

**City of Winston-Salem  
Title VI  
Non-Discrimination  
Plan**

**February 1, 2021**

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## I. INTRODUCTION

The Title VI of the Civil Rights Act of 1964, prohibits discrimination based upon race, color, and national origin. Specifically, 42 USC 2000d states 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.”* The use of the word *“person”* is important as the protections afforded under Title VI apply to anyone, regardless of whether the individual is lawfully present in the United States or a citizen of a State within the United States. The City of Winston-Salem is the direct recipient of Federal and State Highway and Transit funds. **This policy will apply to all transportation programs using funding from the USDOT, FTA or NCDOT.** Many of the day-to-day operations and work activities of federal, state and local transportation programs are administered by the city of Winston-Salem department of transportation. Currently the two city appointed boards with responsibility of oversight and distribution of funding received from Federal and State agencies are the Winston-Salem Urban Area Metropolitan Planning Organization (WSUAMPO) and the Winston-Salem Transit Authority (WSTA).

The Winston-Salem Urban Area Metropolitan Planning Organization (WSUAMPO) is the federally designated Metropolitan Planning Organization (MPO) for the Winston-Salem Urbanized Area. Federal legislation requires Urbanized Areas with populations larger than 50,000 to have an MPO, whose primary function is to carry out the transportation planning process among the member jurisdictions within its established planning area boundary. The City of Winston-Salem is the Lead Planning Agency (LPA) for the WSUAMPO. The Transportation Advisory Committee (TAC) for the Winston-Salem Urban Area Metropolitan Planning Organization (WSUAMPO) serves as a forum for cooperative transportation planning and decision-making for the MPO region, which includes Forsyth County and portions of Davie, Davidson and Stokes Counties. The TAC has the responsibility for:

- Assisting in the dissemination and clarification of decisions, inclinations and policies of the governing boards
- Ensuring meaningful citizen participation in the transportation planning process
- Keeping the governing boards informed of the status and requirements of the transportation planning process

The TAC is composed of:

- Elected officials from Davidson, Davie, Forsyth, and Stokes Counties and elected officials from incorporated municipalities in those counties

- Non-elected officials from:
  - City-County Planning Board
- Federal Highway Administration
- North Carolina Department of Transportation
- Smith Reynolds Airport Authority
- Winston-Salem Transit Authority

The Winston-Salem Transit Authority was created by Section 23-163 of the City Code and adopted on March 11, 1968. The authority establishing the Winston-Salem Transit Authority is Chapter 1259 of the 1967 North Carolina Session Laws. The purpose of the Authority is to provide for a safe, adequate, and convenient public transportation system for the City of Winston-Salem and surrounding areas. The Winston-Salem Transit Authority Board of Directors

This Title VI Plan describes how the City of Winston-Salem, the Winston-Salem Urban Area Metropolitan Planning Organization and the Winston-Salem Transit Authority comply with Civil Rights legislation and principles.

As staff for the WSUAMPO, the Winston-Salem Department of Transportation (WSDOT) is responsible for carrying out all transportation-related planning activities including the preparation of a Unified Work Program (UWP), Transportation Improvement Program (TIP), and the development of the Metropolitan Transportation Plan (MTP) and the Coordinated Transportation Plan (CTP). The transportation program receives federal funds through the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). WSDOT is also responsible for administration and oversight of the staff hired by WSTA to manage the transit system.

The planning efforts of WSDOT serve all the people within the MPO area including minority populations, low-income populations, the elderly, and persons with disabilities and those who traverse the city of Winston-Salem. As a direct recipient of federal funds, the City of Winston-Salem (and thereby WSDOT) recognizes its responsibility to provide fairness and equity in all its programs, services, and activities, and that it must abide by federal and state civil rights legislation relating to transportation and public transit projects and programs.

Title VI of the Civil Rights Act of 1964 is the overarching civil rights law prohibiting discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that ***“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activities receiving federal assistance.”***

Title VI has been broadened by related statutes, regulations and executive orders. Section 324 of the Federal-Aid Highway Act (the enabling legislation of the FHWA) prohibits discrimination based on sex. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibits unfair and inequitable treatment of persons as a

result of projects undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," signed in February of 1994, requires federal agencies to achieve Environmental Justice (EJ) as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. EJ initiatives are accomplished by involving the potentially affected public in the development of transportation projects within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low- Income Populations to summarize and expand upon the requirements of Executive Order 12898. Also Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)," provides 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. As a recipient of federal financial assistance, The City of Winston-Salem, the WSUAMPO and the WSTA must provide access to individuals with limited ability to speak, write or understand the English language. The City of Winston-Salem, the WSUAMPO and the WSTA will not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color or national origin. Therefore, the primary goals of the City of Winston-Salem's, the WSUAMPO's and the WSTA's Title VI Program are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives.
2. To ensure people affected by the City of Winston-Salem's, the WSUAMPO's and the WSTA's programs and activities receive the services, benefits and opportunities to which they are entitled without regard to race, color, national origin, age, sex or disability.
3. To prevent discrimination in the City of Winston-Salem's, the WSUAMPO's and the WSTA's programs and activities, whether those programs are federally funded or not.
4. To establish procedures for identifying impacts in any program, service, or activity that may create an illegal adverse impact on any person because of race, color, national origin, age, sex or disability; or on minority populations, low-income populations, the elderly and persons with disabilities.
5. To establish procedures to annually review the Title VI compliance within specific program areas within the City of Winston-Salem's, the WSUAMPO's and WSTA's services and areas.

6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in the City of Winston-Salem's, the WSUAMPO's and the WSTA's service, program or activity.

### **Discrimination Under Title VI**

There are two types of discrimination prohibited under Title VI and its related statutes. One type of discrimination that may or may not be intentional is "disparate treatment". Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, age or disability.

The second type of discrimination is "disparate impact". Disparate impact occurs when a "neutral procedure or practice" results in fewer services or benefits, or inferior services or benefits to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy or practice rather than the intent.

### **Limited English Proficiency (LEP)**

The City of Winston-Salem, the Winston-Salem Urban Area is home to many people from different cultures who may speak different languages. Input from diverse communities is a vitally important part of the transportation planning process as they may offer different perspectives, introduce creativity and innovation and contribute to a strong economy. The City of Winston-Salem, the WSUAMPO and the WSTA recognizes their responsibility to ensure persons having language barriers are not excluded from participation in, denied the benefit of, or otherwise discriminated against when programs, services or activities designed to improve the service areas or infrastructures are developed.

The City of Winston-Salem, the WSUAMPO and the WSTA is committed to ensuring persons having language barriers are made equal participants early on in the development stages and through the life of a program, service or activity and that the public is allowed to provide input on those projects or plans that may have an impact on their wellbeing. It is the intent of the City of Winston-Salem, the WSUAMPO and the WSTA to ensure fairness, equal opportunity, inclusion and access by actively seeking input from people who do not speak English or have difficulty communicating in English, regarding quality of life issues that directly affect them. The Limited English Proficiency Plan can be found in the Appendix.

### **Environmental Justice**

The City of Winston-Salem, the WSUAMPO and the WSTA monitors projects and programs, prior to implementation, that may have an adverse impact on the public and communities as part of the development of the TIP, STIP, MTP and CTP. The City of Winston-Salem, the WSUAMPO and the WSTA also regularly seeks public involvement and participation to identify, discuss and mitigate potential adverse impacts related to the environment, air quality, congestion and other situations

from projects that may concern communities directly or indirectly as part of the planning process. The City of Winston-Salem, the WSUAMPO and the WSTA approach to EJ is reviewed during the development of both the TIP, STIP, MTP and CTP transportation planning documents.

## **II: TITLE VI POLICY STATEMENT**

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It is the policy of the City of Winston-Salem, the Winston-Salem Metropolitan Planning Organization and the Winston-Salem Transit Authority to ensure that no person shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and any other related non-discrimination Civil Rights laws and authorities.

### **III. TITLE VI ASSURANCES**

The City of Winston-Salem, the WSUAMPO and the WSTA (hereinafter referred to as the "Recipients"), HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the United States Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-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, Non-discrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of the 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 or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the US Department of Transportation, including the Federal Highway Administration, the Federal Transit Authority 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 to its federally funded programs:

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 all Federal-Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:  
"The (Recipient), 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 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.

