

Greater Hickory MPO

Title VI Plan

Agency Name: Greater Hickory MPO
Title VI Coordinator, Doug Laffon

Date Adopted: July 27, 2011

I. Plan Statement

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 Greater Hickory MPO 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 in Federal Transit Administration (FTA) Circular 4702.1.A.

This plan was developed to guide the Greater Hickory Metropolitan Planning Organization in its administration and management of Title VI-related activities conducted by both the Greater Hickory Metropolitan Planning Organization and the Unifour Rural Planning Organization. All references in this plan to the MPO shall also apply to the RPO.

Title VI Coordinator Contact Information

Greater Hickory MPO
Title VI Coordinator
1880 2nd Avenue NW
Hickory, NC 28601
Phone: 828-322-9191

II. Title VI Information Dissemination

Title VI information shall be prominently and publicly displayed at the Greater Hickory MPO. The name of the Title VI Coordinator is available on the Greater Hickory MPO Web site, at trans.wpcog.org. Additional information relating to nondiscrimination obligation can be obtained from the Title VI Coordinator.

Title VI information shall be disseminated to the Greater Hickory MPO employees via the Policies and Procedures and/or Employee Handbook of the Western Piedmont

Council of Governments (LPA of the Greater Hickory MPO) (see Appendix A) at their annual review. This document will be given at this time as a reminder to employees of the Greater Hickory MPO policy statement and of their Title VI responsibilities in their daily work and duties.

During New Employee Orientation, new employees shall be informed of the provisions of Title VI, and Greater Hickory MPO's expectations to perform their duties accordingly.

All employees shall be provided a copy of the Title VI Plan and are required to sign the Acknowledgement of Receipt (see Appendix B)

III. Subcontracts and Vendors

All subcontractors and vendors who receive payments from the Greater Hickory MPO where funding originates from any federal assistance are subject to the provisions of Title VI of the Civil Rights Act of 1964 as amended.

Written contracts shall contain non-discrimination language, either directly or through the bid specification package which becomes an associated component of the contract.

IV. Record Keeping:

The Title VI Coordinator will maintain permanent records, which include, but are not limited to, signed acknowledgements of receipt from the employees indicating the receipt of the Greater Hickory MPO's Title VI Plan (employee file), copies of Title VI complaints or lawsuits and related documentation, and records of correspondence to and from complainants, and Title VI investigations.

V. Title VI Complaint Procedures

How to file a Title VI Complaint?

The complainant may file a signed, written complaint up to one hundred and eighty (180) days from the date of the alleged discrimination. The complaint should include the following information:

- Your name, mailing address, and how to contact you (i.e., telephone number, email address, etc.)
- How, when, where and why you believe you were discriminated against. Include the location, names and contact information of any witnesses.
- Other information that you deem significant

The Title VI Complaint Form (see Appendix C) may be used to submit the complaint information. The complaint may be filed in writing with the Greater Hickory MPO at the following address:

Greater Hickory MPO
Title VI Coordinator
1880 2nd Avenue NW
Hickory, NC 28601

NOTE: Greater Hickory MPO encourages all complainants to certify all mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked easily. For complaints originally submitted by facsimile, an original, signed copy of the complaint must be mailed to the Title VI Coordinator as soon as possible, but no later than 180 days from the alleged date of discrimination.

What happens to the complaint after it is submitted?

All complaints alleging discrimination based on race, color or national origin in a service or benefit provided by the Greater Hickory MPO will be directly addressed by the Greater Hickory MPO. The Greater Hickory MPO shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Additionally, the Greater Hickory MPO shall make every effort to address all complaints in an expeditious and thorough manner.

A letter acknowledging receipt of complaint will be mailed to the complainant within seven days of receipt by the Greater Hickory MPO (see Appendix D). Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

How will the complainant be notified of the outcome of the complaint?

The Greater Hickory MPO will send a final written response letter (see Appendix E or F) to the complainant. In the letter notifying the complainant that the complaint is not substantiated (Appendix F), the complainant is also advised of his or her right to 1) appeal within seven calendar days of receipt of the final written decision from the Greater Hickory MPO, and/or 2) file a complaint externally with the U.S. Department of Transportation and/or the Federal Transportation Administration (FTA). Every effort will be made to respond to Title VI complaints within 60 working days of receipt of such complaints, if not sooner.

In addition to the complaint process described above, a complainant may file a Title VI complaint with the following offices:

Federal Transit Administration Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor – TCR
1200 New Jersey Ave., SE
Washington DC 20590

VI. Limited English Proficiency (LEP) Plan

Through the Western Piedmont Council of Governments, the Greater Hickory MPO has a training program for new hires and an annual refresher for existing employees. This program makes employees aware that our organization's practices and procedures cannot have the effect of restricting meaningful participation in our program by a LEP person.

