

FREDERICKSBURG REGIONAL TRANSIT
TITLE VI PLAN AND ASSURANCES
Relating to Programs of the Federal Transit Administration
SEPTEMBER 2012



RECIPIENT INFORMATION

RECIPIENT: FREDericksburg Regional Transit, a Department of the City
of Fredericksburg, Virginia

SUBMITTAL DATE: September 2012

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I. PROVISION OF TITLE VI ASSURANCES

FRED Transit certifies that, as a condition of receiving Federal financial assistance under the Urban Mass Transportation Act of 1964, as amended, it will ensure that:

- a. FRED Transit will submit annually its Title VI Assurance as part of its annual Certification and Assurance submission to the Federal Transit Administration (FTA).
- b. No person, on the basis of race, color or national origin, will be subjected to discrimination in the level and quality of transportation services and transit-related benefits provided by FRED Transit.
- c. FRED Transit will compile, maintain and submit in a timely manner Title VI information required by FTA Circular 4702.1A and in compliance with the Department of Transportation's (USDOT) Title VI Regulation, 49 CFR, Part 21.7.
- d. FRED Transit will make it known to the public that any person or persons alleging discrimination on the basis of race, color or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the FTA or the USDOT.

II. TITLE VI COMPLIANCE HISTORY

- a. There are no outstanding lawsuits of complaints naming FRED Transit alleging discrimination on the basis of race, color or national origin with respect to FRED service and other transit-related benefits.
- b. There are no pending applications for Federal financial assistance and no Federal financial assistance being provided to FRED Transit other than that being provided by the FTA. Currently, FRED receives assistance under Section 5307, Section 5311 and the Congestion Mitigation and Air Quality Program.
- c. During the last three years there have not been any civil rights compliance review activities conducted with respect to FRED Transit and, to the best of our knowledge, there are no ongoing civil rights compliance review activities being conducted with respect to FRED Transit.
- d. There are no current or pending FRED Transit construction projects that would negatively impact minority communities.

III. INCORPORATION OF THE TITLE VI PROGRAM

FRED Transit (also referred to as the "Recipient") hereby agrees that, as a condition of receiving and Federal financial assistance for the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations"), and other pertinent directives. 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 for which the Recipient receives Federal financial assistance from the Department of Transportation, including the FTA, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its various FTA grants:

- a. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(s) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
- b. That the Recipient shall insert the following notification in all solicitations for bids for work or materiel subject to the Regulations and made in connection with all FTA programs and, in adapted form in all proposals for negotiated agreements:

FREdericksburg Regional Transit, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 end Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

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

- k. The Recipient assures that the level and quality of transit service and related benefits are provided in a manner consistent with Title VI of the Civil Rights Act of 1964.

THESE ASSURANCES are given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under FTA programs and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the FTA programs.

The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

DATED: _____

FREDericksburg Regional Transit (FRED)
(Name of Recipient)

by _____
(Signature of Authorized Official)

Date: _____

Attachments:
Appendices A, B, C, D, E, F, G and H

IV GENERAL GUIDELINES/REQUIREMENTS

a. Annual Certification and Assurances

FRED Transit will submit annually its Title VI assurance as part of its annual Certification and Assurance submission to the FTA. Section I of this Plan contains the Certification for FRED's FY2013.

b. Complaint Procedures

In compliance with 49 CFR Section 21.9(b), FRED Transit has developed procedures for investigating and tracking Title VI complaints filed against the system. The procedures are posted in the Lawrence A. Davies Transit Center (FRED Central) and on the FRED Transit website, rideFRED.com.

If FRED patrons, prospective contractors or the general public have Title VI-related complaints or concerns, they are first instructed to contact Wendy Kimball, FRED's Assistant Director. Ms Kimball will record the complaint or concern and conduct an investigation to determine: 1) the precise nature of the complaint; 2) applicable provisions under Title VI; 3) the facts relating to the case; and 4) what, if any actions may be required to address the allegations in the complaint. Her findings will be forwarded to the Director of Public Transit for review and implementation, as appropriate. Paper and electronic records of any complaints will be kept on file at FRED Central and reported in subsequent submissions to the FTA under this Plan.

