

DRAFT

**Title VI Plan
for
Mountain Mobility**
Buncombe County's Community Transportation System

This policy will be translated and available in Spanish language after adoption.



May 5, 2015 Update



Mountain Mobility Administration
c/o Land-of-Sky Regional Council
339 New Leicester Highway, Suite 140
Asheville, NC 28806
(828) 250-6750, Ext. 5

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Title VI Policy Statement

Mountain Mobility, Buncombe County's Community Transportation System

Title VI of the Civil Rights Act of 1964 states 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 (*42 USC Section 200d*).

The County of Buncombe does not discriminate on the basis of race, color, religion, sex, national origin, handicap, or disability in admission or access to, or treatment, or employment, in its services, programs, and activities.

This policy shall apply to all services and programs associated with Mountain Mobility, Buncombe County's Community Transportation System, whether carried out by Buncombe County directly or through any existing or potential contractor or any other entity with whom Buncombe County arranges to carry out its programs and activities.

Further, it is the policy of the organization to assure full compliance with federal and state provisions, including but not limited to: Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, the Age Discrimination Act of 1975, Americans with Disabilities Act of 1990, Executive Order 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, Executive Order 13166 Improving Access to Services for Persons with Limited English Proficiency, and other similar protections against discrimination that are or may be addressed in regulations issued by the U.S. Department of Transportation.

Any person who believes they have been mistreated by an unlawful discriminatory practice under Title VI has a right to file a formal complaint. Any such complaint must be in writing or in person within one hundred eighty (180) days following the date of the alleged discrimination occurrence. Complaints must be filed with Mountain Mobility Administration, c/o Land-of-Sky Regional Council, 339 New Leicester Highway, Suite 140, Asheville, NC 28806, Attention: Mountain Mobility Title VI Coordinator; or may be filed with the N.C. Department of Transportation, Office of Equal Opportunity and Workforce Services, 1511 Mail Service Center, Raleigh, NC 27699-1511.



Buncombe County Board of Commissioners

By David Gantt, Chairman

Title VI Program
Mountain Mobility, Buncombe County's Community Transportation System

I. General Description of Program and Plan Contents

Buncombe County is a recipient or subrecipient of federal funds for transportation services, including funds allocated under the following federal funding programs:

- ☞ Section 5307 – The Urbanized Area Formula Funding program (49 U.S.C. 5307) makes Federal resources available to urbanized areas and to Governors for transit capital and operating assistance in urbanized areas and for transportation related planning. An urbanized area is an incorporated area with a population of 50,000 or more that is designated as such by the U.S. Department of Commerce, Bureau of the Census.
- ☞ Section 5310 – Title 49 U.S.C. 5310 authorizes the formula assistance program for the Enhanced Mobility of Seniors and Individuals with Disabilities Program and provides formula funding to states and designated recipients (recipients) to improve mobility for seniors and individuals with disabilities.
- ☞ Section 5311 – Section 5311 is a rural program that is formula based and provides funding to states for the purpose of supporting public transportation in rural areas. Buncombe County is a subrecipient for Section 5311 funds through the NCDOT.
- ☞ Section 5316 - The Job Access and Reverse Commute (JARC) program was established to address the unique transportation challenges faced by welfare recipients and low-income persons seeking to obtain and maintain employment.
- ☞ Section 5317 - The New Freedom formula grant program seeks to reduce barriers to transportation services and expand the transportation mobility options available to people with disabilities beyond the requirements of the Americans with Disabilities Act (ADA) of 1990.

Title VI of the Civil Rights Act of 1964 is a federal law that prohibits discrimination based on race, color and national origin in the administration of federally assisted programs and activities. The purpose of Title VI is to eliminate discrimination in federally funded programs and activities and to ensure the equitable distribution of public funds for public benefit. Title VI does not cover claims of employment discrimination except in instances where the primary objective of the financial assistance is to provide employment for the service, benefit or program.

Each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations will be conducted or operated in compliance with all requirements imposed by, or pursuant to, the requirements of the Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4, and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and other pertinent directives.

This policy shall apply to all services and programs associated with Mountain Mobility, Buncombe County's Community Transportation System, whether carried out by Buncombe County directly or through any existing or potential contractor or any other entity with whom Buncombe County arranges to carry out its programs and activities.

II. **U.S. DOT Title VI Assurances (Appendix A)**

The Buncombe County Board of Commissioners authorized the execution of required U.S. DOT Title VI Assurances by Resolution _____ on May 5, 2015. A copy of the Board's Resolution and U.S. DOT Title VI Assurances are provided in **Appendix A**.

Buncombe County will submit the U.S. DOT Title VI Assurances (**Appendix A**) certification for its Community Transportation System, Mountain Mobility, to the North Carolina Department of Transportation, including its Office of Equal Opportunity and Workforce Services office and its Public Transportation Division, as well as to any other federal, state, or local entity as required for the receipt of federal and/or state financial assistance.

Buncombe County also submits annual FTA Certifications and Assurances. Standard Assurances include a Non-Discrimination Assurance in Group 01D, which includes Title VI.

III. **Title VI Notice to the Public (Appendix B)**

Buncombe County will notify beneficiaries of protection under Title VI. Mountain Mobility's Title VI Notice to the Public (**Appendix B**) will be posted or distributed in the following manner:

- i. On the Mountain Mobility website at:
<http://www.buncombecounty.org/Governing/Depts/Transportation/Notice.aspx>;
- ii. Mountain Mobility Administration Office, Land of Sky Regional Council, 339 New Leicester Highway, Suite 140, Asheville, NC 28806;
- iii. Mountain Mobility Operations Office, Buncombe County Transit Management, 2000 Riverside Drive, Suite 17, Asheville, NC 28804; and
- iv. Attached to the welcome letters sent out to newly-registered Mountain Mobility riders.

IV. **Title VI Complaint Procedures and Reporting (Appendix C)**

Appendix C outlines the Title VI complaint procedures and reporting related to federally funded programs, services, and benefits.

A Mountain Mobility Title VI Complaint Form can be obtained at www.buncombecounty.org/transportation; or by contacting the Title VI Coordinator at (828) 250-6750, Ext. 5, (TTY 1-800-735-2962); email mountainmobility@buncombecounty.org; or in person at the administrative office located at 339 New Leicester Hwy, Suite 140, Asheville, NC 28806.

V. **Title VI Program Administration (Appendix D)**

Appendix D includes general guidelines and information concerning administration of the Title VI Program and the update and approval process for Mountain Mobility's Title VI Program.

- a. The "Executive Official" for Buncombe County is Jon E. Creighton, Assistant County Manager and Director of Planning and Development. Buncombe County Planning and Development provides oversight management of budgets, grants, compliance, and contractual matters related to Mountain Mobility. Buncombe County Planning and Development will be the Title VI Coordinator's contact point for all Title VI matters. An organizational chart is included as **Appendix D-1**.

- b. The Title VI Coordinator for Mountain Mobility will be the Transit Program Manager for Mountain Mobility Administration, or as otherwise designated by the Buncombe County Planning and Development Department. The role of the Title VI Coordinator in carrying out the duties and responsibilities of the Mountain Mobility Title VI Plan is included as **Appendix D-2**.
- c. In order to ensure compliance with 49 CFR Section 21.9(b), the Title VI Plan for Mountain Mobility will be reviewed and updated every three (3) years. In order to ensure meaningful discussions concerning the Title VI Program and Plan, a draft of all updates shall be reviewed by the Buncombe County Community Transportation Advisory Board (CTAB). A table depicting the membership of the CTAB is provided as **Appendix D-3**.
- d. The Title VI Coordinator shall maintain a log of all outreach activities regarding this Title VI Policy. A copy of the Mountain Mobility Outreach Log is including in **Appendix D-4**.
- e. Employees of Mountain Mobility shall be provided Mountain Mobility's Title VI Plan and other nondiscrimination guidelines. Each employee shall sign an annual form indicating they have read the Title VI Plan and are committed to ensuring that no person is excluded from participation in or denied the benefits of Mountain Mobility's programs, policies, services and activities on the basis of race, color, national origin, sex, age, or disability. A copy of the Title VI Education and Acknowledgement Form is included in **Appendix D-5**.
- f. The final Title VI Plan for Mountain Mobility and all updates thereto shall be presented for approval by the Buncombe County Board of Commissioners. A copy of each plan update will be submitted to the NCDOT and/or FTA after approval, as appropriate.

VI. Public Involvement Plan (Appendix E)

The purpose of the Public Involvement Plan is to develop and utilize strategies to inform, involve, and encourage citizens to take a proactive role in the development of plans, grant applications, and services related to or provided by Mountain Mobility. Public involvement and outreach activities have positive results when efforts are made to consider the values, needs, and priorities of the general public, including a higher quality of service that meets more needs; and increase in awareness of issues by advocates and supporters; and better relationships with consumers.

Mountain Mobility's Public Involvement Plan is included in **Appendix E**.

VII. Language Assistance Plan for Limited English Proficiency (LEP) Populations (Appendix F)

Individuals, who have a limited ability to read, write, speak, or understand English, are limited English proficient (LEP). Executive Order No. 13166, "Improving Access to Services for Persons with Limited English Proficiency," dated August 11, 2000 (65 Fed. Reg. 50121, Aug. 16, 2000) requires federal agencies to assess and address the needs of otherwise eligible persons seeking access to federally conducted programs and activities, who, due to limited English proficiency, cannot fully and equally participate in or benefit from those programs and activities.

Mountain Mobility operates community transit services throughout all of Buncombe County. As a part of its Limited English Proficiency Plan, the County completed a recent Four-Factor Analysis which identifies Limited English proficiency priority populations in Buncombe County using the 2009 five year estimates from the American Community Survey data. The purpose of this four-

factor analysis is to utilize the most recent data available for populations of LEP persons throughout Buncombe County and to determine whether transit publications and other translation services should be required to serve these populations.