In addition the Greater Hickory MPO has an LEP Policy and a separate LEP Plan that includes a four factor analysis based on Department of Justice guidance on how to address the requirements of Executive Order 13166.

VII. Community Outreach

As an agency receiving federal financial assistance, the Greater Hickory MPO has made the following community outreach efforts:

Along with other programs, the Greater Hickory MPO provides community outreach with regular meetings publicized under the guidance of NCGS §143-318.12. Public notice of official meetings, including posting of meetings and notice can be found on the MPO's website (trans.wpcog.org). The bi-annual adoption of the Metropolitan Transportation Improvement Plan for the region is also publicized with required legal advertising.

Appendix A Employee Annual Education Form

Title VI Policy

No person shall, on the grounds 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.

All employees of the Greater Hickory MPO are expected to consider, respect, and observe this policy in their daily work and duties. If a citizen approaches you with a question or complaint, direct him or her to the Greater Hickory MPO's Title VI Coordinator.

In all dealings with citizens, staff should use courtesy titles (i.e. Mr., Mrs., Ms., or Miss) to address them, without regard to race, color or national origin.

Appendix B Acknowledgement of Receipt of Title VI Plan

I hereby acknowledge the receipt of the Greater Hickory MPO's Title VI Plan. I have read the plan and am 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 in Federal Transit Administration (FTA) Circular 4702.1.A.

Employee Signature

Employee's Printed name

Date

Appendix C TITLE VI COMPLAINT FORM

Title VI of the 1964 Civil Rights Act requires 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.” 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 sent it to:

Greater Hickory MPO
Title VI Coordinator
1880 2nd Avenue NW
Hickory, NC 28601

Please print clearly:

Name: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: _____(home) _____(cell) _____(message)

Person discriminated against: _____

Address of person discriminated against: _____

City, State, Zip Code: _____

Please indicate why you believe the discrimination occurred:

- _____ Race or color
- _____ National origin
- _____ Income
- _____ Other

What was the date of the alleged discrimination? _____

Where did the alleged discrimination take place? _____

Please describe the circumstances as you saw it: _____

Please list any and all witnesses' names and phone numbers:

What type of corrective action would you like to see taken?

Please attach any documents you have which support the allegation. Then date and sign this form and send to the Title VI Coordinator at:

Greater Hickory MPO
Title VI Coordinator
1880 2nd Avenue NW
Hickory, NC 28601

Your signature

Your printed name

Date

APPENDIX D Letter Acknowledging Receipt of Complaint

Today's Date

Ms. Jo Doe
1234 Main St.
Clarksville TN 37040

Dear Ms. Doe:

This letter is to acknowledge receipt of your complaint against the Greater Hickory MPO alleging _____.

An investigation will begin shortly. If you have additional information you wish to convey or questions concerning this matter, please feel free to contact this office by telephoning 828-322-9191 or write to me at this address.

Greater Hickory MPO
Title VI Coordinator
1880 2nd Avenue NW
Hickory, NC 28601

Sincerely,

Doug Laffon
Title VI Coordinator
WPCOG Finance Director

APPENDIX E Letter Notifying Complainant that the Complaint Is "Substantiated"

Today's Date

Ms. Jo Doe
1234 Main St.
Clarksville TN 37040

Dear Ms. Doe:

The matter referenced in your letter of _____ (date) against the Greater Hickory MPO alleging Title VI violation has been investigated.

(An/Several) apparent violation(s) of Title VI of the Civil Rights Act of 1964, including those mentioned in your letter (was/were) identified. Efforts are underway to correct these deficiencies.

Thank you for calling this important matter to our attention. You were extremely helpful during our review of the program. *(If a hearing is requested, the following sentence may be appropriate.)* You may be hearing from this office, or from federal authorities, if your services should be needed during the administrative hearing process.

Sincerely,

Doug Laffon
Title VI Coordinator
WPCOG Finance Director

APPENDIX F Letter Notifying Complainant that the Complaint Is "Not Substantiated"

Today's Date

Ms. Jo Doe
1234 Main St.
Clarksville, Tennessee 37040

Dear Ms. Doe:

The matter referenced in your complaint of _____ (date) the Greater Hickory MPO alleging _____ has been investigated.

The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964, had in fact been violated. As you know, Title VI prohibits discrimination based on race, color, or national origin in any program receiving federal financial assistance.

I therefore advise you that your complaint has not been substantiated, and that I am closing this matter in our files.

You have the right to 1) appeal within seven calendar days of receipt of this final written decision from the Greater Hickory MPO, and/or 2) file a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at

Federal Transit Administration Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor - TCR
1200 New Jersey Ave., SE
Washington, DC 20590

Thank you for taking the time to contact us. If I can be of assistance to you in the future, do not hesitate to call me.

