

# FRENCH BROAD RIVER

METROPOLITAN PLANNING  
ORGANIZATION  
A PROGRAM OF LAND OF SKY

## **Title VI Program Plan**

**Initially Adopted June 23, 2011**

**Updated October 16, 2025**

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## Title VI Plan Activity and Change Log

Date	Activity	Contact Person	Remarks
June 23, 2011	Initial plan adoption	MPO Board	1st comprehensive Title VI Plan
June 2019	Plan update adoption	MPO Board	
May 2025	Plan update adoption	MPO Board	
October 16, 2025	Plan update adoption	MPO Board	
March 24, 2026	Accessibility Updates	MPO Staff	Document format modified to ensure ADA compliance.

## Executive Summary

The French Broad River Metropolitan Planning Organization (FBRMPO) 2025 Title VI Plan Update outlines the organization's commitment to ensuring equity and nondiscrimination in its programs and activities. The plan is structured to comply with Title VI of the Civil Rights Act of 1964 and related federal mandates. Key components of the plan include:

- **Title VI Policy Statement:** Reinforces FBRMPO's commitment to equitable treatment regardless of race, color, national origin, sex, age, disability, or income.
- **Public Participation and Outreach:** Ensures proactive, inclusive engagement strategies, including multilingual resources and accessible communication channels, to foster meaningful public involvement.
- **Environmental Justice:** Emphasizes mitigating adverse impacts on minority and low-income populations while enhancing their participation in decision-making processes.
- **Limited English Proficiency (LEP):** Establishes a comprehensive Language Assistance Plan based on a Four-Factor Analysis to ensure meaningful access for individuals with limited English proficiency.
- **Complaint Procedures:** Details processes for addressing allegations of discrimination, ensuring transparency and accountability in handling grievances.
- **Demographic Analysis and Equity Focus:** Incorporates demographic mapping and data collection to guide equitable planning and resource allocation.
- **Training and Compliance:** Mandates regular staff training and monitoring to uphold nondiscrimination standards and improve responsiveness.

This update integrates public input and aligns with federal requirements to support equitable and inclusive transportation planning, ensuring that all residents benefit from FBRMPO's initiatives.

## Title VI Policy Statement and Notice of Nondiscrimination (English)

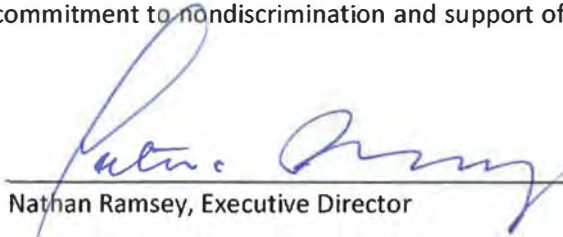
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It is the policy of Land of Sky Regional Council, as a federal-aid recipient and the Lead Planning Agency for the French Broad River Metropolitan Planning Organization, to ensure that no person shall, on the ground of **race, color, national origin, 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, 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.

  
Nathan Ramsey, Executive Director

10-20-25  
Date

### 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.

## Declaración de Política del Título VI y Aviso de No Discriminación

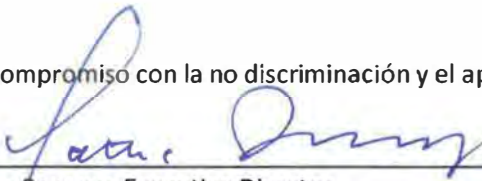
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Es política del Consejo Regional Land of Sky, como receptor de ayuda federal y Agencia de Planificación Principal para la Organización de Planificación Metropolitana del Río French Broad, garantizar que ninguna persona, por motivos de **raza, color, origen nacional, dominio limitado del inglés, sexo, edad o discapacidad (y bajos ingresos, cuando corresponda)**, sea excluida de participar, se le nieguen los beneficios o sea objeto de discriminación en cualquiera de nuestros programas y actividades, según lo dispuesto por el Título VI de la Ley de Derechos Civiles de 1964, las Órdenes Ejecutivas 12898 y 13166, la Ley de Restauración de Derechos Civiles de 1987 y otras autoridades pertinentes en materia de no discriminación.

Si considera que ha sido objeto de discriminación, puede presentar una queja. Las denuncias de discriminación deben ser informadas de inmediato a nuestro Coordinador del Título VI:

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

Esta política es una expresión de nuestro compromiso con la no discriminación y el apoyo al Programa del Título VI.

  
Nathan Ramsey, Executive Director

10 - 20 - 25  
Fecha

### Implementación (Divulgación)

- Esta Declaración de Política contiene la información de contacto del Coordinador del Título VI y también servirá como nuestro aviso al público.
- Esta declaración será firmada por el Director Ejecutivo del Consejo Regional Land of Sky y se volverá a firmar cada vez que una nueva persona asuma ese cargo.
- La declaración firmada se colocará en tableros de anuncios, cerca del escritorio de recepción, en salas de reuniones y se distribuirá en folletos y otros materiales escritos.
- La declaración se incorporará a las actividades de capacitación y reconocimiento del Título VI.
- La declaración será publicada o distribuida en idiomas distintos al inglés, cuando sea apropiado.
- El factor de bajos ingresos será aplicable a nuestros programas, políticas y actividades bajo Justicia Ambiental al determinar si habrá efectos desproporcionadamente altos y adversos.

## Standard USDOT Title VI Assurances

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

## French Broad River MPO Background

The Federal-Aid Highway Act of 1962 established Metropolitan Planning Organizations (MPOs) to facilitate multimodal transportation planning. The Act requires MPOs in urbanized areas (UZAs) with populations of 50,000 or more. Urbanized areas with populations exceeding 200,000 are designated as Transportation Management Areas (TMAs).

MPOs were created to ensure that transportation project and program funding is guided by a continuous, cooperative, and comprehensive (3C) planning process. Federal funding for transportation projects and programs within a metropolitan area is distributed through the MPO.

The French Broad River MPO (FBRMPO) was established in 1966, with the Land of Sky Regional Council becoming its Lead Planning Agency in 2009. FBRMPO is the federally designated regional transportation planning organization for the area based around the Asheville Urban Area and what is anticipated to become part of the Asheville Urban Area in 20 years, including all of Henderson County, most of Buncombe and Haywood counties, and a small portion of Madison County.

To develop efficient and user-centric transportation systems, FBRMPO emphasizes public involvement at every stage of the planning process. Effective public participation fosters open communication and idea-sharing between the public and transportation decision-makers. It also includes educating the community about the planning process and current transportation projects.

An urbanized area with a population of over 200,000, as defined by the U.S. Census Bureau and designated by the Secretary of the U.S. Department of Transportation (DOT), is classified as a Transportation Management Area (TMA).

Under 49 U.S.C. 5303(k), TMAs are recognized for the increased complexity of transportation issues in large urban areas. MPOs in TMAs play a more significant role in setting priorities for projects included in the transportation improvement program and are responsible for producing additional planning documents.

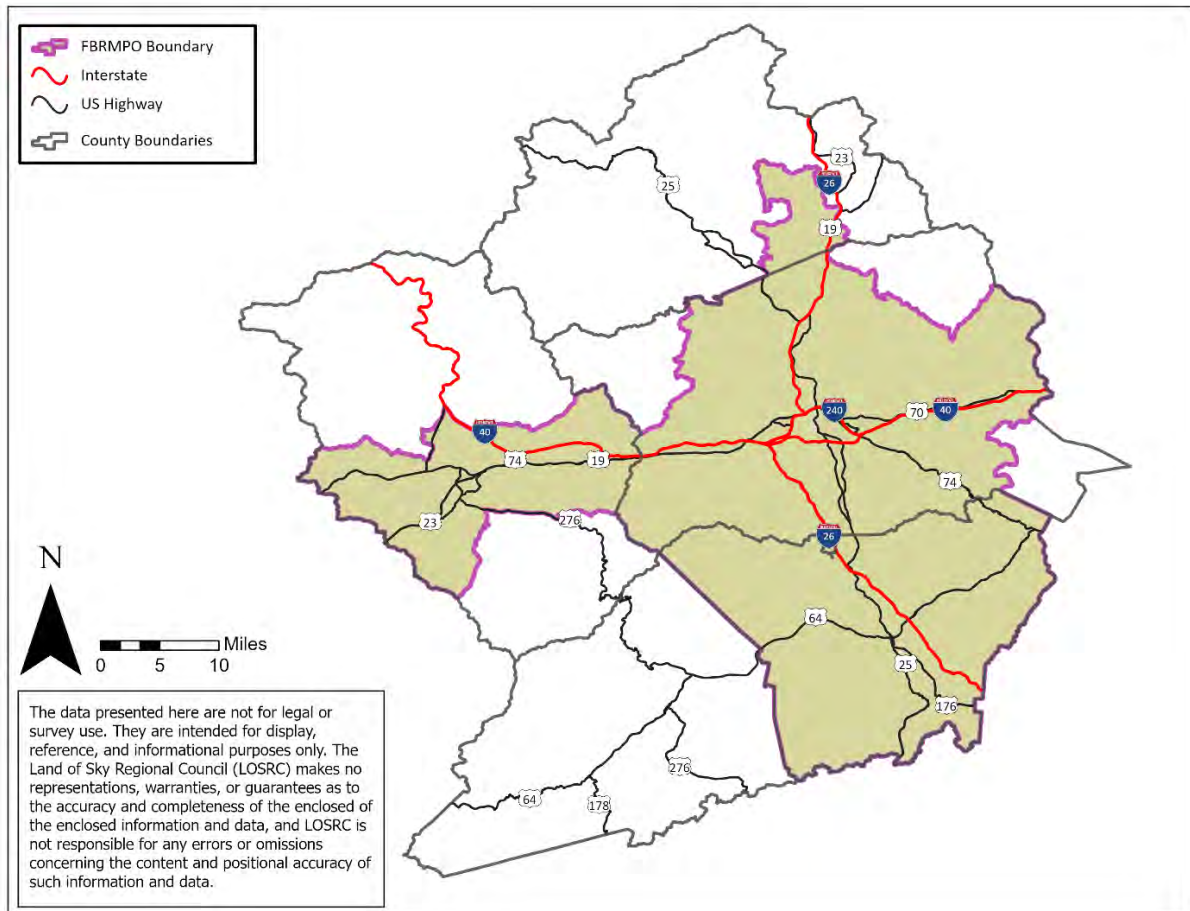
Additionally, the planning processes of MPOs in TMAs must be certified by the Secretary of Transportation to ensure compliance with federal requirements.

The MPO is responsible for developing and implementing the Metropolitan Transportation Plan (MTP) and the Transportation Improvement Program (TIP). These documents outline and schedule the region's transportation needs—covering roads, transit, rail, aviation, and active transportation—for the next 20 years or more.

The MPO collaborates with local communities to develop regional transportation plans, anticipate growth, uphold environmental standards, and address overall mobility needs. It provides technical assistance, conducts studies based on requests from member governments, promotes collaboration among various stakeholders, and engages the private sector.

The MPO is dedicated to involving the region’s residents in the planning process. It adheres to federal Title VI and environmental justice mandates, ensuring an inclusive and transparent planning process with active public participation.

## Geographic Planning Area



French Broad River MPO Planning Area

## Title VI Overview and Background

The French Broad River MPO receives federal financial assistance and must comply with nondiscrimination laws, including Title VI of the Civil Rights Act of 1964. Title VI ensures that:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving federal assistance.”

The MPO is dedicated to serving all residents of the region equitably. Guided by Title VI and Environmental Justice mandates, it works to foster a transparent and inclusive process. These principles are integrated into the MPO's programs, plans, and public participation efforts to ensure fairness and accessibility for everyone.

### Legal Framework

The following acts and executive orders guide the framework of this plan as they relate to nondiscrimination:

#### **Federal Nondiscrimination Acts**

- **Title VI of the 1964 Civil Rights Act** 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.”
- **Civil Rights Restoration Act of 1987** (Public Law 100-159) “Clarifies the intent Title VI and other nondiscrimination requirements by restoring the broad coverage of nondiscrimination statutes and requirements to include all programs and activities that receive any portion of Federal funding.”



Source: FHWA.

**Title 49 CFR Part 21** describes how the Title VI mandate applies to the transportation planning process for those receiving Federal financial assistance from the Department of Transportation. The Title VI Plan and resulting program policies are pursuant to this requirement.

### MPO Role In Title VI

#### **Policy Statement**

The French Broad River MPO is dedicated to upholding Title VI of the Civil Rights Act of 1964 and other federal nondiscrimination laws that ensure legal protections. This policy statement is available on the MPO's website ([frenchbroadrivermpo.org](http://frenchbroadrivermpo.org)) and on page 5 in English and page 6 in Spanish.

#### **Assurances**

The MPO assures that no person will be excluded from participation in, denied the benefits of, or subjected to discrimination in any program or activity conducted by the MPO on the basis of race, color, national origin, age, gender, or disability. This applies regardless of whether the programs or activities are federally funded.

It is the responsibility of everyone within the MPO, as well as its agents, contractors, and consultants, to ensure nondiscrimination is incorporated and upheld in all programs. A signed copy of the Title VI Assurance can be found in Appendix A.

### ***Notice of Rights***

The MPO provides a Title VI Notice of Rights against discrimination. This notice is maintained and posted on French Broad River MPO 's website ([frenchbroadrivermpo.org](http://frenchbroadrivermpo.org)), and found on page 5 in English and page 6 in Spanish.

### ***Complaint Procedures and Form***

Any individual who believes that they have been subjected to discrimination or retaliation by any of the MPO's programs, services, or activities, as prohibited by Title VI of the Civil Rights Act of 1964, as amended, and related statutes, may file a written complaint. All written complaints received by the MPO shall be reviewed immediately. The complaint procedure and example complaint form can be found on French Broad River MPO 's website ([frenchbroadrivermpo.org](http://frenchbroadrivermpo.org)), and a copy is also available in Appendices H and I.

### ***Public Engagement and Limited English Proficiency Plan***

Informing and engaging the public in the transportation planning process is a continual effort. Language barriers may also inhibit or prohibit persons from fully engaging in the process. The MPO produces a Public Involvement Plan (PIP - [https://frenchbroadrivermpo.org/wp-content/uploads/2021/01/PIP\\_Full\\_Amended\\_2021.pdf](https://frenchbroadrivermpo.org/wp-content/uploads/2021/01/PIP_Full_Amended_2021.pdf)) and Limited English Proficiency (LEP – See the LEP section of this document).

### ***List of Transit-Related Title VI Investigations, Complaints, and Lawsuits***

The MPO keeps a log of transit-related Title VI investigations, complaints, and lawsuits, as required by applicable laws and regulations. The MPO does not have any active investigations, complaints, or lawsuits.

### ***Minority Representation on Planning and Advisory Boards***

The MPO acknowledges its responsibility to comply with Title 49 CFR Section 21.5(b)(1)(vii); however, at this time, the MPO does not have any transit-related, non-elected planning boards, advisory councils or committees, or similar committees, of which the membership is selected by the MPO staff, and therefore, no table is provided denoting the racial breakdown of the membership of such committees. To the extent that in the future, the MPO staff creates such committees and selects its membership, the MPO will encourage the participation of minorities in these committees and provide the required information.

### ***Board Resolution***

The French Broad River MPO Board adopted the Title VI Plan on October 16, 2025. The adoption resolution is found on page 2.

### ***Organization and Staffing***

The Land of Sky Executive Director is ultimately responsible for ensuring full compliance with the provisions of Title VI of Civil Rights. The Deputy Executive Director / Title VI Coordinator reports directly to the Executive Director.

### ***Public Accommodation and Accessibility***

The MPO promotes full accommodation and access to its meetings by publishing the following statement on its meeting agendas: “Pursuant to the Americans with Disabilities Act, individuals needing special accommodations should notify MPO Staff at 828.251.6622, mpo@landofsky.org at least 24 hours prior to the meeting.”

### ***Staff Training***

To ensure nondiscrimination in its programs and activities, the MPO continues to offer its employees training related to Title VI and other applicable statutes. Monitoring and Reporting Between regular three-year updates, the MPO completes a report that documents completed activities from previous federal fiscal years that illustrate compliance with nondiscrimination requirements.

### **MPO Requirements**

#### ***Demographic Profile***

Metropolitan Planning Organizations must develop demographic profiles to identify minority populations under the FTA’s Title VI Circular 4703.1B. In addition to Title VI populations and “Communities of Concern”, the MPO includes other populations—older adults and people with disabilities. These two different populations were chosen because they often encounter transportation disadvantages and may face barriers to participating in the transportation planning process. The data gathered during these efforts and the profiles themselves contribute to the MPO’s planning and analysis efforts. These map profiles are found in the Appendix J and the data tables in Appendix E.

#### ***How the Mobility Needs of Minority Populations are Identified and Considered***

Planning must be done with the involvement and for the benefit of all the region's residents. The MPO is guided by federal Title VI and Environmental Justice mandates, and the MPO strives to not only meet these mandates but to create overall transparency and inclusive planning processes. The MPO has integrated Title VI and Environmental Justice planning processes into its programs and public participation efforts.

#### ***Public Transportation Investment Analysis***

During the Title VI Plan update, staff analyze investments, in the aggregate, for public transit projects funded with state and federal funds in the MPO region. These are compared with demographic profiles previously identified.

#### ***MPO Transportation System and Community Impacts***

As part of the transportation programming and planning process, the MPO examines the transportation system throughout the region to identify any disparate or disproportionate effects on its vulnerable populations. Maps used to identify these populations can be found in the Demographic Maps section of this document.

#### ***Unified Planning Work Program***

The French Broad River MPO Unified Planning Work Program (UPWP) is the annual list of planning projects and activities that are expected to be completed by staff and the governing and advisory committees for the French Broad River MPO. In this document, the French Broad River MPO will identify projects, studies, and other activities that will provide more transportation options to disadvantaged populations.

French Broad River MPO Actions:

- Identify planning activities that will encourage involvement by all populations
- Analyze the benefits and impacts that planning studies might have on low-income and minority populations
- Create maps highlighting socio-economic groups and their geographical relationship to jobs, housing, and transportation options for all modes

Transportation Improvement Program

The Transportation Improvement Program (TIP) is the short-term program of projects that are expected to be designed, engineered, and constructed within the next ten years. Projects should be reviewed to assess the benefits and impacts they might have on various aspects of the population.