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*Lee D. Garrity, City Manager*

*Date*

#### **IV. REGULATORY REQUIREMENTS**

Title VI of the Civil Rights Act of 1964 and related statutes provide that no person in the United States shall, on the grounds of race, color, national origin, sex, age or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, receiving federal financial assistance. GCMPC, as a recipient and distributor of federal funds must take affirmative steps to ensure that discrimination, as addressed by Title VI does not occur, and must perform the following actions in order to comply with federal requirements under 23 CFR Part 200 and 49 CFR Part 21:

1. **23 CFR 200.9(b)(2)** – Adequately staff the civil rights unit to effectively implement state civil rights requirements.
2. **23 CFR 200.9(b)(3)** – Develop procedures for prompt processing and disposition of Title VI and Title VII complaints received directly and forward to the Compliance Officer for investigation.
3. **23 CFR 200.9(b)(4)** – Develop procedures for the collection of statistical data (race, color, religion, sex and national origin) of participants in, and beneficiaries of state highway programs, i.e., relocatees, impacted citizens and affected communities.
4. **4. 23 CFR 200.9(b)(5)** – Develop a program to conduct Title VI reviews of program areas, i.e., Transportation Planning, Public Transit Services, etc.
5. **23 CFR 200.9(b)(9)** – Conduct training programs on Title VI and related statutes.
6. **23 CFR 200.9(b)(10)** – Prepare a yearly report of Title VI accomplishments for the past year and goals for the next year.
7. **23 CFR 200.9(b)(11)** – Submit updated Title VI implementing plan to NCDOT and FTA.
8. **23 CFR 200.9(b)(12)** – Develop Title VI information for dissemination to the general public, where appropriate, in languages other than English.
9. **23 CFR 200.9(b)(13)** – Establish procedures for pre-grant and post-grant approval reviews of state programs and applicants for compliance with Title VI requirements.
10. **23 CFR 200.9(b)(14)** – Establish procedures to identify and eliminate discrimination where found.
11. **Executive Order 12898** – Ensure that Environmental Justice principles are integrated into procedures and programs.
12. **Executive Order 13166** – Ensure that appropriate LEP processes and procedures are implemented.

## Related Laws and Statutes

1. **Civil Rights Restoration Act of 1987** – Restores the original intent of Title VI to require that all programs are covered whether they are federally funded or not.
2. **Section 504 of the Rehabilitation Act of 1973** – Prohibits discrimination on the basis of a disability.
3. **Americans With Disabilities Act (ADA) of 1990** – Prohibits discrimination on the basis of a disability
4. **Section 324 of the Federal-Aid Highway Act** – Prohibits discrimination on the basis of sex
5. **Uniform Relocation Assistance and Real Property Acquisition Act of 1970 42 USC 6101** – Prohibits Age discrimination in any program receiving federal financial assistance
6. **49 CFR Part 21 and 23 CFR Part 200** – Describes U.S. DOT and FHWA prohibitions against discrimination
7. **Title VII of the Civil Rights Act of 1964** – Prohibits discrimination on the basis of race, color, religion, sex and national origin

## V. DEFINITIONS

(As used in Title 32 of the CFR, Highways, part 200.5)

1. **Adverse Effects:** The totality of significant or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness or death; air, noise and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or non-profit organizations; increased traffic congestion, isolation, exclusion or separation of minority and low income individuals within a given community or from the broader community; and the denial of, reduction in, or significant delay in the receipt of, benefits of FHWA programs, policies, or activities.
2. **Affirmative Action:** A good faith effort to eliminate past and present discrimination and to ensure that future discriminatory practices do not occur. Actions aimed at addressing the underrepresentation of minorities and females.
3. **Beneficiary:** An individual and/or entity that directly or indirectly receive an advantage through the operation of a federal program; however, they do not enter into any formal contract or agreement with the federal government where compliance with Title VI is a condition of receiving such assistance.
4. **Citizen Participation:** An open process in which the rights of the community to be informed, to provide comments to the government, and to receive a response from the government are met through a full opportunity to be involved, and to express needs and goals.
5. **Compliance:** The satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made.

6. **Deficiency Status:** The interim period during which the recipient state has been notified of deficiencies, has not voluntarily complied with Title VI Program guidelines, but has not been declared in non-compliance by the Secretary of Transportation.
7. **Disparate Impact:** Discrimination which occurs as a result of a neutral procedure or practice and such practice, lacks a “substantial legitimate justification.” The focus is on the consequences or impact of a recipient’s practices rather than the recipient’s intent.
8. **Discrimination/Disparate Treatment:** Discrimination which occurs when similarly situated persons are treated differently intentionally, because of their race, color, national origin, sex, disability, or age, and the decision maker was aware of the complainant’s race, color, national origin, sex, disability, or age, and decisions were made (at least in part) because of one or more of those factors.
9. **Disproportionately High and Adverse Effect on Minority and Low-Income Populations** means an adverse effect that: Is predominantly born by a minority population and/or a low-income population will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low income population.
10. **Facility:** Includes all, or any part of, structures, equipment or other real or personal property, or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.
11. **Low Income:** a person whose household income (or in the case of a community or group, whose median household income) is at or below the U.S. Department of Health and Human Services guidelines.
12. **Low-Income Populations:** Any readily identifiable group of low-income persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons who may be similarly affected by a proposed DOT program, policy, or activity. Low income is defined by the poverty threshold stipulated by the U.S. Department of Health and Human Services.
13. **Metropolitan Planning Organization (MPO)** (considered a sub-recipient).
 

**Minority:**

  - **Black** – a person having origins in any of the black racial groups of Africa.
  - **Hispanic** – a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
  - **Asian or Pacific Islander** – a person having origins in any of the original peoples of the Far East, Southeast Asia, Indian Subcontinent, or the Pacific Islands.
  - **American Indian or Alaskan Native** – a person having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.
  - **White** – a person having origins in any of the original peoples of Europe, North Africa, or the Middle East.
14. **Minority Populations:** Identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons, i.e., migrant workers, Native Americans, and others, who will be similarly affected by a proposed DOT program, policy, or activity.
15. **Non-compliance:** A recipient has failed to meet prescribed requirements and has shown an

apparent lack of good faith effort in implementing all of the Title VI requirements.

- 16. Persons:** Where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used: "White not of Hispanic origin," "Black not of Hispanic origin", "Hispanic", "Asian or Pacific Islander", "American Indian or Alaskan Native". Additional sub-categories based on national origin or primary language spoken may be used, where appropriate, on either a national or a regional basis.
- 17. Program Area Officials:** The officials in the FHWA who are responsible for carrying out technical program responsibilities.
- 18. Programs, Policies, and/or Activities:** All projects, programs, policies, and activities that affect human health or the environment, and that are undertaken, funded, or approved by FHWA. These include, but are not limited to, permits, licenses, and financial assistance provided by FHWA. Interrelated projects within a system may be considered to be a single project, program, policy, or activity for purposes of this order. In addition, it includes any highway project or activities for the provision of services, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other agreements with the recipient.
- 19. Recipient:** Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term "recipient" does not include any ultimate beneficiary under any such program.
- 20. Regulations and Guidance:** Means regulations, programs, policies, guidance, and procedures promulgated, issued, or approved by FHWA.
- 21. State Transportation Agency (STA):** That department, commission, board, or official of any state charged by its laws with the responsibility for highway construction. The term "State" would be considered equivalent to the STA if the context so implies.
- 22. STIP:** A five-year, Statewide Transportation Improvement Program (STIP) that includes NCDOT's program as well as the Transportation Improvement Programs prepared by the Metropolitan Planning Organizations in North Carolina
- 23. Sub-recipient:** A non-federal entity that expends federal awards received from a pass-through entity to carry out a federal program, but does not include an individual that is a beneficiary of such a program. A sub-recipient may also be a recipient of other federal awards directly from a federal awarding agency. [Cities, counties, universities, contractors, sub-contractors, and consultants]
- 24. TIP:** A three-year, Transportation Improvement Program prepared by a Metropolitan Planning Organization.

## VI. STRUCTURE FOR THE ORGANIZATION OVERSIGHT AND COMPLIANCE

The Director of Transportation is responsible for ensuring all internal program areas and external recipients of federal funds are in compliance with Title VI and related statutes. The Compliance Officer reports to the Director of Transportation is responsible for the implementation and management of the Title VI Program as well as the DBE and EEO programs. The Compliance Officer will provide oversight for the coordination of the day-to-day administration of the Title VI Program and will report to the Director of Transportation on all related matters.

## VII. PROGRAMMATIC ROLES AND RESPONSIBILITIES

- A. **The Compliance Officer for the City of Winston-Salem, the WSUAMPO and WSTA**  
The Compliance Officer is responsible for ensuring the implementation of the City of Winston-Salem, the WSUAMPO and the WSTA Title VI Plan and ensuring Equal Employment Opportunities. The Compliance Officer is responsible for the overall management of the day-to-day administration of the Title VI Plan, including implementing, monitoring, and ensuring compliance with the Title VI regulations.
- B. **Title VI Responsibilities:**
- a. **Program Maintenance:** Maintain and monitor the Title VI program, plan, policies, and City of Winston-Salem, the WSUAMPO and the WSTA activities for compliance and assess the adequacy of administrative procedures, staffing and resources available for Title VI compliance
  - b. **Accomplishments and Assurances:** Complete annual Title VI assurances with the North Carolina Department of Transportation (Form #0179)
  - c. **Contract Language:** Ensure that Title VI provisions and assurances are included as part of federally funded contracts. (In this document, see Section III. Title VI Assurances, # 2)
  - d. **Ensure that contract opportunities are extended to DBEs as part of the contracting process.** (In this document, see Section III. Title VI Assurances, #2)
  - e. **Statistical Information:** Collect voluntary statistical data (race, color, age, sex, disability and national origin) of participants in and beneficiaries of WSUAMPO Transportation Plans e.g. citizens, impacted communities and affected communities. The data gathering process will be reviewed regularly to ensure sufficient administration of the Title VI program and inform decisions with regard to public participation.
  - f. **Training:** The Compliance Officer will offer training to City of Winston-Salem, the WSUAMPO and the WSTA staff and consultants on an as-needed basis and keep record of those who have received training. The training will provide comprehensive information on Title VI provisions, EJ and LEP awareness.
  - g. **Complaints:** Maintain a Title VI complaint form and spreadsheet to record any complaints received. Promptly respond to any complaints and forward the appropriate materials to NCDOT, FTA and/or the FHWA who will investigate the claim.
  - h. **Title VI Reviews:** Participate in Title VI reviews during the WSUAMPO FHWA recertification and the FTA Triennial reviews.
  - i. **Public Dissemination:** The Compliance Officer will make available literature, publications and brochures to the City of Winston-Salem, the WSUAMPO and the

WSTA employees, contractors, and the public (and in languages other than English based on community demographics) explaining the Title VI program. Public dissemination will include the posting of public statements, inclusion of non-discrimination language in contracts, annually publishing the Title VI Policy Statement in newspapers; and announcements of hearings and meetings in minority newspapers when determined necessary and funding is available. The Title VI Plan will be made available to NCDOT, FTA, FHWA, community groups and associations, contractors, consultants, and the public, through the City of Winston-Salem's website and in hardcopy at the Department of Transportation office.