Sincerely,

Doug Laffon
Title VI Coordinator
WPCOG Finance Director

**APPENDIX G Samples of Narrative to be included in Posters to be displayed
in Organization's Facility**

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 Greater Hickory MPO 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 in Federal Transit Administration (FTA) Circular 4702.1.A. **If you feel you are being denied participation in or being denied benefits of the transit services provided by *Greater Hickory MPO*, or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, you may contact our office at:**

Greater Hickory MPO
Title VI Coordinator
1880 2nd Avenue NW
Hickory, NC 28601

For more information, visit our website at trans.wpcog.org

Title VI Assurances

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

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal-Aid Highway Program:

1. That the Recipient agrees that each “program” and each “facility” as defined in subsections 21.23 (b) and 21.23 (e) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal-Aid Highway Program and, in adapted form in all proposals for negotiated agreements:

The **Greater Hickory MPO** in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office 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.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

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

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

Bruce Meisner, Chair
Greater Hickory MPO TAC

Date

APPENDIX A

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, age, sex, color, disability, 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 Subcontractors, 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 grounds of race, color, or national origin.

(4) **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Greater Hickory MPO, the North Carolina Department of Transportation or the Federal Highway Administration 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 the Greater Hickory MPO, the North Carolina Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) **Sanctions for Noncompliance:** In the event of the contractor’s noncompliance with the nondiscrimination provisions of this contract, the Greater Hickory MPO and/or the North Carolina Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration 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 paragraph (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 the Greater Hickory MPO, North Carolina Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-

compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Greater Hickory MPO to enter into such litigation to protect the interests of the Greater Hickory MPO, 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

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

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto state of North Carolina 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 the state of North Carolina, its successors and assigns.

The state of North Carolina, in consideration or 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, age, sex, color, disability, 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 the state of North Carolina 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 1964, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.

APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits or similar instruments entered into by the North Carolina Department of Transportation pursuant to the provisions of Assurance 6(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his 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 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.

That in the event of breach of any of the above nondiscrimination covenants, the STATE 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.

That in the event of breach of any of the above nondiscrimination covenants, the STATE 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 the STATE and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the North Carolina Department of Transportation pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his 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 (1) no person on the ground of race, sex, age, color, disability, or national origin shall be excluded from participation in, 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 of services thereon, no person on the ground of race, sex, age, color, disability, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (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.

That in the event of breach of any of the above nondiscrimination covenants, STATE shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land

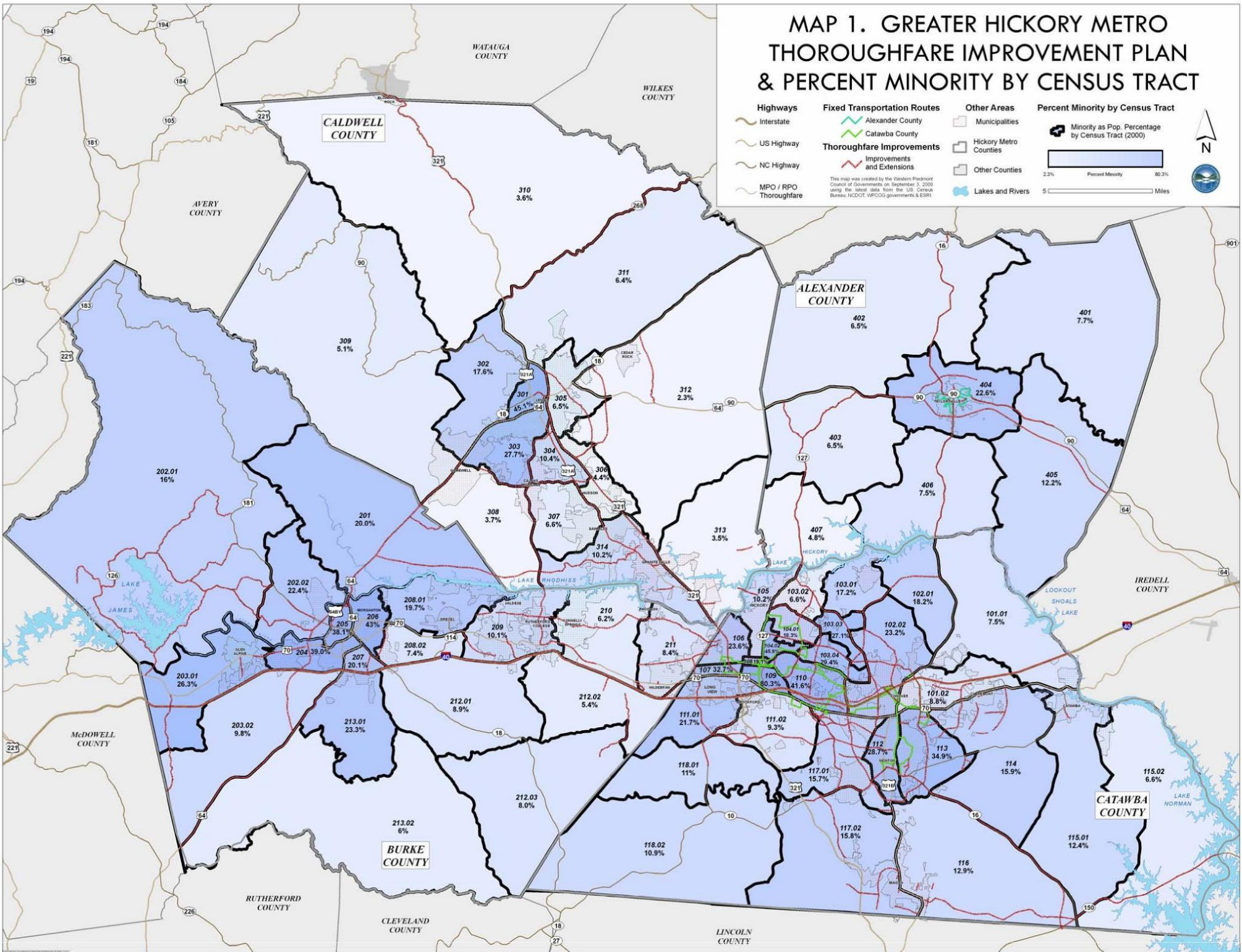
and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

