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**Title VI Plan and Procedures**

**Title VI of the Civil Rights Act of 1964**

**New River Valley Senior Services, Inc.**

**Pulaski Area Transit**

**Adopted date**

**December 13, 2018**

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## I. INTRODUCTION

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI 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." (42 U.S.C. Section 2000d).

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

Recently, the Federal Transit Administration (FTA) has placed renewed emphasis on Title VI issues, including providing meaningful access to persons with Limited English Proficiency.

Recipients of public transportation funding from FTA and the Virginia Department of Rail and Public Transportation (DRPT) are required to develop policies, programs, and practices that ensure that federal and state transit dollars are used in a manner that is nondiscriminatory as required under Title VI.

This document details how **New River Valley Senior Services/Pulaski Area Transit** incorporates nondiscrimination policies and practices in providing services to the public. **New River Valley Senior Services/Pulaski Area Transit** Title VI policies and procedures are documented in this plan and its appendices and attachments. This plan will be updated periodically (at least every three years) to incorporate changes and additional responsibilities that arise.

## **II. OVERVIEW OF SERVICES**


New River Valley Senior Services/Pulaski Area Transit provides safe and reliable transportation to the elderly and those with sensory or physical disabilities and others that have no means of transportation for such basic human needs as: medical, social, nutrition, shopping, personal or business. New River Valley Senior Services also coordinates and/or collaborates with other agencies throughout the New River Valley for efficient and cost effective use of taxpayers' dollars improving public and human service transportation including nutrition services. New River Valley Senior Services also operates a public transit system in the town and county of Pulaski in order to provide services for the entire community.

### III. POLICY STATEMENT AND AUTHORITIES

#### Title VI Policy Statement

**New River Valley Senior Services/Pulaski Area Transit** is committed to ensuring that no person shall, on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, whether those programs and activities are federally funded or not.

The **New River Valley Senior Services/Pulaski Area Transit** Title VI Manager is responsible for initiating and monitoring Title VI activities, preparing required reports, and other responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.

  
John Peek, Board of Directors Chair

12-13-16  
Date

#### Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (refer to 49 CFR Part 21). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub recipients, and contractors, whether such programs and activities are federally assisted or not.

Additional authorities and citations include: Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d); Federal Transit Laws, as amended (49 U.S.C. Chapter 53 et seq.); Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, et seq.); Department of Justice regulation, 28 CFR part 42, Subpart F, "Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs" (December 1, 1976, unless otherwise noted); 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 of 1964" (June 18, 1970, unless otherwise noted); Joint FTA/Federal Highway Administration (FHWA) regulation, 23 CFR part 771, "Environmental Impact and Related Procedures" (August 28, 1987); Joint FTA/FHWA regulation, 23 CFR part 450 and 49 CFR part 613, "Planning Assistance and Standards," (October 28, 1993, unless otherwise noted); U.S. DOT Order 5610.2, "U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations," (April 15, 1997); U.S. DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons, (December 14, 2005), and Section 12 of FTA's Master Agreement, FTA MA 13 (October 1, 2006).

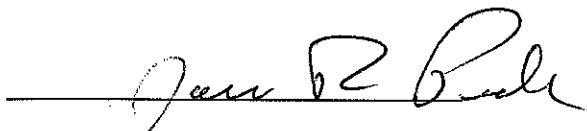
#### **IV. NONDISCRIMINATION ASSURANCE TO DRPT**

As part of the Certifications and Assurances submitted to DRPT with the Annual Grant Application and all Federal Transit Administration grants submitted to the DRPT, **New River Valley Senior Services/Pulaski Area Transit** submits a Nondiscrimination Assurance which addresses compliance with Title VI as well as nondiscrimination in hiring (EEO) and contracting (DBE), and nondiscrimination on the basis of disability (ADA).

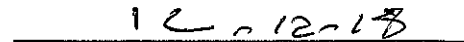
In signing and submitting this assurance, **New River Valley Senior Services/Pulaski Area Transit** confirms to DRPT the agency's commitment to nondiscrimination and compliance with federal and state requirements.

## V. PLAN APPROVAL DOCUMENT

I hereby acknowledge the receipt of the New River Valley Senior Services/Pulaski Area Transit Title VI Implementation Plan 2018-2021. I have reviewed and approve the Plan. I am committed to ensuring that no person is excluded from participation in, or denied the benefits of transit services on the basis of race, color, or national origin, as protected by Title VI according to Federal Transit Administration (FTA) Circular 4702.1B Title VI requirements and guidelines for FTA sub-recipients.



John Peek, Board of Directors, Chair



DATE

## **VI. ORGANIZATION AND TITLE VI PROGRAM RESPONSIBILITIES**

The **New River Valley Senior Services/Pulaski Area Transit Director of Programs/Transit Manager** is responsible for ensuring implementation of the agency's Title VI program. Title VI program elements are interrelated and responsibilities may overlap. The specific areas of responsibility have been delineated below for purposes of clarity.

### **Overall Organization for Title VI**

The Title VI Manager and staff are responsible for coordinating the overall administration of the Title VI program, plan, and assurances, including complaint handling, data collection and reporting, annual review and updates, and internal education.

### **Detailed Responsibilities of the Title VI Manager**

The Title VI Manager is charged with the responsibility for implementing, monitoring, and ensuring compliance with Title VI regulations. Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints received.
2. Collect statistical data (race, color or national origin) of participants in and beneficiaries of agency programs, (e.g., affected citizens, and impacted communities).
3. Conduct annual Title VI reviews of agency to determine the effectiveness of program activities at all levels.
4. Conduct Title VI reviews of construction contractors, consultant contractors, suppliers, and other recipients of federal-aid fund contracts administered through the agency.
5. Conduct training programs on Title VI and other related statutes for agency employees.
6. Prepare a yearly report of Title VI accomplishments and goals, as required.
7. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.
8. Identify and eliminate discrimination.
9. Establish procedures for promptly resolving deficiency status and writing the remedial action necessary, all within a period not to exceed 90 days.



## **General Title VI responsibilities of the agency**

The Title VI Manager is responsible for substantiating that these elements of the plan are appropriately implemented and maintained, and for coordinating with those responsible for public outreach and involvement and service planning and delivery.

