

Orange County Transportation Services Title VI



2022

Orange County Transportation Services
Orange County, NC
8/2/2022

TITLE VI PLAN REVIEW AND ADOPTION

On behalf of the Orange County Board of County Commissioners, I hereby acknowledge receipt of the Title VI Nondiscrimination Plan. We, the Board, have reviewed and hereby *adopt* this Plan. We are committed to ensuring that all decisions are made in accordance with the nondiscrimination guidelines of this Plan, to the end the no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any Orange County Transportation Services (OCTS) services and activities on the basis of race, color, national origin, sex, age, creed (religion), or disability, as protected by Title VI of the Civil Rights Act of 1964 and the nondiscrimination.



Authorizing Official

12/13/22

Date

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TITLE VI NONDISCRIMINATION AGREEMENT
BETWEEN
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
AND
OCTS

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

Further, OCTS hereby agrees to:

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

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

DocuSigned by: Authorized Signature


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Nishith Trivedi
Transportation Director

12/15/2022

Date

I. INTRODUCTION

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

OCTS is a recipient of Federal Transit Administration (FTA) funds from the North Carolina Department of Transportation (NCDOT). OCTS establishes this Title VI Nondiscrimination Plan for the purpose of complying with Title VI of the Civil Rights Act of 1964, as required by FTA Circular 4702.1B, and related requirements outlined within the FTA Certifications & Assurances, “Nondiscrimination Assurance.” This document details the nondiscrimination program, policies, and practices administered by OCTS, and will be updated periodically to incorporate changes and additional responsibilities as they are made. This Plan will be submitted to NCDOT or FTA, upon request.

II. DESCRIPTION OF PROGRAMS AND SERVICES

A. Program(s) and Services Administered

OCTS provides public transportation options to its customers within county limits of Orange County, North Carolina. OCTS provides both demand response service and fixed route service. Our demand response service includes transportation provided by Rural Operating Assistance Program (ROAP), Non-Emergency Medical Transportation (Medicaid), and Americans with Disabilities Act. Our fixed route service is comprised of four buses. The Hillsborough Circulator which circulates the town of Hillsborough from 8am – 5pm Monday through Friday which is fare free. Then there is the Orange- Chapel Hill Connector which has two buses one that starts in Cedar Grove, NC and the other that starts in Chapel Hill, NC, fare for this route is two dollars one-way or four dollars round trip. The Orange –Chapel Hill Connector is in service from 9:45am -3:50pm Monday through Friday. Lastly there is the Orange – Alamance Connector this routes services the Town of Hillsborough and City of Mebane from 10:00am – 3:00pm Monday through Friday, fare for this route is two dollars one way or four dollars round trip. Following the Orange County Holiday Schedule, OCTS’s Administrative Office and Fixed Route Services are closed the following days in 2020:

New Year’s Day: January 1, 2020

Good Friday: April 10, 2020

Independence Day: July 3, 2020

Thanksgiving: November 26-27, 2020 Christmas

Martin Luther King. Jr’s Birthday: January 20, 2020

Memorial Day: May 25, 2020

Labor Day: September 7, 2020

December 24, 25, 28, 2020

OCTS Staff is comprised of:

- Transit Director (1)
- Business Officer (1)
- Transportation Administrator (1)
- Transit Operations Manager (1)
- Transportation Operations Supervisor (1)
- Transit Dispatch (2)
- Office Assistant (1)
- Full Time Public Transportation Drivers (10)
- Part Time Public Transportation Drivers (2)

Service/Route	Service Days	Service Times	ADA Service Type	Fare
Orange-Alamance Connector	Monday-Friday	10:00 am – 3:00 pm	Combination of separate dial-a-ride service and fixed-route deviation	\$2 general public and ADA
Orange-Chapel Hill Connector (Hill-to-Hill)	Monday-Friday	9:30 am – 4:00 pm	Combination of separate dial-a-ride service and fixed-route deviation	\$2 general public and ADA
Hillsborough Circulator	Monday-Friday	8:00 am – 5:00 pm	Combination of separate dial-a-ride service and fixed-route deviation	No fare for general public or ADA passengers
Elderly/Disabled Transportation Assistance Program	Monday-Friday	8:00 am – 5:00 pm	Combination of separate dial-a-ride service and fixed-route deviation	\$3 one-way
Rural General Public	Monday-Friday	8:00 am – 5:00 pm	Combination of separate dial-a-ride service and fixed-route deviation	\$12.74 one-way

B. Funding Sources / Tables

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

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

of assistance.

Each FTA Formula Grant received by our system during the past year, and whether the funds were received through NCDOT or directly from FTA, is checked below.

Grant Title	NCDOT	FTA	Details (i.e., purpose, frequency, and duration of receipt)
5307 (Urbanized Area Formula)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Annual formula based allocation from DCHC and BG MPO urbanized areas. Reimbursement based with strict local match requirements.
5309 (b)(2) (Fixed Guideway Modernization)	<input type="checkbox"/>	<input type="checkbox"/>	Not Applicable
5310 (Transportation for Elderly Persons and Persons with Disabilities)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Received from Department of Aging for senior transportation.
5311 (Formula Grants for Other than Urbanized Areas)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Annual formula based allocation from DCHC through the Unified Planning Work Program for rural Orange County. Reimbursement based with strict local match requirements. Includes Rural Transit Assistance Program (RTAP)
5311 (b)(3) (Rural Transit Assistance)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Annual formula based allocation from DCHC through the Unified Planning Work Program for rural Orange County. Reimbursement based with strict local match requirements.
5316 (Job Access and Reverse Commute)	<input type="checkbox"/>	<input type="checkbox"/>	Not Applicable
5317 (New Freedom)	<input type="checkbox"/>	<input type="checkbox"/>	Not Applicable
5303, 5304 and/or 5305 (Metropolitan & Statewide Planning)	<input type="checkbox"/>	<input type="checkbox"/>	Not Applicable
5339 (Bus and Bus Facilities Formula)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Annual formula based allocation from NCDOT for Capital transit projects. Reimbursement based with strict local match requirements.
Other:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Congestion Management and Air Quality (CMAQ), reimbursement and local-match based with set allocation from DCHC MPO and TARPO. Rural Operating Assistance Program (ROAP), Elderly and Disabled Transportation Assistance Program (EDTAP), Rural General

			Public (RGP) and Employment and Transportation Assistance Program (ETAP)
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C. Decision-Making Process

Board or Committee Name	Appointed	Elected	# of Members
Transit Advisory Board	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
Orange Unified Transportation Board	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
Board of County Commissioners	<input type="checkbox"/>	<input checked="" type="checkbox"/>	7

D. Title VI Coordinator

The individual below has been designated as the Title VI Coordinator for OCTS, and is empowered with enough authority and responsibility to implement the Title VI Nondiscrimination Program: Key responsibilities of the coordinator include:

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

Title VI Coordinator is:

Jamael Wiley – Transit Operations Manager
600 NC-86
Hillsborough, NC 27278

Email: Jwiley@orangecountync.gov

Phone: 919-245-2004

E. Leadership Change

If Title VI Coordinator or Transportation Services Director changes, this document and all other documents that name the coordinator, will immediately be updated, and an updated policy statement (and nondiscrimination agreement, if standalone) will be signed by the new Transportation Services Director.

F. Organizational Chart

Organization Name or Abbreviation currently employs twenty (20) staff which consist of the following job categories. An organizational chart showing the Title VI Coordinator’s place within the organization is in [APPENDIX B](#).

G. Sub recipients

OCTS does not have pass through funds to any other organizations and, therefore, does not have any sub recipients.

III. TITLE VI NONDISCRIMINATION POLICY STATEMENT

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

DocuSigned by:

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Signature
Title VI Coordinator

A. Title VI and Related Authorities

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

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

Implementation

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

IV. NOTICE OF NONDISCRIMINATION

- OCTS operates its programs and services without regard to race, color, national origin, sex, creed (religion), age, and disability in accordance with Title VI of the Civil Rights Act and related statutes. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice may file a complaint with OCTS.
 - For more information on OCTS's civil rights program, and the procedures to file a complaint, contact 919-245-2008, (TTY 919-644-3045)
 - Email octransportationservices@orangecountync.gov, (TTY 919-644-3045); or
 - Visit our administrative office at 600 NC Highway 86 N Hillsborough, NC 278278. For more information, visit orangecountync.gov.
- If information is needed in another language, contact 919-245-2498.
- A complainant may file a complaint directly with the North Carolina Department of Transportation by filing with the Office of Civil Rights, External Civil Rights Section, 1511 Mail Service Center, Raleigh, NC 27699-1511, Attention: Title VI Nondiscrimination Program; phone: 919-508-1808 or 800-522-0453, or TDD/TTY: 800-735-2962.
- A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

Implementation

- The notice will be posted in its entirety on our website and in any documents and reports we distribute.
- The notice will be posted in our offices and inside/on our vehicles.
- Ads in newspapers and other publications shall include the following: "OCTS operates without regard to race, color, national origin, sex, creed (religion), age or disability. For more information on OCTS Title VI program or how to file a discrimination complaint, please contact 919-245-2008; octransportationservices@orangecountync.gov."
- The statement will be posted or provided in languages other than English, when appropriate.

V. NONDISCRIMINATORY ADMINISTRATION OF PROGRAMS AND SERVICES

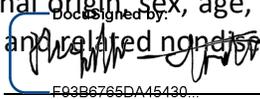
We are committed to nondiscriminatory administration of our programs and services, organization wide. OCTS will remind employees of Title VI nondiscrimination obligations through staff training and use of the Title VI Nondiscrimination Policy below. The Title VI Coordinator will periodically assess program operations to ensure this policy is being followed.

A. Title VI Nondiscrimination Policy (Title VI and related nondiscrimination authorities)

No person shall, on the grounds of race, color, national origin, sex, age, creed, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of a Federal-aid recipient. All employees and representatives of OCTS are expected to consider, respect, and observe this policy in their daily work and duties. If any person approaches you with a civil rights-related question or complaint, please direct him or her to Nishith Trivedi, Transportation Director. In all dealings with the public, use courtesy titles (e.g., Mr., Mrs., Miss, Dr.) to address or refer to them without regard to their race, color, national origin, sex, age or disability.

Acknowledgement of Receipt of Title VI Program

I hereby acknowledge receipt of OCTS Title VI Program and other nondiscrimination guidelines. I have read the Title VI Program and I am committed to ensuring that no person is excluded from participation in or denied the benefits of OCTS programs, policies, services and activities on the basis of race, color, national origin, sex, age, creed (religion), or disability, as provided by Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes.

DocuSigned by:


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Signature

12/15/2022

Date

Implementation

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

VI. CONTRACT ADMINISTRATION

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

A. Contract Language

I. During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

(1) **Compliance with Regulations:** The contractor (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 Transit Administration (FTA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

(2) **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, creed (religion), low-income, limited English proficiency, or disability 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.

(3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier 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.

(4) **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 FTA 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 FTA, as appropriate, and will set forth what efforts it has made to obtain the information.

(5) **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 FTA may determine to be appropriate, including, but not limited to:

- 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);
- Federal transit laws, specifically 49 U.S.C. § 5332 (prohibiting discrimination based on race, color, religion, national origin, sex (including gender identity), disability, age, employment, or business opportunity).

