

Finding a Way...

**DISTRICT THREE
GOVERNMENTAL COOPERATIVE**

4453 Lee Highway, Marion, VA 24354-4270

**Title VI Plan and Procedures
Title VI of the Civil Rights Act of 1964
District Three Governmental
Cooperative**

**Adopted date
September 2018**

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Serving the Counties of Bland, Carroll, Grayson, Smyth, Washington and Wythe and the cities of Bristol and Galax, Virginia

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I. INTRODUCTION

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. Section 2000d).

The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of Federal-aid recipients, sub-recipients, and contractors whether those programs and activities are federally funded or not.

Recently, the Federal Transit Administration (FTA) has placed renewed emphasis on Title VI issues, including providing meaningful access to persons with Limited English Proficiency.

Recipients of public transportation funding from FTA and the Virginia Department of Rail and Public Transportation (DRPT) are required to develop policies, programs, and practices that ensure that federal and state transit dollars are used in a manner that is nondiscriminatory as required under Title VI.

This document details how **District Three Governmental Cooperative (MOUNTAIN LYNX TRANSIT)** incorporates nondiscrimination policies and practices in providing services to the public. **District Three Governmental Cooperative's** Title VI policies and procedures are documented in this plan and its appendices and attachments. This plan will be updated periodically (at least every three years) to incorporate changes and additional responsibilities that arise.

II. OVERVIEW OF SERVICES

District Three Governmental Cooperative was formed as a Joint Exercise of Powers entity in 1975 to administer various government programs. The agency began by serving as an Area Agency on Aging as specified in the Older Americans Act of 1965 and began to serve as a Public Transportation Provider in 1984.

As a regional public transportation provider, District Three Governmental Cooperative provides transportation in the six counties, three towns, and one of the two independent cities of the Mount Rogers Planning District. While many of the citizens who are served by the Senior Services division also make use of the public transit services, there are also many who participate only in public transportation.

Mountain Lynx Transit provides route deviation service in the Mount Rogers Planning District. MOUNTAIN LYNX TRANSIT's operations are supported by FTA funding under Section 5307 (Town of Abingdon and parts of Washington County) and Section 5311 (Grayson, Smyth, Bland, Carroll, Wythe, and parts of Washington Counties, the towns of Wytheville and Marion and the City of Galax).

MOUNTAIN LYNX TRANSIT maintains a fleet of approximately 37 body-on-chassis transit buses, with seating capacities ranging from 15 to 21. MOUNTAIN LYNX TRANSIT offers five types of service: 1) basic weekday service in the City of Galax and the towns of Abingdon and Wytheville and Marion; 2) weekly service to each county served; 3) transportation to District Three Governmental Cooperative's Friendship Cafes; 4) Senior Medical trips to qualified participants. MOUNTAIN LYNX TRANSIT is currently fare-free with the exception of Senior Medical which is based on qualifications.

All of MOUNTAIN LYNX TRANSIT buses are equipped with wheelchair lifts. In lieu of para-transit service, MOUNTAIN LYNX TRANSIT offers route deviation service on all its "in-town" routes; with this service, citizens can request curbside pickup and drop off for locations within the route's jurisdiction. Route deviation service is available to all MOUNTAIN LYNX TRANSIT customers.

District Three Governmental Cooperative maintains one major facility in the town of Marion. It houses the transit administrative offices, senior service offices and a garage where minor repairs are completed. DTGC/MOUNTAIN LYNX TRANSIT rents office space in the City of Galax and the Towns of Abingdon and Wytheville.

III. POLICY STATEMENT AND AUTHORITIES

Title VI Policy Statement

District Three Governmental Cooperative is committed to ensuring that no person shall, on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, whether those programs and activities are federally funded or not.

The **District Three Governmental Cooperative** Title VI Manager is responsible for initiating and monitoring Title VI activities, preparing required reports, and other responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.



10-20-2021
Date

Signature of Authorizing Official
Rhiannon Powers, Executive Director
District Three Governmental Cooperative

Authorities

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

Additional authorities and citations include: Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d); Federal Transit Laws, as amended (49 U.S.C. Chapter 53 et seq.); Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, et seq.); Department of Justice regulation, 28 CFR part 42, Subpart F, "Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs" (December 1, 1976, unless otherwise noted); U.S. DOT regulation, 49 CFR part 21, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation- Effectuation of Title VI of the Civil Rights Act of 1964" (June 18, 1970, unless otherwise noted); Joint FTA/Federal Highway Administration (FHWA) regulation, 23 CFR part 771, "Environmental Impact and Related Procedures" (August 28, 1987); Joint FTA/FHWA regulation, 23 CFR part 450 and 49 CFR part 613, "Planning Assistance and Standards," (October 28, 1993, unless otherwise noted); U.S. DOT Order 56 IO.2, " U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations," (April 15, 1997); U.S.

DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons, (December 14, 2005), and Section 12 of FFA's Master Agreement, FTA MA 13 (October 1, 2006).

IV. NONDISCRIMINATION ASSURANCES

In accordance with 49 CFR Section 21.7(a), every application for financial assistance from the Federal Transit Administration (FTA) must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT's Title VI regulations. This requirement is fulfilled when the Virginia Department of Rail and Public Transportation (DRPT) submits its annual certifications and assurances to FTA. DRPT shall collect Title VI assurances from sub-recipients prior to passing through FTA funds.

As part of the Certifications and Assurances submitted to DRPT with the Annual Grant Application and all Federal Transit Administration grants submitted to the DRPT, **Mountain Lynx Transit** submits a Nondiscrimination Assurance which addresses compliance with Title VI as well as nondiscrimination in hiring (EEO) and contracting (DBE), and nondiscrimination on the basis of disability (**ADA**).

In signing and submitting this assurance, **Mountain Lynx Transit** confirms to DRPT and the FTA the agency's commitment to nondiscrimination and compliance with federal and state requirements.

V. PLAN APPROVAL DOCUMENT

I hereby acknowledge the receipt of the District Three Governmental Cooperative Title VI Implementation Plan FY2018-2021. I have reviewed and approve the Plan. I am committed to ensuring that no person is excluded from participation in, or denied the benefits of District Three Governmental Cooperative transportation services on the basis of race, color, or national origin, as protected by Title VI according to Federal Transit Administration (FTA) Circular 4702.1B Title VI requirements and guidelines for FTA sub-recipients.

A handwritten signature in blue ink that reads "Michael D. Larowe". The signature is written in a cursive style and is underlined.

Signature of Authorizing Official
Michael Larowe, Chair of the Board of Commissioners
District Three Governmental Cooperative

10-20-2021

Date

VI. ORGANIZATION AND TITLE VI PROGRAM RESPONSIBILITIES

Mountain Lynx Transit's Compliance Manager is responsible for ensuring implementation of the agency's Title VI program. Title VI program elements are interrelated and responsibilities may overlap. The specific areas of responsibility have been delineated below for purposes of clarity.

Overall Organization for Title VI

The Title VI Manager is responsible for coordinating the overall administration of the Title VI program, plan, and assurances, including complaint handling, data collection and reporting, annual review and updates, and internal education.

Detailed Responsibilities of the Title VI Manager

The Title VI Manager is charged with the responsibility for implementing, monitoring, and ensuring compliance with Title VI regulations. Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints received
2. Collect statistical data (race, color or national origin) of participants in and beneficiaries of agency programs, (e.g., affected citizens, and impacted communities)
3. Conduct annual Title VI reviews of agency to determine the effectiveness of program activities at all levels
4. Conduct Title VI reviews of construction contractors, consultant contractors, suppliers, and other recipients of federal-aid funded contracts administered through the agency
5. Conduct training programs on Title VI and other related statutes for agency employees
6. Prepare a yearly report of Title VI accomplishments and goals, as required
7. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English
8. Identify and eliminate discrimination
9. Establish procedures for promptly resolving deficiency status and writing the remedial action necessary, all within a period not to exceed 90 days

General Title VI Responsibilities of the Agency

The Title VI Manager is responsible for substantiating that these elements of the plan are appropriately implemented and maintained. In addition to coordinating with those responsible for public outreach and public involvement.

1. Data collection

To ensure that Title VI reporting requirements are met, District Three Governmental Cooperative will maintain:

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

2. Annual Report and Updates

As a sub-recipient and direct recipient of FTA funds, MOUNTAIN LYNX TRANSIT is required to submit a Quarterly Report Form to DRPT and the FIA that documents any Title VI complaints received during the preceding quarter and for each year. MOUNTAIN LYNX TRANSIT will also maintain and provide to DRPT and the FTA annually, the log of public outreach and involvement activities undertaken to ensure that minority and low-income people had meaningful access to these activities.

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

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

3. Annual review of Title VI program

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

4. Dissemination of information related to the Title VI program

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

5. Resolution of complaints

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

6. Written policies and procedures

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

7. Internal education

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

Ensuring Title VI training is completed is the responsibility of the Title VI manager. Title VI training is the responsibility of the Driver's Trainer.

