

Title VI Program Plan

French Broad River Metropolitan Planning Organization

Initially Adopted June 23, 2011

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TITLE VI POLICY STATEMENT AND NOTICE OF NONDISCRIMINATION

It is the policy of Land of Sky Regional Council, as a federal-aid recipient and the Lead Planning Agency for the French Broad River Metropolitan Planning Organization, to ensure that no person shall, on the ground of **race, color, national origin, Limited English Proficiency, sex, age, or disability, (and low-income, where applicable)**, 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, Executive Orders 12898 and 13166, the Civil Rights Restoration Act of 1987, and other pertinent nondiscrimination authorities.

If you feel you have been subjected to discrimination, you may file a complaint. Allegations of discrimination should be promptly reported to our Title VI Coordinator:

Erica Anderson
Title VI Coordinator, Land of Sky RPO and French Broad River MPO
Land of Sky Regional Council
339 New Leicester Hwy Ste 140
Asheville, NC 28806
Phone 828-251-6622
erica@landofsky.org

This policy is an expression of our commitment to nondiscrimination and support of the Title VI Program.



Justin Hembree, Executive Director

Date: 12-7-18

Implementation (Dissemination)

- This Policy Statement contains contact information for the Title Coordinator, and it will also serve as our notice to public.
- This statement will be signed by the Executive Director of Land of Sky Regional Council, and re-signed whenever a new person assumes that position.
- The signed statement will be posted on bulletin boards, near the receptionist’s desk, in meeting rooms, and disseminated within brochures and other written materials.
- The statement will be incorporated into Title VI training and acknowledgement activities.
- The statement will be posted or disseminated in languages other than English, when appropriate.
- Low-income will be applicable to our programs, policies and activities under Environmental Justice when determining if there will be disproportionately high and adverse effects.

STANDARD USDOT TITLE VI ASSURANCES

Please refer to Appendix A of this Plan for a copy of our completed, signed USDOT Title VI Assurances.

ORGANIZATION & STAFFING

A Metropolitan Planning Organization (MPO) is the policy board of an organization created and designated to carry out the metropolitan transportation planning process. MPOs are required to represent localities in all urbanized areas (UZAs) with populations over 50,000, as determined by the U.S. Census. MPOs are designated by agreement between the governor and local governments that together represent at least 75 percent of the affected population (including the largest incorporated city, based on population) or in accordance with procedures established by applicable state or local law. When submitting a [transportation improvement program](#) to the state for inclusion in the statewide program, MPOs self-certify that they have met all federal requirements.

An urbanized area with a population over 200,000, as defined by the Bureau of the Census and designated by the Secretary of the U.S. Department of Transportation (DOT), is called a Transportation Management Area (TMA). As described in 49 U.S.C. 5303(k), and in recognition of the greater complexity of transportation issues in large urban areas, an MPO in a TMA has a stronger voice in setting priorities for implementing projects listed in the [transportation improvement program](#) and are responsible for additional planning products. The planning processes in MPOs in TMAs also [must be certified](#) by the Secretary of DOT as being in compliance with federal requirements.

The French Broad River MPO was established in 1966 and Land of Sky Regional Council became the Lead Planning Agency for the French Broad River MPO in 2009. Our Governing Board (previously known as Transportation Advisory Committee or TAC) has 28 voting seats, including representatives from 21 local government members with Transylvania County seat currently being non-voting, two Board of Transportation representatives and two transit representatives, and meets monthly on the fourth Thursday at 1 PM. There are no meetings in July or December and November meeting date falls on the

3rd Thursday. Our Technical Coordinating Committee (TCC) includes 28 voting representatives from local government staff, and meets on the second Thursday at 11 AM except July or December; November meeting date falls on the 3rd Thursday for a joint meeting with FBRMPO Board. Please refer to **Appendix B** for lists of current TAC and TCC members with race, gender, and affiliation included.

Title VI Coordinator

Erica Anderson, Economic and Community Development Director, is currently serving as the Title VI Coordinator for the French Broad River MPO

Key responsibilities of the Coordinator include:

- Maintaining knowledge of Title VI and related requirements.
- Attending civil rights training when offered by NCDOT, FHWA or other federal agencies.
- Administering the Title VI Nondiscrimination Program and coordinating implementation of this Plan.
- Making sure internal staff and officials are familiar and complying with their Title VI obligations.
- Disseminating Title VI information internally and to the 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.
- Promptly processing (receiving, logging, investigating and/or forwarding) discrimination complaints.
- Providing information to NCDOT and cooperating during compliance reviews and investigations.
- Promptly resolving deficiencies to ensure compliance with Title VI nondiscrimination requirements.

If the Executive Director or Title VI Coordinator changes, the Title VI Policy Statement and USDOT Title VI Assurances, will immediately be updated, and an updated policy statement (and nondiscrimination agreement, if standalone) will be signed by the new Executive Director.

Staffing

French Broad River MPO staff support is provided by two full time positions and three part time positions within the Economic and Community Development Department of Land of Sky Regional Council, including the following:

- Economic and Community Development Director (program oversight)
- MPO Director
- Regional Transportation Planner II
- Regional Transportation Planner I (shared position with Land of Sky RPO)
- Regional Planner I-TDM Coordinator
- GIS Coordinator (partially supporting MPO tasks)
- ECD Support Specialist (partially supporting MPO tasks)

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

ENVIRONMENTAL JUSTICE (EJ)

In 1994, President William Jefferson Clinton issued Executive Order (EO) 12898, Federal Actions to Address Environmental Justice (EJ) in Minority Populations and Low-Income Populations. To comply with the EO, federal agencies developed EJ guidelines for their funding recipients, including Federal Highway Administration (FHWA) Order 6640.23A. Accordingly, the French Broad River MPO will make achieving EJ part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health and environmental effects of its programs, policies, and activities on minority populations and low-income populations.

EJ is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation and enforcement of environmental laws, regulations and policies. The three fundamental EJ principles that guide USDOT (affiliated) actions are:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including interrelated social and economic effects, on minority and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

To achieve EJ, our programs will be administered so as to identify and avoid disproportionately high and adverse effects on minority populations and low-income populations by:

- (1) Identifying and evaluating environmental, public health, and interrelated social and economic effects of our programs, policies and activities;
- (2) Proposing measures to avoid, minimize and/or mitigate disproportionately high and adverse environmental and public health effects, and interrelated social and economic effects, and providing offsetting benefits and opportunities to enhance communities, neighborhoods, and individuals affected by our programs, policies and activities, where permitted by law;
- (3) Considering alternatives to proposed programs, policies, and activities, where such alternatives would result in avoiding and/or minimizing disproportionately high and adverse human health or environmental impacts to minority and/or low-income populations; and
- (4) Eliciting public involvement opportunities and considering the results thereof, including soliciting input from affected minority and low-income populations in considering alternatives.
- (5) Adding an EJ section to plans and studies, such as Long Range Plans, Public Involvement Plans, and Corridor Studies.

EJ analyses will be conducted to determine if our programs, policies, or activities will result in disproportionately high and adverse human health and environmental effects on minority populations and low-income populations. EJ applies to our policies, such as where public meetings will be held, and our projects, such as when we plan to construct or expand a facility. Thus, we will look at various alternatives and seek input from potentially affected communities before making a final decision. Demographic data will be collected to document public involvement in the decision-making process. EJ analyses will remain on file indefinitely, and copies will be provided to NCDOT, upon request, during compliance reviews or complaint investigations. (See **Appendix D** – Tables for Race/Ethnicity and Poverty)

DATA COLLECTION/ANALYSIS/REPORTING

Data collection, analysis and reporting are key elements of a successful Title VI enforcement strategy. To ensure that Title VI reporting requirements are met, the French Broad River MPO will collect and maintain data on potential and actual beneficiaries of our programs and services. This section contains relevant population data for our overall service area. The data provides context for the Title VI Nondiscrimination Program and will be used to ensure nondiscrimination in public outreach and delivery of our programs. Please refer to Appendix D for demographic tables on Race & Ethnicity, Age & Sex, Disability, Poverty, and Household Income.

Population Locations

Recipients of FHWA funds are required to identify the characteristics and locations of populations they serve, particularly by race/ethnicity, poverty and limited English proficiency. We will document this narratively or through maps that overlay boundaries and demographic features on specific communities, and provide this information to NCDOT, upon request. (See Appendix E – Demographic Maps)

LIMITED ENGLISH PROFICIENCY (LEP)

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

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

Four Factor Analysis

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

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

Factor #1: <i>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.</i>

FBRMPO Planning Area population is 398,570 based on Census 2010 data. LEP persons analysis was performed at the Metropolitan Statistical Analysis area level (which includes four counties, including Buncombe, Haywood, Henderson and Madison) since MSA population is very close to the FBRMPO Planning Area population and only a small sliver of Transylvania County is included in the FBRMPO Planning Area.

Table: Language Spoken at Home Table B16001, American Community Survey 2015 Five-Year Data, Asheville MSA, Top Three Languages Other than English

LANGUAGE SPOKEN AT HOME	Estimate	Margin of Error	Percent of Population	Margin of Error
Total (population 5 years and over), Asheville MSA	415,002	+/- 96	100%	(X)
Speak only English	384,204	+/- 1460	92.58%	+/- 0.35%
Spanish or Spanish Creole:	21,264	+/- 979	5.12%	+/- 0.24%
Speak English "very well"	10,113	+/- 988	2.44%	+/- 0.24%
Speak English less than "very well"	11,151	+/- 803	2.69%	+/- 0.19 %
Russian:	999	+/- 432	0.24%	+/- 0.10 %
Speak English "very well"	484	+/- 269	0.12%	+/- 0.06%
Speak English less than "very well"	515	+/- 290	0.12%	+/- 0.07%
Other Slavic Languages:	881	+/- 371	0.21%	+/- 0.09%
Speak English "very well"	369	+/- 192	0.09%	+/- 0.05 %
Speak English less than "very well"	512	+/- 249	0.12%	+/- 0.06 %

In the table above, only Spanish or Spanish Creole LEP group meets the threshold of 1000 persons or 5% of the population speaking English less than “very well”. Of note is that Russian and “Other Slavic Languages” LEP groups come very close to meeting the 1000+ persons threshold. “Other Slavic Languages” group is likely to be predominantly Ukrainian-speaking population. Asheville region is home to a relatively high number of immigrants from the former Soviet Union, including Russians, Ukrainians and Moldovans. An image below from Buncombe County Schools website from December 11, 2018 illustrates that Buncombe County Schools share inclement weather information in Spanish, Russian, Ukrainian and Romanian (Romanian is spoken by people from Moldova and does not fall under the “Other Slavic Languages” category—Romanian is considered to be an Eastern Romance Language).

