

**City of Winston-Salem
Title VI
Non-Discrimination
Plan**

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I. INTRODUCTION

The Title VI of the Civil Rights Act of 1964, prohibits discrimination based upon race, color, and national origin. Specifically, 42 USC 2000d states that *“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”* The use of the word *“person”* is important as the protections afforded under Title VI apply to anyone, regardless of whether the individual is lawfully present in the United States or a citizen of a State within the United States. The City of Winston-Salem is the direct recipient of Federal and State Highway and Transit funds. **This policy will apply to all transportation programs using funding from the USDOT, FHWA, FTA or NCDOT.** Many of the day-to-day operations and work activities of federal, state and local transportation programs are administered by the city of Winston-Salem department of transportation. Currently the two city appointed boards with responsibility of oversight and distribution of funding received from Federal and State agencies are the Winston-Salem Urban Area Metropolitan Planning Organization (WSUAMPO) and the Winston-Salem Transit Authority (WSTA).

The Winston-Salem Urban Area Metropolitan Planning Organization (WSUAMPO) is the federally designated Metropolitan Planning Organization (MPO) for the Winston-Salem Urbanized Area. Federal legislation requires Urbanized Areas with populations larger than 50,000 to have an MPO, whose primary function is to carry out the transportation planning process among the member jurisdictions within its established planning area boundary. The City of Winston-Salem is the Lead Planning Agency (LPA) for the WSUAMPO. The Transportation Advisory Committee (TAC) for the Winston-Salem Urban Area Metropolitan Planning Organization (WSUAMPO) serves as a forum for cooperative transportation planning and decision-making for the MPO region which includes Forsyth County and portions of Davie, Davidson and Stokes Counties. The TAC has the responsibility for:

- Assisting in the dissemination and clarification of decisions, inclinations and policies of the governing boards
- Ensuring meaningful citizen participation in the transportation planning process
- Keeping the governing boards informed of the status and requirements of the transportation planning process

The TAC is composed of:

- Elected officials from Davidson, Davie, Forsyth, and Stokes Counties and elected officials from incorporated municipalities in those counties
- Non-elected officials from:◦City-County Planning Board
- Federal Highway Administration
- North Carolina Department of Transportation
- Smith Reynolds Airport Authority
- Winston-Salem Transit Authority

The Winston-Salem Transit Authority was created by Section 23-163 of the City Code and adopted on March 11, 1968. The authority establishing the Winston-Salem Transit Authority is Chapter 1259

of the 1967 North Carolina Session Laws. The purpose of the Authority is to provide for a safe, adequate, and convenient public transportation system for the City of Winston-Salem and surrounding areas.

This Title VI Plan describes how the City of Winston-Salem, the Winston-Salem Urban Area Metropolitan Planning Organization and the Winston-Salem Transit Authority comply with Civil Rights legislation and principles.

As staff for the WSUAMPO, the Winston-Salem Department of Transportation (WSDOT) is responsible for carrying out all transportation-related planning activities including the preparation of a Unified Work Program (UWP), Transportation Improvement Program (TIP), and the development of the Metropolitan Transportation Plan (MTP) and the Coordinated Transportation Plan (CTP). The transportation program receives federal funds through the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). WSDOT is also responsible for administration and oversight of the staff hired by WSTA to manage the transit system.

The planning efforts of WSDOT serve all the people within the MPO area including minority populations, low-income populations, the elderly, and persons with disabilities and those who traverse the city of Winston-Salem. As a direct recipient of federal funds, the City of Winston-Salem (and thereby WSDOT) recognizes its responsibility to provide fairness and equity in all its programs, services, and activities, and that it must abide by federal and state civil rights legislation relating to transportation and public transit projects and programs.

Title VI of the Civil Rights Act of 1964 is the overarching civil rights law prohibiting discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that ***“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activities receiving federal assistance.”***

Title VI has been broadened by related statutes, regulations and executive orders. Section 324 of the Federal-Aid Highway Act (the enabling legislation of the FHWA) prohibits discrimination based on sex. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibits unfair and inequitable treatment of persons as a result of projects undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” signed in February of 1994, requires federal agencies to achieve Environmental Justice (EJ) as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. EJ initiatives are accomplished by involving the potentially affected public in the development of transportation

projects within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low- Income Populations to summarize and expand upon the requirements of Executive Order 12898. Also Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)," provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance. As a recipient of federal financial assistance, The City of Winston-Salem, the WSUAMPO and the WSTA must provide access to individuals with limited ability to speak, write or understand the English language. The City of Winston-Salem, the WSUAMPO and the WSTA will not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color or national origin. Therefore, the primary goals of the City of Winston-Salem's, the WSUAMPO's and the WSTA's Title VI Program are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives.
2. To ensure people affected by the City of Winston-Salem's, the WSUAMPO's and the WSTA's programs and activities receive the services, benefits and opportunities to which they are entitled without regard to race, color, national origin, age, sex or disability.
3. To prevent discrimination in the City of Winston-Salem's, the WSUAMPO's and the WSTA's programs and activities, whether those programs are federally funded or not.
4. To establish procedures for identifying impacts in any program, service, or activity that may create an illegal adverse impact on any person because of race, color, national origin, age, sex or disability; or on minority populations, low-income populations, the elderly and persons with disabilities.
5. To establish procedures to annually review the Title VI compliance within specific program areas within the City of Winston-Salem's, the WSUAMPO's and WSTA's services and areas.
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in the City of Winston-Salem's, the WSUAMPO's and the WSTA's service, program or activity.

Discrimination Under Title VI

There are two types of discrimination prohibited under Title VI and its related statutes. One type of discrimination that may or may not be intentional is "disparate treatment". Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, age or disability.

The second type of discrimination is "disparate impact". Disparate impact occurs when a "neutral procedure or practice" results in fewer services or benefits, or inferior services or benefits to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy or practice rather than the intent.

Limited English Proficiency (LEP)

The City of Winston-Salem, the Winston-Salem Urban Area is home to many people from different cultures who may speak different languages. Input from diverse communities is a vitally important part of the transportation planning process as they may offer different perspectives, introduce creativity and innovation and contribute to a strong economy. The City of Winston-Salem, the WSUAMPO and the WSTA recognizes their responsibility to ensure persons having language barriers are not excluded from participation in, denied the benefit of, or otherwise discriminated against when programs, services or activities designed to improve the service areas or infrastructures are developed.

The City of Winston-Salem, the WSUAMPO and the WSTA is committed to ensuring persons having language barriers are made equal participants early on in the development stages and through the life of a program, service or activity and that the public is allowed to provide input on those projects or plans that may have an impact on their wellbeing. It is the intent of the City of Winston-Salem, the WSUAMPO and the WSTA to ensure fairness, equal opportunity, inclusion and access by actively seeking input from people who do not speak English or have difficulty communicating in English, regarding quality of life issues that directly affect them. The Limited English Proficiency Plan can be found in the Appendix.