That in the event of breach of any of the above nondiscrimination covenants, the STATE 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 the STATE and its assigns.

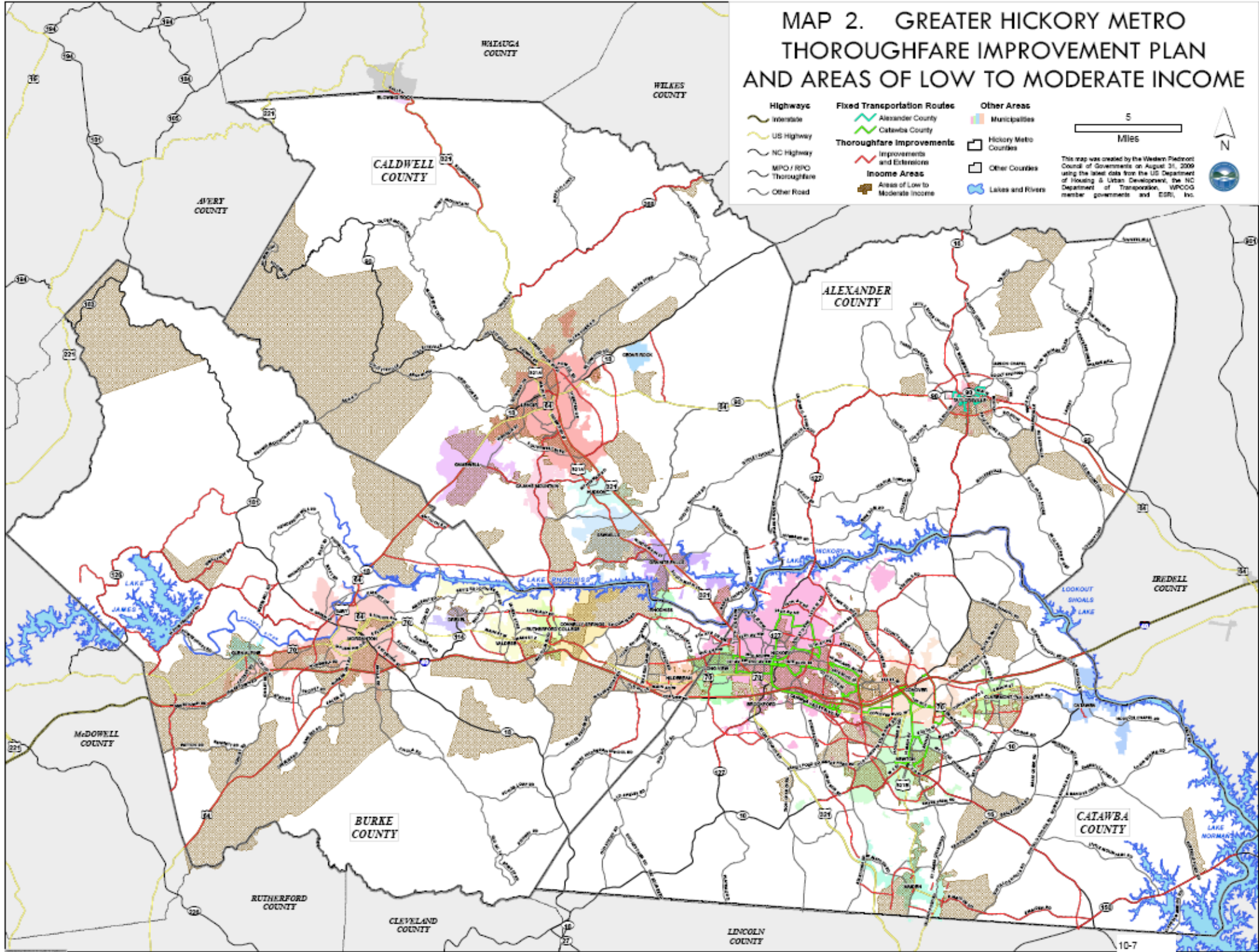
MAP 1. GREATER HICKORY METRO THOROUGHFARE IMPROVEMENT PLAN & PERCENT MINORITY BY CENSUS TRACT

