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**Title VI Plan and Procedures**

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

**FREDERICKSBURG REGIONAL TRANSIT**



**DRAFT**

**June 2015**

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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 FREDericksburg Regional Transit (FRED Transit or FRED) incorporates nondiscrimination policies and practices in providing services to the public. FRED Transit's 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

The mission of FRED Transit is to provide accessible, affordable, dependable, efficient, environmentally sound, and safe and secure transportation for people who reside or work or visit within the Fredericksburg, Virginia, Region (i.e., the City of Fredericksburg and the counties of Caroline, Spotsylvania and Stafford).

In furtherance of its mission, FRED Transit provides regular route and route deviation service in the Fredericksburg Region. FRED's operations are supported by FTA funding under the Section 5311 (Caroline County) and Section 5307 (the City and Spotsylvania and Stafford counties) programs as well as funding from the Commonwealth of Virginia and local governments, institutions, and civic organizations.

FRED maintains a fleet of 30 body-on-chassis transit buses, with seating capacities ranging from 22 to 26, operating over 21 routes. FRED offers three types of service: 1) basic weekday service in the City and three counties; 2) weekday morning and afternoon/evening Virginia Railway Express feeder bus service in the City and Spotsylvania County and VDOT commuter shuttle service in north Stafford County; and 3) Thursday and Friday late night service and Saturday and Sunday service, known as Eagle Express, centered on the University of Mary Washington during the academic year (late August through mid-May).

All FRED buses are equipped with wheelchair lifts. In lieu of para-transit service, FRED offers route deviation service on all its regular routes; with this service, citizens can request curb-side pick up and drop off for locations up to  $\frac{3}{4}$  miles and two minutes off regular routes. Route deviation service is available to all FRED customers who may find it difficult to get to a regular transit stop.

FRED maintains two major facilities. The Lawrence A. Davies Transportation Center (known familiarly as FRED Central) houses FRED's passenger terminal and administrative offices. FRED's maintenance and operations center has two structures: the maintenance building where work on the fleet and other equipment is conducted and the operations building where training, data processing and other activities take place.

FRED operates as a department of the City of Fredericksburg and provides service to the other jurisdictions in the Region under annual budget agreements. The Fredericksburg City Council is FRED's governing authority. FRED and the City receive counsel and recommendations from the Public Transit Advisory Board (PTAB), on which are represented all of the jurisdictions in the Region, major contributing civic, institutional and business entities, and the disabled community.

### **III. POLICY STATEMENT AND AUTHORITIES**

#### **Title VI Policy Statement**

FRED 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 FRED 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.

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Signature of Authorizing Official

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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 ASSURANCES**

In accordance with 49 CFR Section 21.7(a), every application for financial assistance from the Federal Transit Administration (FTA) must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT's Title VI regulations. This requirement is fulfilled when FRED and the Virginia Department of Rail and Public Transportation (DRPT) submit their annual certifications and assurances to FTA. DRPT collects Title VI assurances from sub-recipients (such as FRED Transit for the Section 5311 rural transportation program) prior to passing through FTA funds.

As part of the Certifications and Assurances submitted to the DRPT with the Annual Grant Application, and all FTA grant applications submitted to the DRPT or directly to the FTA, FRED 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, FRED Transit confirms to DRPT and the FTA the agency's commitment to nondiscrimination and compliance with federal and state requirements.

## V. PLAN APPROVAL DOCUMENT

I hereby acknowledge the receipt of the FRED Transit Title VI Implementation Plan FY2016-2018. 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 FRED Transit's transportation 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.

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Signature of Authorizing Official

Date

Beverly R. Cameron, City Manager

City of Fredericksburg

Note: Upon approval by Fredericksburg City Council, the relevant minutes or resolution documenting Council's approval will be placed here.

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

FRED Transit's Manager of Policy, Planning and Compliance 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, FRED 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 recipient and sub-recipient of FTA funds, FRED Transit is required to submit a Quarterly Report Form to DRPT and the FTA that documents any Title VI complaints received during the preceding quarter and for each year. FRED Transit will also maintain and provide to DRPT and the FTA annually, 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 and the FTA 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, the Title VI Manager 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. With respect to rural transit operations, FRED 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. Complaints regarding urban transit operations will be similarly reported to the FTA. All Title VI complaints and their resolution will be logged and reported annually (in addition to immediately) to DRPT and the FTA.

