC\\_10\\_SF1\\_QTP3&prodType=table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_SF1_QTP3&prodType=table)
2. Add your service or geographical area using the **Add/Remove Geographies** button at the Census page that opens.
3. Use data from the table to add information for the races below.
4. Once you're done, delete this highlighted text.

Race and Ethnicity	Number	Percent
Total Population		100
White		
Black or African American		
American Indian or Alaska Native		
Asian		
Native Hawaiian and Other Pacific Islander		
Some other Race		
Two or More Races		
HISPANIC OR LATINO (of any race)		
Mexican		
Puerto Rican		
Cuban		
Other Hispanic or Latino		

### 8.2 AGE & SEX

The following table was completed using data from Census Table QT-P1, Age Groups and Sex: 2010:

1. Open the following link:  
[http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC\\_10\\_SF1\\_QTP1&prodType=table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_SF1_QTP1&prodType=table)
2. Add your service or geographical area using the **Add/Remove Geographies** button at the Census page that opens.
3. Use data from the table to add information for the races below.
4. Once you're done, delete this highlighted text.
5. Note: The Census may not have data for some municipalities. If it does not have data for your location, then delete all of Section 7.3 from this plan.

Age	Number			Percent		
	Both sexes	Male	Female	Both sexes	Male	Female
Total Population				100%	100%	100%
Under 5 years						
Under 18 years						
18 to 64 years						
65 years and over						
<b>Median Age</b>						

### 8.3 DISABILITY

The following table was completed using data from Census Table S1810, Disability Characteristics:

1. Open the following link:  
[http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_13\\_1YR\\_S1810&prodType=table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_13_1YR_S1810&prodType=table)
2. Add your service or geographical area using the **Add/Remove Geographies** button at the Census page that opens.
3. Use data from the table to add information for the races below.
4. Once you're done, delete this highlighted text.
5. Note: The Census may not have data for some municipalities. If it does not have data for your location, then delete all of Section 7.4 from this plan.

Subject	Total		With a Disability		Percent with a Disability	
	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-
Total civilian noninstitutionalized population						
Population under 5 years						
Population 5 to 17 years						
Population 18 to 64 years						
Population 65 years and over						
SEX						
Male						
Female						
<b>RACE AND HISPANIC OR LATINO ORIGIN</b>						
White						
Black or African American						
American Indian and Alaska Native						
Asian						
Native American and Other Pacific Islander						
Some other Race						
Two or more races						
Hispanic or Latino						

### 8.4 POVERTY

The following table was completed using data from Census Table S1701, Poverty Status in the Past 12 Months:

1. Open the following link:  
[http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_13\\_1YR\\_S1701&prodType=table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_13_1YR_S1701&prodType=table)
2. Add your service or geographical area using the **Add/Remove Geographies** button at the Census page that opens.
3. Use data from the table to add information for the races below.
4. Once you're done, delete this highlighted text.
5. Note: The Census may not have data for some municipalities. If it does not have data for your location, then delete all of Section 7.2 from this plan.

Subject	Total		Below poverty level		Percent below poverty level	
	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-
Population for whom poverty status is determined						
<b>AGE</b>						
Under 18						
18 to 64						
65 years and over						
<b>SEX</b>						
Male						
Female						
<b>RACE AND HISPANIC OR LATINO ORIGIN</b>						
White						
Black or African American						
American Indian and Alaska Native						
Asian						
Native American and Other Pacific Islander						
Some other Race						
Two or more races						
Hispanic or Latino						
<b>RACE AND HISPANIC OR LATINO ORIGIN</b>						
All individuals below:						
50 percent of poverty level						
125 percent of poverty level						
150 percent of poverty level						
185 percent of poverty level						
200 percent of poverty level						

### 8.5 HOUSEHOLD INCOME

The following table was completed using data from Census Table S1901, Income in the Past 12 Months (In 2013 Inflation-Adjusted Dollars):

1. Open the following link:  
[http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_13\\_1YR\\_S1901&prodType=table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_13_1YR_S1901&prodType=table)
2. Add your service or geographical area using the **Add/Remove Geographies** button at the Census page that opens.
3. Use data from the table to add information for the races below.

4. Once you're done, delete this highlighted text.
5. Note: The Census may not have data for some municipalities. If it does not have data for your location, then delete all of Section 7.4 from this plan.