Highways	Fixed Transportation Routes	Other Areas	Percent Minority by Census Tract
Interstate	Alexander County	Municipalities	Minority as Pop. Percentage by Census Tract (2000)
US Highway	Catawba County	Hickory Metro Counties	
NC Highway	Thoroughfare Improvements and Extensions	Other Counties	5 Miles
MPO / RPO Thoroughfare	Improvements and Extensions	Lakes and Rivers	

This map was created by the Western Piedmont Council of Governments on September 3, 2009 using the latest data from the US Census Bureau, NCDOT, WPCOG governments & ESRI.



MAP 2. GREATER HICKORY METRO THOROUGHFARE IMPROVEMENT PLAN AND AREAS OF LOW TO MODERATE INCOME



MAP 3. GREATER HICKORY METRO THOROUGHFARE IMPROVEMENT PLAN & PERCENT ELDERLY (65+) BY CENSUS TRACT

Fixed Transportation Routes

- Interstate
- US Highway
- NC Highway
- MPO / RPO Thoroughfare

Thoroughfare Improvements and Extensions

- Catawba County
- Improvements and Extensions

Other Areas

- Municipalities
- Hickory Metro Counties
- Other Counties
- Lakes and Rivers

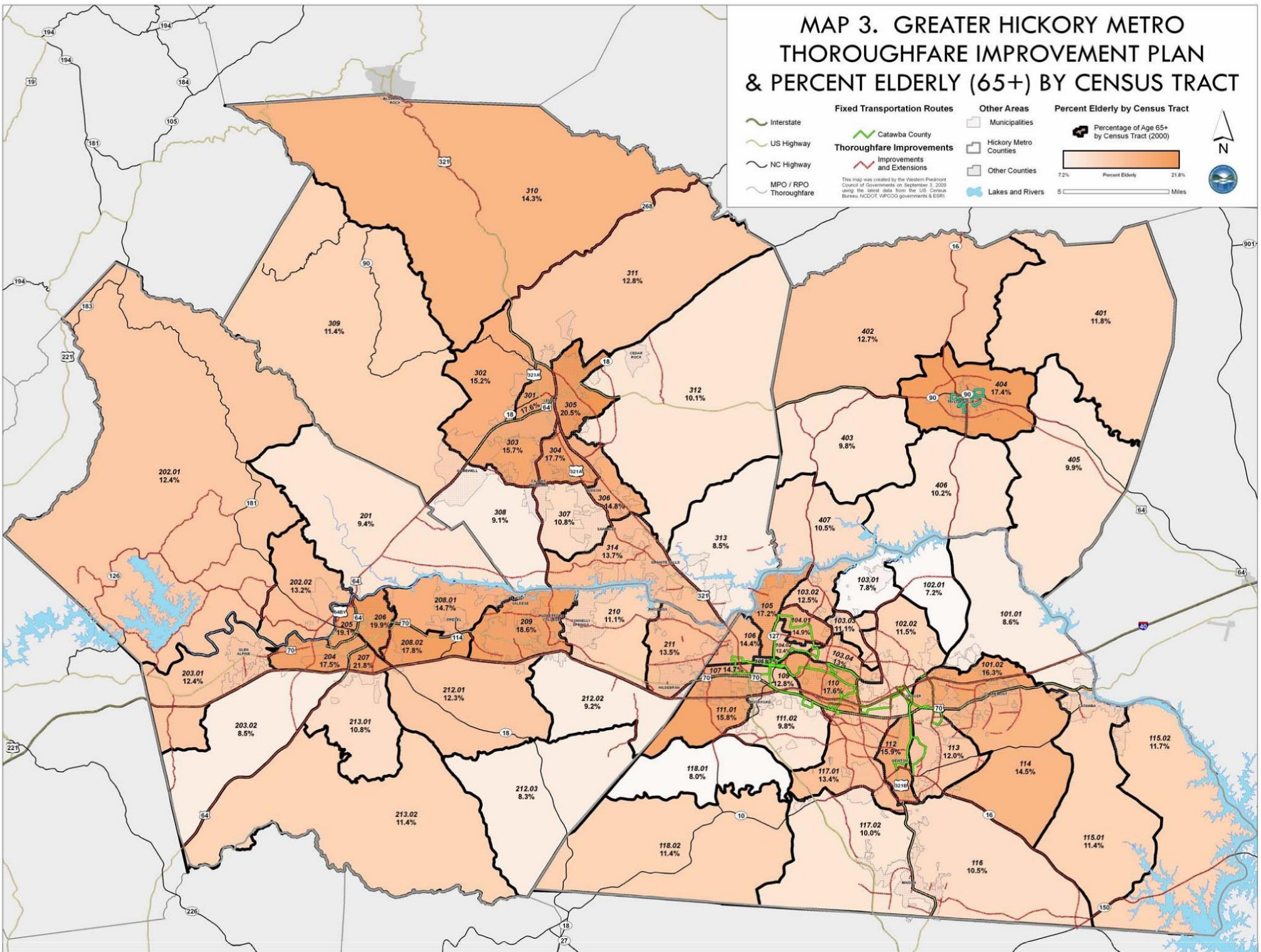
Percent Elderly by Census Tract

Percentage of Age 65+ by Census Tract (2000)

7.2% 21.8%

5 Miles

This map was created by the Western Piedmont Council of Governments on September 3, 2009 using the latest data from the US Census Bureau, NCDOT, WPCOG governments & ESRI.



Greater Hickory MPOs Limited English Proficiency (LEP) Policy

Executive Order (E.O.)13166 and Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating based on national origin by, among other things, failing to provide meaningful access to individuals who are limited English proficient (LEP).

All recipients and sub-recipients of federal funding are required to take reasonable steps to provide meaningful access to LEP individuals. The GHMPO is a recipient of federal funds. The GHMPO executes its Title VI and LEP plans and policies. All references in this policy to the GHMPO shall also apply to the Unifour RPO.

It is important to ensure that written materials routinely provided by the GHMPO in English also are provided in regularly encountered languages other than English. It is particularly important to ensure that vital documents are translated into the non-English language of each regularly encountered LEP group eligible to be served or likely to be affected by the program or activity. A document will be considered vital if it contains information that is critical for obtaining the federal services and/or benefits, or is required by law. Vital documents include, for example: applications; consent and complaint forms; notices of rights and disciplinary action; notices advising LEP persons of the availability of free language assistance; and written tests that do not assess English language competency, but rather competency for a particular license, job or skill for which English competency is not required; and letters or notices that require a response from the beneficiary or client.

