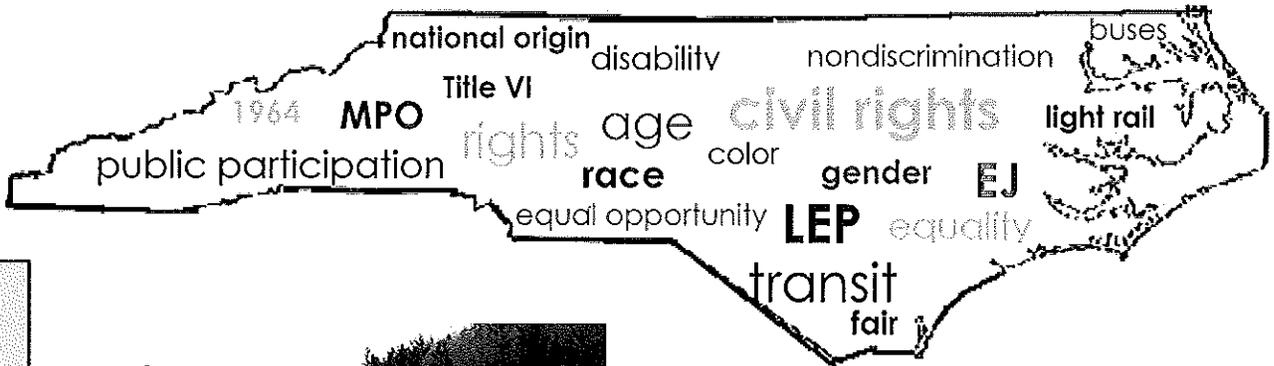


AVERY COUNTY TRANSPORTATION AUTHORITY



Date Adopted
September/08/2020

Title VI Program Plan



TITLE VI PLAN REVIEW AND ADOPTION

On behalf of the Avery County Board of Commissioners, I hereby acknowledge receipt of the Title VI Nondiscrimination Plan. We, the Avery County Board of Commissioners, 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 Avery County Transportation Authority (ACT) 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 provisions of the Federal Transit Administration.

Matthew Fields, Chair
Signature of Authorizing Official

9/14/20
DATE

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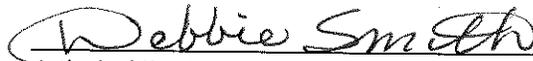
**TITLE VI NONDISCRIMINATION AGREEMENT
BETWEEN
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
AND
AVERY COUNTY TRANSPORTATION AUTHORITY (ACT)**

In accordance with DOT Order 1050.2A, Avery County Transportation Authority (ACT) 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 Avery County Transportation Authority (ACT).

Further, Avery County Transportation Authority (ACT) hereby agrees to:

1. Designate a Title VI Coordinator that has a responsible position within the organization and easy access to the Chair, Avery County Board of Commissioners.
2. Issue a policy statement, signed by the 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 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.



Authorized Signature
8/20/2020

Date

Debbie Smith
Director, Avery County Transportation

1.0 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 – Applicable Nondiscrimination Authorities).

Avery County Transportation Authority is a recipient of Federal Transit Administration (FTA) funds from the North Carolina Department of Transportation (NCDOT). Avery County Transportation Authority 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 Avery County Transportation Authority, 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.

2.0 DESCRIPTION OF PROGRAMS AND SERVICES

2.1 PROGRAM(S) AND SERVICES ADMINISTERED

Services are provided to all rural communities regardless of class stature or poverty/wealth level. ACT services are funded with Local, NCDOT, and FTA funding. (ROAP) Rural Operating Assistance Program funds consist of Elderly and Disabled Transportation Program, Employment Transportation Program, and Rural General Public Program and supplement the cost for qualifying recipients.

Avery County Transportation Authority is a Department of The County of Avery. ACT reports to the county manager who works at the will of the Avery County Board of Commissioners. The Avery County Board of Commissioners (BOC) is the Governing Board of Avery County Transportation. ACT is guided by a Transportation Advisory Board (TAB) appointed by the BOC and follows the requirements outlined by NCDOT and FTA grant recipients.

The Transportation Department staff consist of:

1- Director, 1- Assistant Director, 1 Dispatcher/Scheduler/Office Manager and Driver.

Drivers: 5 – 40 hour Employees, 2 – 30 hour Employees, 7 – Less than 20 hour employees.

ACT operates 12 vehicles including 1 LTV Lift, 3 lift vans, 3 conversion vans, 1 ADA minivan with ramp, and 4 minivan/crossovers .

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Avery County Transportation Fare Structure

Avery County Transportation is Demand Response Public Transportation

October 1, 2018 - September 30, 2020

There must be THREE (3) or more passengers scheduled for Out of County trips over 45 miles.

Contractual obligations will be honored.