Based on the assessment of 2005-2009 American Community Survey data, Buncombe County's most significant low English proficiency language group is Spanish.

Mountain Mobility's Language Assistance Plan for Limited English Proficiency (LEP) Populations is included as **Appendix F**.

VIII. Subrecipient Monitoring

A periodic review of contractors, subcontractors, and subrecipients of federal funds through Buncombe County/Mountain Mobility will be performed. A copy of the Title VI Compliance Assessment Tool is included in **Appendix G-1**.

IX. Environmental Justice Analysis of Construction Projects

When and if construction projects are undertaken by Buncombe County that are associated with the provision of Mountain Mobility services, Buncombe County and Mountain Mobility will integrate an environmental justice analysis when National Environmental Policy Act (NEPA) documentation as required. Categorical exclusion (EC) documentation will be prepared, completed, and submitted as needed.

Resolution and U.S. DOT Title VI Assurances

RESOLUTION NO. _____

**RESOLUTION ADOPTING AN UPDATE TO THE TITLE VI PLAN FOR MOUNTAIN MOBILITY AND
AUTHORIZING THE CHAIRMAN TO EXECUTE A TITLE VI POLICY STATEMENT
AND U.S. DOT TITLE VI ASSURANCES FOR MOUNTAIN MOBILITY**

WHEREAS, Title VI of the Civil Rights Act of 1964 states 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 (42 USC Section 200d); and

WHEREAS, Buncombe County does not discriminate on the basis of race, color, religion, sex, national origin, handicap, or disability in admission or access to, or treatment or employment in, its services, programs, and activities; and

WHEREAS, as a recipient of federal and state funds for Mountain Mobility, Buncombe County's Community Transportation System, the County is required to adopt a Title VI Plan and Policy Statement and provide the required assurances and certifications required by the North Carolina Department of Transportation and Federal Transit Administration; and

WHEREAS, a Title VI Plan for Mountain Mobility has been in place since 2008 and applies to all services and programs provided through Mountain Mobility, whether carried out by Buncombe County directly or through any existing or potential contractor or any other entity with whom the County arranges to carry out its programs and activities; and

WHEREAS, updates to the plan are needed in order to be compliant with current state and federal guidelines or regulations; and

WHEREAS, the Board of Commissioners feels it is in the best interests of the citizens of Buncombe County to adopt an update to the Title VI Plan to ensure the protection of all citizens in accordance with Buncombe County's established nondiscrimination policies.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

1. That the Board of Commissioners hereby approves and adopts the Title VI Plan for Mountain Mobility, Buncombe County's Community Transportation System, included as Exhibit A.
2. That the Chairman be and he is hereby authorized to execute the Title VI Policy Statement included as Exhibit B.
3. That the Chairman be and he is hereby authorized to execute the U.S. DOT Title VI Assurances included as Exhibit C
4. That this Resolution is effective upon its adoption.

Adopted this 5th day of May, 2015.

ATTEST:

BOARD OF COMMISSIONERS
FOR THE COUNTY OF BUNCOMBE

Kathy Hughes, Clerk to the Board

By: _____
David Gantt, Chairman

APPROVED AS TO FORM:

County Attorney

U.S. DOT TITLE VI ASSURANCES

The County of Buncombe (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent 'directives, no person in the United States shall, on the grounds of race color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Transit Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Community Transportation System, Mountain Mobility:

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

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

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, 'as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under its Community Transportation System, Mountain Mobility; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under its Community Transportation System, Mountain Mobility.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

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

Dated May 5, 2015

County of Buncombe
(Name of Recipient)

By

David Gantt, Chairman, Buncombe County Board of Commissioners

County Attorney

Attachments:
Appendices A, B, C

APPENDIX A TO TITLE VI ASSURANCE

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 shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

(2) Nondiscrimination: The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

(3) Solicitations for Subcontractors, Including Procurements of Materials and Equipment: In all solicitations 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 shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

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

(5) Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the County of Buncombe shall impose such contract sanctions as it or the Federal Transit Administration may determine to be appropriate, including, but not limited to:

- (a) withholding of payments to the contractor under the contract until the contractor complies, and/or
- (b) cancellation, termination or suspension of the contract, in whole or in part.

(6) Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontractor procurement as the County of Buncombe or the Federal Transit Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the County of Buncombe to enter into such litigation to protect the interests of the County of Buncombe, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B TO TITLE VI ASSURANCE

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the County of Buncombe will accept Title to the lands and maintain the project constructed thereon, in accordance with the North Carolina General Assembly, the Regulations for the Administration of its Community Transportation System, Mountain Mobility and the policies and procedures prescribed by Federal Transit Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. .2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the County of Buncombe all the right, Title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto County of Buncombe and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the County of Buncombe, its successors and assigns.

The County of Buncombe, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [,] [and]* (2) that the County of Buncombe shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX C TO TITLE VI ASSURANCE

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the County of Buncombe pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)*

That in the event of breach of any of the above nondiscrimination covenants, County of Buncombe shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said land and the facilities thereon, and hold the same as if said (licenses, lease, permit, etc.) had never been made or issued.

(Include in deed.)*

That in the event of breach of any of the above nondiscrimination covenants, County of Buncombe shall have the right to reenter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of County of Buncombe and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by County of Buncombe pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin shall be excluded from participation in, denied the benefits of, or he otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of, race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary. Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964), and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)*

That in the event of breach of any of the above nondiscrimination covenants, County of Buncombe shall have the right to terminate the (license, lease, permit, etc.) and to reenter and repossess said land and the facilities thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

(Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants, County of Buncombe shall have the right to reenter said land and facilities there-on, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of County of Buncombe and its assigns.

Appendix B



Mountain Mobility

Buncombe County's Community Transportation System

Buncombe County Planning and Development
46 Valley Street
Asheville, NC 28801
Phone: 828.250.4838

For Title VI Complaints:
Mountain Mobility Administration
c/o Land of Sky Regional Council
339 New Leicester Hwy, Suite 140
Asheville, NC 28806
Phone: 828.250.6750, Ext. 5

Notice to the Public of Rights under Title VI

Mountain Mobility, Buncombe County's Community Transportation System, provides transportation services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with Mountain Mobility.

For more information on Mountain Mobility's Title VI Civil Rights Program and procedures to file a complaint, contact 828-250-6750, Ext. 5, (TTY 1-800-735-2962); email mountainmobility@buncombecounty.org; or visit our administrative office at 339 New Leicester Highway, Suite 130, Asheville, NC 28806. For online information, visit our website at www.buncombecounty.org/transportation.

A complainant may file a complaint with Mountain Mobility at the above address or directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

If information is needed in another language, contact 828-250-6750, Ext. 8.
Si necesita información en otro idioma, contacto 828-250-6750, Ext 8.

Title VI Complaint Procedures and Reporting

The complaint procedures outlined herein apply to Buncombe County Community Transportation Service (Mountain Mobility) and other sub-recipients of federal financial assistance under federal transit grants received by Buncombe County. These procedures cover discrimination complaints filed under Title VI of the Civil Rights Act of 1964, Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act of 1973, and other nondiscrimination authorities relating to any program, services, or activities administered by the NCDOT and its sub-recipients, consultants, and contractors.

Title VI of the Civil Rights Act of 1964 states 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.

Buncombe County and Mountain Mobility will make every effort to obtain early resolution of complaints at the lowest level possible. Complaints of alleged discrimination will be investigated by the appropriate authority. The option of informal mediation meeting(s) between the affected parties and the appropriate Buncombe County and/or Mountain Mobility staff may be utilized for resolution. Upon completion of each investigation, Mountain Mobility staff will inform every complainant of all avenues of appeal.

Filing of Title VI Discrimination Complaints

The complaint must meet the following requirements:

- 1. Applicability** – These complaint procedures apply to the beneficiaries of Buncombe County Community Transportation Program/Mountain Mobility programs, activities, and services, including but not limited to the public, contractors, subcontractors, consultants, and other sub-recipients of federal and state funds.
- 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, or disability may file a written complaint with Mountain Mobility. Additional entities may also be contacted and are listed under section number three (3). 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, Complaint Form, 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.

A Mountain Mobility Title VI Complaint Form (***Appendix C-1***) can be obtained at www.buncombecounty.org/transportation; or by contacting the Title VI Coordinator at (828) 250-6750, Ext. 5, (TTY 1-800-735-2962); email mountainmobility@buncombecounty.org; or in person at the administrative office located at 339 New Leicester Hwy, Suite 140, Asheville, NC 28806.

Title VI complaints may be submitted to one of the following entities:

- **Buncombe County Planning/Mountain Mobility**, Title VI Coordinator, Mountain Mobility Administration, LOSRC, 339 New Leicester Hwy, Suite 140, Asheville, NC 28806
- **North Carolina Department of Transportation**, Office of Civil Rights, Title VI/EO Contract Compliance 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. 5th 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. Those who provide complaints by phone will be asked to fill out a formal complaint form. 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, or disability. The term “basis” refers to the complainant’s membership in a protected group category. Allegations against **transit** entities must be based on issues involving **only** race, color, or national origin.

Protected Categories	Definition	Examples
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
Color	Color of skin, including shade of skin within a racial group	Black, White, light brown, dark brown, etc.
National Origin	Place of birth. Citizenship is not a factor. Discrimination based on language or a person’s accent is also covered by national origin.	Mexican, Cuban, Japanese, Vietnamese, Chinese
Sex	Gender	Women and Men
Age	Persons of any age	21 year old person
Disability	Physical or mental impairment, permanent or temporary, or perceived.	Blind, alcoholic, para-amputee, epileptic, diabetic, arthritic

Complaints must include the date of the alleged act of discrimination or the date when the Complainant(s) became aware of the alleged act of discrimination. Also include the date on which the conduct was discontinued or the latest instance of the discriminatory conduct.

