

## TITLE VI, MINORITY, LIMITED ENGLISH PROFICIENCY (LEP), AND LOW INCOME

# PUBLIC OUTREACH PLAN



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Updated 12-5-2018 Crystal Odum/Bonnie Parker

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## TITLE VI POLICY STATEMENT AND NOTICE OF NONDISCRIMINATION

U.S. Department of Justice regulations, 28 Code of Federal Regulations, Section 42.405. It is the policy of the **Capital Area Metropolitan Planning Organization (CAMPO)**, as a federal-aid recipient, to ensure that no person shall, on the ground of **race, color, national origin, limited English proficiency, sex, age, or disability, (and low-income, where applicable)**, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of our programs and activities, as provided by Title VI of the Civil Rights Act of 1964, Executive Orders 12898 and 13166, the Civil Rights Restoration Act of 1987, and other pertinent nondiscrimination authorities.

If you feel you have been subjected to discrimination, you may file a complaint. Allegations of discrimination should be promptly reported to our Title VI Coordinator.

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This policy is an expression of our commitment to nondiscrimination and support of the Title VI Program.

### Implementation (Dissemination)

- This Policy Statement contains contact information for the Title Coordinator, and it will also serve as our notice to public.
- This statement will be signed by the Executive Director of the Capital Area Metropolitan Planning Organization, and re-signed whenever a new person assumes that position.
- The signed statement will be posted on office bulletin boards, near the receptionist's desk, in meeting rooms, and disseminated within brochures and other written materials.
- The statement will be incorporated into Title VI training and acknowledgement activities.
- The statement will be posted or disseminated in languages other than English, when appropriate.
- Low-income will be applicable to our programs, policies and activities under Environmental Justice when determining if there will be disproportionately high and adverse effects.

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Chris Lukasina, Executive Director

December 5, 2018

## INTRODUCTION

### TITLE VI: MINORITY AND LOW-INCOME POPULATIONS (MLI)

Title VI refers to the section of the Civil Rights Act of 1964 that states:

"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."

This law is the basis for metropolitan planning organizations (MPOs) to verify that their programs are not creating a "disproportionate burden" on any one group. MPOs also check to see that the benefits of their programs are equitably distributed.

In addition to the 1964 Civil Rights Act, the following are also considered part of the MPO checks for fairness:

- Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (gender),
- Older Americans Act (1965) and Age Discrimination Act of 1975 (age), and
- Section 504 of the Rehabilitation Act of 1973/Americans With Disabilities Act of 1990 (disability)
- Executive Order 12898 (1994), Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. (minority, low-income)

Taken together, these requirements define an over-arching Title VI/Nondiscrimination Program.

**"Each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."**

**- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 1994**

In 1997 the U.S. Department of Transportation issued its final order (DOT Order 5610.2a, updated in 2012) which specifically addressed environmental justice for minorities and low income populations with the intent to ensure that all federally funded transportation projects/programs do not bring disproportionately high or negative impacts on these populations.

Many people in minority and low-income communities have traditionally been underserved by conventional outreach methods. People may be unable to attend public events if they do not own a car, if they cannot afford childcare, or if they work late shifts or more than one job.

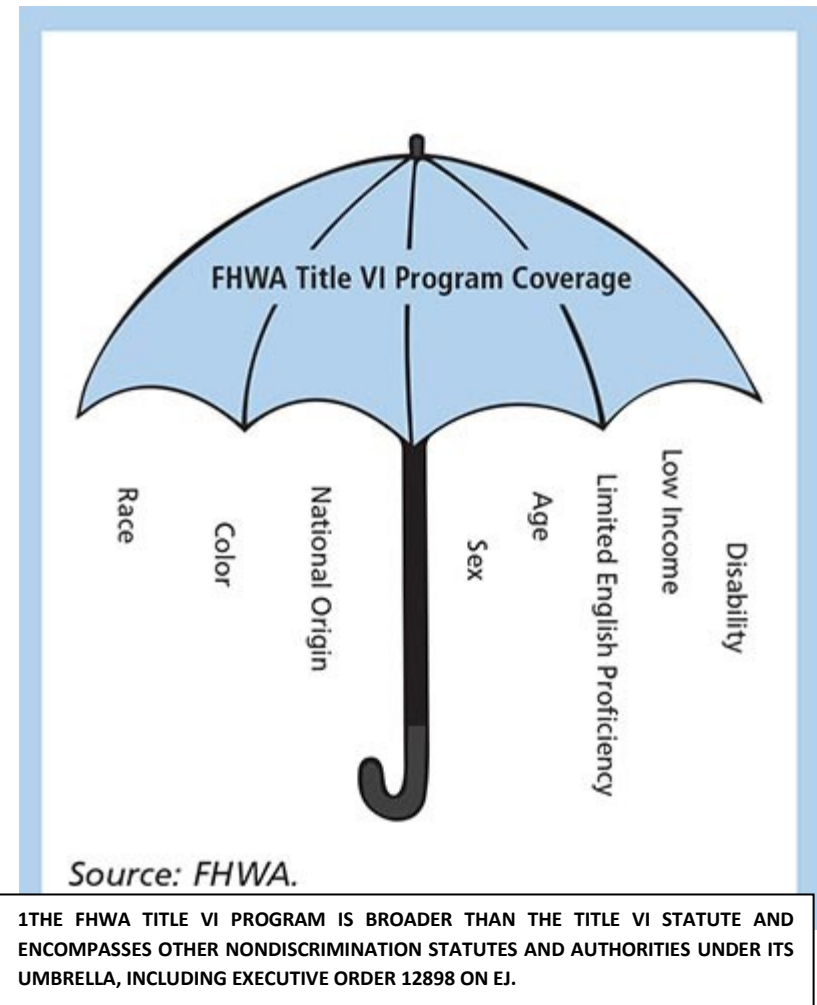
CAMPO will seek and consider the needs/interests of individuals, groups, and communities that are traditionally underserved by the transportation system policies and investments. The following are representative of public involvement CAMPO uses:

- ✓ Provide ample opportunity through effective public notices and outreach activities to engage this segment of the population or



their respective representation in the early planning phases of a project which may include the formation of a specific Environmental Justice Task Force to provide input on the development of transportation plans;

- ✓ Utilize the “Interested and Affected Parties Contact List” to identify all interest groups with the intent to foster relationships with relevant agencies and to establish direct contact for feedback on federally funded transportation projects/programs from these agencies;
- ✓ Identify concentrations of protected classes of people by mapping demographic data;
- ✓ Utilize geographical information systems (GIS) to map transportation investments in relation to low income and minority areas with an intent to identify, highlight and analyze projects within these areas; respective to the Metropolitan Transportation Plan (MTP or Transportation Improvement Program (TIP);
- ✓ Investigate the impacts of transportation projects on these populations and work with interest groups and/or neighborhood organizations to explore alternatives;
- ✓ Incorporate environmental justice considerations into MTP and TIP criteria to ensure these issues are addressed in the early phases of the planning process.



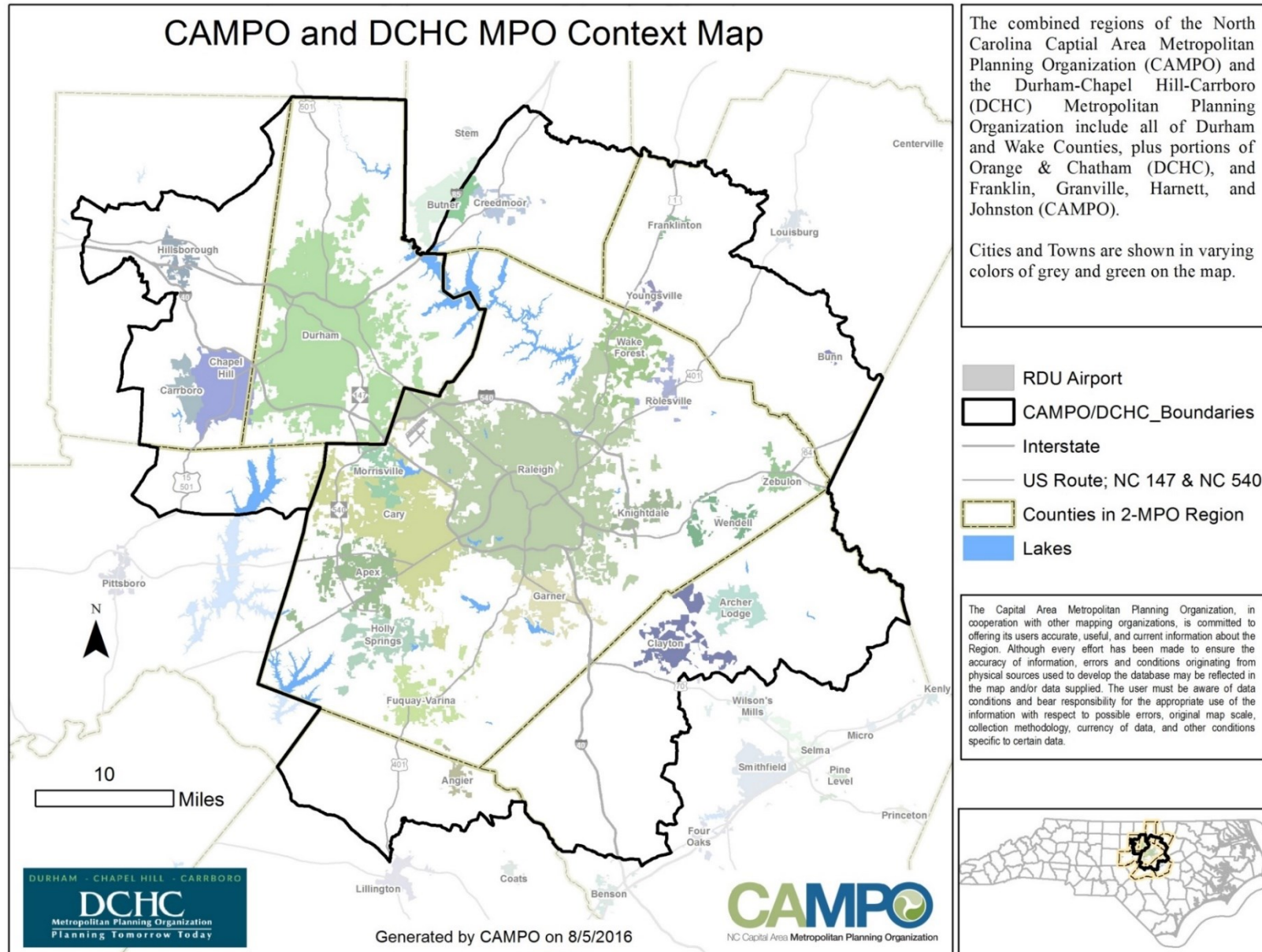
The Capital Area MPO uses Block Group-level data from the US Census American Community Survey to look for concentrations of protected classes. These “communities of concern” (CofC’s) represent where the greatest likelihood of encountering these populations exists geographically. This is not the only way the MPO will identify those populations, but for regional-scale efforts this allows the MPO use outreach resources most effectively. Local planning efforts will require more in-depth research, including site visits, local planners, language assistance resource contacts, and street-view inventories.

## **STANDARD USDOT TITLE VI ASSURANCES**

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Please refer to Appendix A of this Plan for a copy of our completed and signed USDOT Title VI Assurances

## CAMPO AND DCHC SERVICE AREA



## ORGANIZATION & STAFFING

A Metropolitan Planning Organization (MPO) is the policy board of an organization created and designated to carry out the metropolitan transportation planning process. MPOs are required to represent localities in all urbanized areas (UZAs) with populations over 50,000, as determined by the U.S. Census. MPOs are designated by agreement between the governor and local governments that together represent at least 75 percent of the affected population (including the largest incorporated city, based on population) or in accordance with procedures established by applicable state or local law. When submitting a [transportation improvement program](#) to the state for inclusion in the statewide program, MPOs self-certify that they have met all federal requirements.

An urbanized area with a population over 200,000, as defined by the Bureau of the Census and designated by the Secretary of the U.S. Department of Transportation (DOT), is called a Transportation Management Area (TMA). As described in 49 U.S.C. 5303(k), and in recognition of the greater complexity of transportation issues in large urban areas, an MPO in a TMA has a stronger voice in setting priorities for implementing projects listed in the [transportation improvement program](#) and are responsible for additional planning products. The planning processes in MPOs in TMAs also [must be certified](#) by the Secretary of DOT as being in compliance with federal requirements.

The Capital Area Metropolitan Planning Organization (MPO) grew from a collaborative effort between Cary, Raleigh, Garner, and Wake County known as the Greater Raleigh Urban Area Thoroughfare Plan of 1964. During the 1980s and 1990s Apex, Fuquay-Varina, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, Zebulon, and Wake County joined the MPO. In early 2005, the MPO invited a number of governments in the surrounding counties to become members.

Many accepted, and as of October 1, 2005, the Capital Area MPO expanded its planning boundary to include parts of Franklin, Granville, Harnett, and Johnston counties including the municipal governments of Angier, Clayton, Creedmoor, Franklinton, and Youngsville.

Most recently, after the 2010 Census, the Town of Archer Lodge was incorporated within the MPO's boundary and became a member of the MPO. These counties and towns which border the expanding Raleigh Urban Area were invited to join MPO to comply with federal regulations that require the MPO to coordinate transportation planning in all the areas that will be part of the "Raleigh urbanized area" within the next twenty-five years. The Capital Area MPO serves as the coordinating agency between local governments, NCDOT, and FHWA. Staff has established a close working relationship with the planning departments of municipalities within the MPO as well as with the planning staff of the neighboring [Durham-Chapel Hill-Carrboro \(DCHC\) MPO](#).

**The Capital Area Metropolitan Planning Organization is comprised of three parts: the [Executive Board](#) (formerly the [Transportation Advisory Committee \(TAC\)](#)), a [Technical Coordinating Committee \(TCC\)](#), and a [staff](#).** The MPO is responsible for carrying out an annual work program that is approved by the Executive Board. The MPO also must update the MPO's [Transportation Improvement Program](#) (a seven-year project programming schedule) and the [Metropolitan Transportation Plan](#) (a minimum twenty-year [forecast](#) of projects and programs).

The Executive Board is the decision-making body of the MPO, comprised of elected officials from member governments, as well as stakeholders from other agencies totaling thirty members. The Executive Board typically meets monthly at 4:00 p.m. on the third Wednesday of each month, unless otherwise listed on the [Calendar](#). Our, thirty-five member Technical Coordinating Committee (TCC) is comprised of staff from member and stakeholder agencies. Our, TCC provides technical recommendations to the CAMPO Executive Board.

TCC meetings are held on the first Thursday of each month at the CAMPO offices at 10:00 a.m., unless otherwise listed on the [Calendar](#).

### **Title VI Coordinator**

Key responsibilities of the Coordinator include:

- Maintaining knowledge of Title VI and related requirements.
- Attending civil rights training when offered by NCDOT, FHWA or other federal agencies.
- Administering the Title VI Nondiscrimination Program and coordinating implementation of this Plan.
- Making sure internal staff and officials are familiar and complying with their Title VI obligations.
- Disseminating Title VI information internally and to the public, including in languages other than English.
- Presenting Title VI-related information to decision-making bodies for input and approval.
- Ensuring Title VI-related posters are prominently and publicly displayed.
- Developing a process to collect data related to race, national origin, sex, age, and disability to ensure minority, low-income, and other underserved groups are included and not discriminated against.
- Ensuring that non-elected boards and committees reflect the service area and minorities are represented.
- Promptly processing (receiving, logging, investigating and/or forwarding) discrimination complaints.
- Providing information to NCDOT, FHWA and FTA and cooperating during compliance reviews and investigations.
- Promptly resolving deficiencies to ensure compliance with Title VI nondiscrimination requirements.