### **1. Data collection**

To ensure that Title VI reporting requirements are met, New River Valley Senior Services/Pulaski Area Transit will maintain:

- A database or log of Title VI complaints received. The investigation of and response to each complaint is tracked within the database or log.
- A log of the public outreach and involvement activities undertaken to ensure that minority and low-income people had a meaningful access to these activities.

### **2. Annual Report and Updates**

As a sub-recipient of FTA funds, **New River Valley Senior Services/Pulaski Area Transit** is required to submit a Quarterly Report Form to DRPT that documents any Title VI complaints received during the preceding quarter and for each year. New River Valley Senior Services/Pulaski Area Transit will also maintain and provide to DRPT on an annual basis, the log of public outreach and involvement activities undertaken to ensure that minority and low-income people had a meaningful access to these activities.

Further, we will submit to DRPT updates to any of the following items since the previous submission, or a statement to the effect that these items have not been changed since the previous submission, indicating date:

- A copy of any compliance review report for reviews conducted in the last three years, along with the purpose or reason for the review, the name of the organization that performed the review, a summary of findings and recommendations, and a report on the status or disposition of the findings and recommendations
- Limited English Proficiency (LEP) plan
- procedures for tracking and investigating Title VI complaints
- A list of Title VI investigations, complaints or lawsuits filed with the agency since the last submission
- A copy of the agency notice to the public that it complies with Title VI and instructions on how to file a discrimination complaint

### **3. Annual review of Title VI program**

Each year, in preparing for the Annual Report and Updates, the Title VI Manager will review the agency's Title VI program to assure implementation of the Title VI plan. In addition, they will review agency operational guidelines and publications, including those for contractors, to verify that Title VI language and provisions are incorporated, as appropriate.

#### **4. Dissemination of information related to the Title VI program**

Information on our Title VI program will be disseminated to agency employees, contractors, and beneficiaries, as well as to the public, as described in the "public outreach and involvement" section of this document, and in other languages when needed according to the LEP plan as well as federal and State laws/regulations.

#### **5. Resolution of complaints**

Any individual may exercise his or her right to file a complaint if that person believes that he, she or any other program beneficiaries have been subjected to unequal treatment or discrimination in the receipt of benefits/services or prohibited by non-discrimination requirements. New River Valley Senior Services/Pulaski Area Transit will report the complaint to DRPT within three business days (per DRPT requirements), and make a concerted effort to resolve complaints locally, using the agency's Title VI Complaint Procedures. All Title VI complaints and their resolution will be logged as described under Section 1. Data collection and reported annually (in addition to immediately) to DRPT.

#### **6. Written policies and procedures**

Our Title VI policies and procedures are documented in this plan and its appendices and attachments. This plan will be updated periodically to incorporate changes and additional responsibilities that arise. During the course of the Annual Title VI Program Review (item 3 above), the Title VI Manager will determine whether or not an update is needed.

#### **7. Internal education**

Our employees will receive training on Title VI policies and procedures upon hiring and upon promotion. This training will include requirements of Title VI, our obligations under Title VI (LEP requirements included), and required data that must be gathered and maintained. In addition, training will be provided when any Title VI-related policies or procedures change (agency-wide training), or when appropriate in resolving a complaint.

**Title VI training is the responsibility of** Director of Programs/Transit Manager and Administrative Assistant.

#### **8. Title VI clauses in contracts**

In all federal procurements requiring a written contract or Purchase Order (PO), **New River Valley Senior Services/Pulaski Area Transit** contract/PO will include appropriate non-discrimination clauses. The Title VI Manager will work with the Director of Finance and Administration who is/are responsible for procurement contracts and PO's to ensure appropriate non-discrimination clauses are included.

## **VII. PROCEDURES FOR NOTIFYING THE PUBLIC OF TITLE VI RIGHTS AND HOW TO FILE A COMPLAINT**

### **Requirement to Provide a Title VI Public Notice**

Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI. At a minimum, New River Valley Senior Services/Pulaski Area Transit shall disseminate this information to the public by posting a Title VI notice on the agency's website and in public areas of the agency's office(s), including the reception desk, meeting rooms, in federally-funded vehicles, etc.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI 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" (42 U.S.C. Section 2000d).

New River Valley Senior Services/Pulaski Area Transit is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transportation services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1B. If you feel you are being denied participation in or being denied benefits of the transit services provided by New River Valley Senior Services/Pulaski Area Transit, or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, our contact information is:

**Director of Programs/Transit Manager**  
**New River Valley Senior Services, Inc.**  
**141 East Main Street, Suite 500**  
**Pulaski, VA 24301**  
**540-980-7720**  
Email address: [mmusick@nrvss.org](mailto:mmusick@nrvss.org)

**SEE APPENDIX A-Title VI Notice to the Public**

## VIII. TITLE VI COMPLAINT PROCEDURES

### **Requirement to Develop Title VI Complaint Procedures and Complaint Form.**

In order to comply with the reporting requirements established in 49 CFR Section 21.9(b), all recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public. Recipients must also develop a Title VI complaint form. The form and procedure for filing a complaint shall be available on the recipient's website and at their facilities.

Any individual may exercise his or her right to file a complaint with **New River Valley Senior Services/Pulaski Area Transit** if that person believes that he or she has been subjected to unequal treatment or discrimination in the receipt of benefits or services. We will report the complaint to DRPT within three business days (per DRPT requirements), and make a concerted effort to resolve complaints locally, using the agency's Nondiscrimination Complaint Procedures. All Title VI complaints and their resolution will be logged and reported annually (in addition to immediately) to DRPT.

**New River Valley Senior Services/Pulaski Area Transit** includes the following language on all printed information materials, on the agency's website, in press releases, in public notices, in published documents, and on posters on the interior of each vehicle operated in passenger service:

*The New River Valley Senior Services/Pulaski Area Transit is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color or national origin, as protected by Title VI of the Civil Rights Act of 1964.*

*For additional information on New River Valley Senior Services/Pulaski Area Transit nondiscrimination policies and procedures, or to file a complaint, please visit the website at [www.pulaskitransit.org](http://www.pulaskitransit.org) or contact Director of Programs/Transit Manager, 141 East Main Street, Suite 500, Pulaski, VA 24301*

Instructions for filing Title VI complaints are posted on the agency's website and in posters on the interior of each vehicle operated in passenger service and agency's facilities, and are also included within **New River Valley Senior Services/Pulaski Area Transit**.