6) 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 FTA 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.

II. 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.
 - (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.

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

Contractor's Initials

B. Nondiscrimination Notice To Prospective Bidders

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

Implementation

- The nondiscrimination language above will be included in all solicitations for bids for work or material and proposals for negotiated agreements to assure interested firms that we provide equal opportunity and do not discriminate.
- Outreach efforts will be made to minority and women-owned firms that work in requested fields and documented.
- Unless specifically required under Disadvantaged Business Enterprise (DBE) or Affirmative Action programs, all contractors will be selected without regard to their race, color, national origin, or sex.
- The nondiscrimination language above (**with** initials line) will be appended to any *existing* contracts, purchase orders, and agreements that do not include it, and initialed by the responsible official of the other organization.
- The nondiscrimination language above (**without** initials line) will be incorporated as standard language before the signature page of our standard contracts, purchase orders, and agreements.
- The Title VI Coordinator will review *existing* contracts to ensure the language has been added.

VII. EXTERNAL DISCRIMINATION COMPLAINT PROCEDURES

These discrimination complaint procedures outline the process used by OCTS 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 OCTS 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.

A. 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, sex, age, national origin, creed (religion) 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:

- **OCTS**, Administration Office, 600 NC 86 N Hillsborough, NC 27278, PO BOX 818 Hillsborough, NC 27278 ;919-245-2008
 - **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
 - **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
 - **Federal Transit Administration**, Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5th Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590
 - **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. 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. **Discrimination Complaint Form** – The Discrimination Complaint Form is consistent with the FTA Certifications & Assurances, “Nondiscrimination Assurance.”
6. **Complaint Basis** – Allegations must be based on issues involving race, color, national origin, sex, age, creed (religion) or disability. The term “basis” refers to the complainant’s membership in a protected group category.

Protected Categories	Definition	Examples	Applicable Statutes and FTA 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; 49 U.S.C. 5332(b); FTA Circular 4702.1B
Color	Color of skin, including shade of skin within a racial group	Black, White, brown, yellow, etc.	
National Origin	Place of birth. Citizenship is not a factor. Discrimination based on language or a person’s accent is also covered.	Mexican, Cuban, Japanese, Vietnamese, Chinese	
Sex	Gender	Women and Men	49 U.S.C. 5332(b); 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
Creed	Religion.	Muslim, Christian, Hindu, Atheist	49 U.S.C. 5332(b)

B. Complaint Processing

1. When a complaint is received, an Acknowledgment Letter and a Complainant Consent/Release Form will be mailed to the complainant within ten (10) business days by registered mail.
2. We will consult with the NCDOT Title VI Program to determine the acceptability and jurisdiction of all complaints received. (Note: If NCDOT will investigate, the Title VI Program will be

responsible for the remainder of this process. We will record the transfer of responsibility in our complaints log).

3. Additional information will be requested if the complaint is incomplete. The complainant will be provided 15 business days to submit any requested information and the signed Consent Release form. Failure to do so may be considered good cause for a determination of no investigative merit.
4. Upon receipt of the requested information and determination of jurisdiction, we will notify the complainant and respondent of whether the complaint has enough merit to warrant investigation.
5. If the complaint is investigated, the notification shall state the grounds of our jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
6. If the complaint does not warrant investigation, the notification to the complainant shall specifically state the reason for the decision.

C. 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 be request the complaints log during pre-grant approval processes).
3. The Log Year(s) since the last submittal will be entered (e.g., 2015-2018, 2017-2018, FFY 2018, or 2018) and the complaints log will be signed before submitting the log to NCDOT.
4. When reporting no complaints, check the No Complaints or Lawsuits box and sign the log.

D. OCTS - Discrimination Complaint Form

Any person who believes that he/she has been subjected to discrimination based upon race, color, creed, sex, age, national origin, or disability may file a written complaint with Orange County Transportation Services, 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: <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> SEX <input type="checkbox"/> CREED (RELIGION) <input type="checkbox"/> DISABILITY <input type="checkbox"/> LIMITED ENGLISH PROFICIENCY <input type="checkbox"/> AGE <small>*NOTE: Title VI bases are race, color, national origin. All other bases are found in the "Nondiscrimination Assurance" of the FTA Certifications & Assurances.</small>					
Identify the Race of the Complainant <input type="checkbox"/> Black <input type="checkbox"/> White <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian American <input type="checkbox"/> American Indian <input type="checkbox"/> Alaskan Native <input type="checkbox"/> Pacific Islander <input type="checkbox"/> Other _____					
Date and place of alleged discriminatory action(s). Please include earliest date of discrimination and most recent date of discrimination.					
Names of individuals responsible for the discriminatory action(s):					
How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. (Attach additional page(s), if necessary).					
The law prohibits intimidation or retaliation against anyone because he/she has either taken action, or participated in action, to secure rights protected by these laws. If you feel that you have been retaliated against, separate from the discrimination alleged above, and please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation.					
Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint: (Attached additional page(s), if necessary).					
<u>Name</u>		<u>Address</u>		<u>Telephone</u>	
1. _____					
2. _____					
3. _____					
4. _____					

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

- NC Department of Transportation _____
- Federal Transit Administration _____
- US Department of Transportation _____
- US Department of Justice _____
- Federal or State Court _____
- Other _____

Have you discussed the complaint with any OCTS 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.**

<hr/> COMPLAINANT'S SIGNATURE	<hr/> DATE
--------------------------------------	-------------------

MAIL COMPLAINT FORM TO:
Orange County Transportation Services
600 NC 86
Hillsborough, NC 27278
(919)245-2004

FOR OFFICE USE ONLY

Date Complaint Received: _____
Processed by: _____
Case #: _____
Referred to: NCDOT FTA Date Referred: _____

F. Investigative Guidance

1. **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.
2. **Developing an Investigative Plan** – It is recommended that the investigator prepares an Investigative Plan (IP) to define the issues and lay out the blueprint to complete the investigation. The IP should follow the outline below:
 - Complainant(s) Name and Address (Attorney name and address if applicable)
 - Respondent(s) Name and Address (Attorney for the Respondent(s) name and address)
 - Applicable Law(s)
 - Basis/(es)
 - Allegation(s)/Issue(s)
 - Background
 - Name of Persons to be interviewed
 - Questions for the complainant(s)
 - Questions for the respondent(s)
 - Questions for witness(es)
 - Evidence to be obtained during the investigation
 - Issue – e.g., Complainant alleges his predominantly African American community was excluded from a meeting concerning a future project which could affect the community.
 - 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 by the RPO to advertise the meeting.
3. **Request for Information** – The investigator should gather data and information pertinent to the issues raised in the complaint.
4. **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.
5. **Developing an Investigative Report** – The investigator should prepare an investigative report setting forth all relevant facts obtained during the investigation. The report should include a finding for each issue. A sample investigative report is provided below.

G. Investigative Report

- 1. Complainant(S) Name** (Or Attorney For The Complainant(S) – Name And Address If Applicable Name, Address, Phone: 999-999-9999
- 2. Respondent(S)** (Or Attorney For The Respondent(S) – Name And Address If Applicable) Name, Address, Phone: 999-999-9999
- 3. Applicable Law/Regulation**
- 4. Complaint Basis/(Es)**
- 5. Issues/Allegations**
- 6. Background**
- 7. Investigative Procedure**
- 8. Issues / Findings Of Fact**
- 9. Conclusion**
- 10. Recommended Actions Appendix**

VIII. SOCIECONOMIC DATA, EQUITY, AND ENVIRONMENTAL JUSTICE

To ensure that Title VI reporting requirements are met, OCTS will collect and maintain socioeconomic data as published by the United States Census Bureau American Community Survey (ACS) on potential and actual beneficiaries of our programs and services. This section is intended as a compilation of relevant socioeconomic characteristics from our overall service area. This data will provide context to the Title VI Nondiscrimination Program and be used to ensure nondiscrimination and improve public outreach initiatives and delivery of ongoing programs. Tables 1 – 8 below provide the socioeconomic description of Orange County based on the latest ACS data.

Total Population	Male	Female	Not Hispanic/Latino	Hispanic/Latino
142938	68187	74751	130924	12014

Table 1: Gender, Hispanic, and Latino

White	Black	Native American	Asian	Pacific Islander	Other	Two or More
106535	16557	784	11106	8	3707	4241

Table 2: Race

Under 5	Age 5 - 17	Age 18 - 39	Age 40 - 49	Age 50 - 59	Age 60 - 69	Age 70 and over	Median Age
6593	21933	51100	18307	17763	16002	11240	38.268

Table 3: Age

Median Household Income	MHHI age 25 - 44	MHHI age 45 - 64	MHHI age 65 and over	Total Population for Poverty	Individuals below poverty
\$73,941.61	\$79,013.44	\$114,671.25	\$69,951.15	131789	17633

Table 4: Income and Poverty Status

Employment age 16 and over	In Labor Force	Not in Labor Force	Civilian Employed	Civilian Unemployed
118152	76548	41604	73172	3353

Table 5: Employment and Labor Force

Total Housing Units	Occupied HU	Vacant HU	Owner Occupied	Renter Occupied	Median Housing Value
57502	52529	4973	32539	19990	\$319,854.55

Table 6: Housing Units

Travel Mode					
Housing Units w/ Vehicles	No Vehicles	1 Vehicle	2 Vehicle	3 or more Vehicles	
52529	2644	17188	20311	12386	
Total Commuters	Car Truck or Van	Alone	Carpool		
71547	53304	48204	5100		
	Public Transit	Motorcycle	Bicycle	Walked	Other
	5084	141	1323	4379	803

Table 7: Travel Mode

Adult Population (18 and over)	Language					
	114412	Speak only English				
96408						
Also speak English						
Speak Spanish		Very Well	Less than very well	Well	Not well	Not at all
7166		3506	3660	1168	1357	1135
Speak Indonesian						
4344		3638	706	526	113	67
Speak Asian						
5865		3281	2584	1748	626	210
Speak Other						
629	525	104	104	0	0	

Table 8: Language

Title VI Equity Analyses. In accordance with FTA Circular 4702.1B, a Title VI equity analysis will be conducted whenever we construct a facility, such as a vehicle storage facility, maintenance facility, or operation center. The equity analysis will be conducted during the planning stage, with regard to the location of the facility, to determine if the project could result in a disparate impact to minority communities based on race, color or national origin. Accordingly, we will look at various alternatives before selecting a site for the facility. Project-specific demographic data on potentially affected communities and their involvement in decision-making activities will be documented. Title VI Equity Analyses will remain on file indefinitely, and copies will be provided to NCDOT, upon request, during compliance reviews or complaint investigations.

Environmental Justice Analyses. As required by FTA C 4703.1, environmental justice (EJ) analyses will be conducted to determine if our programs, policies, or activities will result in disproportionately high and adverse human health and environmental effects on minority populations and low-income populations. EJ applies to our projects, such as when we construct or modify a facility, and our policies, such as when there will be a change in service, amenities or fares. 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 their involvement in the decision-making process. EJ analyses will remain on file indefinitely, and copies will be provided to NCDOT, upon request, during compliance reviews or complaint investigations.