Environmental Justice

The City of Winston-Salem, the WSUAMPO and the WSTA monitors projects and programs, prior to implementation, that may have an adverse impact on the public and communities as part of the development of the TIP, STIP, MTP and CTP. The City of Winston-Salem, the WSUAMPO and the WSTA also regularly seeks public involvement and participation to identify, discuss and mitigate potential adverse impacts related to the environment, air quality, congestion and other situations from projects that may concern communities directly or indirectly as part of the planning process. The City of Winston-Salem, the WSUAMPO and the WSTA approach to EJ is reviewed during the development of both the TIP, STIP, MTP and CTP transportation planning documents.

II: TITLE VI POLICY STATEMENT

It is the policy of the Winston-Salem Department of Transportation, the Winston-Salem Metropolitan Planning Organization and the Winston-Salem Transit Authority to ensure that no person shall, on the grounds of race, color, sex, age, national origin, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and any other related non-discrimination Civil Rights laws and authorities.

III. TITLE VI ASSURANCES

The City of Winston-Salem, the WSUAMPO and the WSTA (hereinafter referred to as the "Recipients"), HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the United States Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42 U.S.C 2000d-42 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation Subtitle A, Office of the Secretary Part 21, Non-discrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of the Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations"), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, age, national origin or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the US Department of Transportation, including the Federal Highway Administration, the Federal Transit Authority and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a) (1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances to its federally funded programs:

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(b) and 21.23(e) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with all Federal-Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:
"The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority 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, or national origin in consideration for an award."
3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal-Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal-Aid Highway program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient Department of Transportation under the Federal-Aid Highway Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal-Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Lee D. Garrity, City Manager

Date

IV. REGULATORY REQUIREMENTS

Title VI of the Civil Rights Act of 1964 and related statutes provide that no person in the United States shall, on the grounds of race, color, national origin, sex, age or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, receiving federal financial assistance. GCMPC, as a recipient and distributor of federal funds must take affirmative steps to ensure that discrimination, as addressed by Title VI does not occur, and must perform the following actions in order to comply with federal requirements under 23 CFR Part 200 and 49 CFR Part 21:

1. **23 CFR 200.9(b)(2)** – Adequately staff the civil rights unit to effectively implement state civil rights requirements.
2. **23 CFR 200.9(b)(3)** – Develop procedures for prompt processing and disposition of Title VI and Title VII complaints received directly and forward to the Title VI, DBE, EEO Coordinator for investigation.
3. **23 CFR 200.9(b)(4)** – Develop procedures for the collection of statistical data (race, color, religion, sex and national origin) of participants in, and beneficiaries of state highway programs, i.e., relocatees, impacted citizens and affected communities.
4. **4. 23 CFR 200.9(b)(5)** – Develop a program to conduct Title VI reviews of program areas, i.e., Transportation Planning, Public Transit Services, etc.
5. **23 CFR 200.9(b)(9)** – Conduct training programs on Title VI and related statutes.
6. **23 CFR 200.9(b)(10)** – Prepare a yearly report of Title VI accomplishments for the past year and goals for the next year.
7. **23 CFR 200.9(b)(11)** – Submit updated Title VI implementing plan to NCDOT and FTA.
8. **23 CFR 200.9(b)(12)** – Develop Title VI information for dissemination to the general public, where appropriate, in languages other than English.
9. **23 CFR 200.9(b)(13)** – Establish procedures for pre-grant and post-grant approval reviews of state programs and applicants for compliance with Title VI requirements.
10. **23 CFR 200.9(b)(14)** – Establish procedures to identify and eliminate discrimination where found.
11. **Executive Order 12898** – Ensure that Environmental Justice principles are integrated into procedures and programs.
12. **Executive Order 13166** – Ensure that appropriate LEP processes and procedures are implemented.

Related Laws and Statutes

1. **Civil Rights Restoration Act of 1987** – Restores the original intent of Title VI to require that all programs are covered whether they are federally funded or not.
2. **Section 504 of the Rehabilitation Act of 1973** – Prohibits discrimination on the basis of a disability.
3. **Americans With Disabilities Act (ADA) of 1990** – Prohibits discrimination on the basis of a disability
4. **Section 324 of the Federal-Aid Highway Act** – Prohibits discrimination on the basis of sex
5. **Uniform Relocation Assistance and Real Property Acquisition Act of 1970 42 USC 6101** – Prohibits Age discrimination in any program receiving federal financial assistance

6. **49 CFR Part 21 and 23 CFR Part 200** – Describes U.S. DOT and FHWA prohibitions against discrimination
7. **Title VII of the Civil Rights Act of 1964** – Prohibits discrimination on the basis of race, color, religion, sex and national origin

V. DEFINITIONS

(As used in Title 32 of the CFR, Highways, part 200.5)

1. **Adverse Effects:** The totality of significant or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness or death; air, noise and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or non-profit organizations; increased traffic congestion, isolation, exclusion or separation of minority and low income individuals within a given community or from the broader community; and the denial of, reduction in, or significant delay in the receipt of, benefits of FHWA programs, policies, or activities.
2. **Affirmative Action:** A good faith effort to eliminate past and present discrimination and to ensure that future discriminatory practices do not occur. Actions aimed at addressing the underrepresentation of minorities and females.
3. **Beneficiary:** An individual and/or entity that directly or indirectly receive an advantage through the operation of a federal program; however, they do not enter into any formal contract or agreement with the federal government where compliance with Title VI is a condition of receiving such assistance.
4. **Citizen Participation:** An open process in which the rights of the community to be informed, to provide comments to the government, and to receive a response from the government are met through a full opportunity to be involved, and to express needs and goals.
5. **Compliance:** The satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made.
6. **Deficiency Status:** The interim period during which the recipient state has been notified of deficiencies, has not voluntarily complied with Title VI Program guidelines, but has not been declared in non-compliance by the Secretary of Transportation.
7. **Disparate Impact:** Discrimination which occurs as a result of a neutral procedure or practice and such practice, lacks a "substantial legitimate justification." The focus is on the consequences or impact of a recipient's practices rather than the recipient's intent.
8. **Discrimination/Disparate Treatment:** Discrimination which occurs when similarly situated persons are treated differently intentionally, because of their race, color, national origin, sex, disability, or age, and the decision maker was aware of the complainant's race, color, national origin, sex, disability, or age, and decisions were made (at least in part) because of one or more of those factors.
9. **Disproportionately High and Adverse Effect on Minority and Low-Income Populations** means an adverse effect that: Is predominantly born by a minority population and/or a low-

income population will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low income population.