\*\*\*\*If the Executive Director or Title VI Coordinator changes, the Title VI Policy Statement and USDOT Title VI Assurances, will immediately be updated, and an updated policy statement (and nondiscrimination agreement, if standalone) will be signed by the new Executive Director.

### **Staffing**

We currently employ a staff of 14, which consists of the following job categories:

- Executive Director
- Deputy Directors (2)
- LAPP Program Manager
- Wake Transit Program Manager
- Finance Officer
- Public Engagement Planner/Title VI Coordinator
- Office Manager/Administrator
- Senior Transportation Planner
- Transportation Planners (1 of 2)
- Transportation Modelling Engineers (1 of 2)
- GIS Programmer/Analyst
- TPAC Administrator
- Engineer Technician

\*\*An organizational chart showing the Public Engagement Planner/Title VI Coordinator's place within the organization is located in **Appendix B**.

## DATA COLLECTION/ANALYSIS/REPORTING – REGIONAL DEMOGRAPHIC PROFILES

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Data collection, analysis and reporting are key elements of a successful Title VI enforcement strategy. To ensure that Title VI reporting requirements are met, the Capital Area Metropolitan Planning Organization (CAMPO) will collect and maintain data on potential and actual beneficiaries of our programs and services. This section contains relevant population data for our overall service area. The data provides context for the Title VI Nondiscrimination Program and will be used to ensure nondiscrimination in public outreach and delivery of our programs. Please refer to demographic tables/maps on Race & Ethnicity, Age & Sex, Disability/Households without cars, Poverty, and Household Income.

### **Population Locations**

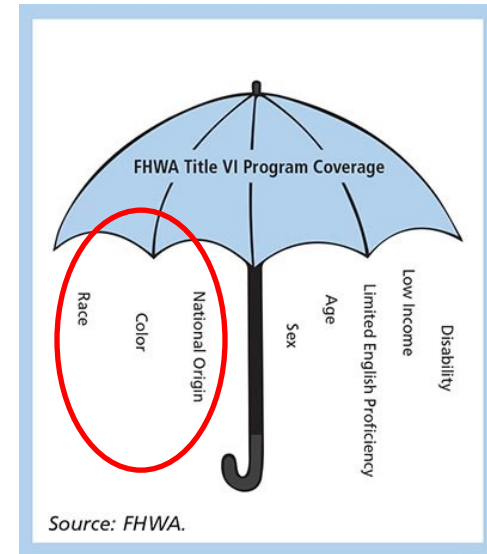
Recipients of FHWA funds are required to identify the characteristics and locations of populations they serve, particularly by race/ethnicity, poverty and limited English proficiency. We will document this narratively or through maps that overlay boundaries and demographic features on specific communities, and provide this information to NCDOT, upon request. (See Demographic Maps)



## REGIONAL DEMOGRAPHIC PROFILES



## DEMOGRAPHIC PROFILES: RACE, COLOR, & ORIGIN



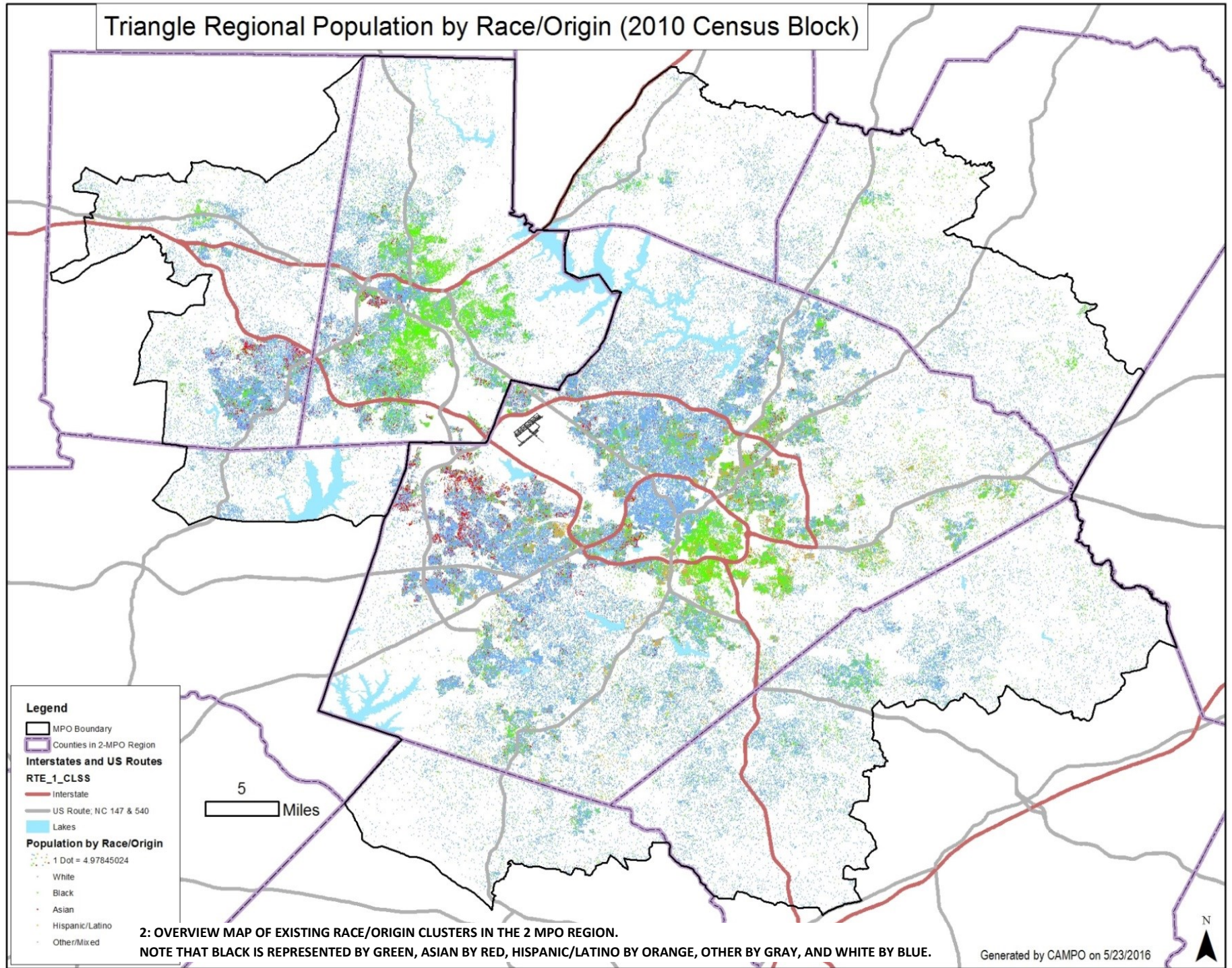
Under the Title VI Program Coverage umbrella, CAMPO first looked at Race, Color, and National Origin. Initially we looked at rolling all the components of these classes into a single measure. The nature of our region made it more effective to measure the most prevalent groups separately. Since the Census does not gather data on “Color” separately, we use Race to stand for both Race and Color. National Origin is treated separately due to its overlap with Race.

CAMPO used the following measures for Race and Origin:

1. Non-white race: it includes all race categories that are not white in the census. The two most prevalent in the region are black and Asian. The cutoff for inclusion is  $\geq 45.40\%$  of the people in a block group identifying as non-white.
2. Hispanic/Latino Origin: if a block group is 12.86% Hispanic/Latino or above, it is included as a CofC. Note that someone can be a white race, black race, or any race category and still identify as having Hispanic or Latino origin. For that reason it is treated separately from race.

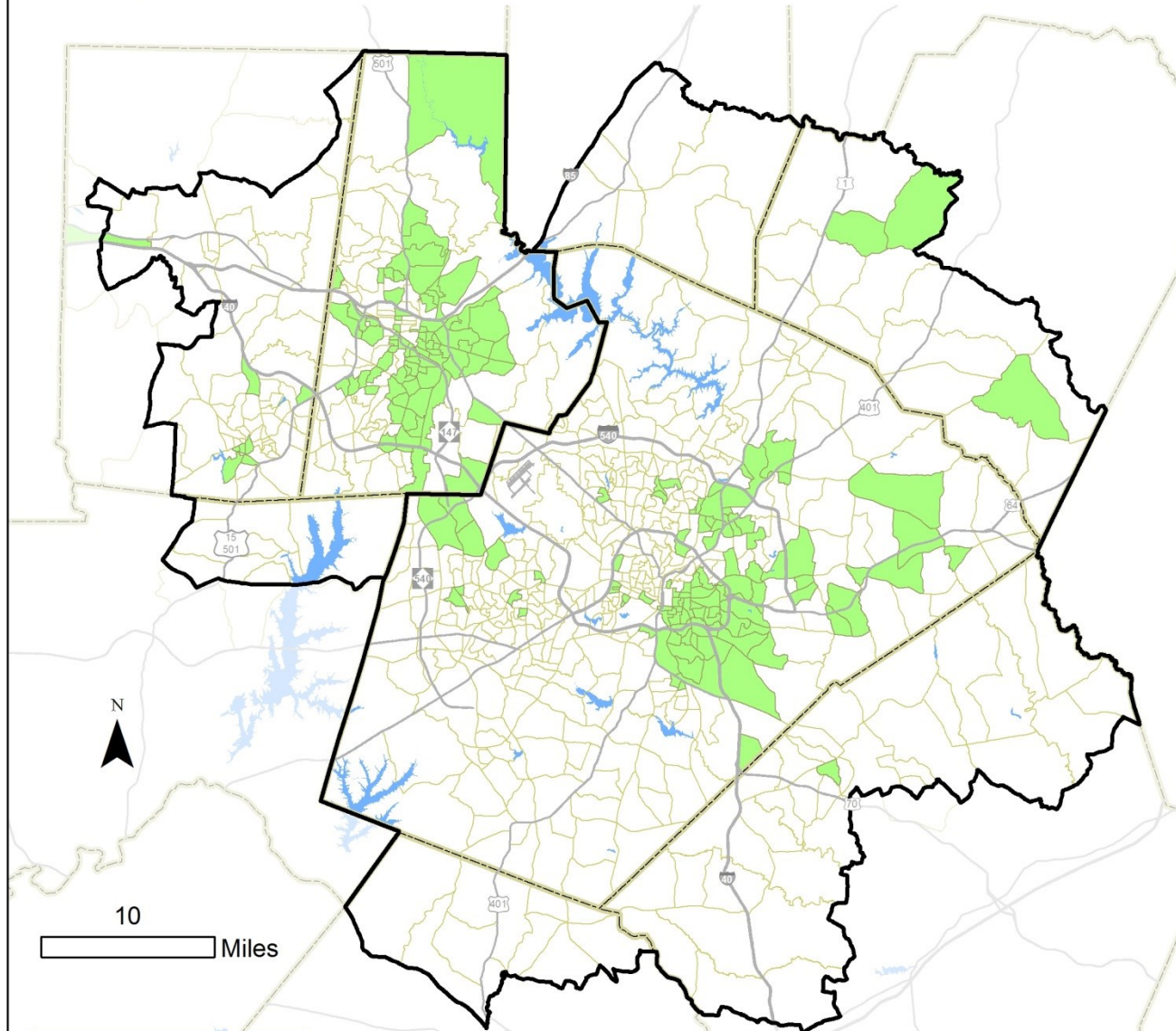


# Triangle Regional Population by Race/Origin (2010 Census Block)





# Top 25% of Non-White Race Census Block Groups



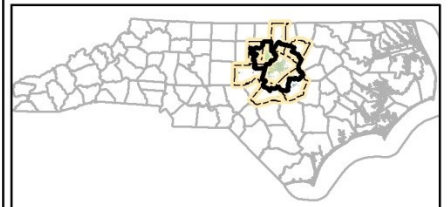
This map shows where concentrations of populations of non-white race exist in the region at or above the 45.40% threshold. The threshold represents block groups where 45.40% of the people living there identify as a non-white race for the Census.

45.40% is the cutoff to be in the highest ranking 188 block groups in the region--the top 25% out of 577 total block groups. Any block groups with zero populations are then removed (usually just the Airport).

**Note that Hispanic/Latino origin is treated separately from race.**

- RDU Airport
- CAMPO/DCHC\_Boundaries
- Interstate
- US Route; NC 147 & NC 540
- Counties in 2-MPO Region
- Lakes
- MinorityNonWhite 45.40%
- Other Block Groups









The Capital Area Metropolitan Planning Organization, in cooperation with other mapping organizations, is committed to offering its users accurate, useful, and current information about the Region. Although every effort has been made to ensure the accuracy of information, errors and conditions originating from physical sources used to develop the database may be reflected in the map and/or data supplied. The user must be aware of data conditions and bear responsibility for the appropriate use of the information with respect to possible errors, original map scale, collection methodology, currency of data, and other conditions specific to certain data.