Orange County is part of Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO), Burlington-Graham Metropolitan Planning Organization (BG MPO) and Triangle Area Rural Planning Organization (TARPO). The County’s socioeconomic data is presented using best Environmental Justice (EJ) analysis practices, and included in DCHC MPO’s 2020 Environmental Justice Report. It is also part of DCHC MPO and BG MPO’s Metropolitan Transportation Plans (MTP). OCTS 2022 Title VI programs remains consistent with MPO’s EJ analysis.

Methodology - Determining County Thresholds

Orange County EJ analysis methodology follows the same process as DCHC MPO’s 2020 EJ Report. EJ “communities of concern” (CoC) are defined as any geographic area where the percentage of any EJ population is greater than the County threshold for that particular EJ population. US Census Block Group level data were used as the geographic area of comparison for each EJ population. County thresholds for each EJ population group were developed and used as benchmarks for comparison. Total population numbers for each EJ population in the Census Block Groups within the County were found and then compared to the total County population to determine the percent of total population for each EJ population. Each County threshold was then used during the analysis and identification of EJ communities of concern. Regional thresholds are presented in Table 9.

Black	Minority	Hispanic/Latino	Below Poverty	Elderly	Zero Car HH	LEP
12%	25%	8%	12%	13%	5%	2%

Table 9: EJ Thresholds

Each EJ population in the County was mapped by US Census Block Group (Block Group). Any Block Group with a concentration of an EJ population that exceeded the County threshold for that population was identified as an EJ community of concern. This comparative analysis was performed for each EJ population group to determine the locations of concentrated EJ communities of concern. For example, Table 9 indicates that 25 percent of the total population of the DCHC area, is an EJ racial minority population. Thus, 25 percent is used as the regional threshold for racial minority population. Any Block Group with a racial minority population representing greater than 25 percent of the total population in that Block Group is considered an EJ community of concern for racial minority population.

The determination of what is “disproportionately high and adverse human health or environmental effect” as discussed by E.O. 12898 is context dependent. The approach used in the development of this EJ analysis to identify communities of concern is only based on available Block Group data and the proportion of protected populations that they contain. All transit project development processes should include additional efforts to utilize local knowledge of individual neighborhoods to identify potential populations that might have been missed during this Census-based analysis.

Census block groups that meet multiple EJ Thresholds are identified as overlapping Communities of Concern. [FIGURES 1 – 7](#) illustrate Orange County’s socioeconomic data by block group and identify which ones meet the County’s EJ Thresholds. [FIGURE 8](#) identifies the overlapping EJ Communities of Concern.