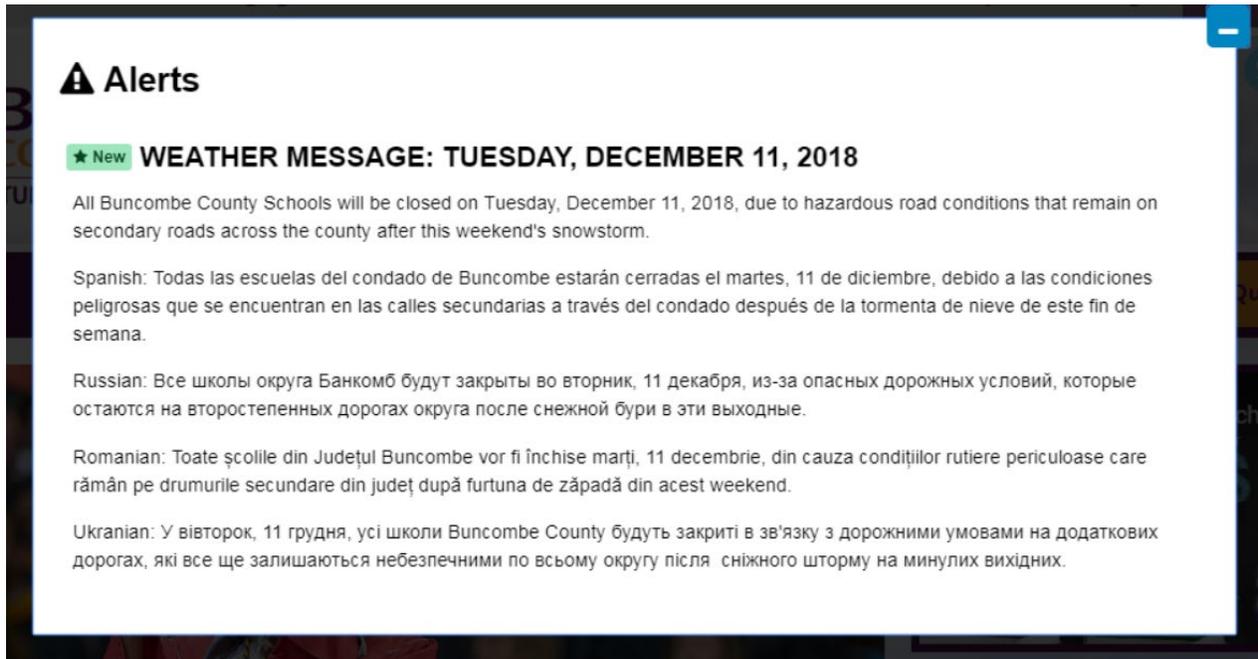
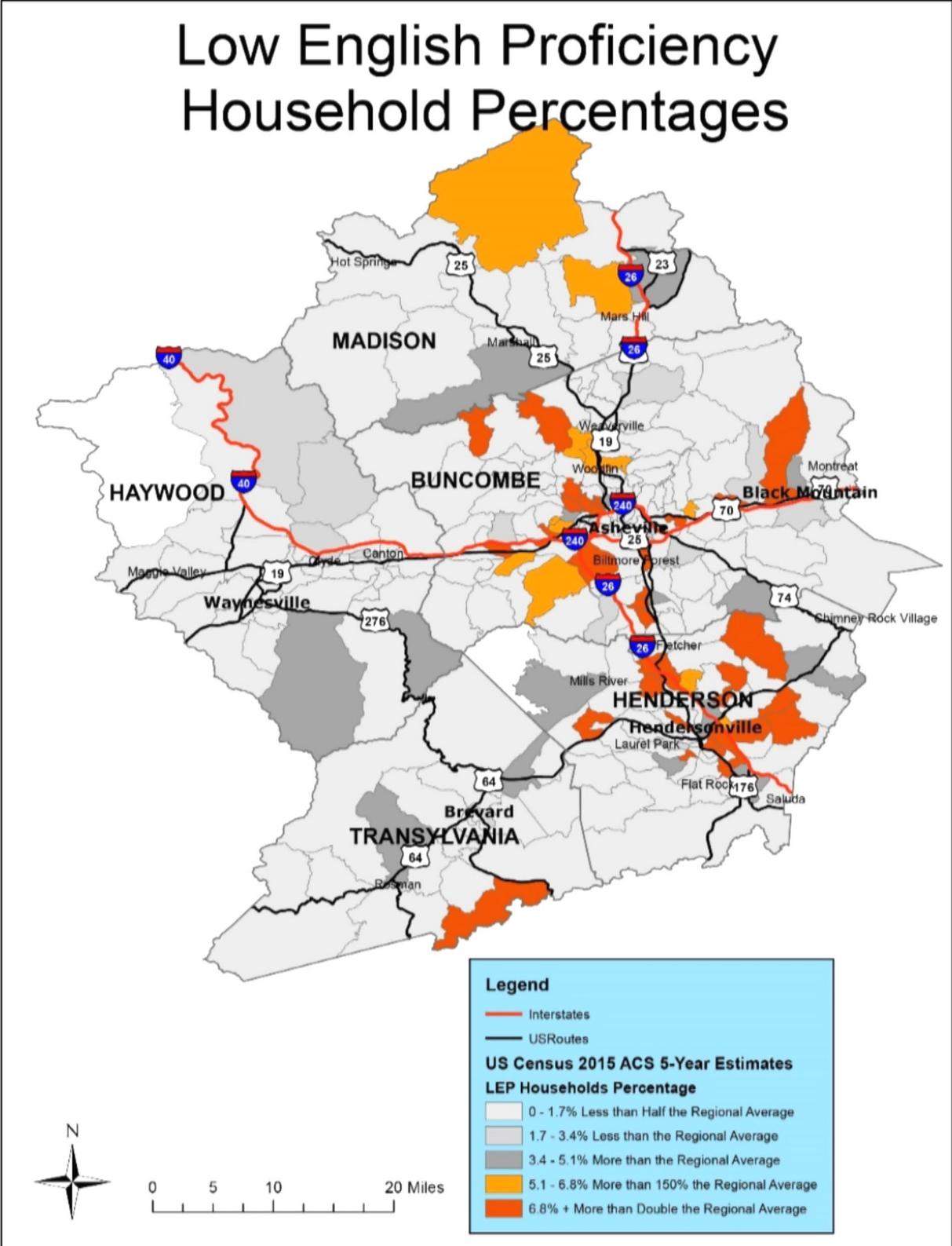


Image: Inclement Weather Alert from Buncombe County Schools Posted at <https://www.buncombeschools.org/> on December 11, 2018

Russian and Ukrainian speakers tend to be predominantly concentrated in Buncombe County, whereas Henderson County (especially portions of East Flat Rock and eastern Henderson County) sees a high percentage of Spanish LEP population, partially due to the strong presence of the agriculture industry in Henderson County.



The map below illustrates the areas of concentration of LEP populations across our region.

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

LEP individuals are likely to come in contact with French Broad River MPO planning initiatives or programs once or twice a year-for example, when MPO staff are doing public outreach for a specific plan update or when a survey for STI/SPOT Prioritization process is made available.

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

Regional transportation issues and especially transit and bicycle and pedestrian planning are likely to be of importance to LEP populations in the French Broad River MPO region. Providing better transit and pedestrian facilities, in particular, could make a difference for individuals trying to access jobs, social services and basic necessities such as medical treatment and groceries. However, in many instances it is difficult to convey the importance of long-range transportation planning to LEP population groups as well as other individuals who might be operating under a lot of constraints (time, income, transportation, etc.) in their daily lives.

French Broad River MPO will continue to reach out to local non-profit and social services agencies such as El Centro of Henderson County, Family Resource Center at Emma (Children First/Communities in Schools of Buncombe County) and Catholic Charities Diocese of Charlotte-Asheville Office to help get the word out about key regional transportation planning initiatives and public input opportunities.

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

MPO staff time limitation as well as limited staff resources at non-profit agencies already working with LEP populations are the two limiting factors in developing a closer working relationship with local non-profit groups who have an open communication with LEP communities.

Translators are available to have key documents and short summaries translated into Spanish.

LANGUAGE ASSISTANCE PLAN

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

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 public meeting locations into any languages that meet the safe harbor threshold in Factor 1: currently only Spanish.

- Vital documents—such as executive summaries of the Metropolitan Transportation Plan and the Transportation Improvement Program—are translated into Spanish and made available on our website
- Making a concerted effort to inform LEP persons of available language assistance via relationship-building with community organizations, and via the French Broad River MPO website.
- Community surveys will be translated into Spanish
- 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.
- When requested, utilizing a private translation agency that speaks a language other than English and can provide competent language assistance.
 - Note: We will not ask community-based organizations (CBO) to provide, or serve as, interpreters at our meetings. Relying upon CBOs in that capacity could raise ethical concerns. If a CBO decides (on its own) to translate any materials for its constituents, or bring interpreters it trusts to our meetings, we will not object. That is their right.
- Establishing a process to obtain feedback on our language assistance measures.

Dissemination of Materials in Spanish

Executive summaries of key documents and community surveys will be translated into Spanish and made available through the FBRMPO website. For major plan updates, FBRMPO staff will work with local community organizations serving Spanish-speakers to identify additional opportunities to share the information about transportation planning process and opportunities for public input in the French Broad River MPO region.

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 (currently Spanish). Translated materials will be placed online and available at Land of Sky Regional Council offices. The safe harbor provisions apply to the translation of written documents only, and do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. When appropriate, translation of any document will be communicated orally in the appropriate language.

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

Staff Support for Language Assistance

- Our staff will be provided a list of referral resources that can assist LEP persons with written translation and oral interpretation, including the Title VI Coordinator. This list will be updated as needed to remain current.

- Land of Sky offices will have a handout with language options. When encountering an LEP person, staff should present the individual with a handout listing most frequently-encountered languages in the FBRMPO region and let them choose the language. Assistance may be sought from bilingual staff fluent in the identified language before contacting a referral resource. The encounter will be documented and referred to the Title VI Coordinator.
- Training: All French Broad River MPO staff 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. All employees will be reminded of LEP through annual Title VI program acknowledgements and basic Title VI trainings.