Subject	Households	
	Estimate	Margin of Error +/-
Total		
Less than \$10,000		
\$10,000 to \$14,999		
\$15,000 to \$24,999		
\$25,000 to \$34,999		
\$35,000 to \$49,999		
\$50,000 to \$74,999		
\$75,000 to \$99,999		
\$100,000 to \$149,999		
\$150,000 to \$199,999		
\$200,000 or more		
Median income (dollars)		
Mean income (dollars)		

### 8.6 LIMITED ENGLISH PROFICIENCY POPULATIONS

Complete the table below utilizing data from Census table B16001 To get started:

1. Open the following link:  
[http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_13\\_5YR\\_B16001&prodType=table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_13_5YR_B16001&prodType=table)
2. Add your service area using the **Add/Remove Geographies** button at the Census page that opens.
3. In the upper right corner of the page, select **VIEW ALL AS PDF**.
4. Utilize the PDF to complete the table in Factor #1 of Section 8.5 of this document. Insert the PDF within the Appendix at the end of this entire document.
5. Once you're done, delete #1 to 3 of this highlighted text.

### 8.7 POPULATION LOCATIONS

Federal-aid recipients are required to identify the characteristics and locations of populations they serve, particularly by race/ethnicity, poverty and limited English proficiency. We will document this narratively or through maps that overlay boundaries and demographic features on specific communities, and provide this information to NCDOT, upon request.

## 9.0 TITLE VI EQUITY ANALYSES (AND ENVIRONMENTAL JUSTICE ASSESSMENTS)

**Title VI Equity Analyses.** In accordance with FTA Circular 4702.1B, a Title VI equity analysis will be conducted whenever we construct a facility, such as a vehicle storage facility, maintenance facility, or operation center. The equity analysis will be conducted during the planning stage, with regard to the location of the facility, to determine if the project could result in a disparate impact to minority communities based on race, color or national origin. Accordingly, we will look at various alternatives before selecting a site for the facility. Project-specific demographic data on potentially affected communities and their involvement in decision-making activities will be documented. Title VI Equity Analyses will remain on file

indefinitely, and copies will be provided to NCDOT, upon request, during compliance reviews or complaint investigations.

**Environmental Justice Analyses.** As required by FTA C 4703.1, environmental justice (EJ) analyses will be conducted to determine if our programs, policies, or activities will result in disproportionately high and adverse human health and environmental effects on minority populations and low-income populations. EJ applies to our projects, such as when we construct or modify a facility, and our policies, such as when there will be a change in service, amenities or fares. Thus, we will look at various alternatives and seek input from potentially affected communities before making a final decision. Demographic data will be collected to document their involvement in the decision-making process. EJ analyses will remain on file indefinitely, and copies will be provided to NCDOT, upon request, during compliance reviews or complaint investigations.

## 10.0 PUBLIC INVOLVEMENT

**[INSTRUCTIONS: This section is intended to serve as a template for development of Public Participation Plans for Title VI-related public outreach initiatives and ongoing programs. This template should be tailored to incorporate program or project-specific goals and objectives for public participation, as well as to describe target audience, planned outreach activities, anticipated communication materials, and documentation methods. Delete this paragraph after completing all of Section 6.0.]**

### 10.1 INTRODUCTION

Effective public involvement is a key element in addressing Title VI in decision-making. This **Public Participation Plan** describes how **Organization Name (Abbreviation)** will disseminate vital agency information and engage the public. We will seek out and consider the input and needs of interested parties and groups traditionally underserved by transportation systems who may face challenges accessing our services, such as minority and limited English proficient (LEP) persons. Underlying these efforts is our commitment to determining the most effective outreach methods for a given project or population.

General public involvement practices will include:

- Expanding traditional outreach methods. Think outside the box: Go to hair salons, barbershops, street fairs, etc.
- Providing for early, frequent and continuous engagement by the public.
- Use of social media and other resources as a way to gain public involvement.
- Coordinating with community- and faith-based organizations such as the Hispanic Liaison, educational institutions, and other entities to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
- Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.
- Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP persons could also include audio programming available on podcasts.

### 10.2 PUBLIC NOTIFICATION

Passengers and other interested persons will be informed of their rights under Title VI and related authorities with regard to our program. The primary means of achieving this will be posting and disseminating the policy statement and notice as stipulated **in Sections 3.0 and 4.0, respectively**. Additional measures may include verbally announcing our obligations and the public's rights at meetings, placing flyers at places frequented by targeted populations, and an equal opportunity tag-on at the end of radio announcements. The method of notification will be determined through an initial screening of the area.

