

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

MOUNTAIN MOBILITY TITLE VI PLAN

ADOPTED: 2008
UPDATE #1: MAY 5, 2015
UPDATE #2: MAY 15, 2018

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

TITLE VI PLAN

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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 contractor or 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

Brownie Newman

By Brownie Newman, 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 and 5307/JARC – 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. Additionally, a portion of the 5307 allocation is set aside for the JARC (Job Access and Reverse Commute) programs.
- ☞ 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.

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 contractor or 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 15, 2018. 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:
<https://www.buncombecounty.org/governing/depts/transportation/non-discrimination.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 customers.

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 <https://www.buncombecounty.org/governing/depts/transportation/non-discrimination.aspx>; 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 Nathan Pennington, Planning Director. 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 Four-Factor Analysis which identifies Limited English proficiency priority populations in Buncombe County using the 2009 five year estimates from the American Community Survey, updated using data available through the 2011-2015 American Community Survey. 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 and 2011-2015 American Community Survey data, Buncombe County's most significant limited 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**.