Complaints must include a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complaint.

Complainant Notification

1. When a complaint is received, the Title VI Coordinator will provide written acknowledgment to the Complainant within fifteen (15) business days by mail sent with electronic tracking.
2. If a complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided thirty (30) business days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.
3. Within fifteen (15) days of the acceptance of a complete complaint, the Title VI Coordinator will notify the Complainant by mail sent with electronic tracking, informing them of the disposition.
 - a. If the decision is not to investigate the complaint, the notification shall specifically state the reason for the decision.
 - b. If the complaint is to be investigated, the notification will inform the parties that their full cooperation will be required in gathering additional information and assisting the investigator.

If a complaint is to be investigated, the Complainant will be notified that the Title VI Coordinator will attempt to resolve complaints within one hundred eighty (180) days after Mountain Mobility has accepted the complaint for investigation.

4. The Title VI Coordinator will initiate the investigation and work to resolve the issue. The complaint will be logged on a Title VI Discrimination Complaints Log.
5. Within thirty (30) days of the acceptance of the complaint, the Title VI Coordinator will prepare an investigative report for review by the Director of Buncombe County Planning and Development. The report shall include a narrative description of the incident, identification of persons interviewed, and findings and recommendations for disposition.
6. The investigative report and its findings will be reviewed by the Planning Director or their designee, and in some cases the investigative report and findings may be reviewed by the Buncombe County Legal Department. The report may be modified as needed.
7. The Buncombe County Planning and Development Department and the Buncombe County Legal Department will make a determination on the final disposition of the complaint in concert with the Title VI Coordinator.
8. In the event that Mountain Mobility, any existing or potential contractor, or any other entity carrying out the program or activity involved in the complaint, is in noncompliance with Title VI regulations, remedial actions will be documented in the report.
9. Notice of the final disposition will be mailed to the Complainant. The notice shall include information regarding appeal rights of Complainant and instructions for initiating such an appeal.

Appeal Process

Buncombe County and Mountain Mobility may reconsider any determination if new facts and evidence come to light.

If Complainant is dissatisfied with the determination and/or resolution, the same complaint may be submitted to the NCDOT Office of Civil Rights, Title VI/EO Contract Compliance Section or the FTA, for investigation at the addresses above.

Title VI Recordkeeping and Reporting

The Title VI Discrimination Complaints Log (**Appendix C-2**) shall be maintained on a fiscal year basis (July 1-June 30). The Title VI Coordinator shall close the Complaints Log following the end of each fiscal year and send a copy of the log to Buncombe County Planning and Development on or before July 31st following the end of each fiscal year.

In the event that no complaints are filed within a fiscal year, the Title VI Coordinator shall check the applicable box and sign the log certifying that no complaints or lawsuits alleging discrimination have been filed against Mountain Mobility during the fiscal year of the report.

As part of the annual NCDOT Title VI Program Report (**Appendix C-3**) submitted to the NCDOT and/or FTA, Buncombe County shall either officially certify that no complaints or lawsuits were filed, or shall include a summary of any complaints or lawsuits filed, along with a description of the complaint, status, and resolution.

All records pertaining to Title VI Complaints will be retained by the Title VI Coordinator for a period of ten (10) years from the issuance of a final determination on any complaint. Records will be available during that timeframe for applicable federal and/or state compliance review audits.



**Mountain Mobility
Complaint Intake Form**

DATE:

Appendix C-1

Last Name		First Name		Race	Gender/Sex <input type="checkbox"/> M <input type="checkbox"/> F
Mailing Address			City	State	Zip
Business Name (if appropriate)			E-mail Address		
Home Telephone:		Preferred Method Contact <input type="checkbox"/> Home <input type="checkbox"/> Work <input type="checkbox"/> Email <input type="checkbox"/> Fax		Best time to call <input type="checkbox"/> AM <input type="checkbox"/> PM	
Work Telephone:					
Fax:					
Identify the Category that Describes Your Issue/Concern: [Check all that apply]					
<input type="checkbox"/> Management Concern		<input type="checkbox"/> Customer Service Concern		<input type="checkbox"/> Passenger Trip Concern	
<input type="checkbox"/> Safety Issues		<input type="checkbox"/> Policies & Procedures		<input type="checkbox"/> Vehicle Operator Actions	
<input type="checkbox"/> Dispatcher Concern		<input type="checkbox"/> Program/Activity of Mountain Mobility		<input type="checkbox"/> Reservation Concern	
<input type="checkbox"/> Eligibility Issue/Concern		<input type="checkbox"/> Other (please explain):			
If Discrimination is Alleged: [Check appropriate type(s)]					
<input type="checkbox"/> Race		<input type="checkbox"/> Color		<input type="checkbox"/> National Origin	
<input type="checkbox"/> Religion		<input type="checkbox"/> Disability		<input type="checkbox"/> Sex/Gender	
<input type="checkbox"/> Sexual Harassment		<input type="checkbox"/> Political Affiliation		<input type="checkbox"/> Age	
(Title VI definition)		<input type="checkbox"/> Retaliation		<input type="checkbox"/> Sexual Orientation	
				<input type="checkbox"/> Workplace Harassment*	
<p>Describe the Events that Motivated the Complaint (telephone call or visit). <i>(Include who was involved, what was said, what happened, when it occurred (date and time), where it occurred, and names of any witnesses. Use additional sheet if necessary.)</i></p>					



Mountain Mobility
Complaint Intake Form
Page 2

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

- US Equal Employment Opportunity Commission: (Date)
- Federal Highway Administration (Date)
- US Department of Transportation (Date)
- NC Department of Transportation (Date)
- Federal or State Court (Date)
- Other (Date)

Have you discussed this issue with any Mountain Mobility Representative? If yes, provide the name, position, and date of discussion.

Briefly explain what remedy, or action, you are seeking.

Complainant's Signature

Interviewer's Initials

Date

Date

Management Use Only

Date Complaint Received

Processed by (initials)

- The Office of Civil Rights and Business Development is reviewing the complaint.
- The complainant does not wish to have any action taken. The complaint will be placed in an inactive status if no further action is requested within **30 calendar days**.

Follow-Up Action Taken:

**TITLE VI DISCRIMINATION COMPLAINTS LOG
MOUNTAIN MOBILITY**

FISCAL YEAR:

CASE NO.	COMPLAINANT NAME	RACE/ GENDER	RESPONDENT NAME	BASIS	DATE FILED	DATE RECEIVED	ACTION TAKEN	DATE INVESTIG. COMPLETED	DISPOSITION

No Complaints or Lawsuits

I certify that to the best of my knowledge, the above described complaints or lawsuits alleging discrimination, or **no complaints or lawsuits** alleging discrimination, have been filed with or against **Mountain Mobility**.

Signature of Title VI Coordinator

Date

Print Name and Title of Title VI Coordinator

SECTION 5311 TITLE VI PROGRAM REPORT**Part A (complete either Part A or Part B)**

Legal Name of Applicant: _____

I certify that to the best of my knowledge, **No complaints or lawsuits** alleging discrimination have been filed against *(Transit System Name)* _____ during the period **July 1, 2013 through June 30, 2014**.

Signature of Authorized Official_____
Date_____
Type Name and Title of Authorized Official**Part B (complete either Part A or Part B)**

The following Title VI complaints or lawsuits alleging discrimination have been filed with
(Transit System Name) _____ **during the period July 1, 2013 through June 30, 2014.**

Complainant Name/Address/Telephone Number	Date	Description	Status/Outcome

(Attach an additional page if required.)

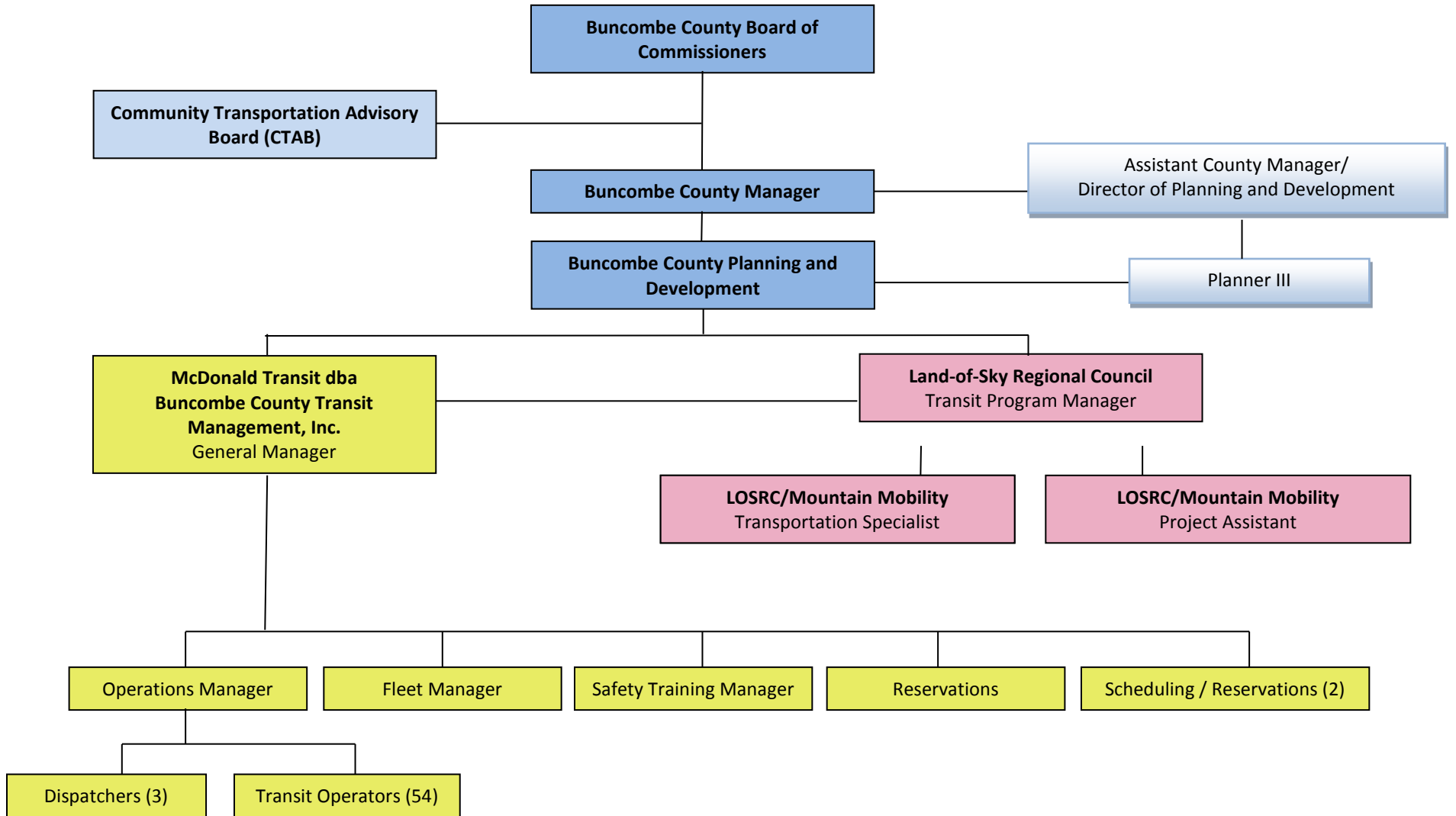
I certify that to the best of my knowledge, the above described complaints or lawsuits alleging discrimination have been filed against *(Transit System Name)* _____ during the period July 1, 2013 through June 30, 2014.

