

# Mountain Mobility

## Title VI Plan

Adopted: 2008  
Update #1: May 5, 2015  
Update #2: May 15, 2018  
Update #3: September 21, 2021

Mountain Mobility Administration  
c/o Land of Sky Regional Council  
339 New Leicester Hwy  
Asheville, NC 28806  
828-250-6750, ext. 5

*This policy will be  
translated and  
available in  
Spanish language  
upon approval by  
the state.*

## Plan Review and Approval

On behalf of the Board of Commissioners for Buncombe County, I hereby acknowledge receipt of the Title VI Nondiscrimination Plan for Mountain Mobility, Buncombe County's community transportation program. We, the Board of Commissioners, have **reviewed and hereby approve** this Plan. We are committed to ensuring that all decisions are made in accordance with the nondiscrimination guidelines of this Plan, to the end the no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any Mountain Mobility transportation services and activities on the basis of race, color, national origin, sex, age, religion, or disability, as protected by Title VI of the Civil Rights Act of 1964 and the nondiscrimination provisions of the Federal Transit Administration.

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Signature of Buncombe County Commission Chair

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DATE

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## Title VI Nondiscrimination Agreement between the North Carolina Department of Transportation and Buncombe County

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

Further, Buncombe County / Mountain Mobility hereby agrees to:

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

**THIS AGREEMENT** is given in consideration of, and for the purpose of obtaining, any and all federal funds, grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and is binding.

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Authorized Signature

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Date

Brownie Newman  
Chairman, Buncombe County Board of Commissioners

## Introduction

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

Buncombe County is a recipient of Federal financial assistance from the North Carolina Department of Transportation (NCDOT) and the United States Department of Transportation (USDOT), receiving Federal Transit Administration (FTA) funds through the NCDOT. As the primary recipient of USDOT funds in North Carolina, the NCDOT’s comprehensive Title VI Nondiscrimination Program includes compliance oversight and technical assistance responsibilities towards its subrecipients and those subrecipients must use federal and state funds in a nondiscriminatory manner.

Buncombe County establishes this Title VI Nondiscrimination Plan for the purpose of complying with Title VI of the Civil Rights Act of 1964, as required by FTA Circular 4702.1B, and related requirements outlined under Group 01.D, “Nondiscrimination Assurance,” of the FTA Certifications and Assurances.

This document details the nondiscrimination program, policies, and practices administered by this organization, and will be updated periodically to incorporate changes and additional responsibilities as they are made.

Mountain Mobility is the community transportation program provided by Buncombe County.

## Description of Programs and Services

### Programs and Services Administered

Mountain Mobility provides public transportation options to its customers throughout Buncombe County, North Carolina. Demand response services are provided from 5:30a – 7:30p Monday through Saturday. Most demand response riders are covered under existing grants and ride fare free, however our rural general public customers pay a \$3 fare. Mountain Mobility is additionally the ADA Complementary Paratransit provider for the City of Asheville's ART fixed route system. City of Asheville ADA Complementary Paratransit customers pay a \$2 fare, and can use Mountain Mobility anytime that ART operates.

Mountain Mobility also offers three deviated fixed routes, with typically 60 minute headways. These three routes operate along less populated suburban areas, and each connect with a fixed route from the City of Asheville's ART system. All three routes run Monday to Friday, with one route operating on Saturday.

Mountain Mobility operates with the following staff positions (at the time of May 1, 2021):

1. Vehicle Operators: 48
2. Dispatchers: 6
3. Operations Manager: 1
4. Safety/Training Manager: 1
5. Fleet Manager: 1
6. General Manager: 1
7. Reservationists & Schedulers: 4
8. Eligibility and Administration: 2
9. Administration Manager: 1
10. County Oversight: 2

### Funding Sources / Tables

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

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

Each FTA Formula Grant received by our system during the past year (FY 2021), and whether the funds were received through NCDOT or directly from FTA, is checked below. Additional details are provided on how often each of the grants is received (*annually, first time, etc.*) and the amount.

Grant Title	NCDOT	FTA	Details (i.e., purpose, frequency, and duration of receipt)
<b>5307</b> (Urbanized Area Formula)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Annual
<b>5309 (b)(2)</b> (Fixed Guideway Modernization)	<input type="checkbox"/>	<input type="checkbox"/>	
<b>5310</b> (Transportation for Elderly Persons and Persons with Disabilities)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Annual
<b>5311</b> (Formula Grants for Other than Urbanized Areas)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Annual
<b>5311 (b)(3)</b> (Rural Transit Assistance)	<input type="checkbox"/>	<input type="checkbox"/>	
<b>5316</b> (Job Access and Reverse Commute)	<input type="checkbox"/>	<input type="checkbox"/>	
<b>5317</b> (New Freedom)	<input type="checkbox"/>	<input type="checkbox"/>	
<b>5303, 5304 and/or 5305</b> (Metropolitan & Statewide Planning)	<input type="checkbox"/>	<input type="checkbox"/>	
<b>5339</b> (Bus and Bus Facilities Formula)	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Other:</b>	<input type="checkbox"/>	<input type="checkbox"/>	

### Decision-Making Process

Mountain Mobility's policies are drafted by Buncombe County staff in coordination with operations and administrative staff. These policies are then presented and vetted by our Community Transportation Advisory Board (CTAB), before submission for approval by the Buncombe County Board of Commissioners.