- 10. Facility:** Includes all, or any part of, structures, equipment or other real or personal property, or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.
- 11. Low Income:** a person whose household income (or in the case of a community or group, whose median household income) is at or below the U.S. Department of Health and Human Services guidelines.
- 12. Low-Income Populations:** Any readily identifiable group of low-income persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons who may be similarly affected by a proposed DOT program, policy, or activity. Low income is defined by the poverty threshold stipulated by the U.S. Department of Health and Human Services.
- 13. Metropolitan Planning Organization (MPO)** (considered a sub-recipient).
Minority:
 - **Black** – a person having origins in any of the black racial groups of Africa.
 - **Hispanic** – a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
 - **Asian or Pacific Islander** – a person having origins in any of the original peoples of the Far East, Southeast Asia, Indian Subcontinent, or the Pacific Islands.
 - **American Indian or Alaskan Native** – a person having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.
 - **White** – a person having origins in any of the original peoples of Europe, North Africa, or the Middle East.
- 14. Minority Populations:** Identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons, i.e., migrant workers, Native Americans, and others, who will be similarly affected by a proposed DOT program, policy, or activity.
- 15. Non-compliance:** A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all of the Title VI requirements.
- 16. Persons:** Where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used: “White not of Hispanic origin,” “Black not of Hispanic origin”, “Hispanic”, “Asian or Pacific Islander”, “American Indian or Alaskan Native”. Additional sub-categories based on national origin or primary language spoken may be used, where appropriate, on either a national or a regional basis.
- 17. Program Area Officials:** The officials in the FHWA who are responsible for carrying out technical program responsibilities.
- 18. Programs, Policies, and/or Activities:** All projects, programs, policies, and activities that affect human health or the environment, and that are undertaken, funded, or approved by FHWA. These include, but are not limited to, permits, licenses, and financial assistance provided by FHWA. Interrelated projects within a system may be considered to be a single project, program, policy, or activity for purposes of this order. In addition, it includes any

highway project or activities for the provision of services, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other agreements with the recipient.

- 19. Recipient:** Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term “recipient” does not include any ultimate beneficiary under any such program.
- 20. Regulations and Guidance:** Means regulations, programs, policies, guidance, and procedures promulgated, issued, or approved by FHWA.
- 21. State Transportation Agency (STA):** That department, commission, board, or official of any state charged by its laws with the responsibility for highway construction. The term “State” would be considered equivalent to the STA if the context so implies.
- 22. STIP:** A five-year, Statewide Transportation Improvement Program (STIP) that includes NCDOT’s program as well as the Transportation Improvement Programs prepared by the Metropolitan Planning Organizations in North Carolina
- 23. Sub-recipient:** A non-federal entity that expends federal awards received from a pass-through entity to carry out a federal program, but does not include an individual that is a beneficiary of such a program. A sub-recipient may also be a recipient of other federal awards directly from a federal awarding agency. [Cities, counties, universities, contractors, sub-contractors, and consultants]
- 24. TIP:** A three-year, Transportation Improvement Program prepared by a Metropolitan Planning Organization.

VI. STRUCTURE FOR THE ORGANIZATION OVERSIGHT AND COMPLIANCE

The Director of Transportation is responsible for ensuring all internal program areas and external recipients of federal funds are in compliance with Title VI and related statutes. The Compliance Officer reports to the Director of Transportation is responsible for the implementation and management of the Title VI Program as well as the DBE and EEO programs. The Compliance Officer will provide oversight for the coordination of the day-to-day administration of the Title VI Program and will report to the Director of Transportation on all related matters.

VII. PROGRAMMATIC ROLES AND RESPONSIBILITIES

A. The City of Winston-Salem, the WSUAMPO and the WSTA Compliance Officer

The Compliance Officer is responsible for ensuring the implementation of the City of Winston-Salem, the WSUAMPO and the WSTA Title VI Plan and ensuring Equal Employment Opportunities. The Compliance Officer is responsible for the overall management of the day-to-day administration of the Title VI Plan, including implementing, monitoring, and ensuring compliance with the Title VI regulations.

B. Title VI Responsibilities:

- a. **Program Maintenance:** Maintain and monitor the Title VI program, plan, policies, and City of Winston-Salem, the WSUAMPO and the WSTA activities for compliance and assess the adequacy of administrative procedures, staffing and resources available for Title VI compliance
- b. **Accomplishments and Assurances:** Complete annual Title VI assurances with the North Carolina Department of Transportation (Form #0179)
- c. **Contract Language:** Ensure that Title VI provisions and assurances are included as part of federally funded contracts. (In this document, see Section III. Title VI Assurances, # 2)
- d. **Ensure that contract opportunities are extended to DBEs as part of the contracting process.** (In this document, see Section III. Title VI Assurances, #2)
- e. **Statistical Information:** Collect voluntary statistical data (race, color, age, sex, disability and national origin) of participants in and beneficiaries of WSUAMPO Transportation Plans e.g. citizens, impacted communities and affected communities. The data gathering process will be reviewed regularly to ensure sufficient administration of the Title VI program and inform decisions with regard to public participation.
- f. **Training:** The Compliance Officer will offer training to City of Winston-Salem, the WSUAMPO and the WSTA staff and consultants on an as-needed basis and keep record of those who have received training. The training will provide comprehensive information on Title VI provisions, EJ and LEP awareness.
- g. **Complaints:** Maintain a Title VI complaint form and spreadsheet to record any complaints received. Promptly respond to any complaints and forward the appropriate materials to NCDOT, FTA and/or the FHWA who will investigate the claim.
- h. **Title VI Reviews:** Participate in Title VI reviews during the WSUAMPO FHWA recertification and the FTA Triennial reviews.
- i. **Public Dissemination:** The Compliance Officer will make available literature, publications and brochures to the City of Winston-Salem, the WSUAMPO and the WSTA employees, contractors, and the public (and in languages other than English based on community demographics) explaining the Title VI program. Public dissemination will include the posting of public statements, inclusion of non-discrimination language in contracts, annually publishing the Title VI Policy Statement in newspapers; and announcements of hearings and meetings in minority newspapers when determined necessary and funding is available. The Title VI Plan will be made available to NCDOT, FTA, FHWA, community groups and associations, contractors, consultants, and the public, through the City of Winston-Salem's website and in hardcopy at the Department of Transportation office.
- j. **Prevention of Discrimination:** Identify, investigate and eliminate discrimination when found to exist.

VIII. ANNUAL WORK PLAN

- 1. Review prior fiscal year accomplishment report to determine upcoming fiscal year's objectives;
- 2. Conduct training for employees and contractors as necessary;
- 3. Record and appropriately respond to and forward complaints as they arise;
- 4. Collect Title VI information for dissemination, in other languages, where appropriate;

5. Provide information and updates to the Director;
6. Attend Title VI training and provide updates;
7. Prepare annual fiscal year-based report.