Vital documents must be translated when 1000 people or 5% of the population eligible to be served or likely to be directly affected by the program/activity, needs services or information in a language other than English to communicate effectively. For many larger documents, translation of vital information contained within the document will suffice and the documents need not be translated in their entirety.

It may sometimes be difficult to draw a distinction between vital and non-vital documents, particularly when considering outreach or other documents designed to raise awareness of rights or services. It is impossible from a practical and cost effective perspective to translate every piece of outreach material into every language, and Title VI and EO 13166 do not require this of their recipients. However, in some circumstances lack of awareness of the existence of a particular program may effectively deny LEP individuals meaningful access. It is important for recipients, sub-recipients and contractors to continually survey/assess the needs of eligible service populations in order to determine whether certain critical outreach materials should be translated into other languages.

The obligation to provide meaningful opportunity to individuals who are LEP is not limited to written translations. Oral communications between recipients and beneficiaries often is a necessary part of the exchange of information. Thus, a recipient that limits its language assistance to the provisions of written materials may not be allowing LEP persons “effectively to be informed of or to participate in the program.”

There are several steps which can assist recipients in providing such oral assistance. They range from hiring bilingual staff or staff interpreters competent in the skill of interpreting, to contracting qualified outside in-person or telephonic interpreter services, to arranging formally for the services of qualified voluntary community interpreters who are bound by

confidentiality agreements. Generally, it is not acceptable for agencies or recipients to rely upon an LEP individual's family members or friends to provide the interpreter services. The agency or recipient should meet its obligations under EO 13166 and Title VI by supplying competent language service free of cost.

The GHMPO will comply with this federal requirement by assigning responsibility for LEP assistance as follows:

Requests for Translation of Vital Documents LEP services will be provided by the local MPO (GHRMPO member agency) in which the LEP individual resides, in accordance with that MPO's LEP policy and plan.

Requests for Translation Assistance at Public Meetings and Workshops All ads for a public meeting sponsored by the GHMPO will contain the following language: "Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact (*name of local contact*) at (*telephone number of local contact*) at least 10 working days in advance of the Public Meeting." The public ad will also be printed in Spanish.

As covered under Title VI requirements for nondiscrimination, at each meeting the GHMPO will provide the Title VI material and will include this material in an alternate language when applicable.