Board or Committee Name	Appointed	Elected	Maximum # of Members
Community Transit Advisory Board	<input checked="" type="checkbox"/>	<input type="checkbox"/>	20
Board of Commissioners	<input type="checkbox"/>	<input checked="" type="checkbox"/>	7



## Title VI Coordinator

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

Vicki Jennings

Transit Program Manager

339 New Leicester Hwy., Suite 140 • Asheville, NC 28806

828.251.6622

vicki@landofsky.org

Key responsibilities of the Coordinator include:

- Maintaining knowledge of Title VI and related requirements.
- Attending civil rights training when offered by NCDOT or any other regulatory agency.
- Administering the Title VI Nondiscrimination Program and coordinating implementation of this Plan.
- Making sure internal staff and officials are familiarized and complying with their Title VI nondiscrimination obligations.
- Disseminating Title VI information internally and to the general public, including in languages other than English.
- Presenting Title VI-related information to decision-making bodies for input and approval.
- Ensuring Title VI-related posters are prominently and publicly displayed.
- Developing a process to collect data related to race, national origin, sex, age, and disability to ensure minority, low-income, and other underserved groups are included and not discriminated against.
- Ensuring that non-elected boards and committees reflect the service area and minorities are represented.
- Implementing procedures for prompt processing (receiving, logging, investigating and/or forwarding) of discrimination complaints.
- Coordinating with, and providing information to, NCDOT and other regulatory agencies during compliance reviews or complaint investigations.
- Promptly resolving areas of deficiency to ensure compliance with Title VI nondiscrimination requirements.

### Change of Title VI Coordinator

If Title VI Coordinator changes, this document and all other documents that name the Coordinator, will immediately be updated, and an updated policy statement and assurance will be signed by the new Title VI Coordinator.

### Organizational Chart

An organizational chart showing the Title VI Coordinator's place within Buncombe County is located in **Appendix B**.

### Subrecipients

Mountain Mobility does not have pass through funds to any other organizations and, therefore, does not have any subrecipients.

## Title VI Nondiscrimination Policy Statement

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

*Signature*

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Nathan Pennington, Planning Director

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Date

### Title VI and Related Authorities

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

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

### Implementation

- This statement will be signed by the Chairman of the Board of Commissioners of Buncombe County, and re-signed whenever a new person assumes that position.
- The signed statement will be posted on office bulletin boards, near the receptionist's desk, in meeting rooms, inside vehicles, and disseminated within brochures and other written materials.
- The core of the statement (signature excluded) will circulate *internally* within annual acknowledgement forms.
- The statement will be posted or provided in languages other than English, when appropriate.

## Notice of Nondiscrimination

- Buncombe County operates its programs and services without regard to race, color, national origin, sex, age, and disability in accordance with Title VI of the Civil Rights Act and related statutes. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice may file a complaint with Buncombe County.
- For more information on Buncombe County's civil rights program, and the procedures to file a complaint, contact 828-250-6750 option 5, (TTY 1-800-735-2962); email [mountainmobility@buncombecounty.org](mailto:mountainmobility@buncombecounty.org); or in person at the administrative office located at 339 New Leicester Hwy, Suite 140, Asheville, NC 28806. For more information, visit <https://www.buncombecounty.org/mm>.
- If information is needed in another language, contact 828-250-6750.
- A complainant may file a complaint directly with the North Carolina Department of Transportation (NCDOT) by filing with the Office of Equal Opportunity and Workforce Services, External Civil Rights Section, 1511 Mail Service Center, Raleigh, NC 27699-1511, Attention: Title VI Nondiscrimination Program; phone: 919-508-1808 or 800-522-0453, or TDD/TTY: 800-735-2962.
- A complainant may file a complaint directly with the Federal Transit Administration (FTA) by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

### Implementation

- The notice will be posted in its entirety on our website and in any documents and reports we distribute.
- Ads in newspapers and other publications shall include the first three (3) bullets.
- The statement will be posted or provided in languages other than English, when appropriate.

## Procedures to Ensure Nondiscriminatory Administration of Programs and Services

We are committed to the nondiscriminatory administration of our programs and services. As with the implementation of our programs in general, organization-wide compliance is required. Thus, employees and staff will periodically be reminded of our Title VI nondiscrimination obligations through staff training and use of the **Annual Education and Acknowledgment Form** below. The Title VI Coordinator will periodically assess program operations to ensure that this policy is being followed. A single copy of the form is located in Appendix D.

### Annual Education and Acknowledgement Form

#### Title VI Nondiscrimination Policy

*(Title VI and related nondiscrimination authorities)*

No person shall, on the grounds of race, color, national origin, sex, age, 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 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 Vicki Jennings at 828-250-6750 option 5, (TTY 1-800-735-2962; email [mountainmobility@buncombecounty.org](mailto:mountainmobility@buncombecounty.org)).

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 Program and other nondiscrimination guidelines. I have read the Title VI Program and I am committed to ensuring that no person is excluded from participation in or denied the benefits of 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

#### Implementation

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

## Contract Administration

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

### Contract language

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, national origin, sex, age, or disability 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 Buncombe County or the North Carolina Department of Transportation (NCDOT), the Federal Highway Administration (FHWA) and/or Federal Transit Administration (FTA) 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 Buncombe County, or the NCDOT, FHWA and/or FTA 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 Buncombe County shall impose such contract sanctions as it or the NCDOT, FHWA and/or FTA may determine to be appropriate, including, but not limited to:

- withholding of payments to the contractor under the contract until the contractor complies, and/or
- 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 subcontract or procurement as the Buncombe County or the NCDOT, FHWA and/or FTA 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 Buncombe County to enter into such litigation to protect the interests of the Buncombe County, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

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

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**Contractor's Initials**

---

**Date**

#### **Implementation**

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

### **Nondiscrimination Notice to Prospective Bidders**

Buncombe County, in accordance with Title VI of the Civil Rights Act of 1964 and related nondiscrimination authorities, and Title 49 Code of Federal Regulations, Parts 21 and 26, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority and women business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, or sex in consideration for an award.

#### **Implementation**

- The nondiscrimination language above will be included in all solicitations for bids for work or material and proposals for negotiated agreements to assure interested firms that we provide equal opportunity and do not discriminate.

- Outreach efforts will be made to minority and women-owned firms that work in requested fields, and documented.
- Unless specifically required under Disadvantaged Business Enterprise (DBE) or Affirmative Action programs, all contractors will be selected without regard to their race, color, national origin, or sex.

