

# RTS Rowan Transit System

## Title VI Plan



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Rowan Transit System  
2726 Old Concord Road  
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## Table of Contents

<b>Section 1: Overview.....</b>	<b>2-3</b>
<b>Section 2: Policy Statement.....</b>	<b>4</b>
<b>Section 3: Public Involvement Plan.....</b>	<b>5-7</b>
<b>Section 4: Limited English Proficiency Plan (LEP).....</b>	<b>8</b>
<b>Section 5: Rowan Transit Title VI Notice to the Public of Protection under Title VI &amp; Notice of Complaint Procedure.....</b>	<b>9</b>
<b>Section 6: Processing Procedures for Complaints of Discrimination .....</b>	<b>10-14</b>
<b>Section 7: Standard DOT Title VI Assurances .....</b>	<b>15-16</b>

## **Section 1: Overview**

### **I. Introduction and Purpose**

This plan is divided into two parts: Title VI (Environmental Justice) and the Public Involvement Process. Although they are separate, Environmental Justice and Public Involvement compliment one another in ensuring fair and equitable distribution of transportation services and facilities. Public participation is essential to the success of any public planning program or project. Without the involvement of local citizens, it is difficult to design a program that meets the needs of the public or to gauge the project's success. Effective public involvement not only provides transportation officials with new ideas, but it also alerts them to potential environmental justice concerns during the planning stage of a project. Perhaps the most important element of public participation is to engender a sense of ownership among the people, especially among those who are often at the mercy of their surroundings.

These reasons, combined with a national history of discrimination against persons on the basis of race, color, ethnic origin, age, sex, disability, religion and economic status, has led federal and state governments to set requirements to endure equity of public involvement in federally funded agencies and their associated organizations. It is through the details of these individual programs that the equity and democracy that we embrace in this country is exercised.

#### **Objectives**

1. Comply with the public involvement and environmental justice requirements of the Federal and State regulations.
2. Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
3. Provide specific opportunities for local citizens and citizen-based organizations to discuss their views and provide input on the subject areas addressed in plans, projects or policies of.
4. Ensure full and fair participation by all potentially affected communities in the transportation decision-making process.
5. Inform and educate citizens and other interested parties about ongoing Rowan Transit planning activities, and their potential role in those activities.

### **II. Title VI**

#### **Responsibilities and Objectives**

The principle of environmental justice in transportation planning ensures that transportation projects do not have a disproportionately negative impact on minority and low-income populations. The goal is to achieve environmental justice protection for all communities. For transportation, Title VI means assessing the nature, extent, and incidence of probable impacts, both negative and positive, from any transportation-related activity on minority, low-income and other disadvantaged populations.

## Legislation and Guidance

**Title VI of the Civil Rights Act of 1964** created a foundation for future environmental justice regulations. Since the establishment of Title VI, environmental justice has been considered in local, state, and federal transportation projects. Section 42.104 of Title VI and related statutes require Federal agencies to ensure that no person is excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, national origin, age, sex, disability, or religion.

**The National Environmental Policy Act of 1969 (NEPA)** addresses both social and economic impacts of environmental justice. NEPA stresses the importance of providing for “all Americans safe, healthful, productive, and aesthetically pleasing surroundings”, and provides a requirement for taking a “systematic, interdisciplinary approach” to aid in considering environmental and community factors in decision making.

**The Civil Rights Restoration Act of 1987** further expanded Title VI to include all programs and activities of Federal aid recipients, sub-recipients, and contractors whether those programs and activities are federally funded or not.

**On February 11, 1994, President Clinton signed Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.** This piece of legislation directed every Federal agency to make Environmental Justice part of its mission by identifying and addressing all programs, policies, and activities that affect human health or the environment so as to identify and avoid disproportionately high and adverse effects on minority populations and low-income populations. Rather than being reactive, Federal, State, local and tribal agencies must be proactive when it comes to determining better methods to serve the public who rely on transportation systems and services to increase their quality of life.

In April 1997, as a reinforcement to **Executive Order 12898**, the United States Department of Transportation (DOT) issued an **Order on Environmental Justice (DOT Order 5610.2)**, which summarized and expanded upon the requirements of **Executive Order 12898** to include all policies, programs, and other activities that are undertaken, funded, or approved by the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), or other U.S. DOT components.

In December 1998, the FHWA issued the **FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (DOT Order 6640.23)** which mandated the FHWA and all its subsidiaries to implement the principles of **Executive Order 12898** and **U.S. DOT Order 5610.2** into all of its programs, policies, and activities.