- j. **Prevention of Discrimination:** Identify, investigate and eliminate discrimination when found to exist.

### **VIII. ANNUAL WORK PLAN**

1. Review prior fiscal year accomplishment report to determine upcoming fiscal year's objectives;
2. Conduct training for employees and contractors as necessary;
3. Record and appropriately respond to and forward complaints as they arise;
4. Collect Title VI information for dissemination, in other languages, where appropriate;
5. Provide information and updates to the Director;
6. Attend Title VI training and provide updates;
7. Prepare annual fiscal year-based report.

### **IX. COMPLAINT PROCEDURES**

This complaint procedure covers the following non-discrimination laws and related directives, and statutes: Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, The Civil Rights Restoration Act of 1987, and the ADA of 1990. Complaints of discrimination may be filed by any person who believes that he or she has been excluded from participation in, been denied the benefits of, or has otherwise been subjected to discrimination under any program or activity receiving federal financial assistance from the USDOT; and s/he believes the discrimination is based on race, color, national origin, sex, age or disability, socio-economic status or geographical location. Complaints of alleged discrimination filed directly against the City of Winston-Salem, WSTA or the WSUAMPO will be investigated by the Compliance Officer. The Compliance Officer will investigate complaints against its sub-recipients, consultants, and contractors. The option of informal mediation meeting(s) between the affected parties and the department staff may be utilized for resolution. Upon completion of each investigation, The Compliance Officer will inform every complainant of all avenues of appeal.

#### **Complaint Reporting**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. Discrimination includes, but is not limited to, excluding an individual from participation in or denying an individual the benefits of any program or activity receiving Federal financial assistance due to the individual's race, color, or national origin. As a recipient of Federal

financial assistance, the City of Winston-Salem, the WSUAMPO and WSTA does not exclude, deny benefits to, or otherwise discriminate against any person on the grounds of race, color, or, national origin, whether carried out by the City of Winston-Salem, the WSUAMPO and WSTA directly, through a contractor, or any other entity with whom the City of Winston-Salem, the WSUAMPO and WSTA arranges to carry out its programs and activities.

This procedure is established so that anyone who believes he or she has been subjected to discrimination in the receipt of benefits and/or services from the City of Winston-Salem, the WSUAMPO and WSTA on the grounds of race, color, or national origin and wishes to file a Title VI complaint may do so following the outline below.

Title VI complaints may be submitted to the following location:

**City of Winston-Salem**

Attention: Compliance Officer

300 S. Martin Luther Drive Drive, Winston-Salem, NC 27101

(336) 747-6875

Or In Person at Union Station, the lower level

Or a complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the office of Civil Rights at the following location:

**Civil Rights**

Attention: Title VI Program Coordinator

East Building, 5<sup>th</sup> floor-TCR,

1200 New Jersey Ave., SE, Washington, DC 20590

The complaint should be in writing and contain information about the alleged discrimination such as:

1. The name, address, and phone number of complainant;
2. The name of the county department and/or county employee(s) against whom the complaint is filed; and
3. The location, date, and description of the alleged violation.

The complaint should be submitted by the complainant or his or her designee as soon as possible but no later than **180** calendar days after the alleged violation. If the complainant could not reasonably be expected to know the act was discriminatory within the **180** day period, he/she will have 60 additional days after becoming aware of the alleged violation to file the complaint.

Within 15 calendar days after receipt of the complaint, the Compliance Officer shall begin an investigation of the complaint. The investigation may include interviews of the complainant, the City of Winston-Salem, WSUAMPO or WSTA employees, and witnesses to the alleged discrimination, as well as review of any physical or written evidence. The Compliance Officer will

also determine whether the City of Winston-Salem, WSUAMPO or WSTA has jurisdiction over the complaint.

Absent extenuating circumstances, and assuming the City of Winston-Salem, WSUAMPO or WSTA has jurisdiction, the Compliance Officer will provide a written response to the complaint within 15 days after beginning the investigation. The response will explain the position of the City of Winston-Salem, WSUAMPO or WSTA and offer options for substantive resolution of the complaint.

If the response does not satisfactorily resolve the issue, the complainant may appeal the decision within 15 calendar days after receipt of the response to the City Manager. Within 60 calendar days after receipt of the appeal the City Manager will respond with a final resolution of the complaint.

If at any time a delay is expected, the Compliance Officer will notify the complainant in writing of the reasons(s) for the delay and the date by which a response will be issued. These procedures do not deny the right of the complainant after completion of the Title VI complaint process to file a complaint with state or federal agencies, or to seek private counsel for complaints alleging discrimination, intimidation, or retaliation of any kind that is prohibited by law.

## X. APPENDICES

### APPENDIX A – REQUIRED CONTRACT LANGUAGES

#### [TO BE INSERTED IN ALL FEDERAL-AID CONTRACTS]

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

to ascertain compliance with such Regulations or directives. 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 Compliance Officer or the Federal Transit Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event the contractor's noncompliance with the nondiscrimination provisions of this contract, the City of Winston-Salem shall impose such contract sanctions as it or the Federal Transit Administration may determine to be appropriate, including, but not limited to:
  - a. Withholding 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 provisions of paragraphs (1) through (6) in every subcontract, including procurement of material 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 Compliance Officer or the Federal Transit Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the City of Winston-Salem to enter into such litigation to protect the interests of the City 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 - TRANSFER OF PROPERTY**

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 "Recipient", as authorized by law, and upon the condition that the State of North Carolina, 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 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 Exhibit "A" attached hereto and made a part hereof.

### **(HABENDUM CLAUSE)\***

TO HAVE AND TO HOLD said lands and interests therein unto the State of North Carolina, and its successors forever, subject, however, the covenant, 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 of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, 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 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 deed.

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

### **APPENDIX C - PERMITS, LEASES AND LICENSES**

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the City of Winston-Salem, the WSUAMPO and the WSTA, pursuant to the provisions of Assurance 7(a).

The grantee, licensee, lessee, permittee, etc., (as appropriate) for himself, his heirs, personal representative, 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 remain 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. (Include in licenses, leases, permits, etc.)\*

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

(Include in deeds)\*

That in the event of breach of any of the above nondiscrimination covenants, the City of Winston-Salem, the WSUAMPO and the WSTA shall have the right to re-enter lands and facilities hereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of North Carolina Department of Transportation and its assigns.

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of the Title VI of the Civil Rights Act of 1964 and the Civil Rights Act of 1987.

**APPENDIX D  
TITLE VI COMPLAINT FORM**

This form may be used to file a complaint with the City of Winston-Salem, the WSUAMPO or the WSTA for alleged violations of Title VI of the Civil Rights Act of 1964, and related statutes. You are not required to use this form. A letter, email or other form of communication that provides the same information may be submitted to file your complaint.

**If you need assistance completing this form, please contact the Compliance Officer**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ (home) \_\_\_\_\_ (work)

Individual(s) discriminated against, if different than above (use additional pages, if needed).

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ (home) \_\_\_\_\_ (work)

Please explain your relationship with the individual(s) indicated above: \_\_\_\_\_

Name of agency and department or program that discriminated:

Agency or department name: \_\_\_\_\_

Name of individual (if known): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Date(s) of alleged discrimination: \_\_\_\_\_

Date discrimination began \_\_\_\_\_ Last or most recent date \_\_\_\_\_

**ALLEGED DISCRIMINATION:**

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you by others by the agency or department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken.