#### **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 FRED Transit’s Assistant Director and Driver Trainer.

#### **8. Title VI Clauses in Contracts**

In all federal procurements requiring a written contract or Purchase Order (PO), FRED Transit’s contracts/POs will include appropriate non-discrimination clauses. The Title VI Manager will work with the FRED Transit and City of Fredericksburg staff who are responsible for procurement contracts and POs 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, FRED Transit will 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 revenue vehicles, etc.

Appendix A contains FRED's notice to the public about its Title VI plan and program as well as a list of places where the notice is posted.

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## **Title VI Complaint Procedures**

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

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 FRED 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 and the FTA as applicable.

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

FRED 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:

FRED 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 the Federal Transit Administration (FTA) Circular 4702.1B. For additional information on FRED Transit's nondiscrimination policies and procedures, or to file a complaint, please visit the website at [www.rideFRED.com](http://www.rideFRED.com) or contact Craig Reed, Manager of Policy, Planning and Compliance, FREDericksburg Regional Transit, 1400 Jefferson Davis Highway, Fredericksburg, VA 22401.

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.

A copy of FRED Transit's Title VI Complaint Form is attached as APPENDIX B.

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

Should any Title VI investigations be initiated by FTA or DRPT, or if any Title VI lawsuits are filed against FRED 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 (e.g., whether the complaint also was submitted to DRPT or FTA)
  - d. The complaint shall be submitted to the FRED Transit Title VI Manager at 1400 Jefferson Davis Highway or at [rcreed@fredericksburgva.gov](mailto:rcreed@fredericksburgva.gov).
  - e. Complaints received by any other employee of FRED 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 Title VI Manager 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 and the FTA (no later than 3 business days from receipt)
  - b. notify the FRED Transit Authorizing Official
  - 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 or the FTA 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 Authorizing Official, DRPT and the FTA, and, if appropriate, FRED Transit's 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 and the FTA in the event the complainant wishes to appeal the determination. This letter will be copied to DRPT and the FTA.
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 or the FTA, as appropriate, will serve as the appealing forum to a complainant that is not satisfied with the outcome of an investigation conducted by FRED Transit. DRPT or the FTA, as appropriate, will analyze the facts of the case and will issue its conclusion to the appellant according to their procedures.

## **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 and the FTA every three years and information shall be provided to DRPT and the FTA quarterly and annually.

FRED Transit uses the form included at Appendix C to track and document civil rights-related (Title VI, EEO and ADA) investigations, lawsuits and/or complaints. Additional pages and materials may be appended to this basic form.

## **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 FRED 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.

FRED 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.

FRED 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.

#### **FRED Transit Public Outreach Practices**

FRED Transit will employ some or all of the practices listed below to encourage the minority and LEP communities to use FRED services, comment on FRED policies and procedures, and otherwise participate in the planning and operation of transit services in the Region.

- a. Determining and identifying what meetings and program activities lend themselves to client public participation.
- 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.

Appendix D describes FRED Transit's minority and LEP-related outreach efforts.

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## **VIII. 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 13116, 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 FRED Transit is based on FTA guidelines.

As required, FRED Transit developed a written LEP Plan (below). Using 2010 and American Community Survey (ACS) Census data, FRED 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 (2009-2013)**

Data from the U.S. Census Bureau's American Community Survey (ACS) were obtained through [www.census.gov](http://www.census.gov) by FRED Transit's service area. The Region has a total estimated population of 290,305 persons, among which it is estimated that 10,472 (3.6%) speak English less than "very well" (i.e., have limited English proficiency as defined in the 2009-2013 ACS Census).

Information from the 2009-2013 ACS also provides more detail on the specific languages that are spoken by those who report that they speak English less than very well. The most highly represented languages spoken at home in the Region by those with LEP are presented below.

• Spanish	6,509	2.2%
• Korean	568	0.2%
• Chinese	273	0.1%
• African Languages	237	0.1%
• German	192	0.1%

Only one language, Spanish, is spoken by more than 1,000 persons in the Region with limited English proficiency. Consequently, FRED's main efforts are directed at this group.

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

FRED 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 the following channels:

- Contact with transit vehicle operators;
- Contact with transit station managers;
- Calls to FRED Transit's customer service telephone line;
- Visits to the agency's headquarters;
- Attendance at community meetings or public hearings hosted by FRED Transit or the City of Fredericksburg on matters relating to FRED Transit;
- Contact with the agency's route deviation system (including making reservations and communicating with drivers).

Discussions with FRED Transit drivers, line supervisors and dispatchers indicate that they interact with LEP persons on buses, on the telephone or in the terminal approximately 2-3 times per day. Assuming that there are three distinct interactions per day with LEP persons, this represents well under one percent of FRED's daily ridership of roughly 2,000.