## External Discrimination Complaint Procedures

These discrimination complaint procedures describe the process used by Mountain Mobility to process and investigate complaints of alleged discrimination filed under Title VI of the Civil Rights Act of 1964 and related nondiscrimination laws that are applicable to programs, services, and activities carried out by Mountain Mobility.

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

### *Filing of Complaints*

1. **Applicability** – The complaint procedures apply to the beneficiaries of Mountain Mobility programs, activities, and services, such as the members of the public and any consultants/contractors hired by Mountain Mobility.
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. The law prohibits intimidation or retaliation of any sort. The complaint may be filed by the affected individual or a representative, and must be in writing.
3. **Time Limits and Filing Options** – A complaint must be filed no later than 180 calendar days after the following:
  - a) The date of the alleged act of discrimination; or
  - b) The date when the person(s) became aware of the alleged discrimination; or
  - c) Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.
4. **Submitting Complaints** – Complaints may be submitted to the following entities:
  - a) **Mountain Mobility**, 339 New Leicester Hwy., Suite 140 o Asheville, NC 28806; 828.250.6750
  - b) North Carolina Department of Transportation, Office of Equal Opportunity and Workforce Services, External Civil Rights Section, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919-508-1830 or toll free 800-522-0453
  - c) **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
  - d) 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
  - e) **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
5. **Format for Complaints** – Complaints shall be in **writing** and **signed** by the complainant(s) or a representative and include the complainant's name, address, and telephone number. Complaints received by fax or e-mail will be acknowledged and processed. Allegations received



by telephone or in person will be reduced to writing, may be recorded and will be provided to the complainant for confirmation or revision before processing. Complaints will be accepted in other languages, including Braille.

- 6. Discrimination Complaint Form** – The Discrimination Complaint Form is consistent with the Nondiscrimination Assurance in Group 01.D of the FTA Certifications & Assurances.
- 7. 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.

Protected Categories	Definition	Examples	Applicable Statutes and Regulations	
			FHWA	FTA
Race	An individual belonging to one of the accepted racial groups; or the perception, based usually on physical characteristics that a person is a member of a racial group	Black/African American, Hispanic/Latino, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; 23 CFR 200	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; Circular 4702.1B
Color	Color of skin, including shade of skin within a racial group	Black, White, brown, yellow, etc.		
National Origin	Place of birth. Citizenship is not a factor. Discrimination based on language or a person’s accent is also covered.	Mexican, Cuban, Japanese, Vietnamese, Chinese		
Sex	Gender	Women and Men	1973 Federal-Aid Highway Act	Title IX of the Education Amendments of 1972
Age	Persons of any age	21 year old person	Age Discrimination Act of 1975	
Disability	Physical or mental impairment, permanent or temporary, or perceived.	Blind, alcoholic, para-amputee, epileptic, diabetic, arthritic	Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990	

### Complaint Processing

- 8.** When a complaint is received by Mountain Mobility, a written acknowledgment and a Consent Release form will be mailed to the complainant within ten (10) business days by registered mail.
- 9.** Mountain Mobility Operations cannot internally investigate Title VI complaints filed against itself, but can internally investigate ADA complaints against itself. Mountain Mobility Administration will investigate Title VI and ADA complaints against Mountain Mobility Operations and itself. Buncombe County will investigate Title VI complaints against Mountain Mobility Administration. Mountain Mobility Administration and/or Buncombe County will consult with the NCDOT External Civil Rights Section to determine the acceptability and jurisdiction of all complaints received. (Note: If NCDOT has jurisdiction, the External Civil Rights Section will be responsible for the remainder of this process. Mountain Mobility will record the transfer of responsibility in its complaints log).
- 10.** Additional information will be requested if the complaint is incomplete. The complainant will be provided 15 business days to submit any requested information and the signed Consent Release form. Failure to do so may be considered good cause for a determination of no investigative merit.

11. Upon receipt of the requested information and determination of jurisdiction, Mountain Mobility will notify the complainant and respondent of whether the complaint has sufficient merit to warrant investigation.
12. If the complaint is investigated, the notification shall state the grounds of Mountain Mobility's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
13. If the complaint does not warrant investigation, the notification to the complainant shall specifically state the reason for the decision.

#### **Complaint Log**

14. When a complaint is received by Mountain Mobility, the complaint will be entered into the Discrimination Complaints Log with other pertinent information, and assigned a **Case Number**. (Note: All complaints must be logged).
15. The complaints log will be submitted to the NCDOT's Civil Rights office during Title VI compliance reviews. (Note: NCDOT may also be request the complaints log during pre-grant approval processes).
16. The **Log Year(s)** since the last submittal will be entered (e.g., 2012-2015, 2014-2015, FFY 2015, or 2015) and the complaints log will be signed before submitting the log to NCDOT.
17. When reporting **no complaints**, check the **No Complaints or Lawsuits** box and sign the log.

## Mountain Mobility

### DISCRIMINATION COMPLAINT FORM

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

Last Name:		First Name:		<input type="checkbox"/> Male
				<input type="checkbox"/> Female
Mailing Address:		City	State	Zip
Home Telephone:	Work Telephone:	E-mail Address		

Identify the Category of Discrimination:

- ☐ RACE
 ☐ COLOR
 ☐ NATIONAL ORIGIN
 ☐ AGE  
☐ RELIGION
 ☐ DISABILITY
 ☐ SEX

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

Identify the Race of the Complainant

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

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

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

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

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

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

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

## DISCRIMINATION COMPLAINT FORM

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

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

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

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

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

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

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

\_\_\_\_\_  
DATE

### MAIL COMPLAINT FORM TO:

Mountain Mobility  
339 New Leicester Hwy  
Suite 140  
Asheville, NC 28806  
828-250-6750

### FOR OFFICE USE ONLY

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

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

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

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

### DISCRIMINATION COMPLAINTS LOG

Log Year(s):

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 Buncombe County / **Mountain Mobility** since the previous Title VI Program submission to NCDOT.