\_\_\_\_ Race

\_\_\_\_ Color

\_\_\_\_ National Origin

Explain: Please explain as clearly as possible what happened. Provide the name(s) of witness(es) and others involved in the alleged discrimination. (Attach additional sheets, if necessary, and provide a copy of written material pertaining to your claim)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Please return completed form to:** Compliance Officer; 300 S. Martin Luther King Jr. Drive, Winston-Salem, NC 27101. Or In Person at Union Station the lower level

**Note:** *The City of Winston-Salem, the WSUAMPO and WSTA prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these policies. Please inform the Compliance Officer if you feel you were intimidated or experience perceived retaliation in relation to filing this complaint.*

## **APPENDIX E PROGRAM COMPLIANCE/PROGRAM REVIEW GOALS FOR CURRENT PLAN YEAR**

The Title VI Plan will be communicated to each Department's Director who will review the plan with departmental employees. All employees will be trained or made aware of the Title VI and LEP policies and complaint procedures.

1. The Title VI Plan will be published on the main pages of the City of Winston-Salem, the WSUAMPO and the WSTA website.
2. Appendix A will be included in all City of Winston-Salem, the WSUAMPO and the WSTA contracts as outlined in the Title VI Plan.
3. The language in Number 2 of the Title VI Assurance will be included in all solicitations for bids for work or material subject to the Regulations and in all proposals for negotiated agreements.
4. The procedure(s) for responding to individuals with Limited English Proficiency will be implemented.
5. A review of GCMPC facilities will be conducted in reference to compliance with the American Disabilities Act.

The following data will be collected and reviewed by the Compliance Officer and included, where appropriate, in the annual report submitted to NCDOT.

- a. **Boards and Commissions:** The number of vacancies; how vacancies are advertised and filled; the number of applicants; the representation of minorities will be evaluated.
- b. **Public Meetings:** The number of open meetings; how meeting dates and times are communicated to the general public and to individuals directly affected by the meeting.
- c. **Construction Projects:** The number of construction projects and minority contractors bidding and the number selected; verification that Title VI language was included in bids and contracts for each project.
- d. **LEP Needs:** The number of requests for language assistance that were requested or required and the outcome of these requests.
- e. **Complaints:** The number of Title VI complaints received; nature of the complaints; resolution of the complaints.

- f. **Timeliness of Services:** The number of requests for services; amount of time from request to when service was delivered; number of requests denied.
- g. **Right of Way/Eminent Domain:** The number of such actions and diversity of individual(s) affected.
- h. **Program Participants:** Racial data of program participants where possible.

**APPENDIX F**  
**LIMITED ENGLISH PROFICIENCY (LEP) POLICY AND PROCEDURES**

**City of Winston-Salem**  
**Human Relations Department**

**Title VI Compliance**  
**Limited English Proficiency (LEP) Policy and Procedures**

**I. Commitment Statement**

The City of Winston-Salem is committed to improving the accessibility of services to persons with Limited English Proficiency (LEP) and to developing and implementing a system that gives LEP persons “meaningful access” to the City of Winston-Salem’s programs and services. The City of Winston-Salem has adopted the goal of improving Hispanic Relations, as per the City Council’s Strategic Plan. As a result, the City of Winston-Salem has delegated authority for an LEP Compliance Coordinator (the Human Relations Director) within the Human Relations Department.

**II. Purpose**

This policy sets forth the basic requirements and procedures intended to ensure City of Winston-Salem government takes reasonable steps to consistently meet its legal obligation of language access requirements in compliance with Title VI and E.O. 13166.

**III. Background**

Congress enacted Title VI of the Civil Rights Act of 1964 to ensure federal money is not used to support discrimination on the basis of race or national origin in government activities. Section 601 states: “No person in the United States shall, on 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.” Neither Title VI, nor its implementing regulations discuss linguistic access per se; however, the courts have consistently found a close connection between national origin and language.

In 2000, the President signed Executive Order (E.O.) 13166 mandating all federal agencies and recipients of federal financial assistance take reasonable steps to ensure meaningful access to their programs to limited English proficient (LEP) individuals. These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

The City of Winston-Salem receives federal funding in support of programs, services, and activities through the following all departments receiving federal funding. The City also receives special federal grants or appropriations from time to time to undertake capital projects.

#### **IV. IV. Definitions**

- A. **Limited English Proficiency (LEP) Person:** An LEP individual is defined as someone who does not speak English as a primary language and has a limited ability to read, write, speak or understand English.
- B. **Federal Financial Assistance:** Includes but is not limited to, grants and loans, grants or donation of federal property, the detail of federal personnel, the sale, lease or permission to use federal property at little or no cost, and any other federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.
- C. **“Four Factor” Test:** The US Department of Justice in 2002 issued LEP Guidance that articulated a starting point for achieving Title VI compliance. Affected City Departments should use the Four Factor test to determine the “reasonable steps” they should implement in order to be Title VI compliant. The four factors that should be balanced are:
  - 1) **Proportion of the general public served** or likely to be encountered by the program or Department – The greater the number of LEP individuals, the more likely it is that language services are required.
  - 2) **Frequency of contact** with the general public dictates the level of contact and likelihood that language services are required.

- 3) **Nature and importance of the program, activity or service** – The more important the program the greater the need for language services; i.e., Will denial or delay of service have serious or life-threatening consequences? Does government make the program compulsory?
- 4) **Resource availability** will be dependent upon the size and budget of the Department which, in effect, will deem what is reasonable.

**D. Title VI - Section 601 of the Civil Rights Act of 1964**

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.

***E. Executive Order 13166 of the Civil Rights Act of 1964***

Federal agencies and recipients of federal financial assistance must take reasonable steps to ensure meaningful access to their programs to limited English proficient individuals who are five (5) percent of the total population or 1000 individuals, whichever is less.

***F. Who is Limited English Proficient or LEP?***

Persons who do not speak English as their primary language, who have a limited ability to read, write, speak, or understand English. These individuals may be entitled to language assistance under Title VI of the Civil Rights Act of 1964, with respect to a particular type of service, benefit, or encounter.

***G. “Reasonable Steps to Ensure Meaningful Access”***

The standard of “reasonable steps to ensure meaningful access” was designed by The US Department of Justice in 2002 to be a flexible, fact-dependent, starting point in an agency assessment of LEP persons eligible to be served or likely to be encountered by the program, the frequency of contact, nature or importance of the program, activity or service provided, and resources available.

The City of Winston-Salem had a population of approximately **229,617** according to Census 2010. Fourteen and seven tenth percent (14.70%) of the population was Latino or Hispanic.

To date, City efforts, under the “reasonable steps” standard, have meant providing meaningful access to Spanish speaking LEP individuals. Such efforts include having multi-lingual translations for the City’s website, hiring multi-lingual employees, translating documents into Spanish, airing a Spanish city services-based television show, and offering pay incentives to employees who learn and/or use fluent Spanish during the normal course of their work duties.

#### *H. “Voluntary Compliance”*

The U.S. Department of Housing and Urban Development (HUD) has required that all agencies receiving federal funds to submit voluntary compliance plans consistent with expectations from the federal government. The City of Winston-Salem has met this requirement by 4 including the designation of a staff person to serve as agency specific LEP coordinator, specifically the Human Relations Department Director, to ensure rights and due process for LEP individuals.

### **V. Procedures**

**All City Departments that receive federal funding should have in place a written Limited English Proficiency (LEP) Plan based upon the “four factor” test.**

The elements of an LEP Plan are:

- a. Identifying LEP individuals who need language assistance
- b. Identifying ways in which language assistance will be provided
- c. Training staff
- d. Providing notice to LEP individuals
- e. Monitoring and updating the LEP Plan

Helpful websites to aid and assist in developing the written LEP include:

[www.lep.gov](http://www.lep.gov)

<http://www.usdoj.gov/crt/cor/>

<http://www.hhs.gov/ocr/index.html>

<http://www.hud.gov/offices/ftheo/promotingfh/lep.cfm>

<http://epa.gov/civilrights/lepaccess.htm>

[http://www.usdoj.gov/crt/lep/guidance/guidance\\_index.html](http://www.usdoj.gov/crt/lep/guidance/guidance_index.html)

#### **A. LEP Guidance**

Affected Departments, depending on budget restrictions and feasibility, are encouraged to explore a range of strategies to communicate with multi-lingual customers, such as identifying staff persons capable of serving as interpreters, contracting with outside interpreters, using telephonic interpreter services (i.e., AT & T Language Line), and/or engaging community volunteers. Interpreting is a complex task and requires skills different from those needed for translation. Caution and consideration should guide the use of informal interpreters due to concerns regarding competence, confidentiality, and conflicts of interest.

Affected Departments are encouraged to explore a range of strategies to provide for written language assistance or the translation of vital documents, including providing “on-site” interpretations of vital documents or brainstorming suitable alternatives to written documents. A document is considered vital if it contains information that is critical for obtaining federal services, benefits, or is required by law.

## **B. LEP Resources Available**

The LEP Compliance Coordinator (Human Relations Director) in the Human Relations Department is responsible for examining all City services, providing outreach to the growing LEP community, and interfacing with all City Departments to help ensure meaningful access to LEP clients and customers. The LEP Compliance Coordinator is able to assist and support Departmental staff in assessing their specific needs and preparing a draft LEP document. The LEP Compliance Coordinator performs the role of resource and advocate for effective plan development.

The LEP Compliance Coordinator also coordinates the Spanish Language Assessment Tool used by hiring Departments in conjunction with normal Human Resources processes to evaluate the Spanish language proficiencies of prospective employees whose jobs may require or prefer bi-lingual abilities, or current employees who may be called upon by the Department to assist their Spanish-speaking customers or clients.