Project-Specific LEP Outreach

A project-specific four factor analysis will be conducted for any project or outreach event limited to a specific geographical area (i.e., the project study area or outreach area, respectively) when the project study area is likely to have a significant concentration of LEP populations other than Spanish-speakers. 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 Language Assistance Plan

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

DISSEMINATION OF TITLE VI INFORMATION

In accordance with 23 CFR 200.9(b)(12) and 49 CFR 21.9(d), the French Broad River MPO will utilize community outreach and public education to disseminate Title VI information to our employees, contractors, sub-recipients and the general public. Reasonable steps will be taken to make the public aware of their rights and our obligations under Title VI through, including, but not limited to:

- Visibly posting our Title VI Policy Statement in public areas at our facilities, on our website, at our meetings, and prominently in any documents and reports we distribute;
- Ads in newspapers and other publications shall include the following:
FBRMPO operates without regard to **race, color, national origin, limited English proficiency, sex, age or disability**. For more information on our Title VI program, or how to file a discrimination complaint, please contact Erica Anderson 828-251-6622 or mpo@landofsky.org

- Translating vital documents into languages other than English that meet the LEP safe harbor threshold;
- Incorporating Title VI language into our contracts and agreements (See Appendix C for Title VI Contract Language); and
- Ensuring any contractors and sub-recipients we have also disseminate Title VI information.

Please refer to our Public Involvement Policy (PIP) for additional outreach methods we employ to comply Title VI. Our PIP can be found here: http://fbrmpo.org/wp-content/uploads/2016/08/PIP_Update_2014_2016_Amendments.pdf (amendment expected in January-February 2019 to include recommended language)

EXTERNAL DISCRIMINATION COMPLAINT PROCEDURES

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

FILING OF COMPLAINTS

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

Complaints may be submitted to the following entities:

- **FBRMPO, Land of Sky Regional Council**, Attn: Erica Anderson, FBRMPO Title VI Coordinator, 339 New Leicester Hwy, Ste 140, Asheville, NC 28806 828-251-6622
- **North Carolina Department of Transportation**, Office of Civil Rights, External Civil Rights Section, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919-508-1830 or toll free 800-522-0453

- **Federal Highway Administration**, North Carolina Division Office, 310 New Bern Avenue, Suite 410, Raleigh, NC 27601, 919-747-7010
- **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
- **US Department of Justice**, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530, 202-514-6255 or toll free 877-218-5228

4. Format for Complaints – Complaints shall be in **writing** and **signed** by the complainant(s) or a representative and include the complainant’s name, address, and telephone number.

Complainants will be asked to fill out the Title VI Complaint Form (see Appendix F) to submit the complaint information. In the event that a complaint is made via telephone or email, staff will request that a Title VI Complaint form be submitted. The complaint may be filed in writing with the French Broad River MPO at the following address:

Attn: Erica Anderson
 FBRMPO Title VI Coordinator
 Land of Sky Regional Council
 339 New Leicester Hwy
 Ste 140, Asheville, NC 28806

Complaints received by fax or e-mail will be acknowledged and processed. Allegations received by telephone or in person will be reduced to writing, may be recorded and will be provided to the complainant for confirmation or revision before processing. Complaints will be accepted in other languages, including Braille.

5. 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
Race	An individual belonging to one of the accepted racial groups; or the perception, based usually on physical characteristics that a person is a member of a racial group	Black/African American, Hispanic/Latino, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; 23 CFR 200. <i>(Executive Order 13166)</i>
Color	Color of skin, including shade of skin within a racial group	Black, White, brown, yellow, etc.	
National Origin (<i>LEP</i>)	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

What happens to the complaint after it is submitted?

1. When a complaint is received, the complaint will be entered into the FBRMPO Title VI Discrimination Complaints Log with other pertinent information, and assigned a **Case Number**. (Note: All complaints must be logged).
2. A letter acknowledging receipt of complaint will be mailed to the complainant within fifteen days of receipt by French Broad River MPO. Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.
3. If a complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided thirty (30) business days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.
4. Within thirty (30) business days from receipt of a complete complaint, the Title VI Coordinator will initiate an investigation and work to resolve the issue.
5. Within ten (10) days of a decision, the Title VI Coordinator will notify the Complainant and Respondent, by mail, informing them of the disposition.
 - a. If the decision is not to investigate the complaint, the notification shall specifically state the reason for the decision.
 - b. If the complaint is to be investigated, the notification will inform the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
 - c. The Complainant will be notified that the Title VI Coordinator will attempt to resolve complaints within 180 days after the French Broad River Metropolitan Planning Organization has accepted the complaint for investigation.

This complaints process is summarized on the complaint form provided in Appendix F.

Complaint Log

1. When a complaint is received, the complaint will be entered into the Discrimination Complaints Log with other pertinent information, and assigned a **Case Number**. (Note: All complaints must be logged).
2. The complaints log will be submitted to the NCDOT's Civil Rights office during Title VI compliance reviews. (Note: NCDOT may also request the complaints log during pre-grant approval processes).
3. Every four years in preparation for MPO Certification Review: if reporting **no complaints**, Title VI Coordinator will check the **No Complaints or Lawsuits** box and sign the log.

Please refer to Appendix F for a copy of our Discrimination Complaint Form and Complaints Log.

REVIEW OF ORGANIZATIONAL DIRECTIVES

It is the responsibility of every official who develops policies, procedures, manuals, guidelines, and other directives to ensure they have been reviewed for Title VI compliance. All staff members will assist in carrying out this requirement by making sure drafts of these documents are submitted to the Title VI Coordinator to ensure Title VI requirements are included.

TITLE VI TRAINING

All Land of Sky Regional Council employees involved in FBRMPO planning work will receive basic Title VI training at least once every four years. New hires will receive this training as part of FBRMPO New Board Member Orientation that is held once a year, typically in February-March, to assist new TCC and MPO Board members with learning about MPO planning. If the New Board Member Orientation is due to occur 6 months or later from the date of hire, a separate training will be scheduled for new employees to go over Title VI Plan and FBRMPO overall Title VI obligations. Trainings will be provided or organized by the Title VI Coordinator and may coincide with updates to our nondiscrimination policies and procedures. Records of staff trainings, such as agendas, sign-in sheets, copies of calendars, and certificates, will remain on file for at least four years (and in personnel files).

COMPLIANCE AND ENFORCEMENT PROCEDURES

FHWA recipients must have mechanisms in place to enforce compliance with Title VI. French Broad River MPO utilizes internal training, meetings, monitoring contractors, technical assistance, and findings from periodic NCDOT reviews to identify deficiencies and potential discrimination. If NCDOT identifies deficiencies, French Broad River MPO will correct all deficiencies within 90 days based on a Corrective Action Plan (CAP). If attempts by NCDOT to resolve a compliance issue are unsuccessful, NCDOT may take any or all of the following steps with FHWA's concurrence:

- a. Canceling, terminating, or suspending the contract or agreement in whole or in part;
- b. Refraining from extending any further assistance to the recipient under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the recipient.
- c. Taking such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the recipient.
- d. Referring the case to the FHWA for appropriate administrative or legal proceedings.
- e. Other means authorized by law.

To ensure compliance with Title VI, French Broad River MPO will take proactive steps to prevent discrimination in our programs and activities, including the following:

- Conduct periodic Title VI training;
- Address Title VI issues at staff meetings;
- Participate or cooperate during compliance reviews conducted by NCDOT;
- Inform and monitor any consultants/contractors regarding their Title VI obligations, including review of contracts for nondiscrimination language;

- Customize public outreach according to the situation or community at hand;
- Build a system of mutual trust and two-way communication with the public;
- Maintain pertinent demographic data (statistical);
- Ensure policies and procedures support and comply with Title VI;
- Document processes & activities related to Title VI.

If Land of Sky Regional Council as the Lead Planning Agency for the French Broad River MPO identifies compliance issues with our consultants/contractors, we will also take corrective action. If attempts at corrective action are unsuccessful, any or all of the following steps may be taken with NCDOT's concurrence:

- a. Canceling, terminating, or suspending the contract or agreement with the consultant/contractor in whole or in part.
- b. Taking such other action that may be deemed appropriate under the circumstances.
- c. Referring the case to the NCDOT for appropriate administrative or legal proceedings.

Appendix A
TITLE VI ASSURANCES

FRENCH BROAD RIVER

METROPOLITAN PLANNING ORGANIZATION

TITLE VI / NONDISCRIMINATION ASSURANCES

DOT Order No. 1050.2A

The Land of Sky Regional Council, as the Lead Planning Agency for the French Broad River Metropolitan Planning Organization (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through **Federal Highway Administration (FHWA)**, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964).

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, "for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Nondiscrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted **Federal-Aid Highway Program**:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility")

operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Land of Sky Regional Council, as the Lead Planning Agency for the French Broad River Metropolitan Planning Organization in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
1. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, The Land of Sky Regional Council, as the Lead Planning Agency for the French Broad River Metropolitan Planning Organization also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FHWA. You must keep records, reports, and submit the material for review upon request to FHWA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Land of Sky Regional Council, as the Lead Planning Agency for the French Broad River Metropolitan Planning Organization gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the **Federal-Aid Highway Program**. This ASSURANCE is binding on The Land of Sky Regional Council, as the Lead Planning Agency for the French Broad River Metropolitan Planning Organization, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the **Federal-Aid Highway Program**. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Land of Sky Regional Council
On behalf of the French Broad River Metropolitan
Planning Organization

by  _____
Justin Hembree,
Land of Sky Regional Council Executive Director

DATED 6-18-19

Attachments:
Appendices A, B, C, D, E

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:

10. Compliance with Regulations: The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
11. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
12. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
13. Information and Reports: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
14. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Non discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - a. Withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. Cancelling, terminating, or suspending a contract, in whole or in part.
15. Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

TITLE VI / NONDISCRIMINATION ASSURANCES APPENDIX B:

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the *Land of Sky Regional Council (LOSRC)* will accept title to the lands and maintain the project constructed thereon in accordance with the *North Carolina General Assembly*, the Regulations for the Administration of the Federal-Aid Highway Program, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the *LOSRC* all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

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

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

(*Reverter clause and related language (to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

TITLE VI / NONDISCRIMINATION ASSURANCES APPENDIX C:

**CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE
ACTIVITY, FACILITY, OR PROGRAM**

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the *Land of Sky Rural Regional Council* pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Nondiscrimination covenants, the LOSRC will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Nondiscrimination covenants, the LOSRC will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the LOSRC and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

TITLE VI / NONDISCRIMINATION ASSURANCES APPENDIX D:

**CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER
THE ACTIVITY, FACILITY OR PROGRAM**

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the *Land of Sky Regional Council (LOSRC)* pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non discrimination covenants, the LOSRC will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Nondiscrimination covenants, the LOSRC will there upon revert to and vest in and become the absolute property of the LOSRC and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