**SEE APPENDIX C-Title VI Complaint Form**

## APPENDIX C – TITLE VI COMPLAINT FORM

<b>Section I:</b>				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
<b>Section II:</b>				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party: _____				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
<b>Section III:</b>				
I believe the discrimination I experienced was based on (check all that apply):				
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin				
Date of Alleged Discrimination (Month, Day, Year): _____				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.				
<b>Section IV</b>				
Have you previously filed a Title VI complaint with this agency?			Yes	No
<b>Section V</b>				
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?				
<input type="checkbox"/> Yes <input type="checkbox"/> No				

If yes, check all that apply:	
<input type="checkbox"/> Federal Agency: _____	
<input type="checkbox"/> Federal Court _____	<input type="checkbox"/> State Agency _____
<input type="checkbox"/> State Court _____	<input type="checkbox"/> Local Agency _____
Please provide information about a contact person at the agency/court where the complaint was filed.	
Name: _____	
Title: _____	
Agency: _____	
Address: _____	
Telephone: _____	
<b>Section VI</b>	
Name of agency complaint is against: _____	
Contact person: _____	
Title: _____	
Telephone number: _____	

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **Procedures for Handling and Reporting Investigations/Complaints and Lawsuits**

Should any Title VI investigations be initiated by FTA or DRPT, or any Title VI lawsuits are filed against **New River Valley Senior Service/Pulaski Area Transit** the agency will follow these procedures:

### **Procedures**

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination on the basis of race, color, or national origin may file a written complaint with the Title VI Manager. The complaint is to be filed in the following manner:
  - a. A formal complaint must be filed within 180 calendar days of the alleged occurrence.
  - b. The complaint shall be in writing and signed by the complainant(s).
  - c. The complaint should include:
    - the complainant's name, address, and contact information
    - (i.e., telephone number, email address, etc.)
    - the date(s) of the alleged act of discrimination (if multiple days, include the date when the complainant(s) became aware of the alleged discrimination and the date on which the alleged discrimination was discontinued or the latest instance).
    - a description of the alleged act of discrimination
    - the location(s) of the alleged act of discrimination (include vehicle number if appropriate)
    - an explanation of why the complainant believes the act to have been discriminatory on the basis of race, color, and national origin
    - if known, the names and/or job titles of those individuals perceived as parties in the incident
    - contact information for any witnesses
    - indication of any related complaint activity (i.e., was the complaint also submitted to DRPT or FTA?)
  - d. The complaint shall be submitted to the **New River Valley Senior Services/Pulaski Area Transit** Title VI Manager at **141 East Main Street, Suite 500, Pulaski, VA 24301** or **mmusick@nrvss.org**.
  - e. Complaints received by any other employee of **New River Valley Senior Services/Pulaski Area Transit** will be immediately forwarded to the Title VI Manager.
  - f. In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the Title VI Manager. Under these circumstances, the complainant will be interviewed, and the **Executive Director or Director of Finance and Administration** will assist the complainant in converting the verbal allegations to writing.
2. Upon receipt of the complaint, the Title VI Manager will immediately:
  - a. notify DRPT (no later than 3 business days from receipt)
  - b. notify the **New River Valley Senior Services/Pulaski Area Transit**; Director of Programs/Transit Manager
  - c. ensure that the complaint is entered in the complaint database

3. Within 3 business days of receipt of the complaint, the Title VI Manager will contact the complainant by telephone to set up an interview.
4. The complainant will be informed that they have a right to have a witness or representative present during the interview and can submit any documentation he/she perceives as relevant to proving his/her complaint.
5. If DRPT has assigned staff to assist with the investigation, the Title VI Manager will offer an opportunity to participate in the interview.
6. The alleged discriminatory service or program official will be given the opportunity to respond to all aspects of the complainant's allegations.
7. The Title VI Manager will determine, based on relevancy or duplication of evidence, which witnesses will be contacted and questioned.
8. The investigation may also include:
  - a. investigating contractor operating records, policies or procedures
  - b. reviewing routes, schedules, and fare policies
  - c. reviewing operating policies and procedures
  - d. reviewing scheduling and dispatch records
  - e. observing behavior of the individual whose actions were cited in the complaint
9. All steps taken and findings in the investigation will be documented in writing and included in the complaint file.
10. The Title VI Manager will contact the complainant at the conclusion of the investigation, but prior to writing the final report, and give the complainant an opportunity to give a rebuttal statement at the end of the investigation process.
11. At the conclusion of the investigation and **within 60 days** of the interview with the complainant, the Title VI Manager will prepare a report that includes a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition. This report will be provided to the Director of Programs/Transit Manager, DRPT, and, if appropriate, **New River Valley Senior Services/Pulaski Area Transit** legal counsel.
12. The Title VI Manager will send a letter to the complainant notifying them of the outcome of the investigation. If the complaint was substantiated, the letter will indicate the course of action that will be followed to correct the situation. If the complaint is determined to be unfounded, the letter will explain the reasoning, and refer the complainant to DRPT in the event the complainant wishes to appeal the determination. This letter will be copied to DRPT.
13. A complaint may be dismissed for the following reasons:
  - a. The complainant requests the withdrawal of the complaint.
  - b. An interview cannot be scheduled with the complainant after reasonable attempts.
  - c. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
14. DRPT will serve as the appealing forum to a complainant that is not satisfied with the outcome of an investigation conducted by **New River Valley Senior Services/Pulaski Area Transit**. DRPT will analyze the facts of the case and will issue its conclusion to the appellant according to their procedures.



A person may also file a complaint directly with the Federal Transit Administration, Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor – TCR, 1200 New Jersey Avenue SE, Washington, DC 20590.

## Transportation-Related Title VI Investigations, Complaints, and Lawsuits

### Background

All recipients shall prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin:

- Active investigations conducted by FTA and entities other than FTA;
- Lawsuits; and
- Complaints naming the recipient.