Maintaining Files Members of the MPO will maintain LEP status for their communities in files to assure consistent communication in the appropriate language. The MPO members will provide a follow-up report to the GHMPO as to how individual LEP requests, complaints or issues were resolved and/or what assistance was provided. A summary of LEP reports and complaints will be provided to the GHMPO concurrent with the annual renewal of the LEP.

Review Process Members of the MPO will review their respective delivery processes to determine whether any local or GHMPO program process denies or limits participation by LEP persons within that agency's respective community.

Discrimination-Complaint Procedures LEP persons should be provided notice of their opportunity to file a discrimination complaint in accordance with Title VI. LEP persons may be advised orally of the opportunity to file a discrimination complaint pursuant to the regulations using an interpreter. LEP persons should be made aware of the free, oral translation of vital information that MPO members will provide upon request.

Annual Update Annual assessment of the language needs will be conducted by GHMPO when this policy is updated by review of census and county labor-market data or review of statistics from school system, community agencies and organizations and comparison to demographic data.

Greater Hickory MPOs Limited English Proficiency (LEP) Plan

Introduction The purpose of this Limited English Proficiency (LEP) policy guidance is to clarify the responsibilities of recipients of federal financial assistance from the U.S. Department of Transportation (DOT) and assist them in fulfilling their responsibilities to persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. It was prepared in accordance with **Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq.**, and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance. All references in this plan to the GHMPO shall also apply to the Unifour RPO and;

Executive Order 13166

Executive Order 13166 "Improving Access to Services for Persons With Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice's (DOJ's) Policy Guidance entitled "Enforcement of Title VI of the Civil Rights Act of 1964--National Origin Discrimination Against Persons With Limited English Proficiency." (See 65 FR 50123, August 16, 2000 DOJ's General LEP Guidance). Different treatment based upon a person's inability to speak, read, write or understand English may be a type of national origin discrimination. Executive Order 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies and governments, private and non-profit entities and subrecipients. This includes the Chairs Coordinating Committee.

Definitions

Limited English Proficiency - The LEP program provides assistance for people whom English is not their primary language and who have a limited ability to read, speak, write or understand English.

LPA – The Lead Planning Agency responsible for housing the functions of the GHMPO
Vital Document – Forms that include (but are not limited to) applications, consent forms, all compliance plans, public participation plans, letters containing important information regarding participation in a program, appeal forms, other outreach materials.

Substantial Number of LEP – 1000 people or 5% of the population eligible to be served or likely to be directly affected by the program/activity, needs services or information in a language other than English to communicate effectively.

Title VI Compliance Officer – The person or persons responsible for compliance of Title VI LEP policies, in the case of the GHMPO, the Title VI Coordinator.

Plan Summary.

This document will describe the GHMPO's responsibilities to offer language assistance and to support the LEP activities of the local programs.

The GHMPO developed an LEP program that complies with federal guidelines that includes:

What Documents Apply to the LEP Executive Order

All documents that are vital are included under this provision. A document will be considered vital if it contains information that is critical for obtaining the federal services and/or benefits, or is required by law.

How an LEP Population is Identified

An LEP Person does not speak English as a primary language AND has limited ability to read, speak, write or understand English. The threshold for translation services is 1,000 persons or 5% of the population eligible to be served based on the GHMPO's LEP Policy. The US Census Bureau's American Community Survey 5-year estimates are the basis for determination. LEP populations that are reasonably close to one of the thresholds can be considered for inclusion for services if the margin of error in the American Community Survey would allow the threshold to be met.

- Hearing or visual impairments - sign language interpretation and Braille texts are accommodations of disabilities provided under the Americans with Disabilities Act and/or Section 504 of the Rehabilitative Acts of 1973.
- Illiteracy - LEP individuals protected by the Executive Order and Title VI are those who not only cannot speak, read, or write English, but primarily speak, read or write a language other than English

What Documents or Materials are Included

Vital documents must be translated when they meet the definition, above. For the purposes of the Greater Hickory MPO, the following documents will be translated: the Public Involvement Plan, the Title VI Compliance Plan, this LEP Plan, meeting schedules for all committees and subcommittees of the MPO, the informational brochure about the MPO, and an informational pamphlet about translation services.

Most other documents that require translation and that also relate to transportation are done by the local governments and transit operators directly.

Public Meetings / Workshops / MPO Website and Social Media

All ads for a public meeting will contain the following language: Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact the GHMPO at 828.322.9191 at least 10 working days in advance of the Public Meeting. As covered under Title VI requirements for nondiscrimination, at each meeting it is necessary to provide the Title VI material and include this material in an alternate language when applicable. On the website, the MPO provides contact phone numbers, email addresses and links to LEP resources at the MPO.

Monitoring and Updating the LEP Plan This plan is designed to be flexible and is one that can be easily updated. The GHMPO will annually update their Title VI and LEP Program. The next required Title VI Program update must be forwarded to the FTA by _____, 2012.