IX. COMPLAINT PROCEDURES

This complaint procedure covers the following non-discrimination laws and related directives, and statutes: Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, The Civil Rights Restoration Act of 1987, and the ADA of 1990. Complaints of discrimination may be filed by any person who believes that he or she has been excluded from participation in, been denied the benefits of, or has otherwise been subjected to discrimination under any program or activity receiving federal financial assistance from the USDOT; and s/he believes the discrimination is based on race, color, national origin, sex, age or disability, socio-economic status or geographical location. Complaints of alleged discrimination will be investigated by the appropriate authority. Complaints of discrimination filed directly against the City of Winston-Salem, WSUAMPO and/or WSTA may be investigated by the North Carolina Department of Transportation's (NCDOT) Office of Civil Rights (OCR), or other appropriate authority. The Compliance Officer will investigate complaints against its sub-recipients, consultants, and contractors. The option of informal mediation meeting(s) between the affected parties and the department staff may be utilized for resolution. Upon completion of each investigation, The Title VI/DBE Coordinator/EEO will inform every complainant of all avenues of appeal.

Complaint Reporting

Complaints are very important to the City of Winston-Salem, the WSUAMPO and the Winston-Salem Transit Authority. It is important to us that every complaint is recorded and each complainant will be treated with the greatest possible respect.

Any person who believes that he or she, individually, or as a coordinator of any specific group or class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, as amended, may file a complaint. Title VI complaints may be submitted to the following entities:

Winston-Salem Department of Transportation

Compliance Officer

100 E. First Street, Winston-Salem, NC 27101

(336) 747-6868 or in person at In Person at Suite 307, Bryce A. Stuart Municipal Building

Winston-Salem Transit Authority

1060 N. Trade Street

Winston-Salem, NC 27101

(336) 727-2648

North Carolina Department of Transportation

Office of Civil Rights, Title VI/EO Contract Compliance 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 Highway Administration

Office of Civil Rights, 1200 New Jersey Avenue, SE
8th Floor, E81-314, Washington, DC 20590
202-366-0693 / 366-0752

Federal Highway Administration

North Carolina Division Office
310 New Bern Avenue, Suite 410
Raleigh, NC 27601, 919-747-7010

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

Federal Aviation Administration

Office of Civil Rights, 800 Independence Avenue, SW
Washington, DC 20591, 202-267-3258

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

- a. Complaints should be filed within 180 days of the alleged discrimination. If the complainant could not reasonably be expected to know the act was discriminatory within the 180 day period, he/she will have 60 additional days after becoming aware of the illegal discrimination to file the complaint.
- b. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative.
- c. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event a person makes a verbal complaint of discrimination to an officer or employee of the Recipient, the person shall be interviewed by the Compliance Officer. If necessary, the Compliance Officer will assist the complainant in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled in the usual manner.
- d. If you need an interpreter, we provide free interpreter services to help you conduct your transit business. These interpreter services are available whether you talk to us by phone or in the person.

- e. Upon receipt of a Title VI complaint filed against the City of Winston-Salem, the WSUAMPO or WSTA, the complaint and any pertinent information should immediately be forwarded to the NCDOT, Civil Rights Program Unit. The Compliance Officer will record and keep record of the complaint and also forward the complaint to the NCDOT for review, and inform the City of Winston-Salem City Council, the WSUAMPO TAC and/or the WSTA Board as appropriate. Once the complaint is received by the Compliance Officer, an acknowledge receipt of the allegation, will be sent within 10 days.
- f. The NCDOT EEO Officer will gather the following information for complaint processing and Investigation:
 - i. Names, addresses, and phone numbers of the complainants
 - ii. Names and addresses of alleged discriminating officials
 - iii. Basis of complaint (e.g., race, color, national origin, sex, age, disability.)
 - iv. Date of alleged discriminatory act(s)
 - v. Date of complaint received by the recipient
 - vi. A statement of the complaint
 - vii. Other agencies (state, local or federal) where the complaint has been filed.
- g. An explanation of the actions the recipient has taken or proposed to resolve the issue raised in the complaint
- h. Within 60 days if possible, the NCDOT EEO Officer will conduct and complete an investigation and based on the information obtained, will render a recommendation for action in a report of findings to the head of the State Transportation Agency (STA). The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report findings
- i. Within 90 days of receipt of the complaint, the NCDOT EEO Officer will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights if they are dissatisfied with the final decision rendered by the State.

X. APPENDICES

APPENDIX A

[TO BE INSERTED IN ALL FEDERAL-AID CONTRACTS]

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 shall comply with Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), 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, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials in the discrimination prohibited by Section 21.5 of the Regulation, including employment practices when the contractor covers a program set for in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issues pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State Highway Department or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event the contractor's noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration 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. Cancellation, termination or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include provisions of paragraphs (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: provided, however, that, in the event a

contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State Highway Department to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B - TRANSFER OF PROPERTY

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW THEREFORE, the "Recipient", as authorized by law, and upon the condition that the State of North Carolina, will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4) does hereby remise, release, quitclaim and convey unto the State of North Carolina all the right, title and interest of the Department of Transportation in and to said lands described Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)*

TO HAVE AND TO HOLD said lands and interests therein unto the State of North Carolina, and its successors forever, subject, however, the covenant, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the State of North Carolina, its successors and assigns. The State of North Carolina, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part, on, over, or under such lands hereby conveyed (,) (and)*(2) that the State of North Carolina shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation

– Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this deed.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

APPENDIX C - PERMITS, LEASES AND LICENSES

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the City of Winston-Salem, the WSUAMPO and the WSTA, pursuant to the provisions of Assurance 7(a).

The grantee, licensee, lessee, permittee, etc., (as appropriate) for himself, his heirs, personal representative, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases, add, “as a covenant running with the land”) that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall remain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended. (Include in licenses, leases, permits, etc.)*

That in the event of breach of any of the above nondiscrimination covenants, the City of Winston-Salem, the WSUAMPO and the WSTA shall have the right to terminate the license, lease, permit, etc., and to re-enter and repossess said land and the facilities thereon, and hold the same as if said license, lease, permit, etc., had never been made or issued.

(Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants, the City of Winston-Salem, the WSUAMPO and the WSTA shall have the right to re-enter lands and facilities hereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of North Carolina Department of Transportation and its assigns.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of the Title VI of the Civil Rights Act of 1964 and the Civil Rights Act of 1987.

**APPENDIX D
TITLE VI COMPLAINT FORM**

This form may be used to file a complaint with the City of Winston-Salem, the WSUAMPO or the WSTA for alleged violations of Title VI of the Civil Rights Act of 1964, and related statutes. You are not required to use this form. A letter, email or other form of communication that provides the same information may be submitted to file your complaint.

If you need assistance completing this form, please contact the Title VI, DBE, EEO Coordinator.