This list shall include the date that the transportation-related Title VI investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to the investigation, lawsuit, or complaint. This list shall be included in the Title VI Program submitted to DRPT every three years and information shall be provided to DRPT quarterly and annually.

*No incidents were noted or reported concerning language barriers.*

	Date (Month, Day, Year)	Summary (include basis of complaint: race, color or national origin)	Status	Action(s) taken
<b>Investigations</b>				
1.				
<b>Lawsuits</b>				
1.				
<b>Complaints</b>				
1.				

**SEE APPENDIX D- Investigations, Lawsuits and Complaints Document**

## **IX. PUBLIC OUTREACH AND INVOLVEMENT**

### **PUBLIC PARTICIPATION PLAN**

#### **Introduction**

The Public Participation Plan (PPP) is a guide for ongoing public participation endeavors. Its purpose is to ensure that New River Valley Senior Services/Pulaski Area Transit utilizes effective means of providing information and receiving public input on transportation decisions from low income, minority and limited English proficient (LEP) populations, as required by Title VI of the Civil Rights Act of 1964 and its implementing regulations.

Under federal regulations, transit operators must take reasonable steps to ensure that Limited English Proficient (LEP) persons have meaningful access to their programs and activities. This means that public participation opportunities, normally provided in English, should be accessible to persons who have a limited ability to speak, read, write, or understand English.

In addition to language access measures, other major components of the PPP include: public participation design factors; a range of public participation methods to provide information, to invite participation and/or to seek input; examples to demonstrate how population-appropriate outreach methods can be and were identified and utilized; and performance measures and objectives to ensure accountability and a means for improving over time.

*New River Valley Senior Services/Pulaski Area Transit* established a public participation plan or process that will determine how, when, and how often specific public participation activities should take place, and which specific measures are most appropriate.

*New River Valley Senior Services/Pulaski Area Transit* will make these determinations based on a demographic analysis of the population(s) affected, the type of plan, program, and/or service under consideration, and the resources available. Efforts to involve minority and LEP populations in public participation activities may include both comprehensive measures, such as placing public notices at all transit stations, stops, and vehicles, as well as targeted measures to address linguistic, institutional, cultural, economic, historical, or other barriers that may prevent minority and LEP persons from effectively participating in our decision-making process.

**SOME OF THOSE EFFECTIVE PUBLIC OUTREACH PRACTICES INCLUDES:**

- b. Scheduling meetings at times and locations that are convenient and accessible for minority and LEP communities.**
- c. Employing different meeting sizes and formats.**
- d. Coordinating with community and faith-based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.**
- e. Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP populations could also include audio programming available on podcasts.**
- f. 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.**

**SEE APPENDIX E-Summary of Outreach Efforts**

## **X. LANGUAGE ASSISTANCE PLAN FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)**

### **LANGUAGE ASSISTANCE PLAN FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)**

#### **Introduction and Legal Basis**

LEP is a term that defines any individual not proficient in the use of the English language. The establishment and operation of an LEP program meets objectives set forth in Title VI of the Civil Rights Act and Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP). This Executive Order requires federal agencies receiving financial assistance to address the needs of non-English speaking persons. The Executive Order also establishes compliance standards to ensure that the programs and activities that are provided by a transportation provider in English are accessible to LEP communities. This includes providing meaningful access to individuals who are limited in their use of English. The following LEP language implementation plan, developed by *New River Valley Senior Services/Pulaski Area Transit* is based on FTA guidelines.

As required, **New River Valley Senior Services/Pulaski Area Transit** developed a written LEP Plan (below). Using 2010 and American Community Survey (ACS) Census data, **New River Valley Senior Services/Pulaski Area Transit** has evaluated data to determine the extent of need for translation services of its vital documents and materials.

LEP persons can be a significant market for public transit, and reaching out to these individuals can help increase their utilization of transit. Therefore, it also makes good business sense to translate vital information into languages that the larger LEP populations in the community can understand.

#### **Assessment of Needs and Resources**

The need and resources for LEP language assistance were determined through a four-factor analysis as recommended by FTA guidance.

##### **Factor 1: Assessment of the Number and Proportion of LEP Persons Likely to be Served or Encountered in the Eligible Service Population**

The agency has reviewed census data on the number of individuals in its service area that have limited English Proficiency, as well as the languages they speak.

##### **U.S. Census Data – American Community Survey (2011-2015)**

Data from the U.S. Census Bureau's American Community Survey (ACS) were obtained through [www.census.gov](http://www.census.gov) by **New River Valley Senior Services/Pulaski Area Transit** service area. The agency's service area includes a total of 3,795 (2.20%) persons with Limited English Proficiency (those persons who indicated that they spoke English "less than very well," in the 2011-2015 ACS Census).

Information from the 2011-2015 ACS also provides more detail on the specific languages that are spoken by those who report that they speak English less than very well. Languages spoken at home by those with LEP are presented below. These data indicate the extent to which translations into other language are needed to meet the needs of LEP persons.