TITLE VI / NONDISCRIMINATION ASSURANCES APPENDIX E

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

Pertinent Nondiscrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

Appendix B - FBRMPO Board and TCC Members and Responsibilities

Current as of January 2019

French Broad River MPO Membership List	
Board (TAC)	
Jurisdiction	Name
Buncombe County	Brownie Newman, Vice Chair
Buncombe County	Amanda Edwards
Buncombe County	Robert Pressley (Alt.)
City of Asheville	Julie Mayfield
City of Asheville	Gwen Wisler
City of Asheville	Vijay Kapoor (Alt.)
City of Hendersonville	Steve Caraker
Haywood County	Kevin Ensley
Henderson County	Michael Edney
Henderson County	William Lapsley, Chair
Madison County	Wayne Brigman; Matthew Wechtel (alt.)
Town of Biltmore Forest	currently vacant
Town of Black Mountain	Ryan Stone
	Larry Harris (alt.)
Town of Canton	Ralph Hamlett
Town of Clyde	currently vacant
Town of Fletcher	Bob Davy
Town of Laurel Park	George Banta
Town of Laurel Park	Carey O'Cain (alt.)
Town of Maggie Valley	Saralyn Price
Town of Mars Hill	John Chandler
Town of Mills River	Brian Caskey
Town of Montreat	Tim Helms
Town of Montreat	Bill Gilliland (Alternate)
Town of Waynesville	LeRoy Roberson
Town of Weaverville	Jeff McKenna
Town of Woodfin	Jerry VeHaun
Village of Flat Rock	John Dockendorf
TPB (non-voting)	Daniel Sellers
NCBOT, Division 13	Billy Clarke
NCBOT Division 14	Jack Debnam
Transylvania County (non-voting)	Jason Chappell
FHWA (non-voting)	Michael Dawson
Urban Transit Rep	David White
Rural Transit Rep	Larry Harris

Technical Coordinating Committee (TCC)	
Jurisdiction	Name
Buncombe County	Josh O'Conner, Chair; Matt Cable, alt.
City of Asheville	Dan Baechtold; Ken Putnam (alt.)
City of Hendersonville	Daniel Heyman; Brendan Shanahan (alt.)
Haywood County	Kris Boyd;
	Jodie Ferguson(alt.); Cole Sutton (alt.)
Henderson County	Autumn Radcliff, Vice-Chair
Madison County	Forrest Gilliam (alt.)
Town of Biltmore Forest	Jonathan Kanipe; Adrienne Isenhower (alt.)
Town of Black Mountain	Jessica Trotman; Josh Harrold (alt.)
Town of Canton	Jason Burrell
Town of Clyde	Joy Garland
Town of Fletcher	Mark Biberdorf
	Eric Rufa (alt.)
Town of Laurel Park	Alison Alexander (Melnikova)
Town of Maggie Valley	Nathan Clark
	Ron Hancock (alt.)
Town of Mars Hill	Nathan Bennett
Town of Mills River	Brian Burgess; Jeff Wells (alt.)
Town of Montreat	Alex Carmichael
Town of Waynesville	Elizabeth Teague; Preston Gregg
Town of Weaverville	James Eller; Selena Coffey (alt.)
Town of Woodfin	Jason Young
Transylvania County (non-voting)	Jason Chappell
Village of Flat Rock	Pat Christie; John Dockendorf (alt.)
NCDOT, Division 13	Mark Gibbs; alternates: Hannah Cook, Brendan Merithew, Steve Cannon,
NCDOT, Division 14	Brian Burch; alternates: Wanda Austin, Steve Williams
Mountain Mobility CTAB	Matt Cable, William High (alt.)
City of Asheville Transit	Jessica Morriss; Kimille Miller (alt.)
Apple Country Transit	Janna Peterson; John Mitchell (alt.)
Haywood Public Transit	Chuck Norris
NCDOT, TPB	Daniel Sellers
FHWA (non-voting)	Michael Dawson interim
NCDOT Public Transportation Division(non-voting)	Currently vacant
Asheville Regional Airport (non-voting)	Michael Reisman

Appendix C
Organizational Chart

Member Counties and Municipalities

- | | | | |
|-----------------------|------------------------|------------------------|-------------------------|
| Buncombe
Asheville | Henderson
Flat Rock | Madison
Hot Springs | Transylvania
Brevard |
| Biltmore Forest | Fletcher | Mars Hill | Rosman |
| Black Mountain | Hendersonville | Marshall | |
| Montreat | Laurel Park | | |
| Weaverville | | | |
| Woodfin | | | |

Board of Delegates

Executive Committee

- Chair - Larry Harris - Town of Black Mountain
 Vice Chair - Barbara Volk - City of Hendersonville
 Secretary - Patrick Fitzsimmons - Town of Weaverville
 Treasurer - Mike Hawkins - Transylvania County
 Past Chair - George Goosmann - Town of Biltmore Forest
 County Delegate - John Mitchell - Henderson County
 Municipal Delegate - Albert Gooch - Village of Flat Rock
 Minority Delegate - Nancy Allen - Town of Marshall
 Aging / Volunteer Services Delegate - Bob Tomasulo

Executive Director
Justin Hembree

Deputy Executive Director
Danna Stansbury



- MAWD Board**
- MAWD Director: Nathan Ramsey
 - Performance & Accountability Specialist: Melissa Wright
 - Regional Business Services Coordinator: Barbara Darby
 - Interim Regional Business Services Coordinator: Derrick Edwards
 - Education and Work-Based Learning Coordinator: Christy Cheek
 - MAWD Support Specialist: Zia Rifkin

Finance

- Finance Director: Charlotte Sullivan
- Grants Accounting Specialist: Arlene Wilson
- Payroll and Finance Specialist: Sherry Christenson
- Accounting Assistant: Wanda Clark

Administration

- Communications and Administrative Services Coordinator: Christina Giles
- Administrative Support Specialist: Zia Rifkin

ECONOMIC & COMMUNITY DEVELOPMENT
 Economic and Community Development Director: Erica Anderson
 MPO Staff Highlighted
 Title VI Coordinator



- Area Agency on Aging Director: LeeAnne Tucker
- Family Caregiver Specialist: Ruth Price
- Caregiver Program Associate: Pat Hilgendorf
- Caregiver Program Associate: Carol McLlman
- Project C.A.R.E. Manager: Nancy Hogan
- Long Term Care Ombudsman I: Carol Allison
- Long Term Care Ombudsman I: Cori Search
- Long Term Care Ombudsman I: Jamie Foust
- Aging Program Specialist, Contracts: Zack Schmitt
- Aging Program Specialist, Health Promotion: Stephanie Stewart
- Senior Companion Program Manager: Ann Whisenhunt
- Foster Grandparent Program Manager: Stacy Friesland
- Aging & Disabilities Program Specialist: Linda Kendall Fields*
- Buncombe County Aging Plan Coordinator: Ali Climo*



Non-Emergency Medicaid Transportation

- NEMT Manager: Deon Lytle
- NEMT Supervisor: Kim Ward
- NEMT Specialist: Glenda Brown
- NEMT Specialist: Tanya Carver
- NEMT Specialist: Tequila Menken
- NEMT Specialist: LeChelle Fore
- NEMT Specialist: VACANT

Mountain Mobility

- Mountain Mobility Manager: Vicki Jennings
- Mobility Specialist: Geri Ballew
- Senior Transit Program Assistant: Charlie Lee
- RIDE Program Coordinator: Heather Roberts-VanSickle

- Senior Environmental Planner: Bill Eaker
- Fleet Services Consultant (WRP): Chris Dobbins
- GIS Coordinator: Jon Beck
- Planner I, Regional: Mary Roderick
- Planner I, Regional: Sara Nichols
- Planner I, Zoning Administrator: Adrienne Isenhower
- Planner I, Zoning Administrator: Russell Cate

FBRMPO Board

- French Broad River MPO Director: Tristan Winkler
- Transportation Planner II: Nick Kroncke
- Transportation Planner I: Ritchie Rozzelle
- Transportation Planner I: Emily Scott-Cruz

LOSRO Board

- Planner II, RPO: Vicki Eastland
- ECD Support Specialist: Zia Rifkin

Waste Reduction Partners

- WRP Director: Terry Albrecht
- Energy Program Manager: Russ Jordan
- WRP Office Manager: Dee Hanak
- Solid Waste Manager: Jan Foster
- Water Programs Manager (WRP): Tom Kimmell



Brownfields Project Manager: Tracy Wahl

C.A.R.E. - Caregiver Alternative for Running on Empty
 GIS - Geographic Information Systems
 MIS - Management Information System
 MPO - Metropolitan Planning Organization
 NEMT - Non-Emergency Medicaid Transportation
 RPO - Rural Planning Organization
 SCSEP - Senior Community Services Employment Program
 WRP - Waste Reduction Partners
 *Independent Contractor
 **SCSEP Participants
 (WRP) - Retired Volunteer Engineers, Scientist, and Architects

**Appendix D
Demographic Tables**

Race and Ethnicity

*The following table was completed using data from ESRI Community Analyst “2010 Census Profile” report (2010 numbers)

Race and Ethnicity	Number	Percent
Total Population	396,840	100
White	352,363	88.8
Black or African American	19,185	4.8
American Indian or Alaska Native	1,647	0.4
Asian	3,655	0.9
Native Hawaiian and Other Pacific Islander	481	0.1
Some other Race	11,925	3.0
Two or More Races	7,584	1.9
HISPANIC OR LATINO (of any race)	26430	6.7
Mexican	-	-
Puerto Rican	-	-
Cuban	-	-
Other Hispanic or Latino	-	-

Age and Sex

*The following table was completed using data from ESRI Community Analyst “Age by Sex Profile” report (2018 numbers based on 2010 Census):

Age	Number			Percent		
	Both sexes	Male	Female	Both sexes	Male	Female
Total Population	440,070	212,957	227,112	100%	100%	100%
Under 5 years	21,998	11,187	10,811	5.0%	5.3%	4.8%
Under 18 years	67,909	36,334	34,683	15.4%	17.1%	15.3%
18 to 64 years	176,930	123,388	127,127	40.2%	58.0%	56.0%
65 years and over	73,088	42,045	54,491	16.6%	19.8%	24.0%
Median Age	44.4	42.5	46.2			

Disability

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

*Includes Buncombe and Henderson County. Data for Haywood and Madison *not* available.

Subject	Total		With a Disability		Percent with a Disability	
	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-	Estimate %	Margin of Error +/- %
Total civilian noninstitutionalized population	353,068	1,572	50,077	5054	15.0	1.5
Population under 5 years	18,032	869	133	343	2.7	2.8
Population 5 to 17 years	52,464	1,085	4410	1611	10.5	3.5
Population 18 to 64 years	216,377	1,601	23754	3477	12.1	1.9
Population 65 years and over	66,195	1,064	21780	2681	32.4	4.0
SEX						
Male	172,149	2,680	24824	3200	15.4	2.0
Female	180,919	2,725	25253	3132	14.9	1.9
RACE AND HISPANIC OR LATINO ORIGIN						
White	317,028	4142	46,095	4,974	16.1	1.8
Black or African American	17,894	2,149	1,892	721	12.1	5.2

Poverty

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

*Includes Buncombe and Henderson County. Data for Haywood and Madison *not* available.