### 10.3 DISSEMINATION OF INFORMATION

Information on Title VI and other programs will be crafted and disseminated to employees, contractors and subrecipients, stakeholders, and the general public. Public dissemination efforts may vary depending on factors present, but will generally include: posting public statements setting forth our nondiscrimination policy in eye-catching designs and locations; placing brochures in public places, such as government offices, transit facilities, and libraries; having nondiscrimination language within contracts; including nondiscrimination notices in meeting announcements and handouts; and displaying our Notice of Nondiscrimination at all our public meetings.

At a minimum, nondiscrimination information will be disseminated on our website and on posters in conspicuous areas at our office(s). Project-related information and our most current Title VI-related information will be maintained online.

## 10.4 MEETINGS AND OUTREACH

There is no one-size-fits-all approach to public involvement. A variety of comprehensive and targeted public participation methods will be used to facilitate meaningful public involvement. Methods for engaging stakeholders and target audiences, including traditionally underserved and excluded populations (i.e., minorities, youth, low-income, the disabled, etc.) will include the following:

### Public Relations and Outreach

Public relations and outreach (PRO) strategies aim to conduct well-planned, inclusive and meaningful public participation events that foster good relations and mutual trust through shared decision-making with the communities we serve.

- We will seek out and facilitate the involvement of those potentially affected.
- Public events will aim to be collaborative, fun, and educational for all, rather than confrontational and prescriptive.
- Media plans will typically involve multiple channels of communication like mailings, radio, TV, and newspaper ads.
- Abstract objectives will be avoided in meeting announcements. Specific “attention-grabbing” reasons to attend will be used, such as “Help us figure out how to relieve congestion on [corridor name]” or “How much should it cost to ride the bus? Let us know on [date].”
- Efforts will be made to show how the input of participants can, or did, influence final decisions.
- We will do our best to form decision-making committees that look like and relate to the populations we serve.
- We will seek out and identify community contacts and partner with local community- and faith-based organizations that can represent, and help us disseminate information to, target constituencies.
- Demographic data will be requested during public meetings, surveys, and from community contacts and committee members.

### Public Meetings

“Public meeting” refers to any meeting open to the public, such as hearings, charrettes, open house and board meetings.

- Public meetings will be conducted at times, locations, and facilities that are convenient and accessible.
- Meeting materials will be available in a variety of predetermined formats to serve diverse audiences.
- An assortment of advertising means may be employed to inform the community of public meetings.
- Assistance to persons with disabilities or limited English proficiency will be provided, as required.

### Small Group Meetings

A small group meeting is a targeted measure where a meeting is held with a specific group, usually at their request or consent. These are often closed meetings, as they will typically occur on private property at the owner’s request.

- If it is determined that a targeted group has not been afforded adequate opportunities to participate, the group will be contacted to inquire about possible participation methods, including a group meeting with them individually.
- Unless unusual circumstances or safety concerns exist, hold the meeting at a location of the target group’s choosing.
- Share facilitation duties or relinquish them to members of the target group.



- Small group discussion formats may be integrated into larger group public meetings and workshops. When this occurs, the smaller groups will be as diverse as the participants in the room.

Community Surveying

- Opinion surveys will occasionally be used to obtain input from targeted groups or the general public on their transportation needs, the quality or costs of our services, and feedback on our public outreach efforts.
- Surveys may be conducted via telephone, door-to-door canvassing, at community fairs, by placing drop boxes in ideal locations, or with assistance from other local agencies like social services.
- Surveys will be translated into languages other than English, when appropriate.

**10.5 LIMITED ENGLISH PROFICIENCY**

Limited English Proficient (LEP) persons are individuals for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. These individuals reported to the U.S. Census Bureau that they speak English less than very well.

To comply with USDOT’s LEP Policy Guidance and Executive Order 13166, this section of our Title VI Plan outlines the steps we will take to ensure meaningful access by LEP persons to all benefits, services and information provided under our programs and activities. A four-factor analysis was conducted to determine the LEP language groups present in our planning area and the specific language services that are needed.

**Four Factor Analysis**

This Four Factor Analysis is an individualized assessment that balances the following four factors:

- (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
- (2) The frequency with which LEP individuals come in contact with the program.
- (3) The nature and importance of the program, activity, or service provided by the recipient to people’s lives; and
- (4) The resources available to the recipient and costs.

**Factor #1: *The number or proportion of LEP persons eligible to be served or likely to be encountered by the program, activity, or service of the recipient.***

[Factor 1 requires you to report LEP Census data for your service area. Complete the table below utilizing data from Census table B16001, which divides data simply as “very well” or “less than very well,” that you collected in Section 8.6, Service Area Demographics. Replace the yellow text in the table with every language group that has at least 1,000 people who speak English less than very well, or those with less than 1,000 LEP persons that reaches 1,000 people when the margin of error (MOE) is added to the estimate. If no language groups reach 1,000 with or without the MOE then only put the top three non-English languages in the table and explain in the narrative section below that none met the threshold. **Add additional rows to the table, if necessary.** Factors 2 – 4 must be completed even if no language groups meet the safe harbor threshold, but with qualifiers for *in case* an LEP person or group is encountered or affected.]