Dissemination of the GHMPO Limited English Proficiency Plan The GHMPO will post the offer for translation services for LEP individuals on its website, *trans.wpcog.org*. Any person or agency, including social service, non-profit and law enforcement agencies and other community partners with internet access will be able to access the plan. Copies of the GHMPO's LEP Plan will also be available to the North Carolina Department of Transportation, Federal Highway Administration, the Federal Transit Administration, and to any person or agency requesting a copy. Any questions or comments regarding this plan should be directed to the WPCOG Title VI Coordinator:
Doug Laffon - 1880 2nd Avenue NW Hickory, NC 28601, Phone 828.322.9191, FAX: 828.322.5991, E-mail: doug.laffon@wpcog.org

Four Factor Analysis

Introduction

Executive Order No. 13166, “Improving Access to Services for Persons with Limited English Proficiency,” dated August 11, 2000 (65 Fed. Reg. 50121, Aug. 16, 2000) requires federal Agencies to assess and address the needs of otherwise eligible persons seeking access to federally conducted programs and activities, who, due to limited English proficiency, cannot fully and equally participate in or benefit from those programs and activities. The EO and DOJ LEP Guidance advises each federal agency to “take reasonable steps to ensure meaningful access to the information and services they provide.” The DOJ guidance document instructs agencies to consider four factors in developing LEP guidance for their recipients (the number of LEP persons in the eligible service population or likely to be encountered in recipient activities and programs; the frequency with which LEP individuals come into contact with the program; the importance of the service or information provided by the program; and the resources available to the recipient of the federal funds).

Analysis of Factors

Factor 1: Number or Proportion of LEP Individuals in the Eligible Population [1]

The MPO evaluated non-English speakers in the counties that make up the MPO, Alexander, Burke, Caldwell and Catawba (See table by language in Appendix A). It has been determined that there are Eligible Populations in Spanish and Hmong speaking populations.

Factor 2: Frequency of Contact with the Program [2]

All contacts with the MPO are made through its office in Hickory or at public outreach meetings that support a specific project. These contacts are potentially made through telephone calls, mail, Internet web site, e-mail, and in person. The MPO estimates that fewer than 5 persons with limited English proficiency have contacted the agency in the past few years.

Factor 3: Nature and Importance of the Program [3]

The Greater Hickory MPO is a partnership between local and state government that makes decisions about transportation planning in urbanized areas and meets planning requirements established by federal authorizing legislation for transportation funding. While our programs serve a necessary and meaningful public purpose, they do not rise to the level of matters having life or death implications (e.g., the provision of services to children, medical care, food, housing, etc.).

Factor 4: Resources Available [4]

Recognizing the occasional need to handle calls in languages other than English, the MPO staff compiled a list of staff volunteers with fluency in some two languages other

than English. This is supplemented by contract translation and interpreter services on retainer with Western Piedmont Council of Governments, the host organization of the MPO. Through these volunteers and contract services, we are able to assist callers who are better served by speaking with staff in languages other than English. Volunteers fluent in the languages of callers or correspondents are asked to deal directly with LEP persons in responding to inquiries. Technical staff is called upon as necessary in order to assist volunteers in providing requested information. We ask for assistance from volunteers to help callers on an infrequent basis—less than once a year. Thus, the MPO’s current policy of using multi-lingual staff volunteers is an efficient and effective use of resources.

Regional Assessment of Language Proficiency Populations

Group	Alexander County		Burke County		Caldwell County		Catawba County	
	Population	% of Pop	Population	% of Pop	Population	% of Pop	Population	% of Pop
Population 5 Years and Older	34,070	100.0%	83,847	100.0%	74,574	100.0%	144,527	100.0%
English Only	32,544	95.5%	77,129	92.0%	71,074	95.3%	128,665	89.0%
Language Other than English	1,526	4.5%	6,718	8.0%	3,500	4.7%	15,862	11.0%
Speak English less than "very well"	654	1.9%	3,578	4.3%	1,284	1.7%	8,142	5.6%
Spanish	1,199	3.5%	3,633	4.3%	2,684	3.6%	11,369	7.9%
Speak English less than "very well"	599	1.8%	2,235	2.7%	971	1.3%	6,136	4.2%
Other Indo-European Languages	139	0.4%	422	0.5%	389	0.5%	1,399	1.0%
Speak English less than "very well"	27	0.1%	85	0.1%	54	0.1%	435	0.3%
Asian and Pacific Islander Languages	176	0.5%	2,557	3.0%	389	0.5%	3,058	2.1%
Speak English less than "very well"	28	0.1%	1,214	1.4%	259	0.3%	1,571	1.1%
Other Languages	12	0.0%	106	0.1%	38	0.1%	36	0.0%
Speak English less than "very well"	0	0.0%	44	0.1%	0	0.0%	0	0.0%

Source: 2005-09 5-Year American Community Survey Estimates.