Those filing complaints will also be advised of their right to file any and all documentation with the City of Fredericksburg's City Attorney and with the Civil Rights Officer of the FTA, Region III.

See Appendix D for FRED's Title VI complaint form.

c. Record of Title VI Activities

In compliance with 49 CFR Section 21.9(b), FRED Transit will prepare and maintain a list of any active investigations conducted by entities other than the FTA, lawsuits, or complaints naming FRED Transit that allege discrimination on the basis of race, color, or national origin. That list shall include: 1) date on which the investigation, lawsuit, or complaint was filed; 2) summary of the allegation(s); 3) the status of the investigation, lawsuit, or complaint including findings of fact; and 4) actions taken by FRED Transit in response to the investigation, lawsuit, or complaint.

See Appendix E for FRED's summary form for recording Title VI complaints.

d. Access for Limited English Proficiency (LEP) Persons

FRED Transit will take steps to ensure meaningful access to the benefits, services, information, and other important portions of its programs and activities for individuals with limited English proficiency. FRED Transit will coordinate with the Fredericksburg Area Metropolitan Planning Organization (FAMPO) to

assist persons with limited English proficiency to participate in transit-related planning activities and processes.

FRED Transit, upon request and where feasible, will endeavor to provide document translation and interpreters to those needing language assistance. At its discretion, FRED Transit may use third party services such as Language Line Over-the-Phone Interpretation Service, Google Translate, and Babel Fish for such assistance. The FRED website, rideFRED.com, currently includes links to Google Translate. FRED Transit uses “I Speak ...” cards to identify the language(s) spoken by LEP persons when it is not readily apparent to staff.

In developing its procedures for assisting LEP persons, FRED reviewed Census data regarding the estimated number of LEP persons in the jurisdictions served by FRED. That information is summarized in the table below (Source: derived from data found in U.S. Census Form S1601). Spanish is the predominant non-English language spoken in the Fredericksburg Region.

Limited English Proficiency Summary Information		
All Non-English Language Speakers (over the age of 5)		
	# of Persons	% of Population
Fredericksburg Total	2,875	13.2
Speak English less than very well	1,459	6.7
Spotsylvania Total	10,498	9.4
Speak English less than very well	3,574	3.2
Stafford Total	14,718	12.7
Speak English less than very well	4,253	4.2
Caroline Total	1,401	5.4
Speak English less than very well	363	1.4
Spanish Speakers (over the age of 5)		
Fredericksburg Total	2,069	9.5
Speak English less than very well	1,459	6.7
Spotsylvania Total	5,823	5.2
Speak English less than very well	2,010	1.8

Stafford Total	8,228	7.1
Speak English less than very well	2,789	2.4
Caroline Total	1,064	4.1
Speak English less than very well	285	1.1

Slightly less than 10,000 persons (or about 3.5 percent) in the city and counties served by FRED Transit are estimated to speak English less than very well. Approximately two-thirds of those persons (or about 2.3 percent of the total regional population) are Spanish speakers.

A recent on-board survey, although not asking the same question as the Census, returned results consistent with the Census data. For example, 3.8 percent of the respondents chose to answer the question on the Spanish side of the survey form; assuming that this includes all persons who do not speak English very well plus a number who do but prefer to use their first language, this value is consistent with the general Census value cited above.

Discussions with FRED Transit first line supervisors and dispatchers indicate that they interact with LEP persons 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.

Considering the foregoing factors and DOT Policy Guidance on Recipients' Responsibilities to LEP Persons (December 14, 2005), FRED Transit's LEP program will comprise the following elements:

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

e. Public Notification

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 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.

f. Additional Information

FRED Transit acknowledges that, at the discretion of the FTA, information other than that which is required by FTA C 4702.1A may be requested in writing of FRED Transit for the purpose of investigating complaints of discrimination or to resolve concerns about possible noncompliance with Title VI.

g. Timely Submission

FRED Transit acknowledges that its Title VI submissions and/or updates thereto will be supplied to FTA Region III every three years. The submission will include, but not be limited to:

1. A summary of public outreach and involvement activities undertaken since the last submission and a description of steps taken to ensure that minority and low-income people had meaningful access to these activities;
2. FRED Transit’s process for persons with limited English proficiency;
3. Title VI complaint and tracking procedures;
4. A list of any Title VI investigations, complaints or lawsuits filed since the last submission; and
5. A copy of FRED Transit’s public notice regarding Title VI compliance, public access and instructions for filing Title VI complaints.