Any additional stops will be charged \$1.00 each

Destination	Round Trip Fare	7 or more Group Trip Fare
ACT Route / NON Medical Only	\$1.00	
In County	\$ 3.00	\$3.00
OUT OF COUNTY - Medical		
Up to 25 Miles out of County	\$10.00	\$10.00
Boone, Spruce Pine, Roan Mountain, Elizabethton TN,		
NON Medical trips scheduled with a medical trip	\$15.00	
26 - 45 Miles out of County	\$15.00	\$12.00
Blowing Rock, Bakersville, Burnsville, Morganton, Marion, Johnson City TN		
NON Medical trips scheduled with a medical trip	\$20.00	
46 - 75 Miles Out of county	\$20.00	\$15.00
Bristol, TN. Valdese, Asheville, Hickory, Lenoir, West Jefferson, Wilkesboro		
NON Medical trips scheduled with a medical trip	\$25.00	
76 - 90 Miles out of County	\$30.00	\$25.00
Charlotte, Winston Salem		
NON Medical trips scheduled with a medical trip	\$35.00	
91 -120 Miles Out of County	\$40.00	\$30.00
Greensboro, Chapel Hill, Raleigh, Durham		
NON Medical trips scheduled with a medical trip	\$45.00	
Over 121 Miles Will be negotiated \$		
Wal-Mart Trips 1 or 2 per month		\$5.00
1st Friday Scheduled		
3rd Wednesday as needed for demand		

We Schedule on a first come first served basis to meet van capacity.

In-County trips must be scheduled by 2pm for the following day.

Out of County trips need to be scheduled ONE to TWO weeks in advance. ASAP

All Group trips are open to the Public

Any person finding it a financial burden to pay may apply for a reduced rate through one of our programs.

Type of Service	Days of week	Times	Fare (if applicable)
Demand Response Public Transportation	Monday, Tuesday, Wednesday, Thursday, Friday	8am to 430pm	See Chart Above

2.2 FUNDING SOURCES / TABLES

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

1. grants and loans of Federal funds;
2. the grant or donation of Federal property and interest in property;
3. the detail of Federal personnel;
4. the 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
5. any 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, 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)
5311 (Formula Grants for Other than Urbanized Areas)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CTP Administrative and Capital one Year grant through NCDOT is a Apply Yearly and Quarterly reimbursed for a total of \$167,095 Admin. \$91,467 Capital
5311 (b)(3) (Rural Transit Assistance)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	"
Other: ROAP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rural Operating Assistance Program Yearly applications Estimated amount of \$131,546.16 received quarterly

2.3 DECISION-MAKING PROCESS

The Transportation Advisory Board meets and is presented with plans policies and procedures. Documents are discussed and then voted on by the TAB to implement. The Avery County Board of Commissioners (BOC) is the governing board for Avery County Transportation and makes the final decisions on adopting program documents. The five members on the board vote at one of the one or two monthly meetings on the first Monday or Third Monday of the month. Permission is granted to be on the agenda. Various Plans/Policies/documents are required to be adopted by the Board of Commissioners. Renewed documents with minimal changes may be authorized by the TAB. Avery Counties Local Coordinated Plan (LCP) must be approved every four years, the Substance Abuse Policy (amended as needed), System Safety Program Plan (SSPP) yearly, Title VI Plan amended as needed or every 3 years. The Board of Commissioners approves by vote. A Resolution granting permission for Avery Transportation to apply and receive the annual CTP funds must be passed by the BOC.

Any documents that do not need the commissioners' approval will be brought before the seventeen member Avery County Transportation Advisory Board (TAB) at a quarterly meeting held on the third Thursday at 2pm. Members of the Advisory Board are appointed by the Board of Commissioners and serve a three year renewable term. The Board of Commissioners and TAB must approve any rate changes.

Board or Committee Name	Appointed	Elected	# of Members
Transit Advisory Board	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17
Board of County Commissioners	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5

2.4 TITLE VI COORDINATOR

The individual below has been designated as the Title VI Coordinator for Avery County Transportation, and is empowered with enough authority and responsibility to implement the Title VI Nondiscrimination Program:

Debbie Smith
 Director, Avery County Transportation Authority
 PO Box 443, 34 Pershing Street - Newland, NC 28657
 828-733-0005
Avery.act.director@averycountync.gov

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 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.

2.5 CHANGE OF TITLE VI COORDINATOR AND/OR HEAD OF DECISION-MAKING BODY'S TITLE

If Title VI Coordinator or The Chair of the Avery County Board of Commissioners changes, this document and all other documents that name the Coordinator, will immediately be updated, and an updated policy statement and assurance will be signed by the new Chair of the Avery County Board of Commissioners.

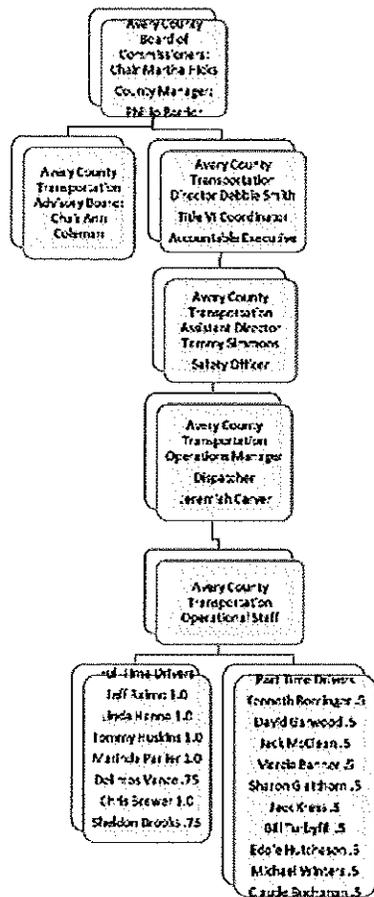
ORGANIZATIONAL CHART

Avery County Transportation Authority currently employs 20 staff which consist of the following job categories:

- Director
- Assistant Director
- Dispatcher/Scheduler/Operations Manager
- Full Time Drivers (7)
- Part Time Drivers (10)

An organizational chart showing the Title VI Coordinator's place within the organization is also shown in Appendix B.