LANGUAGE SPOKEN AT HOME	Estimate	Margin of Error	Percent of Population	Margin of Error
<b>Total</b> (population 5 years and over):		<b>+/-</b>	<b>100%</b>	<b>(X)</b>
Speak only English		+/-	%	+/- %
Spanish or Spanish Creole:		+/-	%	+/- %

Speak English "very well"		+/-	%	+/- %
Speak English less than "very well"		+/-	%	+/- %
<b>Spanish or Spanish Creole:</b>		+/-	%	+/- %
Speak English "very well"		+/-	%	+/- %
Speak English less than "very well"		+/-	%	+/- %
<b>Spanish or Spanish Creole:</b>		+/-	%	+/- %
Speak English "very well"		+/-	%	+/- %
Speak English less than "very well"		+/-	%	+/- %

[Narratively discuss here anything significant about the findings, such as whether any LEP groups did or did not reach 5% or 1,000, whichever is less, including where the groups in the table are located **geographically** within your service area. Do not simply repeat specific numbers from the table. Discuss what the information means to you. **Make sure all info from a(1) of Chap. III-7 of FTA 4702.1B is detailed here]**

**Factor #2: The frequency with which LEP individuals come in contact with the program.**

**[This section can be completed narratively, as a paragraph.** For Factor 2, document how often LEP individuals (do or could) encounter your program. Think of it along the lines of *once a month, twice a week, several times a day*. This also means including *how they encounter* it (e.g., meetings, specific routes, dispatch service). Meetings also provide *opportunities* for contact, so if you have public meetings and also have LEP populations in your area who rarely show up, recognizing these as opportunities for contact should be stated in this section and factored into your outreach planning to LEP communities later in this plan. **Make sure all applicable info from a(2) of Chap. III-7 of FTA 4702.1B is detailed here]**

**Factor #3: The nature and importance of the program, activity, or service provided by the recipient to people's lives.**

**[This section can be completed narratively, as a paragraph.** For Factor 3, referring back to Section 2.1, summarize what services of yours most often, or potentially could most often, come into contact with LEP persons. In other words, you must determine which of your programs, activities, and services are most important to LEP and other persons to complete this Factor. If you do not currently know this information, discuss here how you intend to figure out how important your services are to these groups. Utilize strategies under Section 10.4 to achieve this. Specify which ones you will use.]

**Factor #4: The resources available to the recipient and costs.**

**[This section can be completed narratively, as a paragraph, or include charts.** For Factor 4, resources include more than just financial resources. Community-based organizations ("language assistance resource contacts," LARCs) can be a cost-effective means of disseminating information to LEP groups. Therefore, for this Factor, not only should you discuss cost issues and constraints on translating materials, but you should also state whether you already do or plan to partner with LARCs to spread information amongst LEP persons, and when you will do so. Technological resources should also be listed. Note: Large entities and those entities serving a significant number of LEP persons should ensure that their resource limitations are well substantiated before using this factor as a reason to limit language assistance.]

## LANGUAGE ASSISTANCE PLAN

As a result of the above four factor analysis, a Language Assistance Plan (Plan) was required. This Plan represents our commitment to ensuring nondiscrimination and meaningful access by persons who are Limited English Proficient (LEP). This Plan also details the mechanisms we will use to reach LEP persons, and the language assistance services we provide. We will provide services to any person, upon request. If an individual is LEP, we will work with the individual to ensure they receive the needed transportation service. Our employees will be routinely oriented on the principles and practices of Title VI and LEP to ensure fairness in the administration of this Plan.

or

As a result of the above four factor analysis, a Language Assistance Plan (LAP) was not required. However, reasonable attempts will be made to accommodate any persons encountered who require written translation or oral interpretation services.