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	340,501	1,873	52,571	8,638	30.4	5.3
AGE						
Under 18	70,004	1,078	13,177	4,156	39.5	12.9
18 to 64	214,303	1,815	33,460	5,329	31.3	5.3
65 years and over	66,195	1,064	6,144	1,986	18.6	6
SEX						
Male	170,703	2,847	24,816	4,816	29.3	5.9
Female	179,798	2,813	27,935	5,020	31.5	6
RACE AND HISPANIC OR LATINO ORIGIN						
White	314,930	4,231	42,716	7,192	27.2	4.9
Black or African American	14,561	1,427	4,794	1,669	32.9	11.5
All individuals below:						
50 percent of poverty level	18,140	4,655	-	-	-	-
125 percent of poverty level	72,418	10,700	-	-	-	-
150 percent of poverty level	89,243	12,241	-	-	-	-

185 percent of poverty level	118,196	11,746	-	-	-	-
200 percent of poverty level	127,274	11,230	-	-	-	-

Household Income

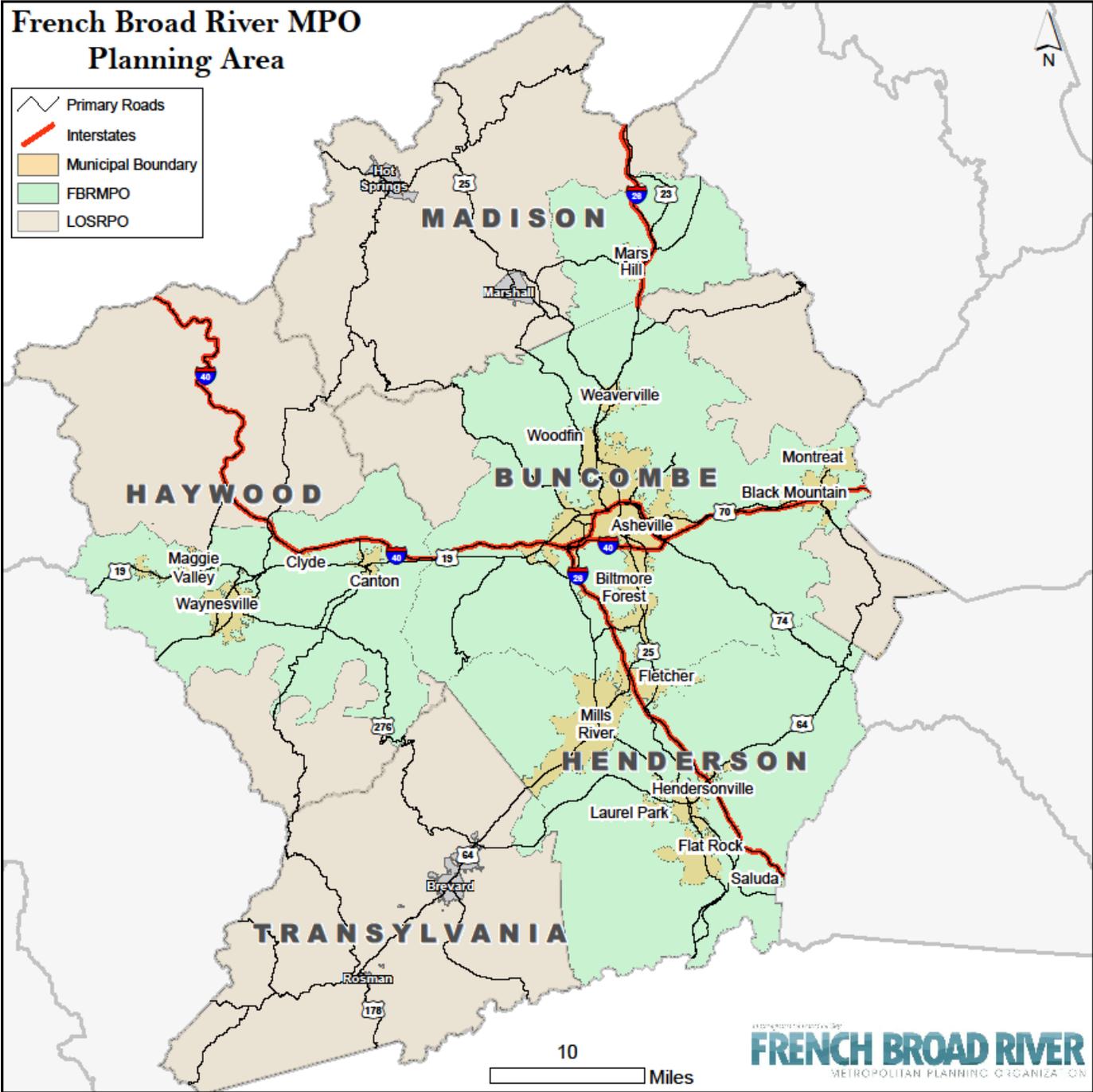
*The following table was completed using data from ESRI Community Analyst “Demographic and Income Profile” with 2018 numbers (Based on 2010 census)

**No Margin of Error +/- data available so replaced with Percent

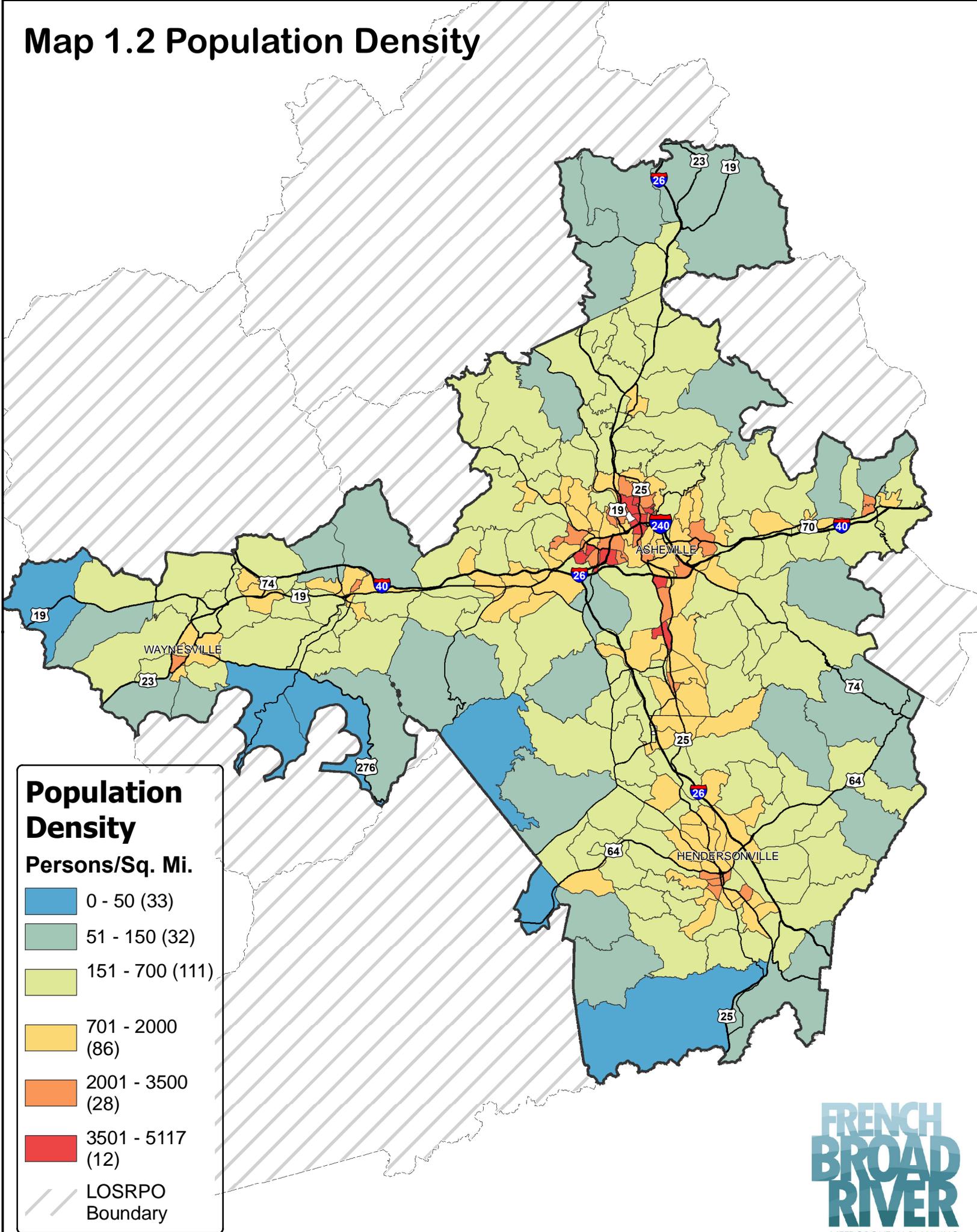
Subject	Households	
	Estimate	**Percent
Total	184,938	-
Less than \$10,000	5,750	3.0
\$10,000 to \$14,999	16,483	8.4
\$15,000 to \$24,999	19,916	10.8
\$25,000 to \$34,999	20,097	10.9
\$35,000 to \$49,999	28,856	15.6
\$50,000 to \$74,999	36,768	19.9
\$75,000 to \$99,999	22,548	12.2
\$100,000 to \$149,999	20,687	11.2
\$150,000 to \$199,999	6,531	3.5
\$200,000 or more	7,301	3.9
Median income (dollars)	50,602	-
Mean income (dollars)	69,234	-

FBRMPO Title VI Plan
Appendix E: Demographic Maps (EJ)