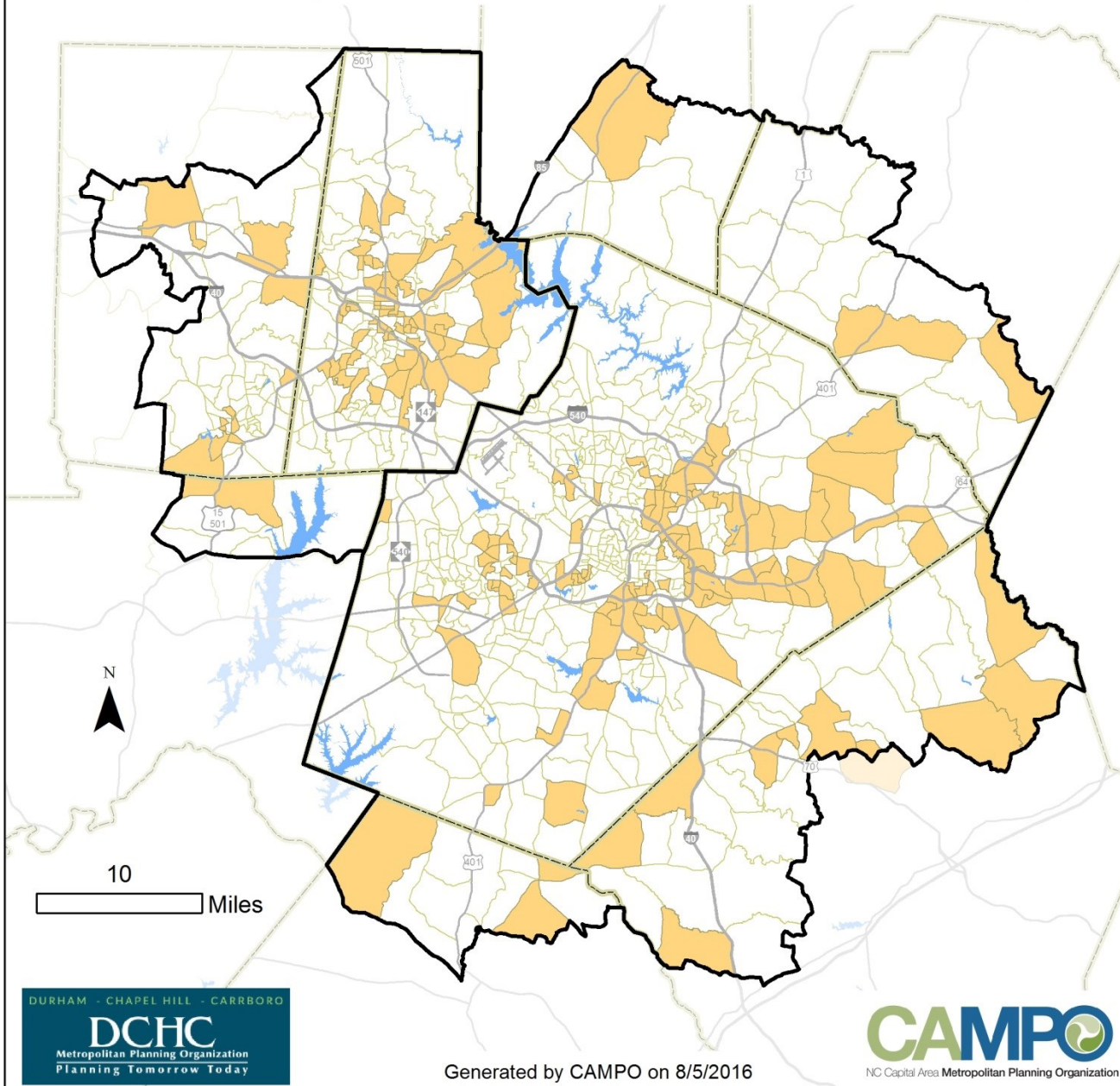
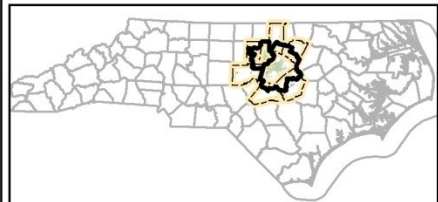
# Top 25% of Hispanic/Latino Origin Census Block Groups

This map shows where concentrations of populations of Hispanic/Latino origin exist in the region at or above the 12.86% threshold. The threshold represents block groups where 12.86% of the people living there indentify as a non-white race for the Census.

12.86% is the cutoff to be in the highest ranking 188 block groups in the region--the top 25% out of 577 total block groups. Any block groups with zero populations are then removed (usually just the Airport).

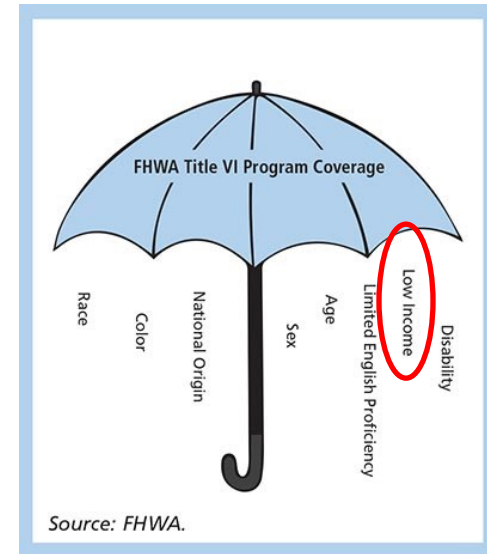
-  RDU Airport
-  CAMPO/DCHC\_Boundaries
-  Interstate
-  US Route; NC 147 & NC 540
-  Counties in 2-MPO Region
-  Lakes
-  Hispanic/Latino 12.86%
-  Other Block Groups

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## DEMOGRAPHIC PROFILES: LOW-INCOME



Under the Title VI Program Coverage umbrella, CAMPO considers Low-income as a measure to use for CofC's based on Executive Order 12898 and subsequent Federal Highway Administration (FHWA) guidance.









Poverty is calculated by the US Bureau of the Census based on a set of rules created in the 1960's by the Department of Agriculture. "Below the poverty line" is actually a sliding scale for different age groups and family sizes. Our data were normalized so that all of people in a block group could be compared equally.

Since so many people are one paycheck away from being a poverty statistic, we defined low income as a combination of those below the federal poverty line and those near the poverty line. If 34.07% of a block group meets the criterion, that block group is included as a CofC for regional outreach and analysis based on the 75th percentile.

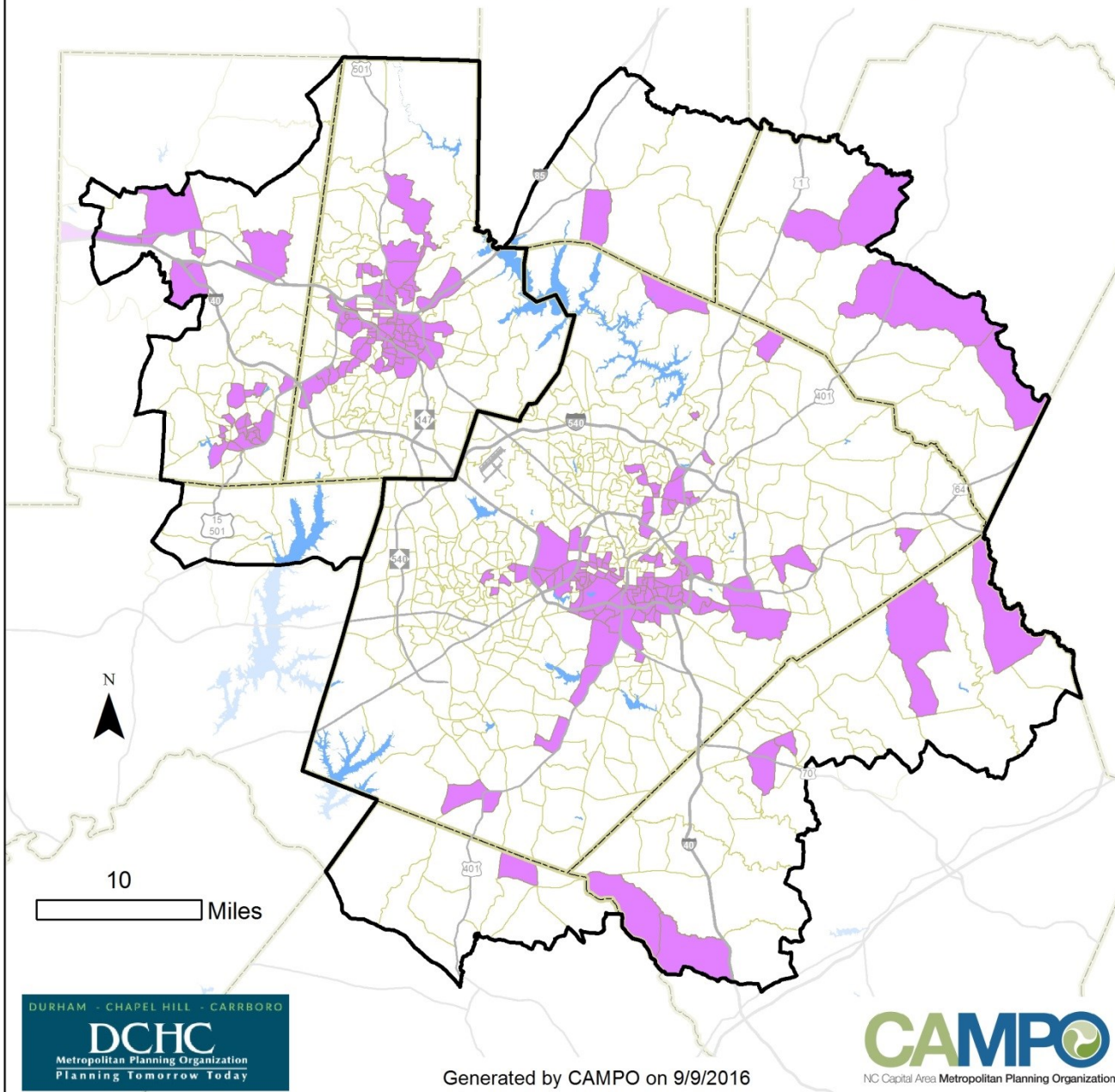
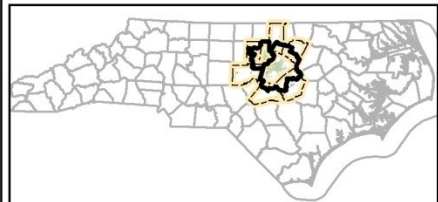
## Top 25% of Low Income Census Block Groups

Since so many people are one paycheck away from being a poverty statistic, we defined low income as a combination of those below the federal poverty line and those near the poverty line. "Near" the poverty line are those with an income below 150% of the poverty line.

This map shows where concentrations of populations low income individuals exist in the region at or above the 34.07% threshold. The threshold represents block groups where 34.07% of the people living there meet the low income criteria.

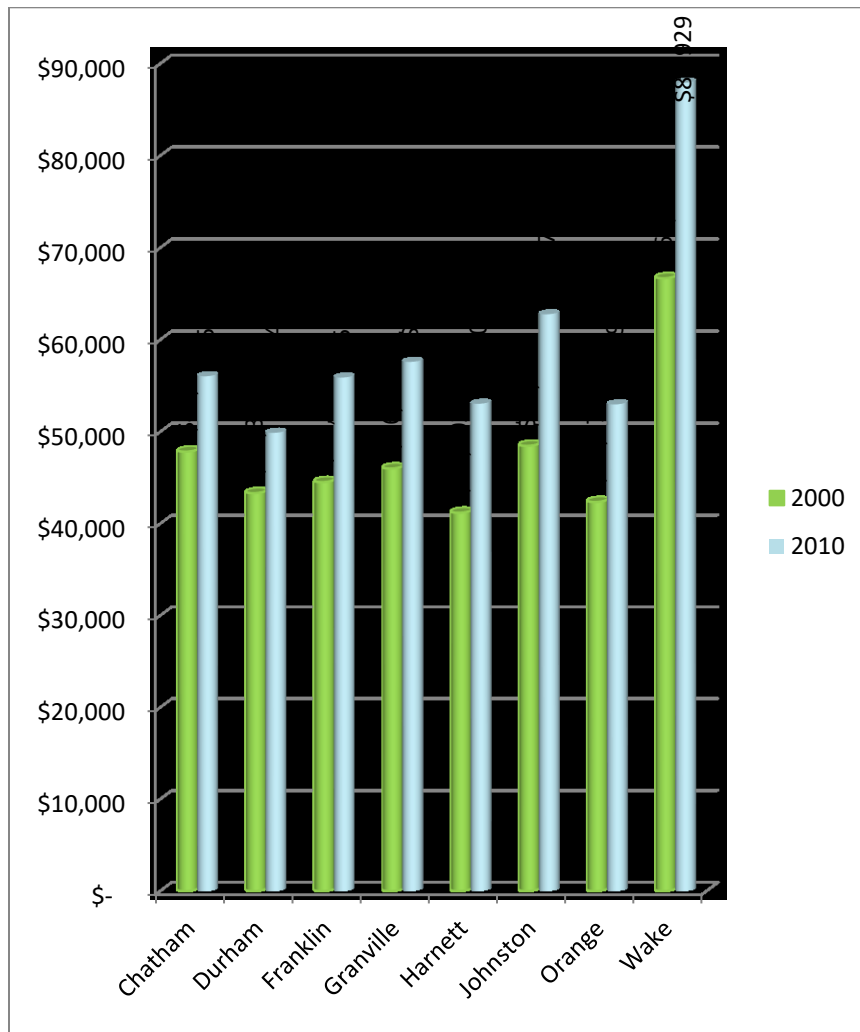
-  RDU Airport
-  CAMPO/DCHC\_Boundaries
-  Interstate
-  US Route; NC 147 & NC 540
-  Counties in 2-MPO Region
-  Lakes
-  Below 150% of Poverty 75th
-  Other Block Groups

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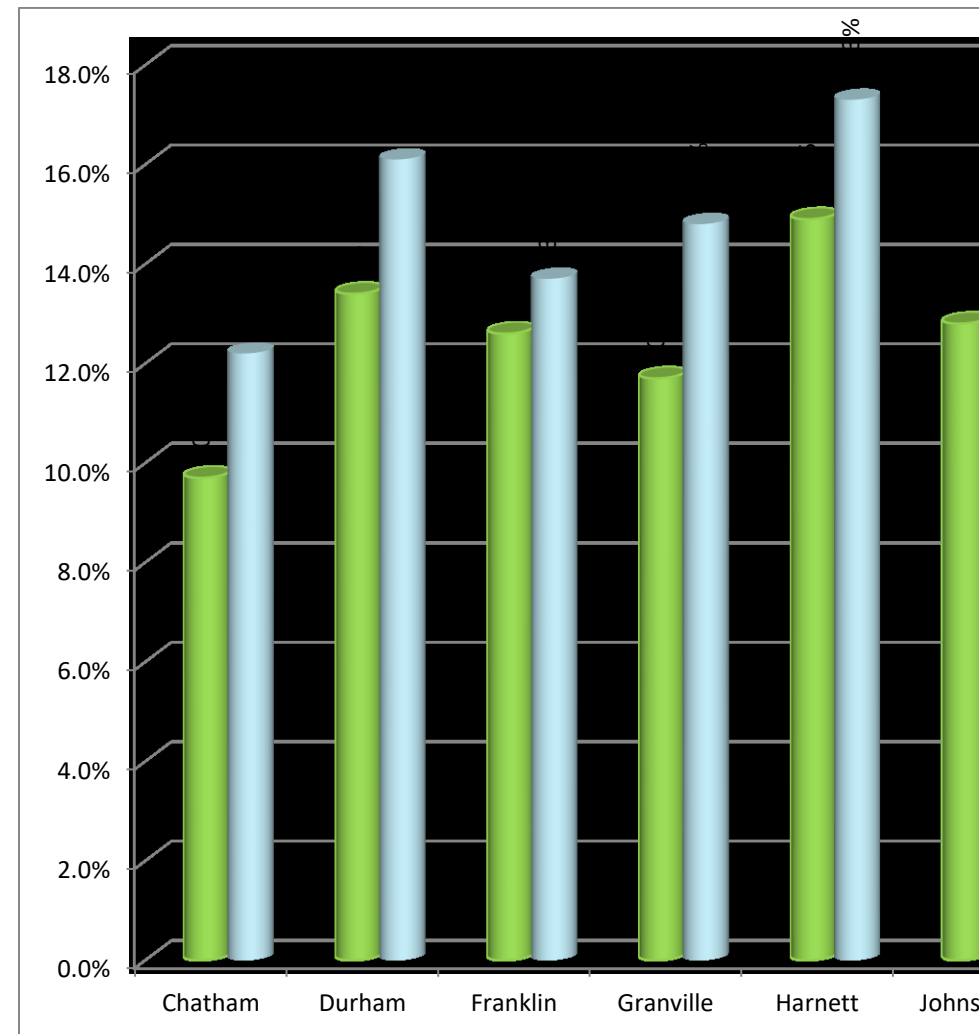
As general background, the US **median household income** for 2000 was \$50,046 and in 2010 it decreased to \$49,455. By comparison, the median household income for the two MPO region's counties those two years increased as shown below:

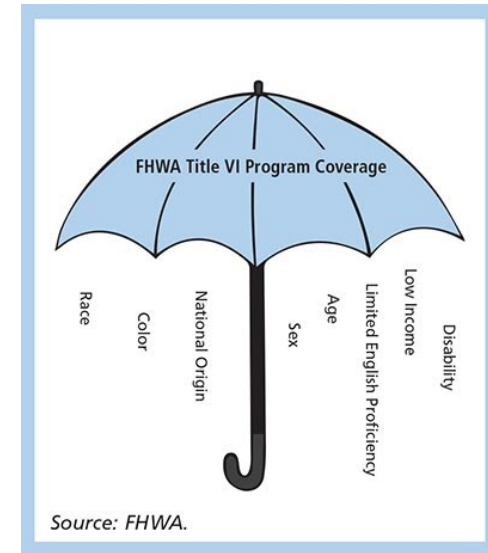
### MEDIAN HOUSEHOLD INCOME FOR TRIANGLE COUNTIES



The official poverty threshold depends on family size. For a family of four, the national 2009 poverty line was an income of \$22,350 per year. Using that figure, within the MPO area, the following percentages of persons fell below the poverty level:

### % POPULATION LIVING BELOW POVERTY LEVEL





Demographic Profiles: Zero Car Households





Under the Title VI Program Coverage umbrella, CAMPO considers Zero-car Households as a surrogate for the transportation needs of disabled persons. A review of disabled status persons shows that with a few exceptions in the most rural block groups, there is an even distribution across the region for this measure. This meant that as a standalone measure, Disability did not meet principle 3<sup>1</sup>: yields a pattern that allows for targeted outreach and a meaningful analysis.