### Language Assistance Measures

The following general language assistance measures are reasonable and achievable for our organization at this time:

- Translating public notices posted in the local paper and at stations, stops, and in vehicles into **any languages that meet the safe harbor threshold in Factor 1**.
- Vital documents—such as brochures with service times and routes—are translated into **Name languages** across the entire service area, and available in our facilities, doctor's offices and shopping centers.
- Making a concerted effort to inform LEP persons of available language assistance via staff, broadcast media, relationship-building with organizations, and our website.
- Posting vital bulletin board information and disseminating community surveys in various languages.
- Providing translation and interpretive services when appropriate (upon request or predetermined) at meetings.
- Determining how best to take public involvement to LEP groups directly, including through small group meetings.
- **Language line translation services at our call center.**
- Where possible, utilizing or hiring staff who speak a language other than English and can provide competent language assistance.
  - Note: We will not ask community-based organizations (CBO) to provide, or serve as, interpreters at our meetings. Relying upon CBOs in that capacity could raise ethical concerns. If a CBO decides (on its own) to translate any materials for its constituents, or bring interpreters it trusts to our meetings, we will not object. That is their right.
- Using language identification flashcards to determine appropriate services.
- Establishing a process to obtain feedback on our language assistance measures.

### Specific Measures by Language Group – **NOTE: THIS SECTION DOES NOT HAVE TO BE COMPLETED IF THE SAFE HARBOR THRESHOLD IS NOT MET FOR ANY LANGUAGE**

[For this part, specify the measures you have determined are most effective to involve each language group that met the safe harbor thresholds in Factor #1 of the Four Factor Analysis beyond the general list directly above. **Delete this whole part if no language groups met the thresholds.**]

- Spanish:
- Vietnamese:
- Russian:

### Written Translation and Oral Interpretation

Vital documents will be translated for each eligible LEP language group in our service area that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be encountered. Translated materials will be placed online and in appropriate public (or private) places

accessible to LEP persons. The safe harbor provisions apply to the translation of written documents only, and 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. When appropriate, translation of any document will be communicated orally in the appropriate language.

In the event that the 5% trigger is reached for a LEP language group that is fewer than 50 persons, written notice will be provided in the primary language of that group of the right to receive competent oral interpretation of vital written materials, free of cost. The most effective method of notice, which could be an ad in the local newspaper or other publication, a radio commercial, or door hangers, will be determined in consideration of the circumstances on the ground and in coordination with LEP community contacts.

#### Staff Support for Language Assistance

- Agency staff (including call center staff) will be provided a list of referral resources that can assist LEP persons with written translation and oral interpretation, including the Title VI Officer and any outside consultant contracted to provide language services. This list will be updated as needed to remain current.
- All main offices and vehicles will have on hand a supply of language assistance flashcards and materials translated into the languages of the largest LEP language groups. When encountered by an LEP person, staff (including drivers) should present the individual with an iSpeak flashcard and let them choose the language. Do not assume you know their preferred language. Drivers are permitted to seek volunteer assistance from other passengers before contacting a referral resource. Document the encounter and report it to the Title VI Coordinator.
- Training: All employees will be instructed on our procedures for providing timely and reasonable assistance to LEP persons. New employee orientation will also explain these procedures to new hires. Staff routinely encountering LEP persons by telephone or in person will receive annual refresher training. All other employees will be reminded of LEP through annual Title VI program acknowledgements (Section 5.0) and basic Title VI trainings (Section 11.0).

#### Project-Specific LEP Outreach

A project-specific four factor analysis will be conducted for any project or outreach event limited to a specific geographical area (i.e., the project study area or outreach area, respectively). Language assistance will be provided in accordance with the measures already outlined, including translating written materials for each LEP language group that is 5% or 1,000, whichever is less, of the project or outreach area population.

#### Monitoring and Updating the LAP

Monitoring of daily interactions with LEP persons will be continuous, thus language assistance techniques may be refined at any time. This Plan will be periodically reviewed—at least annually—to determine if our assistance measures and staff training are working. Resource availability and feedback from agency staff and the general public will be factors in the evaluation and any proposed updates. Among other practices, this process will include working with LEP community contacts to determine if our employees are responding appropriately to requests made with limited English or in languages other than English, and observing how agency staff responds to requests, including observing drivers or surveying riders. To the best of our ability, we will attempt to never eliminate a successful existing LEP service. Significant LEP program revisions will be approved or adopted by our board or designated official and dated accordingly. LEP data and procedures will be reviewed and updated at least once every three years.

### 10.6 DEMOGRAPHIC REQUEST

The following form was used to collect required data on Key Community Contacts and nonelected committee members.

