
Title VI Plan and Procedures
Title VI of the Civil Rights Act of 1964

New River Valley Community Services (NRVCS)

Community Transit



Adopted date

December 9, 2021

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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 NRVCS/Community Transit incorporates nondiscrimination policies and practices in providing services to the public. NRVCS/Community 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

NRVCS is the public provider of behavioral health services to residents of the New River Valley; offering community-based programs for both children and adults who are living with mental illness, developmental disabilities, and/or substance use disorders. NRVCS serves the counties of Floyd, Giles, Montgomery and Pulaski, and the City of Radford.

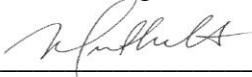
NRVCS operates an interagency transportation department (Community Transit) which provides safe and reliable fixed route services as well as demand responsive medical trips for individuals with disabilities and/or special needs. Our service area includes Floyd, Giles, Montgomery, and Pulaski counties, and the City of Radford. Individuals are considered for services if they meet one of the following criteria: recipient of service by NRVCS or qualify under Medicaid/approved insurance provider. Services are focused on individuals with special needs, those with disabilities, or those who may be elderly.

III. POLICY STATEMENT AND AUTHORITIES

Title VI Policy Statement

NRVCS/Community 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 NRVCS/Community 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.



Signature of Authorizing Official

12/09/2021

Date

Authorities

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

Additional authorities and citations include: Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d); Federal Transit Laws, as amended (49 U.S.C. Chapter 53 et seq.); Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, et seq.); Department of Justice regulation, 28 CFR part 42, Subpart F, “Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs” (December 1, 1976, unless otherwise noted); U.S. DOT regulation, 49 CFR part 21, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964” (June 18, 1970, unless otherwise noted); Joint FTA/Federal Highway Administration (FHWA) regulation, 23 CFR part 771, “Environmental Impact and Related Procedures” (August 28, 1987); Joint FTA/FHWA regulation, 23 CFR part 450 and 49 CFR part 613, “Planning Assistance and Standards,” (October 28, 1993, unless otherwise noted); U.S. DOT Order 5610.2, “U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations,” (April 15, 1997); U.S. DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons, (December 14, 2005), and Section 12 of FTA’s Master Agreement, FTA MA 13 (October 1, 2006).

IV. NONDISCRIMINATION ASSURANCE TO DRPT

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 the Virginia Department of Rail and Public Transportation (DRPT) submits its annual certifications and assurances to FTA. DRPT shall collect Title VI assurances from sub-recipients prior to passing through FTA funds.

As part of the Certifications and Assurances submitted to DRPT with the Annual Grant Application and all Federal Transit Administration grants submitted to the DRPT, NRVCS/Community 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, NRVCS/Community Transit confirms to DRPT the agency's commitment to nondiscrimination and compliance with federal and state requirements.

V. PLAN APPROVAL DOCUMENT

NRVCS BOARD MEETING

MEETING DATE: Thursday, December 9, 2021

EXECUTIVE COMMITTEE REPORT: Vicky Collins, Vice Board Chair, reported that the Executive Committee met on November 22, 2021 the Title VI Plans and Procedures for Community Transit were reviewed and edits approved by the Executive Committee. A copy was made available for Board Members to review.

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



Signature of Authorizing Official

12/09/2021

DATE

James Pritchett, Executive Director

New River Valley Community Services

VI. ORGANIZATION AND TITLE VI PROGRAM RESPONSIBILITIES

NRVCS's Quality Assurance Administrator 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.