Portions of the Plan that have not changed since the last submission do not need to be resubmitted; however, FRED Transit will include a statement to this effect in lieu of submitting copies of the original documents to eliminate redundancy. For the period FY2013-15, FRED is resubmitting its Plan in its entirety since the FTA has issued new guidance that includes significant additional requirements.

h. Analysis of Construction Projects

FRED Transit will integrate an environmental justice analysis into any National Environmental Policy Act (NEPA) documentation that may be required in connection with construction projects. For construction projects involving a categorical exclusion (CE), FRED Transit will complete and submit FTA’s standard CE checklist, which includes a section on community disruption and environmental justice. When preparing an environmental assessment (EA) or environmental impact statement (EIS), FRED Transit will integrate into its documents the following components:

1. A description of the low-income and minority population within the study area affected by the project, and a discussion of the method used to identify this population;

2. A discussion of all adverse effects of the project both during and after construction that would affect the identified minority and low-income population;
3. A discussion of all positive effects that would affect the identified minority and low-income population, such as an improvement in transit service, mobility, or accessibility;
4. A description of all mitigation and environmental enhancement actions incorporated into the project to address the adverse effects, including, but not limited to, any special features of the relocation program that go beyond the requirements of the Uniform Relocation Act and address adverse community effects such as separation or cohesion issues; and the replacement of the community resources destroyed by the project;
5. A discussion of the remaining effects, if any, and why further mitigation is not proposed; and
6. For projects that traverse predominantly minority and low-income and predominantly non-minority and non-low-income areas, a comparison of mitigation and environmental enhancement actions that affect predominantly low-income and minority areas with mitigation implemented in predominantly non-minority or non-low-income areas. If FRED Transit determines that there is no basis for such a comparison, it will describe why that is so.

i. Public Participation

FRED Transit will seek out and consider the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities and will offer early and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions. As part of its public participation process, FRED Transit will make every effort to include the following practices:

1. Coordinating with individuals, institutions, or organizations and implementing community-based public involvement strategies to reach out to members in the affected minority and/or low-income communities.
2. 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.
3. Using locations, facilities, and meeting times that are convenient and accessible to low-income and minority communities.
4. Using different meeting sizes or formats, or varying the type and number of news media used to announce public participation opportunities, so that communications are tailored to the particular community or population.
5. Implementing DOT's policy guidance concerning recipients' responsibilities to LEP persons to overcome barriers to public participation.

j. Minority Representation on Advisory Bodies

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 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.

k. System-wide Service Standards and Policies

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, the FTA requires operators to develop quantitative measures of service standard 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. Appendix H contains FRED's service standards and policies for the following 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;
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.

The person whose signature appears below is authorized to sign on behalf of FRED Transit.

Date: _____

Kathleen M. Beck, Director of Public Transit
City of Fredericksburg

(APPENDIX A TO TITLE VI ASSURANCE)

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

- (1) Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
- (4) Information and Reports: The contractor shall provide all information and reports required by this Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by FREdericksburg Regional Transit (hereinafter referred to

as "FRED") or the Federal Transit Administration (hereinafter referred to as "FTA") to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to FRED, or the FTA as appropriate, and shall set forth what efforts it has made to obtain the information

- (5) Sanctions for Noncompliance: In the event of the contractor's noncompliance with nondiscrimination provisions of this contract, the FRED shall impose contract sanctions as it or the FTA may determine to be appropriate, including, but not Limited to:

(a) withholding of payments to the contractor under the contract until the contractor complies; and/or

(b) cancellation, termination, or suspension of the contract, in whole or in part.

- (6) Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as FRED or the FTA may direct as a means of enforcing such provisions including sanctions for noncompliance:

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request FRED to enter into such litigation to protect the interests of FRED, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(APPENDIX B TO TITLE VI ASSURANCE)

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

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that FREdericksburg Regional Transit (hereinafter referred to as "FRED") will accept title to the lands and maintain the project constructed thereon, in accordance with the Section 5307 Program, the Regulations for the Administration of Section 5307 Funds and the policies and procedures prescribed by the Federal Transit Administration (hereinafter referred to as "FTA") of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to 'Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto FRED all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto FRED and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of

similar services or benefits and shall be binding on FRED, its successors and assigns.