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, customer service staff uses language identification material based on material developed by the U.S. Census.

## **Information from Community Organizations that Serve LEP Persons**

To supplement the Census, education, and labor department data, FRED Transit works closely with its Public Transit Advisory Board (PTAB) to reach minority and LEP populations. PTAB assists FRED in communicating with:

- School systems;
- Community organizations;
- State and local governments;
- Religious organizations;
- Organization representing the disabled.

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

FRED Transit provides the following programs, activities and services:

- Translation of basic materials into Spanish and' as appropriate and reasonable, into other languages;
- Use of Language Line phone interpretation service as needed;
- Inclusion of links to on-line translation sites on rideFRED.com;
- Use of "I speak..." cards to identify LEP persons' primary languages; and
- Use of Spanish or other non-English language speaking staff members to assist customers, as available.

FRED Transit has detected no particular service or routes that are more frequently used by or are the subject of inquiry by LEP persons. Following are the most critical services provided by FRED Transit for all customers, including LEP persons.

- Safety and security awareness instructions;
- Emergency evacuation procedures;
- Public transit services, including schedule and fare information;
- Route deviation services;
- Services for those with mobility challenges.

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

#### ***Costs***

FRED Transit currently provides the following language assistance measures:

- Translation of basic materials into Spanish, as appropriate and reasonable, into other languages;
- Use of Language Line phone interpretation service as needed;
- Inclusion of links to on-line translation sites on rideFRED.com;
- Use of "I speak..." cards to identify LEP persons' primary languages; and

- Use of Spanish or other non-English language speaking staff members to assist customers, as available.

We do not anticipate that the costs associated with these services will appreciate significantly for the duration of this plan. The cost of conducting outreach to the LEP community may increase marginally as additional meetings, briefings, training, etc. may be necessary. Additional staff time would cost approximately \$50 per hour; the cost of materials should not exceed \$5,000 per year.

### ***Resources***

As a general matter, FRED Transit has sufficient resources in its current budget to accommodate moderate additional language assistance expenses, should they be necessary. FRED's budgets have remained relatively stable over time, although it is impossible to predict how economic conditions may affect FRED's partner jurisdiction budgets in the future and their ability or willingness to continue to support transit operations.

Based on the available resources and the assessed need for and use of language assistance measures, FRED Transit believes that the measures cited above are reasonable and appropriate for our agency at this time.

## **LEP Implementation Plan**

Through the four-factor analysis, FRED 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
  - Application for reduced fare
  - Printed materials on route deviation services.
- Attempt to hire bilingual staff with competency in spoken and written Spanish.
- Language Line Translation Services for telephone contacts.
- On-line referral to Google translation software for all information contained on the FRED Transit website.

### ***Staff Access to Language Assistance Services***

Agency staff who come into contact with LEP persons can access language services by offering the individual a language identification flashcard, accessing and printing out translated materials from the website, having a supply of translated basic documents on hand, transferring a call to bilingual staff if available. All staff will be provided with a list of available language assistance services and additional information and referral resources (such as community organizations which can assist LEP persons). This list will be reviewed at least annually.

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

Staff who answer calls from the public respond to LEP customers as follows: 1) ascertain as much information from the caller in English as is possible and respond to the maximum extent possible; 2) determine the caller's predominant language if additional assistance is required; 3) seek out FRED bilingual staff to respond if available; 4) contact language line provider as necessary; 5) get call-back information, obtain additional language assistance, and re-contact the caller.

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

The following procedures are followed when responding to written communications from LEP persons: 1) obtain translation of the incoming communication using on-line or other translation services as necessary; 2) prepare response and have it translated; and 3) send response in both English and the foreign language to the writer.

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

The following procedures are followed when an LEP person visits our customer service and administrative office: 1) ascertain the language being used, using language identifier material as necessary; 2) use bilingual staff to assist in communication if available; 3) use printed foreign language materials if available; 4) seek volunteer assistance from other customers who may be bilingual; 5) contact language line provider if other efforts to communicate fail.

The following procedures are followed by operators when an LEP person has a question on board a FRED Transit vehicle: 1) identify the language being spoken; 2) seek to communicate basic information in English to the extent possible (e.g., fare, major stops on the route, time to arrive at end of route); 3) seek volunteer assistance from fellow passengers; 4) contact the dispatch office for further guidance or assistance..