Signature of Authorized Official_____
Date_____
Type Name and Title of Authorized Official**Part C Title VI Plan**

Do you currently have a Title VI Plan: _____

Date of last plan update: _____

Mountain Mobility Organizational Structure



Role and Responsibilities of the Mountain Mobility Title VI Coordinator

The Title VI Coordinator for Mountain Mobility will be designated by the Buncombe County Planning and Development Department. The role of the Title VI Coordinator in carrying out the duties and responsibilities of the Mountain Mobility Title VI Plan will include, but not necessarily be limited to, the following:

- a. Prepare and submit all Title VI Program documents to the Buncombe County Planning and Development Department for review and presentation to the Buncombe County Board of Commissioners for input and approval;
- b. Conduct an analysis of Limited English Proficiency populations within the Mountain Mobility service area (defined as Buncombe County) in accordance with Title VI requirements;
- c. Obtain appropriate input from Buncombe County and its Community Transportation Advisory Board, concerning the Mountain Mobility Title VI Program;
- d. Submit approved Title VI Program documents to the NCDOT Office of Equal Opportunity and Workforce Services, as well as to any other federal, state, or local entity as required for the receipt of federal and/or state financial assistance;
- e. Communicate and coordinate with NCDOT and FTA/FHWA (and subrecipients and/or contractors, if any) on Title VI matters, and keep Buncombe County informed on such activities;
- f. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English;
- g. Disseminate Title VI information internally and externally (e.g., in the form of brochures, forms, reports, plans, etc., as appropriate);
- h. Ensure that the Title VI requirements and information are effectively integrated into day-to-day administration and operation of Mountain Mobility services;
- i. Administer the Title VI Discrimination Complaint Procedures for Mountain Mobility and submit a copy of any complaints and any related communications or documentation to the Buncombe County Planning and Development Department;
- j. In coordination with the Buncombe County Planning and Development Department, ensure that proper investigations, review, and resolution of complaints are addressed in a timely manner;
- k. Monitor and ensure public information is updated and available as needed or required;
- l. Monitor and review organizational directives to ensure nondiscriminatory administration of services;
- m. Maintain the Mountain Mobility Outreach Log (Appendix D-4) documenting all Title VI-related activities for future reporting including, but not limited to public meetings, outreach meetings, public hearings, special events, minutes of Community Transportation Advisory Board meetings where civil rights issues were discussed, and any other activities as applicable;
- n. Develop a lesson plan outline for a Title VI Program education and awareness training session for all new and existing administrative and operations employees of Mountain Mobility;
- o. Prior to September 30th of each year, conduct the annual Title VI Program education and awareness training session for Mountain Mobility employees, ensuring that all employees receive

training in a classroom setting or, as necessary, via one-on-one training for any employees not in attendance;

- p. Distribute, collect, scan and preserve an annual Acknowledgement Form from all employees indicating their receipt of the Mountain Mobility Title VI Program and nondiscrimination guidelines (Appendix D-5);
- q. Ensure Title VI notices and requirements are included in all solicitations conducted by Mountain Mobility administrative and operations offices for work to be performed or procurements of materials and leases of equipment;
- r. As applicable, conduct a biennial assessment of any contractors, subcontractors, or subrecipients to determine compliance with Title VI requirements;
- s. Report to the Buncombe County Planning and Development Department any actions of noncompliance with this Program, regulations, or requirements, and recommend any contract sanctions as Buncombe County or the Federal Transit Administration may determine to be appropriate;
- t. Provide information to the Buncombe County Planning and Development Department for review and approval prior to compliance reviews or investigations;
- u. Provide approved information to the NCDOT and FTA/FHWA during compliance reviews or investigations; and
- v. Work with Buncombe County and state and federal officials to correct Title VI deficiencies and any findings of discrimination.

Mountain Mobility Pubic Outreach Log-Updated November 2014

Outreach Activity	Began	Completed	Person Responsible	Notes
Input from Buncombe County CTAB for Mountain Mobility policies and procedures (such as RIDE program design, suspension policy, etc.).	mid-1990's	—	Lyuba Zuyeva	Ongoing/as needed
Developed RIDE Voucher Program Provider Registration Form and sent notice to potential providers to determine if they are interested in participating in the voucher	Nov-09	Jan-10	Denise Braine	Completed
Update RIDE flyers to include new providers and remove inactive providers; distribute flyers throughout the area	May-12	Sep-14	Rebecca Bedingfield	Ongoing
Designed RIDE flyer that can be distributed by email. Who? What? When? Where?	Aug-11	Sep-11	Rebecca Bedingfield	Completed
Create information for web site that provides forms, policies, etc.	Oct-11	Mar-12	Rebecca Bedingfield	Completed / Updates as Needed
Develop program brochures; get translations or materials put into alternate formats if/as appropriate	Oct-11	Sep-13	Rebecca Bedingfield	Completed/Updates as Needed
Write press release and send to media organizations.	Oct-11	—	Lyuba Zuyeva	Ongoing/as needed
Submit RIDE Program info to Buncombe County Ezine, web site, BCTV, newsletter, etc.	May-12	Dec-13	Rebecca Bedingfield	Completed
Print brochures, vouchers and order forms. Make edits to brochures and reprint as needed.	Feb-12	Jun-14	Rebecca Bedingfield	Ongoing
Distribute Trailblazer Brochures to ART Transit staff to be installed at ART Transit Center and to make available on connecting routes	Jul-14	Sep-14	Lyuba Zuyeva	Completed; Trailblazer brochures now available at ART Transit Center
Table at special events and public meetings related to transit. Most recently, Mountain Mobility staff attended Asheville Transit public input meeting regarding Sunday service addition and route modification (July 2014) and tabled at Community Connections: half-day mobility summit on September 19, 2014	mid-1990's	—	Lyuba Zuyeva, Geri Ballew, Rebecca Bedingfield	Ongoing

Mountain Mobility Pubic Outreach Log-Updated November 2014

Outreach Activity	Began	Completed	Person Responsible	Notes
Update and distribute Mountain Mobility Rider's Guide	Jun-14		Lyuba Zuyeva, Geri Ballew	Ongoing-currently in final draft review
Run paid ads for Mountain Mobility services including RIDE	May-12	—	Rebecca Bedingfield and Lyuba Zuyeva	Ongoing

**Mountain Mobility
Annual Education and Acknowledgement Form**

Nondiscrimination Policy

No person shall, on the grounds of race, color, national origin, sex, age, 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 Mountain Mobility and its contractors 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 your supervisor. The supervisor shall forward any such inquiries to the Title VI Coordinator at (828) 250-6750, Ext. 5, address 339 New Leicester Hwy, Suite 140, Asheville, NC 28806.

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

Signature

Date

Public Involvement Plan

Purpose of Public Involvement and Outreach Efforts

The purpose of the Public Involvement Plan is to develop and utilize strategies to inform, involve, and encourage citizens to take a proactive role in the development of plans, grant applications, and services related to or provided by Mountain Mobility. Public involvement and outreach activities have positive results when efforts are made to consider the values, needs, and priorities of the general public, including a higher quality of service that meets more needs; and increase in awareness of issues by advocates and supporters; and better relationships with consumers.

Public involvement and outreach is difficult to do well, but good public involvement usually pays off. In order to successfully incorporate public involvement into various plans and projects undertaken by Mountain Mobility, a variety of methods for soliciting public participation will be implemented. These methods will include both passive and active outlets for public comment. Mountain Mobility will coordinate with individuals, institutions, agencies and/or organizations to reach out to members in the minority/low-income communities. Mountain Mobility will maximize existing partnerships and use existing networks to effectively and efficiently encourage public involvement and disseminate information to the public. Mountain Mobility will provide opportunities for public participation through means other than written communication.