FRED, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed [,] [and]* (2) that FRED shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1954, and as said Regulations may be amended, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

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

(APPENDIX C TO TITLE VI ASSURANCE)

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by FREDericksburg Regional Transit (hereinafter referred to as "FRED")_ pursuant to the provisions of Assurance 7(a).

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

[Include in licenses, leases, permits, etc.]*

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

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, FRED shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of FRED and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by FRED pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, his/her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in case of deeds, and leases add "as a covenant running with the land") that (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing services there on, no person on the grounds of race, color, or national origin shall be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination, and (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, lessee, permits, etc.]*

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

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, FRED shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of FRED and its assigns.

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to

effectuate the purpose of Title VI of the Civil Rights Act of 1964.

APPENDIX D

FREDERICKSBURG REGIONAL TRANSIT

TITLE VI NON-DISCRIMINATION COMPLAINT FORM

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

Section I:				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
Section II:				
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
Section III:				
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.				

Section IV		
Have you previously filed a Title VI complaint with this agency?	Yes	No
Section V		
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:		
Section VI		
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 Coordinator
 1400 Jefferson Davis Highway
 Fredericksburg, VA 22401

APPENDIX E

FREDERICKSBURG REGIONAL TRANSIT SUMMARY OF TITLE VI INVESTIGATIONS, LAWSUITS AND COMPLAINTS

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

APPENDIX F

NOTIFICATION OF PUBLIC RIGHTS UNDER TITLE VI

FREDERICKSBURG REGIONAL TRANSIT A DEPARTMENT OF THE CITY OF FREDERICKSBURG, VIRGINIA

- FREDericksburg Regional Transit (FRED), a Department of the City of Fredericksburg, Virginia (the City), operates its programs and services without regard to race, color and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with FRED or the City.
- For more information on FRED's civil rights program and for procedures for filing a complaint, contact Assistant Director of Public Transit, Wendy Kimball, at 540.372.1222 x207 or at wkimball@fredericksburgva.gov (please include "Title VI Complaint" in the email subject line). Complaints may also be filed at "FRED Central" 1400 Jefferson Davis Highway, Fredericksburg, VA 22401, Monday through Friday between the hours of 9:00 am and 5:00 pm.
- The complainant may 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.

Additional information on your rights under Title VI and on FRED's Title VI Program can be obtained by contacting Wendy Kimball (see above) or by visiting the FRED website, [www.ride FRED.com](http://www.rideFRED.com). (La información adicional sobre sus derechos bajo el Título VI y el Título VI del Programa FRED pueden obtener poniéndose en contacto con Wendy Kimball (véase más arriba) o visitando el sitio web de FRED, rideFRED.com.)

APPENDIX G

FREDERICKSBURG REGIONAL TRANSIT RACIAL BREAKDOWN OF PUBLIC TRANSIT ADVISORY BOARD vs. BREAKDOWN OF SERVICE AREA POPULATION

Body	Caucasian	Latino	African American	Asian American	Native American
Population	68%	8%	18%	2%	>1%
Public Transit Advisory Board	81%	0%	19%	0%	0%

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

APPENDIX H

FREDERICKSBURG REGIONAL TRANSIT

SERVICE STANDARDS AND POLICIES REQUIRED BY TITLE VI REGULATION

Background

The Federal Transit Administration (FTA) requires that all fixed route providers of public transportation, to comply with the provisions of Title VI, must develop quantitative standards for the following elements of service.

- Vehicle load: ratio of passengers to the number of seats on the bus
- Vehicle headways: amount of time between two buses traveling in the same direction on the same route
- On-time performance: measure of runs completed on schedule
- Service availability: measure of the distribution of routes within the service area.

The FTA also requires that all fixed route providers develop qualitative policies for the following elements of service:

- Vehicle assignment
- Transit amenities.

FRED Quantitative Standards

Vehicle Load. Buses will 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 population 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. 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 in 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.

FRED Qualitative Standards

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, air conditioning and heating, 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.