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ (home) _____ (work)

Individual(s) discriminated against, if different than above (use additional pages, if needed).

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ (home) _____ (work)

Please explain your relationship with the individual(s) indicated above: _____

Name of agency and department or program that discriminated:

Agency or department name: _____

Name of individual (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Date(s) of alleged discrimination:

Date discrimination began _____ Last or most recent date _____

ALLEGED DISCRIMINATION:

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you by others by the agency or department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken.

- | | |
|-----------------|----------------------|
| ____ Race | ____ Religion |
| ____ Color | ____ National Origin |
| ____ Age | ____ Sex |
| ____ Disability | ____ Income |

Explain: Please explain as clearly as possible what happened. Provide the name(s) of witness(es) and others involved in the alleged discrimination. (Attach additional sheets, if necessary, and provide a copy of written material pertaining to your claim)

Signature: _____ Date: _____

Please return completed form to: Compliance Officer; add contact information

Note: The City of Winston-Salem, the WSUAMPO and the WSTA *prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these policies. Please inform the Compliance Officer if you feel you were intimidated or experience perceived retaliation in relation to filing this complaint.*

APPENDIX E
PROGRAM COMPLIANCE/PROGRAM REVIEW GOALS FOR CURRENT PLAN YEAR

The Title VI Plan will be communicated to each Department's Director who will review the plan with departmental employees. All employees will be trained or made aware of the Title VI and LEP policies and complaint procedures.

1. The Title VI Plan will be published on the main pages of the City of Winston-Salem, the WSUAMPO and the WSTA website.
2. Appendix A will be included in all City of Winston-Salem, the WSUAMPO and the WSTA contracts as outlined in the Title VI Plan.
3. The language in Number 2 of the Title VI Assurance will be included in all solicitations for bids for work or material subject to the Regulations and in all proposals for negotiated agreements.
4. The procedure(s) for responding to individuals with Limited English Proficiency will be implemented.
5. A review of GCMPC facilities will be conducted in reference to compliance with the American Disabilities Act.

The following data will be collected and reviewed by the Title VI, DBE, EEO Coordinator and included, where appropriate, in the annual report submitted to NCDOT.

- a. **Boards and Commissions:** The number of vacancies; how vacancies are advertised and filled; the number of applicants; the representation of minorities will be evaluated.
- b. **Public Meetings:** The number of open meetings; how meeting dates and times are communicated to the general public and to individuals directly affected by the meeting.
- c. **Construction Projects:** The number of construction projects and minority contractors bidding and the number selected; verification that Title VI language was included in bids and contracts for each project.
- d. **LEP Needs:** The number of requests for language assistance that were requested or required and the outcome of these requests.
- e. **Complaints:** The number of Title VI complaints received; nature of the complaints; resolution of the complaints.
- f. **Timeliness of Services:** The number of requests for services; amount of time from request to when service was delivered; number of requests denied.
- g. **Right of Way/Eminent Domain:** The number of such actions and diversity of individual(s) affected.
- h. **Program Participants:** Racial data of program participants where possible.

Appendix F

Winston-Salem Transit Authority (WSTA)

Below are the items specific to the Winston-Salem Transit Authority

WSTA PUBLIC INVOLVEMENT PROCESS

The main objectives are to:

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

OUTREACH TOOLS

1. Public Relations

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

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

2. PUBLIC INVOLVEMENT TOOLS

There is a broad variety of ways to educate and engage the public. In general, the earlier public involvement is sought, the better. It is also a better use of citizens' free time to participate in a process that will determine the direction of a project that may take years to complete. Citizens may get frustrated when they are invited to join late in the process - when the values and goals have already been decided and the details have been finalized. The following tools are examples that will be used. The tool will be selected based upon the complexity and number of person impacted by the issue.

- a. Special Events are held to bring attention to a form of a specific activity or issue. Special events may take the form of fair or special educational lecture with civic groups or other public entities. These events are ways to expose a large number of people to a project or program. The Marketing and Community Relations Coordinator generally host such events for Winston-Salem Transit Authority.
- b. Surveys are an efficient method of gathering input from a large number of people at an early stage of the planning process. This is particularly useful when trying to

understand the goals of a community before attempting to address any specific problems. As an outreach tool, surveys are an effective way to identify citizens who may want to become further involved. Surveys may be administered in person, by phone or distributed via mail, internet, or conducted at public facilities.

- c. Community Forums and Agency Meetings are held to discuss programs and activities within communities, where the public is engaged to discuss their needs in general.
- d. Public Hearings are held when a plan has been completed and public review is required before moving forward. As with all referenced tools, care must be taken to ensure that the public is made fully aware of the hearing well in advance, and that the goals and values of the plan are clearly stated. In the event of a public hearing or informational meeting, WSTA will make every effort to insure that the public especially those directly affected by any modifications and additions are notified through various medias which includes: public news and radio as well as the official Winston-Salem Transit Authority website www.wstransit.com

3. DIRECT MARKETING AND EDUCATION

Direct marketing and education is meant to reach out and provide specific information to specific parties. Marketing and education can take place through direct mass mailings, radio, press advertising, or through meetings with specific groups of people such as local clubs, homeless individuals property owners, or housing authorities. It can also be through making direct phone calls or meeting with key people who desire to participate in a given process. This is the most labor intensive and potentially most fruitful way to create a diverse and active public participation process.

PLAN MONITORING AND EVALUATION

The Winston-Salem Transit Authority hereby gives public notice of its policy to uphold and assure full compliance with Title VI of the Civil Rights Act of 1964 and all related acts and statutes. Title VI and related statutes prohibiting discrimination in federally assisted programs require that no person in the United States of America shall, on the grounds of race, color, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal assistance.

TRACKING EFFORTS AND SUCCESS

In order to measure the success of public participation efforts, it is necessary to record the efforts through the following methods:

- a. Keeping a log of all outreach activities and events. Keeping copies of any print ads, and transcripts of any public service announcements.
- b. Preparing notes after meetings regarding the overall tone of the meeting and an ideas or observations made regarding the process
- c. Posted informational notices positioned at the Clark Campbell Transportation Center, and on social media sites, which include Facebook and Twitter outlining the changes/revisions made as a result of public meeting, or hearings.

WSTA Limited English Proficiency (LEP)

A. Legal Basis and Purpose

This document serves as the plan for the Winston-Salem Transit Authority to provide services to LEP individuals in compliance with Title VI of the Civil Rights Act of 1964; 28 C.F.R. § 42 et seq. The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP persons who utilize Winston-Salem Transit Authority services.

The WSTA has developed this Limited English Proficiency Plan (LEP) to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to WSTA services as required by Executive Order 13166. A Limited English Proficiency person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English.

This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, training staff, how to notify LEP persons that assistance is available, and information for future plan updates.