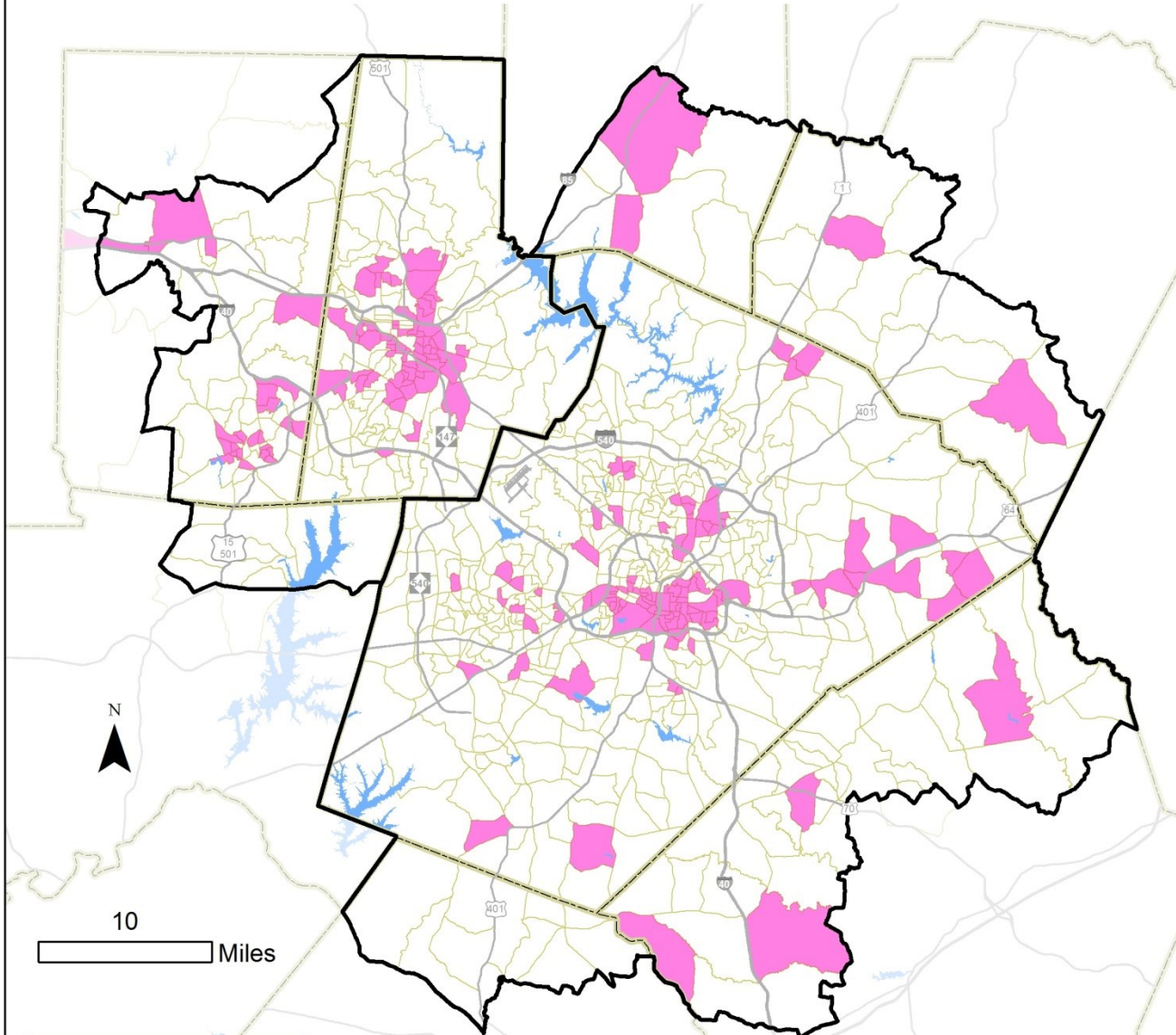
After meeting with the regional partners, it was determined that where transportation is concerned, zero-car households was an available measure that might work.

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<sup>1</sup> see the “Technical Notes” section immediately following the demographic profiles to see all 3 principles











## Top 25% of Zero-Car Household Census Block Groups

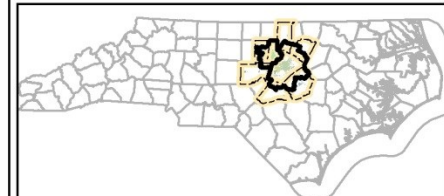


This map shows where concentrations of populations of households with no automobile transportation exist in the region at or above the 7.98% threshold. The threshold represents block groups where 7.98% of the people living there identify as a non-white race for the Census.

7.98% is the cutoff to be in the highest ranking 188 block groups in the region--the top 25% out of 577 total block groups. Any block groups with zero populations are then removed

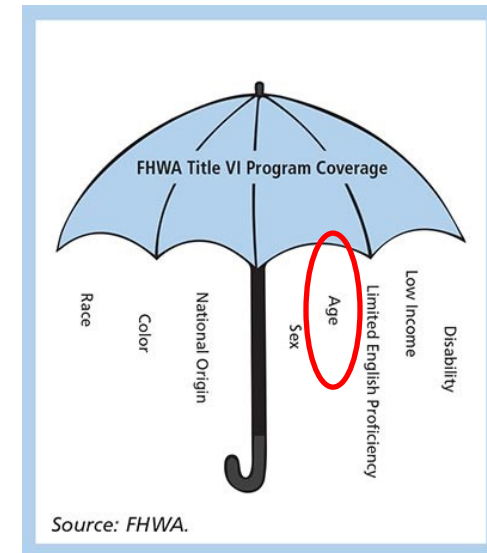
-  RDU Airport
-  CAMPO/DCHC\_Boundaries
-  Interstate
-  US Route; NC 147 & NC 540
-  Counties in 2-MPO Region
-  Lakes
-  Zero Car HHs 7.98%
-  Other Block Groups

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## DEMOGRAPHIC PROFILES: AGE



The Older Americans Act of 1965 and the Age Discrimination Act of 1975 made age one of the things we consider when identifying special populations. We looked at populations likely to have a large share of non-drivers—those over 70 year old.

For aging drivers, a person's age is not by itself an indicator of their driving ability. There are people driving safely well into their 90s, while there are others in their 50s and 60s who are dangers to themselves and others when behind the wheel. Physical and mental condition and ability are the main considerations.

**Vision:** Conditions such as cataracts, macular degeneration, glaucoma and diabetic retinopathy can hamper driving ability. Your parent's optometrist or ophthalmologist can identify vision problems, limitations, concerns and cautions. It is possible that some limitation in vision can be accommodated by not driving at dusk or night. Some conditions, such as cataracts and glaucoma, can be corrected surgically. If your mom or dad wears glasses, schedule an annual eye and vision examination.

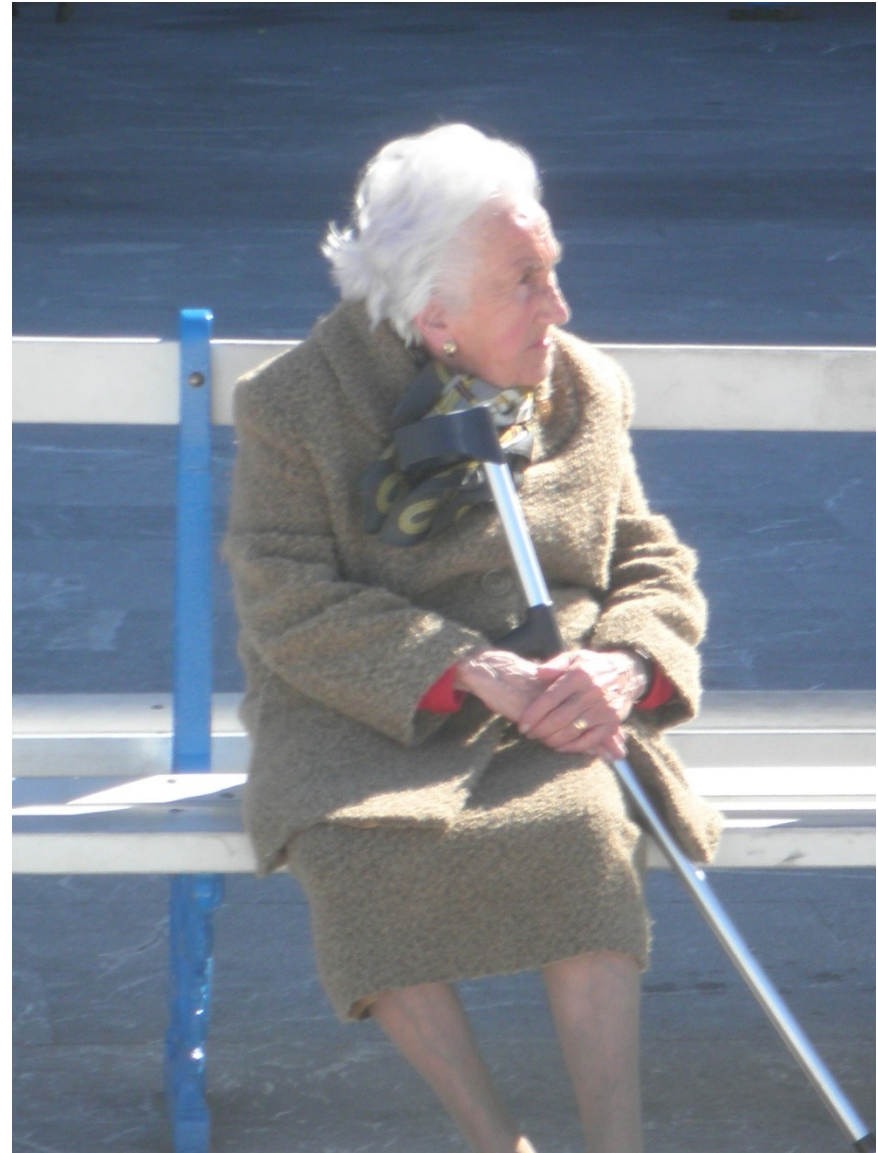
**Physical ability:** Driving takes dexterity, ability and strength in both arms and legs/feet to control the vehicle at all times. Consider any physical limitations. Consider, too, if he or she has shrunk a bit in physical size, where the solution may be to move the driver's seat forward and upward for both better control and vision over the hood of the car, and/or adding a pillow.

**Physical activity:** Mature adult drivers die in auto accidents at a rate higher than other age bracket because, at home, many do little or no exercise, not even a daily walk outside. Therefore, if your parent currently does no physical activity to maintain or build strength, agility and aerobic ability, this should be a concern. Importantly, it is probably correctable by introducing him or her to less television time and more physical activity.

**Diseases:** Patients with Alzheimer's disease can become disoriented almost anywhere, and a severe diabetic may fall into a coma. The parent's physician can advise of such possible problems and risks. But, don't assume that your parent has Alzheimer's if he or she forgets momentarily the location of a wallet, purse or newspaper.

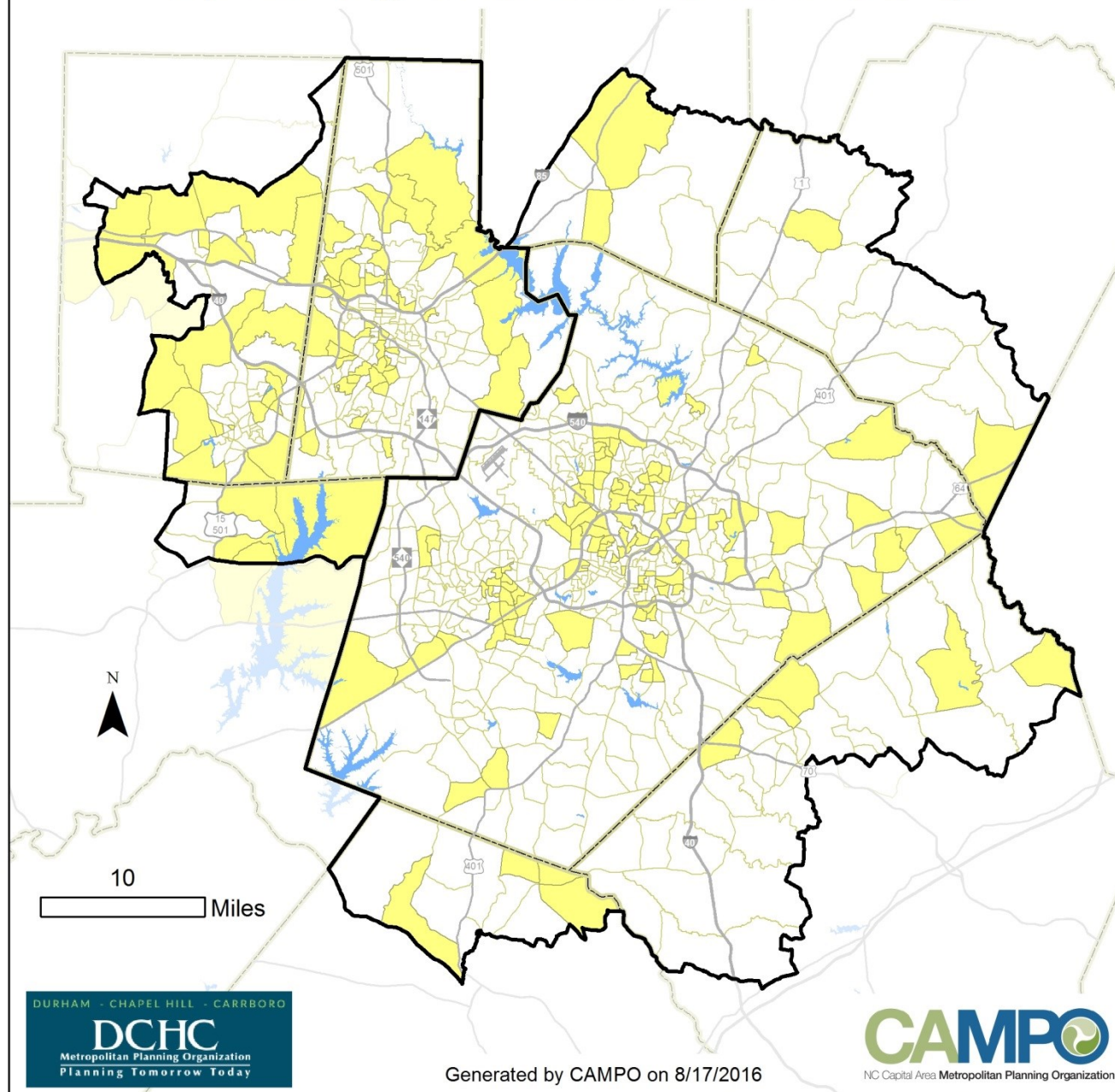
**Medications:** Prescription drugs are chemicals designed to produce specific and desired changes or functions within the body. But, as in the law of physics, for every action there is a reaction. That reaction may be drowsiness and/or a slowing of the person's reaction time. In the field of medicine these are identified as side effects and may affect, even seriously, a person's ability to drive.