Appendix B Organizational Chart



2.6 SUBRECIPIENTS

Avery County Transportation Authority does not have pass through funds to any other organizations and, therefore, does not have any sub recipients.

3.0 TITLE VI NONDISCRIMINATION POLICY STATEMENT

It is the policy of Avery County Transportation Authority (ACT) 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.

Signature 

Debbie Smith, Director, Avery County Transportation

8/20/2020
Date

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, subrecipients, 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 *Director, Avery County Transportation Authority* 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, inside vehicles, and disseminated within brochures and other written materials.
- The *core* of the statement (signature excluded) will circulate *internally* within annual acknowledgement forms.
- The statement will be posted or provided in languages other than English, when appropriate.

4.0 NOTICE OF NONDISCRIMINATION

- Avery County Transportation 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 Avery County Transportation.
 - For more information on Avery County Transportation civil rights program, and the procedures to file a complaint, contact (828-733-0005); email avery.act.director@averycountync.gov , or visit our administrative office at 34 Pershing Street, Newland, NC 28657. For more information, visit http://www.averycountync.gov/departments/transportation_department.php
- County of Avery, Clerk to the Board, PO Box 640 Newland, NC 28657 or call 828-733-8112 or email, avery.clerk@averycountync.gov
 - If information is needed in another language, contact 828-733-8212.
- 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: "Avery County Transportation operates without regard to **race, color, national origin, sex, creed (religion), age or disability**. For more information on Avery County Transportation's Title VI program or how to file a discrimination complaint, please contact 828-733-0005; Debbie.smith@averycountync.gov."
- The statement will be posted or provided in languages other than English, when appropriate.

5.0 PROCEDURES TO ENSURE NONDISCRIMINATORY ADMINISTRATION OF PROGRAMS AND SERVICES

We are committed to nondiscriminatory administration of our programs and services, organization wide. Avery County Transportation will remind employees of Title VI nondiscrimination obligations through staff training and use of the **Annual Education and Acknowledgment Form** below. The Title VI Coordinator will periodically assess program operations to ensure this policy is being followed.

Avery County Transportation Authority Annual Education and Acknowledgment Form

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 Avery County Transportation 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 Debbie Smith, Title VI Coordinator at Avery County Transportation Authority, Director, at our administrative office at 34 Pershing Street Newland, NC 28657 or call 828-733-0005 or email, avery.act.director@averycountync.gov.

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 Avery County Transportation's 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 Avery County Transportation's 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.



Signature



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.

6.0 CONTRACT ADMINISTRATION

Avery County Transportation 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. Avery County Transportation 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.

6.1 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 Nondiscrimination 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:

- (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.

(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.
- 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).

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

Contractor's Initials

Date

Implementation

- 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.

6.2 NONDISCRIMINATION NOTICE TO PROSPECTIVE BIDDERS

The Avery County Transportation, 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.

7.0 EXTERNAL DISCRIMINATION COMPLAINT PROCEDURES

These discrimination complaint procedures outline the process used by Avery County Transportation Authority 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 Avery County Transportation Authority programs, services, and activities. Complaints will be investigated by the appropriate authority. Upon completion of an investigation, the complainant will be informed of all avenues of appeal. Every effort will be made to obtain early resolution of complaints at the lowest level possible by informal means.

FILING OF COMPLAINTS

1. **Applicability** – These procedures apply to the beneficiaries of our programs, activities, and services, such as the members of the public and any consultants/contractors we hire.
2. **Eligibility** – Any person or class of persons who believes that he/she has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities based upon race, color, 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:
 - **Avery County Transportation Authority, Director, visit our administrative office at 34 Pershing Street Newland, NC 28657 or call 828-733-0005 or email, avery.act.director@averycountync.gov .**
 - **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 Regulations FTA
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)

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.

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.

Avery County Transportation Authority

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 Avery County Transportation Authority, within 180 days after the discrimination occurred.

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

Mailing Address:	City	State	Zip
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Home Telephone:	Work Telephone:	E-mail Address
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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

**NOTE: Title VI bases are race, color, national origin. All other bases are found in the "Nondiscrimination Assurance" of the FTA Certifications & Assurances.*

Identify the Race of the Complainant

<input type="checkbox"/> Black	<input type="checkbox"/> White	<input type="checkbox"/> Hispanic	<input type="checkbox"/> Asian American
<input type="checkbox"/> American Indian	<input type="checkbox"/> Alaskan Native	<input type="checkbox"/> Pacific Islander	<input type="checkbox"/> Other _____

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

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

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

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

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

<u>Name</u>	<u>Address</u>	<u>Telephone</u>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

DISCRIMINATION COMPLAINT FORM

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

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

Have you discussed the complaint with any Avery County Transportation Authority representative? If yes, provide the name, position, and date of discussion.

Please provide any additional information that you believe would assist with an investigation.

Briefly explain what remedy, or action, are you seeking for the alleged discrimination.