French Broad River MPO Actions:

- Work with local governments, NCDOT, and transportation stakeholders to identify transportation projects that serve areas of the French Broad River MPO with low-income and minority populations
- Provide opportunities for all populations to provide input into project identification

Statewide Transportation Improvement Program Recommendations

The Statewide Transportation Improvement Program (STIP) is the short-term program of projects that are expected to be designed, engineered, and constructed within the next ten years. French Broad River MPO will, through the TIP process, work with the NCDOT to support projects moving into the NCDOT's STIP.

Metropolitan Transportation Plan

The Metropolitan Transportation Plan (MTP) is the long-range, comprehensive plan that identifies the projects, programs, and policies needed in the next 25 years to meet the transportation needs of this area. Using various data collected by the French Broad River MPO, the MTP can estimate the growth patterns of disadvantaged populations and address the benefits and burdens that future transportation projects might have.

French Broad River MPO Actions:

- Develop demographic profile maps that project growth in disadvantaged populations over at least a 25-year planning horizon
- Give all populations the opportunity to provide input into project identification

- Assess the effects that future land use decisions and transportation projects might have on the neighborhoods, the environment, and the economy
- Ensure that the benefits and impacts of future transportation systems are equally distributed among all areas of the French Broad River MPO

## Defining Equity in Transportation Planning

Equity in transportation planning aims to ensure fair access to mobility and transportation planning processes for all community members. The primary goal is to promote social and economic opportunities by providing equitable access to affordable, reliable transportation, especially for underserved populations.

It's important to understand that transportation equity doesn't mean identical treatment for everyone. An equitable transportation plan takes into account the unique circumstances that affect a community's mobility and connectivity, using this information to design solutions that address specific needs. Achieving an equitable transportation network requires considering all aspects of Title VI, environmental justice (EJ), and nondiscrimination.

Addressing equity early in the planning process—through public participation, data collection, and analysis—helps ensure the plan responds to the community's needs. It can also enhance project delivery by avoiding costly delays caused by overlooked issues when transitioning from planning to implementation.

## 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.



Visual Representation of the French Broad River MPO’s Governing Board.

Our Governing Board (previously known as Transportation Advisory Committee or TAC) has 28 voting seats, including representatives from 20 local government members, 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. The November meeting date falls on the 3<sup>rd</sup> 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 3<sup>rd</sup> Thursday for a joint meeting with FBRMPO Board. Please refer to **Appendix C** for lists of current Governing Board and TCC members with race, gender, and affiliation included.

**Title VI Coordinator**

Erica Anderson, Economic and Community Development Director for Land of Sky Regional Council, 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 multiple 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
- TDM Coordinator
- Safe Routes to School Coordinator
- GIS Coordinator (partially supporting MPO tasks)

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

### Demographic Background Map Key

See Appendix J for maps.

Map #	Map Product
Map 1.1	French Broad River Metropolitan Planning Organization Planning Area
Map 1.2	Population Density
Map 1.3	Percent of Population: Racial Minority
Map 1.4	Percent of Population: Hispanic of Latino Ethnicity Origin
Map 1.5	Percent of Population: Black and African American
Map 1.6	Percent of Population: Indigenous Origin
Map 1.7	Percent of Population: Asian Origin
Map 1.8	Percent of Population: Non-minority
Map 1.9	Block groups with Median age 65+
Map 1.10	Households Receiving SNAP Benefits in Last 12 Months by Census Block Group
Map 1.11	Limited English Proficiency by Block Group
Map 1.12	Sex by Block Group
Map 1.13	Housing Ownership Status by Block Group
Map 1.14	Median Age by Block Group
Map 1.15	% of Individuals Walking to Work by Block Group
Map 1.16	% of Households with a Person with a Disability by Block Group

## Encouraging Participation by Minorities and Women

FBRMPO recognizes the importance of diverse representation in transportation planning. To ensure inclusive decision-making and equitable outcomes, FBRMPO is committed to increasing the participation of women and minorities in its committees.

### Outreach and Engagement Strategies

1. **Targeted Recruitment** – Actively seek out women and minority candidates for committee positions by reaching out to community organizations, advocacy groups, and professional networks.
2. **Community Partnerships** – Collaborate with organizations that serve underrepresented populations to promote awareness of committee opportunities.
3. **Inclusive Communication** – Ensure that outreach materials reflect diverse representation and are available in multiple languages where applicable (refer to the Limited English Proficiency section of this document for additional information).
4. **Public Engagement Events** – Host informational sessions in historically underserved communities to explain the role of MPO committees and the impact of participation.

### Removing Barriers to Participation

1. **Meeting Accessibility** – Offer virtual participation options, flexible meeting times, and accessible locations to accommodate a wider audience.
2. **Support for Participants** – Provide mentorship programs and orientation sessions for new committee members to help them navigate MPO processes.

### Tracking and Accountability

1. **Feedback Mechanisms** – Regularly solicit input from underrepresented members to identify and address barriers to participation.
2. **Annual Reporting** – Publish demographic data on committee composition and outline efforts to enhance diversity and inclusion.

By fostering an inclusive environment, FBRMPO aims to ensure that transportation planning reflects the needs and perspectives of all community members.

## Environmental Justice

The French Broad River MPO will make addressing disparate impacts on “Communities of Concern” through environmental justice (EJ) part of its mission by identifying and addressing, as appropriate and allowable by law, disproportionately high and adverse human health and environmental effects of its programs, policies, and activities on minority populations and low-income populations. EJ falls under the Title VI “umbrella” in that it ensures that individual communities and populations do not disproportionately shoulder the burden of transportation project impacts.

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 planning 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, minimize, or mitigate 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 the Metropolitan Transportation Plan (MTP), the Locally Coordinated Plan (LCP), and the Public Involvement Plan (PIP).

“Communities of Concern” analyses will be used 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. (See Appendix E)

## Communities of Concern Analysis

In order to better understand which communities across the region are facing significant transportation disadvantages, several data categories were reviewed to identify the “Communities of Concern” at the block group level.

The French Broad River MPO has approved a two-tier approach based on demographic and health outcomes data to identify Communities of Concern populations in the planning area. These populations and health outcomes include the following:

Communities of Concern (CoC) Tier 1 Categories-Block Groups selected if those populations were One Standard Deviation or More above the Regional Average

- Minority Populations (non-Hispanic or Latino): People who are African-American, Asian American, American Indian and Alaskan Native, and Native Hawaiian and other Pacific Islander. Excludes Hispanic and Latinos.
- Hispanic or Latino Populations – People who are of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- Low-Income Populations - a person whose household income (or in the case of a community or group, whose median household income) is up to 150% of the U.S. Department of Health and Human Services poverty guidelines.

Communities of Concern (CoC) Tier 2 Categories-Block Groups selected if those Populations were Two Standard Deviation or More above the Regional Average; or One Standard Deviation for Health Risk Score (9-Indicator Score)

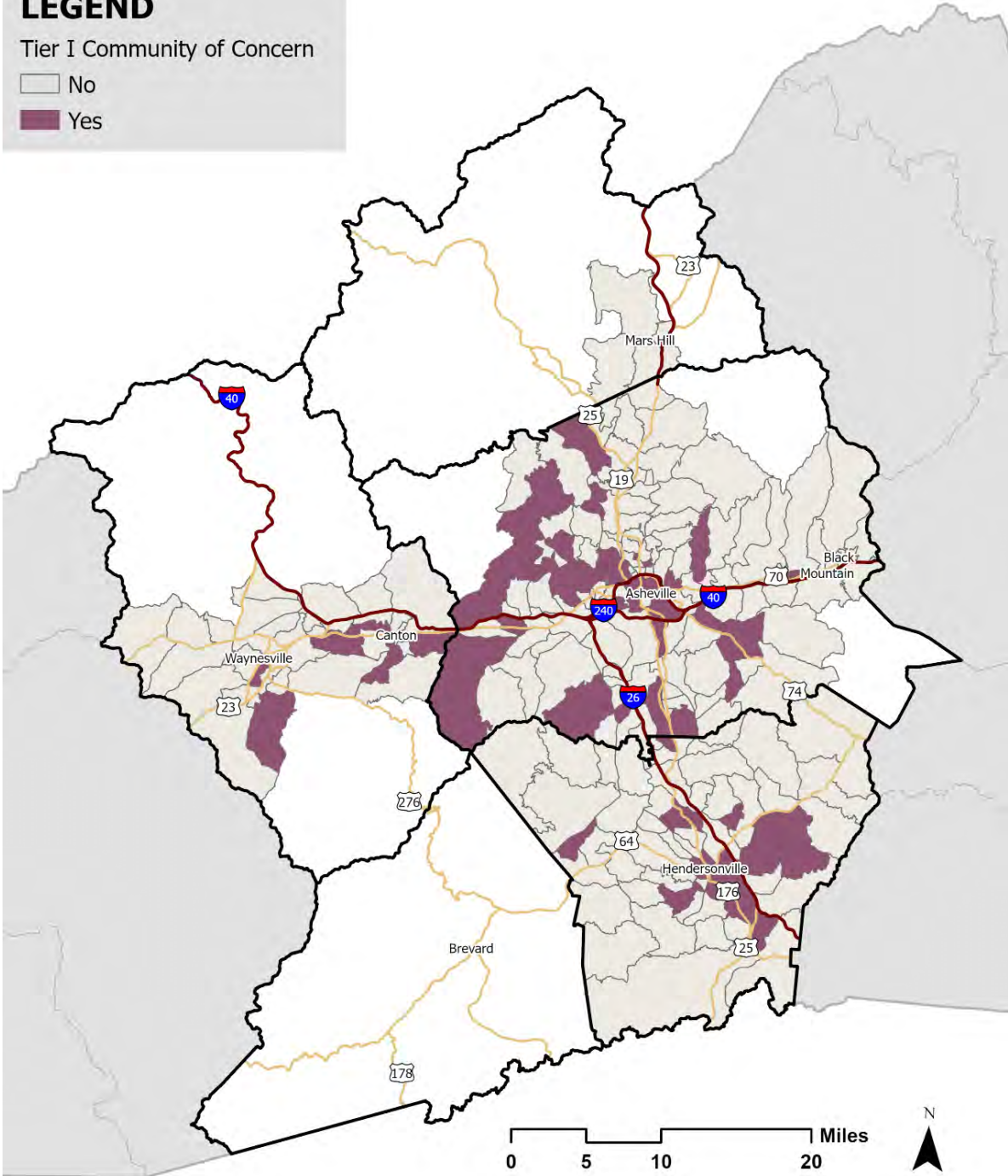
- Senior Populations – Individuals aged 65 and over
- Youth-Individuals aged 15 and under
- Limited English Proficiency (LEP) – the Census Bureau has a range of four classifications of how well people speak English. The classifications are ‘very well’, ‘well’, ‘not well’, and ‘not at all’. For Communities of Concern analysis, people that speak English less than “very well” as Limited English Proficient persons.
- Zero-Vehicle Households – Households where no cars, vans, pickups, or trucks are owned and available to be used by household members.
- Persons with a Disability – Individuals with mobility impairments aged 18 years or older (physical, mental, or self-care disability).
- Health Risk Score (applied to all BGs in the census tract)- 1 Standard Deviation from the Regional Average, based on nine chronic diseases and health outcomes
- Areas with a Health Risk Score “of concern” or “poor”-based on nine chronic disease and health outcomes, see additional description further below.

**LEGEND**

Tier I Community of Concern

□ No

■ Yes



Block Groups Identified as Meeting Tier 1 Communities of Concern Threshold for the FBRMPO

	Statewide	FBRMPO	Buncombe County	Haywood County	Henderson County	Madison County
<b>Senior</b>	16%	22%	20%	25%	26%	22%
<b>Youth</b>	20%	16%	16%	16%	17%	16%
<b>LEP</b>	4%	3%	4%	1%	3%	0%
<b>Zero-Vehicle Household</b>	6%	5%	6%	4%	4%	4%
<b>Persons with a Disability</b>	16%	17%	16%	20%	17%	21%
<b>Health Risk Score</b>	-6.01	-9.32	-11.44	-2.30	-7.49	0.15

Communities of Concern Tier 2 Sociodemographic Mean Densities

### **Health Risk Score**

A population’s health equity is dependent on policy and planning decision-making. The determinants of health vary widely by place, and much of the place-based disparity is due to differences in demographics and regional economies. However, research also shows that affordability, urban design, the availability and quality of active means of transportation, and the accessibility of public services all play a large role in education outcomes, economic mobility and other determinants of health. The influence of the environment on health necessitates the integration of population health into urban planning to improve related-policy decisions, foster healthier lifestyles and environments, and avoid major health risks. Urban form can be a health advantage- residential density, walkable and safe streets, and public transit use are related to benefits such as greater physical activity and healthier lifestyles, which are related to the rates of a variety of health outcomes.

Within the United States, health outcomes are largely dependent on socioeconomic and environmental factors, with healthcare only shaping 20 percent of a community’s overall health. The built environment, such as access to jobs, cultural institutions, healthcare, housing and active transportation; community design conducive to walking; and environmental pollutants can support healthy behaviors or create obstacles that contribute to health inequities, leading to populations with a disproportionate burden of chronic disease.

Nine chronic diseases and health outcome indicators were included for the purposes of Health Risk Score. These chronic diseases are:

1. **High Blood Pressure**- also known as hypertension, high blood pressure is a risk factor for heart disease. Environmental factors that have been found to influence blood pressure include lead exposure and air pollution. Environmental factors can also influence related behavioral factors such as diet, stress, and lack of physical activity.
2. **Asthma**- An inflammatory condition of the lungs and one of the most common long-term diseases in children. Environmental factors that influence asthma include air pollution exposure, and exposure to allergens and pests. Other related factors include weight.

3. **Coronary Heart Disease**- A type of heart disease where the arteries of the heart cannot deliver enough oxygen rich blood to the heart and is often caused by high cholesterol. Air pollution, physical inactivity, stress, and unhealthy diet can all increase risk for coronary heart disease.
4. **Diabetes**- A chronic health condition that influences how the body produces or uses insulin and therefore how the body's cells have access to energy. Risk factors for diabetes include being overweight, physical inactivity, stress, and exposure to pollution.
5. **High Cholesterol**- When total blood cholesterol for adults who have been screened in the past 5 years is greater than 200 mg/dL. This is a risk factor for heart disease and stroke. Physical activity and healthy weight and eating can help prevent high cholesterol. It has also been found that fine particulate matter can contribute to high cholesterol levels.
6. **Obesity**- A chronic disease defined as an excessive amount of body fat, that puts people at risk for other diseases including those listed above as well as others. Environments lacking health food options, that do not promote physical activity, and that contribute to high stress have been found to influence obesity.
7. **Physical Inactivity**- Defined by the CDC as adults reporting no physical activity in their leisure time. This may not cover physical activity undertaken commuting or in daily life but may capture much of the population that is not getting the CDC recommended amount of exercise. Physical inactivity increase risk for heart disease, diabetes, colon cancer, high blood pressure, obesity, osteoporosis, muscle and joint disorders, and symptoms of anxiety and depression.
8. **Poor Physical Health**- Defined by the CDC as adults who spend more than 14 days a month with poor physical health, including physical illness and injury. This self-reported measure may overlap with Chronic Disease, but also capture other aspects of health.
9. **Mental Health**- Defined by the CDC as adults who spend more than 14 days a month with poor mental health, which includes emotional, psychological and social wellbeing.

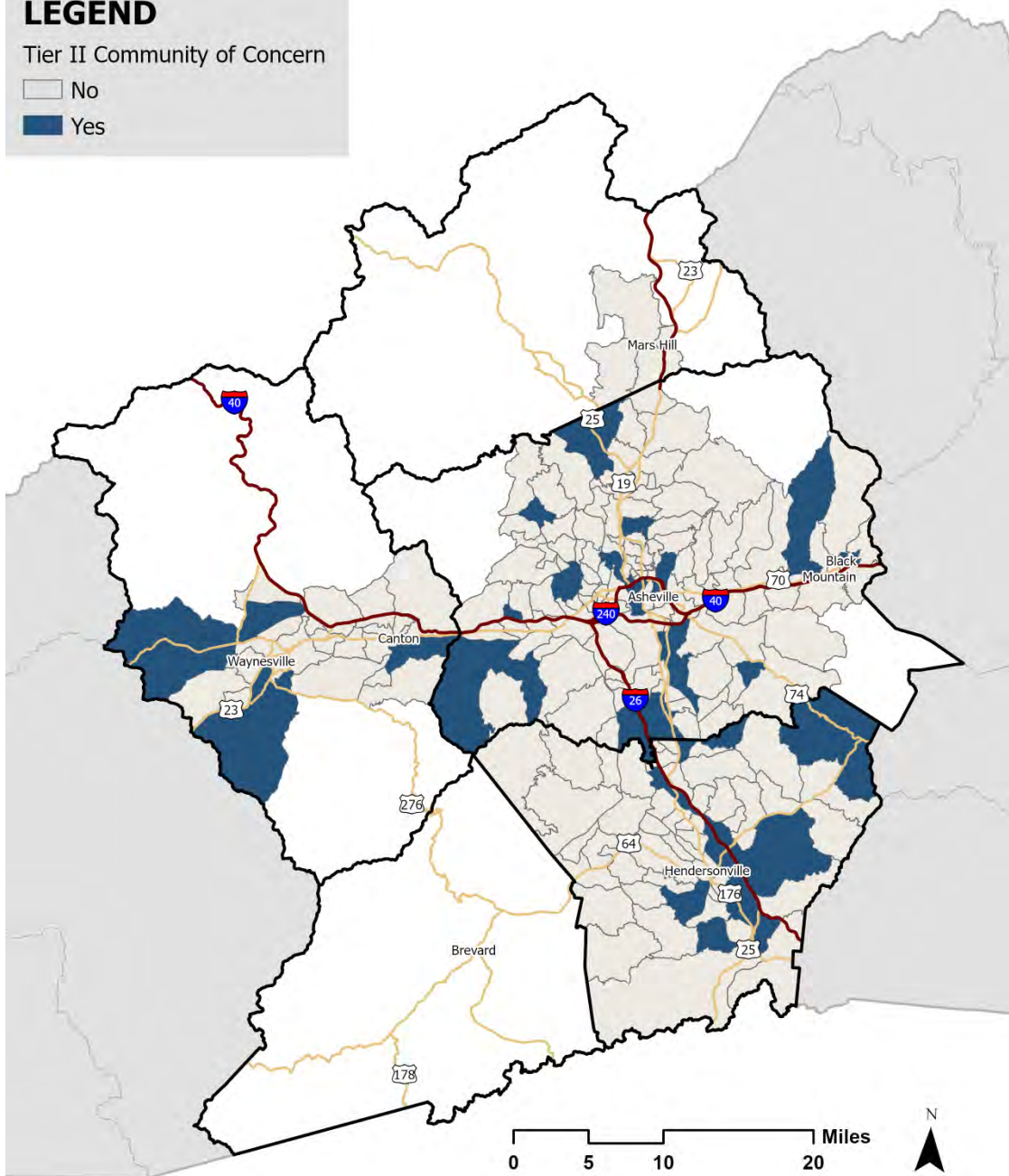
A nine-indicator Health Risk Score with a comparison to the statewide average has been created and applied as part of the FBRMPO Communities of Concern analysis. This combined risk takes the percent change from the statewide average of each of the 9 chronic diseases and health outcomes outlined above and adds them together for a combined score. The combined score is distributed along a normal curve. Tracts categorized as "good" are greater than 1.5 standard deviations above the average combined score, and tracts categorized as of "concern" are 1.5-2.5 standard deviations below the combined average score, with tracts identified as "poor" with combined scores lower than that.