Good public outreach efforts identify and explore possibly controversial issues, bring conflicting views to the table, seek solutions to concerns, and build a consensus to maximize benefits and minimize negative aspects of a planning process or project. Throughout all public outreach processes Mountain Mobility will be prepared to address issues raised by participants whose views may differ from staff and stay open to the ideas and concerns of all public participants and stakeholders. The public outreach for a particular plan or project must be tailored to the particular circumstances, context and stakeholders involved. Therefore the following active and passive techniques will be available to Mountain Mobility staff during the course of public outreach, but additional techniques may be used and those listed not appropriate to a particular circumstance may not be implemented for a specific plan or project.

Active Techniques

Public Meetings will be held in convenient and accessible locations and facilities. Consideration will be given to prioritizing locations where the target group feels safe and comfortable and where they will not have inhibitions about attending meetings or participating. Meeting locations, times and days will vary in order to accommodate varying work and personal schedules. Meeting materials will be available in a variety of formats and languages upon request. A variety of advertising means will be used to inform the media of public meetings including partnering with community leaders or institutions where applicable to gain visibility for meetings. Assistance to persons with disabilities will be available upon request.

Public Hearings are usually held when an agency has completed a plan or grant application and needs to present it for public review before moving forward. As with all of these tools, care must be taken to ensure that the public is made fully aware of the event well in advance, and that the goals and values of

the plan are clearly stated. Written comments are also accepted during public hearing processes. Information provided at public hearings will be available through interpreters, and/or in a variety of formats and languages upon request.

Community Forum Meetings are held to discuss programs and activities within communities, and the public is engaged to discuss their needs in general. Community meetings will be held at varied times and days in order to provide the maximum opportunity for participation by working members of the community. Information provided at community forum meetings will be available in a variety of formats and languages upon request.

Advisory Committee Meetings are an excellent opportunity to keep key community stakeholders informed of plans, projects or decisions currently facing Mountain Mobility as well as soliciting suggestions for public outreach, community leaders to contact, meetings to attend, public forums to participate in, and other opportunities for public outreach. Additionally, the advisory board members provide an excellent conduit for disseminating information from Mountain Mobility to their constituents such as announcements for upcoming meetings and other opportunities for public participation.

Telephone Surveys are an excellent method for needs assessments, feedback on how well needs are being met in the community and gathering input from community leaders about their specific community's needs. When a telephone survey is utilized, hearing impaired assistance or an appropriate alternative to the telephone survey will be utilized when needed.

Passive Techniques

General Public Relations can be both passive and active, and may be defined as any action that might reach any citizen, whether or not that citizen has specific interest or knowledge regarding community transportation systems. This group of techniques includes the following: newsletters, website information, announcements targeted at newspapers and radios; posters or pamphlets displayed in public places; participation in local public relations programs such as Strive Not To Drive Week; and talks to civic organizations and agency meetings. Meetings or hearings that are held in public places and covered by the media can act as general public relations as well. Information provided through general public relations will be available in a variety of formats and languages upon request. Additionally, Mountain Mobility has telephone interpreter services on contract to handle all customers regardless of their ability to speak or understand English.

These techniques are ways to keep the general public aware of the presence of Mountain Mobility and the current decisions facing the organization so the public may develop an interest and choose to become better informed or actively involved.

Special Events are held to bring attention to a specific activity or issue. Special events may take the form of a fair or special educational lecture with civic groups or other public entities. Special events are a way to expose a large number of people to a project or program.

Surveys are an efficient method of gathering input from a large number of people at an early stage of the planning process. This is particularly useful when trying to understand the priorities and needs of the community before attempting to address any specific problems. As an outreach tool, surveys are a good way to identify citizens who may want to become further involved. Surveys may be administered

in person or on the phone or distributed via mail, on the Internet or at public places. A labor intensive activity, implementation of a survey might be aided by volunteers and student interns.

Public Education will be a continuous and on-going practice. This will include information on the Mountain Mobility website, the Mountain Mobility Rider's Guide, regular Mountain Mobility newsletters, informational spots on the Buncombe County television channel, providing information at community events, and any other opportunity to keep the public educated as to the services provided by Mountain Mobility and the decisions the organization faces. Whenever possible, public education materials will be available in a variety of formats and languages.

Outreach to Buncombe County Population Groups Which Might Experience Participation Barriers

The purpose of this section of the Public Involvement Plan is to identify the population groups in Buncombe County which might experience barriers to participation in the planning processes, and to address how to best target those groups.

Generally, the transportation-disadvantaged population groups which overlap with transit-dependent demographic groups, are considered to experience more barriers and be at a disadvantage when it comes to public participation. A recent review of Buncombe County demographics for the Community Transportation Service Plan (CTSP) update in 2014-2015 included a composite index titled "Transit Dependency Index", based on the following combination of socioeconomic characteristics, as reported at the block group level in the American Community Survey five-year data for 2008-2012:

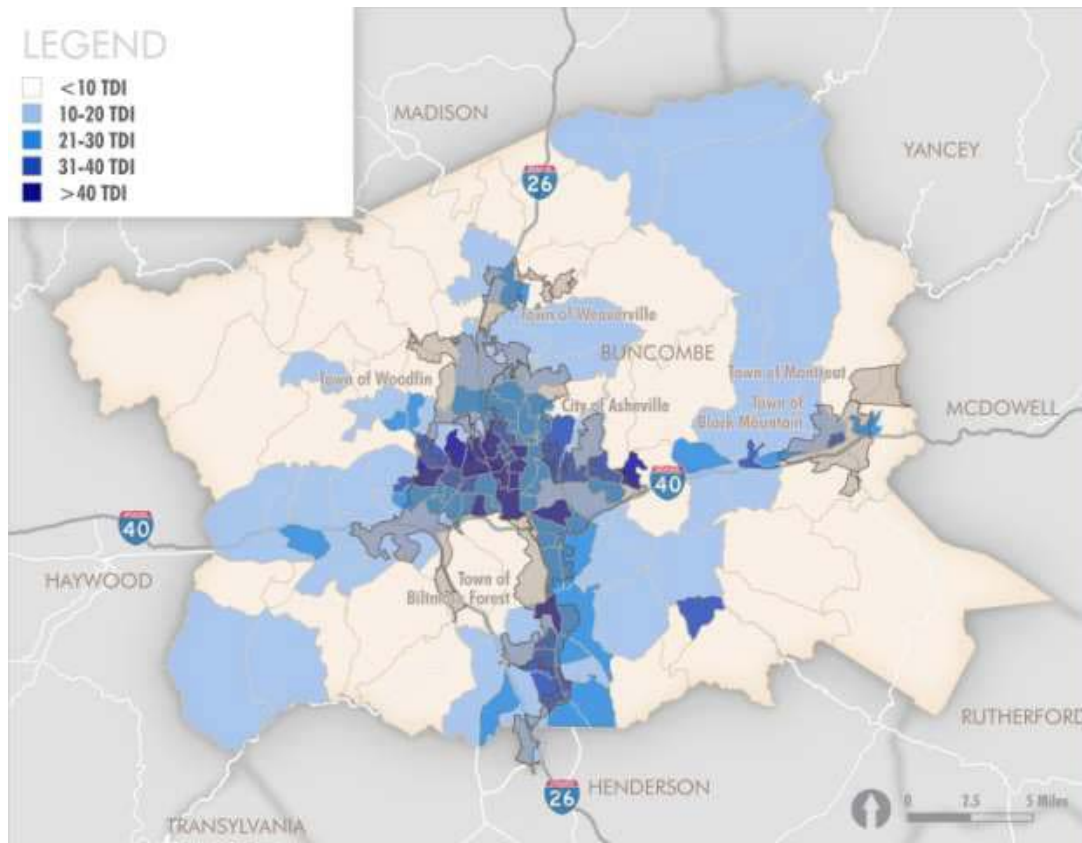
- Population Density
- Amount of Vulnerability based on the presence of:
 - No vehicle households
 - Older adult population
 - Youth population
 - Disabled population
 - Below poverty population

The Transit Dependency Index (TDI) scoring applied in the CTSP analysis was based on a range of 0 to 100, with higher scores representing larger numbers of transit dependent persons in an area with high population density. For additional information about the TDI methodology, please see the Buncombe County CTSP.

As indicated in the map below, the locations with the highest transit dependency index are found primarily in the following areas:

- Within and immediately surrounding the Asheville city limits.
- Along US 25 corridor from the Henderson County border to just north of the I-240 loop.
- Along the combined US-23/Patton Avenue/US-70 corridor roughly from the western limits of the City of Asheville east to the Town of Black Mountain.

As indicated in the Buncombe County CTSP Technical Memorandum 1, many of the areas with a high concentration of transportation-disadvantaged population groups also exhibit some of the highest population and employment densities in the county.