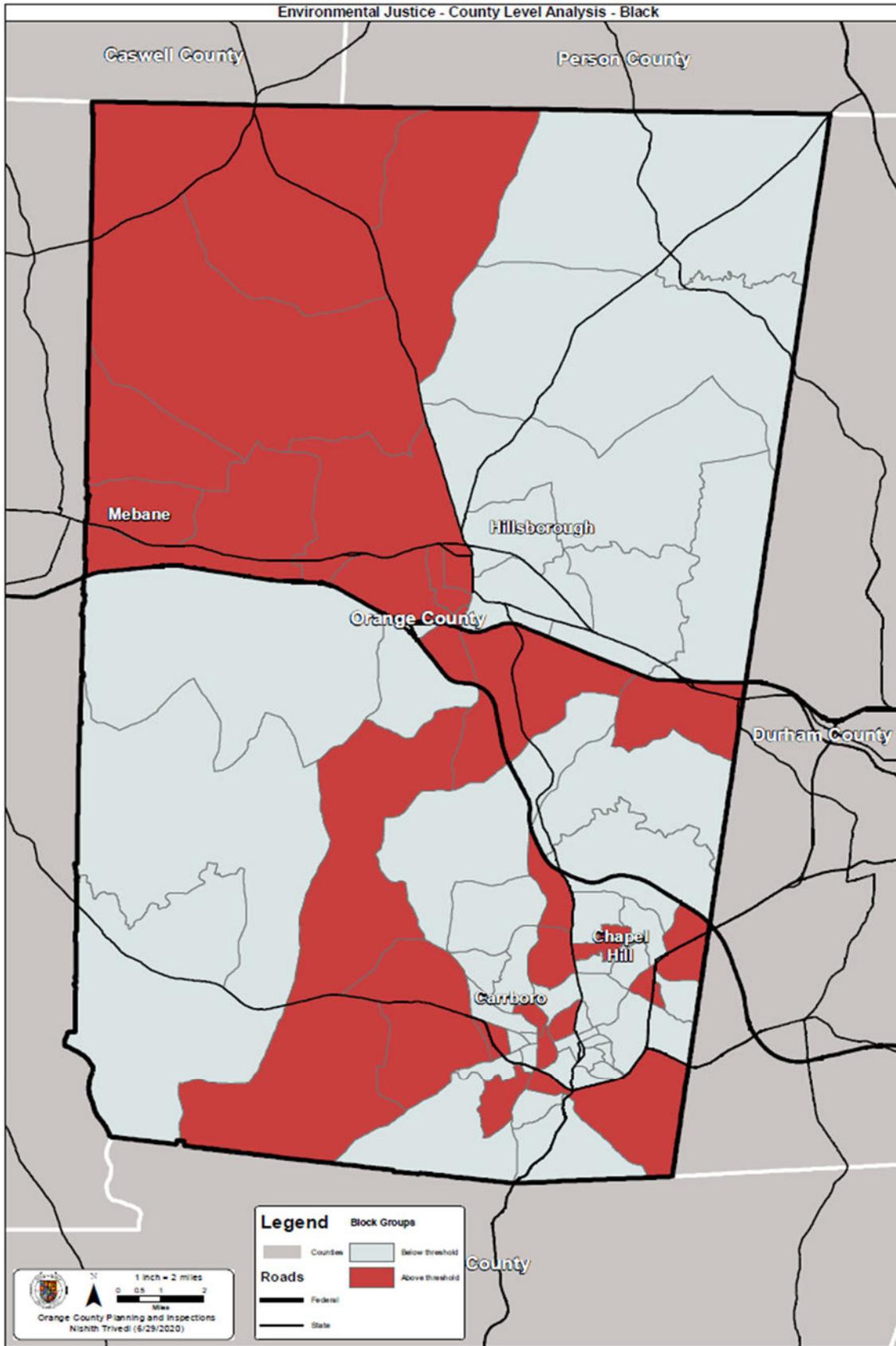


Figure 1: EJ Black Communities of Concern

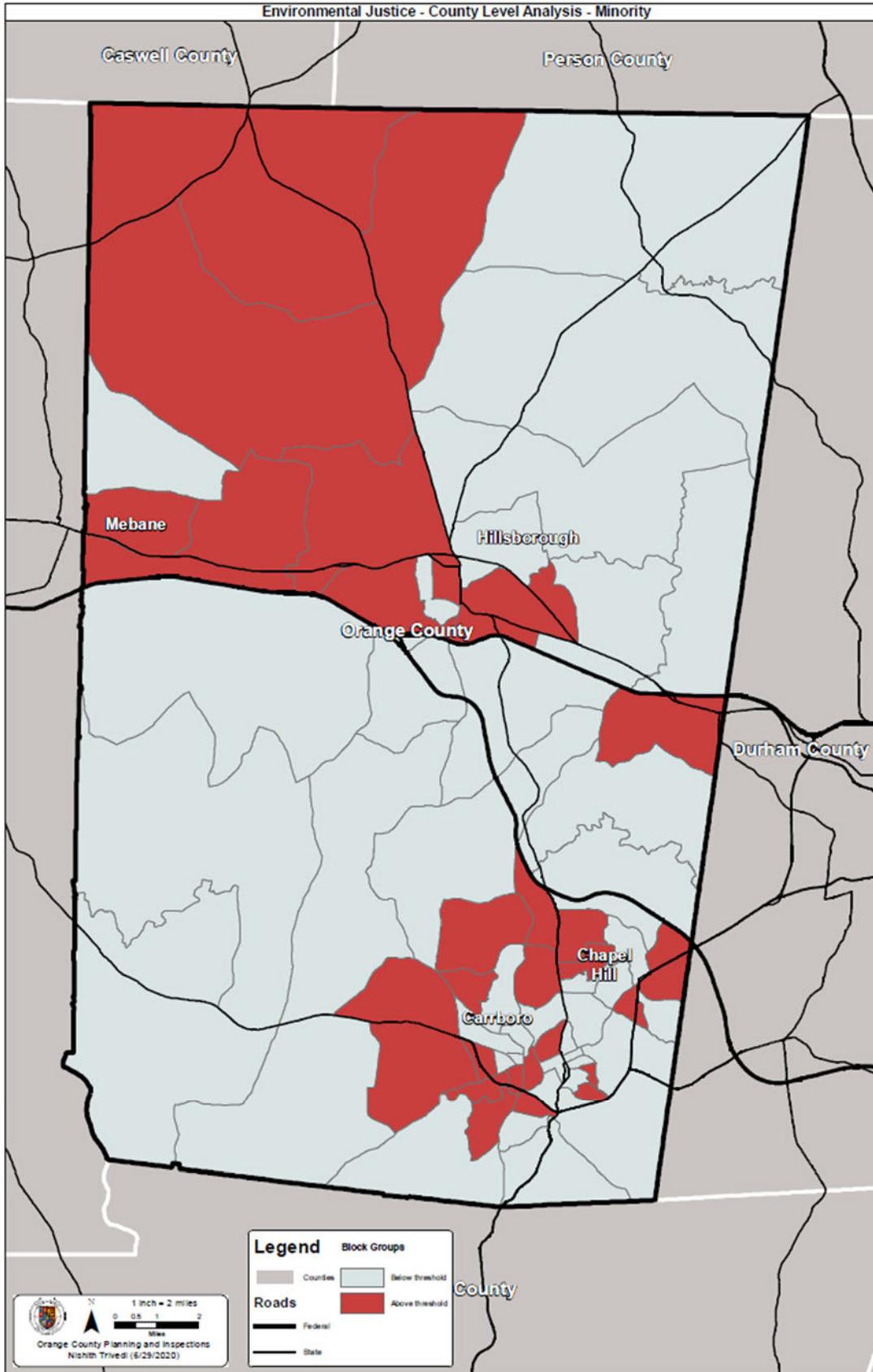


Figure 2: EJ Minority Communities of Concern

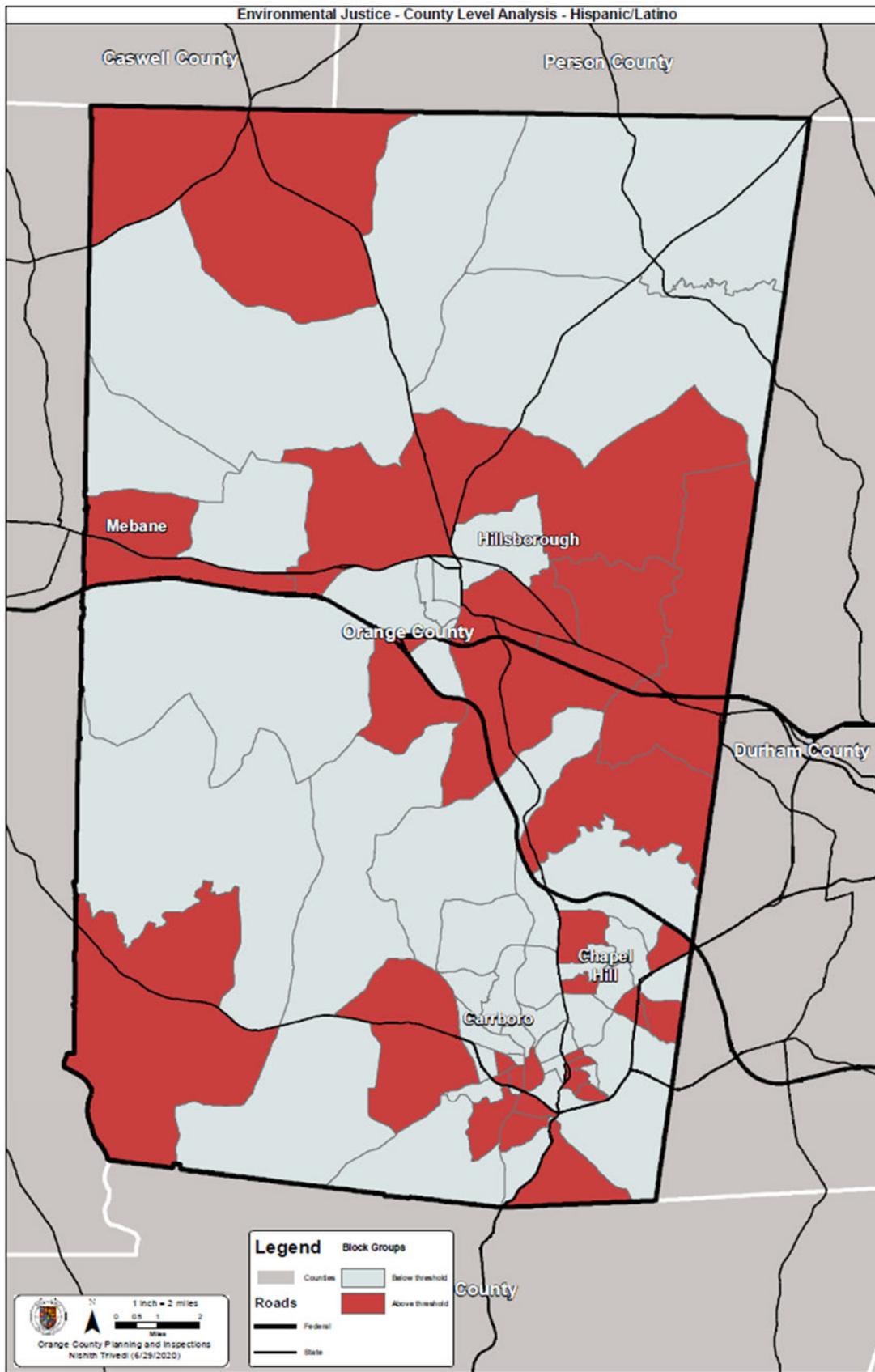


Figure 3: EJ Hispanic/Latino Communities of Concern

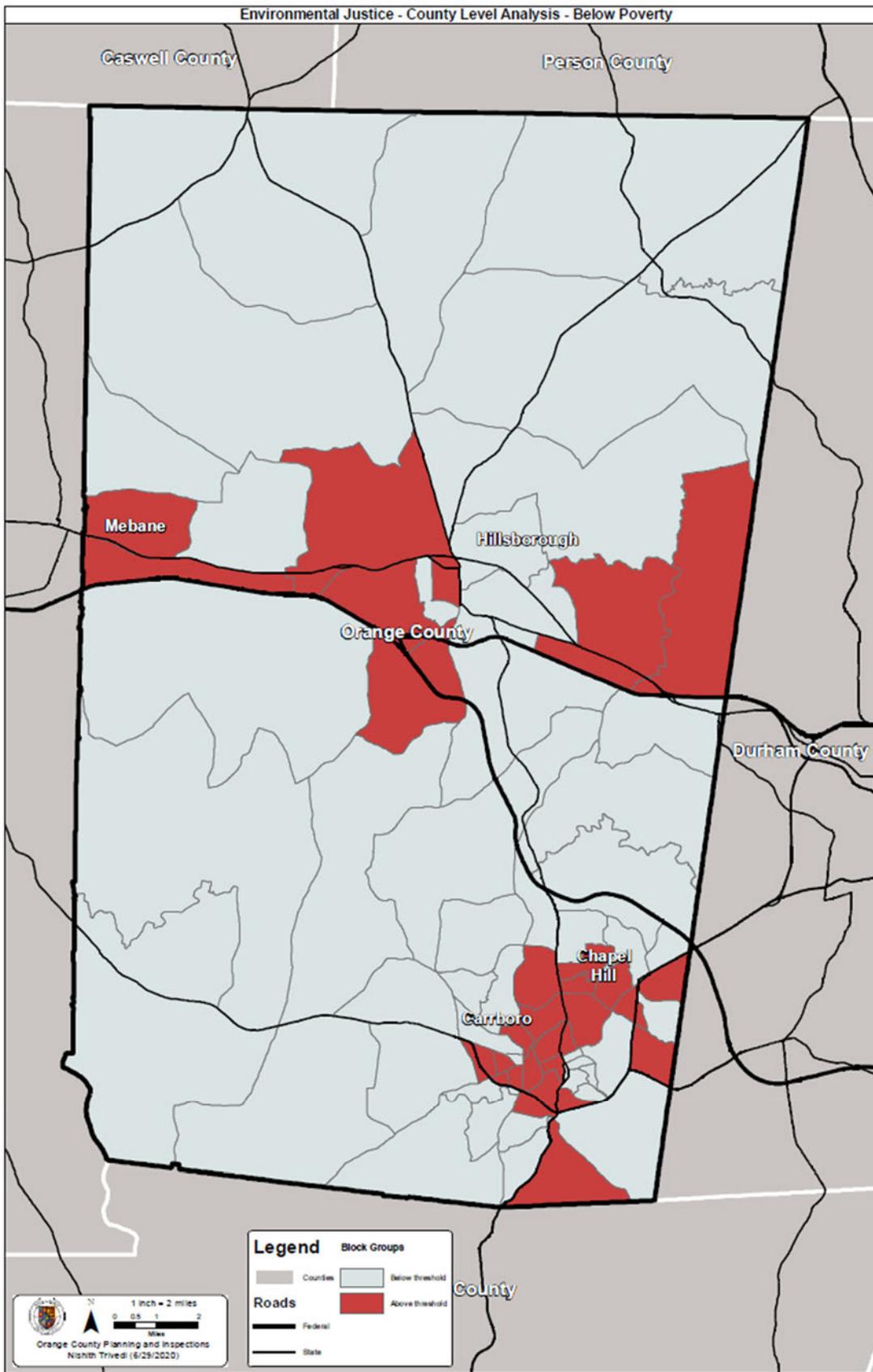


Figure 4: EJ Poverty Communities of Concern

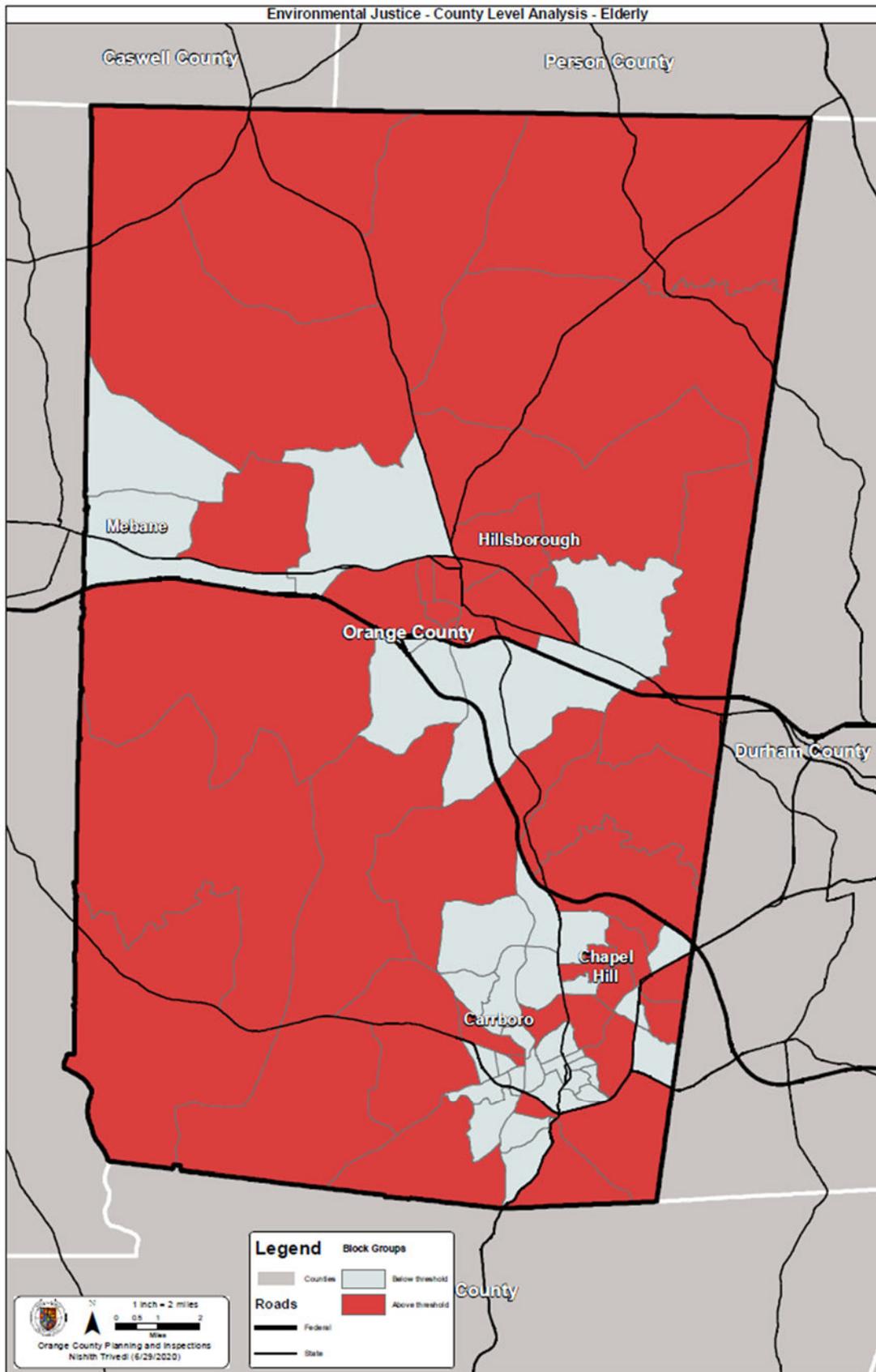


Figure 5: EJ Elderly Communities of Concern

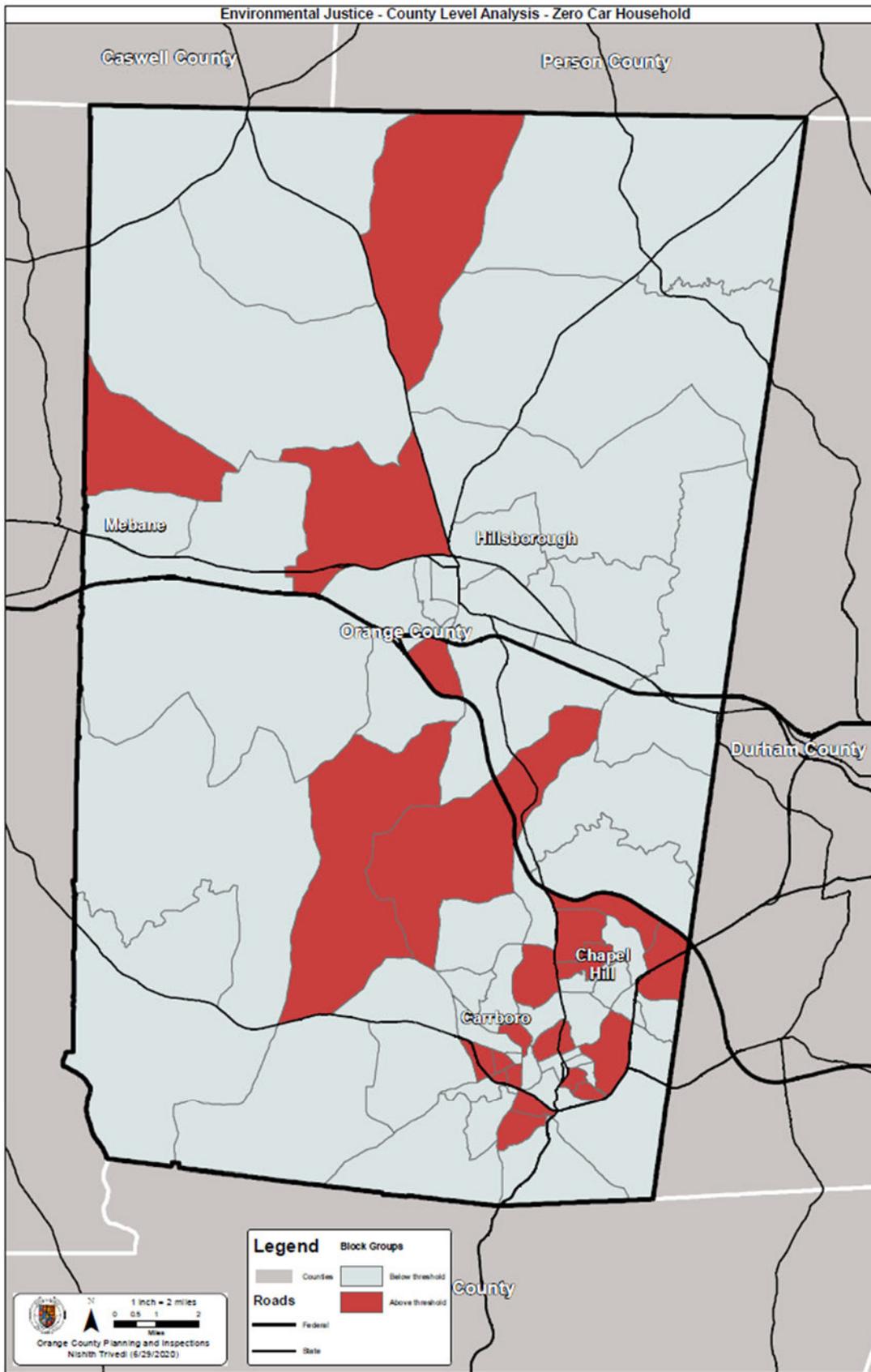


Figure 6: EJ Zero Car Communities of Concern

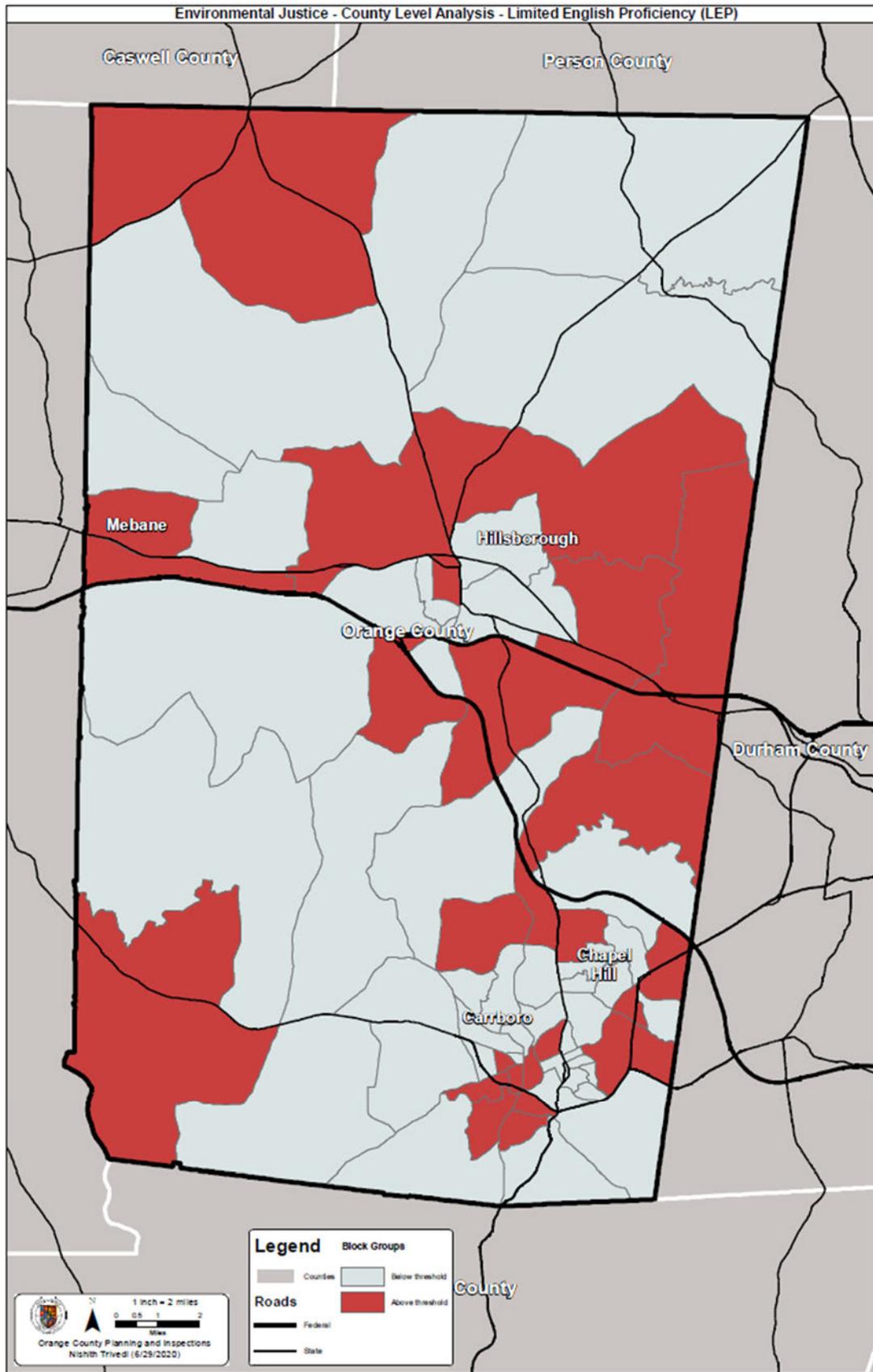


Figure 7: EJ LEP Communities of Concern

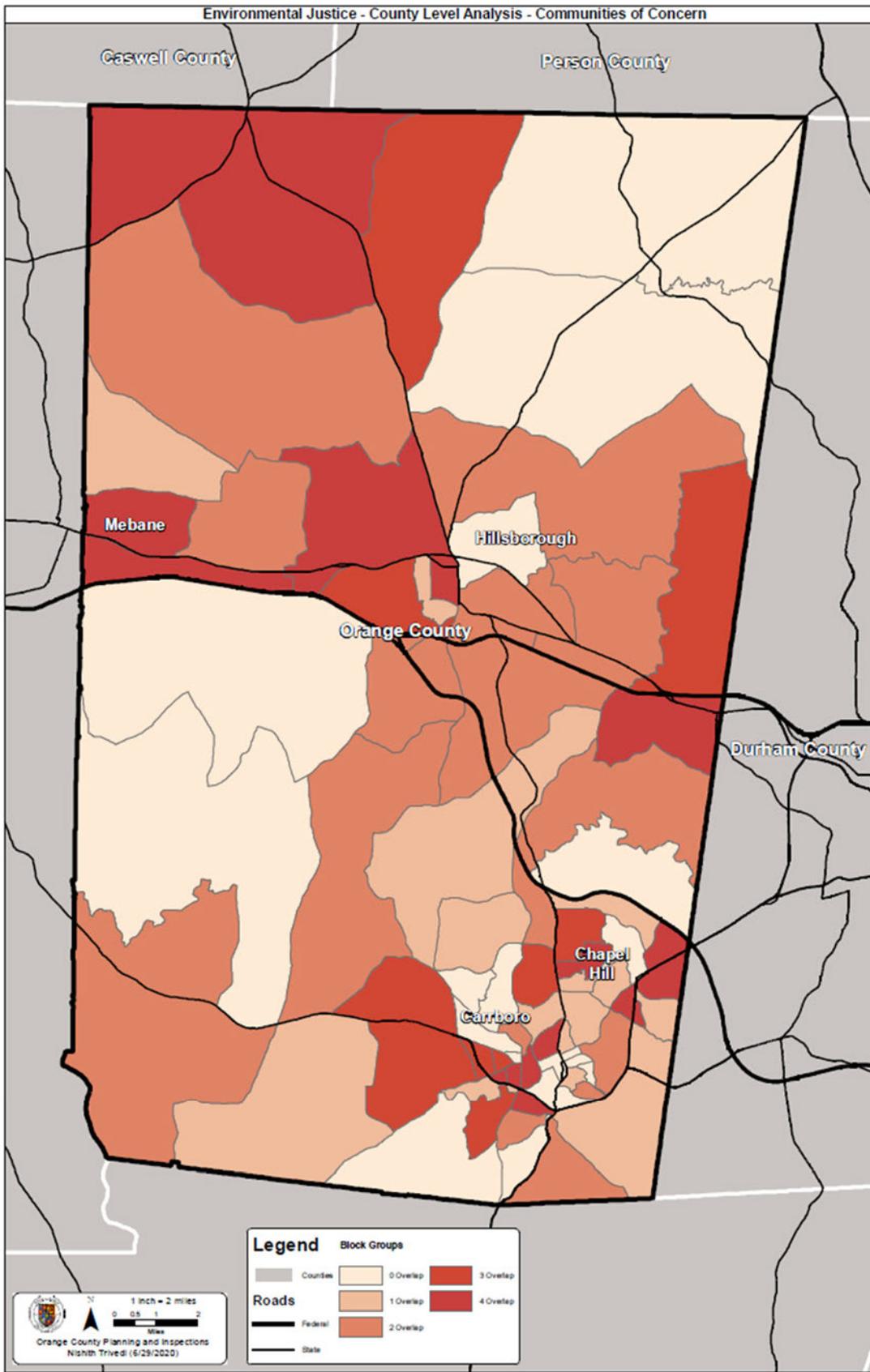


Figure 8: EJ Communities of Concern

IX. PUBLIC INVOLVEMENT PLAN

A. Introduction

Effective public involvement is a key element in addressing Title VI in decision-making. This **Public Participation Plan** describes how OCTS will disseminate vital agency information and engage the public. We will seek out and consider the input and needs of interested parties and groups traditionally underserved by transportation systems who may face challenges accessing our services, such as minority and limited English proficient (LEP) persons. Underlying these efforts is our commitment to determining the most effective outreach methods for a given project or population.