# LEGEND

Tier II Community of Concern

□ No

■ Yes



Block Groups Identified as Meeting Tier 2 Communities of Concern Threshold for the FBRMPO

Upon identification of Tier 1 and Tier 2 Community of Concern block groups, the tiers were overlaid to identify the CoCs of the study area. Table 2 and Figure 3 shows the block groups associated with a Community of Concern and the share of all block groups within the study area. Due to overlapping sociodemographic concentrations of targeted populations, some block groups are identified as CoCs in both Tier 1 and Tier 2, resulting in 108 block groups identified as CoCs instead of the sum of Tier 1 and Tier 2.

### Number of Communities of Concern (CoCs) by Tier

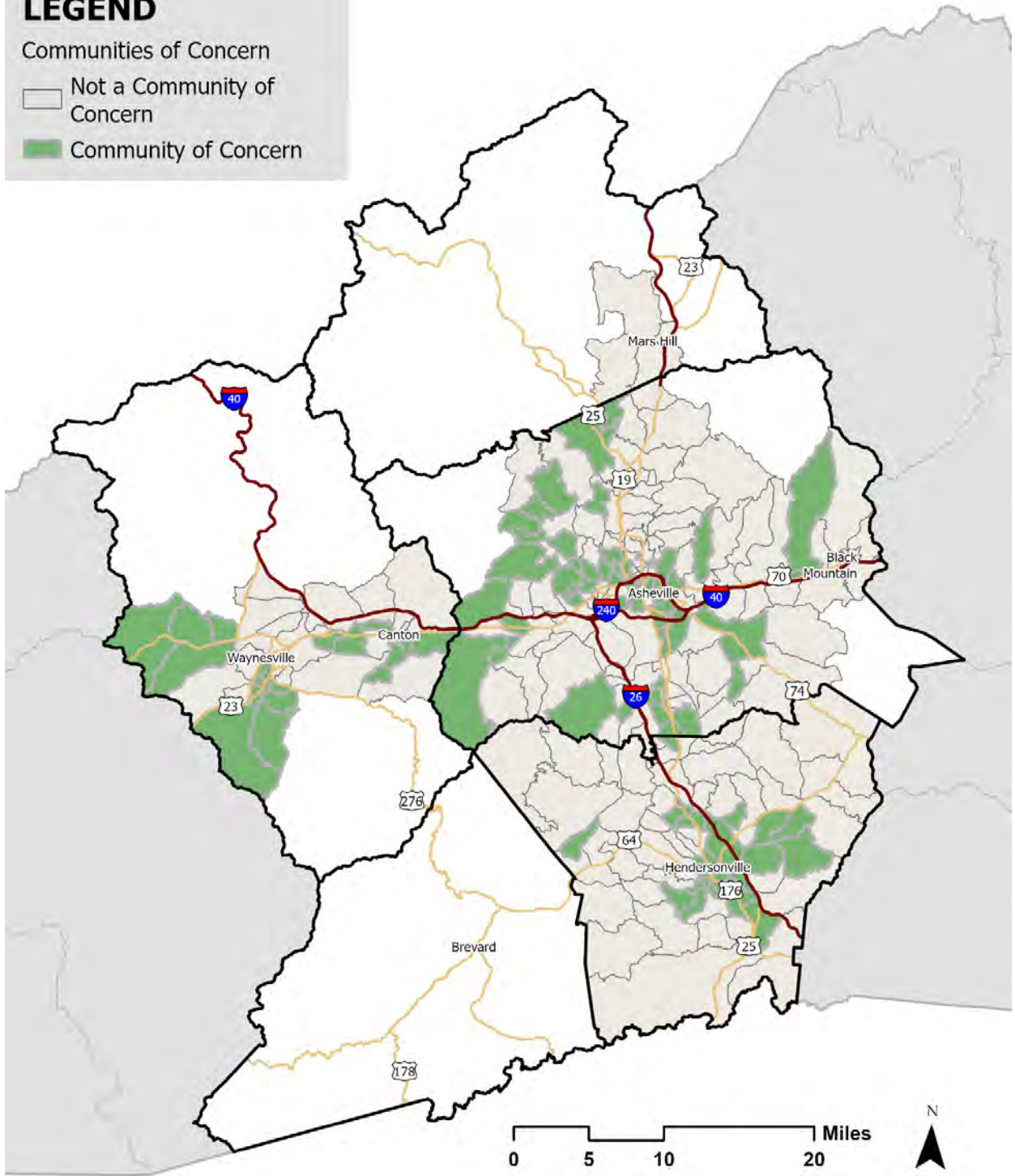
	Number of CoC Block Groups	Percent of CoC Block Groups	Number of Non-CoC Block Groups	Percent of Non-CoC Block Groups
<b>Tier 1 CoCs</b>	87	30.4%	199	69.6%
<b>Tier 2 CoCs</b>	47	16.4%	239	83.6%
<b>All CoCs</b>	108	37.8%	178	62.2%

# LEGEND

Communities of Concern

□ Not a Community of Concern

■ Community of Concern



Block Groups Identified Communities of Concern for the French Broad River MPO

## ***FBRMPO Communities of Concern and NCDOT Transportation Disadvantage Index***

The North Carolina Department of Transportation has created a Transportation Disadvantage Index (TDI) for the purposes of identifying vulnerable populations as part of transportation planning and project evaluation. The TDI tool focuses on race (Black, Indigenous and persons of color), income, personal vehicle access, people with mobility impairments, the elderly and youth. Recently, Limited English Proficiency was added as a 7<sup>th</sup> indicator to address stakeholder requests.

The TDI measure is a composite score based on seven (7) indicators of potential transportation disadvantage. Each indicator is scored based on the relative concentration (scores of 0, 1, 2, or 3 points) of the indicator using the Jenks Natural Breaks method. The scores for each block group are summed and normalized to produce a potential cumulative TDI score ranging from 0 – 21. **Table 3** shows these population groups' share of each of these indicators for the MPO and State.

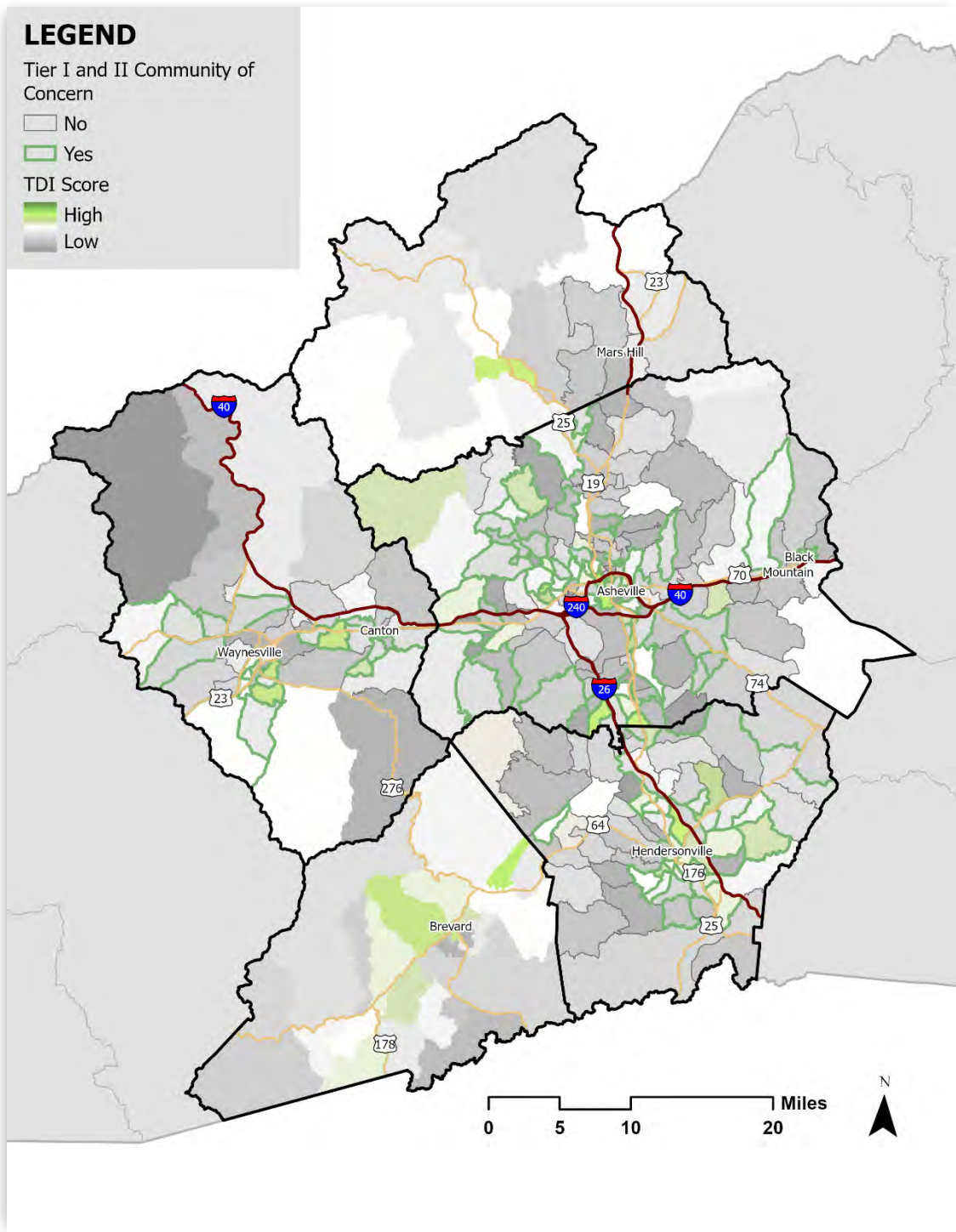
### **Statewide and FBRMPO TDI Indicator Averages**

	<b>Statewide</b>	<b>FBRMPO</b>
<b>Senior</b>	16%	22%
<b>Youth</b>	20%	16%
<b>Low-Income</b>	23%	21%
<b>BIPOC</b>	37%	16%
<b>LEP</b>	4%	3%
<b>Zero-Vehicle Household</b>	6%	5%
<b>Persons with a Disability</b>	16%	17%

Critical TDI scores were determined relative to geography and identified as approximately 1 standard deviation from the mean (closest 0.5 point). Therefore, if a block group meets or exceeds the High TDI Threshold value, it is considered to be a high TDI block group. The High TDI Threshold for North Carolina is 14.5, which was used for this assessment.

While TDI was not directly considered as part of Communities of Concern Analysis, the FBRMPO Communities of Concern approach results were reviewed against the TDI results for the region. The following findings were observed in comparing the two methodologies:

- High overlap between NCDOT TDI-high score areas and FBRMPO Communities of Concern
- Particularly evident in Waynesville, Asheville, and NE Hendersonville
- NCDOT TDI does not pick up block groups in East Canton and Woodfin/Weaverville that are shown in FBRMPO Communities of Concern approach



Overlap between the FBRMPO Communities of Concern and NCDOT TDI High Score Block Groups

## 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 E for demographic tables on Race & Ethnicity, Age & Sex, Disability, Poverty, and Household Income.

### Population Locations

Recipients of FHWA funds must 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 *the Demographic Maps* section of this document).

### Limited English Proficiency (LEP)

Individuals with Limited English Proficiency (LEP) are those whose primary language is not English and who have difficulty reading, writing, speaking, or understanding it. These individuals self-reported to the U.S. Census Bureau that they speak English less than very well.

To comply with USDOT's LEP Policy Guidance, this section of the Title VI Plan outlines the steps 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: 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.**

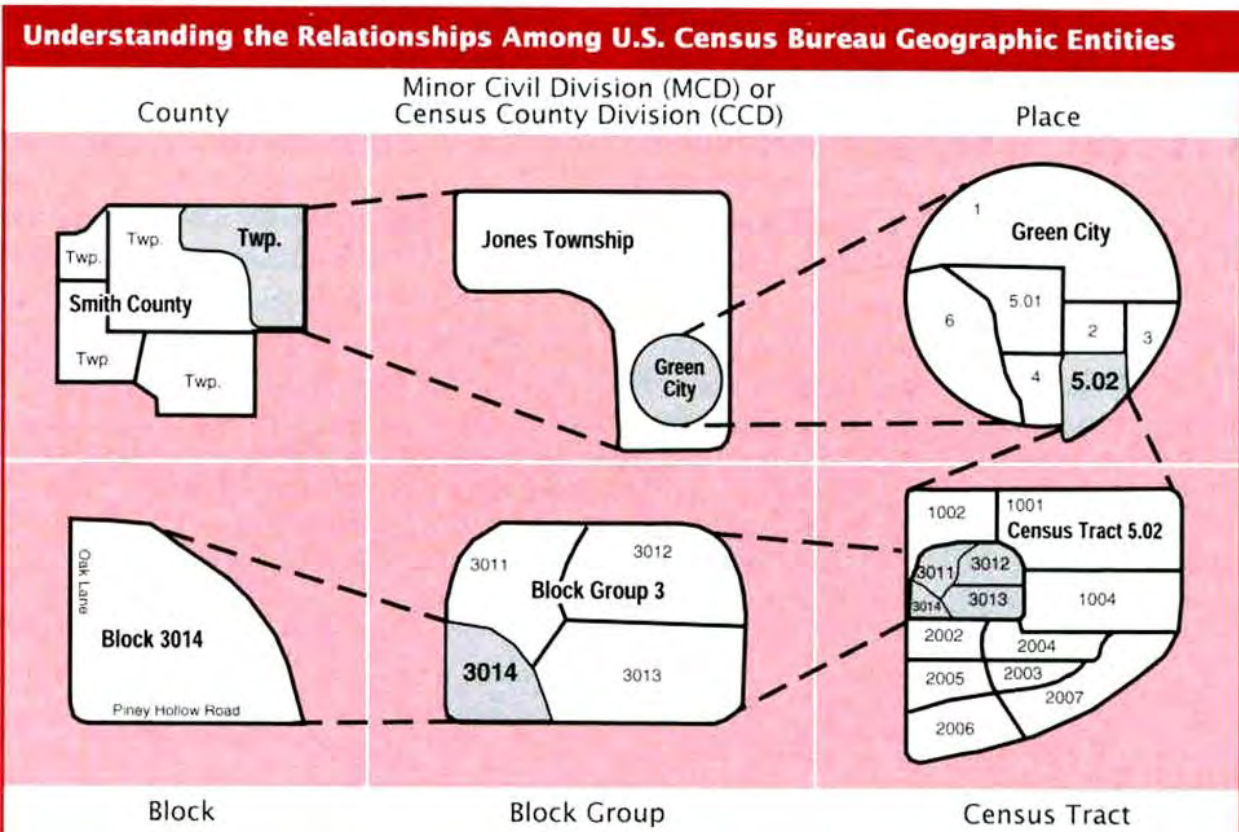
FBRMPO Planning Area population is 417,202 based on 2023 American Community Survey data. LEP persons analysis was performed at the Metropolitan Statistical Analysis (MSA) area level (which includes four counties, including Buncombe, Haywood, Henderson and Madison) as the MSA population is also the FBRMPO Planning Area population.

Language Spoken at Home	Estimate	Margin of Error	Percent of Population	Margin of Error
Total (population 5 years and over), Asheville MSA:	398,252	±1,680	100%	(X)
Speak only English	358,449	±4,414	90.01%	1.11%
Spanish:	27,471	±3,283	6.90%	0.82%
Speak English "very well"	12,251	±2,738	3.08%	0.69%
Speak English less than "very well"	15,220	±2,992	3.82%	0.75%
German or other West Germanic languages:	1,916	±807	0.48%	0.20%
Speak English "very well"	1,605	±771	0.40%	0.19%
Speak English less than "very well"	311	±287	0.08%	0.07%
Russian, Polish, or other Slavic languages:	3,331	±2,708	0.84%	0.68%
Speak English "very well"	2,079	±1,903	0.52%	0.48%
Speak English less than "very well"	1,252	±908	0.31%	0.23%

Language Spoken at Home Table C16001, American Community Survey 2023 Five-Year Data, Asheville MSA, Top Three Languages Other than English

In the table above, the "Spanish" group meets the threshold of 1000 persons or 5% of the population speaking English less than "very well". The "Russian, Polish, or other Slavic Languages" LEP group also meets the 1000+ persons threshold. Within "Russian, Polish, or other Slavic Languages" LEP group the "Other Slavic Languages" subgroup is likely to be predominantly Ukrainian-speaking population.

## Census Small-Area Geography



Census Geography - <https://pitt.libguides.com/uscensus/understandinggeography>

The American Community Survey ceased publishing “Language Spoken at Home Table B16001” at a census block group level after 2015. Data is only available to a tract level after 2015. Table C16001 provides a statewide analysis of language spoken at home, but fails to accurately delineate specific languages spoken at home to a sufficient level of detail within the MPO’s geography. The Federal Highway Administration advises that “recipients should use their best judgment as to which U.S. Census tables they choose” ([https://www.fhwa.dot.gov/civilrights/programs/title\\_vi/lep\\_fourfactor.cfm](https://www.fhwa.dot.gov/civilrights/programs/title_vi/lep_fourfactor.cfm)).