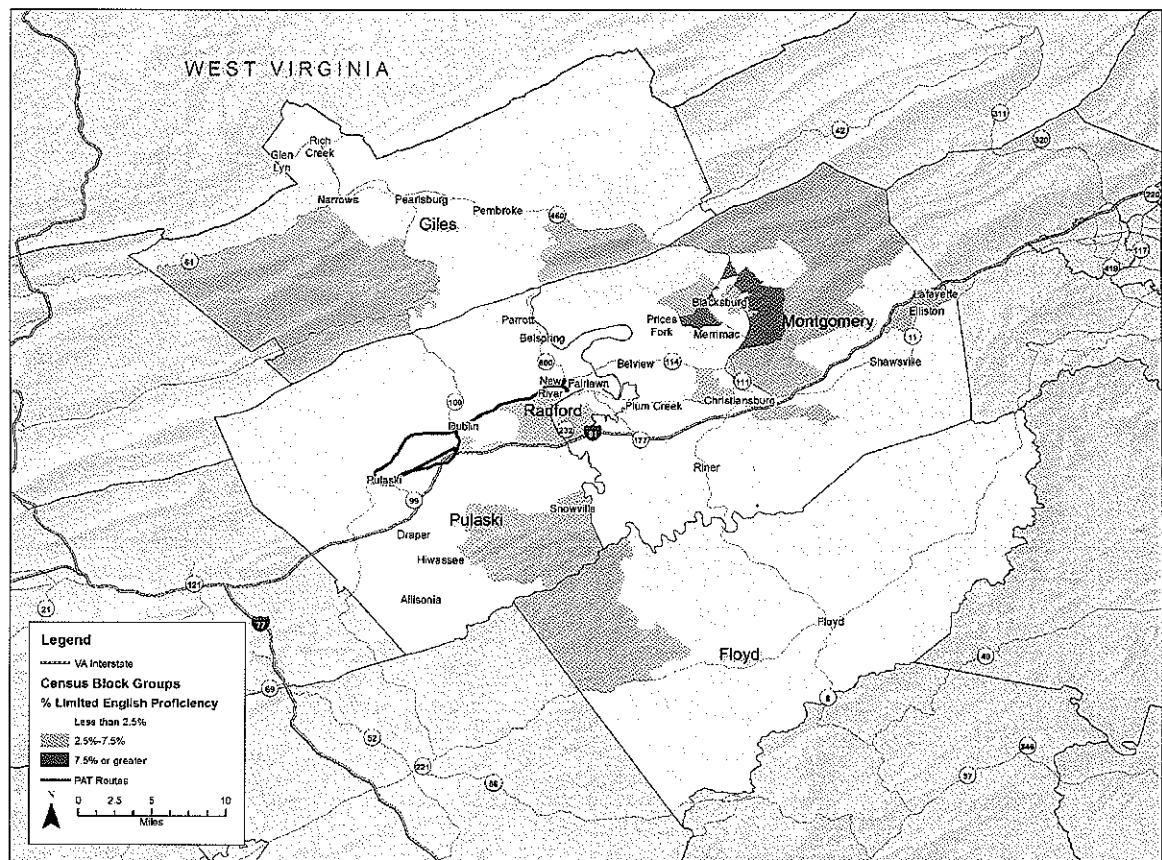
- **Table 1 – LEP by Language Spoken at Home**
- 

Pulaski Area Transit Service Area			
Language	Number of LEP Population	Percent of Service Area Population Speaking Language	Percent of LEP Population Speaking Language
Chinese	1,130	0.66%	29.78%
Spanish or Spanish Creole	878	0.51%	23.14%
Korean	404	0.23%	10.65%
Arabic	333	0.19%	8.77%
Persian	264	0.15%	6.96%
German	123	0.07%	3.24%
Vietnamese	102	0.06%	2.69%
Russian	76	0.04%	2.00%
Other Asian languages	60	0.03%	1.58%
African languages	58	0.03%	1.53%
Other Slavic languages	55	0.03%	1.45%
Gujarati	53	0.03%	1.40%
French	34	0.02%	0.90%
Other Indo-European languages	33	0.02%	0.87%
Other Pacific Island languages	31	0.02%	0.82%
Polish	29	0.02%	0.76%
Other Indic languages	28	0.02%	0.74%
Tagalog	27	0.02%	0.71%
Italian	24	0.01%	0.63%
Hungarian	20	0.01%	0.53%
Portuguese or Portuguese Creole	18	0.01%	0.47%
Japanese	11	0.01%	0.29%
Greek	4	0.00%	0.11%

<b>Total LEP Population</b>	<b>3,795</b>	<b>2.20%</b>	
<b>Total Service Area Population</b>	<b>172,269</b>		

It is noted that there are relatively low number of LEP persons in the service area - no language is spoken by over 5% or a total of 1,000 persons in the LEP population.

**Figure 1 - % LEP by Census Block Group**



**Factor 2: Assessment of Frequency with Which LEP Individuals Come Into Contact with the Transit Services or System**

**New River Valley Senior Services/Pulaski Area Transit** reviewed the relevant benefits, services, and information provided by the agency and determined the extent to which LEP persons have come into contact with these functions through **any of** the following channels:

- Contact with transit vehicle operators;
- Contact with transit station managers;

- Calls to **New River Valley Senior Services/Pulaski Area Transit** customer service telephone line;
- Visits to the agency's headquarters;
- Access to the agency's website;
- Attendance at community meetings or public hearings hosted by **New River Valley Senior Services/Pulaski Area Transit**;
- Contact with the agency's ADA complementary paratransit system (including applying for eligibility, making reservations, and communicating with drivers).

**No incidents were noted or reported concerning language barriers.**

We will continue to identify emerging populations as updated Census and American Community Survey data become available for our service area. In addition, when LEP persons contact our agency, we attempt to identify their language and keep records on contacts to accurately assess the frequency of contact. To assist in language identification, we use a language identification flashcard based on that which was developed by the U.S. Census. (<http://www.lep.gov/ISpeakCards2004.pdf>)]

**Factor 3: Assessment of the Nature and Importance of the Transit Services to the LEP Population**

**New River Valley Senior Services/Pulaski Area Transit** provides the following programs, activities and services:

<i><b>Demand Response:</b></i>	<i><b>Counties of Montgomery, Pulaski Floyd &amp; Giles and the City of Radford.</b></i>
<i><b>Deviated Fixed Route:</b></i>	<i><b>Town and County of Pulaski</b></i>
<i><b>Fixed Route:</b></i>	<i><b>Town of Pulaski</b></i>

Based on past experience serving and communicating with LEP persons and interviews with community agencies, [*as well as questionnaires or direct consultations with LEP persons (if applicable, e.g. through focus groups or individual interviews facilitated/interpreted by a community agency)*], we learned that the following services/routes/programs are currently of particular importance LEP persons in the community.

The following are the most critical services provided by **New River Valley Senior Services/Pulaski Area Transit** for all customers, including LEP persons.

- Safety and security awareness instructions
- Emergency evacuation procedures
- Public transit services, including reduced fare application process

- ADA paratransit services (if your agency operates fixed-route), including eligibility certification process
- Other paratransit services
- Services targeted at low income persons

#### **Factor 4: Assessment of the Resources Available to the Agency and Costs**

##### ***Costs***

The following language assistance measures currently being provided by **New River Valley Senior Services/Pulaski Area Transit**

- We estimate that these activities and costs will be as follows.