\_\_\_\_\_  
Signature of Title VI Coordinator or Other Authorized Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name and Title of Authorized Official

## INVESTIGATIVE GUIDANCE

- A. Scope of Investigation** – An investigation should be confined to the issues and facts relevant to the allegations in the complaint, unless evidence shows the need to extend the issues.
- B. Developing an Investigative Plan** – It is recommended that the investigator prepares an Investigative Plan (IP) to define the issues and lay out the blueprint to complete the investigation. The IP should follow the outline below:
1. Complainant(s) Name and Address (Attorney name and address if applicable)
  2. Respondent(s) Name and Address (Attorney for the Respondent(s) name and address)
  3. Applicable Law(s)
  4. Basis/(es)
  5. Allegation(s)/Issue(s)
  6. Background
  7. Name of Persons to be interviewed
    - a. Questions for the complainant(s)
    - b. Questions for the respondent(s)
    - c. Questions for witness(es)
  8. Evidence to be obtained during the investigation
    - a. Issue – Complainant allege that there are only six African American contractors participating in the highway construction industry in the State and their contract awards are very small.
      - i. Documents needed: documents which show all DBE firms which currently have contracts and must include the following 1) name and race of DBE firm; 2) Date of initial certification into the DBE program; 3) type of business; 4) contracts awarded anytime during the period to the present; 5) dollar value of contract.
- C. Request for Information** – The investigator should gather data and information pertinent to the issues raised in the complaint.
- D. Interviews** – Interviews should be conducted with the complainant, respondent, and appropriate witnesses during the investigative process. Interviews are conducted to gain a better understanding of the situation outlined in the complaint of discrimination. The main objective during the interview is to obtain information that will either support or refute the allegations.
- E. Developing an Investigative Report** – The investigator should prepare an investigative report setting forth all relevant facts obtained during the investigation. The report should include a finding for each issue. A sample investigative report is provided below.

## TEMPLATE/SAMPLE Investigative Report

- I. COMPLAINANT(S) NAME**
- II. RESPONDENT(S)**
- III. APPLICABLE LAW/REGULATION**
- IV. COMPLAINT BASIS/(ES)**
- V. ISSUES/ALLEGATIONS**
- VI. BACKGROUND**
- VII. INVESTIGATIVE PROCEDURE**
- VIII. ISSUES / FINDINGS OF FACT**
- IX. CONCLUSION**
- X. RECOMMENDED ACTIONS**

APPENDIX

## Service Area Population Characteristics

To ensure that Title VI reporting requirements are met, Mountain Mobility will collect and maintain population data on potential and actual beneficiaries of our programs and services. This section is intended as a compilation of relevant population characteristics from our overall service area. This data will provide context to the Title VI Nondiscrimination Program and be used to ensure nondiscrimination and improve public outreach initiatives and delivery of ongoing programs.

### Race and Ethnicity

The following table was completed using data from 2019: ACS 5-Year Estimates Detailed Tables: TableID B02001; and TableID B03002

Race and Ethnicity	Number	Percent
Total Population	256,886	100.0%
White	228,237	88.8%
Black or African American	16,101	6.3%
American Indian or Alaska Native	1,069	0.4%
Asian	3,249	1.3%
Native Hawaiian and Other Pacific Islander	354	0.1%
Some other Race	2,846	1.1%
Two or More Races	5,030	2.0%
HISPANIC OR LATINO (of any race)	16,889	6.6%
White alone	13,622	5.3%
Black or African American alone	113	0.0%
American Indian and Alaska Native alone	31	0.0%
Asian alone	60	0.0%
Native Hawaiian and Other Pacific Islander alone	-	0.0%
Some other race alone	2,657	1.0%



## Age & Sex

The following table was completed using data from 2019 ACS 5-Year Estimates Subject Tables: S0101

Age	Number			Percent		
	Total	Male	Female	Total	Male	Female
Total Population	256,886	123,240	133,646	100%	100%	100%
Under 5 years	12,803	6,645	6,158	5.0%	5.4%	4.6%
Under 18 years	48,156	24,735	23,421	18.7%	20.1%	17.5%
18 to 64 years	158,805	76,795	82,010	62%	62%	61%
65 years and over	49,925	21,710	28,215	19.40%	17.60%	21.10%
Median Age	42.2	40.7	43.8			

## Disability

The following table was completed using data from 2019 ACS 5-Year Estimates Subject Tables S1810, Disability Characteristics:

Subject	Total		With a Disability		Percent with a Disability	
	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-
Total Population	253,150	±448	33,752	±1,323	13.3%	±0.5
Population under 5 years	12,801	±27	43	±65	0.3%	±0.5
Population 5 to 17 years	35,227	±101	1,971	±418	5.6%	±1.2
Population 18 to 34 years	54,745	±247	3,865	±478	7.1%	±0.9
Population 35 to 64 years	102,354	±266	12,618	±903	12.3%	±0.9
Population 65 to 74 years	29,181	±177	6,466	±471	22.2%	±1.6
Population 75 and over	18,842	±284	8,789	±542	46.6%	±2.8
SEX						
Male	121,578	±349	16,074	±926	13.2%	±0.8
Female	131,572	±320	17,678	±787	13.4%	±0.6
RACE AND HISPANIC OR LATINO ORIGIN						
White	225,099	±1,036	29,332	±1,229	13.0%	±0.5
Black or African American	15,706	±524	2,811	±437	17.9%	±2.7
American Indian and Alaska Native	1,028	±292	204	±122	19.8%	±11.0
Asian	3,244	±339	298	±127	9.2%	±4.5
Native American and Other Pacific Islander	354	±39	29	±47	8.2%	±14.2
Some other Race	2,791	±854	134	±85	4.8%	±3.1
Two or more races	4,928	±704	944	±288	19.2%	±4.5
Hispanic or Latino	16,815	±38	849	±219	5.0%	±1.3