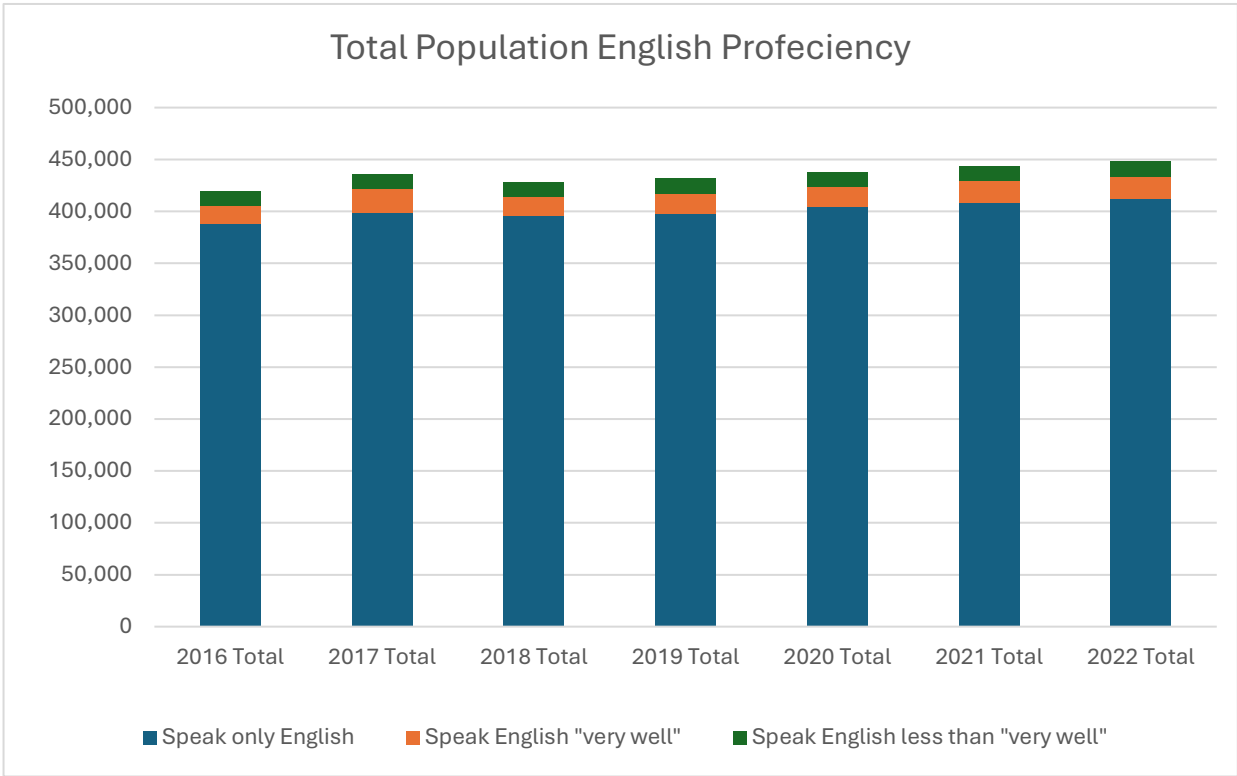
Given that the 2023 data indicated the “Russian, Polish, or other Slavic Languages” LEP group comes very close to meeting the 1000+ persons threshold additional analysis was necessary to determine whether population shifts between 2015 and 2024 had shifted in such a manner that could potentially trigger a Language Assistance Plan for those groups.

In order to verify that a Language Assistance Plan had not been triggered for additional groups Table C16001 was used to collect information on overall language categories for each year. A ratio score was calculated for each language category where the population could potentially trigger a Language Assistance Plan. This score was used in a regression analysis to identify

populations requiring further examination and analysis. The full language analysis is documented in Appendix F.

	2016 Total	2017 Total	2018 Total	2019 Total	2020 Total	2021 Total	2022 Total
Total:	419,552	435,067	427,721	431,926	437,244	443,660	448,047
Speak only English	388,386	398,663	395,337	398,013	404,110	409,123	412,609
Speak English "very well"	16,979	23,046	18,325	19,112	19,608	20,257	20,411
Speak English less than "very well"	14,187	13,358	14,059	14,801	13,526	14,280	15,027

English proficiency throughout MSA as derived from ACS 5-year estimates from Table C16001 within the French Broad River MPO Boundary



English proficiency throughout MSA as derived from ACS 5-year estimates from Table C16001 within the French Broad River MPO Boundary

	2022 Total	2022 % of Total
Total:	448,047	100.00%
Speak only English	412,609	92.09%
Spanish:	25,058	5.59%
Speak English less than "very well"	11,314	2.53%
French, Haitian, or Cajun:	977	0.22%
Speak English less than "very well"	142	0.03%
German or other West Germanic languages:	1,082	0.24%
Speak English less than "very well"	79	0.02%
Russian, Polish, or other Slavic languages:	2,633	0.59%
Speak English less than "very well"	1,376	0.31%
Other Indo-European languages:	2,278	0.51%
Speak English less than "very well"	892	0.20%
Korean:	200	0.04%
Speak English less than "very well"	11	0.00%
Chinese (incl. Mandarin, Cantonese):	493	0.11%
Speak English less than "very well"	281	0.06%
Vietnamese:	216	0.05%
Speak English less than "very well"	141	0.03%
Tagalog (incl. Filipino):	469	0.10%
Speak English less than "very well"	24	0.01%
Other Asian and Pacific Island languages:	1,124	0.25%
Speak English less than "very well"	491	0.11%
Arabic:	484	0.11%
Speak English less than "very well"	192	0.04%
Other and unspecified languages:	424	0.09%
Speak English less than "very well"	84	0.02%

	2022 Total	2022 % of Total
Total:	448,047	100.00%
Russian, Polish, or other Slavic languages:	2,633	0.59%
Speak English "very well"	1,257	0.28%
Speak English less than "very well"	1,376	0.31%
Russian	1,399	0.31%
Speak English "very well"	678	0.15%
Speak English less than "very well"	721	0.16%
Other Slavic Languages	1,234	0.28%
Speak English "very well"	517	0.12%
Speak English less than "very well"	717	0.16%

The table above presents the analysis of the Russian, Polish, and other Slavic languages category. It estimates that 721 individuals who speak Russian and 717 individuals who speak other Slavic languages have limited English proficiency, speaking English less than "very well."

The analysis shows that only the Spanish or Spanish Creole LEP group meets the threshold of 1000 persons or 5% of the population speaking English less than "very well".

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.

**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, this occurs when MPO staff conduct public outreach for a specific plan update or release a survey for the STI/SPOT Prioritization process.

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

Regional transportation issues, especially transit and bicycle and pedestrian planning, are likely to be of importance to LEP populations in the French Broad River MPO region.

Improving transit and pedestrian facilities, in particular, can significantly enhance access to jobs, social services, and essential needs such as medical care and groceries. However, effectively communicating the importance of long-range transportation planning to LEP populations and others facing constraints such as limited time, income, or transportation options remains a challenge.

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 disseminate information and promote upcoming events regarding key regional transportation planning initiatives and public input opportunities.

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

The ability to develop stronger working relationships with local non-profit organizations that maintain open communication with LEP communities is constrained by two primary factors: the limited availability of MPO staff time and the resource constraints faced by non-profit agencies already serving LEP populations.

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 will provide. We are committed to providing services to all individuals upon request. For individuals with Limited English Proficiency (LEP), we will take the necessary steps to ensure they receive the required transportation services. Our staff will receive regular training on Title VI principles and LEP practices to uphold fairness and equity in implementing 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 notification, such as a newspaper ad, radio commercial, or door hangers, will be selected based on local circumstances and input from LEP community contacts.

### ***Staff Support for Language Assistance***

- MPO staff will be provided a list of referral resources that can assist LEP persons with written translation and oral interpretation. 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 (including Spanish, Russian, and Ukrainian) 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. This process will involve collaborating with LEP community contacts to assess whether FBRMPO employees are effectively addressing requests made in limited English or other languages, as well as evaluating staff responses to such requests. The FBRMPO will use its best efforts to maintain all successful existing LEP services. Significant LEP program revisions will be approved or adopted by a 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 at 828-251-6622 or [mpo@landofsky.org](mailto: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:

[https://frenchbroadrivermpo.org/wp-content/uploads/2021/01/PIP\\_Full\\_Amended\\_2021.pdf](https://frenchbroadrivermpo.org/wp-content/uploads/2021/01/PIP_Full_Amended_2021.pdf)

## Public Involvement Philosophy

French Broad River MPO welcomes and values public involvement. French Broad River MPO believes that well-designed, proactive public involvement improves its planning and policy efforts and ultimately leads to better decisions, better projects, and maximized, long-term public benefits. Creating long-term, sustainable systems requires our agency to embrace outside skills and knowledge, including input from the public. Advantages of enhanced public involvement include:

- Increased public collaboration. Citizen collaboration on projects benefits our agency's processes and outcomes, promoting public participation and respectful, productive dialogue.
- Decisions that better reflect diverse interests. Consulting with all identifiable interests helps French Broad River MPO better understand and reflect the full range of community values and livability standards.
- Efficient transportation decision implementation. Early public involvement fosters better decision making and reduces costly project plan revisions and change orders.
- Enhanced agency credibility. Increased public involvement results in more meaningful and better interactions between Department personnel and customers. This interaction aids everyone. The agency better understands public concerns, and customers gain an appreciation of the agency and its responsibilities.
- French Broad River MPO proactively involves the public in addressing transportation issues. The agency communicates its mission and goals to the widest audience possible and considers feedback received from transportation stakeholders and the public

We embrace several specific goals:

- Provide for open and continuous communication to incorporate public input into decision-making and inform the public of planning, program functions, project activities, designs, and construction.
- Implement a public involvement strategy to identify and use agency resources to inform the public of our activities and receive public input. The strategy will establish levels (based on the nature and complexity of the activity) for communicating with transportation stakeholders and the public.
- Consult with local governments in identifying transportation needs, coordinating projects, and selecting viable solutions.
- Respond quickly and transparently to concerns expressed about agency activities and educate the public about transportation programs and issues.
- Review and update the public involvement strategy and process as needed, continuously evaluate public outreach activity effectiveness, and use the results to improve the program.
- Ensure minorities and low-income populations have opportunities to participate in the public involvement process.
- Foster internal communication and training to promote public involvement process understanding and implementation.

### **Strategies and Desired Outcomes**

To promote inclusive public participation, French Broad River MPO will employ the following strategies, as appropriate (make these determinations based on a demographic analysis of the population(s) affected, type of plan, program and/or service under consideration, and the resources available):

- Provide for early, frequent and continuous engagement by the public
- Select accessible and varied meeting locations and times
- Employ different meeting sizes and formats
- Use social media in addition to other resources as a way to gain public involvement
- Use radio, television or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP populations may also include audio programming available on podcasts.
- Expand traditional outreach methods by visiting ethnic stores/markets and restaurants, community centers, libraries, faith-based institutions, local festivals, etc.

In addition to these general strategies, French Broad River MPO has also employed these specific strategies or activities:

- TCC and MPO Board open to public
- Community events

- Utilize federal equity data sets to identify underserved areas and communities
- Virtual opportunities to increase accessibility
- Record and post meetings online, including minutes
- Conduct orientations
- Coordinated local, regional, and state planning agencies for transit planning

## 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 H**) 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.  (Executive Order 13166)
Color	Color of skin, including shade of skin within a racial group	Black, White, brown, yellow, etc.	
National Origin (LEP)	Place of birth. Citizenship is not a factor. 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 I**.

***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 **Appendices H** and I 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

### 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.

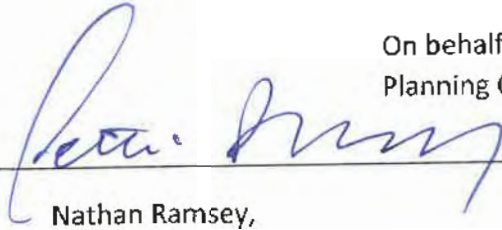
By signing this ASSURANCE, The Land of Sky Regional Council, as the Lead Planning Agency for the French Broad River Metropolitan Planning Organization also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable 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



Nathan Ramsey,

Land of Sky Regional Council Executive Director

DATED

3-23-26

Attachments:

Appendices A1, A2, A3, A4, A5

## TITLE VI / NONDISCRIMINATION ASSURANCES APPENDIX A1:

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 A2:

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 A3:

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 A4:

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 A5:

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 - Title VI Complaints Investigation Guidance

### 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.]

**Appendix C - FBRMPO Board & TCC Members with Race, Gender, and Affiliation**

**TCC**

<b>First Name</b>	<b>Last Name</b>	<b>Agency (Sorted By)</b>	<b>Primary/ Secondary/ Non-Voting</b>	<b>Race</b>	<b>Gender</b>
Anna	Sexton	City of Asheville	Alternate	ASC	ASC
Ashley	Featherstone	Asheville-Buncombe Air Quality	Non-Voting	ASC	ASC
Autumn	Radcliff	Henderson County	Primary	ASC	ASC
Brendan	Merithew	NCDOT Division 13	Alternate	ASC	ASC
Byron	Hickox	Town of Canton	Primary	ASC	ASC
Chloe	Donohoe	Buncombe Transit	Primary	ASC	ASC
Cole	Sutton	Haywood County	Primary	ASC	ASC
Cole	Sutton	Haywood Public Transit	Alternate	ASC	ASC
Daniel	Sellers	NCDOT TPD	Primary	ASC	ASC
Doug	Phillips	NCDOT Division 13	Primary	ASC	ASC
Elizabeth	Teague	Town of Waynesville	Primary	ASC	ASC
Eric	Rufa	Town of Fletcher	Primary	Declined to Answer	Declined to Answer
Harry	Buckner	Town of Biltmore Forest	Primary	ASC	ASC
James	Eller	Town of Weaverville	Primary	White	Male
Janna	Bianculli	Apple Country Transit	Primary	White	Female
Jared	Merrill	Asheville Regional Airport	Non-Voting	ASC	ASC
Jessica	Trotman	Town of Black Mountain	Alternate	ASC	ASC
Jessica	Morriss	City of Asheville Transit	Primary	ASC	ASC
Jodie	Ferguson	Haywood County	Primary	ASC	ASC
Jodie	Ferguson	Haywood Public Transit	Alternate	ASC	ASC
John	Mitchell	Apple Country Transit	Alternate	ASC	ASC
Joy	Garland	Town of Clyde	Alternate	ASC	ASC
Lucy	Crown	City of Asheville	Primary	White	Female
Mark	Biberdorf	Town of Fletcher	Alternate	ASC	ASC
Matt	Cable	Buncombe County	Alternate	ASC	ASC
Matt	Baker	Mountain Mobility CTAB	Primary	ASC	ASC
Matt	Cable	Mountain Mobility CTAB	Alternate	ASC	ASC
Matthew	Manley	City of Hendersonville	Primary	White	Male
Michael	Malecek	Town of Mills River	Primary	White	Male
Michelle	Kennedy	Town of Black Mountain	Primary	ASC	ASC
Nathan	Bennett	Town of Mars Hill	Primary	ASC	ASC
Noah	Taylor	Town of Maggie Valley	Alternate	ASC	ASC
Pat	Christie	Village of Flat Rock	Primary	ASC	ASC
Ricky	Hurley	Town of Woodfin	Primary	White	Male
Sam	Cullen	Town of Maggie Valley	Primary	ASC	ASC
Savanah	Parrish	Town of Montreat	Primary	ASC	ASC
Steve	Williams	NCDOT Division 14	Primary	ASC	ASC
Stuart	Bass	Town of Clyde	Primary	White	Male
Susan	Frady	City of Hendersonville	Alternate	ASC	ASC

<b>First Name</b>	<b>Last Name</b>	<b>Agency (Sorted By)</b>	<b>Primary/ Secondary/ Non-Voting</b>	<b>Race</b>	<b>Gender</b>
Troy	Wilson	NCDOT Division 14	Alternate	ASC	ASC
Vacant		Madison County			
Vacant		Town of Laurel Park			
Vacant		FHWA			
Vacant		NCDOT Public Transportation Division	Non-Voting	ASC	ASC
William	High	Buncombe County	Primary	White	Male

**Board**

<b>First Name</b>	<b>Last Name</b>	<b>Agency (Sorted By)</b>	<b>Primary/Secondary/Non-Voting</b>	<b>Race</b>	<b>Gender</b>
Alan	Wyatt	Madison County Government	Alternate	ASC	ASC
Amanda	Edwards	Buncombe County Government	Alternate	ASC	ASC
Anthony	Sutton	Town of Waynesville	Primary	White	Male
Archie	Pertiller	Town of Black Mountain	Primary	ASC	ASC
Billy	Clarke	NCDOT Board of Transportation	Primary	ASC	ASC
Brandon	Rogers	Haywood County	Secondary	White	Male
Carey	O'Cain	Town of Laurel Park	Alternate	ASC	ASC
Catherine	Cordell	Town of Weaverville	Primary	ASC	ASC
Chuck	McGrady	NCDOT Board of Transportation	Primary	ASC	ASC
Daniel	Sellers*	NCDOT Transportation Planning Division	Non-Voting	ASC	ASC
Dann	Jesse	Town of Clyde	Primary	White	Male
David	White	Rural Transit Representative	Primary	ASC	ASC
Drew	Ball	Buncombe County Government	Primary	ASC	ASC
Drew	Stephens	Town of Biltmore Forest	Primary	ASC	ASC
Elisabeth	Ervin	Town of Woodfin	Alternate	ASC	ASC
Emily	Whitmire	Village of Flat Rock	Alternate	ASC	ASC
George	Banta	Town of Laurel Park	Primary	ASC	ASC
Jay	Egolf	Henderson County Government	Primary	White	Male
Jennifer	Hensley	City of Hendersonville	Primary	ASC	ASC
Jim	McAllister	Town of Woodfin	Primary	ASC	ASC
Jim	Player	Town of Fletcher	Primary	White	Male
John	Chandler	Town of Mars Hill	Primary	ASC	ASC
Kevin	Ensley	Haywood County	Primary	ASC	ASC
Kim	Roney	City of Asheville	Primary	ASC	ASC
Mathew	Wechtel	Madison County Government	Primary	ASC	ASC
Mike	Eveland	Town of Maggie Valley	Primary	ASC	ASC
Pam	King	Town of Black Mountain	Alternate	ASC	ASC
Parker	Sloan	Buncombe County Government	Primary	ASC	ASC
Ralph	Hamlett	Town of Canton	Primary	ASC	ASC
Sage	Turner	City of Asheville	Primary	ASC	ASC
Shanon	Gonce	Town of Mills River	Primary	ASC	ASC
Sheila	Franklin	Henderson County Government	Primary	ASC	ASC
Susan	Gregory	Village of Flat Rock	Primary	ASC	ASC
Tim	Helms	Town of Montreat	Alternate	ASC	ASC
Tom	Widmer	Town of Montreat	Primary	White	Male
VACANT		FHWA North Carolina Division	Non-Voting	ASC	ASC
VACANT		Urban Transit Representative	Primary	ASC	ASC