Because of the potential loss of their ability to drive, people over 70 were included as in indicator for special consideration for transportation planning.





## Top 25% of Age 70 and Over Census Block Groups

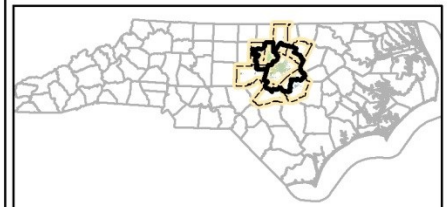


This map shows where concentrations of populations of persons 70 years old and older exist in the region at or above the 9.23% threshold. The threshold represents block groups where 9.23% of the people living there identify as a non-white race for the Census.

9.23% is the cutoff to be in the highest ranking 188 block groups in the region--the top 25% out of 577 total block groups. Any block groups with zero populations are then removed

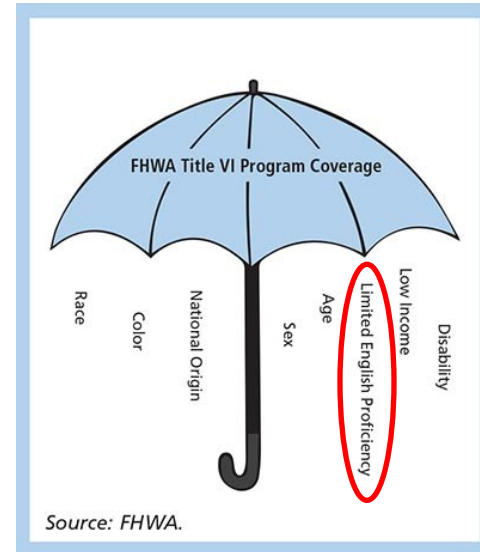
- RDU Airport
- CAMPO/DCHC\_Boundaries
- Interstate
- US Route; NC 147 & NC 540
- Counties in 2-MPO Region
- Lakes
- Age70Plus
- Other Block Groups

The Capital Area Metropolitan Planning Organization, in cooperation with other mapping organizations, is committed to offering its users accurate, useful, and current information about the Region. Although every effort has been made to ensure the accuracy of information, errors and conditions originating from physical sources used to develop the database may be reflected in the map and/or data supplied. The user must be aware of data conditions and bear responsibility for the appropriate use of the information with respect to possible errors, original map scale, collection methodology, currency of data, and other conditions specific to certain data.





## DEMOGRAPHIC PROFILES: LIMITED ENGLISH PROFICIENCY

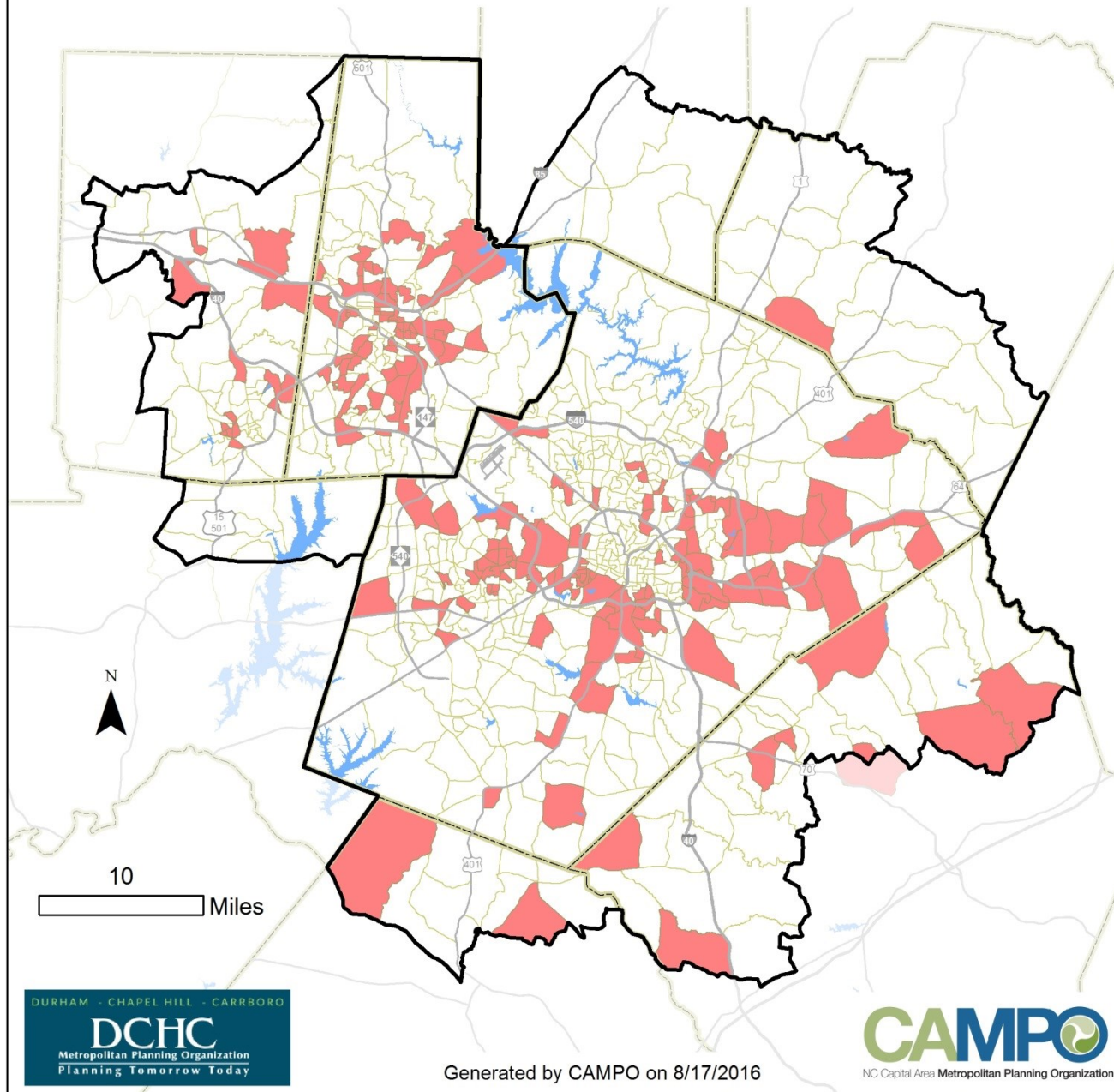


While limited English proficiency (LEP) is an inclusive term that includes people who speak another language and “speak English less than very well or not at all,” it can also include individuals with literacy or vision challenges. The census block groups that trigger for LEP are shown here and followed by the final map showing all the overlaps of what was measured. After that, there is a full break out of the Limited English Proficiency Outreach as its own chapter.





## Top 25% of Linguistically Isolated Census Block Groups

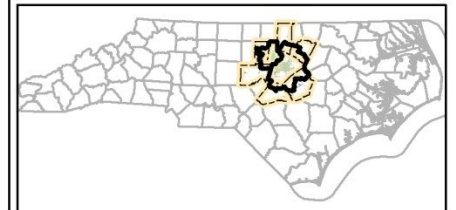


This map shows where concentrations of populations of persons who do not speak English or speak English "less than very well" exist in the region at or above the 6.42% threshold. The threshold represents block groups where 6.42% of the people living there identify as a non-white race for the Census.

6.42% is the cutoff to be in the highest ranking 188 block groups in the region--the top 25% out of 577 total block groups. Any block groups with zero populations are then removed (usually just the Airport).

- RDU Airport
- CAMPO/DCHC\_Boundaries
- Interstate
- US Route; NC 147 & NC 540
- Counties in 2-MPO Region
- Lakes
- Linguistically Isolated
- Other Block Groups

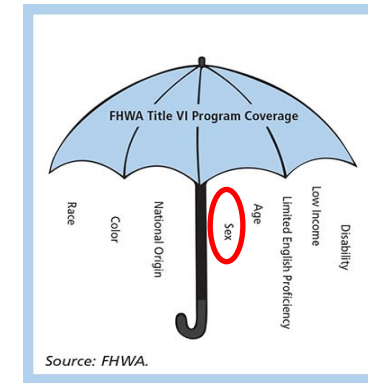
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## DEMOGRAPHIC PROFILES: GENDER

As mentioned in the introduction, the spatial distribution of gender is relatively equal throughout the region other than a few group quarters (college dormitories, etc). The vast majority of the region hovers around 50%, or at least in the middle 1/3. Due to this, it is not used in mapping CofCs.

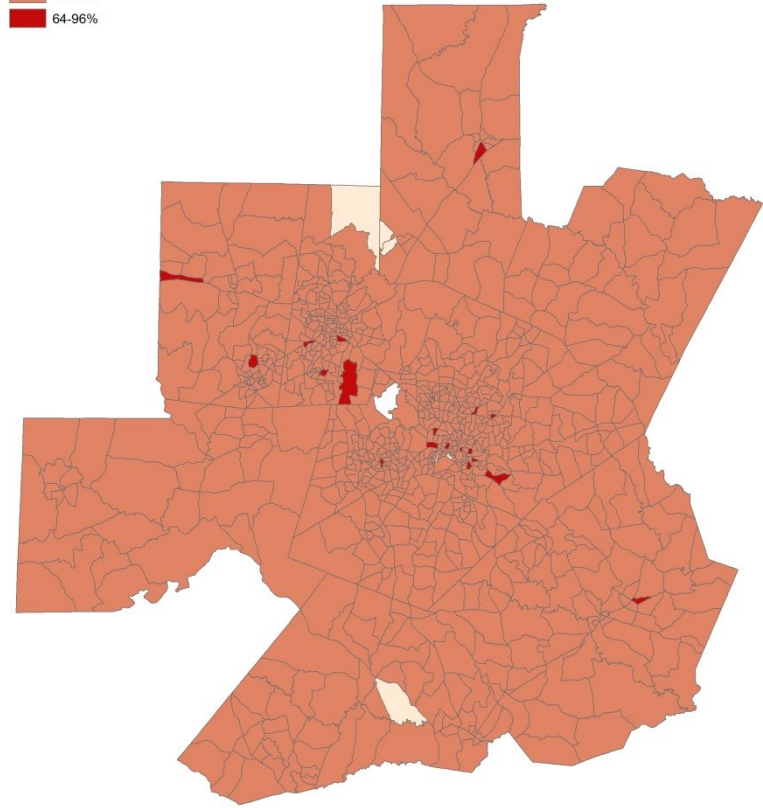


### DISTRIBUTION OF FEMALE POPULATION CAMPO & DCHC COUNTIES

ACS\_2014\_5YR\_BG\_37\_NORTH\_CAROLINA

SEX BY AGE: Female: Total population -- (Estimate) / SEX BY AGE: Total: Total population -- (Estimate)

- 0-32%
- 32-64%
- 64-96%



Generated by CAMPO on: 6/30/2016

25

Miles

## DEMOGRAPHIC PROFILES: FINAL COMMUNITY OF CONCERN MAP



Once all the places with concentrations of likely Title VI populations are mapped, we put them all together to create a map that shows where the different categories we measure overlap one another.

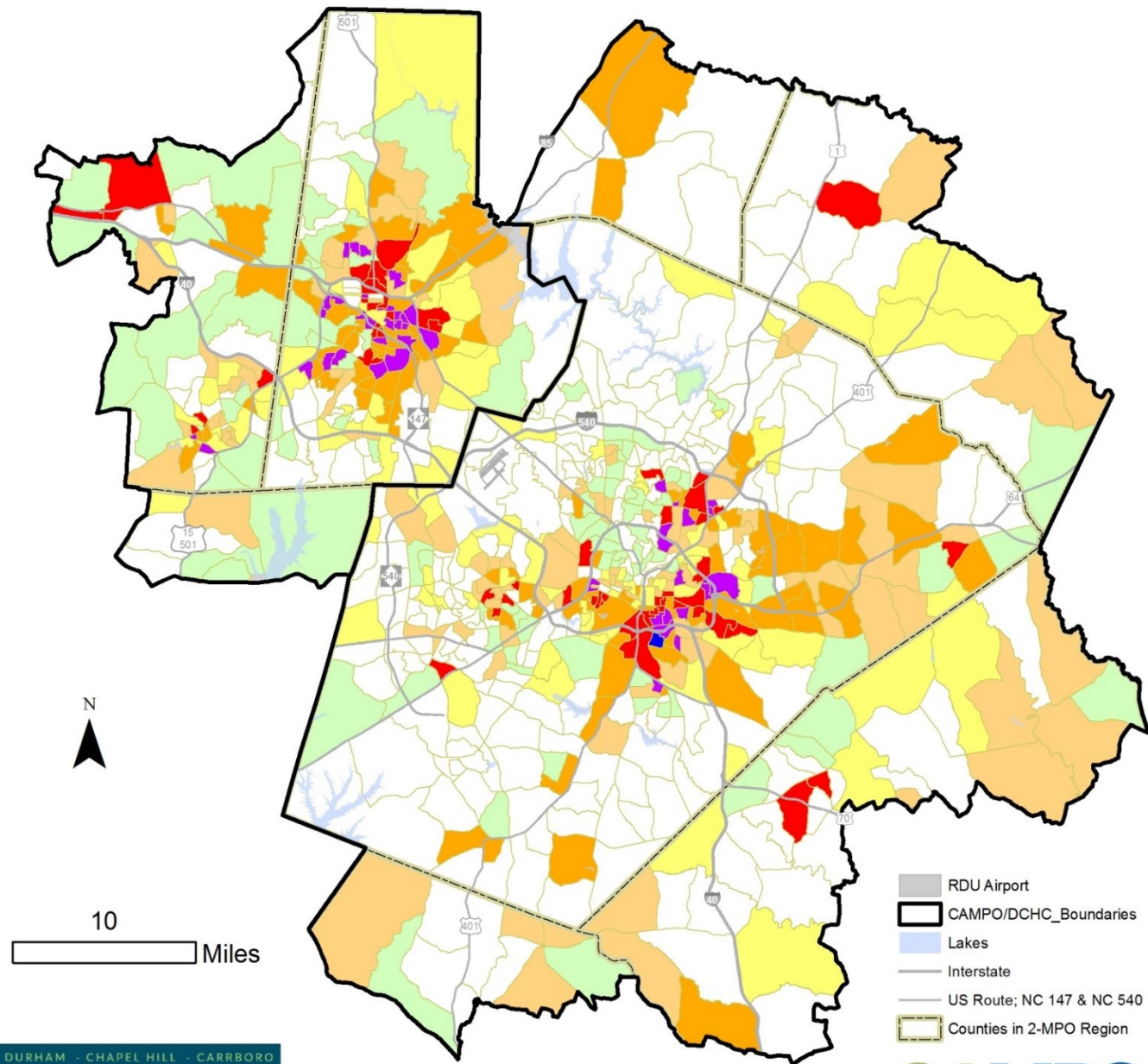
To recap, it will show where the following exist in concentrations:

- Non-White Race
- Hispanic/Latino Origin
- Individuals Making less than 150% of the Federal Poverty Rate
- Individuals who speak English “Not at all” or “Not very well”
- Zero-car households
- Individuals Age 70 and older

Where age is the only trigger, those areas are shown differently because age does not cluster spatially like many of the other indicators.