****WE CANNOT ACCEPT AN UNSIGNED COMPLAINT. PLEASE SIGN AND DATE THE COMPLAINT FORM BELOW.**

COMPLAINANT'S SIGNATURE

DATE

MAIL COMPLAINT FORM TO:
 AVERY COUNTY TRANSPORTATION AUTHORITY
 TITLE VI COORDINATOR
 PO BOX 443
 34 PERSHING STREET
 NEWLAND, NORTH CAROLINA 28657
 828-733-0005 OR 828-733-8212

FOR OFFICE USE ONLY

Date Complaint Received: _____

Processed by: _____

Case #: _____

Referred to: NCDOT FTA Date Referred: _____

INVESTIGATIVE GUIDANCE

- A. Scope of Investigation** – An investigation should be confined to the issues and facts relevant to the allegations in the complaint, unless evidence shows the need to extend the issues.
- B. Developing an Investigative Plan** – It is recommended that the investigator prepares an Investigative Plan (IP) to define the issues and lay out the blueprint to complete the investigation. The IP should follow the outline below:
1. Complainant(s) Name and Address (Attorney name and address if applicable)
 2. Respondent(s) Name and Address (Attorney for the Respondent(s) name and address)
 3. Applicable Law(s)
 4. Basis/(es)
 5. Allegation(s)/Issue(s)
 6. Background
 7. Name of Persons to be interviewed
 - a. Questions for the complainant(s)
 - b. Questions for the respondent(s)
 - c. Questions for witness(es)
 8. Evidence to be obtained during the investigation
 - a. Issue – e.g., Complainant alleges his predominantly African American community was excluded from a meeting concerning a future project which could affect the community.
 - i. Documents needed: e.g., mailing list which shows all physical addresses, P.O. Box numbers, property owner names, and dates when the meeting notification was mailed; other methods used by the RPO to advertise the meeting.
- C. Request for Information** – The investigator should gather data and information pertinent to the issues raised in the complaint.
- D. Interviews** – Interviews should be conducted with the complainant, respondent, and appropriate witnesses during the investigative process. Interviews are conducted to gain a better understanding of the situation outlined in the complaint of discrimination. The main objective during the interview is to obtain information that will either support or refute the allegations.
- E. 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.

TEMPLATE/SAMPLE Investigative Report

I. **COMPLAINANT(S) NAME** (or attorney for the complainant(s) – name and address if applicable)

Name: _____ Address: _____ Phone: _____

II. **RESPONDENT(S)** (or attorney for the respondent(s) – name and address if applicable)

Name: _____ Address: _____ Phone: _____

III. **APPLICABLE LAW/REGULATION**

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

IV. **COMPLAINT BASIS/(ES)**

[For example, Race, Color, National Origin, Creed (Religion), Sex, Age, Disability]

V. **ISSUES/ALLEGATIONS**

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

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

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

VI. **BACKGROUND**

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

VII. **INVESTIGATIVE PROCEDURE**

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

VIII. **ISSUES / FINDINGS OF FACT**

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

IX. **CONCLUSION**

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

X. **RECOMMENDED ACTIONS**

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

APPENDIX

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

8.0 SERVICE AREA POPULATION CHARACTERISTICS

To ensure that Title VI reporting requirements are met, we will collect and maintain population data on potential and actual beneficiaries of our programs and services. This section contains relevant population data for our overall service area. This data provides context for the Title VI Nondiscrimination Program and will be used to ensure nondiscrimination in public outreach and delivery of our programs and services.

8.1 RACE AND ETHNICITY

The following table was completed using data from Census Table QT-P3, Race and Hispanic or Latino Origin: 2010:

Race and Ethnicity	Number	Percent
Total Population	17,797	100
White	16,364	91.9
Black or African American	709	4.0
American Indian or Alaska Native	108	.6
Asian	56	.3
Native Hawaiian and Other Pacific Islander	8	0
Some other Race	435	2.4
Two or More Races	227	1.6
HISPANIC OR LATINO (of any race)	797	4.5
Mexican	651	3.7
Puerto Rican	22	.1
Cuban	23	.1
Other Hispanic or Latino	101	.6

8.2 AGE & SEX

The following table was completed using data from Census Table QT-P1, Age Groups and Sex: 2010:

Age	Number			Percent		
	Both sexes	Male	Female	Both sexes	Male	Female
Total Population	17797	9690	8170	100%	100%	100%
Under 5 years	773	401	372	4.3	4.1	4.6
Under 18 years	3059	1537	1522	17.2	15.9	18.8
18 to 64 years	11641	6771	4870	65.4	69.9	60.1
65 years and over	3097	1382	1715	17.4	14.3	21.2
Median Age						

8.3 DISABILITY

Data was not available from Census for Disability Characteristics:

8.4 POVERTY

Data was not available from Census for Poverty Characteristics:

8.5 HOUSEHOLD INCOME

Data was not available from Census for Household Income Characteristics:

8.6 LIMITED ENGLISH PROFICIENCY POPULATIONS

1. See Factor #1 of Section 10.5 of this document for more information.
2. Refer to Appendix D within the Appendix at the end of this document.

8.7 POPULATION LOCATIONS

Federal-aid recipients are required to identify the characteristics and locations of populations they serve, particularly by race/ethnicity, poverty and limited English proficiency. We will document this narratively or through maps that overlay boundaries and demographic features on specific communities, and provide this information to NCDOT, upon request.