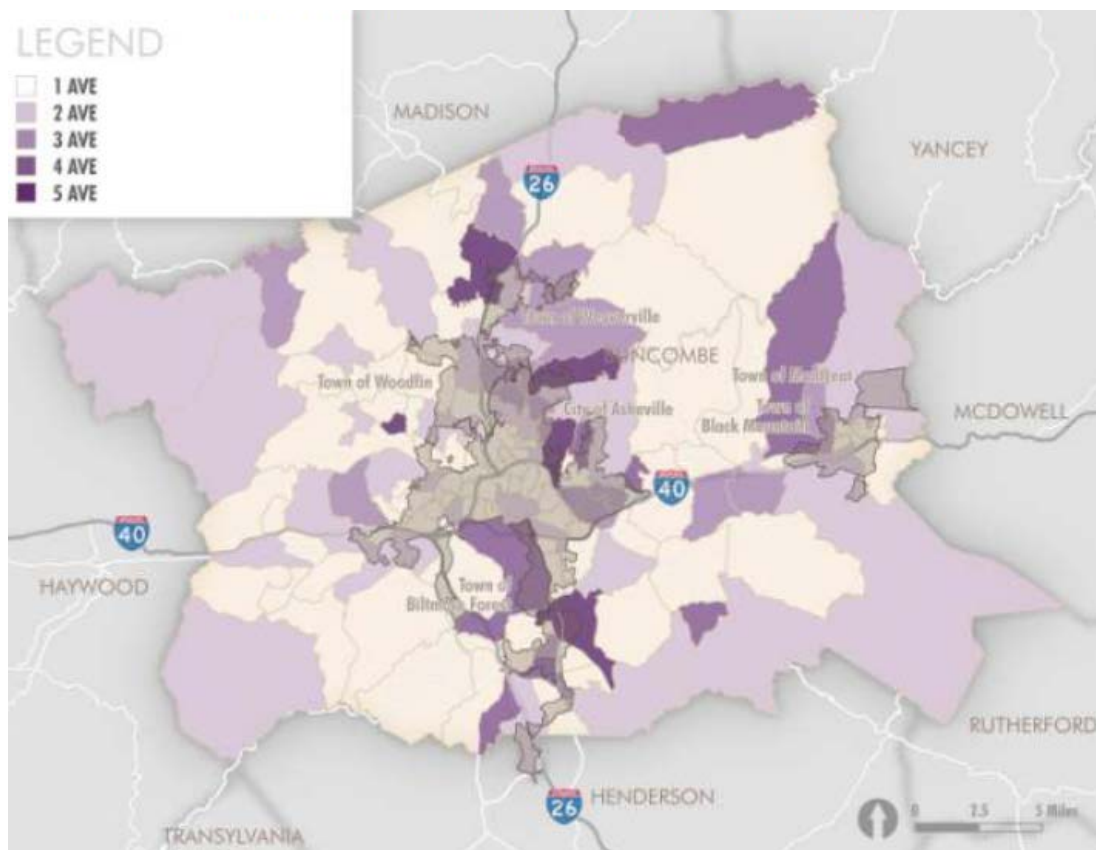


Map 1 Buncombe County Transit Dependency Index (TDI) by Block Group. Source: Parsons Brinckerhoff, Buncombe County CTSP Technical Memorandum 1.

In addition to analyzing the transit dependency across a variety of variables, the Buncombe County CTSP highlighted one category in particular – the Amount of Vulnerable Elderly (AVE). Map 2 below illustrates the concentration of the elderly population (65 years and older) across Buncombe County, with scores of 1 being the lowest and scores of 5 being the highest. These scores were calculated by comparing the AVE population of each block group to the average percentage of Vulnerable Elderly population in the county as a whole. Block groups that are below the average for the entire county received a scoring of 1, while those above the average received higher values (with a score of 5 representing an AVE greater than two times the county average). The block groups with the highest AVE score are distributed across the county, with some of the highest scores generally observed along the following corridors and nodes:

- The eastern and southern fringes of the City of Asheville;
- Within and just northwest of the Town of Weaverville;
- The northern-most edge of the county; and
- The east of the towns of Black Mountain and Montreat.

Several of the areas with high concentrations of elderly population are outside of the primary economic activity centers of Buncombe County and are also beyond the reaches of the ART and Trailblazer routes. Areas with high concentrations of elderly population are much more geographically dispersed than the other transportation-disadvantaged populations that were evaluated. This makes it more difficult to serve the transit needs of this population most effectively, especially for the areas at the edges of the county.



Map 2 Buncombe County Concentration of Vulnerable Elderly (AVE) by Block Group. Source: Parsons Brinckerhoff, Buncombe County CTSP Technical Memorandum 1.

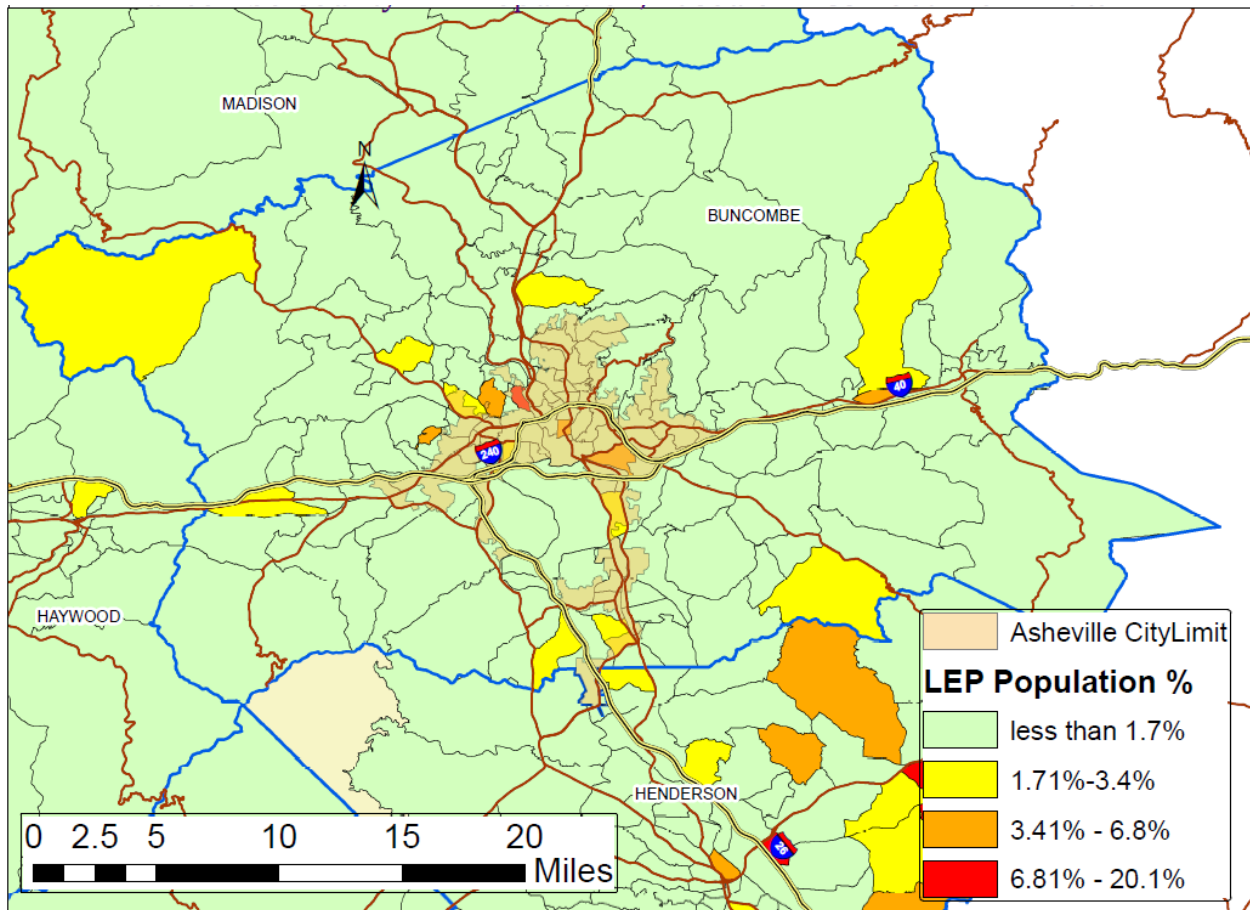
The Buncombe County CTSP Plan notes that some of the areas where the TDI and AVE scores are high could be in areas where the total number of residents is low, since population density is taken into account as part of TDI and AVE scores. For example, the northern-most edge of the county has high AVE score, but the population in Barnardsville is less than 1,700 people. The areas with low population densities and higher percentage of transportation-disadvantaged population groups are likely to be most difficult to serve while balancing efficiency and level of service considerations.

Transportation needs of the elderly in Buncombe County are likely to remain a strong factor for Mountain Mobility services demand for years to come. The Asheville Region Housing Needs Assessment (2014) notes that a strong growth is expected in 65+ households in Buncombe County between 2015 and 2020: specifically, 19.9% increase in households between the ages of 65 and 74 (amounting to 3297 new households) is expected by 2020 in Buncombe County¹; this growth will be due to a combination of households aging in place as well as new retiree households being attracted to the region.

In addition to the transportation disadvantaged population groups considered in the CTSP, Limited English Proficiency (LEP) is often considered a barrier to transportation and to participation in the public planning processes. The map below illustrates concentration of LEP population across Buncombe

¹Bowen National Research (2014). Asheville, North Carolina Housing Needs Assessment. Retrieved March 16, 2015 from [http://www.ashevillenc.gov/Portals/0/city-documents/communitydevelopment/Asheville,%20NC-14-462%20\(FINAL-February%206,%202015\).pdf](http://www.ashevillenc.gov/Portals/0/city-documents/communitydevelopment/Asheville,%20NC-14-462%20(FINAL-February%206,%202015).pdf)

County based on 2007-2011 American Community Survey data, at the block group level. As of 2013, the average LEP percentage for Buncombe County was 3.4% (taking into account population over the age of five)².



Map 3 Buncombe County Concentration of LEP Population by Block Group. Source: ACS 2007-2011 Five-Year Data.

Looking at the map above, areas of higher prevalence of LEP population in Buncombe County occur within or just to the north and northwest of Asheville city limits, as well as to the south near the airport, north of Black Mountain and Montreat, and also in the far northwestern corner of the county and in the southeast along US 74A on the border with Henderson County. This geographic spread does not lend itself well to targeting any two or three community centers to reach LEP populations.