General public involvement practices will include:

- Expanding traditional outreach methods. Think outside the box: Go to hair salons, barbershops, street fairs, etc.
- Providing for early, frequent and continuous engagement by the public.
- Use of social media and other resources as a way to gain public involvement.
- Coordinating with community- and faith-based organizations such as the Hispanic Liaison, educational institutions, and other entities to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
- Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.
- Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP persons could also include audio programming available on podcasts.

B. Public Notification

Passengers and other interested persons will be informed of their rights under Title VI and related authorities about our program. The primary means of achieving this will be posting and disseminating the policy statement and notice as stipulated in Sections 3.0 and 4.0, respectively. Additional measures may include verbally announcing our obligations and the public's rights at meetings, placing flyers at places frequented by targeted populations, and an equal opportunity tag-on at the end of radio announcements. The method of notification will be determined through an initial screening of the area.

C. Dissemination of Information

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

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

D. Meetings and Outreach

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

Public Relations and Outreach

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

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

Public Meetings

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

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

Small Group Meetings

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

- If it is determined that a targeted group has not been afforded adequate opportunities to participate, the group will be contacted to inquire about possible participation methods, including a group meeting with them individually.
- Unless unusual circumstances or safety concerns exist, hold the meeting at a location of the target group’s choosing.
- Share facilitation duties or relinquish them to members of the target group.

- Small group discussion formats may be integrated into larger group public meetings and workshops. When this occurs, the smaller groups will be as diverse as the participants in the room.

Community Surveying

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

E. Limited English Proficiency

Limited English Proficient (LEP) persons are individuals for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. These individuals reported to the U.S. Census Bureau that they speak English less than very well. To comply with USDOT's LEP Policy Guidance and Executive Order 13166, this section of our Title VI Plan outlines the steps we 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.*

	Orange County, North Carolina	
	Estimate	Margin of Error
Total:	129,155	+/-61
Speak only English	108,562	+/-854
Spanish or Spanish Creole:	9,392	+/-461
Speak English "very well"	4,604	+/-599
Speak English less than "very well"	4,788	+/-644
French (incl. Patois, Cajun):	889	+/-270
Speak English "very well"	760	+/-266
Speak English less than "very well"	129	+/-69

This Title VI update requires that OCTS recognize the sub-populations of languages that have either more than 5 % or 1,000 people that speak English less than "very well" including numbers in the Margin of Error. In the OCTS service area, the largest language subpopulation within the LEP population was that of Spanish speakers who speak English less than "very well." Referencing estimates from the 2015 5-year American Community Survey (ACS), our area has a total of 129,155 people. There are 9,932 Spanish speakers, of whom 4,788 speak English less than "very well", or just over 3% of the total population.

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

OCTS assesses the frequency at which staff has or could possibly have contact with LEP persons. This includes documenting phone inquiries and surveying public meeting attendees. No previous LEP requests have been received thus far. Documentation of LEP requests will be done annually upon implementation of the LEP plan. OCTS transit operators also provide outreach to the Spanish population. OCTS provides Spanish translation for public meetings and outreach materials. Arrangements are made to provide translation when requested.

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

Orange County is a growing region within the Triangle. OCPT recognizes that public outreach to all groups within the community is important and will continue to reach out to persons with limited English proficiencies. OCPT critical service to LEP is scheduling transit services from the general public and the agency contracts through Department of Social Services and other human service agencies within Orange County. Mobility for all Orange County residents is the driving force behind OCPT. This mobility allows access to medical services, employment, education, human service agencies, recreational activities, etc. there by improving the quality of life for Orange County residents. Other forms of transportation are available in Orange County. Taxi services local to the area are available but and do not have ADA accessible vehicles. Most often these services are also cost prohibitive to those seeking affordable transportation. Chapel Hill Transit provides a fixed route service in the City limits of Chapel Hill but that service is only available to those who live in that specific service area.

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

OCTS (OCPT) will provide translation of materials for all information regarding our services through third party translators at a cost of \$12 center per word or \$40.00 an hour for in-person translation. OCPT will also work with community based organization such as the Family Success Alliance that helps at risk families and families that speak limited English. Additionally, we will work with Orange County's Human Rights and Relations department to decimate information to the limited English speaking populations within Orange County.

Language Assistance Measures

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

- Translating public notices posted in the local paper and at stations, stops, and in vehicles into any languages that meet the safe harbor threshold in Factor 1.
- Vital documents—such as brochures with service times and routes—are translated into Spanish across the entire service area, and available in our facilities, doctor's offices and shopping centers.
- Making a concerted effort to inform LEP persons of available language assistance via staff, broadcast media, relationship-building with organizations, and our website.
- Posting vital bulletin board information and disseminating community surveys in various languages.
- Providing translation and interpretive services when appropriate (upon request or predetermined) at meetings.
- Determining how best to take public involvement to LEP groups directly, including through small

group meetings.

- Language line translation services at our call center.
- Where possible, utilizing or hiring staff who speak a language other than English and can provide competent language assistance. 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.
- Using language identification flashcards to determine appropriate services.
- Establishing a process to obtain feedback on our language assistance measures.

Specific Measures by Language Group:

- Spanish : OCTS will utilize paid interpreter, qualified bilingual employees, and qualified employees of other agencies
- Chinese: OCTS will utilize paid interpreter, qualified bilingual employees, and qualified employees of other agencies
- Korean: OCTS will utilize paid interpreter, qualified bilingual employees, and qualified employees of other agencies

Written Translation and Oral Interpretation

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

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

Staff Support for Language Assistance

- Agency staff will be provided a list of referral resources that can assist LEP persons with written translation and oral interpretation, including the Title VI Officer and any outside consultant contracted to provide language services. This list will be updated as needed to remain current.
- All main offices and vehicles will have on hand a supply of language assistance flashcards and materials translated into the languages of the largest LEP language groups. When encountered by an LEP person, staff (including drivers) should present the individual with an iSpeak flashcard and let them choose the language. Do not assume you know their preferred language. Drivers are permitted to seek volunteer assistance from other passengers before contacting a referral resource. Document the encounter and report it to the Title VI Coordinator.
- Training: All employees will be instructed on our procedures for providing timely and reasonable

assistance to LEP persons. New employee orientation will also explain these procedures to new hires. Staff routinely encountering LEP persons by telephone or in person will receive annual refresher training. All other employees will be reminded of LEP through annual Title VI program acknowledgements (Section 5.0) and basic Title VI trainings (Section 11.0).

Project-Specific LEP Outreach

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

Monitoring and Updating the LAP

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

F. Demographic Request

The following form was used to collect required data on Key Community Contacts and nonelected committee members. OCTS is required by Title VI of the Civil Rights Act of 1964 and related authorities to record demographic information on members of its boards and committees. Please provide the following information:

<p>Race/Ethnicity:</p> <p><input type="checkbox"/> White</p> <p><input type="checkbox"/> Black/African American</p> <p><input type="checkbox"/> Asian</p> <p><input type="checkbox"/> American Indian/Alaskan Native</p> <p><input type="checkbox"/> Native Hawaiian/Pacific Islander</p> <p><input type="checkbox"/> Hispanic/Latino</p> <p>Other (please specify): _____</p>	<p>National Origin: (if born outside the U.S.)</p> <p><input type="checkbox"/> Mexican</p> <p><input type="checkbox"/> Central American: _____</p> <p><input type="checkbox"/> South American: _____</p> <p><input type="checkbox"/> Puerto Rican</p> <p><input type="checkbox"/> Chinese</p> <p><input type="checkbox"/> Vietnamese</p> <p>Korean</p> <p>Other (please specify): _____</p>
---	--

Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	Age: <input type="checkbox"/> Less than 18 <input type="checkbox"/> 45-64 <input type="checkbox"/> 18-29 <input type="checkbox"/> 65 and older <input type="checkbox"/> 30-44
Disability: <input type="checkbox"/> Yes <input type="checkbox"/> No	
I choose not to provide any of the information requested above: <input type="checkbox"/>	

Completed forms will remain on file as part of the public record. For more information regarding Title VI or this request, please contact the OCTS at 919-245-2008 or by email at octransportationservices@orangecountync.gov.

Please sign below acknowledging that you have completed this form. Thank you for your participation!

Name (print): _____

Signature: _____

G. Key Community Contacts

Contact Name	Community Name	Interest or Affiliation	Also a Committee Member? (Y/N)
Shannan Barnes	Orange County	Family Success Alliance	N
Marlyn Valeiko	Orange County	LEP Specialist/Outreach	N

Contact information for key community contacts is not public information and is maintained outside of this document. Any staff member who wishes to contact any individual listed above must request that information from the Title VI Coordinator.

H. Summary of Outreach Efforts

The following format is used to document URTS outreach efforts in reports to NCDOT. All meetings and disseminations of information capture information for the table below:

Meeting Date	Meeting Time	Meeting Purpose	Target Audience	Information Disseminated
9/19/2020	11am	Transit Services in Orange County	General Public	Brochures, Bus Rider 101, Bike on Bus Information
9/20/2020	11am	Transit Services in Orange County	General Public	Brochures, Bus Rider 101, Bike on Bus Information

Implementation

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

X. STAFF TRAINING

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

XI. NONELECTED BOARDS AND COMMITTEES – BY RACE AND GENDER

The table below depicts race and gender compositions for each of our nonelected (appointed) decision-making bodies. Member names and full demographics for each committee are available, upon request.

Body	Male %	Female %	Caucasian %	African American %	Asian American %	Native American %	Other %	Hispanic %
Orange Unified Transportation Board (Transit Advisory Board)	34%	66%	79%	16%			5%	

Strategies for Representative Committees

Diversification goals will be provided to our nonelected boards and committees to help ensure that their membership mirrors our service area demographics, as adequately as possible. We will provide periodic updates on our outreach efforts at meetings. When there is an opening on a board or committee, we will ensure the following:

- Current members will be made aware of diversity goals and polled for nominees.
- Officials from local minority groups will be made aware of the diversity goals and polled for nominees.
- Key Contacts from LEP groups will be contacted and polled for nominees.
- A recruitment notice for a Board Member opening will be posted on our website.
- An advertisement of recruitment notice for a Board Member will be placed with the local newspaper and other publications popular with minorities and other protected groups.

XII. RECORD-KEEPING AND REPORTS

As a subrecipient of FTA funds through NCDOT, we are required to submit a Title VI Program update to NCDOT every three years, on a schedule determined by NCDOT. Records will be kept to document compliance with the requirements of the Title VI Program. Unless otherwise specified, Title VI-related records shall be retained indefinitely. These records will be made available for inspection by authorized officials of the NCDOT and/or FTA. Reports on Title VI-related activities and progress to address findings identified during Title VI compliance reviews may also be provided, upon request. It will occasionally be necessary to update this Title VI Plan or any of its components (e.g., complaints, Public Involvement, and LEP). Updates will be submitted to NCDOT for review and approval and adopted by our Board when

required.