# Regional 75th Percentile Number of Indicators Overlap



DURHAM - CHAPEL HILL - CARRBORO  
**DCHC**  
 Metropolitan Planning Organization  
 Planning Tomorrow Today

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**CAMPO**  
 NC Capital Area Metropolitan Planning Organization

This map is meant to be a regional-scale tool for the MPOs to use in regional-scale planning and regional-scale outreach. It does not identify every community that might meet Title VI protected status, but seeks to identify where there are concentrations of Title VI and other populations subject to protections under the law and associated policies. When working at a more local scale, additional identification may be needed.

The map shows the overlap of 6 indicators at the Census Block Group: Non-white race, Hispanic/Latino Origin, Individuals below 150% of the federal poverty threshold, Linguistic Isolation, Zero-car Households, and Age 70 and over. Each indicator has a threshold calculated for the 75th percentile (top 25%), and any Block Group that meets or exceeds the threshold is included.

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## Number of Overlapping Indicators



## ENVIRONMENTAL JUSTICE (EJ)/COMMUNITIES OF CONCERN

In 1994, President William Jefferson Clinton issued Executive Order (EO) 12898, Federal Actions to Address Environmental Justice (EJ) in Minority Populations and Low-Income Populations. To comply with the EO, federal agencies developed EJ guidelines for their funding recipients, including Federal Highway Administration (FHWA) Order 6640.23A. Accordingly, the Capital Area MPO will make achieving EJ part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health and environmental effects of its programs, policies, and activities on minority populations and low-income populations.

EJ is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation and enforcement of environmental laws, regulations and policies. The three fundamental EJ principles that guide USDOT (affiliated) actions are:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including interrelated social and economic effects, on minority and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

To achieve EJ, our programs will be administered so as to identify and avoid disproportionately high and adverse effects on minority populations and low-income populations by:

- (1) Identifying and evaluating environmental, public health, and interrelated social and economic effects of our programs, policies and activities;
- (2) Proposing measures to avoid, minimize and/or mitigate disproportionately high and adverse environmental and public health effects, and interrelated social and economic effects, and providing offsetting benefits and opportunities to enhance communities, neighborhoods, and individuals affected by our programs, policies and activities, where permitted by law;

- (3) Considering alternatives to proposed programs, policies, and activities, where such alternatives would result in avoiding and/or minimizing;
- (4) disproportionately high and adverse human health or environmental impacts to minority and/or low-income populations; and
- (5) Eliciting public involvement opportunities and considering the results thereof, including soliciting input from affected minority and low-income populations in considering alternatives.
- (6) Adding an EJ section to plans and studies, such as Long Range Plans, Public Participation Plans, and Corridor Studies.

EJ analyses will be conducted to determine if our programs, policies, or activities will result in disproportionately high and adverse human health and environmental effects on minority populations and low-income populations. EJ applies to our policies, such as where public meetings will be held and our projects, such as when we plan to construct or expand a facility. Thus, we will look at various alternatives and seek input from potentially affected communities before making a final decision. Demographic data will be collected to document public involvement in the decision-making process. EJ analyses will remain on file indefinitely, and copies will be provided to NCDOT, FHWA or FTA upon request, during compliance reviews or complaint investigations. (See **Regional Demographic profiles – Tables and Maps for Race/Ethnicity and Poverty**)

As part of EJ, consider the following technical notes on the methodology for considering Communities of Concern.



## TECHNICAL NOTES: METHODOLOGY FOR DETERMINING IF A BLOCK GROUP IS A REGIONAL-SCALE COMMUNITY OF CONCERN



*CAMPO will look at each protected class and then show how they overlap geographically, identifying where there is a combination of the highest concentrations and largest number of protected class overlaps. These areas will be called “Communities of Concern” (CofC), and will be used to target special outreach and evaluate the relative benefit/burden of transportation investments in the region in the Metropolitan Transportation Plan (MTP) or Transportation Improvement Program (TIP).*

## HOW TO DETERMINE A COMMUNITY OF CONCERN

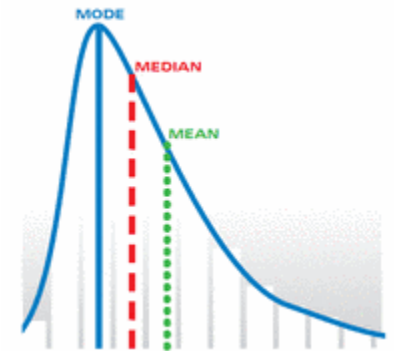
The MPO looked at many different statistical methods to get at the fundamental question, “What is a community of concern?” With the end in mind, there were 3 principles that guided how to define if an area was “in” or “out” statistically:

1. If everyone is special, no one is special; we do not want to set the threshold too low. Ideally around 60% of the region should not trigger 2 or more measures; around 75% one or more.
2. Be as inclusive as possible in light of the above; we do not want to leave anyone out without good reason
3. The final analysis should yield a pattern that allows for targeted outreach and a meaningful analysis of transportation investment

Percentiles are just like the median “average” measure; the difference is instead of using the halfway point (50%), a percentile can be adjusted. If you just want the top 25% of whatever you are measuring, you set the percentile to 75. If you wanted the top 10%, you set the percentile to 90, et cetera. Our region has 755 block groups, so each measure will take the highest 188 block groups (top 25%).

There are three statistical tools to note for all the protected classes we evaluated:

1. Use of Census Block Groups in the 2-MPO region as the geographic unit. This is because they are updated each year, and some data are only available at this scale. It also helps compare urban, suburban, and rural areas in and “apples to apples” way.<sup>2</sup>
2. Choice of which “average” we use. By choosing to use the “median” as our measure, it gets around any extremes that may exist within the block group. For instance, if a millionaire has a house in a block group where most residents are low-income, the “mean” (what most people think of as the “average”) will be too high due to millionaire. By using a median, the primary makeup of the block group is reflected because extremes will not have as much impact.
3. Measuring each item we evaluate as a percentage. This also helps to create an “apples-to-apples” comparison for urban, suburban, and rural parts of the region.



<sup>2</sup> The way block groups are drawn, it helps “spatially normalize” the data.

The MPO also tried to match the data that are available to the protected classes under the Title VI Program Coverage umbrella. Statistically, choosing what gets measured has tremendous impact on the outcome. CAMPO sat down with other regional stakeholders involved in the statistical definition of what goes into identifying CofCs on February 4, 2016. DCHC MPO, Triangle J Council of Governments and NCDOT Community Studies staff reviewed existing methodologies and a draft proposal from CAMPO using percentiles to determine a threshold for “in” or “out”. On August 2<sup>nd</sup> the group reconvened with FHWA and NCDOT’s Office of Civil Rights included as well.

In looking what to measure, some things came to light:

Even though gender is a protected class, the even distribution of men and women did not make it a useful measure geographically. As such, it is the one protected class that was not used at all for determining CofCs.

The same was true for disability in terms of where people are, but for the people affected the most by transportation investments, the group supported using Zero-car Households as a surrogate measure.

Using a composite “minority” measure may miss some key groups. As an example, a block group that might be included for “Black alone” only needs around 32% of the block group to identify as Black. In a single minority measure, the threshold is around 57%, and if no other minorities are present this might miss too many people that need to be included. The final selection of how to measure led to using “Non-white Race” and “Hispanic/Latino Origin” as separate variables. Some block groups with Asian minority presence that may not meet the combined race threshold for minority trigger under “Linguistic Isolation” and thus be included.

It is important to understand that these are regional-scale, planning level proxies for actual EJ communities. When working with individual projects or specific outreach efforts, this analysis is just a guidance or screening tool to begin the identification of the actual communities.



## LIMITED ENGLISH PROFICIENCY



## LIMITED ENGLISH PROFICIENCY OUTREACH

The LEP policy guidance provided by the US Department of Transportation (see attached pages A-1 and A-2) is to clarify the responsibilities of recipients of federal financial assistance from the US DOT and assist them in fulfilling their responsibilities to LEP persons, pursuant to Title VI of the Civil Rights Act of 1964, and other implementing regulations. It was prepared in accordance with title VI of the civil rights act of 1964, 40 42 U.S.C. 2000d, 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.



## LIMITED ENGLISH PROFICIENCY (LEP): EXECUTIVE ORDER 13166

Executive Order 13166, improving access to services for persons with limited English proficiency, reprinted as 65 FR 20121 program (August 16, 2000), directs the 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 documents are consistent with the compliance standards and framework detailed in as part of justice and 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, USDOJ's General LEP and other Guidance). Disparate treatment based on a person's inability to speak, read, write, or understand English may be a type of national origin discrimination.

The LEP plan is in place to ensure access to the planning process and information published by the MPO for those who do not speak or read English proficiently. The term LEP, describes individuals who do not speak English as their primary language AND who have a limited ability to read, speak, write, or understand English.



## LIMITED ENGLISH PROFICIENCY – DEFINED

Language and literacy barriers prohibit people who identify as LEP from obtaining services and information relating to transportation services and programs. Because LEP populations are not able to read instructions or correspondence written in English and may not understand verbal information, they often are not aware of regulatory requirements and legal implications of the services they seek. It is essential that MPO staff and other recipients or sub-recipients of federal funds become informed about their diverse clientele from a linguistic, cultural, and social perspective. These individuals should become culturally competent, so they can encourage vulnerable LEP /minority populations to access and receive appropriate transportation services with more knowledge and confidence.

What is low literacy? What is limited English proficiency? National surveys have determined that about 20 percent of Americans are "low literate;" i.e., they read and comprehend in English below a fifth-grade level. Another 25 percent of Americans have literacy skills below a seventh-grade level. The 2000 Census found that about 18 percent of Americans speak a language other than English at home. Limited-English proficiency individuals have low English literacy and may or may not be literate in their primary language. In many cases, there is a direct correlation between low literacy, limited English proficiency, low educational attainment, and low income.

U.S. DOT guidelines require that recipients of federal financial assistance provide "meaningful access to programs and activities" by giving LEP persons adequate and understandable information and allowing them to participate in programs and activities, where appropriate. The Department will take "reasonable steps" to remove barriers for LEP individuals.

Once identified, the MPO should make every reasonable effort to ensure the LEP populations have timely and inclusive access to the information and processes.

## LIMITED ENGLISH PROFICIENCY: PLAN SUMMARY/FOUR FACTOR ANALYSIS

As a recipient of federal funding, the MPO must take reasonable steps to ensure meaningful access to the information and services it provides. As noticed in the Federal Register, volume 70, number 239, Wednesday, December 14, 2005, there are **four factors** to be considered in determining reasonable steps:

1. the number and proportion of MLI and LEP persons in the eligible service population
2. the frequency with which MLI and LEP persons come in contact with the program or activity
3. the nature and importance of the program, activity or service provided by the program to people's lives
4. the resources available to the recipient and costs



IMAGE COURTESY OF GOTRIANGLE, 2018



## LIMITED ENGLISH PROFICIENCY: THE NUMBER AND PROPORTION OF LEP PERSONS IN THE ELIGIBLE SERVICE POPULATION:

The NC Capital Area MPO planning area consists of Wake County and portions of Franklin, Granville, Harnett, and Johnston Counties. The first step toward understanding the profile of individuals who could participate in the transportation planning process is a review of census data. The Census data from the 2010-2014 American Community Survey indicates that in all MPO planning areas, English is the primary language spoken at home. Census data for individual cities is not readily available. Table 1 displays the general characteristics, language, estimated population, and percent of individuals who would be classified as LEPs.

Spanish continues to be the primary language that triggers the need for targeted outreach and proactive translation of materials for both MPOs. The 2010-2014 ACS data estimates almost 79,000 native Spanish speakers who speak English "Less than very well" in the 9-county region. That is 4.25% of the region's population. No other language group comes close, with the next highest being Chinese at 0.36%. Because "Chinese" does not differentiate between major language groups (Mandarin, Cantonese, Wu, Min, Hakka, etc), Korean is the next, true comparison with 3,129 speakers. For written communication, written Chinese does not differ between the main Chinese languages; for on-site interpreting they are different.

Because the two MPOs do not have the same language profiles, for the purposes of the regional plan, a language that is considered "primary consideration" means that it meets thresholds for both MPOs. "Secondary consideration" means that it only triggers in one of the two MPOs. Each MPO is responsible for meeting translation policies and requirements as they apply in their individual MPO.