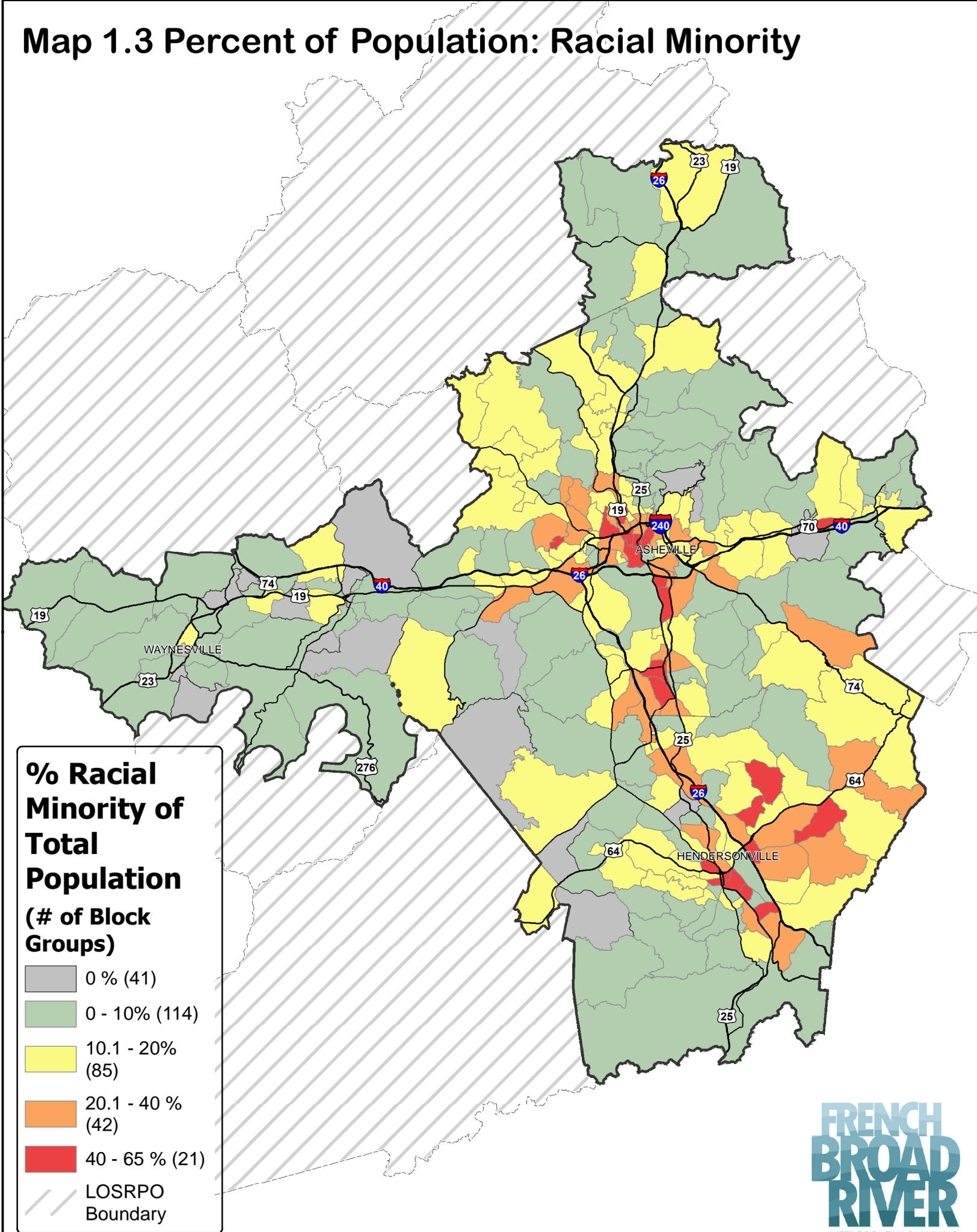
Map 1.1 French Broad River MPO Urbanized Area



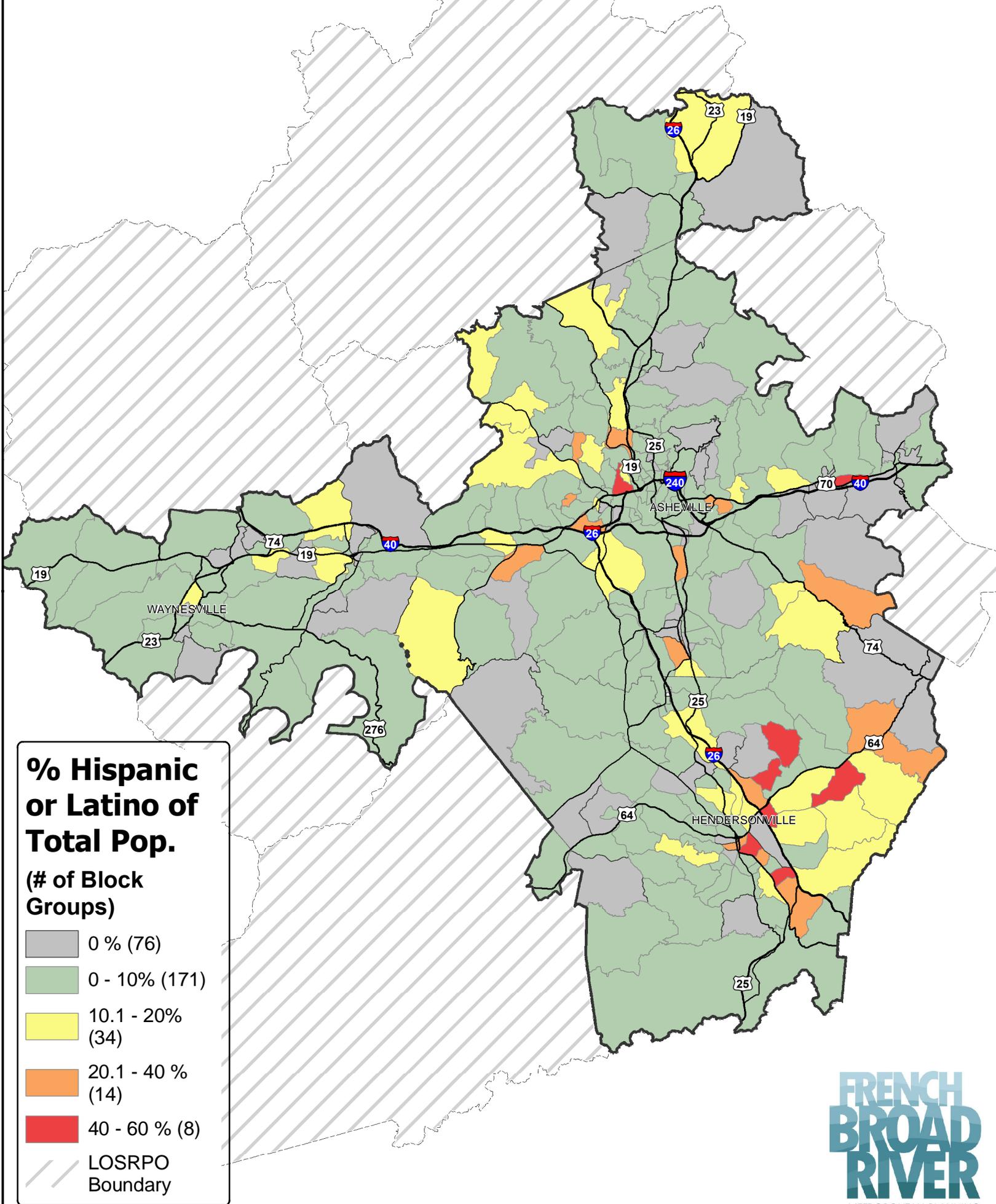
Map 1.2 Population Density



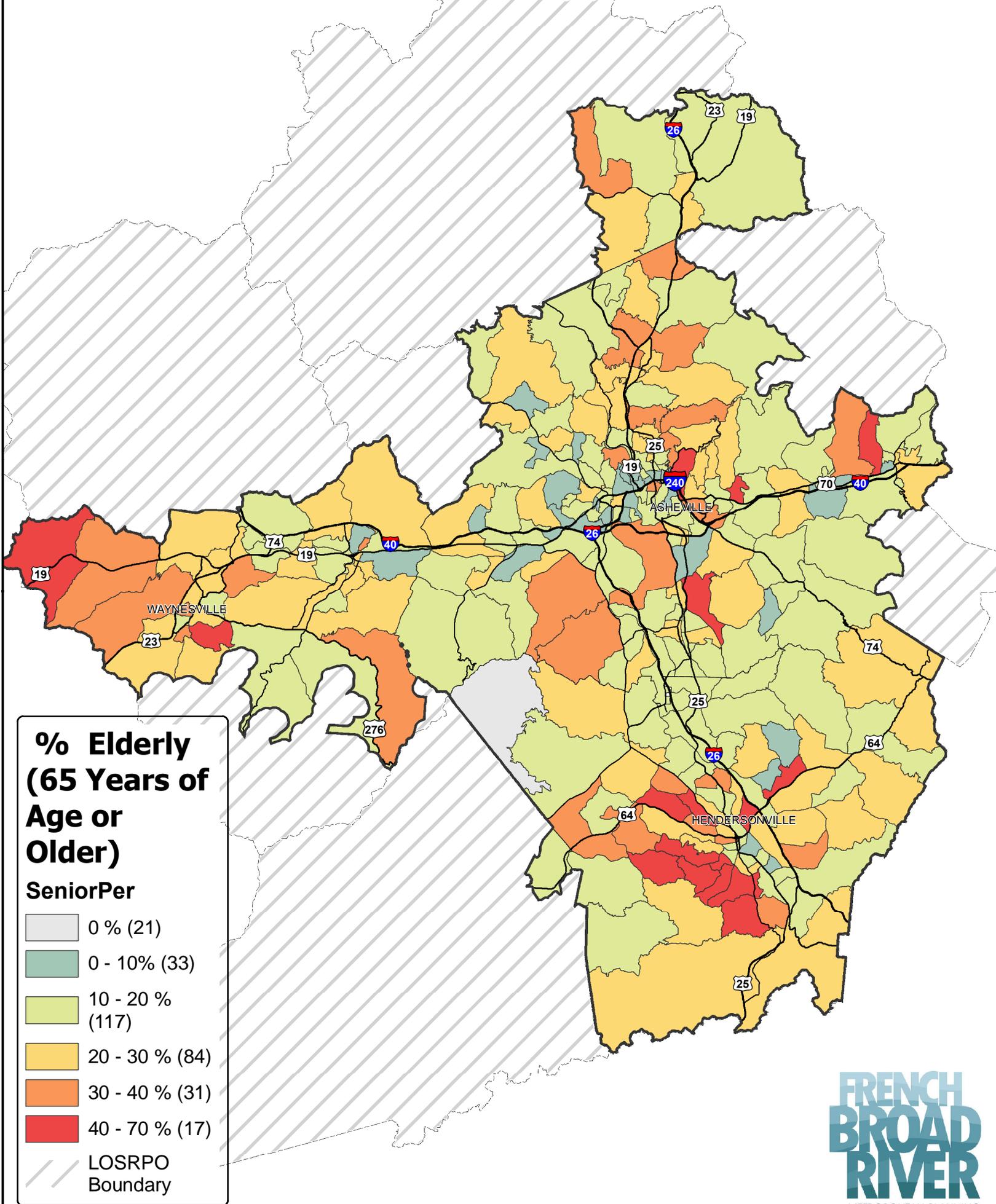
Map 1.3 Percent of Population: Racial Minority



Map 1.4 Percent of Population: Hispanic or Latino Ethnicity Origin



Map 1.5 Percent of Population: Elderly (65 Years of Age or Older)