The LEP Compliance Coordinator *is not* unilaterally responsible for directly providing translation or interpretation services to City Departments. The LEP Compliance Coordinator *is* responsible for identifying and maintaining a network of qualified community resources for referral to City Departments.

Human Resources can provide guidance and support in the recruitment, retention and professional development of bi-lingual staff (staff fluent in two languages) or staff with specific skills (certifications, credentials) in translation/interpretation assistance.

## **C. LEP Enforcement**

While planning is an important part of ensuring that reasonable steps are being taken to provide meaningful access to LEP individuals seeking services, benefits, or information,

there is no blanket requirement that the plans themselves be submitted to federal agencies providing federal financial assistance. In certain circumstances, such as in complaint investigations or compliance reviews, recipients may be required to provide to federal agencies a copy of any plan created by the recipient.

Most federal agencies have an office that is responsible for enforcing Title VI of the Civil Rights Act. The Coordination and Review Section (COR) of the Civil Rights Division of the Department of Justice has taken the lead in coordinating enforcement. 6

**D. City Services and Public Signage**

The Neighborhood Services Department contracted for a Hispanic Community Survey to be conducted in 2008 that would assess how City services are perceived and utilized by Hispanic residents. This report also identified gaps in service for those with a language barrier. Recommendations included developing consistent design standards and contracting for expert translation services. The Report has been provided to Neighborhood Services and Human Relations. The results of the survey will assist in the responsibility for on-going improvements in the elimination of language barriers as the City continues to construct or renovate new facilities. Technical support and assistance to the Department is available through the Human Relations Department. Also, while not specifically addressed within Title VI legislation, the City of Winston-Salem may choose to utilize signage that is written in Spanish, as needed.

**E. City Web Pages**

Again while not specifically addressed within Title VI legislation, the City of Winston-Salem, through its Information Systems and Marketing and Communications Departments, should assume responsibility for review of its official internet presence and how critical information on essential services for Spanish speakers, and future target languages, can be provided in a creative, concise, cost-effective manner on the web. Technical support and assistance to the Department is available through the Human Relations Department.

**F. LEP Critical Services**

The following LEP Critical Services City Departments fall under the “reasonable steps to ensure meaningful access” standard based on the receipt of federal funding and/or their significant interaction with the general public:

1. Emergency Services
2. Police

3. Fire
4. Inspections
5. Utilities
6. Human Relations
7. Housing Neighborhood Development
8. Neighborhood Services
9. Economic Development
10. City Link
11. Marketing and Communications
12. Winston-Salem Transit Authority
13. Department of Transportation
14. Stormwater
15. Streets
16. Vegetation Management
17. Recreation and Parks
18. Information Systems
19. Planning

All City departments, with technical assistance and support from Human Relations, are required to be conscious as circumstances change to continue and evaluate potential barriers to programs and services.

Under Title VI, **any** City department that receives grants and loans from the federal government should have in place a written plan for identifying LEP individuals and including language assistance measures.

**G. LEP Policy Goals**

1. Oral Information (Language Assistance)
2. Written Information (Translation of Vital Written Materials)
3. Electronic Information (Web Pages)
4. Signage (Within Publicly Accessible Buildings maintained/Administered)
5. Staff Training
6. Outreach

**VI. Evaluating City performance under the LEP Policy Goals**

- A. Contact the LEP Critical Services departments regarding their oral/written translation capabilities.

- B. Review foreign language translations on the City website (IS Department, Marketing and Communications Department).
- C. Conduct a field audit of bi-lingual building signage, as needed.
- D. Review current practices and explore new measures in staff training and outreach.
- E. Utilize the comprehensive Hispanic Community Survey results of how Hispanic residents view City services.

## **VII. Policy and Plan Implementation Recommendations**

- A. Continue offering participating employees increased options for skills improvement, tuition reimbursement, or incentive pay based on their Spanish language skills. (Human Relations; Human Resources)
- B. List expert, professional contractors or trainers available to provide Spanish language translation and interpretation services on the City intranet site. (IS; Human Relations)
- C. Provide department directors with mandatory Title VI Training beginning in FY 2009-2010. (City Attorney's Office, Human Resources)
- D. Incorporate an LEP overview into management/supervisory training for departments receiving federal funds. (City Attorney's Office, Human Resources)
- E. Re-evaluate bi-lingual or multi-lingual hiring policy and related recruitment incentives as part of the overall update of the Personnel Ordinance. (Human Resources)
- F. Clarify individual City departmental responsibilities versus those of Human Relations under Title VI, Executive Order 13166.
  - 1. Each federal grant recipient expected to have an LEP plan.
  - 2. Human Relations LEP Compliance Coordinator serves as a resource/advocate for plan development.
- G. Use the Spanish Language Resource Liaison (Human Relations Specialist) in assessing barriers to language interpretation and understanding for users of City services.
- H. Use telephonic translation and/or bi-lingual employees as an asset to City Link.

- I. Encourage the Critical Service departments to utilize their state or national affiliates as resources to present and provide appropriate document translations as needs arise.
- J. Complete a review of the City website to ensure the effectiveness of Spanish translation.
- K. Use bi-lingual signage on display at various work sites, as needed.
- L. Use results of the Hispanic Community Survey of how Hispanic residents view City services and use findings to increase understanding and motivate improvements. Continue to draw upon the survey to better develop outreach, communications, and city services. (City Departments)
- M. Although Title VI and E.O. 13166 specifically obligate only those City Departments that directly receive federal funding, the fundamental philosophy and practice of the City of Winston-Salem is that **all City Departments** should strive to take reasonable steps to ensure meaningful access to their programs, activities, and services by LEP individuals.

### **Outline of LEP Grievance Process**

- I. Intake
  - A. Jurisdiction and Standing
    - 1. City Code
    - 2. Federal Laws
    - 3. Mediation
  - B. Complaint Form
    - 1. Required Information
    - 2. Required Signatures
  - C. Record Keeping/Filing
    - 1. Case Tracking System
    - 2. Storage and Files
- II. Notification
  - A. Content of Notification Letter
  - B. Time Frames/Deadlines

- III. Processing
  - A. Documentation
    - 1. Contract Agreements
    - 2. Photographs
    - 3. Public Information
      - a. Police Reports
      - b. Tax Records
    - 4. Releases/Consent Forms
  - B. Interviews
    - 1. Identifying Witnesses
    - 2. Witness Statements
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- IV. Final Determination and Case Closure
  - A. Findings of Fact
  - B. Mediation Agreements
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- V. Levels of Appeal
  - A. City Manager
  - B. Attorney

#### LEP Grievance Process

The following policy reflects the LEP grievance process procedures for complaints filed with the Human Relations Department:

I. Intake

A. Jurisdiction and Standing

A Limited English Proficiency complaint is a complaint that is based on a citizen's right reasonable access to city-related services, grants, donations, properties, or programs that are funded in whole or in part by federal funding. The Human Relations Department is authorized to advise complainants regarding their rights and to investigate complaints based on a violation of reasonable access. It is the responsibility of the Human Relations Department to consult with potential complainants via telephone or in person regarding such complaints.

1. Jurisdictional Basis under the Winston-Salem City Code

The Human Relations Department will determine the jurisdiction of the complainant's concerns by assessing whether the concerns fall within the realm of the Winston-Salem City Code. The Human Relations Department has the jurisdiction to assist complainants regarding the following limited English proficiency issues:

- a. ***A Limited English Proficiency (LEP) Person*** is defined as someone who does not speak English as a primary language and has a limited ability to read, write, speak or understand English.
- b. ***Federal Financial Assistance*** includes but is not limited to, grants and loans, grants or donation of federal property, the detail of federal personnel, the sale, lease or permission to use federal property at little or no cost, and any other federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.
- c. ***The "Four Factor" Test***, as issued by the US Department of Justice in 2002, articulated a starting point for achieving Title VI compliance and is adopted by the City of Winston-Salem. Affected City Departments should use the Four Factor test to determine the "reasonable steps" they should implement in order to be Title VI compliant. The four factors that should be balanced are:
  - i. **Proportion of the general public served** or likely to be encountered by the program or Department – The greater the number of LEP individuals, the more likely it is that language services are required.

- ii. **Frequency of contact** with the general public dictates the level of contact and likelihood that language services are required.
- iii. **Nature and importance of the program**, activity or service will be determined by the importance of the program in relationship to the need for language services.
- iv. **Resource availability** will be dependent upon the size and budget of the Department which, in effect, will deem what is reasonable.

2. Federal Laws

a. *Title VI - Section 601 of the Civil Rights Act of 1964*

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.

b. *Executive Order 13166 of the Civil Rights Act of 1964*

Federal agencies and recipients of federal financial assistance must take reasonable steps to ensure meaningful access to their programs to limited English proficient individuals who are five (5) percent of the total population or 1000 individuals, whichever is less.

3. Mediation

Based on the delegating authority of the Human Relations Director, a Human Relations Specialist (also, “Specialist”) will advise the complainant and respondent of his/her option to mediate the complaint. The mediation will remain available to the parties throughout the investigative process.