### ***Staff Training***

FRED 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***

In compliance with 49 CRF Section 21.9(d), FRED Transit will provide information to the public regarding its Title VI obligation and apprise members of the public of the protections against discrimination afforded to them by Title VI.

Public notification will be achieved by posting the FRED Transit policy on non-discrimination in FRED Central and at FRED’s maintenance and operations center, on all buses, and on rideFRED.com. A link to this full Title VI Plan will also appear on rideFRED.com. Additionally, once per year FRED Transit will post its policy on non-discrimination in the local newspaper. The public notification will include a description of the complaint procedures as described in section “b” above. See Appendix F.

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, FRED Transit will solicit feedback on the effectiveness of language assistance provided and unmet needs. In addition, as part of FRED’s periodic survey of customers, we will include questions relating to the extent LEP persons use FRED’s services, about the adequacy and quality of the language assistance provided, and seek suggestions on ways to improve language assistance services.

In preparing the triennial update of this plan, FRED 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.”

Based on the feedback received from community members and agency employees, FRED 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 FRED will seek to identify the most cost-effective approaches.

As the community grows and new LEP groups emerge, FRED Transit will strive to address the needs for additional language assistance.

## **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.”

The Public Transit Advisory Board (PTAB) serves as an advisory body to FRED and the City of Fredericksburg. PTAB comprises representation of the local jurisdictions in which FRED provides service, the business community, the academic community, the disabled community, major partners that contribute more than \$25,000 in cash or in kind annually to support FRED operations, and the general public. All meetings of the PTAB are open to the public. The businesses, organizations and institutions represented on the PTAB select the persons to represent them on the Board. FRED ensures that those selections are made without regard to the Board members’ race, color or national origin. See Appendix G for an analysis of the Board’s racial composition compared to the racial composition of the region served by FRED.

Appendix E includes a table showing minority representation on FRED Transit’s PTAB as of April 2015.



## **IX. REQUIREMENTS OF TRANSIT PROVIDERS**

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

To ensure that transit providers do not use the manner in which they deliver service to discriminate on the basis of race, color or national origin, or income, the FTA requires operators to develop quantitative measures of service standards that can be used to compare and contrast service on various routes. The FTA also requires the development of qualitative service policies for the same purpose.

#### Quantitative Measures

1. Vehicle load: the ratio of passengers carried to the seating capacity of the bus;
2. Vehicle headway: the amount of time between two buses traveling in the same direction on a given route;
3. On-time performance: the percentage of runs that are completed according to the published schedule;
4. Service availability: the distribution of routes within FRED's service area;

#### Qualitative Measures

5. Distribution of service amenities: the process for deciding on the location of amenities such as benches, shelters, information signage.
6. Vehicle assignments: the process by which FRED decides which buses will be used on which routes.

FRED Transit's specific standards are described below.

Vehicle Load. Buses will be assigned to regular routes in a manner that avoids the need for any passenger to stand on FRED's 22-seat and 26-seat buses. In other words, the ratio of passengers to the number of seats should not exceed 1.0. For FRED's VRE feeder service, the vehicle loads should not exceed 1.2; i.e., should not exceed 26 passengers for 22-seat buses and 31 passengers for 26-seat buses.

Vehicle Headways. Vehicle headways should not exceed one (1) hour on FRED's regular route operations. Headways on FRED's VRE feeder service are determined by the arrival and departure times of the VRE commuter trains.

Scheduling and headways involve the consideration of a number of factors including: ridership intensity, traffic patterns and congestion, the location and density of transit-dependent

populations and activities, FRED's role in the FAMPO Transportation Plan, regional partners' funding priorities, land use connectivity, and transportation demand management.

### On-time Performance

A FRED bus is considered on time if it departs a scheduled time point no more than one (1) minute early and no more than five (5) minutes late. FRED Transit's on-time performance objective is 90 percent or greater. FRED currently monitors on-time performance through reports from drivers and line supervisors; during FY2016, FRED will be able to monitor on-time performance through its new automated data collection system. Problem routes may be surveyed to determine more precise performance characteristics and potential remedies. As FRED operates a deviated fixed route system, some routes may be subject to wide variations in on-time performance when a large number of deviations are scheduled.

### Service Availability

FRED Transit will endeavor to distribute transit service so that 75 percent of all residents in the service area are within ¼ mile walk of regular route bus service. This measure is affected by the fact that FRED operates many miles over roads in lightly populated areas; it is also affected by local partner jurisdictions' funding of transit, which determines the extent of FRED operations.