- The Quality Assurance Administrator is responsible for:
 - Coordinating the overall administration of Title VI program, plan and assurances, data collection and reporting, annual reviews and updates, and internal educations
- The Client Advocate is responsible for:
 - All aspects of complaint handling and reporting on investigation outcomes in coordination with the Title VI Manager
- The Transportation Data Analyst is responsible for:
 - Coordinating with those who are responsible for service planning and delivery to ensure compliance
- The Transportation General Manager is responsible for:
 - Service planning and delivery: this included analysis of current services, analysis of proposed service and fare changes and environmental justice. This position is also responsible for coordinating with those who are responsible for service planning and delivery

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 supervising the other staff assigned with Title VI responsibilities in implementing, monitoring, and ensuring compliance with Title VI regulations. Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints received. This will be completed in coordination with the Client Advocate and a final report will be completed on Title VI complaints received by NRVCS pertaining to Community Transit, in accordance with the agency's Nondiscrimination Complaint Procedures (presented below).
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. Review will assess if administrative procedures are effective, staffing is appropriate, and adequate resources are available to ensure compliance and effectiveness of program.

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. Title VI Manager will assist the Client Advocate, to 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, NRVCS/Community Transit will maintain:

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

2. Annual Report and Updates

As a sub-recipient of FTA funds, NRVCS/Community Transit is required to submit to DRPT any Title VI complaints received during the preceding quarter and for each year. NRVCS/Community Transit will also maintain and provide to DRPT an annual basis, the log of public outreach and involvement activities undertaken to ensure that minority and low-income people had a meaningful access to these activities.

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

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

3. Annual review of Title VI program

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

4. Dissemination of information related to the Title VI program

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

5. Resolution of complaints

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

6. Written policies and procedures

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

7. Internal education

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

Title VI training is the responsibility of the Culture Competence Committee.

8. Title VI clauses in contracts

In all federal procurements requiring a written contract or Purchase Order (PO), NRVCS/Community Transit's contract/PO will include appropriate non-discrimination clauses. The Title VI Manager will work with the Executive Director who is 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, NRVCS/Community Transit shall disseminate this information to the public by posting a Title VI notice on the agency's website and in public areas of the agency's office(s), including the reception desk, meeting rooms, in federally-funded vehicles, etc.

SEE APPENDIX A-Title VI Notice to the Public
SEE APPENDIX B-Title VI Notice to the Public List of Locations

Title VI Complaint Procedures

Requirement to Develop Title VI Complaint Procedures and Complaint Form.

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

Any individual may exercise his or her right to file a complaint with NRVCS/Community 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.

NRVCS/Community 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:

NRVCS/Community Transit is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color or national origin, as protected by Title VI of the Civil Rights Act of 1964.

For additional information on NRVCS/Community Transit's nondiscrimination policies and procedures, or to file a complaint, please visit the website at www.nrvcs.org or contact our Client Advocate at:

*700 University City Boulevard
Blacksburg, VA 24060
540-961-8421
clientadvocate@nrvcs.org*

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.

SEE APPENDIX C-Title VI Complaint Form

Procedures for Handling and Reporting Investigations/Complaints and Lawsuits

Should any Title VI investigations be initiated by FTA or DRPT, or any Title VI lawsuits are filed against NRVCS/Community Transit the agency will follow these procedures:

Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination on the basis of race, color, or national origin may file a written complaint with the Title VI Manager. The complaint is to be filed in the following manner:
 - a. A formal complaint must be filed within 180 calendar days of the alleged occurrence.
 - b. The complaint shall be in writing and signed by the complainant(s).
 - c. The complaint should include:
 - The complainant's name, address, and contact information
 - (i.e., telephone number, email address, etc.)
 - The date(s) of the alleged act of discrimination (if multiple days, include the date when the complainant(s) became aware of the alleged discrimination and the date on which the alleged discrimination was discontinued or the latest instance).
 - A description of the alleged act of discrimination
 - The location(s) of the alleged act of discrimination (include vehicle number if appropriate)
 - An explanation of why the complainant believes the act to have been discriminatory on the basis of race, color, and national origin
 - If known, the names and/or job titles of those individuals perceived as parties in the incident
 - Contact information for any witnesses
 - Indication of any related complaint activity (i.e., was the complaint also submitted to DRPT or FTA?)
 - d. The complaint shall be submitted to the NRVCS Client Advocate at:
700 University City Boulevard
Blacksburg, VA 24060
540-961-8421
clientadvocate@nrvc.org
 - e. Complaints received by any other employee of NRVCS/Community Transit will be immediately forwarded to the NRVCS Client Advocate.
 - 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 NRVCS Client Advocate. Under these circumstances, the complainant will be interviewed, and the Client Advocate will assist the complainant in converting the verbal allegations to writing.
2. Upon receipt of the complaint, the Client Advocate will immediately:
 - a. notify DRPT (no later than 3 business days from receipt)
 - b. notify the Title VI Manager who will notify the 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 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 Client Advocate (in conjunction with 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, Executive Director, DRPT, and, if appropriate, NRVCS'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 in the event the complainant wishes to appeal the determination. This letter will be copied to DRPT.
13. A complaint may be dismissed for the following reasons:
 - a. The complainant requests the withdrawal of the complaint.
 - b. An interview cannot be scheduled with the complainant after reasonable attempts. NRVCS defines reasonable as three (3) attempts.
 - c. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
14. DRPT will serve as the appealing forum to a complainant that is not satisfied with the outcome of an investigation conducted by NRVCS/Community Transit. DRPT will analyze the facts of the case and will issue its conclusion to the appellant according to their procedures.

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

Transportation-Related Title VI Investigations, Complaints, and Lawsuits

Background

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

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

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

SEE APPENDIX D- Investigations, Lawsuits and Complaints Document

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 NRVCS/Community 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.

NRVCS/Community 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.

NRVCS/Community 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.

NOTE: FTA has developed a Circular, 4703.1, “Environmental Justice Policy Guidance for Federal Transit Administration Recipients,” that includes many examples of effective strategies for engaging minority and low-income populations. FTA Chap. III-6 FTA C 4702.1B encourages recipients to review that Circular for ideas when developing their public engagement strategy.

SOME OF THOSE EFFECTIVE PUBLIC OUTREACH PRACTICES INCLUDE:

- Publishing public notices within local newspapers of general circulation as well as those targeted at minority, low income and LEP persons and on the agency’s website.
 - Public notices are issued to:

- announce intent to apply for public transit funding from FTA, and to announce the formal comment period on the proposed program of projects, with a public hearing (or opportunity for one) (annually in advance of submitting the ATP)
- Posting public notices as described above at major passenger/public facilities and in all vehicles.
- Sending news releases to news media (newspapers, radio, television, web media) of general interest as well as those targeted at minority and LEP persons, as well as community-based organizations that serve persons protected under Title VI and which publish newsletters.
- Sending public service announcements (PSAs) to news media of general interest as well as those targeted at minority, low income and LEP persons, as well as community-based organizations that serve persons protected under Title VI and which publish newsletters.
- Conducting in-person outreach upon request at public meetings, community-based organizations, human service organizations which assist low income and LEP persons, places of worship, service organization meetings, cultural centers, and other places and events that reach out to persons protected under Title VI. The availability of NRVCS's staff for such speaking engagements is posted on the agency's website.
- Conducting periodic customer satisfaction surveys which are distributed to passengers on vehicles.

The above activities are the responsibility of the Transportation General Manager.

SEE APPENDIX E-Summary of Outreach Efforts

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 NRVCS/Community Transit is based on FTA guidelines.

As required, NRVCS/Community Transit developed a written LEP Plan (below). Using 2010 and American Community Survey (ACS) Census data, NRVCS/Community 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 – 2011-2015 American Community Survey 5-Year Estimates

Data from the U.S. Census Bureau's American Community Survey (ACS) were obtained through www.census.gov by NRVCS/Community Transit's service area. The agency's service area includes a total of 172,269 age 5 years and over, with 2.2% of persons with Limited English Proficiency (those persons who indicated that they spoke English less than "very well" in the 2011-2015 ACS Data).