The Human Relations Specialist will implement mediation only after both the complainant and respondent have agreed to it. Such an agreement must be in writing and signed by both parties (see the attached template for Mediation Agreements).

The Mediation Agreement will set forth the terms and conditions of any and all mediation sessions that will be entered into by the parties. The Human Relations Specialist will preside over the mediation sessions and set the rules of protocol. Each party will be allowed to speak, uninterrupted, while the other party listens. Afterwards, the Specialist will ask the opposite party to repeat the key points the other party made. Then, the Specialist will communicate the key points made by both parties. The Specialist will then encourage resolution by asking for proposed solutions from both parties and negotiating the proposals until a final resolution is achieved. Once a final resolution is achieved, the Specialist will note the proposals and record them in a Conciliation Agreement. If mediation fails, landlords and/or tenants may pursue legal action through court or a private attorney. Both parties may refuse to mediate at anytime during the mediation process.

B. Complaint Form

The LEP Complaint Form (see the attached LEP Complaint Form) will be completed by the complainant. It is not the practice of the Department to process anonymous complaints. The complainant must write the exact basis for filing the complaint. The complaint must be filed within one year of the allegation. The complaint must also write the dates, locations, and witnesses for all issues noted in the complaint. The complainant must also write the remedy that is sought as a result of filing the complaint. A copy of the complaint form will be made available to the respondent, upon request, and any other city administrators/officials who have a legitimate need to know. Otherwise, the Human Relations Department will deem the complaint form and other information. The LEP Complaint Form must include the notarized signature of the complainant.

1) Case Tracking System

The Human Relations Department will track all LEP complaints through an internal tracking system. This system will be maintained by the Human Relations Administrative Secretary. The Administrative Secretary will generate a report that reflects all LEP Complaints. This report will be shared with the City Manager's Office and the City Attorney's Office, as needed.

2) Storage and Files

All documents pertaining to an LEP complaint will be put into a complaint file created by the Human Relations Specialist or Human Relations Administrative Secretary. Files will organized and stored based on the fiscal year in which the LEP complaint was filed.

## II. Notification

### A. Content of Notification Letter

The Human Relations Director will mail each complainant and respondent a notification letter regarding the filing of the LEP complaint. The Human Relations Administrative Secretary will mail the notification letter by certified mail, return receipt requested.

At a minimum, the content of the notification letter will include:

- 1) the name of the complainant;
- 2) the name of the respondent;
- 3) the date the complaint was filed;
- 4) the basis of the complaint;
- 5) the name of the Human Relations Specialist assigned to investigate the complaint;
- 6) any deadlines within which the parties have to respond;
- 7) the availability of mediation as a means for resolution;
- 8) any appeal rights available to both parties; and
- 9) contact information for the Human Relations Specialist.

### B. Time Frames/Deadlines

#### 1) Deadlines for Parties' Responses

The complainant and respondent will have five (5) business days within which to respond to any requests for information or requests for interviews. Failure of the complainant or respondent to respond within this prescribed time will result in the possible closure of the complaint. Any requests for extensions of this five (5) day response time must be made to the Human Relations Specialist via writing or telephone call within the first five (5) day response time. The Specialist will confer with the party requesting the extension to determine a reasonable extended date. The Specialist will convey the request for extension to the opposite party in writing within three (3) days of the agreed upon extended date.

## III. Processing

### A. Documentation

The Human Relations Department will seek to gather documentation pertaining to the complaint in order to identify, request, retrieve, and collect all relevant, factual evidence pertaining to the filed complaint. 16

1) Contract Agreements

The Human Relations Specialist will request a copy of the written contract or other binding agreement immediately upon receiving the written LEP complaint form from the complainant. The Specialist will examine the agreement to assess the terms and conditions of the agreement as well as other pertinent information.

2) Photographs

The Human Relations Specialist may deem it necessary to take photographs of objects or areas that are relevant over the course of the investigation. These photographs may be used by the Specialist to analyze the credibility of asserted evidence.

3) Public Information

During the discovery process, the Human Relations Specialist will retrieve copies of relevant documents that are available, as per the NCGS § 132 (the Public Records Law), the Federal Freedom of Information Act, and/or other venues of public record. Such information may include, but will not be limited to criminal and civil records, sex offender records, inspection records, police reports, and tax records. The Human Relations Specialist may obtain this information by requesting it from the respective agencies or by accessing the information on the Internet.

4) Releases/Consent Forms

The complainant or respondent may sign a waiver that will authorize the Human Relations Specialist to obtain information that is only available upon the consent of the complainant or respondent. The complainant or respondent may also sign a release or consent form that would authorize the Human Relations Specialist to access medical information that the complainant or respondent deems necessary for a thorough investigation. Such waivers, consent forms, or releases must be witnessed by a Human Relations staff member in addition to the investigating Human Relations Specialist. The complainant, witness, and authorizing party will sign and date the waiver, consent form, or release in order for it to be deemed fully executed.

B. Interviews

The Human Relations Specialist will advise all interested parties that the investigation, including information shared and investigation questions/answers, should be treated confidentially in order to maintain the integrity and credibility of the investigation.

1) Identifying Witnesses

The Human Relations Specialist, with the assistance of the complainant and respondent, shall identify witnesses who have information relevant to the filed complaint. The Specialist will compile the list of witnesses and contact each one, via written letter or telephone, for an interview. Upon interviewing the witnesses, the Specialist will make the witnesses aware of the nature of the complaint and the names of the complainant and respondent, unless it has been communicated by the complainant or respondent that his or her safety and welfare will be at risk.

2) Witness Statements

The Human Relations Specialist will prepare a list of witness questions. The Human Relations Specialist will confer with the Human Relations Director to ensure that the questions will be unbiased and will not lead the witness in his or her answers to the questions. The Human Relations Specialist will advise the witness that the questions and answers are confidential and should not be shared with anyone during the course of the investigation. The complainant and respondent are not privy to knowing the exact questions and answers posed to the witnesses. Documented responses from each witness will be treated as confidential information.

C. Investigation Timeline

1) 45-Day Turnaround

The Human Relations Specialist will advise the complainant and respondent that he will make every reasonable effort to ensure that the housing complaint investigation is completed and closed within 45 (forty-five) business days from the original complaint filing date.

2) Exception to the 45-Day Turnaround

In the event that the investigation takes longer than 45 (forty-five) business days, the Specialist will advise the complainant and respondent as to the reasons for the delay and the approximate date it will be completed. If the complainant or respondent objects to the extended deadline, he or she must notify the Human Relations Director in writing within five (5) business days after receiving the notice from the Human Relations Specialist.

#### IV. Final Determination and Case Closure

##### A. Findings of Fact

The Human Relations Specialist will prepare a final report in which he analyzes the unbiased findings of fact as they pertain to the housing complaint. The report will include the complaint form, discovery items, witness statements, and other relevant documentation. This report will be submitted to the Human Relations Director for final review and determination.

##### B. Mediation Agreements

The Conciliation Agreement (see attached Mediation Agreement template) will set forth the terms and conditions of the actual mediation sessions. Both parties will sign and date the Mediation Agreement. Afterwards, the Specialist and the Human Relations Director will sign and date the Mediation Agreement. A copy of the fully-executed Mediation Agreement will be shared with the complainant and respondent. The Specialist will also retain a copy for the Commission's files. Once all interested parties have signed the Mediation Agreement, it will be deemed fully executed and the case file will be closed.

##### C. Recommendation from the Director

At the conclusion of the Final Report, the Human Relations Specialist will recommend to the Human Relations Director an unbiased, neutral investigative assessment based on the facts collected during the investigation. The Human Relations Director will independently assess the evidence and facts reported in the final report. The Director will advise the Specialist if there are areas in the investigation that need further examination or analysis. The Director will also consider the credibility and objectivity of the evidence gathered and witnesses interviewed in making the final determination. The final determination will be based on the Winston-Salem City Code and other relevant laws and ordinances.

##### D. Final Determination Notification from the Director

The final determination and the basis of the determination will be articulated in a determination letter from the Director to the complainant and respondent. The notification letter will also include any appeal rights available to the parties. The Director's determination letter will represent the final decision on behalf of the Human Relations Department.

##### E. Case Closure Form

Upon the acceptance of the final investigation report by the Director and the Director's letter of determination to the parties, the case will be deemed closed by the Human

Relations Commission. The Human Relations Specialist will complete a case closure form that will become a part of the housing complaint file. The form will indicate the basis of the complaint, how the complaint was resolved, and the dates that notification letters were mailed. The form will be signed and dated by the Specialist and the Director.

V. Levels of Appeal

A. City Manager's Office

If the complainant or respondent wishes to appeal the final decision made by the Human Relations Director, he or she may file such an appeal with the City Manager. If the complainant or respondent wishes to appeal the final decision of the City Manager, he or she may consult with a private attorney for further review and/or investigation.