### Vehicle Assignment

FRED's assignment of vehicles to routes will take into account the following factors:

- Ridership
- Accessibility of streets and roadways; e.g., width, tightness of turns
- Rotation of buses among high and low density routes to enhance vehicle performance.

All buses on all routes are equipped with wheelchair lifts, stop signaling pulls or bars, PA systems, air conditioning and heating, GPS systems and video cameras.

### Transit Amenities

Installation of transit amenities (shelters, benches, signage) is based on route and stop characteristics such as route ridership and individual stop boardings, safety, as well as input from partner jurisdictions.

## **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 and the FTA.

## **Fare and Service Changes**

FRED 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, FRED 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.

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## APPENDIX A

### Title VI Notice to the Public; List of Locations



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).

FREDericksburg Regional 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 FRED Transit, or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, our contact information is:

R. Craig Reed  
Manager of Policy, Planning and Compliance  
FREDericksburg Regional Transit  
1400 Jefferson Davis Highway  
Fredericksburg, VA 22401  
540.372.1222 x209  
[rcreed@fredericksburgva.gov](mailto:rcreed@fredericksburgva.gov)

This notice will be posted at all FRED Transit facilities including the Lawrence A. Davies Transportation Center (FRED Central) and the FRED operations and maintenance center. It will also be posted on all FRED transit buses and on the FRED website, [www.ride FRED.com](http://www.rideFRED.com). A copy of FRED Transit's full plan for implementing its responsibilities under Title VI is available through a link FRED's website or a printed copy may be requested through Mr. Reed.

**APPENDIX B**

**Title VI Complaint Form**

**This form should be filed with FRED's Title VI Coordinator as shown below.**

<b>Section I:</b>				
<b>Name:</b>				
<b>Address:</b>				
<b>Telephone (Home):</b>			<b>Telephone (Work):</b>	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		<b>Audio Tape</b>	
	TDD		<b>Other</b>	
<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.		
<b>Name:</b>		
<b>Title:</b>		
<b>Agency:</b>		
<b>Address:</b>		
<b>Telephone:</b>		
<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

Please submit this form in person at the address below, or mail this form to:

FREdericksburg Regional Transit  
 Attn: Title VI Manager

**APPENDIX C**

**Investigations, Lawsuits and Complaints Document  
 Summary Form**

	<b>Date</b> <b>(Month, Day, Year)</b>	<b>Summary</b> <b>(include basis of complaint: race, color, or national origin)</b>	<b>Status</b>	<b>Action(s) Taken</b>
<b>Investigations</b>				
1.				
2.				
<b>Lawsuits</b>				
1.				
2.				
<b>Complaints</b>				
1.				
2.				

**No Title VI complaints or lawsuits were filed in FY2014 or FY2015; no FTA, DRPT or other investigations were undertaken.**

## APPENDIX D

### Summary of Outreach Efforts

FRED Transit outreach efforts include the following types of activities, most of which are directed at all citizens in the Region and not just towards minority or LEP segments of the population.

- Publishing FRED's Title VI, DBE and EEO plans, policies and programs in the local general circulation newspaper (The Free Lance-Star) so that citizens are aware of their existence and whom to contact at FRED for further information or to lodge complaints.
- Briefing Public Transit Advisory Board (PTAB) members on these programs. PTAB members represent local jurisdictions, businesses, academic institutions, organizations, the disabled community and the general public, and are in a position to disseminate information about and register concerns about FRED policies and programs.
- Posting Title VI and other nondiscrimination policies, plans and programs at FRED facilities and on buses and on the FRED website, [www.rideFRED.com](http://www.rideFRED.com).
- Making certain that all contracts and procurements contain the appropriate sections describing FRED's policies, plans and programs relating to Title VI and other nondiscrimination requirements.
- Scheduling briefings about FRED services for various organizations and institutions such as apartment complexes, schools, churches, businesses, and civic organizations.



**APPENDIX E**

**Table – Minority Representation on the Public Transit Advisory Committee**

<b>Body</b>	<b>Caucasian</b>	<b>Latino</b>	<b>African American</b>	<b>Asian American</b>	<b>Native American</b>
<b>Population</b>	<b>68%</b>	<b>8%</b>	<b>18%</b>	<b>2%</b>	<b>&gt;1%</b>
<b>Public Transit Advisory Board</b>	<b>80%</b>	<b>0%</b>	<b>20%</b>	<b>0%</b>	<b>0%</b>

Source: Derived from 2010 Census Demographic Profile Data, DP-1, and FRED Transit PTAB Data for April 2015.