## Poverty

The following table was completed using data from 2019 ACS 5-Year Estimates Subject Tables S1701, Poverty Status in the Past 12 Months:

Subject	Total		Below poverty level		Percent below poverty level	
	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-
Population for whom poverty status is determined	250,342	±539	30,542	±1,954	12.2%	±0.8
AGE						
Under 18	47,204	±287	8,139	±983	17.2%	±2.1
18 to 64	155,115	±378	18,257	±1,227	11.8%	±0.8
65 years and over	48,023	±332	4,146	±427	8.6%	±0.9
SEX						
Male	120,437	±419	13,941	±1,109	11.6%	±0.9
Female	129,905	±347	16,601	±1,213	12.8%	±0.9
RACE AND HISPANIC OR LATINO ORIGIN						
White	222,873	±1,038	25,753	±1,940	11.6%	±0.9
Black or African American	15,549	±531	2,979	±670	19.2%	±4.3
American Indian and Alaska Native	1,009	±289	28	±39	2.8%	±3.8
Asian	3,166	±334	233	±131	7.4%	±4.1
Native American and Other Pacific Islander	354	±39	15	±36	4.2%	±10.8
Some other Race	2,731	±852	740	±452	27.1%	±14.8
Two or more races	4,660	±693	794	±309	17.0%	±6.1
Hispanic or Latino	16,532	±88	5,490	±1,078	33.2%	±6.5
All individuals below:						
50 percent of poverty level	10,089	±1,114				
125 percent of poverty level	43,515	±2,276				
150 percent of poverty level	57,584	±2,652				
185 percent of poverty level	75,225	±2,559				
200 percent of poverty level	82,716	±2,682				

## Household Income

The following table was completed using data from 2019 ACS 5-Year Estimates Subject Tables S1901, Income in the Past 12 Months (In 2019 Inflation-Adjusted Dollars):

Subject	Households	
	Estimate	Margin of Error +/-
Total	107,479	±1,260
Less than \$10,000	4.0%	±0.4
\$10,000 to \$14,999	6.0%	±0.6
\$15,000 to \$24,999	11.1%	±0.7
\$25,000 to \$34,999	11.7%	±0.8
\$35,000 to \$49,999	14.9%	±0.9
\$50,000 to \$74,999	18.9%	±0.9
\$75,000 to \$99,999	11.4%	±0.7
\$100,000 to \$149,999	12.2%	±0.6
\$150,000 to \$199,999	4.7%	±0.5
\$200,000 or more	5.0%	±0.5
Median income (dollars)	52,207	±1,072
Mean income (dollars)	74,505	±1,882

## Limited English Proficiency Populations

The following table was completed using data from 2019 ACS 5-Year Estimates Subject Tables S1602: Limited English Speaking Households

Subject	Total		Percent		Limited English-speaking households		Percent Limited English-speaking households	
	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-
All households	107,479	±1,260	(X)	(X)	2,739	±500	2.5%	±0.5
Households speaking --								
Spanish	5,591	±420	5.2%	±0.4	1,913	±408	34.2%	±6.2
Other Indo-European languages	2,453	±346	2.3%	±0.3	504	±203	20.5%	±7.0
Asian and Pacific Island languages	899	±175	0.8%	±0.2	322	±126	35.8%	±11.3
Other languages	126	±70	0.1%	±0.1	0	±29	0.0%	±23.9

## Population Locations

Federal-aid recipients are required to know the characteristics and locations of populations they serve, particularly by race/ethnicity, poverty and limited English proficiency. This can be accomplished through maps that overlay boundaries and demographic features on specific communities. Population location maps are located in Appendix F.

## Title VI Equity Analyses (and Environmental Justice Assessments)

As required under FTA C 4702.1B and 4703.1, Title VI equity and environmental justice (EJ) analyses will be conducted whenever we plan to construct (or modify) a facility, such as a vehicle storage facility, maintenance facility, operation center, etc., or when there will be a change in fares. These studies will be conducted to see if the change could result in either a disparate impact based on race, color or national origin (Title VI) or a disproportionately high and adverse impact to minority and/or low-income populations (EJ). Thus, they will look at various alternatives before selecting a site for the facility. Project-specific demographic data will be collected on potentially affected communities and their involvement in associated decision-making activities will be documented. Specific studies will be made available to oversight agencies during compliance reviews or to evidence our due diligence should a complaint be filed in relation to the location and effect of a proposed facility or fare increases. Project-related equity and EJ studies will remain on file indefinitely.

## Public Involvement

### Introduction

Effective public involvement is a key element in addressing Title VI in decision-making. Recipients engaged in planning and other decision-making activities must have a documented public participation process that provides adequate notice of public participation activities, and early and continuous opportunities for public review and comment at key decision points. Underlying these efforts is our commitment to determining the most effective outreach methods for a given project or population.

This **Public Participation Plan** describes how Buncombe County will disseminate vital agency information and engage the public by seeking out and considering the needs and input of interested parties and those traditionally underserved by existing transportation systems, such as minority and limited English proficient persons, who may face challenges accessing programs and other services. General public involvement practices will include:

- Scheduling meetings at times and locations that are convenient and accessible for minority and LEP communities.
- Employing different meeting sizes and formats.
- Coordinating with community- and faith-based organizations, educational institutions, and other entities to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
- Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.
- Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP persons could also include audio programming available on podcasts.