8. Title VI clauses in contracts

In all federal procurements requiring a written contract or Purchase Order (PO), Mountain Lynx Transit's contracts/PO will include appropriate non-discrimination clauses. The Title VI Manager will work with the Procurement Officer who is responsible for procurement contracts to ensure appropriate non-discrimination clauses are included.

9. Equity Analysis to Determine Site or Location of Facilities

MOUNTAIN LYNX TRANSIT currently has no projects planned for the period covered by this Title VI Plan that would involve land acquisition and the displacement of persons from their residences or businesses. Therefore, the requirement to conduct an equity analysis to determine the location of facilities is not applicable.

VII. PROCEDURES FOR NOTIFYING THE PUBLIC OF TITLE VI RIGHTS AND HOW TO FILE A COMPLAINT

Requirement to Provide a Title VI Public Notice

Title 49 CFR Section 2 1.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI. At a minimum, District Three Governmental Cooperative shall disseminate this information to the public by posting a Title VI notice on the agency's website and in public areas of the agency's office(s) including the reception desk, meeting rooms, and in federally-funded vehicles.

APPENDIX A- contains District Three Governmental Cooperative's Title VI Notice to the Public about its Title VI plan and program as well as a list of places where the notice is posted.

Title VI Complaint Procedures

Requirement to Develop Title VI Complaint Procedures and Complaint Form

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

Any individual may exercise his or her right to file a complaint with MOUNTAIN LYNX TRANSIT if that person believes that he or she has been subjected to unequal treatment or discrimination in the receipt of benefits or services. We will report the complaint to DRPT and FTA as applicable within three business days and make a concerted effort to resolve complaints locally, using the agency's Nondiscrimination Complaint Procedures. All Title VI complaints and their resolution will be logged and reported annually (in addition to immediately) to DRPT and FTA as applicable.

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

District Three Governmental Cooperative includes the following language on all printed information materials, on the agency's website, in press releases, in public notices, in published documents, and on posters on the interior of each vehicle operated in passenger service:

District Three Governmental Cooperative is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transportation services on **the** basis of race,

color or national origin, as protected by Title VI in the Federal Transit Administration (FTA) Circular 4702.1B. For additional information on District Three Governmental Cooperative's nondiscrimination policies and procedures, or to file a complaint, please visit the website at <http://www.district-tlzree.org> or email: Title VI Manager at info@district-three.org, or visit the Marion office at 4453 Lee Highway, Marion, VA 24354, or call: (276) 783-8157.

Instructions for filing Title VI complaints are posted on the agency's website and in posters on the interior of each vehicle operated in passenger service and agency's facilities, and are also included within **Mountain Lynx Transit's** Customer Service Guide.

*A copy of District Three Governmental Cooperative's Title VI Complaint Form is attached as **APPENDIXB.***

Procedures for Handling and Reporting Investigations/Complaints and Lawsuits

Should any Title VI investigations be initiated by FTA or DRPT, or any Title VI lawsuits are filed against MOUNTAIN LYNX TRANSIT the agency will follow these procedures:

Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination on the basis of race, color, or national origin may file a written complaint with the Title VI Manager. The complaint is to be filed in the following manner:
 - a. A formal complaint **must** be filed within 180 calendar days of the alleged occurrence
 - b. The complaint shall be in writing and signed by the complainant(s)
 - c. The complaint should include:
 - The complainant's name, address, and contact information (i.e., telephone number, email address, etc.)
 - The date(s) of the alleged act of discrimination (if multiple days, include the date when the complainant(s) became aware of the alleged discrimination and the date on which the alleged discrimination was discontinued or the latest instance)
 - A description of the alleged act of discrimination
 - The location(s) of the alleged act of discrimination (include vehicle number if appropriate)
 - An explanation of why the complainant believes the act to have been discriminatory on the basis of race, color, and national origin
 - If known, the names and/or job titles of those individuals perceived as parties in the incident
 - Contact information for any witnesses
 - Indication of any related complaint activity (i.e., was the complaint also submitted to **DRPT** or FTA?)
 - d. The complaint shall be submitted to the District Three Governmental Cooperative Title VI Manager at 4453 Lee Highway, Marion, VA 24354 or Title VI Manager at info@district-three.gov
 - e. Complaints received by any other employee of DTGC will be immediately forwarded to the Title VI Manager.
 - f. In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the Title VI Manager. Under these circumstances, the complainant will be interviewed, and the Title VI Manager will assist the complainant in converting the verbal allegations to writing.
2. Upon receipt of the complaint, the Title VI Manager will immediately:
 - a. Notify DRPT and FTA (no later than 3 business days from receipt)
 - b. Notify the Mountain Lynx Transit Authorizing Official