Based on the analysis of demographic data and contact with community organizations and LEP persons, **New River Valley Senior Services/Pulaski Area Transit** has determined that the following additional services are ideally needed to provide meaningful access:

*We anticipate that these activities and cost will increase as follows. An investigation into the cost related for all printed materials for New River Valley Senior Services/Pulaski Area Transit to be translated in Spanish. An approximate cost would be \$1,500.*

##### ***Resources***

The current available budget that could be utilized for additional language assistance expenses is \$2,050.

In addition, in-kind assistance may be available through *New River Community College, Radford University, Virginia Tech or other transit agencies who may be able to partner for language assistance services.*

*Your agency may have access to language assistance products that have been developed and paid for by local, regional, or state government agencies and may also have bilingual staff that could provide language assistance on an ad hoc or regular basis. These resources should be inventoried and taken into consideration as part of your assessment of total resources available.*

*Your agency may already have, or be able to establish arrangements with qualified community volunteers to provide written or oral language translation. Although these volunteers may be willing to provide their services free of charge, your agency will need to verify that they can provide competent interpretation service and train them on their role within the agency. These should be inventoried as potential or confirmed resources.*



*Other potential cost saving measures include telephonic and video conferencing interpretation services, translating vital documents posted on Web sites, pooling resources and standardizing documents to reduce translation needs, centralizing interpreter and translator services to achieve economies of scale.]*

#### ***Feasible and Appropriate Language Assistance Measures***

Based on the available resources, the following language assistance measures are feasible and appropriate for our agency at this time:

### **LEP Implementation Plan**

Through the four-factor analysis, **New River Valley Senior Services/Pulaski Area Transit** has determined that the following types of language assistance are most needed and feasible:

- ***Translation of vital documents into Spanish. These documents include:***
  - *System Map and Ride Guide*
  - *All printed materials on ADA Paratransit, including brochure, eligibility application package, and passenger policies and procedures*
- ***Language Line Translation Services for telephone contacts.***
- ***Staff Access to Language Assistance Services***

Agency staff who come into contact with LEP persons can access language services by consulting with programs at New River Community College, Radford University and Virginia Tech for interpretation and translation.

#### ***Responding to LEP Callers***

Staff who comes into contact with LEP persons can access language services by consulting with programs at New River Community College, Radford University and Virginia Tech for interpretation and translation.

#### ***Responding to Written Communications from LEP Persons***

Staff who comes into contact with LEP persons can access language services by consulting with programs at New River Community College, Radford University and Virginia Tech for interpretation and translation.

#### ***Responding to LEP Individuals in Person***

#### ***Staff Training***

As noted previously, all **New River Valley Senior Services/Pulaski Area Transit** staff are provided with a list of available language assistance services and additional information and referral resources, updated annually.

All new hires receive training on assisting LEP persons as part of their sensitivity and customer service training. This includes:

- A summary of the transit agency's responsibilities under the DOT LEP Guidance;
- A summary of the agency's language assistance plan;
- A summary of the number and proportion of LEP persons in the agency's service area, the frequency of contact between the LEP population and the agency's programs and activities, and the importance of the programs and activities to the population;
- A description of the type of language assistance that the agency is currently providing and instructions on how agency staff can access these products and services; and
- A description of the agency's cultural sensitivity policies and practices.

Also, all staff who routinely come into contact with customers, as well as their supervisors and all management staff, receive annual refresher training on policies and procedures related to assisting LEP persons.

#### ***Providing Notice to LEP Persons***

LEP persons are notified of the availability of language assistance through the following approaches: *[List items such as:*

- *following our Title VI policy statement included on our vital documents.*
- *through signs posted on our vehicles and in our customer service and administrative offices.*
- *through ongoing outreach efforts to community organizations, schools, and religious organizations.*
- *use of an automated telephone menu system in the most common languages encountered.*
- *including the agency's language translation line on all materials.*
- *staffing a table with bilingual staff at community service events of interest to LEP groups.*
- *sending translated news releases and public service announcements about the availability of translated information to newspapers and broadcast media that target local LEP communities.]*

LEP persons will also be included in all community outreach efforts related to service and fare changes.

#### ***Monitoring/updating the plan***

This plan will be updated on a periodic basis (at least every three years), based on feedback, updated demographic data, and resource availability.

As part of ongoing outreach to community organizations, **New River Valley Senior Services/Pulaski Area Transit** will solicit feedback on the effectiveness of language assistance provided and unmet needs. In addition, we will conduct periodic *[surveys, focus groups, community meetings, internal meetings with staff who assist LEP persons, review of updated Census data, formal studies]* of the adequacy and quality of the language assistance provided, and determine changes to LEP needs.

In preparing the triennial update of this plan, **New River Valley Senior Services/Pulaski Area Transit** will conduct an internal assessment using the Language Assistance Monitoring Checklist provided in the FTA's "Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons: A Handbook for Public Transportation Providers." *[This checklist attached at the end of this sample plan.]*

Based on the feedback received from community members and agency employees, **New River Valley Senior Services/Pulaski Area Transit** will make incremental changes to the type of written and oral language assistance provided as well as to their staff training and community outreach programs. The cost of proposed changes and the available resources will affect the enhancements that can be made, and therefore **New River Valley Senior Services/Pulaski Area Transit** will attempt to identify the most cost-effective approaches.

As the community grows and new LEP groups emerge, **New River Valley Senior Services/Pulaski Area Transit** will strive to address the needs for additional language assistance.

## **XI. MINORITY REPRESENTATION ON PLANNING AND ADVISORY BODIES**

Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin, “deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.”

*New River Valley Senior Services/Pulaski Area Transit* has transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which we select.

<b>Committee</b>	<b>Black or African American</b>	<b>White/ Caucasian</b>	<b>Latino/ Hispanic</b>	<b>American Indian or Alaska Native</b>	<b>Asian</b>	<b>Native Hawaiian or other Pacific Islander</b>	<b>Other <i>*Note</i></b>	<b>Totals</b>
<b>NRV Senior Services</b>	<b>1</b>	<b>7</b>						

*\*Note – Other races reported: Lithuania, Ukrainian, and Polish*

## **SEE APPENDIX F- TABLE MINORITY REPRESENTATION ON COMMITTEES BY RACE**

## **XII. MONITORING TITLE VI COMPLAINTS**

As part of the complaint handling procedure, the Title VI Manager investigates possible inequities in service delivery for the route(s) or service(s) about which the complaint was filed. Depending on the nature of the complaint, the review examines span of service (days and hours), frequency, routing directness, interconnectivity with other routes and/or fare policy. If inequities are discovered during this review, options for reducing the disparity are explored, and service or fare changes are planned if needed.