### Public Notification

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

### Dissemination of Information

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

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

### **Meetings and Outreach**

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

#### Public Relations and Outreach

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

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

#### Public Meetings

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

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

### Small Group Meetings

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

- If it is determined that a targeted group has not been afforded adequate opportunities to participate, the group will be contacted to inquire about possible participation methods, including a group meeting with them individually.
- Unless unusual circumstances or safety concerns exist, hold the meeting at a location of the target group's choosing.
- Share facilitation duties or relinquish them to members of the target group.
- Small group discussion formats may be integrated into larger group public meetings and workshops. When this occurs, the smaller groups will be as diverse as the participants in the room.

### Community Surveying

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

### **Limited English Proficiency**

Limited English Proficient (LEP) persons refers to persons for whom English is not their primary language who have a limited ability to read, write, speak, or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well, or not at all.

In an effort to comply with DOT's LEP policy guidance and Executive Order 13166, this section of our public participation plan outlines the steps we will take to ensure meaningful access to all benefits, services, information, and other important portions of our programs and activities by individuals who are limited-English proficient. Accordingly, a four factor analysis was conducted to determine the specific language services appropriate to provide, and to whom, to inform language assistance planning and determine if our communication with LEP persons is effective.

#### *Four Factor Analysis*

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

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

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

Subject	Total		Percent		Limited English-speaking households		Percent Limited English-speaking households	
	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-
All households	107,479	±1,260	(X)	(X)	2,739	±500	2.5%	±0.5
Households speaking --								
Spanish	5,591	±420	5.2%	±0.4	1,913	±408	34.2%	±6.2
Other Indo-European languages	2,453	±346	2.3%	±0.3	504	±203	20.5%	±7.0
Asian and Pacific Island languages	899	±175	0.8%	±0.2	322	±126	35.8%	±11.3
Other languages	126	±70	0.1%	±0.1	0	±29	0.0%	±23.9

Limited English Proficient (LEP) populations are growing in Buncombe County and throughout Western North Carolina, as indicated by the latest American Community Survey. While households speaking Spanish comprise the largest non-English speaking population, households speaking Indo-European and Asian languages are increasing, thereby increasing the need for services to these populations even though they may not reach the safe harbor threshold. Mountain Mobility is seeing an increase in requests for translation services for these populations.

Geographically, the city of Asheville is home to many populations of LEP individuals. Many Spanish, European and Asian groups have chosen to reside within the city limits. Pockets of both Asian and Eastern European residents occur in the southern and eastern part of Buncombe County, respectively. Despite these growing populations, resources for the Spanish-speaking community are more common, leading pockets of Spanish-speaking households to spread to the western/north western areas of the county outside the city limits of Asheville. As LEP populations spread to more rural areas of Buncombe County, transportation services may be more in demand as access to city transit services decreases.

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

When accessing Mountain Mobility's services, a community liaison is typically the first point of contact, assisting LEP clients with details and applications. Mountain Mobility receives an average of two calls per month from community resource liaisons attempting to enroll LEP clients. As part of outreach efforts, Mountain Mobility participates in community events quarterly, which gives LEP individuals multiple opportunities to learn more about the service.

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



Many LEP individuals live within the city limits of Asheville, giving those individuals access to Asheville's fixed-route service (ART – Asheville Rides Transit). The City of Asheville contracts with Buncombe County (Mountain Mobility) to provide ADA Complementary Paratransit service to those living within the city limits with a qualifying disability. As the LEP and total populations grow, the need for ADA Complementary Paratransit service will increase, becoming one of the most important services Mountain Mobility provides. Mountain Mobility has seen an increased need for transportation services for LEP senior adults, particularly those needing advanced healthcare services such as dialysis and chemotherapy.

<b>Factor #4: <i>The resources available to the recipient and costs.</i></b>
--

Many resources for LEP households are available in Buncombe County, including translation services, healthcare resources, and other organizations working to connect LEP individuals to the community. Mountain Mobility uses these resources liberally to assist in reaching LEP households, particularly Spanish-speaking households. Mountain Mobility Administration partners with healthcare organizations, food banks and other groups to ensure awareness of Mountain Mobility's availability to their customers, including LEP customers. Mountain Mobility materials are translated into Spanish for dissemination. Additionally, Mountain Mobility uses the Interactive Voice Response system – or IVR – to communicate with LEP clients. This service is available in 5 languages: English, Spanish, Russian, Chinese and Ukrainian. Mountain Mobility also has access to a translation phone service for assistance with more than 300 languages/dialects.

### *Language Assistance Plan*

As a result of the above four factor analysis, a Language Assistance Plan (LAP) was required. This plan outlines organizational practices to monitor, evaluate, and update LEP procedures, and the types of assistance provided to ensure fair treatment and meaningful access to LEP persons.

### *Language Assistance Measures*

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

- Translating public notices posted in the local paper and at stations, stops, and in vehicles into the languages of all language groups that met the threshold in Factor 1.
- Making a concerted effort to inform LEP persons of available language assistance via staff, broadcast media, relationship-building with organizations, and our website.
- Posting vital bulletin board information and disseminating community surveys in various languages.
- Providing translation and interpretive services when appropriate (upon request or predetermined) at meetings.
- Determining how best to take public involvement to LEP groups directly, including through small group meetings.
- Language line translation services at our call center.
- Utilizing or hiring staff who speak a language other than English and can provide competent language assistance. Note: We will not ask community-based organizations to provide, or serve as, interpreters at our meetings. Relying upon CBOs in that capacity could raise ethics concerns. If a

CBO decides (on its own) to translate any materials for its constituents, or bring interpreters it trusts to our meetings, we cannot object. That is their right.

- Using language identification flashcards to determine appropriate services.
- Establishing a process to obtain feedback on our language assistance measures.

### *Specific Measures by Language Group*

- Spanish:

### *Written Translation and Oral Interpretation*

Vital documents will be translated for each eligible LEP language group in our service area that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be encountered. Translated materials will be placed online and in appropriate public (or private) places accessible to LEP persons. The safe harbor provisions apply to the translation of written documents only, and do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. When appropriate, translation of any document will be communicated orally in the appropriate language.