*This policy shall be reviewed and updated as needed by the City Manager and City Attorney.*

**APPENDIX G**

**Winston-Salem Transit Authority (WSTA) SPECIFIC ITEMS**

**Below are the items specific to the Winston-Salem Transit Authority**

**WSTA PUBLIC INVOLVEMENT PROCESS**

The main objectives are to:

1. Comply with the public involvement and environmental justice requirements of the Federal and State regulations, and provide specific opportunities for local citizens and citizen-based organizations to discuss their views and provide input on the subject areas addressed in plans, projects or policies of Winston-Salem Transit Authority;
2. Inform and educate citizens and other interested parties about ongoing Winston-Salem Transit Authority planning activities, and their potential role in those activities;
3. Work with other local and state organizations that have similar goals and requirements; and
4. Study other transit organizations that have been successful in public participation efforts.

**OUTREACH TOOLS**

1. Public Relations

General public relations may be defined as any action that might reach any citizen, whether or not that citizen has specific interest or knowledge regarding transportation planning. This group of techniques includes the following: announcements targeted at newspapers and radio; posters or pamphlets displayed in public places; and signs posted near future or current transportation project sites. Meetings or hearings that are held in public places and covered by the media can act as general public relations.

These techniques are ways to keep the general public aware of the presence of the planning organization and the status of specific projects so that they may develop an interest in, and choose to become better informed or actively involved.

## 2. PUBLIC INVOLVEMENT TOOLS

There is a broad variety of ways to educate and engage the public. In general, the earlier public involvement is sought, the better. It is also a better use of citizens' free time to participate in a process that will determine the direction of a project that may take years to complete. Citizens may get frustrated when they are invited to join late in the process - when the values and goals have already been decided and the details have been finalized. The following tools are examples that will be used. The tool will be selected based upon the complexity and number of person impacted by the issue.

- a. Special Events are held to bring attention to a form of a specific activity or issue. Special events may take the form of fair or special educational lecture with civic groups or other public entities. These events are ways to expose a large number of people to a project or program. The Marketing and Community Relations Coordinator generally host such events for Winston-Salem Transit Authority.
- b. Surveys are an efficient method of gathering input from a large number of people at an early stage of the planning process. This is particularly useful when trying to understand the goals of a community before attempting to address any specific problems. As an outreach tool, surveys are an effective way to identify citizens who may want to become further involved. Surveys may be administered in person, by phone or distributed via mail, internet, or conducted at public facilities.
- c. Community Forums and Agency Meetings are held to discuss programs and activities within communities, where the public is engaged to discuss their needs in general.
- d. Public Hearings are held when a plan has been completed and public review is required before moving forward. As with all referenced tools, care must be taken to ensure that the public is made fully aware of the hearing well in advance, and that the goals and values of the plan are clearly stated. In the event of a public hearing or informational meeting, WSTA will make every effort to insure that the public especially those directly affected by any modifications and additions are notified through various medias which includes: public news and radio as well as the official Winston-Salem Transit Authority website [www.wstransit.com](http://www.wstransit.com)

## 3. DIRECT MARKETING AND EDUCATION

Direct marketing and education is meant to reach out and provide specific information to specific parties. Marketing and education can take place through direct mass mailings, radio, press advertising, or through meetings with specific groups of people such as local clubs, homeless individuals property owners, or housing authorities. It can also be through making direct phone calls or meeting with key people who desire to participate in a given process. This is the most labor intensive and potentially most fruitful way to create a diverse and active public participation process.

## **PLAN MONITORING AND EVALUATION**

The Winston-Salem Transit Authority hereby gives public notice of its policy to uphold and assure full compliance with Title VI of the Civil Rights Act of 1964 and all related acts and statutes. Title VI and related statutes prohibiting discrimination in federally assisted programs require that no person in the United States of America shall, on the grounds of race, color, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal assistance.

## **TRACKING EFFORTS AND SUCCESS**

In order to measure the success of public participation efforts, it is necessary to record the efforts through the following methods:

- a. Keeping a log of all outreach activities and events. Keeping copies of any print ads, and transcripts of any public service announcements.
- b. Preparing notes after meetings regarding the overall tone of the meeting and an ideas or observations made regarding the process
- c. Posted informational notices positioned at the Clark Campbell Transportation Center, and on social media sites, which include Facebook and Twitter outlining the changes/revisions made as a result of public meeting, or hearings.

## **PUBLIC PARTICIPATION PROCESS**

### **GENERAL PURPOSE**

Public participation is a necessary and integral part of transit's planning process. The public participation process will provide early and continuing involvement; clear, accurate, and timely information; full public access to citizens, public agencies, and segments of the community affected by transportation plans.

The public participation process will actively seek public input through a variety of techniques, which include media relations (newspapers, television, radio, etc.), public notices, public informational meetings, appropriate comment periods, surveys, workshops, public hearings, and input from local member governments and their appointed committees.

This document contains the Winston-Salem Transit Authority's public participation process that will be followed.

### **DEFINITIONS:**

1. A Fare Increase is defined as an increase in the basic fare structure. Fare decreases are specifically excluded.
2. Major Service Reductions are defined as decreases in service that represent a net loss of (15%) of total service miles or hours.
3. Route Modifications are defined as a change in any fixed-route transit service that exceeds (15%) of the total inbound and outbound trip mileage of a route

### **IMPLEMENTING PROCEDURES:**

## Calculation of Service Miles/Hours Reductions

In determining whether this procedure applies to a specific service reduction, the Winston-Salem Transit Authority shall calculate and compare the total current service miles or hours to the proposed estimated total service miles or hours to be provided after reduced service would be implemented.

### FARE INCREASE

The Winston-Salem Transit Authority shall receive public comment on any proposed fare increase prior to implementation. Any increase in fares shall be approved by the Board of Directors and then presented to the Winston-Salem City Council for final approval. If the fare increase is approved, WSTA will then begin the process of conducting public meetings and soliciting public comments regarding the proposed fare increase.

### SERVICE REDUCTIONS

A major service reduction shall be any reduction in service miles or hours exceeding (15%) of the total service miles or hours provided. Any major service reduction shall be approved by the Board of Directors, and then presented to the Winston-Salem City Council for final approval. If the service reductions are approved, WSTA will began the process of conducting public meetings and soliciting public comments regarding the proposed service reductions.

### ROUTE MODIFICATIONS

A route modification shall be a change in any fixed-route transit service that exceeds fifteen (15%) of the total inbound and outbound trip mileage of a route.

Route and/or schedule modifications occur primarily for several reasons:

- Public Complaints
- Employee/operator complaints
- On-time performance
- Overcrowding on the bus

Route modifications are reviewed by 's Route and Schedule Committee which is comprised of the Fixed-Route Manager, Operations Director, Maintenance Manager, Safety Director, Mobility Management Director, Bus Operator, Marketing Director, and General Manager, Operations Manager, ADA Coordinator, Compliance Officer and Transportation Transit Planner. If the Route and Schedule Committee decides to move forward with the route modifications, the recommendations are presented to the Board of Directors for approval.

After approval from the Board of Directors, will then began the process of conducting public meetings and soliciting public comments regarding the proposed route modifications.

### NOTICE

A public hearing for fare increases, and major service reductions shall be advertised in a daily publication of general circulation at least (30) days prior to conducting such hearing and shall be held at a location that is accessible to all interested persons including those with disabilities and easily accessed by public transportation. In addition, the use of "riders' alerts" and notices will be

posted on board fixed-route and para-transit buses when and where, as appropriate, at least (30) days in advance of the scheduled public meeting date.

An explanation of the content, along with date, time, and the location of the meetings will be published along with instructions for submitting comments; contact information for questions or additional information; the due date for comments; and a note regarding where to find additional information on the website ([www.wstransit.com](http://www.wstransit.com)).

The public hearing notice will be published in the legal section of at least one major newspaper, with one display ad per major newspaper, to include publications serving minority communities. Notices will also be provided to neighborhood associations, and announcements will be made on local radio stations. Such notices will also be included on the WSTA website ([www.wstransit.com](http://www.wstransit.com)). When proposed changes related to routes and scheduling on the fixed-route system, comment cards will also be available at the Clark Campbell Transportation Center.

#### PLANS, MAPS, OR PROGRAMS

The WSTA staff will make efforts to include maps, photos, or renderings or other visualization tools to aid in understanding the proposed changes. When transit plans, maps, or programs are proposed, copies of the existing document and proposed changes will be made available at least (30) days in advance of the scheduled public hearing date at the administrative office, Clark Campbell Transportation Center, as well as on the WSTA website ([www.wstransit.com](http://www.wstransit.com)).

#### OUTREACH EFFORTS

In addition to receiving public comments from and educating, those already interested and involved, WSTA will provide outreach to the community. Innovative and creative strategies will be implemented by the Marketing Director to reasonably assess the general public sentiment, as well as to solicit helpful public input and educate those individuals unaware of the services provided by the Winston-Salem Transit Authority. Examples of outreach efforts would be interaction with neighborhood associations, schools, social service agencies, and presentations to community civic groups.

#### PUBLIC MEETINGS

The Winston-Salem Transit Authority will make efforts to ensure that scheduling and location are accessible to the public (this includes a location near public transit, a time when transit is operating, as well as an accessible buildings and rooms for individuals with disabilities).