**Agency Name** is required by Title VI of the Civil Rights Act of 1964 and related authorities to record demographic information on members of its boards and committees. Please provide the following information:

<b>Race/Ethnicity:</b> <input type="checkbox"/> White <input type="checkbox"/> Black/African American <input type="checkbox"/> Asian <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Native Hawaiian/Pacific Islander <input type="checkbox"/> Hispanic/Latino <input type="checkbox"/> Other (please specify): _____	<b>National Origin:</b> (if born outside the U.S.) <input type="checkbox"/> Mexican <input type="checkbox"/> Central American: _____ <input type="checkbox"/> South American: _____ <input type="checkbox"/> Puerto Rican <input type="checkbox"/> Chinese <input type="checkbox"/> Vietnamese <input type="checkbox"/> Korean <input type="checkbox"/> Other (please specify): _____
<b>Gender:</b> <input type="checkbox"/> Male <input type="checkbox"/> Female	<b>Age:</b> <input type="checkbox"/> Less than 18 <input type="checkbox"/> 45-64 <input type="checkbox"/> 18-29 <input type="checkbox"/> 65 and older <input type="checkbox"/> 30-44
<b>Disability:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>I choose not to provide any of the information requested above:</b> <input type="checkbox"/>	

Completed forms will remain on file as part of the public record. For more information regarding Title VI or this request, please contact the **Agency Name** at **[phone number]** or by email at **[email address]**.

Please sign below acknowledging that you have completed this form.

Thank you for your participation!

**Name (print):** \_\_\_\_\_  
**Signature:** \_\_\_\_\_

<p><b>Implementation</b></p> <ul style="list-style-type: none"> <li>Forms will be completed prior to NCDOT Title VI reviews and remain on file for three years.</li> <li>All new and existing members of appointed decision-making boards or committees will be <b>required</b> to complete this form for reporting purposes.</li> <li>If a member, for whatever reason, selects “<i>I choose not to provide any of the information requested above,</i>” this will be accepted as a <b>completed</b> form.</li> <li>If a member chooses not to provide any of the information on the form, the Title VI Coordinator will be permitted to indicate that member’s race and gender, based on the coordinator’s best guess.</li> <li><b>Data from these forms will be used to complete the Demographic Request Table.</b></li> <li>Once a new member submits this form, the Demographic Request Table for the associated committee will be updated.</li> </ul>
---

**10.7 KEY COMMUNITY CONTACTS**

Contact Name	Community Name	Interest or Affiliation	Also a Committee Member? (Y/N)
John Doe	Doeboro	President, Citizens for a Better Doeboro	No
Joan Doe	Doeville	Representative (volunteer)	Yes
Juan Doe	Doeboro Pines	Pastor, Iglesia Hispana Doeboro	Yes


Contact information for key community contacts is not public information and is maintained outside of this document. Any staff member who wishes to contact any individual listed above must request that information from the Title VI Coordinator.

**10.8 SUMMARY OF OUTREACH EFFORTS MADE SINCE THE LAST TITLE VI PROGRAM SUBMISSION**

The following format is used to document URTS outreach efforts in reports to NCDOT. All meetings and disseminations of information capture information for the table below:

Meeting Date	Meeting Time	Meeting Purpose	Target Audience	Information Disseminated

**11.0 STAFF TRAINING**

All employees will receive basic Title VI training at least **once every three years**. New hires will receive this training **within 15 days** of their start date. Basic training will cover all sections of this Plan and our overall Title VI obligations. Staff may receive specialized training on how Title VI applies to their specific work areas. Those who routinely encounter the public, such as office personnel, call center staff, and vehicle drivers, will receive **annual** refresher training. Trainings will be provided or organized by the Title VI Coordinator and will often coincide with updates to our nondiscrimination policies and procedures. Records of staff trainings, such as agendas, sign-in sheets, copies of calendars, and certificates, will remain on file for at least **three years** (and in personnel files).

**12.0 NONELECTED BOARDS AND COMMITTEES – BY RACE AND GENDER**

The table below depicts race and gender compositions for each of our nonelected (appointed) decision-making bodies. Member names and full demographics for each committee are available, upon request.

**[Use the Demographic Request Tables that you completed for *each of your nonelected boards and committees* to complete the table below. Add additional rows, as needed. Once complete, delete this blue text, and include the original Demographic Request Tables in the Appendix.]**

Body	Male %	Female %	Caucasian %	African American %	Asian American %	Native American %	Other %	Hispanic %
Service Area Population								
<b>Transit Advisory Board</b>								
<b>Committee Name</b>								
<b>Committee Name</b>								
<b>Committee Name</b>								

### Strategies for Representative Committees

Diversification goals will be provided to our nonelected boards and committees to help ensure that their membership mirrors our service area demographics, as adequately as possible. We will provide periodic updates on our outreach efforts at meetings. When there is an opening on a board or committee, we will ensure the following:

- Current members will be made aware of diversity goals and polled for nominees.
- Officials from local minority groups will be made aware of the diversity goals and polled for nominees.
- Key Contacts from LEP groups will be contacted and polled for nominees.
- A recruitment notice for a Board Member opening will be posted on our website.
- An advertisement of recruitment notice for a Board Member will be placed with the local newspaper and other publications popular with minorities and other protected groups.