TCC Officers: William High, Chair; Janna Bianculli, Vice Chair

Board Officers: Anthony Sutton, Chair; Jennifer Hensley, Vice Chair

Appendix D - Organizational Chart



## Appendix E - Demographic Tables

### Race and Ethnicity

The following table was completed using data from American Community Survey Table “DP05: ACS Demographic and Housing Estimates”: 2023

Race and Ethnicity	Number	Percent
Total Population	422,333	100
White	347,355	82.2
Black or African American	15,858	3.8
American Indian or Alaska Native	3,076	0.7
Asian	4,080	1.0
Native Hawaiian and Other Pacific Islander	0	0
Some other Race	15,524	3.7
Two or More Races	36,440	8.6
HISPANIC OR LATINO (of any race)	42,084	10.0
Mexican	22,471	5.3
Puerto Rican	4,688	1.1
Cuban	2,840	0.7
Other Hispanic or Latino	12,085	2.9

### Age and Sex

The following table was completed using data from American Community Survey Table S0101 “Age and Sex”: 2023

Age	# Both sexes	# Male	# Female	% Both sexes	% Male	% Female
Total Population	417,202	202,932	214,270	100%	100%	100%
Under 5 years	18,950	10,375	8,575	4.5%	5.1%	4.0%
Under 18 years	73,984	39,544	34,440	17.7%	19.5%	16.1%
18 years and over	343,218	163,388	179,830	82.3%	80.5%	83.9%
65 years and over	97,747	43,690	54,057	23.4%	21.5%	25.2%
Median Age	43.9	42.5	45.4			

## Disability

The following table was completed using data from American Community Survey Table S1810, Disability Characteristics: 2023

Subject	Total Estimate	Total Margin of Error +/-	# with a Disability Estimate	# with a Disability Margin of Error +/-	% with a Disability Estimate	% with a Disability Margin of Error +/-
Total civilian noninstitutionalized population	417,545	392	63,113	5,554	15.1	1.3
Population under 5 years	19,017	1970	58	101	0.3	0.5
Population 5 to 17 years	54,982	2,127	3,343	1,226	6.1	2.2
Population 18 to 64 years	80,901	2,722	6,551	1,866	8.1	2.3
Population 35 to 64 years	163,137	3,026	23,595	3,593	14.5	2.2
Population 65 years and over	99,508	2,103	14,292	1,763	14.4	1.8
SEX						
Male	204,522	2,226	29,130	3,740	14.2	1.8
Female	213,023	2,214	33,983	3,329	16.0	1.6
RACE AND HISPANIC OR LATINO ORIGIN						
White	343,772	2,463	54,104	5,036	15.7	1.5
Black or African American	14,766	2,305	3,203	1,268	21.7	8.6
American Indian and Alaska Native	N	N	N	N	N	N
Asian	N	N	N	N	N	N
Native American and Other Pacific Islander	N	N	N	N	N	N
Some other Race	15,433	4,039	792	474	5.1	3.4
Two or more races	36,418	4,728	3,955	1,439	10.9	4.0
Hispanic or Latino	41,971	255	2,977	1,161	7.1	2.8

## Poverty

The following table was completed using data from American Community Survey Table S1701, Poverty Status in the Past 12 Months: 2023

Subject	Total Estimate	Total Margin of Error +/-	# below poverty level Estimate	# below poverty level Margin of Error +/-	% below poverty level Estimate	% below poverty level Margin of Error +/-
Population for whom poverty status is determined	408,116	753	50,342	8,080	12.3	2.0
AGE						
Under 18	72,710	1,215	12,047	3,778	16.6	5.2
18 to 64	240,023	1,745	29,259	4,810	12.2	2.0
65 years and over	95,383	1,674	9,036	1,866	9.5	1.9
SEX						
Male	199,188	2,123	20,564	4,347	10.3	2.1
Female	208,928	2,276	29,778	4,616	14.3	2.2
RACE AND HISPANIC OR LATINO ORIGIN						
White	335,031	2,311	37,951	6,641	11.3	2.0
Black or African American	15,021	1,710	3,146	1,461	20.9	10.1
American Indian and Alaska Native	N	N	N	N	N	N
Asian	5,118	701	805	767	15.7	15.4
Native American and Other Pacific Islander	N	N	N	N	N	N
Some other Race	N	N	N	N	N	N
Two or more races	41,347	3,588	7,350	3,214	17.8	7.9
Hispanic or Latino	38,704	310	8,225	3,554	21.3	9.2
All individuals below:						
50 percent of poverty level	17,878	3,820	(x)	(x)	(x)	(x)
125 percent of poverty level	70,176	8,938	(x)	(x)	(x)	(x)
150 percent of poverty level	90,698	9,554	(x)	(x)	(x)	(x)
185 percent of poverty level	115,444	10,039	(x)	(x)	(x)	(x)
200 percent of poverty level	126,851	10,473	(x)	(x)	(x)	(x)

## Household Income

The following table was completed using data from American Community Survey Table S1901, Income in the Past 12 Months (In 2023 Inflation-Adjusted Dollars): 2023

Subject	Households	
	Estimate	Margin of Error
Total	164,757	±4,311
Less than \$10,000	4.5%	±1.1
\$10,000 to \$14,999	3.3%	±0.8
\$15,000 to \$24,999	7.2%	±1.3
\$25,000 to \$34,999	8.0%	±1.2
\$35,000 to \$49,999	12.9%	±1.3
\$50,000 to \$74,999	18.7%	±1.6
\$75,000 to \$99,999	13.8%	±1.7
\$100,000 to \$149,999	14.5%	±1.7
\$150,000 to \$199,999	8.5%	±1.1
\$200,000 or more	8.7%	±1.2
Median income (dollars)	67,837	±4,601
Mean income (dollars)	94,518	±4,401

Appendix F – LEP Supplemental Analysis

	2016 Total	2016 % of Total	2017 Total	2017 % of Total	2018 Total	2018 % of Total	2019 Total	2019 % of Total	2020 Total	2020 % of Total	2021 Total	2021 % of Total	2022 Total	2022 % of Total
Total:	419,552	100%	435,067	100%	427,721	100%	431,926	100%	437,244	100%	443,660	100%	448,047	100%
Speak only English	388,386	92.57%	398,663	91.63%	395,337	92.43%	398,013	92.15%	404,110	92.42%	409,123	93.57%	412,609	92.09%
Speak English "very well"	16979	4.37%	23046	5.78%	18325	4.64%	19112	4.80%	19608	4.85%	20257	5.01%	20411	4.95%
Speak English less than "very well"	14187	3.65%	13358	3.35%	14059	3.56%	14801	3.72%	13526	3.35%	14280	3.53%	15027	3.64%
Spanish:	22,038	5.25%	23,806	5.47%	22,553	5.27%	23,265	5.39%	23,128	5.29%	24,047	5.50%	25,058	5.59%
French, Haitian, or Cajun:	996	0.24%	1,300	0.30%	1,015	0.24%	867	0.20%	1,012	0.23%	1,080	0.25%	977	0.22%
German or other West Germanic languages:	1,164	0.28%	1,477	0.34%	1,153	0.27%	1,296	0.30%	1,107	0.25%	1,083	0.25%	1,082	0.24%
Russian, Polish, or other Slavic languages:	1,592	0.38%	2,742	0.63%	1,977	0.46%	2,295	0.53%	2,219	0.51%	2,719	0.62%	2,633	0.59%
Other Indo-European languages:	1,772	0.42%	2,790	0.64%	1,813	0.42%	2,402	0.56%	2,180	0.50%	2,311	0.53%	2,278	0.51%
Korean:	325	0.08%	51	0.01%	208	0.05%	279	0.06%	193	0.04%	172	0.04%	200	0.04%
Chinese (incl. Mandarin, Cantonese):	932	0.22%	1,676	0.39%	1,224	0.29%	1,106	0.26%	1,091	0.25%	941	0.22%	493	0.11%
Vietnamese:	207	0.05%	217	0.05%	226	0.05%	242	0.06%	181	0.04%	196	0.04%	216	0.05%
Tagalog (incl. Filipino):	646	0.15%	429	0.10%	536	0.13%	596	0.14%	665	0.15%	569	0.13%	469	0.10%
Other Asian and Pacific Island languages:	830	0.20%	775	0.18%	1,013	0.24%	864	0.20%	818	0.19%	838	0.19%	1,124	0.25%
Arabic:	46	0.01%	819	0.19%	185	0.04%	216	0.05%	215	0.05%	317	0.07%	484	0.11%
Other and unspecified languages:	618	0.15%	322	0.07%	481	0.11%	485	0.11%	325	0.07%	264	0.06%	424	0.09%

## Appendix G – Title VI Discrimination Complaints Log

French Broad River MPO

(To be signed at least once every four years prior to FBRMPO Certification Review, even if no known complaints)

Tracking Period: Start Date:                      End Date:

CASE NO. (FBRMPO- YY-##)	COMPLAINANT NAME	RACE/ GENDER	RESPONDENT NAME	BASIS	DATE FILED	DATE RECEIVED	ACTION TAKEN	DATE INVESTIG. COMPLETED	DISPOSITION

No Complaints or Lawsuits

I certify that to the best of my knowledge, the above-described complaints or lawsuits alleging discrimination, or **no complaints or lawsuits** alleging discrimination, have been filed with or against **French Broad River MPO**.

\_\_\_\_\_  
Signature of Title VI Coordinator

\_\_\_\_\_  
Date

## Appendix H – Discrimination Complaint Form

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 Metropolitan Planning Organization, within 180 days after the discrimination occurred.

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

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

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

Identify the Category of Discrimination:

RACE      COLOR      NATIONAL ORIGIN      AGE  
 SEX      DISABILITY      LIMITED ENGLISH PROFICIENCY

Identify the Race of the Complainant

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

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

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

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

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

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

	Name	Address	Telephone
1.	_____		
2.	_____		
3.	_____		
4.	_____		

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 Metropolitan Planning Organization 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 Ste 140  
Asheville, NC 28806  
Phone 828-251-6622

**FOR OFFICE USE ONLY**

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

Processed by: \_

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

Referred to:  NCDOT  FHWA      Date Referred: \_\_\_\_\_

## Appendix I – 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:
9. Complainant(s) Name and Address (Attorney name and address if applicable)
  10. Respondent(s) Name and Address (Attorney for the Respondent(s) name and address, if applicable)
  11. Applicable Law(s)
  12. Basis/(es)
  13. Allegation(s)/Issue(s)
  14. Background
  15. Name of Persons to be interviewed
    - a. Questions for the complainant(s)
    - b. Questions for the respondent(s)
    - c. Questions for witness(es)
  16. 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.
- F. 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.

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.]

#### APPENDIX

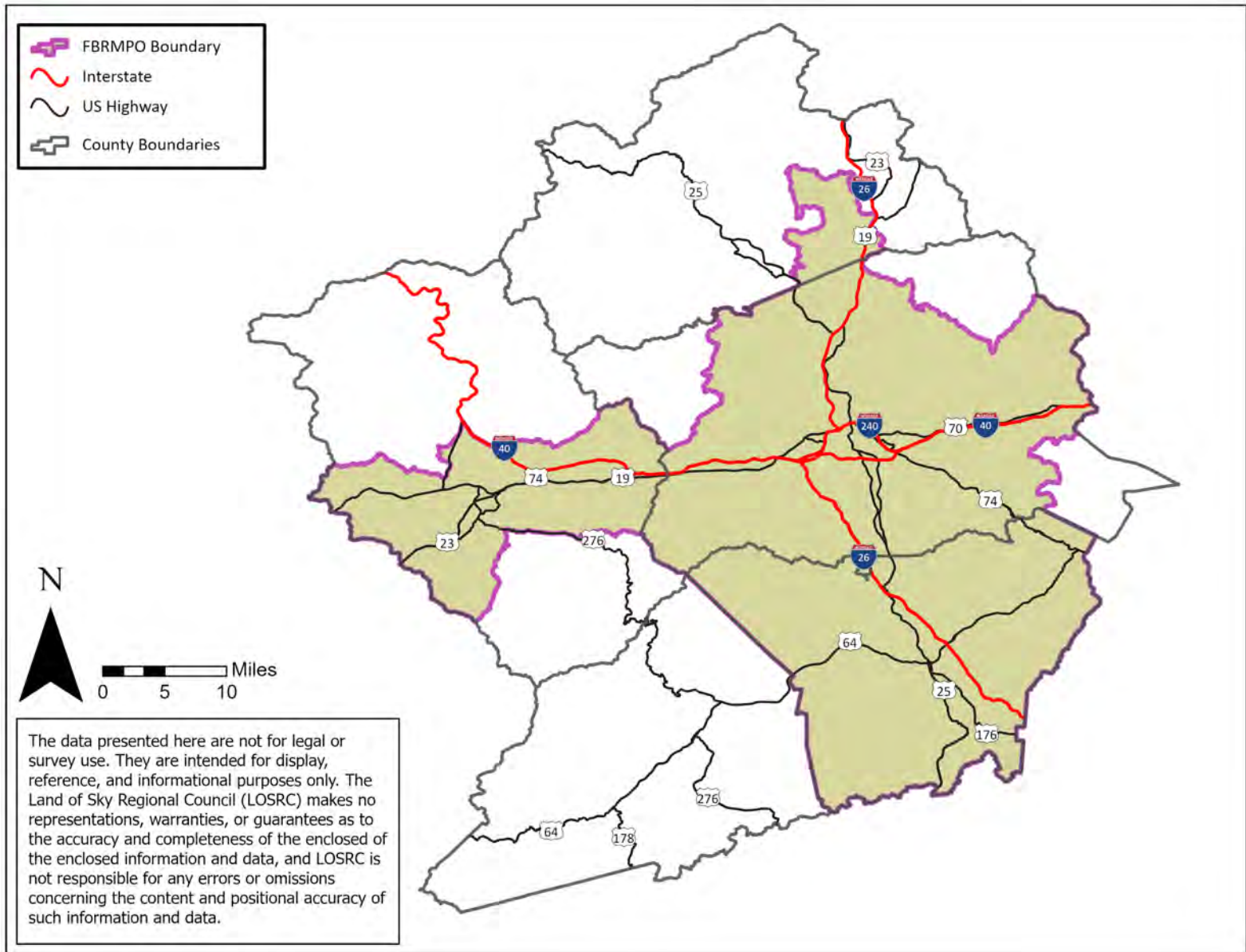
[Include in the Appendix any supplemental materials that support your findings and conclusion.]

## Appendix J - Compliance Review Checklist for FHWA Subrecipients

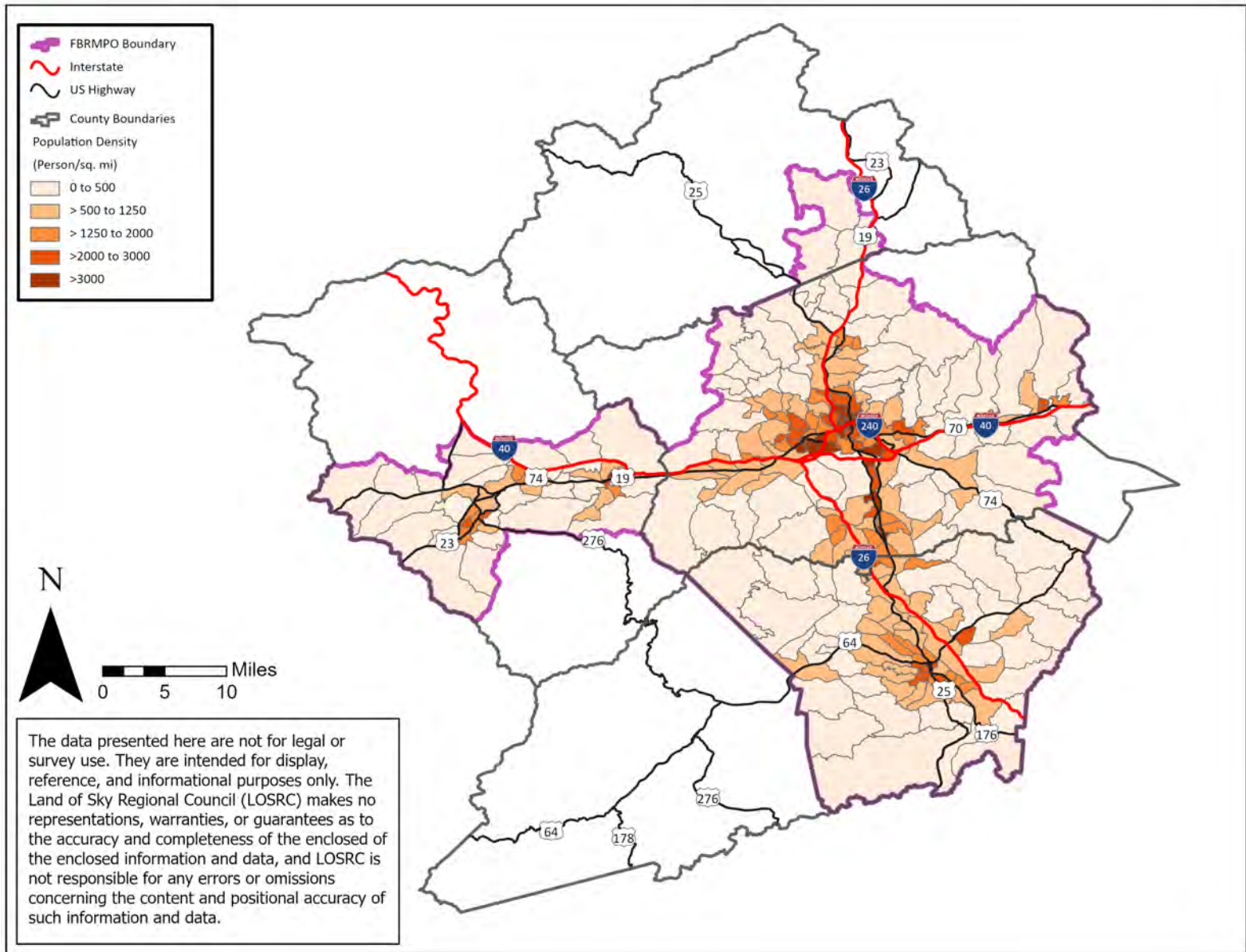
General Requirements	Completed
1. A copy of the recipient's signed USDOT Title VI Assurances	<input type="checkbox"/>
2. Title VI Policy Statement (signed)	<input type="checkbox"/>
3. Title VI Notice to Public, including a list of locations where the notice is posted	<input type="checkbox"/>
4. Name and official title of Title VI Coordinator and a list of their Title VI duties	<input type="checkbox"/>
5. Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)	<input type="checkbox"/>
6. Title VI Complaint Form	<input type="checkbox"/>
7. List of Title VI complaints, investigations, or lawsuits (i.e., Title VI Complaint Log)	<input type="checkbox"/>
8. Public Participation Plan, including information about outreach methods to engage traditionally underserved constituencies (e.g., minorities, low-income, disabled), as well as a summary of outreach efforts	<input type="checkbox"/>
9. Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance, which requires conducting four-factor analyses	<input type="checkbox"/>
10. A table depicting the membership of any non-elected committees and councils, broken down by race and gender, and a description of the process the MPO uses to encourage minorities and women to participate on such committees	<input type="checkbox"/>
11. A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program	<input type="checkbox"/>
12. Compliance and enforcement procedures to ensure nondiscriminatory administration of programs and services	<input type="checkbox"/>
13. A demographic profile of your planning area that includes identification of the locations of minority, low-income, LEP, and/or other underserved populations	<input type="checkbox"/>
14. Information regarding how consultants and/or subrecipients are monitored for compliance with Title VI	<input type="checkbox"/>
15. Any environmental justice analysis conducted in the past three years and, if necessary, a description of the measures used to address any disproportionately high and adverse impacts to minority or low-income communities	<input type="checkbox"/>
16. Documentation from any Title VI compliance reviews or investigations conducted by any agency other than NCDOT-OCR in the last three years.	<input type="checkbox"/>