9.0 TITLE VI EQUITY ANALYSES (AND ENVIRONMENTAL JUSTICE ASSESSMENTS)

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.

10.0 PUBLIC INVOLVEMENT

[INSTRUCTIONS: This section is intended to serve as a template for development of Public Participation Plans for Title VI-related public outreach initiatives and ongoing programs. This template should be tailored to incorporate program or project-specific goals and objectives for public participation, as well as to describe target audience, planned outreach activities, anticipated communication materials, and documentation methods. Delete this paragraph after completing all of Section 6.0.]

10.1 INTRODUCTION

Effective public involvement is a key element in addressing Title VI in decision-making. This **Public Participation Plan** describes how AVERY COUNTY TRANSPORTATION AUTHORITY 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. Going to salons, Dr. Offices, 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, or newspaper ads and in publications that serve LEP populations. Outreach to LEP persons could also include audio programming available on podcasts.

10.2 PUBLIC NOTIFICATION

Passengers and other interested persons will be informed of their rights under Title VI and related authorities with regard to 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.

10.3 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.

10.4 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, and newspaper ads.
- Abstract objectives will be avoided in meeting announcements. Specific “attention-grabbing” reasons to attend will be used, such as “How much should it cost to ride the Van? 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.

10.5 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.*

LANGUAGE SPOKEN AT HOME	Estimate	Margin of Error	Percent of Population	Margin of Error
Total (population 5 years and over):	17,010	+/-	100%	(X)
Speak only English	15,989	+/- 206	93.9%	+/- %
Spanish or Spanish Creole:	744	+/- 129	4.3%	+/- %
Speak English "very well"	384	+/- 137	2.2%	+/- %
Speak English less than "very well"	360	+/- 106	2.1%	+/- %
German	84	+/- 91	.4%	+/- %
Speak English "very well"	84	+/- 91	.4%	+/- %
Speak English less than "very well"	0	+/- 0	0%	+/- %
French	56	+/- 54	.3%	+/- %
Speak English "very well"	56	+/- 54	.3%	+/- %
Speak English less than "very well"	0	+/- 0	0%	+/- %

The **Avery County Transportation Authority** is a demand response transit provider that provides transportation service for the residents of **Avery County**.

The US Census Bureau – American Fact Finder (2010-2013) reports there are very few languages spoken in Avery County. Some of these languages include Spanish, German, Russian, Japanese, Hmong, and Vietnamese. After English, the second largest language group is Spanish.

The Safe Harbor Threshold is calculated by dividing the population estimate for a language group that “speaks English less than very well” by the total population of the county. The LEP Safe Harbor Threshold provision stipulates that for each LEP group that meets the LEP language threshold (5% or 1,000 individuals, whichever is less), the **Avery County Transportation Authority is required to provide translation of vital documents in written format for non-English speaking persons.**

In Avery County, with a population estimate of 17010, 360 persons have identified themselves as Spanish speaking and “speaks English less than well”. This language group is less than 1% and below the 5% or 1,000 person thresholds. This means the **Avery County Transportation Authority** is not required to provide written translation of vital documents. All of the other language groups listed above are also below the safe harbor threshold. This means, at this time, the **Avery County Transportation Authority** is also not required to provide written translation of vital documents in these languages.

Even though the **Avery County Transportation Authority** is below the safe harbor threshold and is not required to provide written translation of vital documents, it publishes an ACT brochure in Spanish and it provides some vital documents in Spanish on its website.

In the future, if the **Avery County Transportation Authority** meets the Safe Harbor Threshold for any language group, it will provide written translation of vital documents in such languages and also consider measures needed for oral interpretation. ACT will define and analyze adverse effects related to major changes as recommended in **Chap. III-7 of FTA 4702.1B**.

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

The **Avery County Transportation Authority** and/or its contractor/lessee will track the number of encounters and consider making adjustments as needed to its outreach efforts to ensure meaningful access to all persons and specifically to LEP and minority populations of the **Avery County Transportation Authority’s** programs and services.

The **Avery County Transportation Authority** provides rides to approximately 20 LEP persons per year. While formal data has not been collected, the agency has indicated it has encountered (11) Eleven LEP persons using the service within the last six months. We will annually distribute a survey with two specific questions in English and the language the transit system finds necessary for their LEP group that would be more adequate for this assessment to meet the requirements of Chap. III-7 of FTA 4702.1B:

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

The **Avery County Transportation Authority** understands an LEP person with language barrier challenges also faces difficulties obtaining health care, education or access to employment. A transportation system is a key link to connecting LEP persons to these essential services.

The **Avery County Transportation Authority** has identified activities and services which would have serious consequences to individuals if language barriers prevented access to information or the benefits of those programs. The activities and services include providing emergency evacuation instructions in our facilities and vehicles and providing information to the public on security awareness or emergency preparedness.

The **Avery County Transportation Authority’s** assessment of what programs, activities and services are most critical included contact with community organization(s) that serve LEP persons, as well as contact with LEP persons themselves to obtain information on the importance of the modes or the types of services that are provided to the LEP populations. Scheduling records indicate that medical services are a priority. An annual survey has determined our services are of upmost importance. We will also include a question on the survey of what specific service is most beneficial.