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

Radford City			
Language	Number of LEP Population	Percent of County Population Speaking Language	Percent of LEP Population Speaking Language
Spanish or Spanish Creole	153	0.92%	55.64%
African languages	58	0.35%	21.09%
Vietnamese	46	0.28%	16.73%
Other Indo-European languages	9	0.05%	3.27%
Chinese	5	0.03%	1.82%
Korean	4	0.02%	1.45%
Total LEP Population	275	1.66%	
Total City Population	16,563		

Floyd County			
Language	Number of LEP Population	Percent of County Population Speaking Language	Percent of LEP Population Speaking Language
Spanish or Spanish Creole	175	1.19%	100.00%
Total LEP Population	175	1.19%	
Total County Population	14,725		

Giles County			
Language	Number of LEP Population	Percent of County Population Speaking Language	Percent of LEP Population Speaking Language
German	92	0.57%	73.02%
Chinese	28	0.17%	22.22%
Greek	4	0.02%	3.17%
Spanish or Spanish Creole	2	0.01%	1.59%
Total LEP Population	126	0.79%	
Total County Population	16,028		

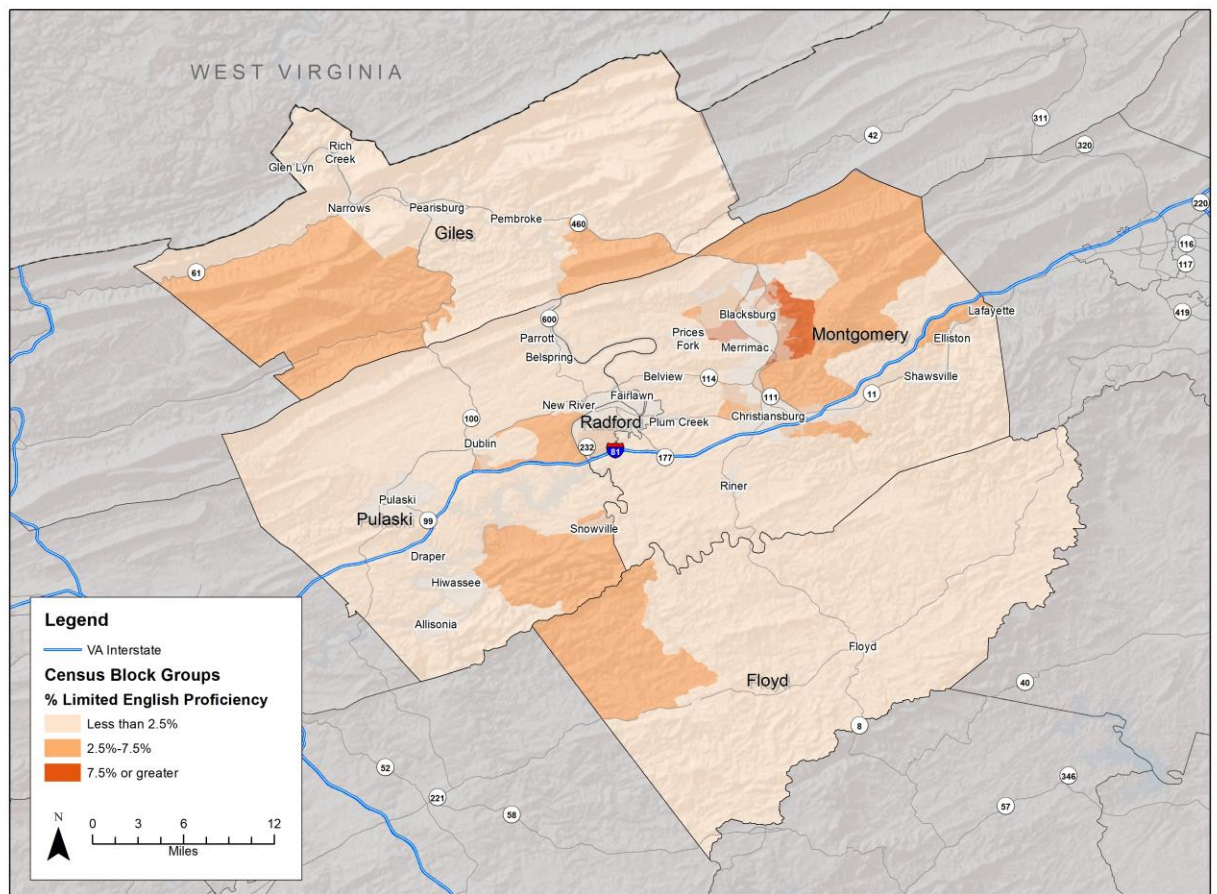
Montgomery County			
Language	Number of LEP Population	Percent of County Population Speaking Language	Percent of LEP Population Speaking Language
Chinese	1,085	1.18%	36.25%
Korean	400	0.43%	13.36%
Spanish or Spanish Creole	382	0.41%	12.76%
Arabic	333	0.36%	11.13%
Persian	264	0.29%	8.82%
Other Asian languages	60	0.07%	2.00%
Vietnamese	56	0.06%	1.87%
Other Slavic languages	55	0.06%	1.84%
Gujarati	53	0.06%	1.77%
Russian	47	0.05%	1.57%
Other Pacific Island languages	31	0.03%	1.04%
Polish	29	0.03%	0.97%
Other Indic languages	28	0.03%	0.94%
French	27	0.03%	0.90%
Tagalog	27	0.03%	0.90%
Italian	24	0.03%	0.80%
Other Indo-European languages	24	0.03%	0.80%
Hungarian	20	0.02%	0.67%
German	19	0.02%	0.63%
Portuguese or Portuguese Creole	18	0.02%	0.60%
Japanese	11	0.01%	0.37%
Total LEP Population	2,993	3.25%	
Total County Population	92,126		