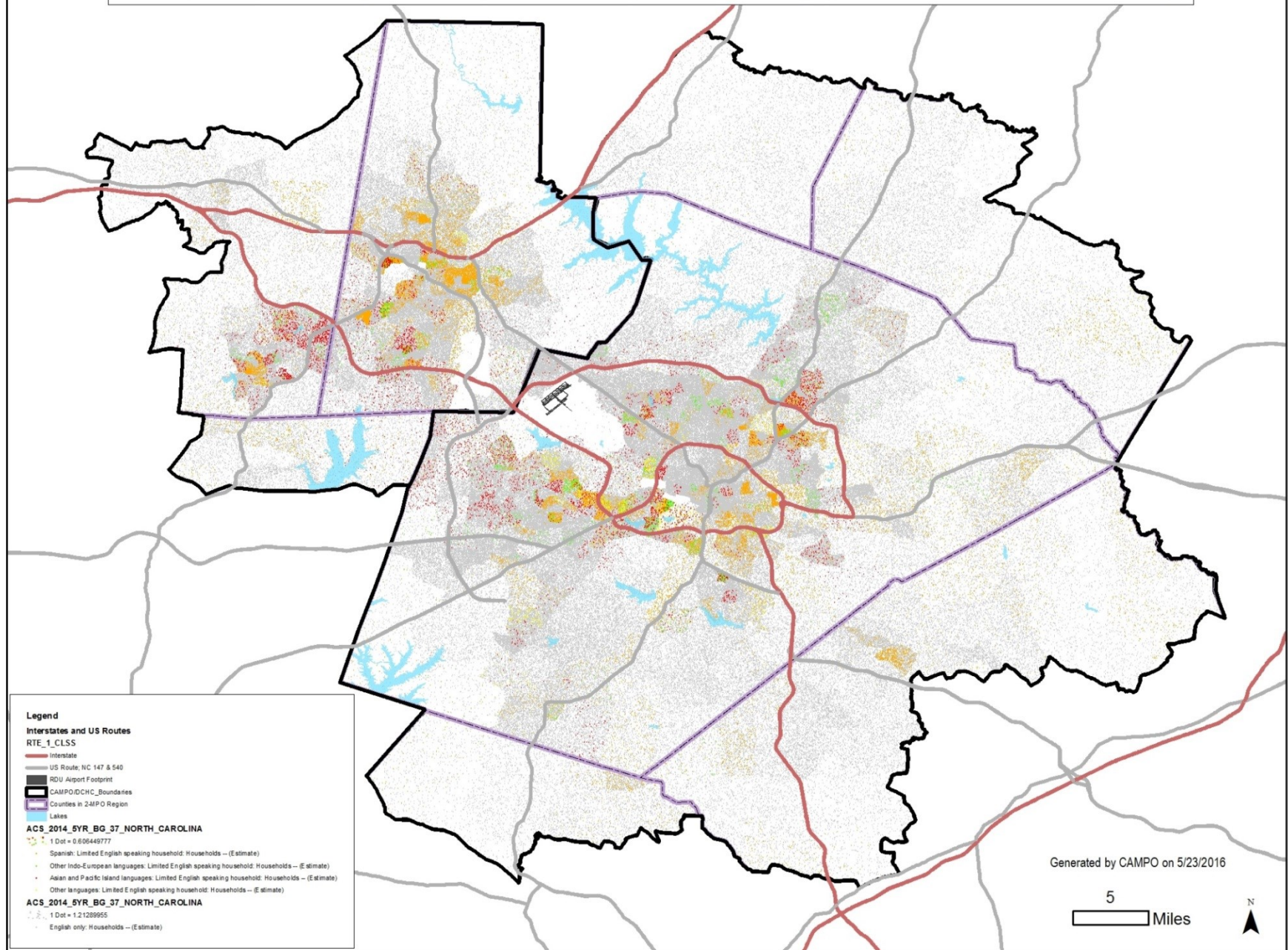
## **THE FREQUENCY WITH WHICH LEP INDIVIDUALS COME IN CONTACT WITH THE PROGRAMS OR ACTIVITIES.**

Although targeted specifically at outreach events current contact with LEP individuals is relatively infrequent but our commitment to serve this group is a priority. In areas with more concentrated LEP populations, LEP individuals sometimes attend the MPO events with English-speaking family members, or our community and agency partners at these events are bilingual and translate as needed. To date, no request had been made for either individuals or groups directly to the MPO for Spanish or other language interpreters or publications. Nevertheless, arrangements have been made with the city of Raleigh public affairs department to put together a list of employees who speak languages other than English to be available for translation services if needed. North Carolina State University participates in an English translation program for various languages as well.

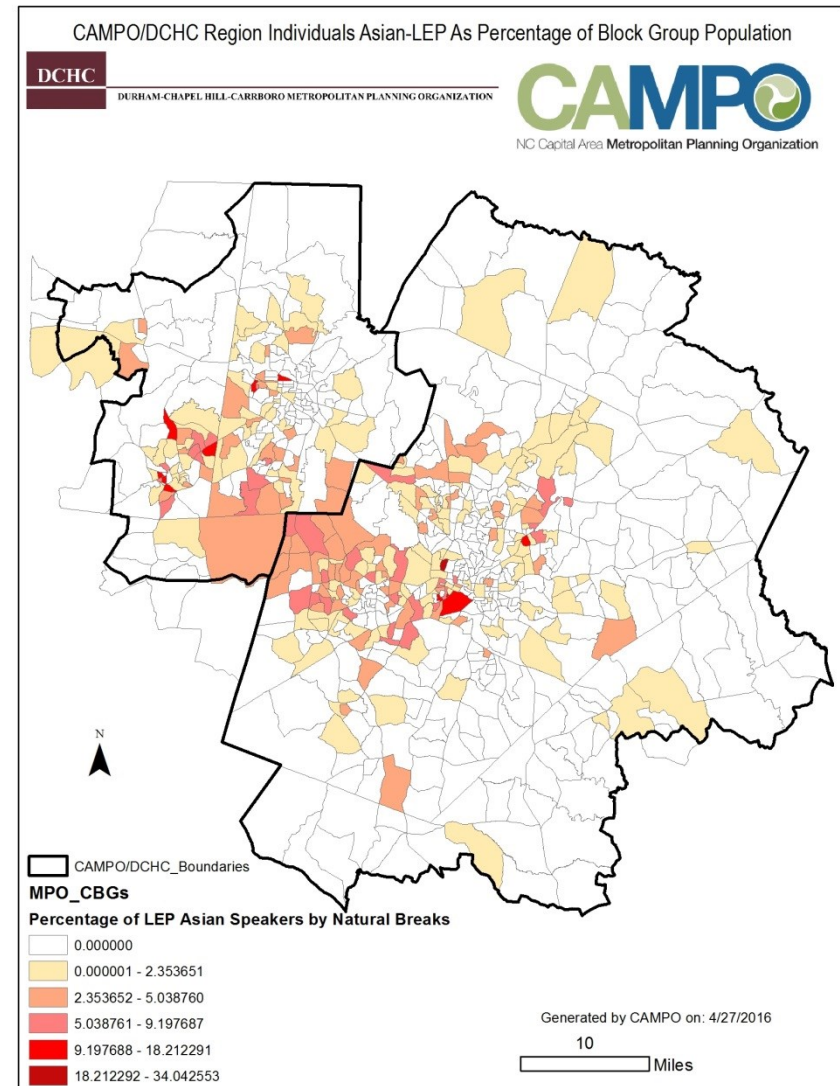
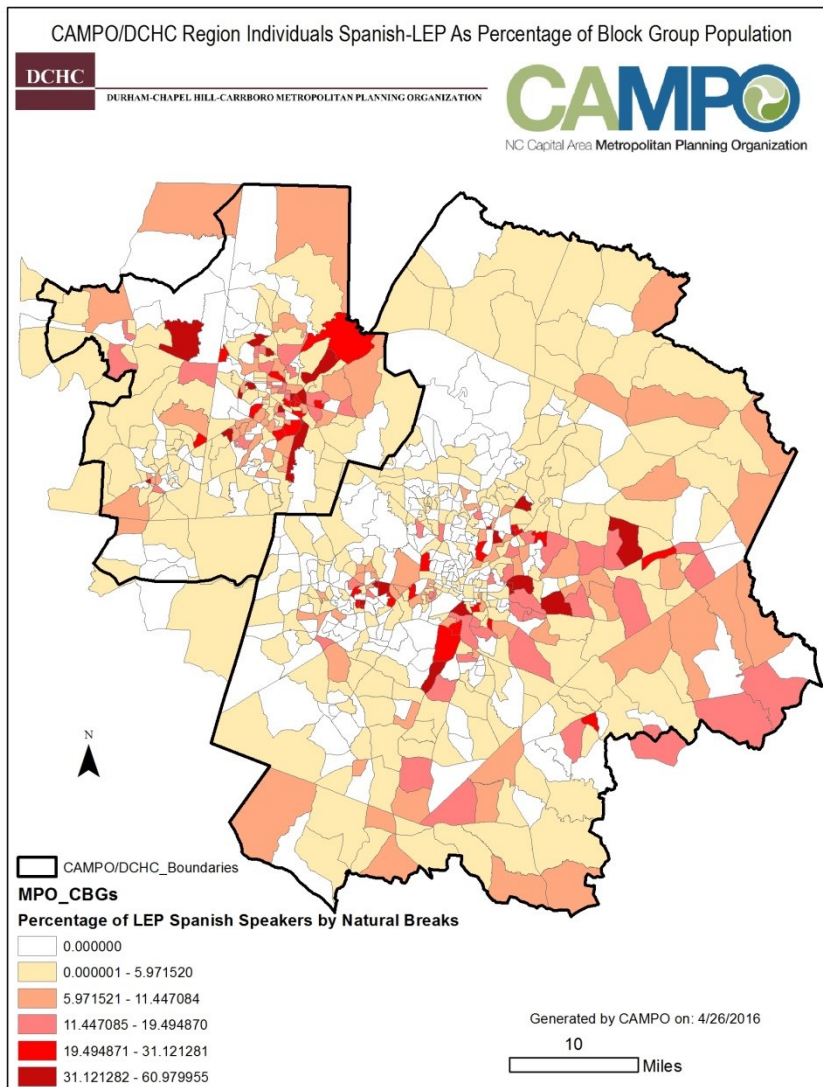
Language Information	Number of Persons	% Speak English less than "very well"	Language Information	Number of Persons	% Speak English less than "very well"
<b>8-County Region Total</b>	<b>1730550</b>				
<b>Speak only English</b>	<b>1460699</b>				
<b>Spanish or Spanish Creole:</b>	160267		<b>Other Indic languages:</b>	4697	
Speak English less than "very well"	78781	4.55%	Speak English less than "very well"	1532	0.09%
<b>French (incl. Patois, Cajun):</b>	8042		<b>Other Indo-European languages:</b>	1949	
Speak English less than "very well"	1760	0.10%	Speak English less than "very well"	429	0.02%
<b>French Creole:</b>	615		<b>Chinese:</b>	15427	
Speak English less than "very well"	122	0.01%	Speak English less than "very well"	6387	0.37%
<b>Italian:</b>	2121		<b>Japanese:</b>	1675	
Speak English less than "very well"	281	0.02%	Speak English less than "very well"	624	0.04%
<b>Portuguese or Portuguese Creole:</b>	1584		<b>Korean:</b>	6362	
Speak English less than "very well"	434	0.03%	Speak English less than "very well"	3129	0.18%
<b>German:</b>	4775		<b>Mon-Khmer, Cambodian:</b>	308	
Speak English less than "very well"	415	0.02%	Speak English less than "very well"	206	0.01%
<b>Yiddish:</b>	28		<b>Hmong:</b>	157	
Speak English less than "very well"	6	0.00%	Speak English less than "very well"	32	0.00%
<b>Other West Germanic languages:</b>	1145		<b>Thai:</b>	630	
Speak English less than "very well"	42	0.00%	Speak English less than "very well"	296	0.02%
<b>Scandinavian languages:</b>	709		<b>Laotian:</b>	213	
Speak English less than "very well"	85	0.00%	Speak English less than "very well"	66	0.00%
<b>Greek:</b>	794		<b>Vietnamese:</b>	5510	
Speak English less than "very well"	150	0.01%	Speak English less than "very well"	2919	0.17%
<b>Russian:</b>	2103		<b>Other Asian languages:</b>	10826	
Speak English less than "very well"	453	0.03%	Speak English less than "very well"	2313	0.13%
<b>Polish:</b>	926		<b>Tagalog:</b>	3718	
Speak English less than "very well"	189	0.01%	Speak English less than "very well"	768	0.04%
<b>Serbo-Croatian:</b>	189		<b>Other Pacific Island languages:</b>	1080	
Speak English less than "very well"	35	0.00%	Speak English less than "very well"	443	0.03%
<b>Other Slavic languages:</b>	1253		<b>Navajo:</b>	14	
Speak English less than "very well"	264	0.02%	Speak English less than "very well"	7	0.00%
<b>Armenian:</b>	85		<b>Other Native North American languages:</b>	244	
Speak English less than "very well"	8	0.00%	Speak English less than "very well"	24	0.00%
<b>Persian:</b>	1881		<b>Hungarian:</b>	514	
Speak English less than "very well"	658	0.04%	Speak English less than "very well"	55	0.00%
<b>Gujarati:</b>	3380		<b>Arabic:</b>	8257	
Speak English less than "very well"	1157	0.07%	Speak English less than "very well"	2256	0.13%
<b>Hindi:</b>	6545		<b>Hebrew:</b>	455	
Speak English less than "very well"	866	0.05%	Speak English less than "very well"	41	0.00%
<b>Urdu:</b>	2053		<b>African languages:</b>	8889	
Speak English less than "very well"	328	0.02%	Speak English less than "very well"	2291	0.13%
<b>Spanish is the only language that triggers primary consideration</b>			<b>Other and unspecified languages:</b>	431	
<b>1000 is the threshold for secondary consideration (Safe Harbor)</b>			Speak English less than "very well"	163	0.01%
<b>Secondary may not be applicable in grouped categories</b>					



# Triangle Regional Population by Limited English Proficiency (2009-2013 ACS Block Group)







## **LIMITED ENGLISH PROFICIENCY: THE IMPORTANCE OF THE SERVICE PROVIDED BY THE PROGRAM**

MPO programs use federal funds to plan for future transportation projects and therefore, do not include any service or program that requires vital, immediate, or emergency assistance such as medical treatment or services for basic needs, like food or shelter.

The MPO must ensure that all segments of the population, including LEP persons, have been involved, or have the opportunity to become involved, in the transportation planning process. The impact of proposed transportation investments on underserved and underrepresented population groups is part of the evaluation process for use of federal funds in three major areas: 1) an annual unified planning work program, 2) a seven-year transportation improvement program, 3) a long-range transportation plan covering 20+ years.

Inclusive public participation is a priority and other MPO plans studies and programs as well. The impacts of transportation improvements resulting from these planning activities do have an impact on all residents. Understanding and involvement are encouraged throughout the process. The MPO is concerned with input from all stakeholders, and every effort is made to make the planning process as inclusive as possible.

Progress towards project planning and construction under the responsibility of local jurisdictions or state transportation agencies is not within the MPO's authority. These state and local organizations have their own policies to ensure LEP individuals can participate in the process that shapes where how and when a specific transportation project is implemented.

## **LIMITED ENGLISH PROFICIENCY: RESOURCES AVAILABLE TO THE RECIPIENT AND THE OVERALL MPO COST**

Given the size of the LEP population in the MPO's planning boundary and financial constraints, full translation of all transportation plan documents, except for vital documents (a document that contains information critical to obtaining federal funds or benefits), is not feasible at this time.

However, continued growth of our area and its Spanish-speaking population makes offering Spanish translation, in many areas, a good community investment; therefore, the MPO will make efforts to collaborate with state and local agencies to provide language translation and interpretation services were impractical within the scope of funding available.

The Capital Area MPO will use a "seven business day" notification statement in order to be most accommodating to the public. If the seven-day notice becomes impractical to meet LEP assistance requests, this LEP plan standard will be changed.

## LIMITED ENGLISH PROFICIENCY: MEETING THE REQUIREMENTS

### LANGUAGE ASSISTANCE PLAN

As a result of the four-factor analysis, a Language Assistance Plan is *not* required at this time, however the following Plan represents our commitment to ensuring nondiscrimination and meaningful access by persons who are Limited English Proficient. Engaging the diverse population within the MPO boundaries is important. CAMPO is committed to providing quality services to all citizens, including the LEP population we serve. All language access activities detail below will be coordinated in collaboration with the MPO board and staff.

#### Limited English Proficiency: Providing notice to Underserved Populations including LEP persons

The USDOT LEP guidance indicates that once an agency has decided, based on the four factors, to provide language services, it is important that the recipient notify LEP persons of service is available free of charge in languages LEP persons would understand. Examples of methods of notification include:

1. Stating in outreach documents that language services are available
2. Signage that free language assistance is available with advance notice
3. Working with community-based organizations and other stakeholders to inform LEP individuals of the MPO services and the availability of language assistance
4. Providing information as to the availability of translation services parenthesis free of charge) when advertising for public hearings were MPO related workshops.

Other reasonable steps will depend on:

- The number and proportion of LEP persons potentially served by the program or activity and the variety of languages spoken in the service area.
- The frequency with which LEP individuals are affected by the program or activity.
- The importance of the effect of the program on LEP individuals.
- The resources available to the recipient and the urgency of the situation.
- The level of services provided to fully English proficient people.