In addition to items documented throughout this Plan, records and reports due at the time of compliance reviews or investigations may include:

Compliance Reviews

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

Complaint Investigations

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

XIII. TRANSIT PROVIDERS

OCTS provides multiple fixed route services in accordance with Chapter IV of FTA Circular 4702.1B. Details of OCTS fixed route services are provided below.

A. Service Standards

Vehicle load

All fixed route vehicles accommodate 17 people, including driver.

Vehicle headway

All fixed route services are between 30 and 45 minute headway, with plans to reduce to 15 and 30 minutes.

On time performance

OCTS monitors public transit driver's pick-up and delivery through Ecolane software. Drivers with 95% or higher on-time performance are recognized for great customer service.

Service availability

OCTS currently operations three fixed routes:

- Hillsborough Circulator
- Orange-Chapel Hill Connector
- Orange-Alamance Connector

B. Service Policies

Transit Amenities for each mode

All OCTS vehicles have ADA accommodations with wheel chair lifts. Some vehicles have bicycle racks.

Vehicle Assignment for each mode

Drivers are assigned vehicles as they are programed by the Transit Operations Manager and Dispatcher. Each driver is provided opportunity to choose their route on an annual bases, not the vehicle.

Appendix A - Language Access Plan

Title: Title VI of the Civil Rights Act of 1964; Policy on the Prohibition Against National Origin Discrimination as it Affects Persons with Limited English Proficiency

Authority: Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et. seq.

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000d *et. seq.* states: “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.”

Regulations implementing Title VI, provide in part at 45 C.F.R. Section 80.3 (b):

(1) A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on ground of race, or color, or national origin:

- (i) Deny an individual any service, financial aid, or other benefit provided under the program;
- (ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others in the program;

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program or the class of individuals to whom, or the situations in which such services, financial aid or other benefits, or facilities will be provided... *may not directly, or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination, because of their race, color or national origin, or have the effect of defeating or substantially impairing accomplishments of the objectives of the program with respect to individuals of a particular race, color, or national origin.*”

Purpose

The purpose of this Policy is to ensure compliance with Title VI of the Civil Rights Act of 1964, and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the ground of race, color or national origin by any entity receiving federal financial assistance. Administrative methods or procedures, which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations, are prohibited.

In order to avoid discrimination on the grounds of national origin, all programs or activities administered by the **OCTS** must take adequate steps to ensure that their policies and procedures do not deny or have the effect of denying LEP individuals with equal access to benefits and services for which such persons qualify. This Policy defines the responsibilities the agency has to ensure LEP individuals can communicate effectively.

Scope of Policy

These requirements will apply to the **OCTS** including subcontractors, vendors, and subrecipients. The agency will ensure that LEP individuals are provided meaningful access to benefits and services provided through contractors or service providers receiving subgrants from the agency.

Definitions

1. Limited English Proficient (LEP) individual – Any prospective, potential, or actual recipient of benefits or services from the agency who cannot speak, read, write or understand the English language at a level that permits them to interact effectively with health care providers and social service agencies.
2. Vital Documents – These forms include, but are not limited to, applications, consent forms, letters containing important information regarding participation in a program; notices pertaining to the reduction, denial, or termination of services or benefits, the right to appeal such actions, or that require a response from beneficiary notices advising LEP persons of the availability of free language assistance, and other outreach materials.
3. Title VI Compliance Officer: The person or persons responsible for compliance with the Title VI LEP policies.
4. Substantial number of LEP: 5% or 1,000 people, whichever is smaller, are potential applicants or recipients of the agency and speak a primary language other than English and have limited English proficiency.

Providing Notice to LEP Individuals

1. The agency will take appropriate steps to inform all applicants, recipients, community organizations, and other interested persons, including those whose primary language is other than English, of the provisions of this policy. Such notification will also identify the name, office telephone number, and office address of the Title VI compliance officer(s). The agency will notify the DHHS compliance attorney of changes in name or contact information for the Title VI compliance officer.

Nishith Trivedi, Transportation Director
600 NC Highway 86 North
Hillsborough, NC 27278
919-245-2002

2. The agency will post and maintain signs in regularly encountered languages other than English in waiting rooms, reception areas and other initial points of contact. These signs will inform applicants and beneficiaries of their right to free language assistance services and invite them to identify themselves as persons needing such services.
3. Identify areas within the agency where these signs will be posted:
4. Signage will be posted at the OCTS's Entry way/ lobby and breakroom.
5. The agency will include statements of the right to free language assistance in Spanish and other significant languages in all outreach material that is routinely disseminated to the public (including electronic text).
6. The agency will also disseminate information in the following manner:
7. Contacting translators for the all public outreach events and printing material.

Provision of Services to LEP Applicants/Recipients

Assessing Linguistic Needs of Potential Applicants and Recipients

1. The agency will assess the language needs of the population to be served, by identifying:
 - a. The language needs of each LEP applicant/recipient
 - b. The points of contact where language assistance is needed;
 - c. The resources needed to provide effective language assistance, including location, availability and

arrangements necessary for timely use.

2. Determining the Language Needs of the Population to be served. The agency is responsible for assessing the needs of the population to be served. Such assessment will include, but not be limited to the following:
 - a. The non-English languages that are likely to be encountered in its program will be identified.
 - b. An estimate of the number of people in the community for who English is not the primary language used for communication will be completed and updated annually. To identify the languages and number of LEP individual's local entities should review:
 - Census data
 - School system data
 - Reports from federal, state, and local governments
 - Community agencies' information, and
 - Data from client files
 - c. The points of contact in the program or activity where language assistance is likely to be needed will be identified.
3. Determining the Language Needs of Each Applicant/Recipient. The agency will determine the language needs of each applicant/recipient. Such assessment will include, but not be limited to the following:
 - a. At the first point of contact, each applicant/recipient will be assessed to determine the individual's primary language. Check all methods that will be used:
 - Multi-language identification cards, a poster-size language list, or the use of "I speak" peel-off language identification cards for indicating preferred languages
 - English proficiency assessment tools, provided they can be administered in a manner that is sensitive to and respectful of individual dignity and privacy.
 - Other
 - b. If the LEP person does not speak or read any of these languages, the agency will use a telephone interpreting service to identify the client's primary language
 - c. Staff will not solely rely on their own assessment of the applicant or recipient's English proficiency in determining the need for an interpreter. If an individual requests an interpreter, an interpreter will be provided free of charge. A declaration of the client will be used to establish the client's primary language.
 - d. When staff place or receive a telephone call and cannot determine what language the other person on the line is speaking, a telephone interpreting service will be utilized in making the determination.
 - e. If any applicant/recipient is assessed as LEP, they will be informed of interpreter availability and their right to have a language interpreter at no cost to them with a notice in writing in the languages identified in Section C. Provisions of Written Translations.
4. Provision of Bilingual/Interpretive Services
 - a. The agency will ensure that effective bilingual/interpretive services are provided to serve the needs of the non-English speaking population. The provision of bilingual/interpretive services will be prompt without undue delays. In most circumstances, this requires language services to be available during all operating hours.

This requirement will be met by: OCTS will utilize paid interpreter, qualified bilingual employees, and qualified employees of other agencies. *(Describe whether the agency has bilingual staff, and if so, how many and in what Sections/Programs/Divisions, whether the agency uses contractual services to meet this requirement, whether the agency relies on telephone interpreter services, etc.)*

- b. The agency will provide language assistance at all level of interaction with LEP individuals, including telephone interactions. Describe how this requirement will be met: OCTS will utilize paid interpreters, qualified bilingual employees, and qualified employees of other agencies. The agency may use paid interpreters, qualified bilingual employees, qualified employees of other agencies or community resources. Telephone interpreter services should only be utilized as a back-up system or where other language assistance options are unavailable.
- c. Interpreter Standards
 - a. Those providing bilingual/interpretive services will meet the linguistic and cultural competency standards set forth below. The agency will ensure that interpreters and self- identified bilingual staff, have first been screened to ensure that the following standards are met before being used for interpreter services:
 - Can fluently and effectively communicate in both English and the primary language of the LEP individual
 - Can accurately and impartially interpret to and from such languages and English
 - Has a basic knowledge of specialized terms and concepts used frequently in the provision of the agency's services
 - Demonstrates cultural competency
 - Understands the obligation to maintain confidently
 - Understands the roles of interpreters and the ethics associated with being an interpreter

OCTS utilizes the services of the Orange County Human Rights and Relations. Additionally, the County contracts with translators for both in-person services and print materials. When staff members have reason to believe that an interpreter is not qualified or properly trained to serve as an interpreter, the staff member will request another interpreter.

- A. Using Family Members or Friends as Interpreters
 - a. Applicants/recipients may provide their own interpreter; however the agency will not require them to do so.
 - b. The agency will first inform an LEP person, in the primary language of the LEP person, of the right to free interpreter services and the potential problems for ineffective communication. If the LEP person declines such services and requests the use of a family member or friend, the agency may utilize the family member or friend to interpret only if the use of such person would not compromise the effectiveness or services or violate the LEP person's confidentiality. The agency will monitor these interactions and again offer interpreter services, if it appears there are problems with this arrangement.
 - c. The agency will indicate in the LEP individual's file that an offer of interpreter services was made and rejected; that the individual was informed of potential problems associated with using friends or family members and the name of the person serving as an interpreter at the LEP individual's request.
 - d. Only under extenuating circumstances shall the agency allow a minor (under the age of 18 years) to temporarily act as an interpreter. The agency will keep a written record of when it has used a minor as an interpreter, and this information will be shared with the DHHS upon request.

- B. The agency will not require the applicant/recipient to pay for bilingual/interpretive services
 - 1. Use of Interpreters at Hearings
 - a. An interpreter will be provided for all hearings if a party requests an interpreter or if the Hearing Officer determines that an interpreter is necessary.
 - b. A separate oath or affirmation to translate accurately shall be administered to all interpreters.
- C. Provision of Written Translations
 - 1. The agency must provide written materials in languages other than English where a substantial number or percentage of the population eligible to be served or likely to be directly affected by the program needs services or information in a language other than English to communicate effectively.
 - 2. Translation of Vital Documents
 - a. The agency will ensure that vital documents for locally designed programs are translated into Spanish.
 - b. When state DHHS forms and other written material contain spaces in which the local entity is to insert information, this inserted information will also be in the individual's primary language. When such forms are completed by applicants/recipients in their primary language, the information must be accepted.
 - c. If, as a result of the local language assessment, it appears there are a substantial number of potential applicants or recipients of the agency (defined as 5% or 1,000 people whichever is less) who are LEP and speak a language other than Spanish, the agency will translate and provide vital documents in the appropriate language. (We prefer counties do not translate DHHS forms. Please notify DHHS and DHHS will translate or verify county translation)
 - d. The agency will keep a record of all vital documents translated, and will submit this information to DHHS at their request.
 - 3. If the primary language of an LEP applicant or recipient is a language other than Spanish AND the language does not meet the threshold for translation as defined in the preceding paragraph, the LEP individual will be informed in their own language of the right to oral translation of written notices. The notification will include, in the primary language of the applicant/recipient, the following language: **IMPORTANT: IF YOU NEED HELP IN READING THIS, ASK THE AGENCY FOR AN INTERPRETER TO HELP. AN INTERPRETER IS AVAILABLE FREE OF CHARGE.**
- D. Documentation of Applicant/Recipient Case Records
 - 1. The agency will maintain case record documentation in sufficient detail to permit a reviewer to determine the agency's compliance with this policy.
 - 2. The agency will ensure that case record documentation, including computerized records if appropriate, identifies the applicants/recipient's ethnic origin and primary language. In those cases where the applicant/recipient is non-English speaking, the agency will:
 - a. Document the individual's acceptance or refusal of forms or other written materials offered in the individual's primary language. Document the method used to provide bilingual services, e.g., assigned worker is bilingual, other bilingual employee acted as interpreter, volunteer interpreter was used, or client provided interpreter. When a minor is used as interpreter, the agency will document the circumstances requiring temporary use of a minor and will provide this

information to NC DHHS upon request.