On October 7, 1999, the FHWA and the FTA issued a memorandum **Implementing Title VI Requirements in Metropolitan and Statewide Planning**. This memorandum provides clarification for field offices on how to ensure that environmental justice is considered during current and future planning certification reviews. The intent of this memorandum was for planning officials to understand that environmental justice is equally as important during the planning stages as it is during the project development stages.

## **Section 2: Policy Statement**

It is the policy of Rowan Transit to provide equal opportunity to all people who are admitted to, participate in, or are the recipients of Rowan Transportation Services.

### **Procedures:**

As a recipient of Federal financial assistance, Rowan Transit does not exclude, deny benefits to, or otherwise discriminate against any person on the grounds of race, color, religion, sex, national origin, or on the basis of disability or age in admission to, participation in, or receipt of the services and benefits of any of its programs and activities or in employment therein, whether carried out by Rowan Transit directly or through a contractor or any other entity with whom Rowan Transit arranges to carry out its programs and activities.

This statement is in accordance with the provisions of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Americans with Disabilities Act of 1990, and Regulations of the U.S. Department of Health and Human Services issued pursuant to the acts, Title 45 Code of Federal Regulations Part 80, 84, and 91. (Other Federal Laws and Regulations provide similar protection against discrimination on grounds of sex and creed.)

In case of questions concerning this policy, or in the event of a desire to file a complaint alleging violations of the above, please contact the Rowan Transit System at 704-216-8888.

**\*Complaints must be filed in writing or in person no later than 180 days after the alleged act of discrimination occurred to,  
2726 Old Concord Road, Salisbury, NC 28146**

## **Section 3: Public Involvement Plan**

Rowan Transit will coordinate with individuals, institutions, and/or organizations to reach out to members in the affected minority/low-income communities. We will provide opportunities for public participation through means other than written communication.

### **Public Meetings:**

- All Public meetings will be held in convenient and accessible locations and facilities
- Meeting material will be available in a variety of formats upon previous request.
- A variety of advertising means will be used to inform the media of public meetings.
- Assistance to persons with disabilities will be available upon previous request.

### **Notice to the Public**

Rowan Transit provides notice to the public of our Title VI obligations on our web site located at [www.rowantransit.com](http://www.rowantransit.com). Notice is also posted at the Rowan Transit Office, in transit vehicles and is to be included in future publications.

### **Public Involvement Process**

The main objectives are to:

1. Comply with the public involvement and environmental justice requirements of the Federal and State regulations, and provide specific opportunities for local citizens and citizen-based organizations to discuss their views and provide input on the subject areas addressed in plans, projects or policies of Rowan Transit, and
2. Inform and educate citizens and other interested parties about ongoing Rowan Transit planning activities, and their potential role in those activities.
3. Work with other local and state organizations that have similar goals and requirements.
4. Study other transit organizations that have been successful in Public Participation Efforts.

Experience has shown difficulty in reaching a large span of the population and keeping them involved. Federal and State regulations require us to provide the public with information and to reach out and include traditionally under-served populations. This document has been prepared to serve that purpose.

### **Outreach Tools**

#### **A. General Public Relations**

General public relations may be defined as any action that might reach any citizen, whether or not that citizen has specific interest or knowledge regarding transportation planning. This group of techniques includes the followings: announcements targeted at newspapers and radio; posters or pamphlets displayed in public places; and signs posted near future or current transportation project sites. Meetings or hearings that are held in public places and covered by the media can act as general public relations.

These techniques are ways to keep the general public aware of the presence of the planning organization and the status of specific projects so that they may develop an interest and choose to become better informed or actively involved.

## **B. Events**

There are a broad variety of ways to educate and engage the public. In general, the earlier public involvement is sought, the better. It is also a better use of citizens' free time to participate in a process that will determine the direction of a project that may take years to complete. Citizens may get frustrated when they are invited to join late in the process - when the values and goals have already been decided and the details have been hammered out. The following tools are arranged from most participatory to least.

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

**Surveys** are an efficient method of gathering input from a large number of people at an early stage of the planning process. This is particularly useful when trying to understand the goals and aspirations of a community before attempting to address any specific problems. As an outreach tool, surveys are a good way to identify citizens who may want to become further involved. Surveys may be administered in person or on the phone or distributed via mail, on the Internet, or at public places. A labor intensive activity, implementation of survey might be aided by volunteers and student interns.

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

**Community Forum Meetings** are held to discuss programs and activities within communities, and the public is engaged to discuss their needs in general.