- Whether LEP persons are being excluded from services or provided a lower level of services.
- Whether the recipient has adequate justification for restrictions, if any, on special language services or on speaking languages other than English.

The Capital Area MPO intends to take reasonable steps to make available interpreter services, free of charge, and to include, at a minimum, Spanish translators upon request of at least seven business days prior to MPO board and committee meetings, workshops, forums, or events. The MPO is defining an interpreter as a person who translates spoken language as opposed to a translator who translates written language and transfer the meaning of written text from one language into another.

Ongoing MPO service standards include:

- Coordination with the City of Raleigh personnel department to provide an interpreter for phone and/or walk-in customers.
- Coordination with non-English newspapers to translate small documents - up to two pages.
- Coordination with the Gov. Morehead School to convert small documents - up to three pages - to braille provided there is a seven-day advance notice.
- Coordination with partner agencies and special needs organizations to meet requested needs.
- The MPO maintains an online presence and strives to make both translation engines for many languages and
- automated readers/text resizing for the visually impaired or those with literacy challenges.
- The MPO will initiate:
  - Creation of a list of inside and outside sources that can provide competent oral and written translation services
  - Analysis of the cost of these services, if any
  - Identification of potential budget and personnel limitations pertaining to these services
  - When an interpreter is needed, either in person or on the telephone, we first determine which language is required. If a translator for the required language is not available or a formal interpretation is required staff shall consider using a private translation service company.



# TITLE VI/LEP STAFF TRAINING

## TITLE VI / LIMITED ENGLISH PROFICIENCY: MPO STAFF TRAINING

MPO staff will be provided with the Title VI/LEP plan and will be educated on procedures and services available at least once every three years. Basic training will cover all sections of this Plan and our overall Title VI obligations. Staff may receive specialized training on how Title VI applies to their specific work areas. This information will also be part of the MPO staff orientation process for new hires within 30 days of their start date. The appeal will establish meaningful access to information and services for LEP individuals and employees in public contact positions, and those who will serve as translators for interpreters will be properly trained. Such training will be developed to ensure that staff is fully aware of Title VI and LEP policies and procedures and are effectively able to work in person and/or by telephone with LEP individuals. Trainings will be provided and/or organized by the Title VI Coordinator and will often coincide with updates to our nondiscrimination policies and procedures. Records of staff trainings, such as agendas, sign-in sheets, copies of calendars, and certificates, will remain on file for at least three years (and in personnel files).

MPO board members will receive a copy of the Title VI/ LEP plan and have access to training, assuring they are fully aware of and understand the plan and its implementation.

## REVIEW OF ORGANIZATIONAL DIRECTIVES

### TITLE VI/LIMITED ENGLISH PROFICIENCY: MONITORING AND UPDATING

\*\*It is the responsibility of every official who develops policies, procedures, manuals, guidelines, and other directives to ensure they have been reviewed for Title VI compliance. All staff members will assist in carrying out this requirement making sure drafts of these documents are submitted to the Title VI Coordinator to ensure Title VI requirements are included.

This plan is designed to be flexible and is one that can be easily updated. At a minimum, the MPO will evaluate, and update if appropriate, the Title VI/ LEP plan as needed on a four- year basis with the MTP update. Each update should examine all plan components, such as:

- How many LEP persons were encountered,
- Were their needs met
- What is the current LEP population of the MPO area by County
- Has there been a change to the type of languages were translation services are needed
- Has there been a change to the type of languages were translation services are needed
- Have the MPO's available resources, such as technology, staff, and financial costs, changed
- Has the MPO fulfilled the goals of the Title VI/LEP plan
- Were any complaints received

## DISSEMINATION OF INFORMATION

### TITLE VI/LIMITED ENGLISH PROFICIENCY: DISSEMINATION OF THE TITLE VI/LEP PLAN

In accordance with 23 CFR 200.9(b)(12) and 49 CFR 21.9(d), CAMPO will utilize community outreach and public education to disseminate Title VI/LEP information to our employees, contractors, sub-recipients and the general public. Reasonable steps will be taken to make the public aware of their rights and our obligations under Title VI through, including, but not limited to:

- Visibly posting our Title VI Policy Statement in public areas at our facilities, on our website, at our meetings, and prominently in any documents and reports we distribute;
- Placing notices in newspapers and publications with a large circulation among minority groups in the general vicinity of projects and activities. Ads in newspapers and other publications shall include the following:  
“CAMPO operates without regard to **race, color, national origin, limited English proficiency, sex, age or disability**. For more information on our Title VI program, or how to file a discrimination complaint, please contact Bonnie Parker at (919) 996-4400; [Bonnie.Parker@campo-nc.us](mailto:Bonnie.Parker@campo-nc.us)
- Translating information into languages other than English that meet the LEP safe harbor threshold;
- Incorporating Title VI language into our contracts and agreements (See Appendix A for Title VI Contract Language); and
- Ensuring any contractors and sub-recipients we have also disseminate Title VI information.

Please refer to our **Public Participation Plan (PPP)** for additional outreach methods we employ to comply with Title VI. Our PPP can be found at [www.campo-nc.us](http://www.campo-nc.us).

The MPO will post the Title VI/LEP plan on its website at [www.campo-nc.us](http://www.campo-nc.us). Any person, including social service, nonprofit, and other community partners with Internet access, will be able to access the plan. For those without personal Internet service, County libraries offer free Internet access. Copies of the Title VI/LEP plan are provided to each member jurisdiction’s personnel department, NCDOT, FHWA, FTA, and any person or agency requesting a copy. Each MPO sub recipient will be provided a copy and will be educated on the importance of complying with Title VI and providing language assistance.



# EXTERNAL DISCRIMINATION COMPLAINT PROCEDURES

## INTRODUCTION

These external discrimination complaint procedures apply to the Capital Area Metropolitan Planning Organization (CAMPO), and cover complaints filed under Title VI of the Civil Rights Act of 1964 and other nondiscrimination authorities applicable to programs, services, or activities carried out by CAMPO or its agents.

CAMPO will make every effort to obtain early resolution of complaints at the lowest level possible. Complaints of alleged discrimination will be investigated by the appropriate authority. The option of informal mediation between the affected parties and CAMPO staff may be utilized for resolution. Upon completion of each investigation, CAMPO staff will inform every complainant of all avenues of appeal.

## PURPOSE

The purpose of these discrimination complaint procedures is to describe the process used by CAMPO for processing and investigating alleged complaints of discrimination.

## FILING OF COMPLAINTS

1. **Applicability** – The complaint procedures apply to the beneficiaries of CAMPO programs, activities, and services, including the public and any consultants/contractors hired by CAMPO.
2. **Eligibility** – Any person or class of persons who believes that he/she has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities, based upon race, color, sex, age, national origin, or disability may file a written complaint with CAMPO. The law prohibits intimidation or retaliation of any sort. The complaint may be filed by the affected individual or a representative and must be in writing.
3. **Time Limits and Filing Options** – A complaint must be filed no later than 180 calendar days after the following:
  - The date of the alleged act of discrimination; or
  - The date when the person(s) became aware of the alleged discrimination; or
  - Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

Complaints may be submitted to the following entities:

- **NORTH CAROLINA CAPITAL AREA MPO**  
NC Capitol Area MPO, ATTN: Title VI Compliance, 421 Fayetteville St., Suite 203; Raleigh, NC 27601; (919) 996-4400
  - **North Carolina Department of Transportation**, Office of Civil Rights, Title VI/EO Contract Compliance Section, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919- 508-1830 or toll free 800-522-0453
  - **US Department of Transportation**, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590; 202- 366-4070
    - Federal Highway Administration**, Office of Civil Rights, 1200 New Jersey Avenue, SE, 8<sup>th</sup> Floor, E81-314, Washington, DC 20590, 202-366-0693 / 366-0752
    - Federal Highway Administration**, North Carolina Division Office, 310 New Bern Avenue, Suite 410, Raleigh, NC 27601, 919-747-7010
    - Federal Transit Administration**, Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5<sup>th</sup> Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590
    - Federal Aviation Administration**, Office of Civil Rights, 800 Independence Avenue, SW, Washington, DC 20591, 202-267-3258
  - **US Department of Justice**, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530, 202-514-6255 or toll free 877-218- 5228
- 4. Format for Complaints** – Complaints shall be in writing and signed by the complainant(s) or a representative and include the complainant’s name, address, and telephone number. Complaints received by fax or e-mail will be acknowledged and processed. Allegations received by telephone or in person will be reduced to writing, may be recorded and will be provided to the complainant for confirmation or revision before processing. Complaints will be accepted in other languages including Braille.
- 5. Complaint Basis** – Allegations must be based on issues involving race, color, national origin, sex, age, or disability. The term “basis” refers to the complainant’s membership in a protected group category.

Protected Categories	Definition	Examples	Applicable Statutes and Regulations	
			FHWA	FTA
Race	An individual belonging to one of the accepted racial groups; or the perception, based usually on physical characteristics that a person is a member of a racial group	Black/African American, Hispanic/Latino, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; 23 CFR 200	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; Circular 4702.1B
Color	Color of skin, including shade of skin within a racial group	Black, White, brown, yellow, etc.		
National Origin	Place of birth. Citizenship is not a factor. Discrimination based on language or a person's accent is also covered.	Mexican, Cuban, Japanese, Vietnamese, Chinese		
Sex	Gender	Women and Men	1973 Federal-Aid Highway Act	Title IX of the Education Amendments of 1972
Age	Persons of any age	21 year old person	Age Discrimination Act of 1975	
Disability	Physical or mental impairment, permanent or temporary, or perceived.	Blind, alcoholic, para-amputee, epileptic, diabetic, arthritic	Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990	



#### COMPLAINT PROCESSING

1. When a complaint is received by CAMPO, a written acknowledgment and a Consent Release form will be mailed to the complainant within ten (10) business days by registered mail.
2. CAMPO cannot investigate Title VI complaints filed against itself, but can investigate ADA complaints against itself. CAMPO will consult with the NCDOT External Civil Rights Section to determine the acceptability and jurisdiction of all complaints received. (Note: If NCDOT has jurisdiction, the External Civil Rights Section will be responsible for the remainder of this process. CAMPO will record the transfer of responsibility in its complaints log).
3. Additional information will be requested if the complaint is incomplete. The complainant will be provided 15 business days to submit any requested information and the signed Consent Release form. Failure to do so may be considered good cause for a determination of no investigative merit.
4. Upon receipt of the requested information and determination of jurisdiction, CAMPO will notify the complainant and respondent of whether the complaint has sufficient merit to warrant investigation.
5. If the complaint is investigated, the notification shall state the grounds of the CAMPO's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
6. If the complaint does not warrant investigation, the notification to the complainant shall specifically state the reason for the decision.

#### COMPLAINT LOG

1. When a complaint is received by CAMPO, the complaint will be entered into the Discrimination Complaints Log with other pertinent information and assigned a Case Number. (Note: All complaints must be logged).
2. The complaints log will be submitted to the NCDOT's Civil Rights office during Title VI compliance reviews. (Note: NCDOT may also be request the complaints log during pre-grant approval processes).
3. The Log Year(s) since the last submittal will be entered (e.g., 2012-2015, 2014-2015, FFY 2015, or 2015) and the complaints log will be signed before submitting the log to NCDOT.
4. When reporting no complaints, check the No Complaints or Lawsuits box and sign the log.

Please refer to **Appendix A** for a copy of our Discrimination Complaint Form, Complaints Log, and Sample Investigation Template.

## COMPLIANCE AND ENFORCEMENT PROCEDURES

To ensure compliance with Title VI, CAMPO will take proactive steps to prevent discrimination in our programs and activities, including the following:

- ☐ Conduct periodic Title VI training;
- ☐ Address Title VI issues at staff meetings;
- ☐ Participate or cooperate during compliance reviews conducted by NCDOT;
- ☐ Inform and monitor any consultants/contractors regarding their Title VI obligations, including review of contracts for nondiscrimination language;
- ☐ Customize public outreach according to the situation or community at hand;
- ☐ Build a system of mutual trust and two-way communication with the public;
- ☐ Maintain pertinent demographic data (statistical);
- ☐ Ensure policies and procedures support and comply with Title VI;
- ☐ Document processes & activities related to Title VI.

FHWA recipients must have mechanisms in place to enforce compliance with Title VI. CAMPO utilizes internal training, meetings, monitoring contractors, technical assistance, and findings from periodic NCDOT reviews to identify deficiencies and potential discrimination. If NCDOT identifies deficiencies, CAMPO will address all deficiencies within 90 days based on a Corrective Action Plan (CAP). If attempts by NCDOT to resolve a compliance issue are unsuccessful, NCDOT may take any or all of the following steps with FHWA's concurrence:

- a. Canceling, terminating, or suspending the contract or agreement in whole or in part;
- b. Refraining from extending any further assistance to the recipient under the program with respect to which the failure or refusal;
- c. occurred until satisfactory assurance of future compliance has been received from the recipient.
- d. Taking such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the recipient.
- e. Referring the case to the FHWA for appropriate administrative or legal proceedings.
- f. Other means authorized by law.

If CAMPO identifies compliance issues with our consultants/contractors, we will also take corrective action. If attempts at corrective action are unsuccessful, any or all of the following steps may be taken with NCDOT's concurrence:

- a. Canceling, terminating, or suspending the contract or agreement with the consultant/contractor in whole or in part.
- b. Taking such other action that may be deemed appropriate under the circumstances.
- c. Referring the case to the NCDOT for appropriate administrative or legal proceedings.

## Additional Considerations

The MPO shall also make a special effort to seek out and consider the needs of groups or communities traditionally not well-served by existing transportation systems. These include, but are not limited to, low-income households and minority households. To assure adequate participation of these groups, the MPO shall use tools such as advisory boards (whose members shall be either low-income or minority individuals, or represent low-income or minority groups), target mailing list, workshops, and public notices in minority or low-income targeted media outlets.

The MPO's efforts in this regard shall be consistent with the Environmental Justice Executive Order (EO 12898) dated February 11, 1994, and other related guidance from the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA).

The MPO shall also make a special effort to seek out and consider the needs of individuals or communities with Limited English Proficiency. The MPO efforts in this regard shall be consistent with the signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," dated August 11, 2000, and other related guidance from the FHWA and FTA.

Federal regulations define Persons with Limited English Proficiency as individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit in federally-funded programs and activities.

CAMPO's Public Participation Plan (PPP) references this plan for special outreach strategies used to increase participation in populations not effectively reached by conventional methods. Many of the populations in the communities of concern fall into this category.

It is important to understand that the community of concern identification is meant to be used at the regional scale. For small area plans, corridor plans, and project-level outreach the community of concern map is a starting point. Additional strategies for outreach and identifying unique populations are likely to be needed at these scales.

Examples of additional methods of identifying where special populations might be could include (but are not limited to):

- Increasing the threshold for the indicators to be above the regional average (mean) or regional median.
- Field surveys
- Outreach to community organizations to assist staff

Any questions or comments regarding this plan should be directed to the MPO Public Engagement Planner/Title VI Coordinator:

Bonnie Parker, Title VI Compliance-LEP  
NC Capital Area MPO  
421 Fayetteville Street, Suite 203  
Raleigh, NC 27601  
(919) 996-4400 Telephone  
(919) 996-1735 Facsimile  
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