## **13.0 RECORD-KEEPING AND REPORTS**

As a subrecipient of FTA funds through NCDOT, we are required to submit a Title VI Program update to NCDOT every three years, on a schedule determined by NCDOT. Records will be kept to document compliance with the requirements of the Title VI Program. Unless otherwise specified, Title VI-related records shall be retained indefinitely. These records will be made available for inspection by authorized officials of the NCDOT and/or FTA. Reports on Title VI-related activities and progress to address findings identified during Title VI compliance reviews may also be provided, upon request. It will occasionally be necessary to update this Title VI Plan or any of its components (e.g., complaints, Public Involvement, and LEP). Updates will be submitted to NCDOT for review and approval and adopted by our Board when required.

In addition to items documented throughout this Plan, records and reports due at the time of compliance reviews or investigations may include:

### Compliance Reviews

- Title VI Program Plan
- List of civil rights trainings provided or received
- Summaries from any *internal* reviews conducted
- Ads and notices for specific meetings
- Findings from reviews by any other *external* agencies
- Title VI equity analyses and EJ assessments
- Discrimination Complaints Log

### Complaint Investigations

- Investigative Reports
- Discrimination complaint, as filed
- List of interviewees (names and affiliations)
- Supporting Documentation (e.g., requested items, photos taken, dates and methods of contact, etc.)



## 14.0 TRANSIT PROVIDERS

[This section applies to providers of fixed route public transportation *only* (also referred to as transit providers). All transit providers must complete this section and include in the Title VI Plan you submit to NCDOT. This section should be scaled based on your size as a fixed route transit provider, as explained in Chapter IV of FTA Circular 4702.1B. Do not complete this section if you do not provide any fixed route service. Providers of public transportation that only operate demand response service *should not* complete this section, such providers of general public paratransit, ADA complementary paratransit, vanpools, and Section 5310 closed door service.]

NCDOT's Integrated Mobility Division (IMD) will assist transit providers with completing this Section. Please contact your IMD Mobility Specialist for further assistance.]

### 14.1 SERVICE STANDARDS

#### [Instructions]

Vehicle load

...

Vehicle headway

...

On time performance

...

Service availability

...

### 14.2 SERVICE POLICIES

#### [Instructions]

Transit Amenities for each mode

...

Vehicle Assignment for each mode

...

## **Appendix A**

### **Applicable Nondiscrimination Authorities**

During the implementation of this Title VI Program, the organization, for itself, its assignees and successors in interest, is reminded that it has agreed to comply with the following non-discrimination statutes and authorities, including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).
- Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e *et seq.*, Pub. L. 88-352), (prohibits employment discrimination on the basis of race, color, creed (religion), sex, or national origin);
- 49 CFR Part 26, regulation to ensure nondiscrimination in the award and administration of DOT-assisted contracts in the Department's highway, transit, and airport financial assistance programs;
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Airport and Airway Improvement Act of 1982, (49 USC § 4 71, Section 4 7123), as amended, (prohibits discrimination based on race, creed (religion), color, national origin, or sex);
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Federal transit laws, specifically 49 U.S.C. § 5332 (prohibiting discrimination based on race, color, religion, national origin, sex (including gender identity), disability, age, employment, or business opportunity).

**Appendix B  
Organizational Chart**

Insert Organizational Chart for Transit Agency

**Appendix C**  
**NCDOT's Compliance Review Checklist for Transit**

**III. Program Administration (General Requirements)**

*Requirement: FTA C 4702.1B – Title VI Requirements and Guidelines for FTA Recipients, Chapter III – General Requirements and Guidelines.*