To target the transportation-disadvantaged population groups and the LEP population, Mountain Mobility staff will utilize the following public outreach strategies:

- To reach the LEP populations in Buncombe County, Mountain Mobility Administration staff will work with community groups which are already engaged with the Hispanic and Slavic communities in Buncombe County, including but not limited to the Catholic Charities Diocese Center in Asheville and Family Resource Center at Emma (Children First)

² U.S. Census. American Community Survey Data, 2013. Accessed March 23, 2015 from <http://factfinder.census.gov>

- Meeting times and locations will be set to allow input from people with various schedules to take advantage of the meeting
- A variety of public input formats will be utilized, including small group discussions, oral interviews, online surveys and paper surveys, as appropriate
- Mountain Mobility staff will continue outreach to the senior population through the senior centers and senior nutrition sites
- To reach people with disabilities, information will be distributed through agencies working with populations with disabilities, such as Disability Partners and NC Division of Services for the Blind
- Additional partnerships with with community- and faith-based organizations, educational institutions, and other organizations will be utilized to target engagement strategies to LEP, minority and low-income populations
- Critical documents will be translated into Spanish
- Newspaper ads will be provided in Spanish in publications that serve LEP populations, when appropriate

Plan Monitoring and Evaluation

Evaluation of the success of any public involvement efforts must be result-oriented. It is never safe to assume that just because people don't come to an event that they are uninterested in the project. The goal is to educate and include the public at all levels of planning, not just to invite them. Evaluation, then, must be two-fold. The first part is to track what efforts are being made and the results of those efforts, and the second part is to make regular assessments of the success of a technique within a given program, and to strategize for future successes.

Tracking Efforts and Success

Mountain Mobility will track public outreach efforts by:

- Maintaining a log of all outreach activities.
- Keeping copies of any print ads, and transcripts of any public service announcements
- Making notes after any meeting regarding the overall tone of the meeting and any ideas or observations made regarding the process.
- Regularly updating stakeholder lists and community organization partners list.

Future Public Involvement Plan Updates

This Public Involvement Plan will be updated along with the Mountain Mobility Title VI Program every three years, or more frequently if needed.

Language Assistance Plan for Limited English Proficiency (LEP) Populations

Individuals, who have a limited ability to read, write, speak, or understand English, are limited English proficient (LEP). The number of LEP individuals in the United States grew by 80 percent between 1990 and 2010, and the Southeastern and Southwestern United States saw some of the highest growth rates during this time period. However, California and other traditional immigrant-destination states continued to account for the majority of the country’s LEP population. In 2010, LEP individuals accounted for 25.2 million, or 9 percent, of the US population over age 5.

Public transit is a key means of achieving mobility for many LEP persons. Title VI of the Civil Rights Act requires that agencies receiving Federal funding must understand the needs of Limited English Proficiency (LEP) customers in order to provide no cost language assistance when needed. Title VI also requires that specific information regarding LEP clients be maintained by agencies receiving Federal funds.

Mountain Mobility, Buncombe County’s Community Transportation System, is committed to ensuring that its passengers have access to language assistance as needed to access services provided by the transit system. Buncombe County receives Federal funding assistance through the North Carolina DOT to support administrative, operating, and capital needs. The County also receives Federal funding assistance as a sub-recipient of the City of Asheville for its Ridership for Disabled and Elderly Persons (taxi voucher) program, as well as for deviated-fixed routes. Mountain Mobility is dedicated to serving all passengers effectively and this plan outlines the specific actions Mountain Mobility continue to take in order to meet all requirements of Title VI of the Civil Rights Act, regardless of whether Federal or State funding requirements are applicable.

The LEP Plan submitted in 2007 included checklists of tasks with corresponding dates of completion. The checklists included tasks related to establishment of the LEP plan and ongoing monitoring. The tables are now used to ensure that ongoing assessments and monitoring are completed. The program is re-evaluated annually to identify the LEP population, and to outline strategies for improvement of service to LEP clients.

ONGOING INVENTORY AND ASSESSMENT			
	FY08	FY09	FY10
Establish the LEP population in Mountain Mobility’s service area.	X		
Evaluate the existing eligibility process to determine if LEP needs are documented.	X		
Determine which Mountain Mobility documents meet the definition of “vital” documents	X		
Identify geographic areas with high concentrations of LEP persons.	X		
Survey Mountain Mobility staff to determine existing bilingual resources.	X		
Establish the frequency of contact between LEP clients and Mountain Mobility staff.	X		
Inventory existing languages used by current LEP passengers.	X		

ONGOING INVENTORY AND ASSESSMENT			
	FY08	FY09	FY10
Develop a list of written and oral language assistance products and methods currently used at Mountain Mobility.	X		
Analyze census data as well as state and local demographic data to determine LEP populations.	X		
Conduct survey of current LEP clients.	X		
Conduct interviews with other agencies that have regular contact with LEP clients such as DSS and the Health Center.	X		
Conduct interviews with Mountain Mobility office staff and vehicle operators that typically come into contact with LEP clients.	X		

CONTINUOUS IMPLEMENTATION STRATEGIES			
Language Assistance Measures	FY08	FY09	FY10
Have all vital documents translated into Spanish	X		
Establish the use of in-person interpreter services upon request for reservations, dispatching, public meetings, and other important events/services. Provide notification to customers of the availability of interpretive services.	X		
Provide telephone interpretation for basic transit questions and trip planning assistance in virtually any language.	X		
Establish partnerships and work closely with community organizations that serve LEP populations.	X		

Office Procedure/Policy	FY08	FY09	FY10
Develop procedures for office staff that regularly interact with clients on how to respond to an LEP caller/writer/rider.		X	
Develop procedures for vehicle operators who regularly interact with the general public on how to respond to LEP customers.		X	
Make necessary adjustments to RouteMatch interface to note all LEP passengers and their primary language.	X		
Establish competency standards for interpreters and translators.	X		
Add a question during all eligibility processes to assess passengers' English proficiency and primary spoken language.	X		
Draft a Mountain Mobility Policy requiring all interpretation and written translation must be performed by approved vendors/individuals whose competency has been established.	X		
Incorporate LEP plan information into the Mountain Mobility Policies and Procedures Manual, Rider's Guide and other informational documents.		X	
Designate staff to the tasks of day to day administration of LEP program, ensuring compliance and correct implementation.		X	

CONTINUOUS IMPLEMENTATION STRATEGIES (Continued)			
Staff Training	FY08	FY09	FY10
Develop curriculum and train drivers, dispatchers, and reservationists in: <ul style="list-style-type: none"> • Awareness of type of language services available • How staff and/or LEP passengers can obtain these services • How to respond to LEP callers • How to respond to LEP clients in person • How to respond to correspondence from LEP clients • How to document LEP needs • How to respond to civil rights complaints 		X	
Provide training to drivers, dispatchers, trainers, and all administrative staff in LEP policies and procedures.		X	
Investigate coordinating training with DSS or the Health Center.	X		

Notice to LEP Persons	FY08	FY09	FY10
Place a notice of right to language assistance, at no cost, on important outreach documents and on the Mountain Mobility website.		X	
Develop an outreach plan to ensure LEP residents are aware of Mountain Mobility's services and to ensure they have adequate access to the service.		X	
Provide information in multiple languages about Mountain Mobility's complaint process and post on website.		X	
Place foreign-language ads in publications serving second language populations to share current significant service-related announcements.	X		

Monitoring	FY08	FY09	FY10
Establish a process to obtain feedback on the effectiveness of implemented Language Assistance Measures.			X
Obtain feedback from Mountain Mobility office staff and vehicle operators on the effectiveness of implemented Language Assistance Measures.			X
Obtain feedback from community members and agency staff such as DSS and the Health Center on the effectiveness of implemented Language Assistance Measures.			X
Evaluate any new documents to determine if they are vital documents and need to be translated.			X
Evaluate the Mountain Mobility LEP plan to gauge its effectiveness and determine appropriate revisions and updates every two years, or more frequently as needed. Evaluation will: <ul style="list-style-type: none"> • Determine the number of LEP individuals in Mountain Mobility's Service District • Assess whether existing language assistance services are meeting the needs of LEP clients • Assess staff implementation of policies and procedures, and assess adequacy of resources. 			X
Identify service changes affecting areas with high concentrations of LEP individuals and develop mitigation strategies.			X

As an update to this Limited English Proficiency Plan, the County completed a recent Four Factor Analysis in November 2013 which identifies Limited English proficiency priority populations in Buncombe County using the 2009 five year estimates from the American Community Survey data.

Executive Order No. 13166, "Improving Access to Services for Persons with Limited English Proficiency," dated August 11, 2000 (65 Fed. Reg. 50121, Aug. 16, 2000) requires federal agencies to assess and address the needs of otherwise eligible persons seeking access to federally conducted programs and activities, who, due to limited English proficiency, cannot fully and equally participate in or benefit from those programs and activities. Mountain Mobility operates community transit services throughout all of Buncombe County. The purpose of this four factor analysis is to utilize the most recent data available for populations of LEP persons throughout Buncombe County and to determine whether transit publications and other translation services should be required to serve these populations.

The EO and DOJ LEP Guidance specify that each federal agency should "take reasonable steps to ensure meaningful access to the information and services they provide." The DOJ guidance document instructs agencies to consider four factors in developing LEP guidance for their recipients of federal funding.

- 1) The number of LEP persons in the eligible service population or the number which is likely to be encountered in recipient activities and programs;
- 2) The frequency with which LEP individuals come into contact with the program;
- 3) The importance of the service or information provided by the program;
- 4) The resources available to the recipient of federal funds.

Analysis of Factors

Factor 1: Number or Proportion of LEP Individuals in the Eligible Population

Mountain Mobility Staff evaluated non-English speakers in Buncombe County, which is the service area for the transit system. (See table by language in **Attachment 1**). Staff utilized the most recent updates to LEP populations supplied through the 2009 American Community Survey which classifies the populations by County and Native Language based on their ability to speak English. According to the most recent LEP data utilized, a significant number of Buncombe County residents (more than 1,000) have Spanish as their native language and do not speak English well. No other non-English speaking groups exceeded the threshold.