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

Even though the **Avery County Transportation Authority** does not have a separate budget for LEP outreach, the county has worked with our transit provider to implement low cost methods of reaching LEP persons. For example, Avery County Transportation has access to a Spanish speaking person on the county staff and works with other county agencies to assist. This has ensured **Avery County Transportation Authority** can provide assistance to LEP Spanish-speaking persons, if needed. In addition, **Avery County Transportation Authority** works with local advocacy groups such as APELS to reach LEP populations. The ACT Director is also a board member of Avery Providers of Latino Services (APLS), Maryland Community College has joined forces with Avery County Schools, WAMY Community Action, and the Appalachian Regional Healthcare System, to form a resource group to share information and explore collaboration opportunities in service to our local non-native English speaking population.

LANGUAGE ASSISTANCE PLAN

As a result of the above four factor analysis and the data in Appendix D demonstrate, a Language Assistance Plan (LAP) is not required. However, reasonable attempts will be made to accommodate any persons encountered who require written translation or oral interpretation services.

Language Assistance Measures

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

- Translating some public notices posted in the local paper, various display points within the county, and in vehicles into Spanish.
- 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.
- Utilizing or hiring staff who speak a language other than English and can provide competent language assistance. Note: We will not ask community-based organizations to provide, or serve as, interpreters at our meetings. Relying upon CBOs in that capacity could raise ethics concerns. If a CBO decides (on its own) to translate any materials for its constituents, or bring interpreters it trusts to our meetings, we cannot object. That is their right.
- Using language identification flashcards to determine appropriate services.
- Establishing a process to obtain feedback on our language assistance measures.

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 language access resource contacts (LARCs).

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. This list will be updated as needed to remain current.
- All main offices and vehicles will have on hand a supply of language assistance 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 the material 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 being planned or scheduled outreach event limited to a specific geographical area delineated for that activity (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

11.0 Monitoring of daily interactions with LEP persons will be continuous, thus assistance techniques may be refined at any time. This LAP will be periodically reviewed to determine if our language 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.

11.1 DEMOGRAPHIC REQUEST

The following form was used to collect required data on Key Community Contacts and nonelected committee members.

Avery County Transportation Authority 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> <input type="checkbox"/> White <input type="checkbox"/> Black/African American <input type="checkbox"/> Asian <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Native Hawaiian/Pacific Islander <input type="checkbox"/> Hispanic/Latino <input type="checkbox"/> Other (please specify): _____	<p>National Origin: (if born outside the U.S.)</p> <input type="checkbox"/> Mexican <input type="checkbox"/> Central American: _____ <input type="checkbox"/> South American: _____ <input type="checkbox"/> Puerto Rican <input type="checkbox"/> Chinese <input type="checkbox"/> Vietnamese <input type="checkbox"/> Korean <input type="checkbox"/> Other (please specify): _____
<p>Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female</p>	<p>Age:</p> <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
<p>Disability: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>I choose not to provide any of the information requested above: <input type="checkbox"/></p>	

Completed forms will remain on file as part of the public record. For more information regarding Title VI or this request, please contact **Avery County Transportation Authority** at 828-733-0005 or by email at avery.act.director@averycountync.gov.

Please sign below acknowledging that you have completed this form.

Thank you for your participation!

Name (print): _____

Signature: _____

<p>Implementation</p> <ul style="list-style-type: none"> • 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.

11.2 KEY COMMUNITY CONTACTS

Contact Name	Community Name	Interest or Affiliation	Also a Committee Member? (Y/N)
Phillip Barrier	Avery	Avery County Manager	Yes
Martha Hicks	Avery	Chair, Board of Commissioners	Yes
Cindy Turbyfill	Avery	Clerk to the Board of Commissioners	No
Ashley Ingwerson	Avery	Avery County Finance Officer	Yes
David Tate	Avery	Yellow Mountain Enterprises	Yes
Philip Adams	Avery	Avery Senior Services	Yes
Steve Gunter	A-M-Y	Mayland Community College Foundation	No
Barbara Jones	Avery	Avery County DSS	No

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.

11.3 SUMMARY OF OUTREACH EFFORTS MADE SINCE THE LAST TITLE VI PROGRAM SUBMISSION

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
10-24-18	9AM to 4PM	Healthy Halloween	900 Children, General	Booth, Marketing w/Promotional
10-1-2018	4PM / 4:30	Public Hearing Fare Increase Public Hearing	18 General	CTP 5311 Grant Public Hearing Title VI Forms Available
9-6-2018	10AM to 1:30PM	Stay in Your own Home 5 Wishes	115 Elderly and medically challenged	Marketing material with booth
2/2018	8AM – 6PM	Gifts from the Heart	21 Elderly	Personal delivery marketing
10-24-18	9AM to 4PM	Healthy Halloween	900 Children, General	Booth, Marketing w/Promotional
5/22/18	8:30am to 2PM	Senior Services Resource Fair	107 Elderly and General	Booth with marketing material
3/21/18 6/20/2018 9/20/18, 12-13-18	2PM	Transportation Advisory Board	9 to 17 General	TAB Meetings
10/20/19	11M	Rpo -RTCC	21	Public Trans. Update
7-4-19	11am	Parades	730, General Public,	Drive Thru, Marketing W/Promotional

			including LEP population	
9/3-7/19	5 to 10PM & 10am to 11pm	Avery A&H Fair	EST. 5500 went through tent	Booth, Marketing Material
10-31-19	9AM to 4PM	Healthy Halloween	820 Children, General	Booth, Marketing w/Promotional Brochures in Spanish provided
10-30-19	5PM	Homecoming Parade	300 General	Drove Van and threw promotional items
9-27-2019	11PM	Public Hearing	11 General	CTP 5311 Grant Public Hearing Title VI Forms Available
11-12-19	9AM to 2PM	Caregivers Haven	40 Elderly, Disabled	Booth, Marketing material
2/18/20	11am – 1pm	TR - LEPC	19	Emergency Preparations
9/19/19, 12-12-19	2PM	Transportation Advisory Board	11 to 17 General	TAB Meetings

12.0 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).