In addition to the investigation following an individual complaint, the Title VI Manager periodically reviews all complaints received to determine if there may be a pattern. At a minimum, this review is conducted as part of preparing the Annual Report and Update for submission to DRPT.

## **I. REQUIREMENTS OF TRANSIT PROVIDERS**

### **Requirements and Guidelines for Fixed Route Transit Providers**

The requirements apply to all providers of fixed route public transportation (also referred to as transit providers) that receive Federal financial assistance, inclusive of States, local and regional entities, and public and private entities.

Transit providers that are sub-recipients will submit the information to their primary recipient (the entity from whom they directly receive transit funds) every three years on a schedule determined by the primary recipient. The requirements are scaled based on the size of the fixed route transit provider.

#### **REQUIRED: Service Standards and Policies**

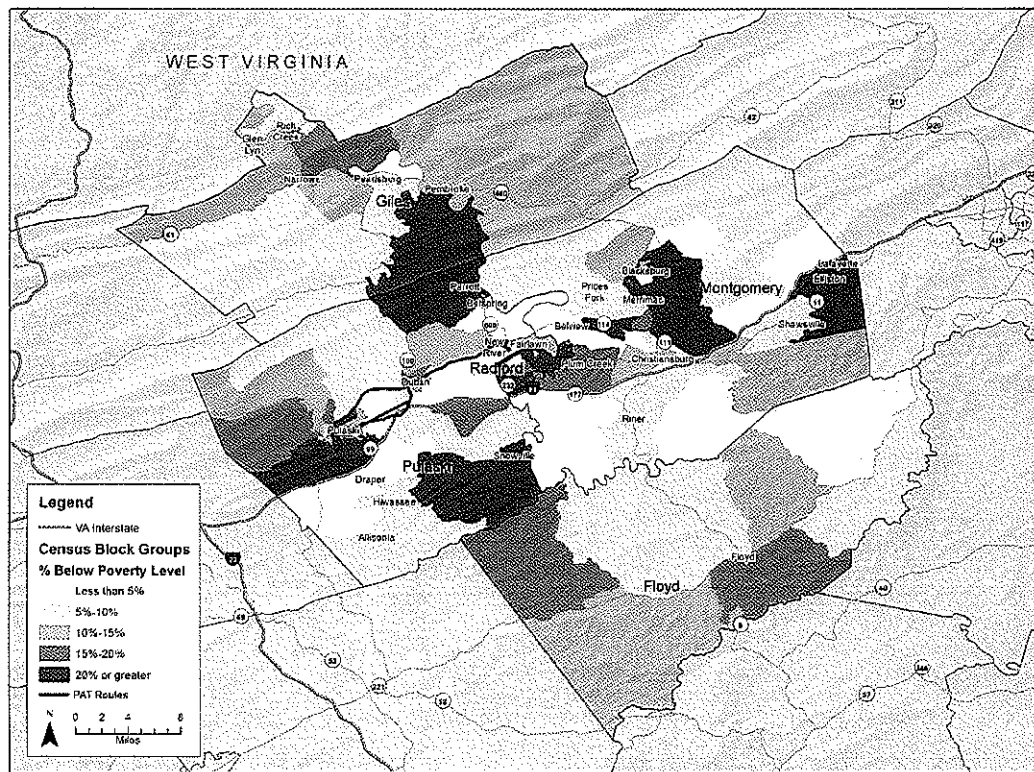
- **Service Standards**
  - Vehicle load, Vehicle headway, On-time performance, Service availability
- **Service Policies**
  - Transit amenities, Vehicle assignment

As the transportation division of New River Valley Senior Services, Pulaski Area Transit is required to plan and deliver transportation services in an equitable manner. This means the distribution of service levels and quality is to be equitable between minority and low income populations and the overall population. Pulaski Area Transit has reviewed its services and policies to ensure that those services and benefits are provided in an equitable manner to all persons.