Factor 2: Frequency of Contact with the Program

All contacts with Mountain Mobility are made through the offices of Buncombe County, Land-of-Sky Regional Council (Administration), and the McDonald Transit Offices (Operations) of Mountain Mobility in Asheville. There is also contact with the public at outreach meetings which support Mountain Mobility transit projects. These contacts are potentially made through telephone calls, mail, internet web site, e-mail, and in person. The Land-of-Sky staff role is to evaluate potential rider eligibility. Therefore, potential riders make contact with Land-of Sky frequently. The office staff estimates that fewer than four persons with limited English proficiency have contacted these offices in the last two years.

Factor 3: Nature and Importance of the Program

Land-of-Sky Regional Council's administrative offices of Mountain Mobility and the McDonald Transit Operations Center are the more frequent points of customer contact for transit riders. The Land-of Sky Mountain Mobility office is a partnership between local and state government that makes decisions about transportation planning in urbanized areas and also meets planning requirements established by

federal authorizing legislation for transportation funding. Mountain Mobility's transportation programs provide extremely necessary and meaningful non-emergency medical transportation services. Transportation serves a very meaningful public purpose which includes the provision of services to children, medical care, food, and housing on a non-emergency level.

Factor 4: Resources Available

Recognizing the occasional need to handle calls in languages other than English, the Land-of-Sky staff hires interpreters and maintains a list of staff volunteers who are fluent in five languages other than English. This is supplemented by contract translation and interpreter services on retainer with Land of Sky Regional Council, the host organization of Mountain Mobility's offices of administration. Through these volunteers and contract services, we are able to assist callers who are better served by speaking with staff in languages other than English. Volunteers who are fluent in the languages of callers or correspondents who are asked to deal directly with LEP persons in responding to inquiries. Technical staff is called upon as necessary in order to assist volunteers in providing requested information. We ask for assistance from volunteers to help callers on an infrequent basis—less than once a year. Thus, the Land-of-Sky's current policy of using multi-lingual staff volunteers is an efficient and effective use of resources.

The transit webpage which is maintained for Mountain Mobility by Buncombe County can be translated into multiple languages and is available in Spanish. The Mountain Mobility office of Land-of-Sky Regional Council makes available pertinent documents such as the Mountain Mobility Rider's Guides and Transit maps and other program information on its website in Spanish. Any executive summaries of major planning documents vital to Mountain Mobility are also translated upon request, including the MPO and RPO Human Services Transportation Plans.

In summary, following the recent review of LEP populations in Buncombe County, all rider policies and customer service documents are made available in English and in Spanish. Those documents, as well as printed notices of hearing are automatically translated. As a policy, customers can request translation services in a variety of languages by calling 250-6750 x 5.

Language Assistant Plan,
Attachment F-1

Buncombe County Limited English Proficiency Tables
by Language

2009 American Community Survey Data

Buncombe County, North Carolina	212,328
	+/-35
Speak only English	197,695
	+/-1,030

B

Language/Description	Estimated Number	Language/Description	Estimated Number	Language/Description	Estimated Number
Spanish	8,838	Polish	68	Mon-Khmer	27
	+/-489		51		32
speak English "very well"	4,300	speak English "very well"	56	speak English "very well"	27
	+/-457		47		32
speak English less than "very well"	4,538	speak English less than "very well"	12	speak English less than "very well"	0
	+/-415		18		127
French	730	Serbo-Croat	0	Hmong	47
	+/-180		127		57
speak English "very well"	574	speak English "very well"	0	speak English "very well"	32
	+/-165		127		54
speak English less than "very well"	156	speak English less than "very well"	0	speak English less than "very well"	15
	+/-82		127		24
Creole	15	Other Slavic	515	Thai	37
	24		289		36
speak English "very well"	7	speak English "very well"	139	speak English "very well"	37
	12		120		36
speak English less than "very well"	8	speak English less than "very well"	376	speak English less than "very well"	0
	20		202		127
Italian	93	Farsi	62	Laotian	19
	52		55		18
speak English "very well"	72	speak English "very well"	28	speak English "very well"	15
	55		32		17
speak English less than "very well"	21	speak English less than "very well"	34	speak English less than "very well"	4
	24		37		7
Portuguese	146	Gujarati	113	Vietnamese	174
	115		98		141
speak English "very well"	124	speak English "very well"	82	speak English "very well"	63
	109		82		68
speak English less than "very well"	22	speak English less than "very well"	31	speak English less than "very well"	111
	24		36		91
German	797	Hindi	31	Other Asian	31
	185		30		35
speak English "very well"	667	speak English "very well"	22	speak English "very well"	13
	180		25		20
speak English less than "very well"	130	speak English less than "very well"	9	speak English less than "very well"	18
	64		18		23

Language/Description	Estimated Number	Language/Description	Estimated Number	Language/Description	Estimated Number
Yiddish	9	Other Indic	145	Tagalog	271
	15		140		121
speak English "very well"	0	speak English "very well"	114	speak English "very well"	208
	127		126		118
speak English less than "very well"	9	speak English less than "very well"	31	speak English less than "very well"	63
	15		32		46
Other West-Germanic	40	Other Indo-European	266	Other Pacific Island	117
	34		195		112
speak English "very well"	32	speak English "very well"	45	speak English "very well"	69
	32		52		75
speak English less than "very well"	8	speak English less than "very well"	221	speak English less than "very well"	48
	12		172		48
Scandinavian	54	Chinese	104	Navajo	0
	69		86		127
speak English "very well"	54	speak English "very well"	61	speak English "very well"	0
	69		56		127
speak English less than "very well"	0	speak English less than "very well"	43	speak English less than "very well"	0
	127		41		127
Greek	303	Japanese	138	Other Native American	39
	190		93		72
speak English "very well"	215	speak English "very well"	68	speak English "very well"	39
	174		53		72
speak English less than "very well"	88	speak English less than "very well"	70	speak English less than "very well"	0
	74		56		127
Russian	1,009	Korean	140	Hungarian	68
	489		97		52
speak English "very well"	299	speak English "very well"	89	speak English "very well"	54
	188		62		49
speak English less than "very well"	710	speak English less than "very well"	51	speak English less than "very well"	14
	405		53		22
				Arabic	75
					58
				speak English "very well"	75
					58
				speak English less than "very well"	0
					127

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value.

1. An '*' entry in the margin of error column indicates that too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
 2. An '***' entry in the margin of error column indicates that no sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
 3. An '-' entry in the estimate column indicates that no sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
 4. An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.
 5. An '+' following a median estimate means the median falls in the upper interval of an open-ended distribution.
 6. An '****' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
 7. An '*****' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
 8. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.
 9. An '(X)' means that the estimate is not applicable or not available.
-

Title VI Compliance Assessment Tool

23 Code of Federal Regulations (CFR) Part 200 requires that Buncombe County conduct periodic reviews of contractors, subcontractors, and sub-recipients of federal funds to ensure they are complying with Title VI of the Civil Rights Act of 1964. Title VI states that “No person in the United States shall be excluded from participation, denied the benefits of, or be subjected to discrimination in any Federally-funded program, policy or activity on the basis of race, color, or national origin.”

Buncombe County has developed this assessment as a means of determining sub-recipient compliance; helping sub-recipients understand their Title VI responsibilities; and assisting Buncombe County in planning future training and technical assistance.

This assessment has been designed to take only a few minutes of your time. Please fax or mail the completed questionnaire with attachments to Lyuba Zuyeva, Mountain Mobility Title VI Coordinator, Mountain Mobility Administration, c/o Land-of-Sky Regional Council, 339 New Leicester Highway, Suite 140, Asheville, NC 28806, Fax (828)251-7487.

Questions or concerns may be e-mailed to lyuba@landofsky.org or by phone at (828)251-7437. This questionnaire must be returned by the following date: _____.

Baseline Questionnaire

1. Who is the Title VI contact person for your agency? Does this person accept complaints from the public? If not, who does? Please include title, email and telephone number for each person listed.

2. In the past three years, has your agency been named in a discrimination complaint or lawsuit? If so, when and what was the nature of the complaint or lawsuit and the outcome?

3. Does your agency have a written discrimination complaint process? If so, please provide a copy as an attachment.

4. Has your agency made the public aware of the right to file a complaint? If so, by what mechanism? Provide as attachment.

5. Does your agency provide free translation services for persons with Limited English Proficiency (LEP)? Explain.

6. In the past twelve months, what has your agency done to receive and consider input from the citizen groups, especially minority, low income, disabled and transit-dependent? Provide as attachment, if applicable.

7. Does your agency have a method to collect racial and ethnic data on citizens impacted by your projects? If so, please describe.

8. Has your agency provided written Title VI Assurances to Buncombe County? Please attach a copy.

9. Does your agency include the required DBE assurance language at 49 CFR 26.13 (a) and (b) verbatim in all financial agreements, contracts and subcontracts?

10. Does your agency physically include the Civil Rights Special Provisions (FHWA-1273) in all contracts and ensure they are included in all sub-contracts, including the third-tier?

11. Does your agency monitor DBEs on construction projects to ensure they are performing a commercially useful function (CUF)? If so, where is this documented? If a DBE is not performing a CUF, what actions or steps have you taken? Who do you notify?

12. Name of your agency:

13. Number of full-time and part-time employees:

14. Do you have any questions regarding this assessment or Title VI? Please include them here along with your email address or phone number, and a Mountain Mobility representative will respond.

15. Would your agency like Title VI training or other Civil Rights technical assistance from Mountain Mobility? If yes, please explain. Does your agency have teleconferencing ability?

16. Please provide the Name, title and contact information of the person who completed this baseline assessment.

17. Please list each attachment provided with the assessment.

Thank You!

(The following information is included for reference only.)

26.13 What assurance must recipients and contractors make?

(a) Each financial assistance agreement you sign with a DOT operating administration (or primary or sub-recipient) must include the following assurance:

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*).

(b) Each contract you sign with a contractor, sub-recipient, or subcontractor must include the following assurance:

The contractor, sub-recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in termination of this contract or such other remedy as the recipient deems appropriate.