## **C. Direct Marketing and Education**

Direct marketing and education is meant to reach out and provide specific information to specific parties. For example, landowners or leaders of an ethnic community may be sought out and personally invited to come to a meeting. Similarly, lower income groups may be specifically targeted to be educated about their rights, or children or families may be targeted to begin a discussion on a specific program. Direct marketing and education can take place through direct mass mailings, radio, press advertising, or through meetings with specific groups of people such as local clubs, homeless people, property owners, or housing authorities. It can also be through making direct phone calls or meeting with key people who desire to participate in a given process. This is the most labor intensive and potentially most fruitful way to create a diverse and active public participation process.

### **Plan Monitoring and Evaluation**

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

## **Tracking Efforts and Success**

In order to track our public participation efforts, it is necessary that the individuals involved record their efforts.

1. Rowan Transit will keep a log of all outreach activities.
2. Copies should be kept of any print ads, and transcripts of any public service announcements.
3. Notes should be made after the meeting regarding the overall tone of the meeting and any ideas or observations made regarding the process.

## **Section 4: Limited English Proficiency Plan (LEP)**

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP." These individuals may be entitled to language assistance with respect to a particular type or service, benefit, or encounter. Federal laws particularly applicable to language access include Title VI of the Civil Rights Act of 1964, and the Title VI regulations, prohibiting discrimination based on national origin, and Executive Order 13166 issued in 2000.

Many individual federal programs, states, and localities also have provisions requiring language services for LEP individuals. An Executive Order is an order given by the President to federal agencies. The LEP Executive Order (Executive Order 13166) states that people who are LEP should have meaningful access to federally conducted and federally funded programs and activities. Executive Order 13166 requires all agencies that provide federal financial assistance to issue guidance on how recipients of that assistance can take reasonable steps to provide meaningful access consistent with Title VI and the Title VI regulations. The Order also requires that federal agencies create plans for ensuring that their own activities also provide meaningful access for persons who are LEP.

Rowan Transit will provide a means of communication to individuals whom English is not their primary language and who have a limited ability to read, write, speak, or understand English.

Rowan Transit will do the following to ensure LEP persons have access to our services:

- 1 Provide language assistance through Language Line Services.
- 2 Rowan Transit's code for the language line will be posted at each person's desk.
- 3 All staff will be trained to use Language Line Services.
- 4 The LEP notice will be posted in the front office and on brochures.
- 5 This plan will be monitored and updated as the needed.

## **Section 5: Rowan Transit's Title VI Notice to the Public of Protection under Title VI & Notice of Complaint Procedure**

U.S. Department of Justice regulations, 28 Code of the Federal Regulations, Section 42.405, Public Dissemination of Title VI Information, requires recipients of Federal financial assistance to publish or broadcast program information in the news media. Advertisements must state that the program is an equal opportunity program and/or indicate that Federal law prohibits discrimination. Additionally reasonable steps shall be taken to publish information in languages understood by the population eligible to be served or likely to be directly affected by transportation projects.

Rowan Transit hereby gives notice that it is the policy of the Department to assure full compliance with the Title VI Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 *Federal Actions to Address Environmental Justice in Minority Populations and Low- Income Populations*, Executive Order 13166 *Improving Access to Services for Persons with Limited English Proficiency*, and related nondiscrimination statutes and regulations in all programs and services. It is the Department's policy that no person in the United States shall, on the grounds of race, color, sex, age, income status, national origin, or disabilities be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program, activities, or services for which Rowan Transit receives Federal financial assistance.

Any person who believes they have been mistreated by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with Rowan Transit.

\*Any such complaint must be in writing or in person with the Rowan Transit System, **2726 Old Concord Road, Salisbury, NC 28146**, within one hundred eighty (180) days following the date of the alleged discrimination occurrence. Title VI Discrimination Complaint forms may be obtained from the Rowan Transit System at no cost by calling 704-216-8888.

## **Section 6: Processing Procedures for Complaints of Discrimination**

*The complaint procedures outlined herein apply to Rowan Transit, the NCDOT and FHWA, FTA, FAA, and other primary recipients and sub-recipients in the administration of the Federal-aid highway program. These procedures cover discrimination complaints filed under Title VI of the Civil Rights Act of 1964, Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and other nondiscrimination authorities relating to any program or services administered by Rowan Transit to sub-recipients, consultants, and contractors.*

*Rowan Transit will make every effort to obtain early resolution of complaints at the lowest level possible. All complaints of alleged discrimination will be investigated by Rowan Transit. The option of informal mediation meeting(s) between the affected parties and the Rowan Transit Office staff may be utilized for resolution. Upon completion of each investigation, Rowan Transit staff will inform every complainant of all avenues of appeal.*

### **I. PURPOSE**

The purpose of the discrimination complaint procedures is to specify the process to be employed by Rowan Transit in accordance with guidance from the Federal Highway Administration to investigate complaints, while ensuring due process for complainants and respondents. The process does not preclude the responsible staff of any agency from attempting to informally resolve complaints.