## Appendix K – Demographic Maps

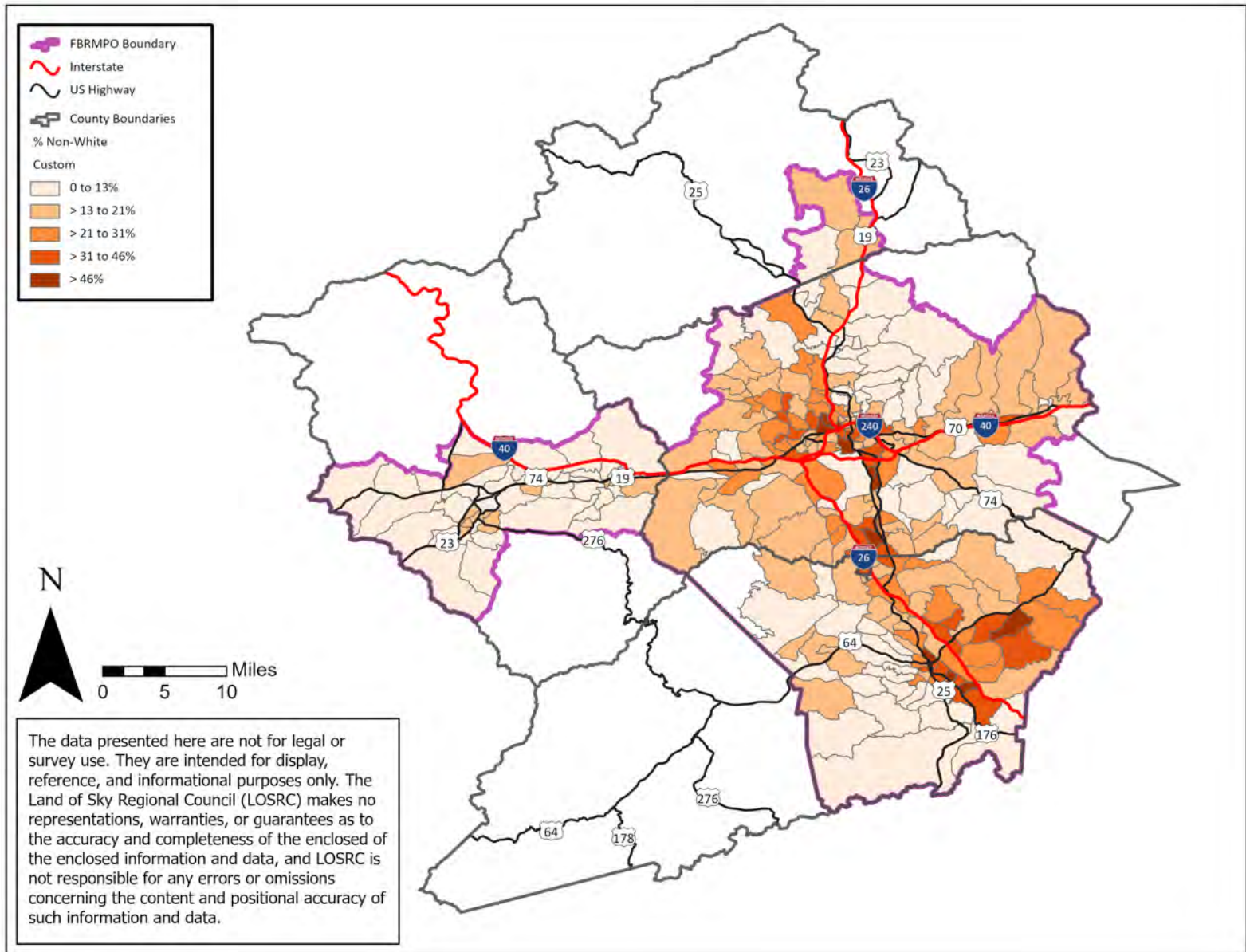
Map #	Map Product
Map 1.1	French Broad River Metropolitan Planning Organization Planning Area
Map 1.2	Population Density
Map 1.3	Percent of Population: Racial Minority
Map 1.4	Percent of Population: Hispanic of Latino Ethnicity Origin
Map 1.5	Percent of Population: Black and African American
Map 1.6	Percent of Population: Indigenous Origin
Map 1.7	Percent of Population: Asian Origin
Map 1.8	Percent of Population: Non-minority
Map 1.9	Block groups with Median age 65+
Map 1.10	Households Receiving SNAP Benefits in Last 12 Months by Census Block Group
Map 1.11	Limited English Proficiency by Block Group
Map 1.12	Sex by Block Group
Map 1.13	Housing Ownership Status by Block Group
Map 1.14	Median Age by Block Group
Map 1.15	% of Individuals Walking to Work by Block Group
Map 1.16	% of Households with a Person with a Disability by Block Group



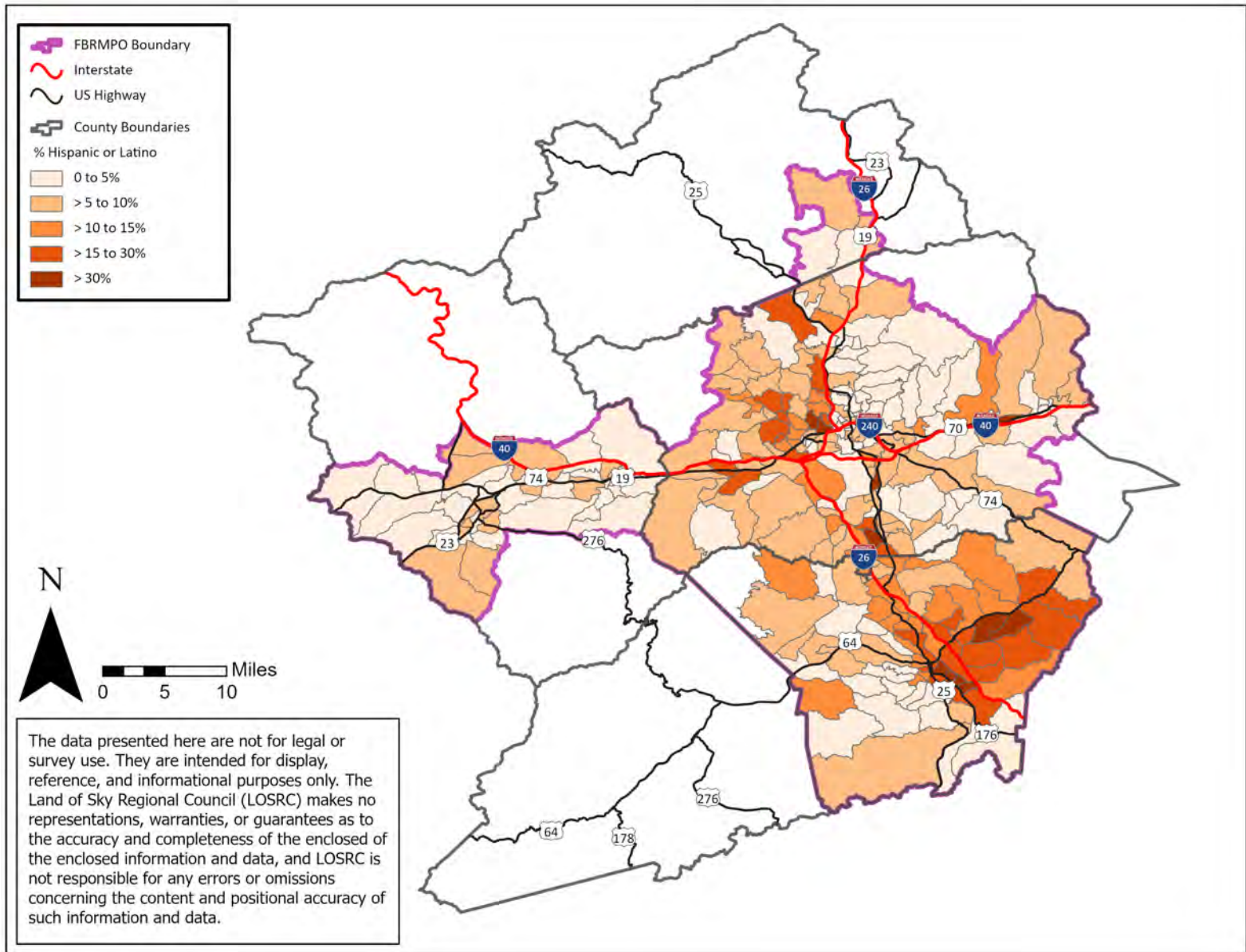
**Map 1.1: French Broad River Metropolitan Planning Organization Planning Area**



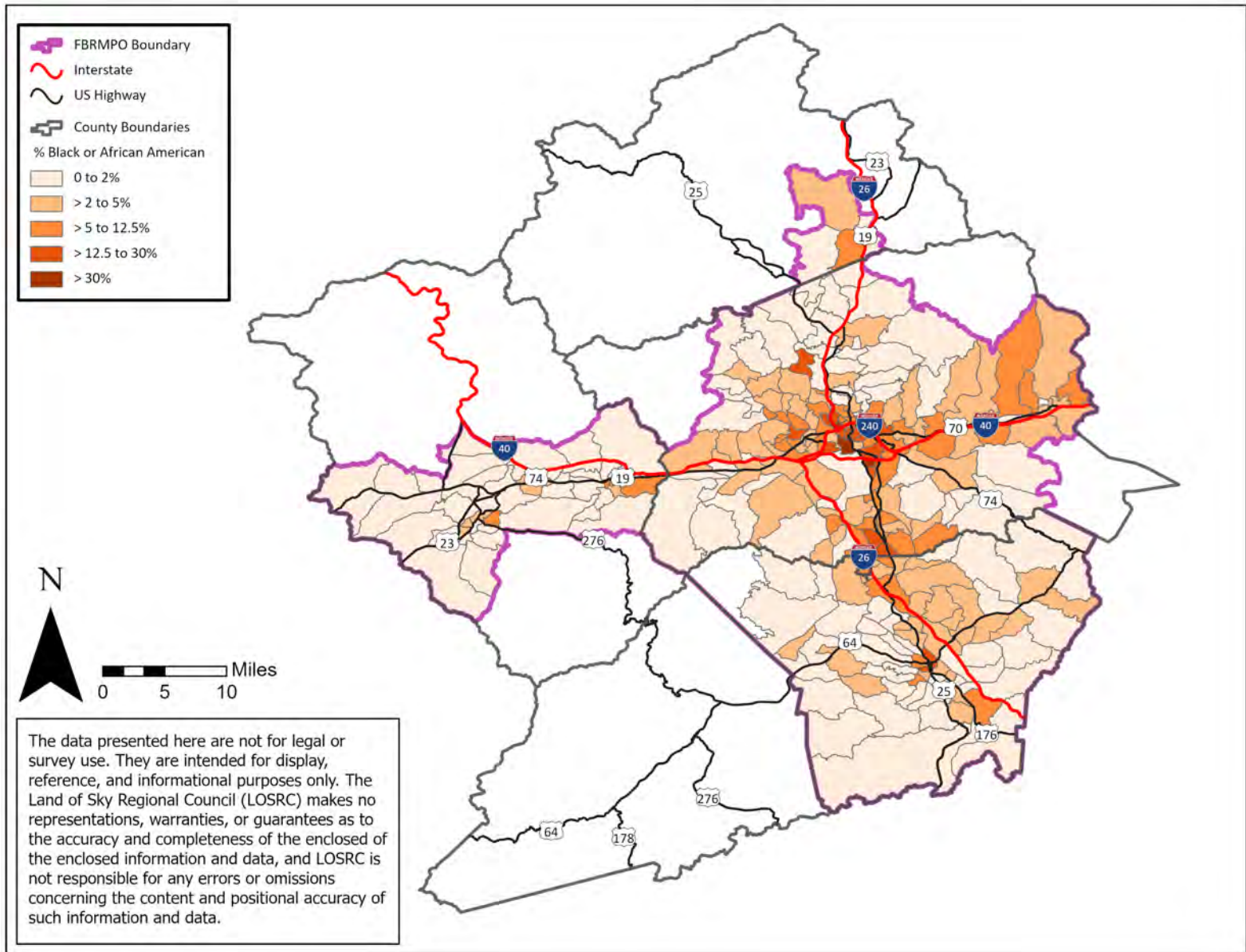
**Map 1.2: Population Density**



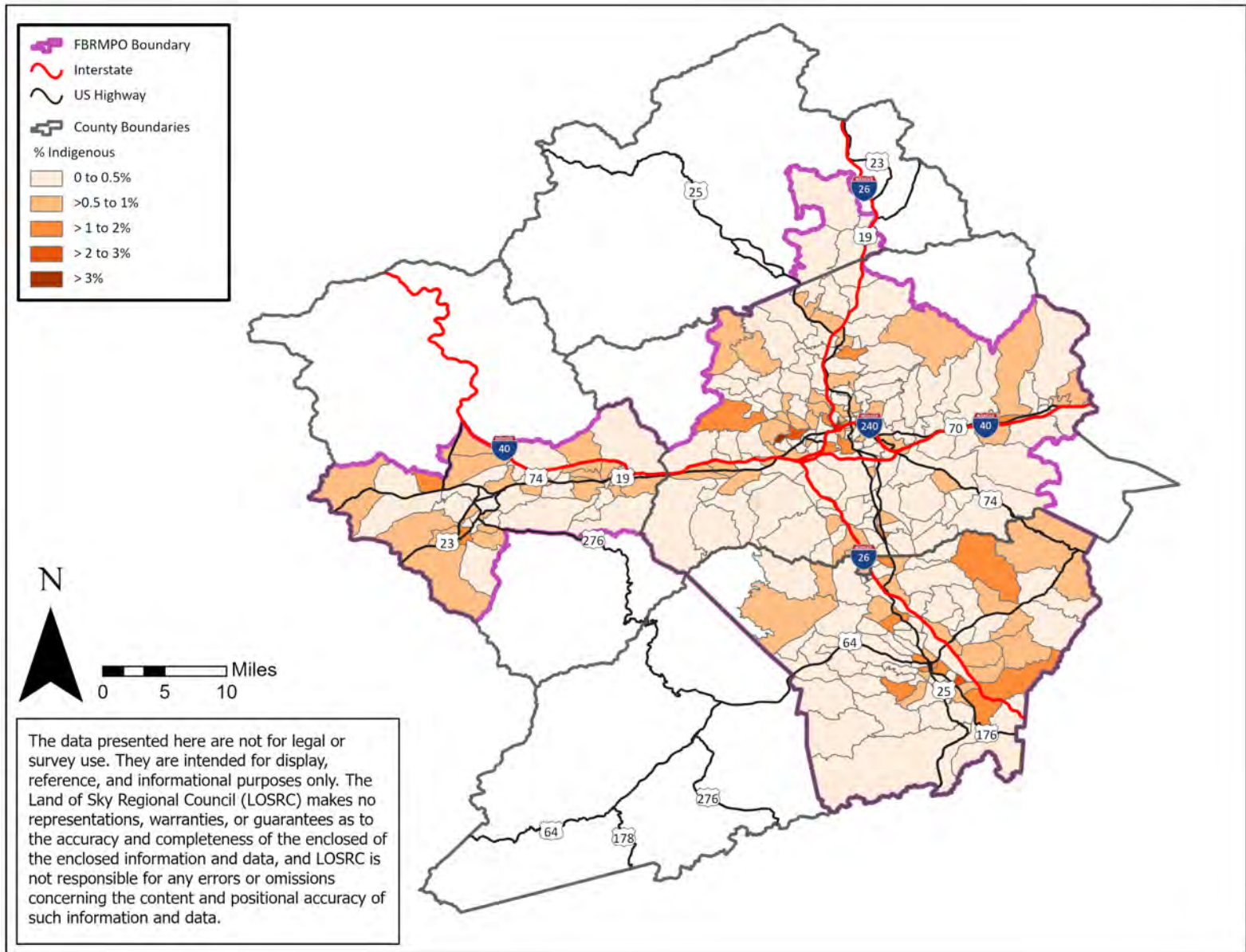
**Map 1.3: Minority Population Density**