13.0 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.

[Use the Demographic Request Tables that you completed for *each of your nonelected boards and committees* to complete the table below. Add additional rows, as needed. Once complete, delete this blue text, and include the original Demographic Request Tables in the Appendix.]

Body	Male %	Female %	Caucasian %	African American %	Asian American %	Native American %	Other %	Hispanic %
Service Area Population	52%	48%	91.9	4.0	.3	.4	2.4	4.5
Transit Advisory Board	59	41	100	0	0	0	0	0

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.

14.0 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

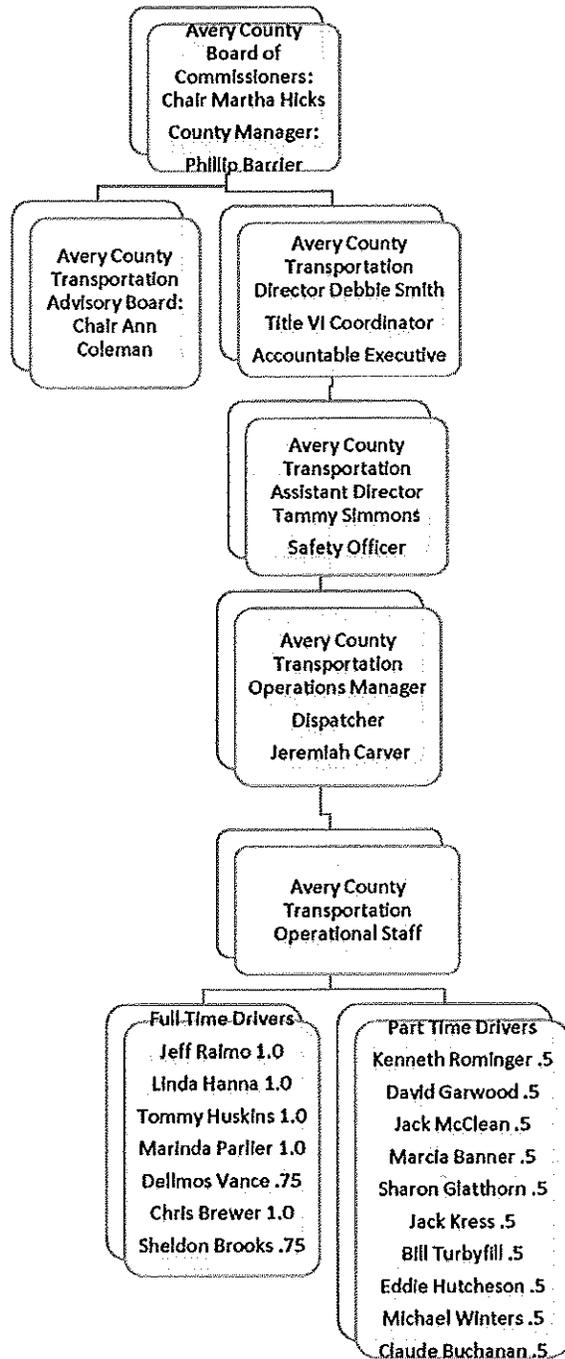
- Investigative Reports
- Discrimination complaint, as filed
- List of interviewees (names and affiliations)
- Supporting Documentation (e.g., requested items, photos taken, dates and methods of contact, etc.)

Appendix A Applicable 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 B Organizational Chart



Appendix C
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 checked="" type="checkbox"/>
2. Title VI Policy Statement (<i>signed</i>)	<input checked="" type="checkbox"/>
3. Title VI Notice to the Public, including a list of locations where the notice is posted	<input checked="" 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 checked="" type="checkbox"/>
5. Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)	<input checked="" type="checkbox"/>
6. Title VI Complaint Form	<input checked="" type="checkbox"/>
7. List of transit-related Title VI investigations, complaints, and lawsuits (i.e., discrimination complaints log)	<input checked="" 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 checked="" 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 checked="" 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 checked="" 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 <i>reviewed and approved</i> the Title VI Program	<input checked="" type="checkbox"/>
12. A description of the procedures the agency uses to ensure nondiscriminatory administration of programs and services	<input checked="" 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 checked="" 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 checked="" 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	<input type="checkbox"/>

Appendix D. Census FACT Finder - Limited English Proficiency Populations



B16001

LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER

Universe: Population 5 years and over
2009-2013 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