Pulaski County			
Language	Number of LEP Population	Percent of County Population Speaking Language	Percent of LEP Population Speaking Language
Spanish or Spanish Creole	166	0.51%	73.45%
Russian	29	0.09%	12.83%
Chinese	12	0.04%	5.31%
German	12	0.04%	5.31%
French	7	0.02%	3.10%
Total LEP Population	226	0.69%	
Total County Population	32,827		

It is noted that there are relatively low number of LEP persons in the service area - no language is spoken by over 2% in the LEP population.

The most spoken language by LEP persons is Chinese (1,130). The majority of Chinese-speaking LEP persons are found in Montgomery County (1,085). Figure 1 shows the percentage of LEP persons by Census Block Group in the service area. There are large percentages of LEP persons in and around Blacksburg in Montgomery County.

Figure 1: % LEP by Census Block Group



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

NRVCS/Community 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 NRVCS/Community Transit’s customer service telephone line;
- Visits to the agency’s headquarters;
- Access to the agency’s website;
- Attendance at public meetings hosted by NRVCS/Community Transit

The agency has limited experience with LEP persons due to such low percentages living within the coverage area. What has been experienced is in regard to how to use transit, route and fare information, and general system use questions.

We will continue to identify emerging populations as updated Census and American Community Survey data become available for our service area. In addition, when LEP persons contact our agency, we attempt to identify their language and keep records on contacts to accurately assess the frequency of contact. To assist in language identification, we use a language identification flashcard created by NRVCS referencing material from health Translations Directory at www.healthtranslations.vic.gov.au.

Information from Community Organizations that Serve LEP Persons

To supplement the Census, education, and labor department data, NRVCS/Community Transit conducted community outreach to the following organizations that work with LEP populations.

- School systems;
- Community organizations;
- State and local governments;
- Religious organizations;
- Legal aid entities.