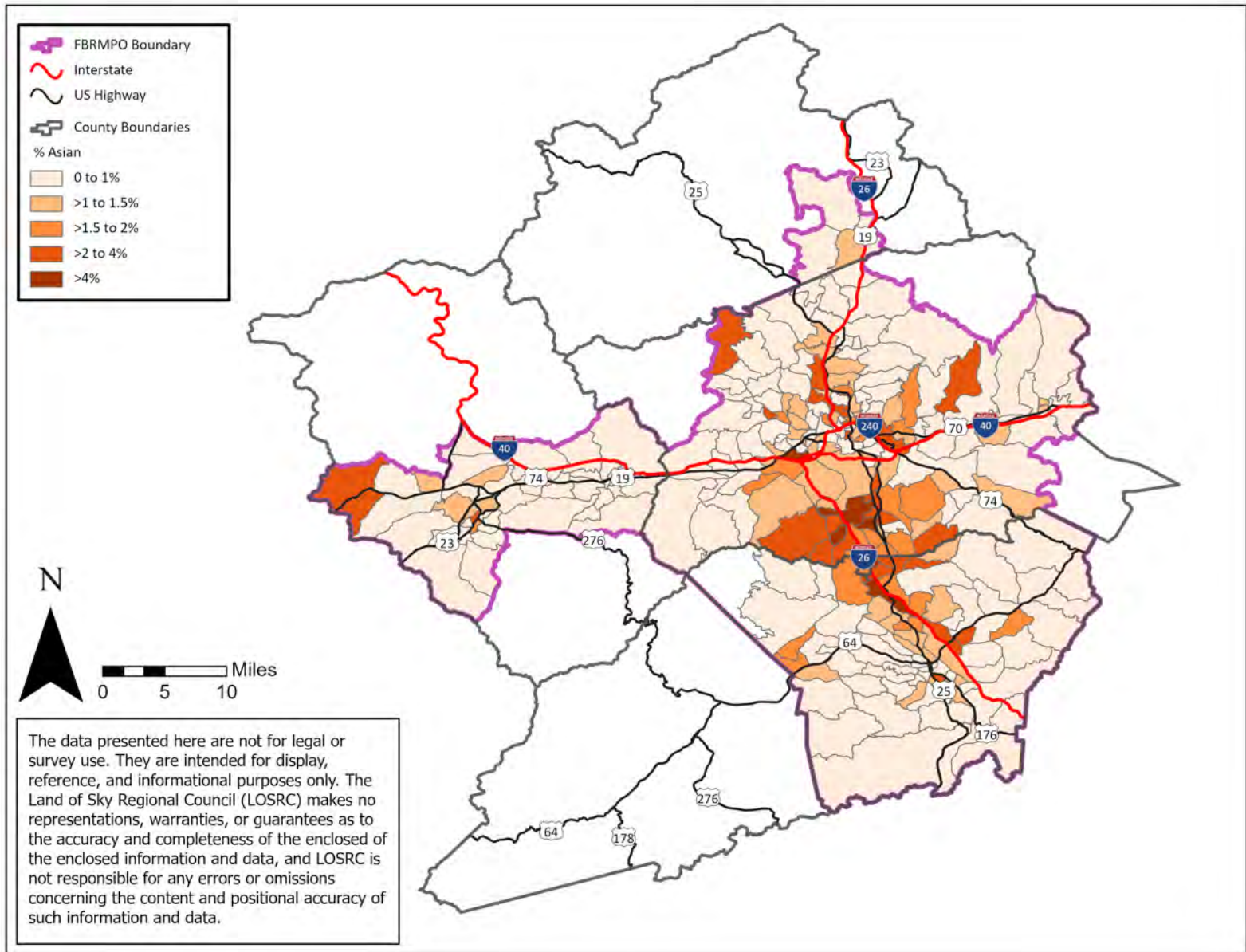
**Map 1.4: Hispanic/Latino Population Density**



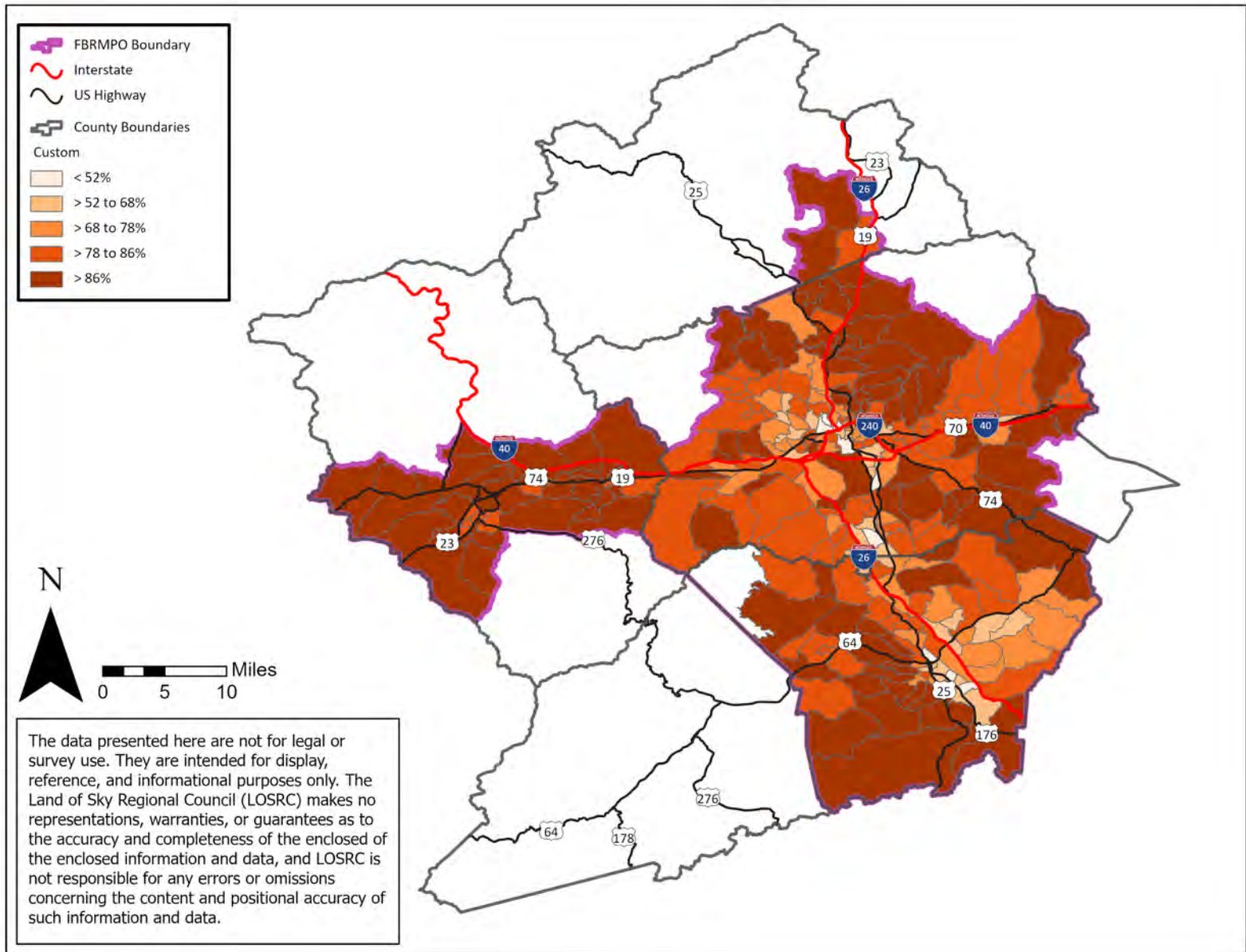
**Map 1.5: Black and African American Population Density**



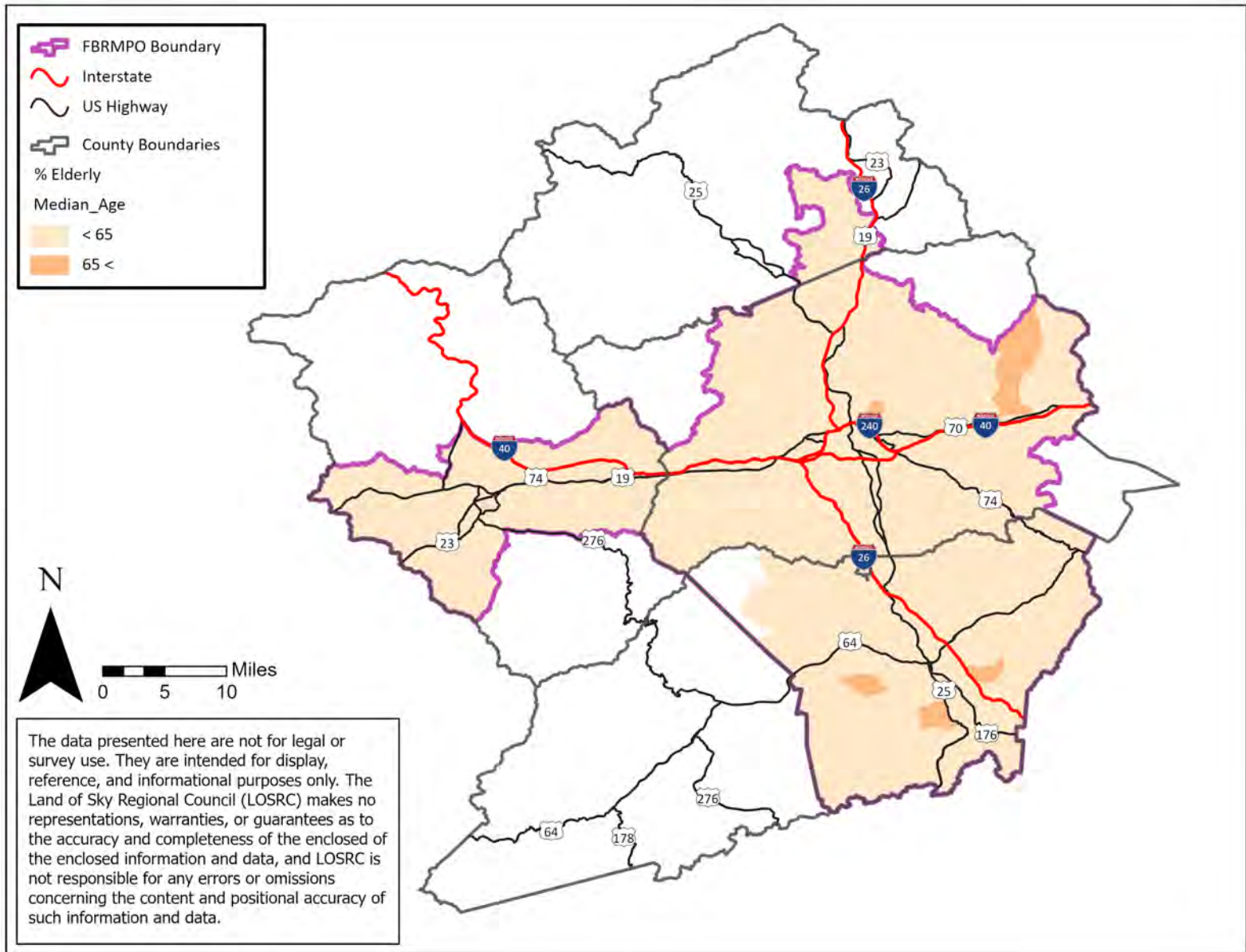
**Map 1.6: Indigenous Population Density**



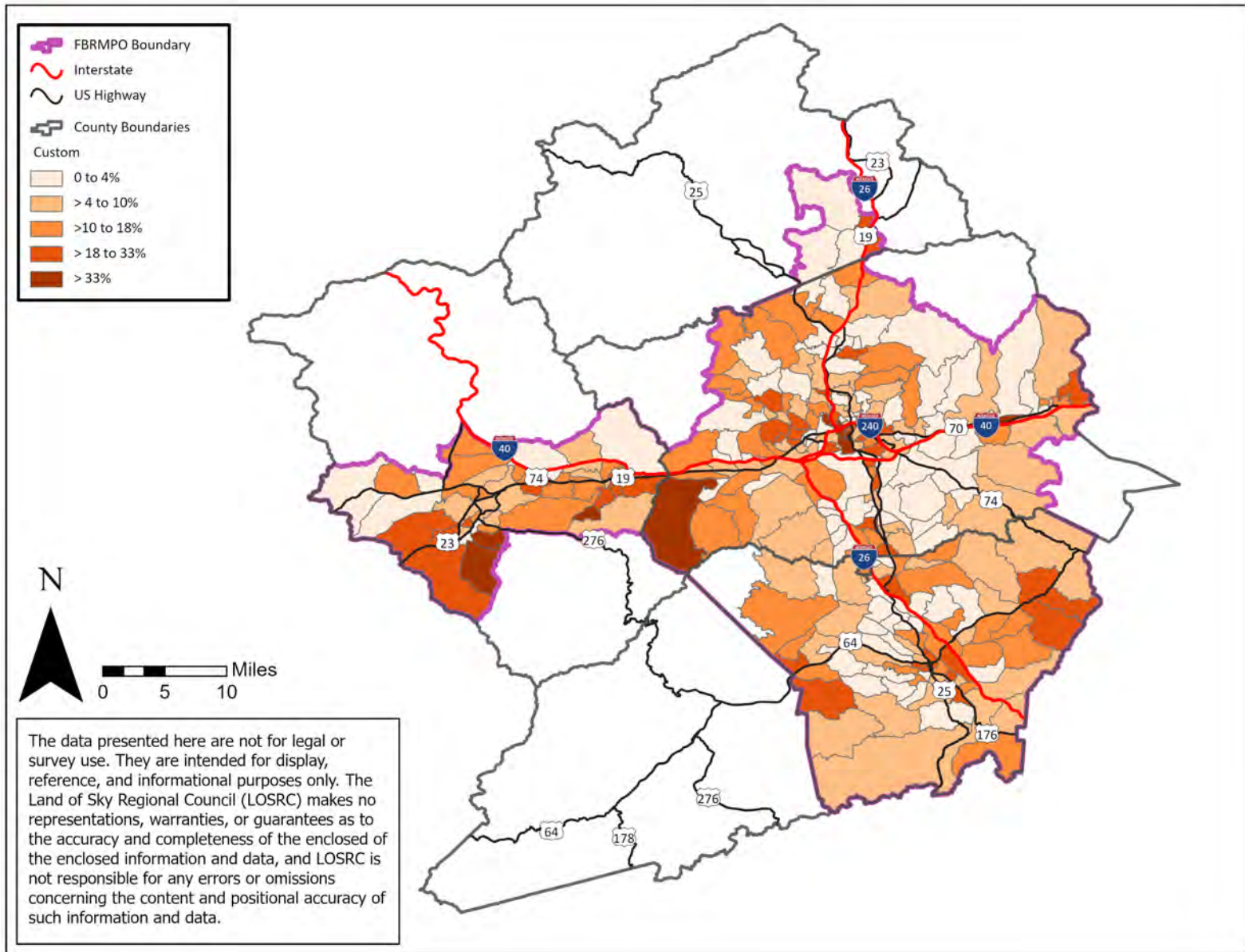
**Map 1.7: Asian Population Density**



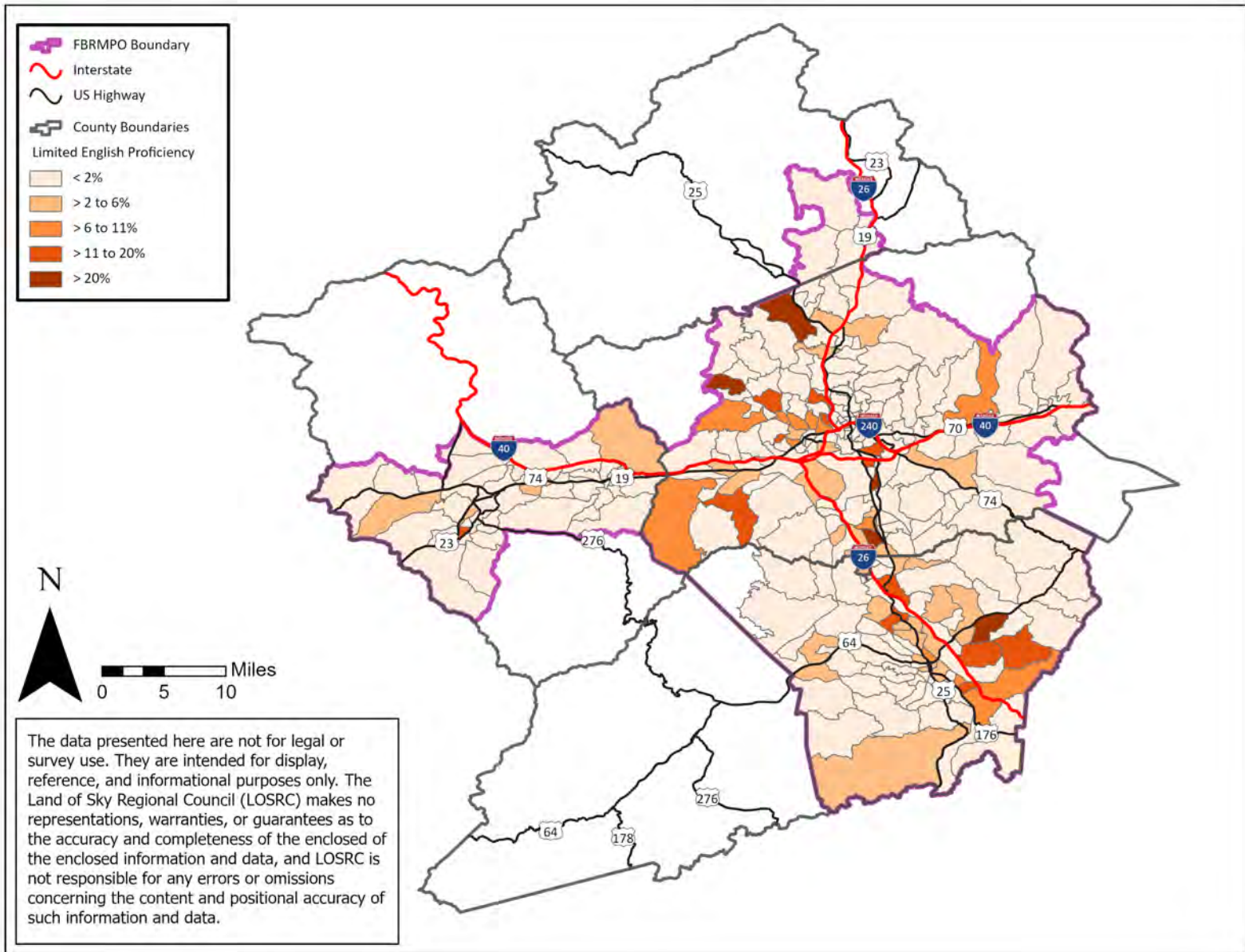
**Map 1.8: Non-minority Population Density**