Map 1.6 Low-Income Households

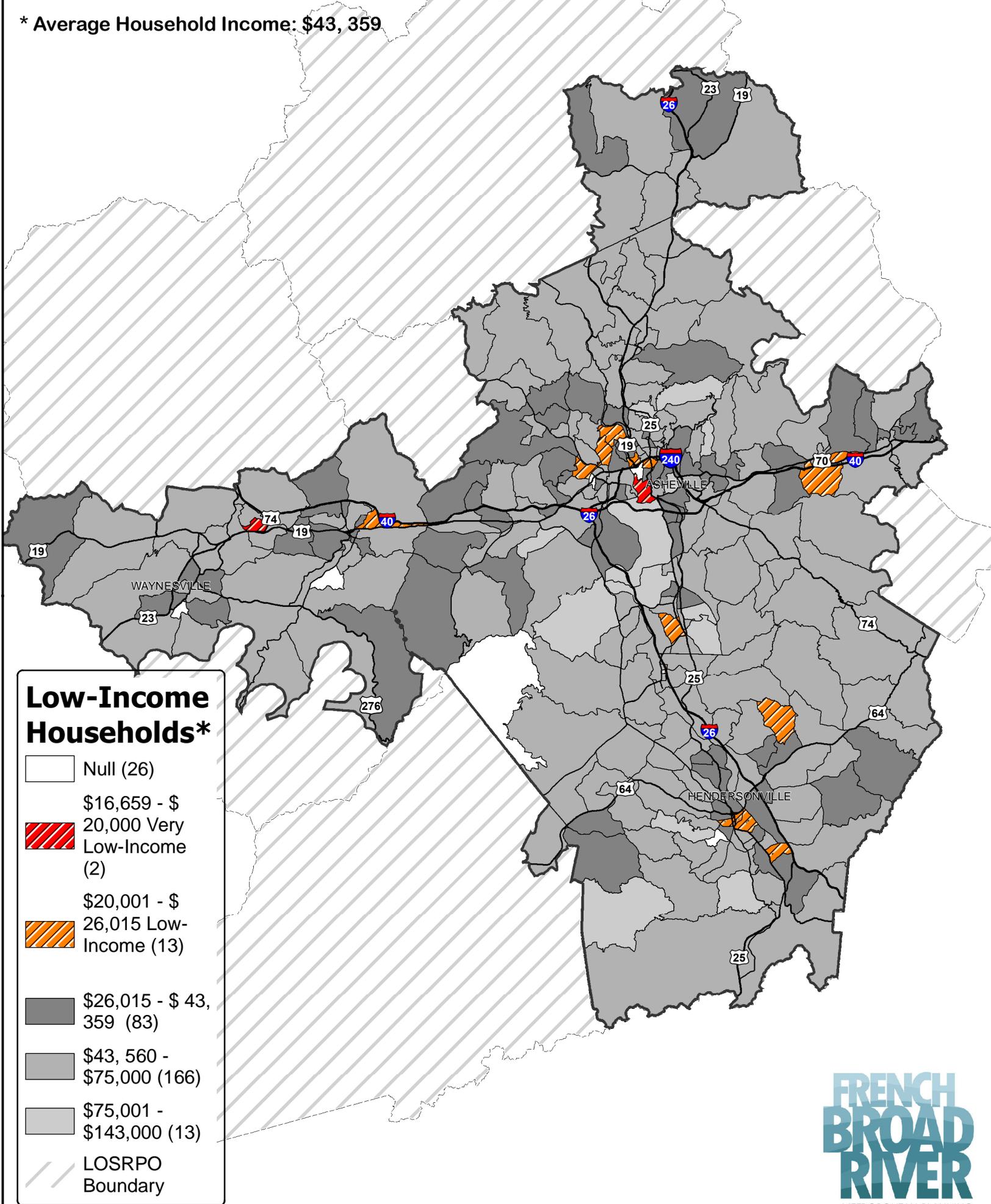
A low-income household is defined as a household whose annual median income is less than 60 percent of the average median household income level for the four-county (Buncombe, Haywood, Henderson, Madison) area. The average median household income for the area reported by the U.S. Census Bureau is **\$43,359**. Applying the 60 percent income limit factor to the \$43,359 results in a **low-income limit of \$26,015** for households. Additional analysis of lower income populations was also performed to consider the location and concentrations of *extremely* low-income populations. The extremely low-income limit was determined by applying HUD's standard, which is 30 percent of Median Household income, resulting in a extremely low-income limit of \$13,007. However, there are zero extremely low-income block groups in the MPO area.

Map 1.6 Low-Income and Extremely Low-Income Households

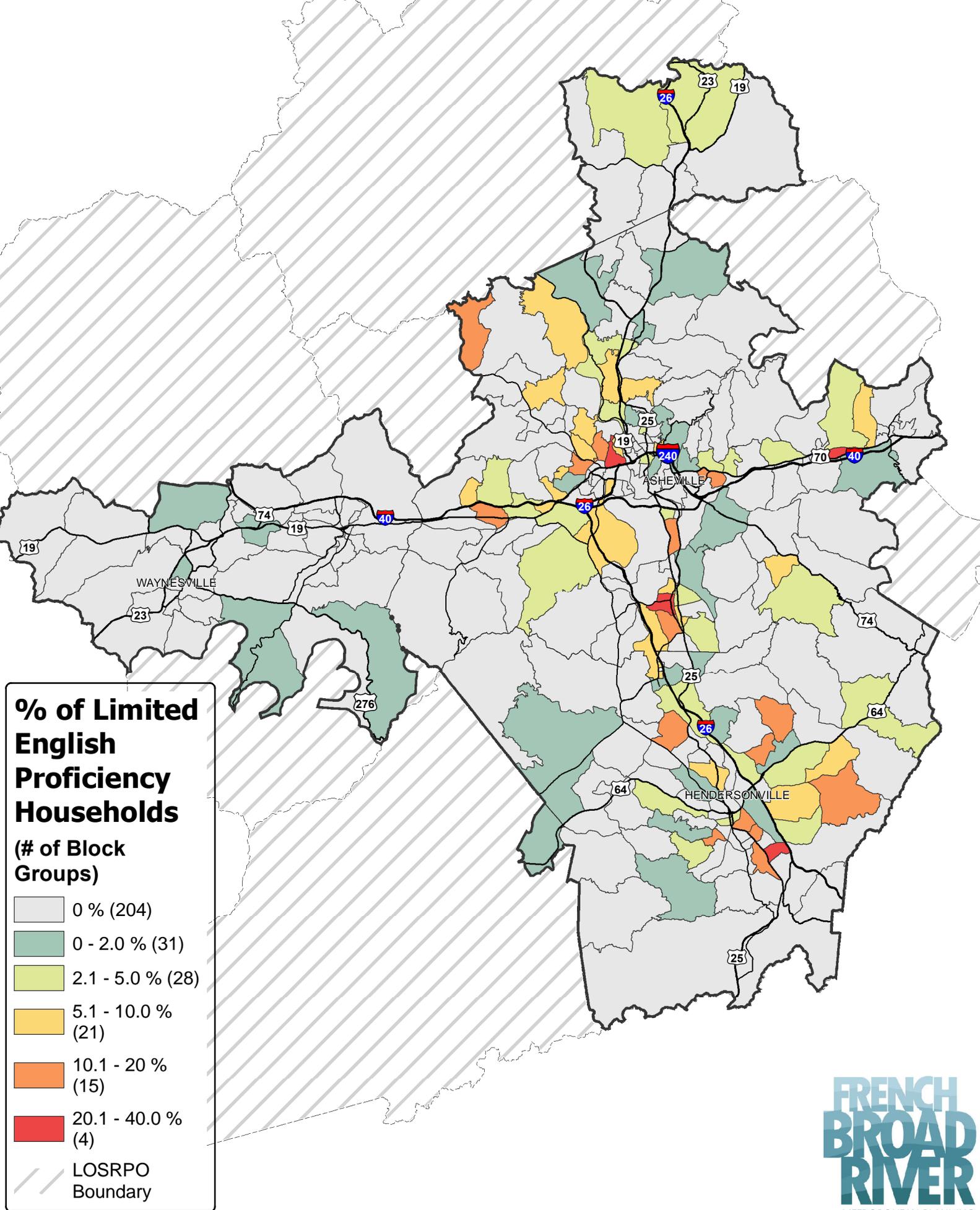
* Average Household Income: \$43, 359

Low-Income Households*

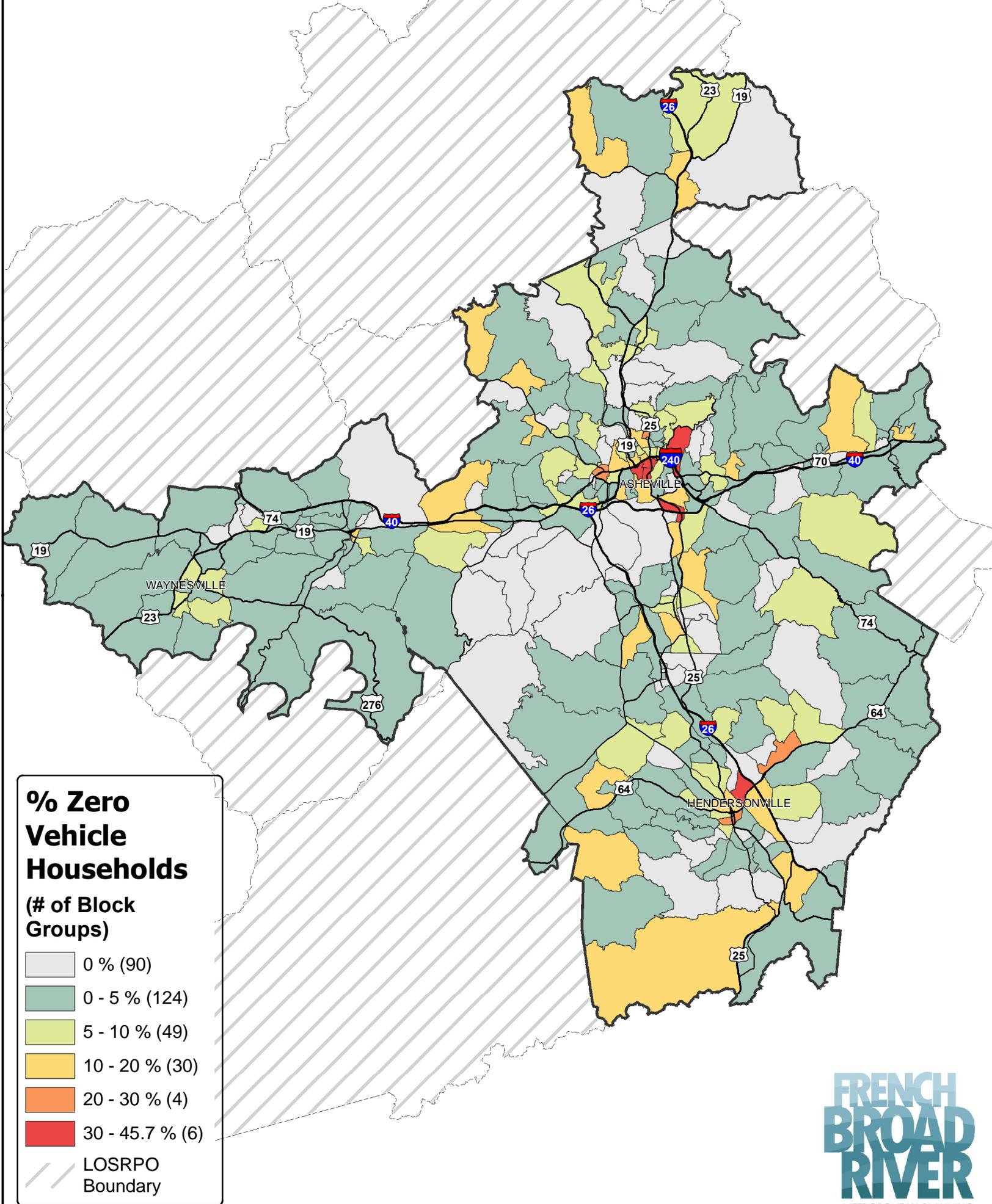
- Null (26)
- \$16,659 - \$20,000 Very Low-Income (2)
- \$20,001 - \$26,015 Low-Income (13)
- \$26,015 - \$43,359 (83)
- \$43,560 - \$75,000 (166)
- \$75,001 - \$143,000 (13)
- LOSRPO Boundary