**Note:** Every NCDOT subrecipient receiving any of the FTA Formula Grants listed above must complete this section.

<b>Requested Items</b> (Please attach electronic documents (.pdf, .doc, etc.) or provide links to online versions)	<b>Completed</b>
1. A copy of the recipient's <i>signed</i> NCDOT's Title VI Nondiscrimination Agreement	<input type="checkbox"/>
2. Title VI Policy Statement ( <i>signed</i> )	<input type="checkbox"/>
3. Title VI Notice to the Public, including a list of locations where the notice is posted	<input type="checkbox"/>
4. Type the name and title of your Title VI Coordinator and attach a list of their Title VI duties <b>Name/Title:</b>	<input type="checkbox"/>
5. Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)	<input type="checkbox"/>
6. Title VI Complaint Form	<input type="checkbox"/>
7. List of transit-related Title VI investigations, complaints, and lawsuits (i.e., discrimination complaints log)	<input type="checkbox"/>
8. Public Participation Plan, including information about outreach methods to engage traditionally underserved constituencies (e.g., minorities, limited English proficient populations (LEP), low-income, disabled), as well as a summary of outreach efforts made since the last Title VI Program submission	<input type="checkbox"/>
9. Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance, which requires conducting four-factor analyses	<input type="checkbox"/>
10. 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	<input type="checkbox"/>
11. 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 <b>reviewed and approved</b> the Title VI Program	<input type="checkbox"/>
12. A description of the procedures the agency uses to ensure nondiscriminatory administration of programs and services	<input type="checkbox"/>
13. <b>If you pass through FTA funds to other organizations</b> , include a description of how you monitor your subrecipients for compliance with Title VI, and a schedule for your subrecipients' Title VI Program submissions. ➤ <b>No Subrecipients</b> <input type="checkbox"/>	<input type="checkbox"/>
14. A Title VI equity analysis <b>if you have constructed or conducted planning for a facility</b> , such as a vehicle storage facility, maintenance facility, operation center, etc. ➤ <b>No Facilities Planned or Constructed</b> <input type="checkbox"/>	<input type="checkbox"/>
15. Copies of environmental justice assessments conducted for <b>any construction projects during the past three years</b> and, if needed based on the results, a description of the program or other measures used or planned to mitigate any identified adverse impact on the minority or low-income communities ➤ <b>No Construction Projects</b> <input type="checkbox"/>	<input type="checkbox"/>
16. If the recipient has undergone a Title VI Compliance Review in the last 3 years, please indicate the year of the last review and who conducted it. <b>Year/Agency:</b>	<input type="checkbox"/>

#### IV. Transit Providers

**Requirement:** FTA C 4702.1B, Chapter IV – Requirements and Guidelines for Fixed Route Transit Providers.

**Note:** All NCDOT subrecipients that provide **fixed route** public transportation services (e.g., local, express or commuter bus; bus rapid transit; commuter rail; passenger ferry) must complete this section.

➤ **Not Applicable**  (Check this box if you do not provide **fixed route** services and skip questions 17 and 18. This section does not apply to you if you **only** provide demand response services.)

Requested Items (Please attach electronic documents (.pdf, .doc, etc.) or provide links to online versions)	Completed
17. Service standards ( <b>quantitative measures</b> ) developed for <i>each specific fixed route mode</i> that the recipient provides (standards may vary by mode) must be submitted for each of the following indicators:	
<ul style="list-style-type: none"> <li>• Vehicle load for each mode (Can be expressed as the ratio of passengers to the total number of seats on a vehicle. For example, on a 40-seat bus, a vehicle load of 1.3 means all seats are filled and there are approximately 12 standees.)</li> </ul>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• Vehicle headway for each mode (Measured in minutes (e.g., every 15 minutes), headway refers to the amount of time between two vehicles traveling in the same direction on a given line or combination of lines. A shorter headway corresponds to more frequent service. Service frequency is measured in vehicles per hour (e.g., 4 buses per hour).)</li> </ul>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• On time performance for each mode (Expressed as a percentage, this is a measure of runs completed as scheduled. The recipient must define what is considered to be "on time." Performance can be measured against route origins and destinations only, or against origins and destinations as well as specified time points along a route.)</li> </ul>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• Service availability for each mode (Refers to a general measure of the distribution of routes within a transit provider's service area, such as setting the maximum distance between bus stops or train stations or requiring that a percentage of all residents in the service area be within a one-quarter mile walk of bus service. )</li> </ul>	<input type="checkbox"/>
18. Service policies ( <b>system-wide policies</b> ) adopted to ensure that service design and operations practices do not result in discrimination on the basis of race, color or national origin, must be submitted for each of the following:	
<ul style="list-style-type: none"> <li>• Transit amenities for each mode (e.g., benches, shelters/canopies, printed materials, escalators/elevators, and waste receptacles. <b>NOTE:</b> Attach this information <u>only</u> if you have decision-making authority over siting transit amenities or you set policies to determine the siting of amenities.)</li> </ul>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• Vehicle assignment for each mode (Refers to the process by which transit vehicles are placed into service throughout a system. Policies for vehicle assignment may be based on the type or age of the vehicle, where age would be a proxy for condition, or on the type of service offered.)</li> </ul>	<input type="checkbox"/>