Public information meetings will be held at various areas locations to inform the public of the planning process and to solicit ideas, input and feedback. At least one should be in the evening or on a weekend to allow those with traditional work schedules to attend, and at least one should be during the traditional work day to allow those who work in the evenings or on weekends to attend. The intent of holding public informational meetings at diverse locations is to solicit a broad range of public comments.

Special services should be available when practical, and subject to availability of services and resources. These special services include translation for non-English speakers, materials for

the visually impaired, and services for the deaf and hard of hearing. The availability of these services should be mentioned in public notices.

## SURVEYS

WSTA views surveys as an effective form of measuring its' programs and services. WSTA conducts periodic route surveys on the fixed-route system. Passengers are encouraged to provide comments about the system.

## OPPORTUNITIES FOR PARTICIPATION

The Winston-Salem Transit Authority will take a proactive approach to provide the opportunity for the public to be involved early with a continuing involvement in all phases of the planning process. Prior to the beginning of the public participation process, a list of names and addresses of citizens and organizations will be developed that will be contacted on a continued basis to serve as a base of interested citizens for input and comment.

## DOCUMENTATION OF PUBLIC COMMENT AND RESPONSE

The Winston-Salem Transit Authority shall document comments received during the course of the public input process. WSTA will also document how it responded to public comments.

Comments Received: Documentation of comments may be accomplished in a manner appropriate to the project and the nature of the comments. Documentation may consist of meeting minutes, a file of letters, transcripts, power point presentations, or a special memo that summarizes the comments. A written summary of comments and responses shall be prepared to provide the feedback to the public. A recording and prepared transcript of the major points of public hearings be presented to the Board of Directors and/or City Council.

## **APPENDIX H - PUBLIC OUTREACH EFFORTS**

The Following Outreach activities are examples from those held between January 2017 and December 2019.

### **WSTA Outreach Activities 2017/2018/2019**

#### **2017**

##### **JANUARY**

16th – WS Chronicle MLK Breakfast

##### **FEBRUARY**

20th Public Meeting (TA fares)

##### **MARCH**

14th – Carter High School/Transition Fair

27-29th Public Meetings (TA fares)

##### **April**

3-5th & 10, 11, 17 and 24th -Public Meeting (TA fares)

13th - CATS Group (follow-up) Meeting

22nd – Earth Day Celebration

##### **MAY**

1st – Carter High Presentation

12th - Barrier Awareness Day

16th – Mt. Tabor Transition Fair

20th- Salvation Army Ken Carlson Club Community Day

24-26th – TFIF Conference in Raleigh, NC

##### **JUNE**

3rd -TFIF Bowling Tournament

10th -Salvation Army International Club Community Day

17th – WS Juneteenth Celebration

## JULY

14th – Accessible Festival

## AUGUST

9th - Fare Meeting w/ DTHP

15th - Fare Meeting w/ IFB

16th - Fare Meeting w/Senior Services & DSS

22nd - Fare Meeting w/ Monarch

## SEPTEMBER

16th- Hispanic Fiesta

27th – Forsyth in Motion Meeting

## OCTOBER

3rd – Public Meeting (TA fare)

13th – Mayor’s Council Luncheon

## NOVEMBER

14th – Mayor’s Council Meeting

14th – Presentation @Glenn High School

28th – In Community Bus Training for North Forsyth High School Students

## **2018**

## JANUARY

11th – Community Meeting@ Cook Elementary

15th – WS Chronicle MLK Breakfast

## FEBRUARY

13th - Mayor’s Council Meeting

## MARCH

13th – Reading Day @Griffith Elementary

15th – Project Reentry Resource Fair

## APRIL

13th – Carter High School Transition Fair

26th – Dancing w/ the Stars (Bethesda Center)

## MAY

10th - Presentation @ Carter High School

11th – Barrier Awareness Day

17th – Volunteer Luncheon@ Griffith Elementary

17-18th – TFIF Summit

28th – City of WS Walk & Roll

## JUNE

21st - WS Juneteenth Celebration

30th – Legal Aid Resource Fair – A Healthy Journey to Address Poverty

## JULY

10th -12th – Try Transit Trips with the WS Recreation Department Summer Programs  
13th – Accessible Festival Event

## AUGUST

11th - Crusade for Christ Coalition Community Block Party  
15th – Presentation w/DSS Social Work Prog. Mgrs.  
15th – United Health Care Centers Proclamation Day Breakfast

## SEPTEMBER

15th- Hispanic Fiesta  
15th – TFIF Bowling Tournament

## OCTOBER

2nd- NCDOT Public Mitigation Meeting  
8th- Public Meeting (Mitigation Routes)  
9th- NCDOT Public Mitigation Meeting & Public Meeting (Mitigation Routes)  
10th – Public Meeting (Mitigation Routes)  
12th – Public Meeting (Mitigation Routes)  
15th – Public Meeting (Mitigation Routes)  
16th – BIC Presentation & NCDOT Public Mitigation Meeting  
17th – Public Meeting (Mitigation Routes)  
19th – Public Meeting (Mitigation Routes)  
22nd - Public Meeting (Mitigation Routes)  
23rd – ADA Meeting @ City Hall/Human Relations Dept.  
PART/WSTA/NCDOT Transportation Fair @ Novant Hospital  
Public Meeting (Mitigation Routes)

## DECEMBER

5th – Meeting w/ Dialysis Social Workers

## **2019**

## JANUARY

16th – Human Right's Meeting

## FEBRUARY

1-28th-North Carolina Transportation Museum- Safe Bus  
4th – Stakeholders Advisory Committee Meeting @ Goodwill  
12th – Mayor's Council Meeting  
22nd – Lowrance Middle School Career Day Program @Atkins High School

## MARCH

12th – The Project Reentry Summit  
21st - Carter High School Transition Fair  
26-28th – PASS Training in GSO  
30th – Field of Dreams/Enrichment Center

## APRIL

13th – Earth Day Event

16th – ADA Forum w/ City of WS  
23rd – TFIF@ Salvation Army Community Day  
30th – FTCC Presentation to HS/Gerontology Prog.

MAY

3rd – Barrier Awareness Day Event  
8th – Social Services Day/LWS  
27th - City of WS Walk & Roll

JUNE

5th – Trust Talk @ Enrichment Center  
12th – Community Focus  
22nd – WS Juneteenth Celebration

JULY

12th – Accessible Festival Event  
17th – IFB Quarterly Meeting  
23rd- Presentation @Shepard Center/Kernersville

AUGUST

6th – TRAC Meeting  
8th – ALT Lunch @Camel City  
10th – United Health Center Community Day

SEPTEMBER

7th – Union Station Ribbon Cutting  
14th - Access Old Salem  
14th – TFIF Bowling Tournament  
24th – Salvation Army Luncheon

OCTOBER

2nd – ALT Lunch @WFU Innovation Qtr.  
10th – WS Chronicle Gospelfest  
18th – Mayor’s Council Lunch Banquet  
29th –Community Job Fair @ the TC

DECEMBER

4th – ALT Luncheon @Camel City

**MPO Outreach Activities 2017/2018/2019**

- Participated on development and planning efforts for Peters Creek Parkway Corridor; including attendance at public meetings to discuss transportation related impacts/plans (11/15/2018, 1/29/2019, 3/26/2019)

- Participated on development and planning efforts for US 158/Northern Beltway Area; including attendance at public meetings to discuss transportation related impacts/plans (1/22/2019, 3/12/2019, 4/9/2019)
- Participated on development and planning efforts for Airport/Whitaker Park Area; including attendance at public meetings to discuss transportation related impacts/plans (2/13/2020, 12/5/2019, 10/17/2019)
- Participated on development and planning efforts for West Suburban Area Plan Update; including attendance at public meetings to discuss transportation related impacts/plans (12/5/2017, 1/23/2018)
- Staff provided, hosted or participated in various state and federal funding workshops:
  - o Local Providers Workshop (5310/5307) – 5/20/2019 and 5/7/2018
  - o Federal Funding Workshop - 11/20/2019
- MPO staff participates in informational sessions aimed at providing immigrants and foreign-born new person into the region with public transportation resources and information.
  - o Pipeline Session participation – 10/23/2019, 7/17/2019, 4/17/2019, 1/16/2019, 10/17/2018, 7/18/2018, 3/27/2018)
  - o Newcomers Symposium – information sessions held on Title VI and Public Transportation opportunities (10/17/2019, 11/8/2018)
- Bicycle event and education month promotion activities and marketing
  - o Walk & Roll – 5/29/2017, 5/28/2018, 5/27/2019
  - o Watch for Me Program
- Transportation Plan and Process reviews
  - o Amendments and modifications to the WSUAMPO MTIP are provided in both English and Spanish and are made available at all libraries within the MPO.
  - o Draft STIP and MTIP Drop in meetings (August 2017, 5/6/2019 and 11/18/2019)
  - o Local Point Assignment Review (9/27/2018)
  - o MTP Amendments and Modifications – Federal Performance Measures adoption and MLK project removal
  - o Bicycle Master Plan Update – 2/21/2018, 8/16/2018, 4/14/2019
- Regular coordination and participation with State DOT planning efforts and meetings: Business 40, US 158 Public Meeting and NC 109/I-40 interchange Public Meeting