In developing the plan while determining the WSTA's extent of obligation to provide LEP services, the WSTA undertook a U.S. Department of Transportation four factor LEP analysis which considers the following: 1) The number or proportion of LEP persons eligible in the WSTA service area who may be served or likely to encounter an WSTA program, activity, or service; 2) the frequency with which LEP individuals come in contact with an WSTA services; 3) the nature and importance of the program, activity or service provided by the WSTA to the LEP population; and 4) the resources available to the WSTA and overall costs to provide LEP assistance.

This LEP Plan was developed to ensure equal access to transit related services for persons with limited English proficiency. Winston-Salem Transit Authority is an Equal Opportunity Employer that encourages the employment, participation and input of all races, color, and national origin. WSTA examined the following areas as an effective means of implementing its Language Assistance Plan:

- Needs Assessment
- Language Assistance Measures
- Staff training
- Notification to LEP person
- Monitoring/Updating of Plan

B. Definitions

- a. Limited English Proficient (LEP) individuals — Any prospective or current recipient of services from WSTA Transit system, who cannot speak, read writes or understand the English language at a level that permits them to interact effectively with transit system staff.
- b. Vital Documents — These forms include, but are not limited to, applications, consent forms, letters containing important information regarding participation in a program; notices

pertaining to the reduction, denial, or termination of services, the right to appeal such actions, or that require a response from notices advising LEP persons of the availability of free language assistance, and other outreach materials.

- c. Compliance Officer — The person responsible for compliance with Title VI, DBE and EEO policies.
- d. Substantial number of LEP — 3% or 3,500 people, whichever is smaller, are potential applicants or recipients of service and speak a primary language other than English and have limited English proficiency.
- e. The transit system will include statements of the right of free language assistance in Spanish and other regularly encountered languages in all outreach material that is routinely disseminated to the public.

The transit system will also disseminate information in the following manner:

- A brochure is available that explains the right to free language assistance.
- Displays and booths will include information on free language assistance at various transit related events
- Information will be posted on the transit system website at www.wstransit.com

C. Needs Assessment

WSTA utilized U.S. Census Bureau American Community Survey (ACS) data to identify the Limited English Proficiency (LEP) population in Winston-Salem. According 2012-2016 5 year data, the total Hispanic population in Winston-Salem is 35,521 which are 14.9% of the total LEP population.

D. Language Assistance Measures

Oral Language Interpretation

Winston-Salem Transit Authority's language assistance program WSTA makes every effort to adhere to the following steps:

- Hiring Bilingual staff for administration and or other areas
- Provides interpretation and interactive services for transit related information/updates with regards to route and schedule information such as the Interactive Voice Response System (IVR) and Voice Box Enunciator System (talking bus).
- Provides translators for all public hearings & meetings held at the Hampton D. Haith Transportation Center and public libraries.
- Fixed-Route "try transit" trainings designed for new and potential fixed-route passengers (upon request).
- Dial-out system for Para-Transit services that works in conjunction with the scheduling and dispatching software to call clients prior to their pickups. This dial-out system provides options for messages in English and Spanish.
- Written Language Interpretation
- Provides brochures and schedules in non-English and large print (upon request)

WSTA provides printed materials in Spanish (upon request) for the following WSTA documents: fare structure, public notices and passenger rule information. If the primary language of an LEP individual is a language that does not meet the threshold for translation as defined in the plan, the WSTA will make every effort to communicate with the LEP individual and will contact an interpreter services for assistance. "I SPEAK CARDS" used for language identification are positioned at the Clark Campbell Transportation Center.

WSTA frequently distributes "Understanding LEP" pamphlets during driver orientations and WSTA mandatory staff meeting as an informative effort to bring awareness to LEP issues.

- When available, pocket translators are provided to the call center representative, administrative and transit operators.
- If needed, and for non-personal information only, WSTA will allow family members of the individual including minors to assist in interpreting for LEP individuals.
- Staff Training
WSTA has implemented an Employee Incentive Program provided to encourage interested WSTA employees to enroll in Spanish courses free of charge at Forsyth Technical Community College, located in Winston-Salem North Carolina. Enrollment in courses are encouraged however is voluntary. WSTA hopes that the participants in the free foreign language courses will serve as future resources in areas of documentation translation, sensitivity training, and various other transit programs and events.

WSTA provides "pocket translators" are provided to the call center/customer service employees, administrative staff and transit operators. These translators will provide elementary translations for commonly used words/phrases from English to Spanish.

The primary goal with Winston-Salem Transit Authority written and oral interpretation efforts are to ensure that the WSTA staff can or do:

- Accurately and effectively communicate in both English and the primary language of the LEP individual(s)
- Comprehend a basic working knowledge of specialized terms and concepts used frequently in the provision of the system's services.
- Demonstrates cultural competency
- Understands the obligation to maintain confidentiality when appropriate
- Understands the roles of interpreters and the ethics associated with being an interpreter.

When possible, Title VI and LEP information is disseminated to inform employees that include: new employees and bilingual employees employed or utilized by the transit system of the policy and their responsibilities and role as WSTA employees. WSTA provides as needed refresher training or when updates occur in the plan. The training will include, but not be limited to:

- a. Language assistance policies and procedures, resources available to support such procedures, methods of effective use of interpreters, and familiarization with the discrimination complaint process and ethics of interpreting.

b. Cultural awareness information of the groups served by the agency is provided to assist the employees in gaining a clearer understanding of and sensitivity to such groups to ensure equal delivery of services.

WSTA will collect and maintain the following information about the training provided to staff and volunteers: the date(s) of such training, the content of such training, and the names of each attendee that participated in training.

WSTA will ensure that relevant sub-recipients and contractors are trained in Title VI and Limited English Proficiency requirements by including language in grant agreements, contracts, or other documentation.

Notification to LEP Persons

WSTA will take the appropriate steps to inform all applicants, recipients, community organizations, and other interested persons, including those whose primary language is other than English, of the provisions of this policy. Such notification will also identify the name, office telephone number, and office address of the Compliance Officer:

The Winston-Salem Transit Authority posts and maintains signs in regularly encountered languages other than English in reception/waiting areas and other initial points of contact. These signs inform applicants and recipients of service of their rights to free language assistance services and invite them to identify themselves as persons needing such services. The following documents and required notices are displayed or disseminated by WSTA in the following manner:

"I Speak" cards, "Know Your Rights pamphlets, printed in English, Spanish and Vietnamese and "Your

Rights Under Title VI of the Civil Rights Act of 1964" pamphlets are positioned at all WSTA facilities to identify the language needs of incoming clients. "Interpreters Available Upon Request." Please see Information Specialist" signs are also stationed at both facilities. The "Notice to the Public" is available in English and Spanish.