3. Consent for the release of information will be obtained from applicants/recipients when individuals other than agency employees are used as interpreters and the case record will be so documented.

E. **Staff Development and Training**

1. The agency will provide staff training at new employee orientation and continuing training programs. The training will include, but not be limited to:
 - a. Language assistance policies and procedures, resources available to support such procedures, methods of effective use of interpreters, and familiarization with the discrimination complaint process.
 - b. Cultural awareness information, including specific cultural characteristics of the groups served by the agency to provide a better understanding of, and sensitivity to, the various cultural groups to ensure equal delivery of services.
2. The agency will provide or ensure training is provided for bilingual staff and interpreters employed or utilized by the agency. This includes the ethics of interpreting, including confidentiality; methods of interpreting; orientation to the organization; specialized terminology used by the agency; and cultural competency.
3. The agency will ensure that applicable grantees, contractors, cooperative agreement recipients and other entities receiving state or federal dollars are trained in the requirements of this policy. Describe how this provision will be met: OCTS will utilize paid interpreters, qualified bilingual employees, qualified employees of other agencies
4. The agency will collect and maintain the following information about training provided to staff: the date(s) of such training, the content of such training, the number and types of credit hours awarded; and the names and identifying information of each attendee at the training. The agency will ensure that grantees, contractors, cooperative agreement recipients and other applicable funded entities collect and maintain such information as well.

Compliance Procedures, Reporting and Monitoring

1. Reporting
 - a. The agency will complete an annual compliance report and send this report to the appropriate agency within the Department. (Format will be supplied by DHHS)
2. Monitoring
 - a. The agency will complete a self-monitoring report on a quarterly basis, using a standardized reporting system providing by the Department. These reports will be maintained and stored by the Title VI compliance officer and will be provided to the Department upon request.
 - b. The agency will cooperate, when requested, with special review by the Department.

Applicant/Recipient Complaints of Discriminatory Treatment

1. Complaints
 - a. The agency will provide assistance to LEP individuals who do not speak or write in English if they indicate that they would like to file a complaint. A complaint will be filed in writing, contain the name and address of the person filing it or his/her designee and briefly describe the alleged violation of this policy.
 - b. The agency will maintain records of any complaints filed, the date of filing, actions taken

- and resolution.
- c. The agency will notify the appropriate agency or Division within DHHS of complaints filed the date of filing, actions taken and resolution. This information will be provided within 30 days of resolution.
2. Investigation
 - a. The Title VI compliance officer will conduct an investigation of the allegations of the complaint. The investigation will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.
 - b. The investigation will not exceed 30 days, absent a 15-day extension for extenuating circumstances.
 3. Resolution of Matters
 - a. If the investigation indicates a failure to comply with the Act, the agency Director or his/her designee will so inform the recipient and the matter will be resolved by informal means whenever possible within 60 days.
 - b. If the matter cannot be resolved by informal means, then the individual will be informed of his or her right to appeal further to the Office of General Counsel within DHHS. This notice will be provided in the primary language of the individual with Limited English Proficiency.
 4. If not resolved by DHHS, then complaint will be forwarded to OCR, USDHHS, and Region IV.

DocuSigned by:

F93B6765DA45430...

Submitted

Transportation Director

Date: 12/15/2022

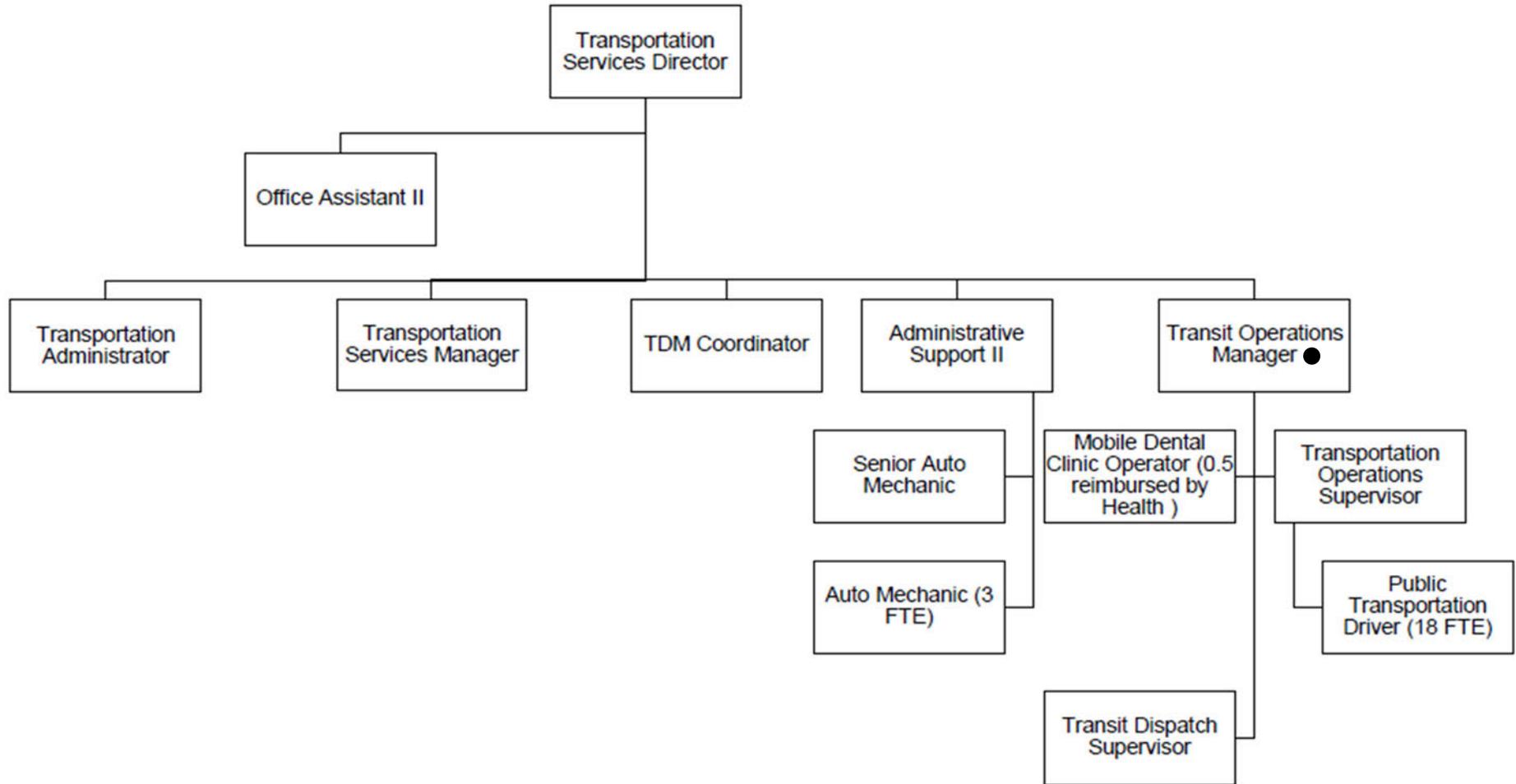
Appendix B - Nondiscrimination Authorities

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

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).
- Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e *et seq.*, Pub. L. 88-352), (prohibits employment discrimination on the basis of race, color, creed (religion), sex, or national origin);
- 49 CFR Part 26, regulation to ensure nondiscrimination in the award and administration of DOT- assisted contracts in the Department's highway, transit, and airport financial assistance programs;
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Airport and Airway Improvement Act of 1982, (49 USC § 4 71, Section 4 7123), as amended, (prohibits discrimination based on race, creed (religion), color, national origin, or sex);
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Federal transit laws, specifically 49 U.S.C. § 5332 (prohibiting discrimination based on race, color, religion, national origin, sex (including gender identity), disability, age, employment, or business opportunity).

Appendix C - Organizational Chart

- Title VI Coordinator



Appendix D - NCDOT's Compliance Review Checklist for Transit

I. Program Administration (General Requirements) <i>Requirement: FTA C 4702.1B – Title VI Requirements and Guidelines for FTA Recipients, Chapter III – General Requirements and Guidelines.</i> Note: Every NCDOT subrecipient receiving any of the FTA Formula Grants listed above must complete this section.	
Requested Items (Please attach electronic documents (.pdf, .doc, etc.) or provide links to online versions)	Completed
1. A copy of the recipient's <i>signed</i> NCDOT's Title VI Nondiscrimination Agreement	<input type="checkbox"/>
2. Title VI Policy Statement (<i>signed</i>)	<input type="checkbox"/>
3. Title VI Notice to the Public, including a list of locations where the notice is posted	<input type="checkbox"/>
4. Type the name and title of your Title VI Coordinator and attach a list of their Title VI duties Name/Title:	<input type="checkbox"/>
5. Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)	<input type="checkbox"/>
6. Title VI Complaint Form	<input type="checkbox"/>
7. List of transit-related Title VI investigations, complaints, and lawsuits (i.e., discrimination complaints log)	<input type="checkbox"/>
8. Public Participation Plan, including information about outreach methods to engage traditionally underserved constituencies (e.g., minorities, limited English proficient populations (LEP), low-income, disabled), as well as a summary of outreach efforts made since the last Title VI Program submission	<input type="checkbox"/>
9. Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance, which requires conducting four-factor analyses	<input type="checkbox"/>
10. A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees	<input type="checkbox"/>
11. A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program	<input type="checkbox"/>
12. A description of the procedures the agency uses to ensure nondiscriminatory administration of programs and services	<input type="checkbox"/>
13. If you pass through FTA funds to other organizations , include a description of how you monitor your subrecipients for compliance with Title VI, and a schedule for your subrecipients' Title VI Program submissions. ➤ No Subrecipients <input type="checkbox"/>	<input type="checkbox"/>
14. A Title VI equity analysis if you have constructed or conducted planning for a facility , such as a vehicle storage facility, maintenance facility, operation center, etc. ➤ No Facilities Planned or Constructed <input type="checkbox"/>	<input type="checkbox"/>
15. Copies of environmental justice assessments conducted for any construction projects during the past three years and, if needed based on the results, a description of the program or other measures used or planned to mitigate any identified adverse impact on the minority or low-income communities ➤ No Construction Projects <input type="checkbox"/>	<input type="checkbox"/>