Map 1.7 Percent of Households: Limited English Proficiency



Map 1.8 Percent of Households: Zero Vehicle Households



Map 1.9 Overlapping Communities of Concern

This final step of evaluation was to identify which Block Groups had two or more overlapping Environmental Justice (EJ) “communities of concern”. These are defined as any geographic area where the percentage of any EJ population is greater than the regional threshold for that particular EJ population. As with the other EJ Demographic Maps, US Census Block Group level data was used as the geographic area of comparison.

To determine regional thresholds, the following equation was used with a summary table (Table 1.9.1) and map (1.9) following.

$$\text{Regional Threshold} = \text{Total population/household numbers for EJ Population} \div \text{Total population/household of Four-County Region}$$

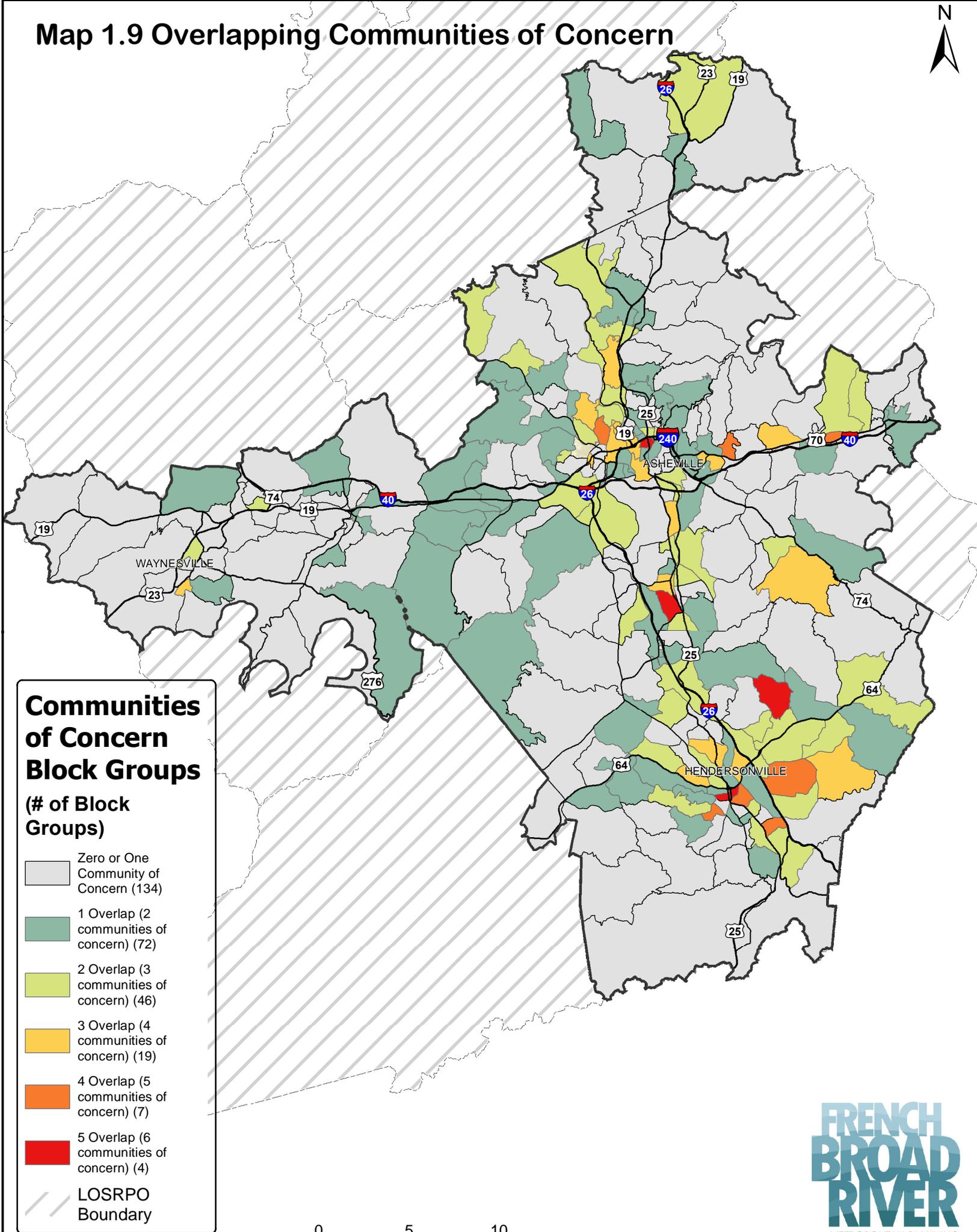
Regional Thresholds for EJ Populations	Total Value	Regional Threshold %	"Communities of Concern" = Total # Block Groups Over Regional Threshold
Total Population	445,625	N/A	N/A
Total Number of Households	187,845	N/A	N/A
Total Number of Block Groups	315	N/A	N/A
Racial Minority Population	63,819	14.32%	105
Hispanic/Latino Population	30,180	6.77%	97
Elderly Population	92,774	20.82%	145
Limited English Proficiency Households	4,181	2.23%	69
Low-Income Block Groups (\$26,015)	22	6.90%	140
Zero-Vehicle Households	9,376	4.99%	100

Map 1.9 Overlapping Communities of Concern



Communities of Concern Block Groups
 (# of Block Groups)

- Zero or One Community of Concern (134)
- 1 Overlap (2 communities of concern) (72)
- 2 Overlap (3 communities of concern) (46)
- 3 Overlap (4 communities of concern) (19)
- 4 Overlap (5 communities of concern) (7)
- 5 Overlap (6 communities of concern) (4)
- LOSRPO Boundary



Appendix F
Investigation Guidance, Discrimination Complaint Form and Log
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 (i.e., Title VI Coordinator or other official trained to conduct Title VI investigations) 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, if applicable)
 3. Applicable Law(s)
 4. Basis/(es)
 5. Allegation(s)/Issue(s)
 6. Background
 7. Name of Persons to be interviewed
 - a. Questions for the complainant(s)
 - b. Questions for the respondent(s)
 - c. Questions for witness(es)
 8. Evidence to be obtained during the investigation
 - a. Issue – e.g., Complainant alleges his predominantly African American community was excluded from a meeting concerning a future project which could affect the community.
 - i. Documents needed – e.g., mailing list which shows all physical addresses, P.O. Box numbers, property owner names, and dates when the meeting notification was mailed; other methods used to advertise the meeting.
- C. Request for Information** – The investigator should gather data and information pertinent to the issues raised in the complaint.
- D. Interviews** – Interviews should be conducted with the complainant, respondent, and appropriate witnesses during the investigative process. Interviews are conducted to gain a better understanding of the situation outlined in the complaint of discrimination. The main objective during the interview is to obtain information that will either support or refute the allegations.
- E. Preparing 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 allegation. A sample outline for an investigative report is provided below.

FBRMPO Sample Investigative Report Template

I. COMPLAINANT(S) NAME (or attorney for the complainant(s) – name and address if applicable
Name, Address, Phone: 999-999-9999

II. RESPONDENT(S) (or attorney for the respondent(s) – name and address if applicable)
Name, Address, Phone: 999-999-9999

III. APPLICABLE LAW/REGULATION

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

IV. COMPLAINT BASIS/(ES)

[For example, Race, Color, National Origin, Limited English Proficiency, Sex, Age, Disability]]

V. ALLEGATIONS

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

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

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

VI. BACKGROUND

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

VII. INVESTIGATIVE PROCEDURE

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

VIII. FINDINGS OF FACT

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

IX. CONCLUSION

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

X. RECOMMENDED ACTIONS

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

French Broad River MPO
DISCRIMINATION COMPLAINT FORM

<p>Any person who believes that he/she has been subjected to discrimination based upon race, color, national origin, sex, age, or disability may file a written complaint with French Broad River MPO, within 180 days after the discrimination occurred.</p>				
Last Name:		First Name:		<input type="checkbox"/> Male <input type="checkbox"/> Female
Mailing Address:		City	State	Zip
Home Telephone:	Work Telephone:	E-mail Address		
Identify the Category of Discrimination: <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> AGE <input type="checkbox"/> SEX <input type="checkbox"/> DISABILITY <input type="checkbox"/> LIMITED ENGLISH PROFICIENCY				
Identify the Race of the Complainant <input type="checkbox"/> Black <input type="checkbox"/> White <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian American <input type="checkbox"/> American Indian <input type="checkbox"/> Alaskan Native <input type="checkbox"/> Pacific Islander <input type="checkbox"/> Other _____				
Date and place of alleged discriminatory action(s). Please include earliest date of discrimination and most recent date of discrimination.				
Names of individuals responsible for the discriminatory action(s):				
How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. (Attach additional page(s), if necessary).				
The law prohibits intimidation or retaliation against anyone because he/she has either taken action, or participated in action, to secure rights protected by these laws. If you feel that you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation.				

French Broad River MPO Title VI Program Plan

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 Highway Administration _____
 US Department of Transportation _____
 Federal or State Court _____
 Other _____

Have you discussed the complaint with any French Broad River MPO 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:
 French Broad River MPO
 339 New Leicester Hwy, Suite 140
 Asheville, NC 28806

FOR OFFICE USE ONLY

Date Complaint Received: _____

Processed by: _____

Case #: _____

Referred to: NCDOT FHWA Date Referred: _____