	Avery County, North Carolina	
	Estimate	Margin of Error
Total:	17,010	****
Speak only English	15,989	+/-206
Spanish or Spanish Creole:	744	+/-129
Speak English "very well"	384	+/-137
Speak English less than "very well"	360	+/-106
French (incl. Patois, Cajun):	56	+/-54
Speak English "very well"	56	+/-54
Speak English less than "very well"	0	+/-19
French Creole:	0	+/-19
Speak English "very well"	0	+/-19
Speak English less than "very well"	0	+/-19
Italian:	0	+/-19
Speak English "very well"	0	+/-19
Speak English less than "very well"	0	+/-19
Portuguese or Portuguese Creole:	15	+/-25
Speak English "very well"	15	+/-25
Speak English less than "very well"	0	+/-19
German:	84	+/-91
Speak English "very well"	84	+/-91
Speak English less than "very well"	0	+/-19
Yiddish:	0	+/-19
Speak English "very well"	0	+/-19
Speak English less than "very well"	0	+/-19
Other West Germanic languages:	0	+/-19
Speak English "very well"	0	+/-19
Speak English less than "very well"	0	+/-19
Scandinavian languages:	17	+/-25
Speak English "very well"	17	+/-25
Speak English less than "very well"	0	+/-19
Greek:	0	+/-19
Speak English "very well"	0	+/-19
Speak English less than "very well"	0	+/-19
Russian:	16	+/-23

	Avery County, North Carolina	
	Estimate	Margin of Error
Speak English "very well"	16	+/-23
Speak English less than "very well"	0	+/-19
Polish:	26	+/-49
Speak English "very well"	26	+/-49
Speak English less than "very well"	0	+/-19
Serbo-Croatian:	2	+/-6
Speak English "very well"	2	+/-6
Speak English less than "very well"	0	+/-19
Other Slavic languages:	0	+/-19
Speak English "very well"	0	+/-19
Speak English less than "very well"	0	+/-19
Armenian:	0	+/-19
Speak English "very well"	0	+/-19
Speak English less than "very well"	0	+/-19
Persian:	0	+/-19
Speak English "very well"	0	+/-19
Speak English less than "very well"	0	+/-19
Gujarati:	0	+/-19
Speak English "very well"	0	+/-19
Speak English less than "very well"	0	+/-19
Hindi:	0	+/-19
Speak English "very well"	0	+/-19
Speak English less than "very well"	0	+/-19
Urdu:	0	+/-19
Speak English "very well"	0	+/-19
Speak English less than "very well"	0	+/-19
Other Indic languages:	0	+/-19
Speak English "very well"	0	+/-19
Speak English less than "very well"	0	+/-19
Other Indo-European languages:	0	+/-19
Speak English "very well"	0	+/-19
Speak English less than "very well"	0	+/-19
Chinese:	0	+/-19
Speak English "very well"	0	+/-19
Speak English less than "very well"	0	+/-19
Japanese:	3	+/-8
Speak English "very well"	0	+/-19
Speak English less than "very well"	3	+/-8
Korean:	0	+/-19
Speak English "very well"	0	+/-19
Speak English less than "very well"	0	+/-19
Mon-Khmer, Cambodian:	16	+/-25
Speak English "very well"	0	+/-19
Speak English less than "very well"	16	+/-25
Hmong:	0	+/-19
Speak English "very well"	0	+/-19
Speak English less than "very well"	0	+/-19
Thai:	0	+/-19
Speak English "very well"	0	+/-19
Speak English less than "very well"	0	+/-19
Laotian:	0	+/-19
Speak English "very well"	0	+/-19
Speak English less than "very well"	0	+/-19
Vietnamese:	0	+/-19
Speak English "very well"	0	+/-19
Speak English less than "very well"	0	+/-19
Other Asian languages:	0	+/-19
Speak English "very well"	0	+/-19
Speak English less than "very well"	0	+/-19

	Avery County, North Carolina	
	Estimate	Margin of Error
Tagalog:	3	+/-4
Speak English "very well"	3	+/-4
Speak English less than "very well"	0	+/-19
Other Pacific Island languages:	4	+/-10
Speak English "very well"	4	+/-10
Speak English less than "very well"	0	+/-19
Navajo:	0	+/-19
Speak English "very well"	0	+/-19
Speak English less than "very well"	0	+/-19
Other Native North American languages:	0	+/-19
Speak English "very well"	0	+/-19
Speak English less than "very well"	0	+/-19
Hungarian:	18	+/-24
Speak English "very well"	18	+/-24
Speak English less than "very well"	0	+/-19
Arabic:	17	+/-28
Speak English "very well"	17	+/-28
Speak English less than "very well"	0	+/-19
Hebrew:	0	+/-19
Speak English "very well"	0	+/-19
Speak English less than "very well"	0	+/-19
African languages:	0	+/-19
Speak English "very well"	0	+/-19
Speak English less than "very well"	0	+/-19
Other and unspecified languages:	0	+/-19
Speak English "very well"	0	+/-19
Speak English less than "very well"	0	+/-19

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

Methodological changes to data collection in 2013 may have affected language data for 2013. Users should be aware of these changes when using multi-year data containing data from 2013.

While the 2009-2013 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2009-2013 5-Year American Community Survey

Explanation of Symbols:

1. An "N" entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
2. An "E" entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
3. An "L" following a median estimate means the median falls in the lowest interval of an open-ended distribution.
4. An "U" following a median estimate means the median falls in the upper interval of an open-ended distribution.
5. An "M" entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
6. An "C" entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
7. An "H" entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.

6. An '(X)' means that the estimate is not applicable or not available.