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

NRVCS/Community Transit provides the following programs, activities and services:

- Day support programs for individuals with intellectual disabilities.
- Substance abuse counseling programs for individuals involved with substance misuse.

- Transportation for individuals to and from these support programs.

Based on past experience serving and communicating with LEP persons and interviews with community agencies, we learned that the following services/routes/programs are currently of particular importance LEP persons in the community.

Currently there are not any particular services/routes/programs identified as particularly important to LEP persons.

The following are the most critical services provided by NRVCS/Community Transit for all customers, including LEP persons.

- Safety and security awareness instructions
- Emergency evacuation procedures
- Paratransit services
- Services targeted at low income persons

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

Costs

The following language assistance measures currently being provided by NRVCS/Community Transit

- American Sign Language Interpreter Services - \$ 40 to \$ 60 per hour dependent upon contractor.
- Spanish Interpreter Services - \$ 25 to \$ 40 per hour dependent upon contractor.
- Language Line (Emergency Use Only) - \$ 3.95 per minute
- TNB Interpretation Services
 - Standard (Common) Languages - \$ 75 per hour
 - Rare Languages - \$ 85 per hour
 - Exotic Languages - \$ 95 per hour
- Certified Bilingual Staff (Emergency Use Only) - \$ 25 per hour

We do not anticipate these activities or costs will increase

Based on the analysis of demographic data and contact with community organizations and LEP persons, NRVCS/Community Transit has determined that the following additional services are ideally needed to provide meaningful access:

- Translation of website and materials into Spanish.

Resources

The available budget that could be currently be devoted to additional language assistance expenses is \$ 26,000. This amount is likely to be stable over time, however if it were to suffer reductions NRVCS would need to seek additional funding.

In addition, in-kind assistance may be available through the Virginia Department of Behavioral Health and Developmental Services and federal grants.

Feasible and Appropriate Language Assistance Measures

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

- Utilizing contracted interpreter services available through NRVCS' overall language assistance program.
- Utilizing the language department at Radford University to assist with language communication barriers if required.

LEP Implementation Plan

Through the four-factor analysis, NRVCS/Community Transit has determined that the following types of language assistance are most needed and feasible:

- Translation of vital documents into Spanish.

Staff Access to Language Assistance Services

Agency staff who come into contact with LEP persons can access language services by contacting the Accounting Manager at 540-961-8362. 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 updated at least annually.

Responding to LEP Callers

Staff who answer calls from the public respond to LEP customers as follows: staff shall utilize the provided translation assistance on contract by NRVCS. To access this, contact the Accounting Manager at 540-961-8362.

Responding to Written Communications from LEP Persons

The following procedures are followed when responding to written communications from LEP persons: staff shall utilize the provided translation assistance on contract by NRVCS. To access this, contact the Accounting Manager at 540-961-8362.

Responding to LEP Individuals in Person

The following procedures are followed when an LEP person visits our customer service and administrative office: staff shall present the visitor with a LEP information card which outlines the available resources (in multiple common languages) through our free language assistance program. Additionally, all NRVCS sites post notice about access to free translation services available at no additional costs.

The following procedures are followed by operators when an LEP person has a question on board a NRVCS/Community Transit vehicle: staff shall present the rider with a LEP information card which outlines the available resources (in multiple common languages) through our free language assistance program. Additionally, staff may point out the LEP notice posted in all transit vehicles.

Staff Training

As noted previously, all NRVCS/Community 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.

- Diversity Training (required annually)
- Qualified Bilingual Certification

Providing Notice to LEP Persons

LEP persons are notified of the availability of language assistance through the following approaches:

- Following our Title VI policy statement included on our vital documents.
- On our website, with links to translations of vital documents in other languages.
- Through signs posted on our vehicles and in our customer service and administrative offices.
- Through ongoing outreach efforts to community organizations, schools, and religious organizations.
- Sending translated news releases and public service announcements about the availability of translated information to newspapers and broadcast media that target local LEP communities.