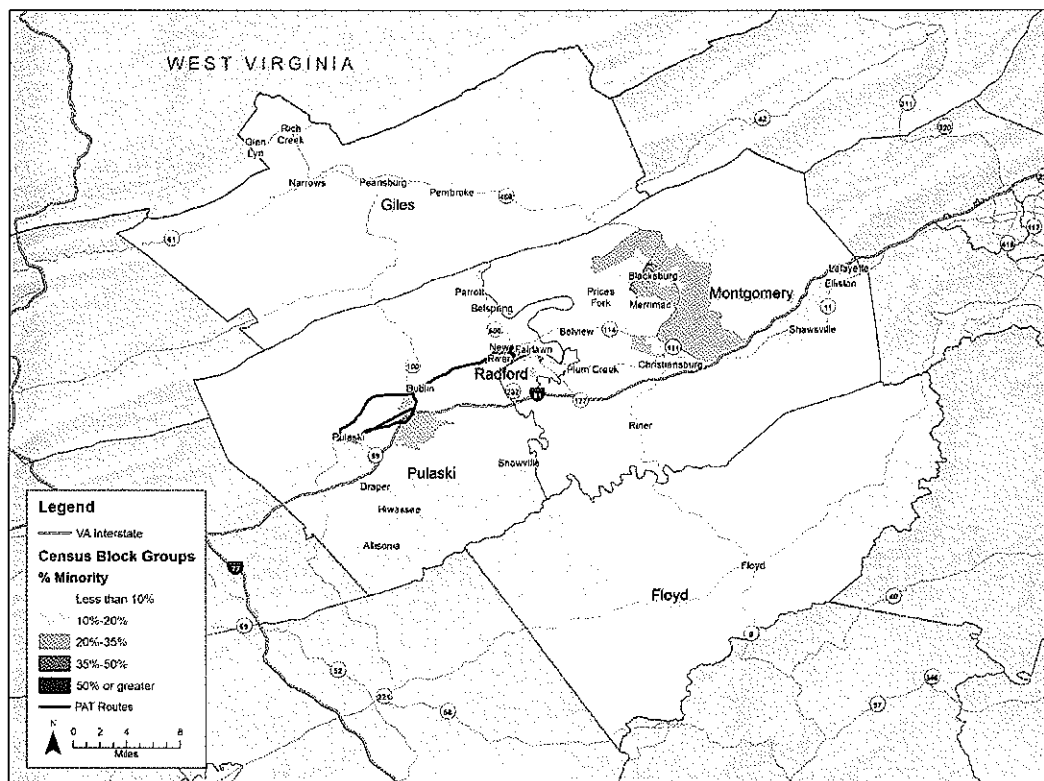
#### ***Service Standards***

The agency has set standards and policies that address how services are distributed across the transit system service area to ensure that the distribution affords users equitable access to these services. As shown in the following maps (Figures 1-2 and 1-3), the agency's routes connect higher poverty block groups around Pulaski and take them to the areas surrounding Radford. Pulaski Area Transit does not have a particularly large minority population, but the routes serve denser populations in New River and Fairlawn. The agency's demand responsive services are available to all callers on a first-come first-served basis, without regard for race, color or national origin.

**Figure 1-2: Percent Below Poverty by Block Group**



### Figure 1-3: Percent Minority by Block Group



The following system-wide service standards are used to guard against service design or operations decisions from having disparate impacts. All of Pulaski Area Transit's services meet the agency's established standards; thus it is judged that services are provided equitably to all persons in the service area, regardless of race, color or national origin.

- **Vehicle load** -Vehicle load is expressed as the ratio of passengers to the total number of seats on a vehicle at its maximum load point. The standard for maximum vehicle load is ***11 BOC vehicles with one wheelchair and zero (0) standees***, all of New River Valley Senior Services/Pulaski Area Transit services meet this standards
- **Vehicle headway** -Vehicle headway is the amount of time between two vehicles traveling in the same direction on a given route. A shorter headway corresponds to more frequent service. The standard for vehicle headways is ***45 minutes***, all of New River Valley Senior Services/Pulaski Area Transit services meet this standards
- **On-time performance** -On-time performance is a measure of runs completed as scheduled. This criterion first must define what is considered to be "on time." The standard for on-time performance is ***80%*** all of New River Valley Senior Services/Pulaski Area Transit services meet this standards
- **Service availability** - Service availability is a general measure of the distribution of routes within a transit provider's service area or the span of service. ***New River Valley Senior Services/Pulaski Area Transit designed its routes to meet community needs. Riders may meet the bus at a variety of locations within the service area. New River Valley Senior Services/Pulaski Area Transit services meet this standard.***



### ***Service and Operating Policies***

The New River Valley Senior Services/Pulaski Area Transit service and operating policies also ensure that operational practices do not result in discrimination on the basis of race, color, or national origin.

- **Distribution and Siting of Transit Amenities** - Transit amenities refer to items of comfort, convenience, and safety that are available to the general riding public. New River Valley Senior Services/Pulaski Area Transit has a policy to ensure the equitable distribution of transit amenities across the system. This policy applies to seating (i.e., benches, seats), bus shelters and canopies, (c) provision of information, Intelligent Transportation Systems (ITS), waste receptacles (including trash and recycling). New River Valley Senior Services/Pulaski Area Transit routes have limited stops and therefore limited amenities.
- **Vehicle assignment** - Vehicle assignment refers to the process by which transit vehicles are placed into service and on routes throughout the system. New River Valley Senior Services/Pulaski Area Transit assigns vehicles with the goal of providing equitable benefits to minority and low income populations. Vehicles are assigned with regard to service type (fixed-route, demand-response, or a hybrid type) and ridership demand patterns (routes with greater numbers of passengers need vehicles with larger capacities). For each type of assignment, newer vehicles are rotated to ensure that no single route or service always has the same vehicle. The **Director of Programs/Transit Manager** reviews vehicle assignments on a monthly basis to ensure that vehicles are indeed being rotated and that no single route or service always has the old or new vehicles.
  - \*Vehicles are assigned in order to have the capacity meet the route. New River Valley Senior Services/Pulaski Area Transit fleet is assessed on an annual basis. Any vehicle that has reached 100,000 or has aged 4 years is identified for replacement. New River Valley Senior Services/Pulaski Area Transit purchases new vehicles yearly. All of New River Valley Senior Services/Pulaski Area Transit vehicles are wheelchair accessible.

### **Monitoring Title VI Complaints**

As part of the complaint handling procedure, the Title VI Manager investigates possible inequities in service delivery for the route(s) or service(s) about which the complaint was filed. Depending on the nature of the complaint, the review examines span of service (days and hours), frequency, routing directness, interconnectivity with other routes and/or fare policy. If inequities are discovered during this review, options for reducing the disparity are explored, and service or fare changes are planned if needed.

In addition to the investigation following an individual complaint, the Title VI Manager periodically reviews all complaints received to determine if there may be a pattern. At a

minimum, this review is conducted as part of preparing the Annual Report and Update for submission to DRPT.

### **Fare and Service Changes**

**New River Valley Senior Services/Pulaski Area Transit** follows its adopted written policy for the public comment process for major service reductions and fare increases. With each proposed service or fare change, **New River Valley Senior Services/Pulaski Area Transit** considers the relative impacts on, and benefits to, minority and low income populations, including LEP populations. All planning efforts for changes to existing services or fares, as well as new services, have a goal of providing equitable service.

**APPENDIX A - TITLE VI NOTICE TO THE PUBLIC**

**APPENDIX B - TITLE VI NOTICE TO THE PUBLIC LIST OF LOCATIONS**

**APPENDIX C - TITLE VI COMPLAINT FORM**

**APPENDIX D - INVESTIGATIONS, LAWSUITS AND COMPLAINTS DOCUMENT**

**APPENDIX E - SUMMARY OF OUTREACH EFFORTS**

**APPENDIX F -TABLE MINORITY REPRESENTATION ON COMMITTEES BY RACE**

## **APPENDIX B - TITLE VI NOTICE TO THE PUBLIC LIST OF LOCATIONS**

- Inside each of our passenger vehicles
- On company bulletin boards
- On company website
- On our printed brochures