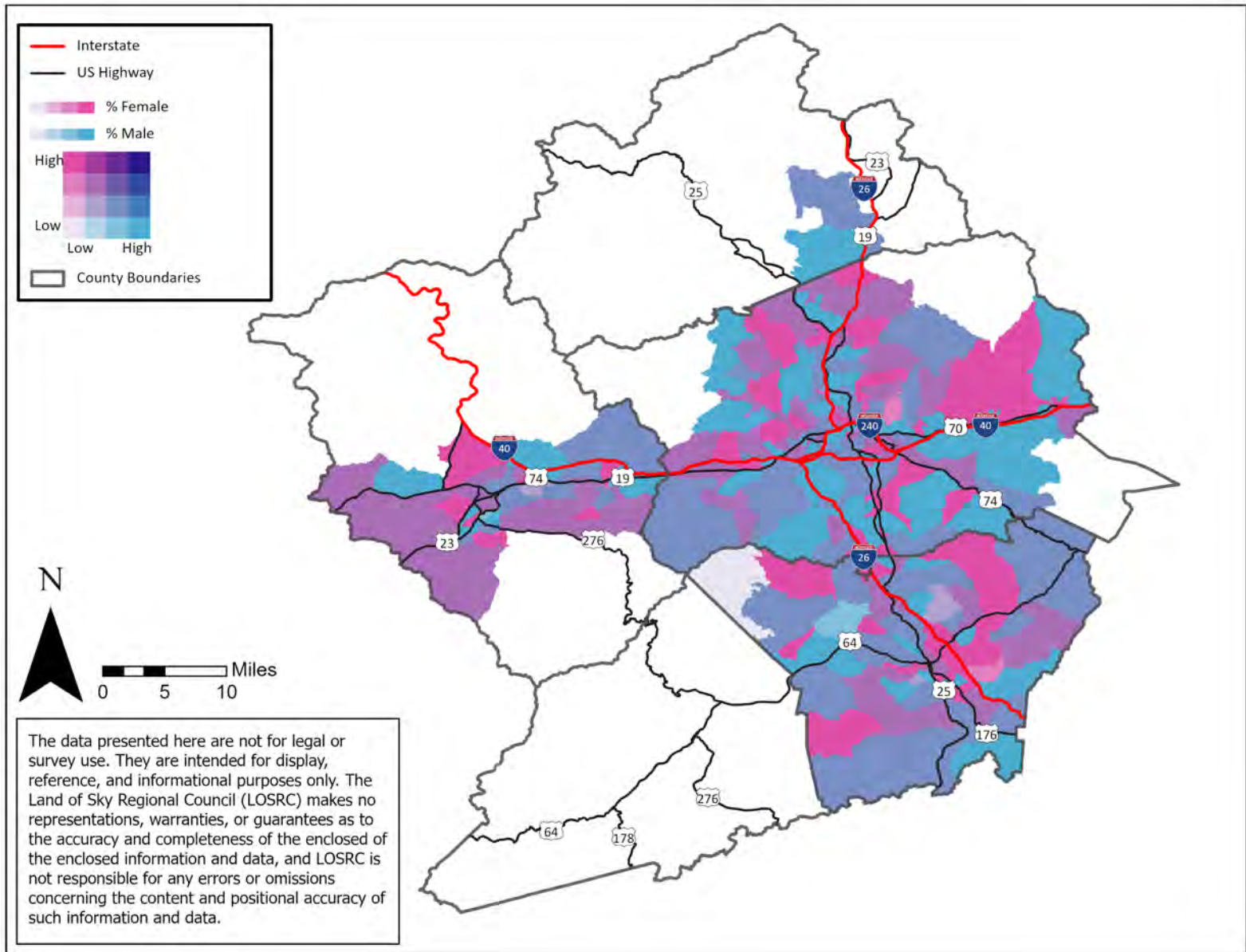
**Map 1.9: Block Groups with Median Age 65+**



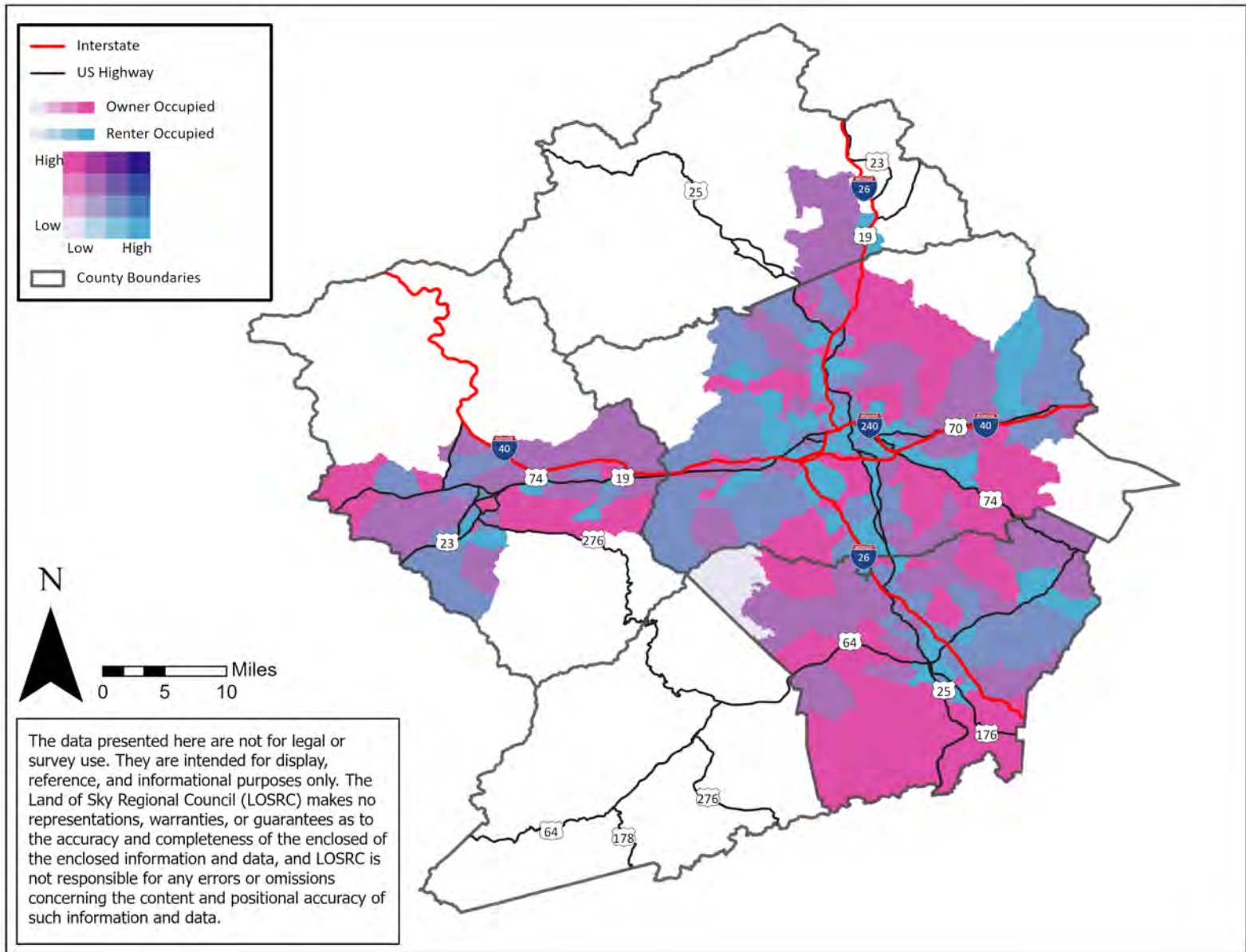
**Map 1.10: Households Receiving SNAP Benefits in Last 12 Months by Census Block Group**



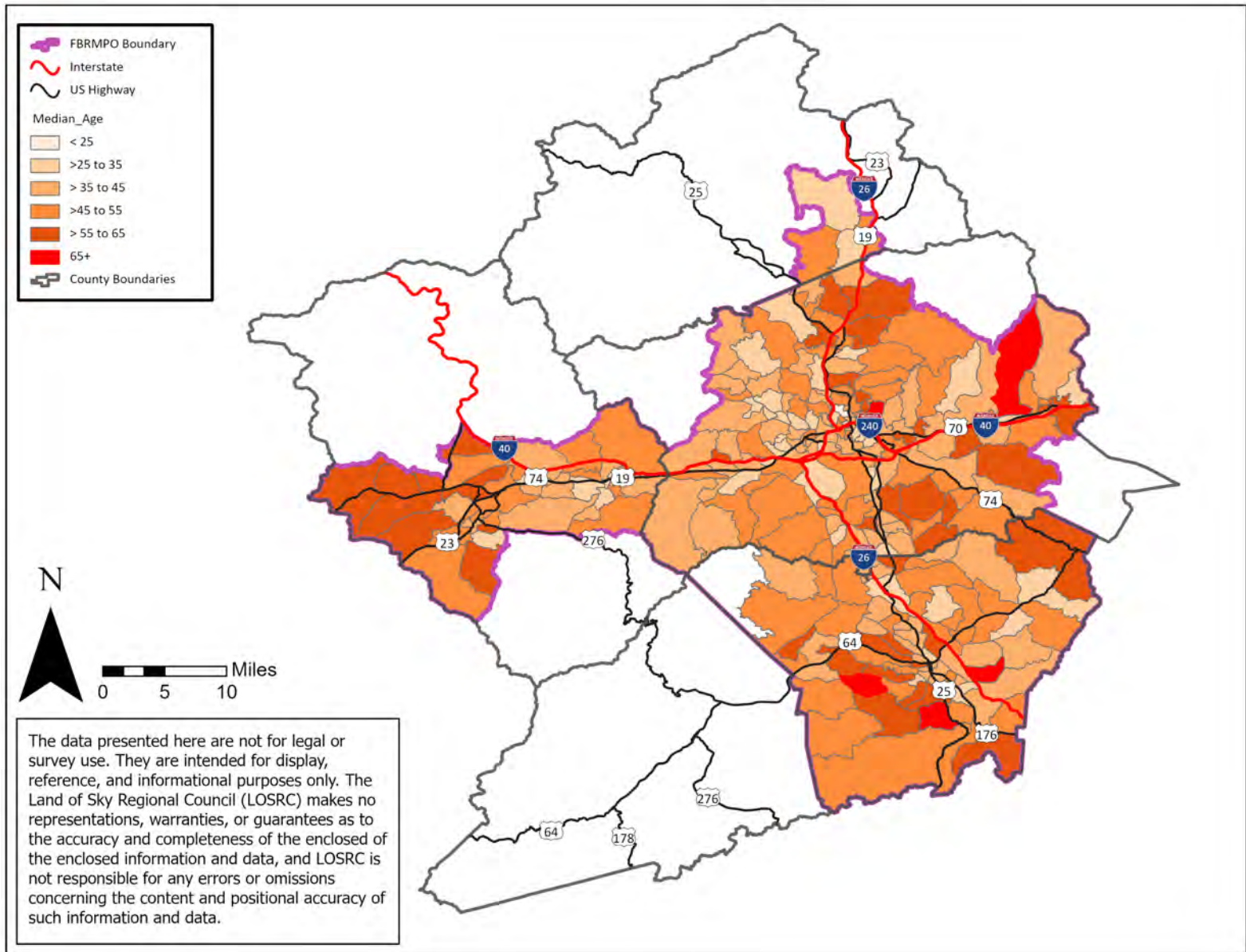
**Map 1.11: Limited English Proficiency**



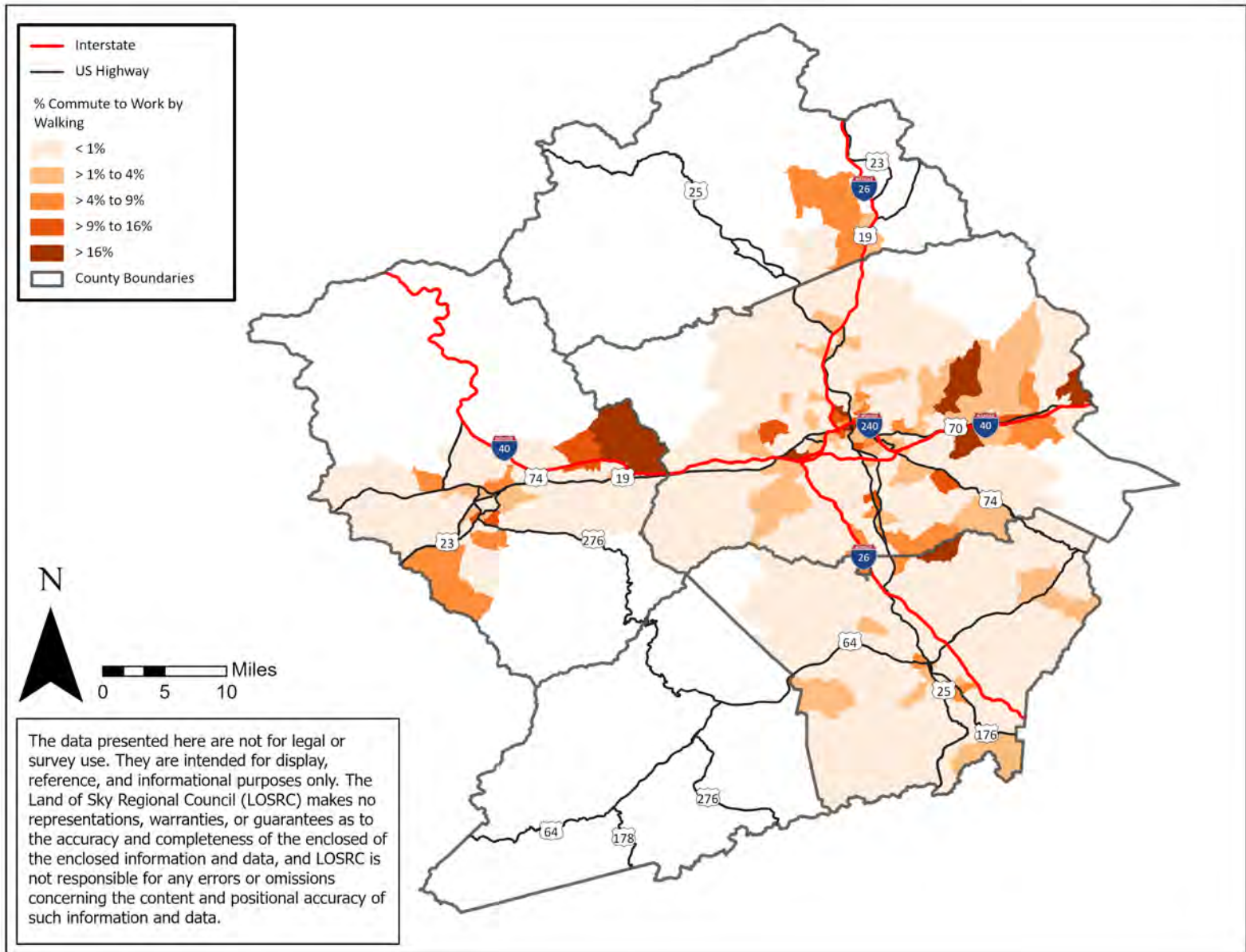
**Map 1.12: Sex by Block Group**



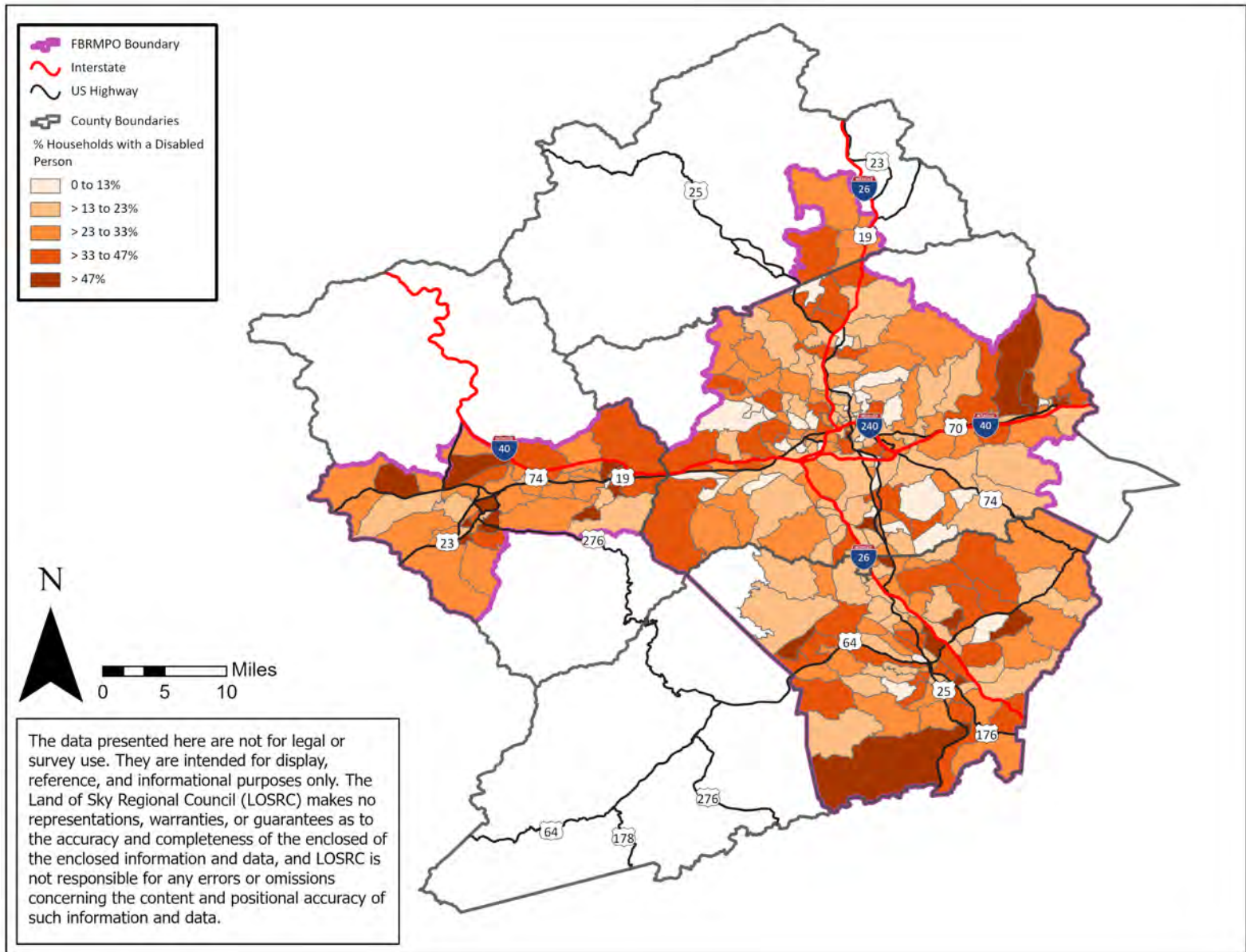
**Map 1.13: Housing Ownership Status by Block Group**



**Map 1.14: Median Age by Block Group**



**Map 1.15: % of Individuals Walking to Work by Block Group**



**Map 1.16: % of Households with a Person with a Disability by Block Group**