### **II. APPLICABILITY**

The complaint procedures apply to the beneficiaries of Rowan Transit programs, activities, and services, including but not limited to the public, contractors, subcontractors, consultants, and other sub-recipients of federal and state funds.

### **III. ELIGIBILITY**

Any person who believes that he/she has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities, based upon race, color, sex, age, national origin, or disability may file a written complaint with the Rowan Transit Office. 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.

### **IV. DEFINITION**

**Discrimination** involves any act or inaction, whether intentional or unintentional in any program or activity of a Federal-aid recipient, sub-recipient, or contractor, which results in disparate (unfavorable) treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, sex, national origin, age, disability or in the case of disability, failing to make a reasonable accommodation. An act (or action) whether intentional or unintentional, through which a person in the United States, based on race, color, sex, age, national origin, or disability has been subjected to unequal treatment under any program or activity receiving financial assistance from the FHWA under title 23 U.S.C.

### **V. FILING OF COMPLAINTS**

- 1. 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.

Title VI complaints may be submitted to the following entities:

- Rowan Transit System Office
- NCDOT – Office of Civil Rights and Business Development
- Federal Highway Administration
- Federal Transit Administration
- Federal Aviation Administration
- US Department of Transportation
- US Department of Justice

2. **Type of Complaints** – Complaints shall be in **writing** and **signed** by the complainant(s) or a representative and include the complainant’s name, address, and telephone number. Complaints received by fax or e-mail will be acknowledged and processed. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing.

3. **Complaint Basis** – Allegations must be based on issues involving race, color, national origin, sex, age, income status or disability. The term “basis” refers to the complainant’s membership in a protected group category.

Protected Categories	Definition	Examples
Race	An individual belonging to one of the accepted racial groups; or the perception, based usually on physical characteristics that a person is a member of a racial group	Black/African American, Hispanic/Latino, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White
Color	Color of skin, including shade of skin within a racial group	Black, White, light brown, dark brown, etc.
National Origin	Place of birth. Citizenship is not a factor. Discrimination based on language or a person’s accent is also covered by national origin.	Mexican, Cuban, Japanese, Vietnamese, Chinese
Sex	Gender	Female and Male
Age	Persons of any age	21 year old person
Disability	Physical or mental impairment, permanent or temporary, or perceived.	Blind, alcoholic, para-amputee, epileptic, diabetic, arthritic
Income Status	Person whose household income is at or below US Department of Health and Human Services Poverty Guidelines	Person in family or household of 4 with income of \$20,000

## **Section 7: Standard DOT Title VI Assurances**

Rowan Transit (hereinafter referred to as the Sponsor) hereby agrees that as a condition to receiving Federal financial assistance from the Department of Transportation (DOT), it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and all requirements imposed by 49 CFR Part 21, - Nondiscrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the “Regulations”) to the end 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 otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. Without limiting the above general assurance, the sponsor agrees concerning this grant that:

1. Each “program” and “facility” (as defined in Sections 21.23(e) and 21.23(b)) will be conducted or operated in compliance with all requirements of the Regulations.
2. It will insert appropriate assurance clauses in every contract subject to the Act and the Regulations.
3. Where Federal financial assistance is received to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
4. Where Federal financial assistance is in the form or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
5. It will include the appropriate clauses set forth in this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the sponsor with other parties:
  - (a) for the subsequent transfer of real property acquired or improved with Federal financial assistance under this Project; and
  - (b) for the construction or use of or access to space on, over, or under real property acquired or improved with Federal financial assistance under this Project.
6. This assurance obligates the Sponsor 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 sponsor or any transferee for the longer of the following periods:
  - (a) the period during which the property is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits, or
  - (b) the period during which the sponsor retains ownership or possession of the property. 16

7. It will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other sponsors, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants or Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this assurance.
8. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining Federal financial assistance for this Project and is binding on its contractors, the sponsor, subcontractors, transferees, successors in interest and other participants in the Project. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Sponsor.

Dated 3/20/13

By  \_\_\_\_\_  
Gary R Price, Director  
Rowan Transit System