Notices will be posted:

1. in every WSTA facilities
2. In general transit information brochures
3. On the Winston- Salem Transit Authority website at www.wstransit.com
4. Inside all fixed-route revenue service vehicles

Monitoring and Updating of LEP Plan

For monitoring and update purposes WSTA has chosen August of each year to review the effectiveness of the LEP Plan. The evaluation will include identification of problem areas and development of required corrective action and strategies. Elements of the evaluation will include:

1. Assessment of current language needs to determine if additional services or translated material should be provided

2. Assessing whether staff members adequately understand LEP policies and procedures and how to execute them.
3. Analyzing feedback from surveys conducted annually to measure the quality and effectiveness of WSTA

Limited English Proficiency (LEP) policies and procedures.

The transit system will consider at a minimum the following:

- Current LEP populations in the service area
- Frequency of encounters with LEP language groups
- Nature and importance of activities to LEP persons
- Availability of resources, including technology and additional resources, and the costs imposed.
- Whether existing assistance is meeting the needs of LEP persons
- Whether staff knows and understands the LEP plan and how to implement it.
- Whether identified sources for assistance are still available and viable.

In 2013, WSTA incorporated a google translation toolbar to the website that will allow clients to convert and print WSTA schedules in a variety of languages. In addition, the real-time arrival application powered by NextBus has the ability to convert information to Spanish and French.

LEP FOUR FACTOR ANALYSIS

A. Purpose

The purpose of this assessment is to ensure compliance with Title VI of the Civil Rights Act of 1964 and Section 2 of Executive Order 13166 with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the grounds of race, color or national origin by any entity receiving federal financial assistance. Administrative methods or procedures, which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations, are prohibited.

This assessment details the Winston-Salem Transit Authority self-assessment and community research and outreach to improve access to its federally conducted programs and activities by eligible individuals who are Limited English Proficient (LEP).

B. Demography

The Winston-Salem Transit Authority has developed a demographic profile of the population served or likely to be served. The following information is based on 2012-2016 year U.S. Census Bureau American Community Survey (ACS) Data. As of July 1, 2016 Winston-Salem Transit Authority has an estimated population of 238,474 individuals. The race and ethnic breakout is as follows

White	135,142	56.7. %
African American	83,275	34.9 %
America Indian/Alaskan Native	355	0.1 %
Asian	4,802	2.0 %
Native Hawaiian /Other Pacific Islander	189	0.1%
Two or more races	5,747	2.4 %
Hispanic/Latino	35,521	14.9 %

Approximately 10% of the population of Winston-Salem is foreign born and 6.7% of the population is not U.S. Citizens Using the 2012-2016 American Community Census Data we see the Region of Birth of Foreign Born Population is as follows:

Europe	10.7%
Asia	9.1 %
Africa	9.1%
Oceania	0.1 %
Latin America	70.1 %
North America	0.9 %

83.4% of the population speak English only and, of that 16.6% of the population 5 years of age or older in Winston-Salem speaks a language other than English at home. The data also shows that 7.5 % speaks English less than "very well"

Spanish	13.4	%
Speak English less than "very well"	49.1	%
Indo-European languages	1.6	%
Speak English less than "very well"	21.2	%
Asian & Pacific Island languages	1.3	%
Speak English less than "very well"	36.5	%

Other Languages	0.3	%
Speak English less than "very well"	29.2.	%

2. Frequency of Contact

Historically, the Winston-Salem Transit Authority staff has had intermittent contact with LEP persons who speak either Spanish or other Non-English languages. WSTA consistently considers the needs of the aforementioned individuals through marketing and outreach opportunities. Identifying Hispanic or Latino individuals/groups living within the identified block groups, and are served by fixed route transit service is paramount. Doing so could increase the frequency of contact, thus increasing the transit system's need to ensure appropriate measures are taken to communicate with these individuals

WSTA evaluates the frequency at which staff and drivers have or could possibly have contact with LEP persons. This is achieved by several methods which include: accessing phone inquiries for Spanish assistance using the VOIP's reporting module, and by verbally surveying drivers, Administrative and Customer Service/Mobility staff and passengers. It was found that staff members located at the Clark Campbell Transportation Center came in contact more frequently (on a daily basis) with LEP persons than in other departments. Customer Service Representatives that speaks Spanish are requested several times per week on average to provide route and schedule information and, daily for route information via the telephone. Despite very few requests for translated documents in other languages, WSTA does provide route and schedules information upon requests and public notifications pertaining to route modifications and meetings in Spanish. Administrative employees at locations other than the Clark Campbell Transportation Center rarely encounter LEP persons; however, drivers do occasionally interact with LEP individuals.

WSTA views the Voice-Over Internet Protocol telephone system (VOIP) as an important tool towards LEP efforts. WSTA is able to determine, via the telephone systems reporting module, the call volume and length of calls associated with customer service representatives primarily responsible for Spanish related questions and or concerns. Using this data, WSTA was able to determine that the customer service call center would benefit from a "queue group" specifically designed to address the needs of the Hispanic/Latino client base, which is our highest LEP group.

3. Importance

Although the percentage is still considered relatively small in regards to the total population of Winston-Salem, Winston-Salem Transit Authority feels that it is vital that steps are taken to encourage equal opportunity and access to WSTA programs for this growing population. It is our goal through each stage of development and implementation to adopt an ideology that ultimately encourages and fosters an environment that all persons, current or potential, feel comfortable in, has access to, and fundamentally benefit from.

Without access to public transportation, many of these individuals would not be able to take advantage of other services that could potentially be life changing or life sustaining.

A number of vital Winston-Salem Transit Authority documents for several of its programs are translated in Spanish such as WSTA Reduced Fare document, which allows recipients to apply for reduced fares for elderly, disabled, and Medicare cards.

Basic transit information such as rules, schedules, and "how to" information would greatly impact access to individuals who do not qualify for the special programs, but depend on public transportation as their primary means to access education, employment, healthcare, social services, and shopping.

It has become increasingly important for nearly all transit information to be available in a format that is accessible for LEP persons to prevent delays or denial of access to services.

4. Resources

The Title VI Compliance Officer is the person assigned to coordinate and ensure meaningful access to services for LEP individuals. The WSTA assessed its available resources that could be used for providing LEP assistance. WSTA employs the following in its' LEP efforts:

WSTA currently utilizes full-time employees capable of interpreting several languages and has made outreach initiations to various organizations with the goal of gaining useful insight, suggestions and volunteers regarding document translation and sensitivity training.

WSTA utilizes an (IVR) Interactive Voice Response automated phone system that offers vital Route and Schedule, and Para-Transit related information in English and Spanish.

WSTA also utilizes an IVR call -ahead service for Para-Transit passengers that automatically generates call reminders to clients 24 hours prior to their scheduled pick-ups and same days calls reminders 30 minutes prior to scheduled pick-ups. All reminders are in delivered in English and in Spanish.