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

### *Staff Support for Language Assistance*

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

### *Project-Specific LEP Outreach*

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

### *Monitoring and Updating the LAP*

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

## **Demographic Request**

The following form was used to collect required data on Key Community Contacts and nonelected committee members. A single copy of the "Demographic Request" form is located in Appendix E.

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

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

Completed forms will remain on file as part of the public record. For more information regarding Title VI or this request, please contact Mountain Mobility, attn.: Vicki Jennings, at 828.251.6622 or by email at [vicki@landofsky.org](mailto:vicki@landofsky.org).

Please sign below acknowledging that you have completed this form.

Thank you for your participation!

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

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

#### **Implementation**

- Forms will be completed prior to triennial Title VI compliance reviews and remain on file for three years.
- All new and existing members of appointed decision-making boards or committees will be **required** to complete this form for reporting purposes.
- If a member, for whatever reason, selects *"I choose not to provide any of the information requested above,"* they will have also **completed** the form.
- If a member chooses not to provide any of the information on the form, the Title VI Coordinator will be permitted to indicate that member's race and gender, based on the Coordinator's best guess.
- Data from these forms will be used to complete the Demographic Request Table in Appendix E.
- Once a new member submits this form, the Demographic Request Table for the associated committee will be updated.

## Summary of Outreach Efforts Made Since the Last Title VI Program submission

The following format will be used to report all outreach efforts made since our last NCDOT Title VI Compliance Review. All meetings and disseminations of information shall enable collection of information for the table below:

Meeting Date	Meeting Purpose	Target Audience
11/3/2018	Family Caregiver Regional Conference	General Public
11/14/2018	Service Coordinator's Monthly Luncheon	Professionals/Providers
1/10/2019	RAAC (Regional Aging Advisory Committee)	Professionals/Providers
3/10/2019	Senior Services day	Elderly
5/9/2019	Strive Not to Drive Focus - North Buncombe	General Public/Elderly
6/13/2019	WEADD Walk (World Elder Abuse Awareness Day)	General Public
6/27/2019	Successful Aging Day (Sponsor: Council on Aging of Buncombe County)	Elderly
9/5/2019	Healthy Aging Day (Sponsor: YMCA of WNC)	General Public
9/7/2019	Fairview Fall Fling	General Public
9/10/2019	Information Session	Elderly
10/3/2019	Kinship Caregiver Seminar	Professionals/Providers
10/10/2019	Enka-Candler Community Market	General Public
10/23/2019	Volunteer Fair	Elderly/General Public
10/28/2019	Information Meeting	Elderly
11/8/2019	Geriatric Summit	Professionals/Providers
11/15/2019	Coffee and Conversation (YMCA - Enka-Candler)	Elderly

12/4/2019	Land of Sky Regional Council Regional Open House	Public Officials
1/10/2020	Information Meeting	Disabled Adults

## Staff Training

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

## Nonelected Boards and Committees

### *Strategies for Representative Committees*

We will seek minority participation and strive for committees that are representative of our constituencies by:

- Openly asking public and small group meeting participants if they would be interested in serving on a committee.
- Seeking referrals from local organizations and key community contacts that serve or represent minorities.
- Exploring different types of committees, such as ad hoc minority- or youth-only Citizen Advisory Committees.
- Outreach efforts and responses (or lack thereof from those asked to serve or refer others) will be documented.

## Record-keeping and Reports

Records will be kept to document compliance with the requirements of the Title VI Program. Unless otherwise specified, Title VI-related records shall be retained indefinitely. These records will made available for inspection by authorized officials of the NCDOT and/or FTA. As a subrecipient of FTA funds through NCDOT, we are required to submit a Title VI Program update to NCDOT every three years, the next of which is due in **2024**. Reports on Title VI-related activities and progress to address findings identified in civil rights compliance reviews and assessments may also be submitted on an as-requested basis. It will occasionally be necessary to update this program plan and its component parts (e.g., complaints, Public Involvement, and LEP), applicable documents, and responsible officials. Updates will be submitted to NCDOT for review and approval.

**In addition to other items throughout this plan**, records and reports due at the time of compliance reviews or investigations will include:

### Compliance Reviews

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

### Complaint Investigations

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



## Appendix A

### Applicable Nondiscrimination Authorities

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

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

## Appendix B

### Organizational Chart

## Appendix C

### NCDOT's Compliance Review Checklist for Transit

#### I. Program Administration (General Requirements)

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

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

Requested Items  (Please attach electronic documents (.pdf, .doc, etc.) or provide links to online versions)	Completed
1. A copy of the recipient's <i>signed</i> NCDOT's Title VI Nondiscrimination Agreement	<input type="checkbox"/>
2. Title VI Policy Statement ( <i>signed</i> )	<input type="checkbox"/>
3. Title VI Notice to the Public, including a list of locations where the notice is posted	<input type="checkbox"/>
4. Type the name and title of your Title VI Coordinator and attach a list of their Title VI duties <b>Name/Title:</b>	<input type="checkbox"/>
5. Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)	<input type="checkbox"/>
6. Title VI Complaint Form	<input type="checkbox"/>
7. List of transit-related Title VI investigations, complaints, and lawsuits (i.e., discrimination complaints log)	<input type="checkbox"/>
8. Public Participation Plan, including information about outreach methods to engage traditionally underserved constituencies (e.g., minorities, limited English proficient populations (LEP), low-income, disabled), as well as a summary of outreach efforts made since the last Title VI Program submission	<input type="checkbox"/>
9. Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance, which requires conducting four-factor analyses	<input type="checkbox"/>
10. A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process Mountain Mobility uses to encourage the participation of minorities on such committees	<input type="checkbox"/>
11. A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions <b><i>reviewed and approved</i></b> the Title VI Program	<input type="checkbox"/>
12. A description of the procedures Mountain Mobility uses to ensure nondiscriminatory administration of programs and services	<input type="checkbox"/>
13. <b>If you pass through FTA funds to other organizations</b> , include a description of how you monitor your subrecipients for compliance with Title VI, and a schedule for your subrecipients' Title VI Program submissions. ➤ <b>No Subrecipients</b> <input type="checkbox"/>	<input type="checkbox"/>
14. A Title VI equity analysis <b>if you have constructed or conducted planning for a facility</b> , such as a vehicle storage facility, maintenance facility, operation center, etc. ➤ <b>No Facilities Planned or Constructed</b> <input type="checkbox"/>	<input type="checkbox"/>