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

Monitoring/updating the plan

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

As part of ongoing outreach to community organizations, NRVCS/Community Transit will solicit feedback on the effectiveness of language assistance provided and unmet needs. In addition, we will conduct periodic review of updated Census data and review of the adequacy and quality of the language assistance provided, and determine changes to LEP needs.

In preparing the triennial update of this plan, NRVCS/Community 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, NRVCS/Community 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 NRVCS/Community Transit will attempt to identify the most cost-effective approaches.

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

IX. 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.”

NRVCS does not have any transit-related, non-elected planning boards, advisory councils, etc. NRVCS only has a Board of Directors who oversee all aspects of operations for NRVCS and membership is comprised of appointments to the board by the localities service by NRVCS.

X. 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.

Appendix A – Title VI Notice to the Public

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).

NRVCS/Community 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 NRVCS/Community Transit, or otherwise being discriminated against because of race, color, national origin, gender, age, or disability, our contact information is:

Client Advocate
New River Valley Community Services
700 University City Blvd.
Blacksburg, VA 24060
540-961-8421
clientadvocate@nrvc.org

Appendix B – Title VI Notice to the Public List of Locations

The following below is a complete list of locations within NRVCS the Title VI Notice to the Public is posted.

- NRVCS website – www.nrvc.org
- Front Foyer Transportation Office (2 B Corporate Dr. Radford, VA 24141)
- All Community Transit revenue service vehicles

Appendix C – Title VI Complaint Form

New River Valley Community Services Title VI Complaint Form

Title VI of the 1954 Civil Rights Act requires that “No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” If you feel you have been discriminated against in transit services, please provide the following information in order to assist us in processing your complaint and submit in person to the address below, or mail this form to:

*New River Valley Community Services
Clients Rights Advocate, Title VI Complaint
700 University City Blvd
Blacksburg, VA 24060
(p) 540-961-8421
(f) 540-961-8465*

Please Print clearly or type your response to this form. You may file a signed, written complaint up to one hundred and eighty (180) days from the date of the alleged discrimination.

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

Appendix D – Investigations, Lawsuits, and Complaints Document

NRVCS Title VI Investigation Tracking Log				
	Date	Summary	Status	Action(s) taken
1				
2				

NRVCS Title VI Lawsuit Tracking Log				
	Date	Summary	Status	Action(s) taken
1				
2				

NRVCS Title VI Complaint Tracking Log				
	Date	Summary	Status	Action(s) taken
1				
2				

Appendix E – Summary of Outreach Efforts

NRVCS takes the following steps to ensure that minority, low-income, and LEP members of the community have meaningful access to public outreach and involvement activities, including those conducted as part of the planning process for proposed changes in services, fares, and facilities development.

- Publishing public notices within local newspapers of general circulation as well as those targeted at minority, low income and LEP persons and on the agency’s website.
 - Public notices are issued to:
 - announce intent to apply for public transit funding from FTA, and to announce the formal comment period on the proposed program of projects, with a public hearing (or opportunity for one) (annually in advance of submitting the ATP)
- Posting public notices as described above at major passenger/public facilities and in all vehicles.
- Sending news releases to news media (newspapers, radio, television, web media) of general interest as well as those targeted at minority and LEP persons, as well as community-based organizations that serve persons protected under Title VI and which publish newsletters.
- Sending public service announcements (PSAs) to news media of general interest as well as those targeted at minority, low income and LEP persons, as well as community-based organizations that serve persons protected under Title VI and which publish newsletters.
- Conducting in-person outreach upon request at public meetings, community-based organizations, human service organizations which assist low income and LEP persons, places of worship, service organization meetings, cultural centers, and other places and events that reach out to persons protected under Title VI. The availability of NRVCS’s staff for such speaking engagements is posted on the agency’s website.
- Conducting periodic customer satisfaction surveys which are distributed to passengers on vehicles.

The above activities are the responsibility of the Transportation General Manager.