Talking Bus

The "talking bus" annunciator system provides major time point/stops information in English and Spanish. This feature is standard on every WSTA fixed-route bus.

The use of community and volunteers for basis our LEP efforts are necessary. WSTA continues to update and solicit potential organizations to collaborate with regarding LEP outreach, sensitivity training and assessment.

PUBLIC PARTICIPATION PROCESS

GENERAL PURPOSE

Public participation is a necessary and integral part of transit's planning process. The public participation process will provide early and continuing involvement; clear, accurate, and timely information; full public access to citizens, public agencies, and segments of the community affected by transportation plans.

The public participation process will actively seek public input through a variety of techniques, which include media relations (newspapers, television, radio, etc.), public notices, public informational

meetings, appropriate comment periods, surveys, workshops, public hearings, and input from local member governments and their appointed committees.

This document contains the Winston-Salem Transit Authority's public participation process that will be followed.

DEFINITIONS:

1. A Fare Increase is defined as an increase in the basic fare structure. Fare decreases are specifically excluded.
2. Major Service Reductions are defined as decreases in service that represent a net loss of (15%) of total service miles or hours.
3. Route Modifications are defined as a change in any fixed-route transit service that exceeds (15%) of the total inbound and outbound trip mileage of a route

IMPLEMENTING PROCEDURES:

Calculation of Service Miles/Hours Reductions

In determining whether this procedure applies to a specific service reduction, the Winston-Salem Transit Authority shall calculate and compare the total current service miles or hours to the proposed estimated total service miles or hours to be provided after reduced service would be implemented.

FARE INCREASE

The Winston-Salem Transit Authority shall receive public comment on any proposed fare increase prior to implementation. Any increase in fares shall be approved by the Board of Directors and then presented to the Winston-Salem City Council for final approval. If the fare increase is approved, WSTA will then begin the process of conducting public meetings and soliciting public comments regarding the proposed fare increase.

SERVICE REDUCTIONS

A major service reduction shall be any reduction in service miles or hours exceeding (15%) of the total service miles or hours provided. Any major service reduction shall be approved by the Board of Directors, and then presented to the Winston-Salem City Council for final approval. If the service reductions are approved, WSTA will began the process of conducting public meetings and soliciting public comments regarding the proposed service reductions.

ROUTE MODIFICATIONS

A route modification shall be a change in any fixed-route transit service that exceeds fifteen (15%) of the total inbound and outbound trip mileage of a route.

Route and/or schedule modifications occur primarily for several reasons:

4- Public Complaints

Employee/operator complaints

On-time performance

Overcrowding on the bus

Route modifications are reviewed by 's Route and Schedule Committee which is comprised of the Fixed-Route Manager, Operations Director, Maintenance Manager, Safety Director, Mobility Management Director, Bus Operator, Marketing Director, and General Manager, Operations Manager, ADA Coordinator, Compliance Officer and Transportation Transit Planner. If the Route and Schedule Committee decides to move forward with the route modifications, the recommendations are presented to the Board of Directors for approval.

After approval from the Board of Directors, will then began the process of conducting public meetings and soliciting public comments regarding the proposed route modifications.

NOTICE

A public hearing for fare increases, and major service reductions shall be advertised in a daily publication of general circulation at least (30) days prior to conducting such hearing and shall be held at a location that is accessible to all interested persons including those with disabilities and easily accessed by public transportation. In addition, the use of "riders' alerts" and notices will be posted on board fixed-route and para-transit buses when and where, as appropriate, at least (30) days in advance of the scheduled public meeting date.

An explanation of the content, along with date, time, and the location of the meetings will be published along with instructions for submitting comments; contact information for questions or additional information; the due date for comments; and a note regarding where to find additional information on the website (www.wstransit.com).

The public hearing notice will be published in the legal section of at least one major newspaper, with one display ad per major newspaper, to include publications serving minority communities. Notices will also be provided to neighborhood associations, and announcements will be made on local radio stations. Such notices will also be included on the WSTA website (www.wstransit.com). When proposed changes related to routes and scheduling on the fixed-route system, comment cards will also be available at the Clark Campbell Transportation Center.

PLANS, MAPS, OR PROGRAMS

The WSTA staff will make efforts to include maps, photos, or renderings or other visualization tools to aid in understanding the proposed changes. When transit plans, maps, or programs are proposed, copies of the existing document and proposed changes will be made available at least (30) days in advance of the scheduled public hearing date at the administrative office, Clark Campbell Transportation Center, as well as on the WSTA website (www.wstransit.com).

OUTREACH EFFORTS

In addition to receiving public comments from and educating, those already interested and involved, WSTA will provide outreach to the community. Innovative and creative strategies will be implemented by the Marketing Director to reasonably assess the general public sentiment, as well as to solicit helpful public input and educate those individuals unaware of the services provided by the Winston-Salem Transit Authority. Examples of outreach efforts would be interaction with

neighborhood associations, schools, social service agencies, and presentations to community civic groups.

PUBLIC MEETINGS

-4- The Winston-Salem Transit Authority will make efforts to ensure that scheduling and location are accessible to the public (this includes a location near public transit, a time when transit is operating, as well as an accessible buildings and rooms for individuals with disabilities).

-4. Public information meetings will be held at various areas locations to inform the public of the planning process and to solicit ideas, input and feedback. At least one should be in the evening or on a weekend to allow those with traditional work schedules to attend, and at least one should be during the traditional work day to allow those who work in the evenings or on weekends to attend. The intent of holding public informational meetings at diverse locations is to solicit a broad range of public comments.

-4- Special services should be available when practical, and subject to availability of services and resources. These special services include translation for non-English speakers, materials for the visually impaired, and services for the deaf and hard of hearing. The availability of these services should be mentioned in public notices.

SURVEYS

WSTA views surveys as an effective form of measuring its' programs and services. WSTA conducts periodic route surveys on the fixed-route system. Passengers are encouraged to provide comments about the system.

OPPORTUNITIES FOR PARTICIPATION

The Winston-Salem Transit Authority will take a proactive approach to provide the opportunity for the public to be involved early with a continuing involvement in all phases of the planning process. Prior to the beginning of the public participation process, a list of names and addresses of citizens and organizations will be developed that will be contacted on a continued basis to serve as a base of interested citizens for input and comment.

DOCUMENTATION OF PUBLIC COMMENT AND RESPONSE

The Winston-Salem Transit Authority shall document comments received during the course of the public input process. WSTA will also document how it responded to public comments.

Comments Received: Documentation of comments may be accomplished in a manner appropriate to the project and the nature of the comments. Documentation may consist of meeting minutes, a file of letters, transcripts, power point presentations, or a special memo that summarizes the comments. A written summary of comments and responses shall be prepared to provide the feedback to the public. A recording and prepared transcript of the major points of public hearings be presented to the Board of Directors and/or City Council.