15. Copies of environmental justice assessments conducted for <b>any construction projects during the past three years</b> and, if needed based on the results, a description of the program or other measures used or planned to mitigate any identified adverse impact on the minority or low-income communities ➤ <b>No Construction Projects</b> <input type="checkbox"/>	<input type="checkbox"/>
16. If the recipient has undergone a Title VI Compliance Review in the last 3 years, please indicate the year of the last review and who conducted it. <b>Year/Mountain Mobility:</b>	<input type="checkbox"/>
<b>II. Transit Providers</b> <i>Requirement: FTA C 4702.1B, Chapter IV – Requirements and Guidelines for Fixed Route Transit Providers.</i> <b>Note:</b> All NCDOT subrecipients that provide <u><b>fixed route</b></u> public transportation services (e.g., local, express or commuter bus; bus rapid transit; commuter rail; passenger ferry) must complete this section. ➤ <b>Not Applicable</b> <input type="checkbox"/> (Check this box if you do not provide <u><b>fixed route</b></u> services, and skip questions 17 and 18. This section does not apply to you if you <b>only</b> provide demand response services.)	
<b>Requested Items</b> (Please attach electronic documents (.pdf, .doc, etc.) or provide links to online versions)	<b>Completed</b>
17. Service standards ( <b>quantitative measures</b> ) developed for <i>each specific fixed route mode</i> that the recipient provides (standards may vary by mode) must be submitted for each of the following indicators:	
<ul style="list-style-type: none"> <li>Vehicle load for each mode (Can be expressed as the ratio of passengers to the total number of seats on a vehicle. For example, on a 40-seat bus, a vehicle load of 1.3 means all seats are filled and there are approximately 12 standees.)</li> </ul>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Vehicle headway for each mode (Measured in minutes (e.g., every 15 minutes), headway refers to the amount of time between two vehicles traveling in the same direction on a given line or combination of lines. A shorter headway corresponds to more frequent service. Service frequency is measured in vehicles per hour (e.g., 4 buses per hour).)</li> </ul>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>On time performance for each mode (Expressed as a percentage, this is a measure of runs completed as scheduled. The recipient must define what is considered to be "on time." Performance can be measured against route origins and destinations only, or against origins and destinations as well as specified time points along a route.)</li> </ul>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Service availability for each mode (Refers to a general measure of the distribution of routes within a transit provider's service area, such as setting the maximum distance between bus stops or train stations, or requiring that a percentage of all residents in the service area be within a one-quarter mile walk of bus service. )</li> </ul>	<input type="checkbox"/>
18. Service policies ( <b>system-wide policies</b> ) adopted to ensure that service design and operations practices do not result in discrimination on the basis of race, color or national origin, must be submitted for each of the following:	
<ul style="list-style-type: none"> <li>Transit amenities for each mode (e.g., benches, shelters/canopies, printed materials, escalators/elevators, and waste receptacles. <b>NOTE:</b> Attach this information <u>only</u> if you have decision-making authority over siting transit amenities or you set policies to determine the siting of amenities.)</li> </ul>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Vehicle assignment for each mode (Refers to the process by which transit vehicles are placed into service throughout a system. Policies for vehicle assignment may be based on the type or age of the vehicle, where age would be a proxy for condition, or on the type of service offered.)</li> </ul>	<input type="checkbox"/>

## Appendix D

### Annual Education and Acknowledgment Form

Title VI Nondiscrimination Policy  
*(Title VI and related nondiscrimination authorities)*

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 **Land of Sky Regional Council and those conducting business on behalf of Buncombe County Community Transportation (dba Mountain Mobility)** 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 **Vicki Jennings, Title VI Coordinator, at 828.251.6622.**

#### Acknowledgement of Receipt of Title VI Program

I hereby acknowledge receipt of the **Land of Sky Regional Council/Mountain Mobility** Title VI Program and other nondiscrimination guidelines. I have read the Title VI Program and am committed to ensuring that no person is excluded from participation in or denied the benefits of the Agency's programs, policies, service 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.

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Signature

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Date

**Appendix E**  
**Demographic Request Form**

**Buncombe County Community Transportation  
Mountain Mobility**

Title VI of the Civil Rights Act of 1964 requires North Carolina Department of Transportation to gather statistical data on participants and beneficiaries of the agency's federal-aid highway programs and activities. The North Carolina Department of Transportation collects information on race, color, national origin and gender of the attendees to this public meeting to ensure the inclusion of all segments of the population affected by a proposed project.

The North Carolina Department of Transportation wishes to clarify that this information gathering process **is completely voluntary** and that you are not required to disclose the statistical data requested in order to participate in this meeting. This form is a public document.

Project Name:		Date:
Meeting Location:		
Name (please print)	Gender:  ___ Male    ___ Female	
General ethnic identification categories (check one):		
___ Caucasian	___ Hispanic American	___ American Indian/Alaskan Native
___ African American	___ Asian/Pacific Islander	Other:
		National Origin:

Thank you for your cooperation.

**After you complete this form, please either:**

- o Return it to the person who gave it to you at this meeting; or
- o Mail it to Mountain Mobility, Land of Sky Regional Council, 339 New Leicester Highway, Suite 140, Asheville, NC 28806 OR by email to [vicki@landofsky.org](mailto:vicki@landofsky.org)

## Appendix F

### Population Locations