- c. Ensure that the complaint is entered in the complaint database
3. Within 3 business days of receipt of the complaint, the Title VI Manager will contact the complainant by telephone to set up an interview.
4. The complainant will be informed that they have a right to have a witness or representative present during the interview and can submit any documentation he/she perceives as relevant to proving his/ her complaint.
5. If DRPT or FTA has assigned staff to assist with the investigation, the Title VI Manager will offer an opportunity to participate in the interview.
6. The alleged discriminatory service or program official will be given the opportunity to respond to all aspects of the complainant's allegations.
7. The Title VI Manager will determine, based on relevancy or duplication of evidence, which witnesses will be contacted and questioned.
8. The investigation may also include:
 - a. Investigating contractor operating records, policies or procedures
 - b. Reviewing routes, schedules, and fare policies
 - c. Reviewing operating policies and procedures
 - d. Reviewing scheduling and dispatch records
 - e. Observing behavior of the individual whose actions were cited in the complaint
9. All steps taken and findings in the investigation will be documented in writing and included in the complaint file.
10. The Title VI Manager will contact the complainant at the conclusion of the investigation, but prior to writing the final report, and give the complainant an opportunity to give a rebuttal statement at the end of the investigation process.
11. At the conclusion of the investigation and **within 60 days** of the interview with the complainant, the Title VI Manager will prepare a report that includes a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition. This report will be provided to the Authorizing Official, DRPT and FTA, and, if appropriate, District Three Governmental Cooperative's legal counsel.
12. The Title VI Manager will send a letter to the complainant notifying them of the outcome of the investigation. If the complaint was substantiated, the letter will indicate the course of action that will be followed to correct the situation. If the complaint is determined to be unfounded, the letter will explain the reasoning, and refer the complainant to DRPT and FTA in the event the complainant wishes to appeal the determination. This letter will be copied to DRPT and FTA.
13. A complaint may be dismissed for the following reasons:
 - a. The complainant requests the withdrawal of the complaint
 - b. An interview cannot be scheduled with the complainant after reasonable attempts
 - c. The complainant fails to respond to repeated requests for additional information needed to process the complaint
14. DRPT or FTA, as appropriate, will serve as the appealing form to a complainant that is not satisfied with the outcome of an investigation conducted by MOUNTAIN LYNX TRANSIT. DRPT or FTA, as appropriate, will analyze the facts of the case and will issue its conclusion to the appellant according to their procedures.

Transportation-Related Title VI Investigations, Complaints, and Lawsuits

Background

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

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

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

District Three Governmental Cooperative uses the form included at *Appendix C* to track and document civil rights-related (Title VI, EEO, and ADA) investigations, law suits and/or complaint s. Additional pages and materials may be appended to his basic form.

Public Outreach and Involvement

PUBLIC PARTICIPATION PLAN

Introduction

The Public Participation Plan (PPP) is a guide for ongoing public participation endeavors. Its purpose is to ensure that MOUNTAIN LYNX TRANSIT utilizes effective means of providing information and receiving public input on transportation decisions from low income, minority and populations with Limited English Proficiency (LEP), as required by Title VI of the Civil Rights Act of 1964 and its implementing regulations.

Under federal regulations, transit operators must take reasonable steps to ensure that Limited English Proficient (LEP) persons have meaningful access to their programs and activities. This means that public participation opportunities, normally provided in English, should be accessible to persons who have a limited ability to speak, read, write, or understand English.

In addition to language access measures, other major components of the PPP include: public participation design factors; a range of public participation methods to provide information, to invite participation and/or to seek input; examples to demonstrate how population-appropriate outreach methods can be and were identified and utilized; and performance measures and objectives to ensure accountability and a means for improving over time.

Mountain Lynx Transit established a public participation plan or process that will determine how, when, and how often specific public participation activities should take place, and which specific measures are most appropriate.

Mountain Lynx Transit will make these determinations based on a demographic analysis of the population(s) affected, the type of plan, program, and/or service under consideration, and the resources available. Efforts to involve minority and LEP populations in public participation activities may include both comprehensive measures, such as placing public notices at all transit stations, stops, and vehicles, as well as targeted measures to address linguistic, institutional, cultural, economic, historical, or other barriers that may prevent minority and LEP persons from effectively participating in our decision-making process.

Mountain Lynx Transit Public Outreach Practices

MOUNTAIN LYNX TRANSIT will employ some or all of the practices listed below to encourage the minority and LEP communities to use MOUNTAIN LYNX TRANSIT services, comment of MOUNTAIN LYNX TRANSIT policies and procedures, and otherwise participate in the planning and operation of transit services in the Area.

- a. Determining and identifying what meetings and program activities lend themselves to client public participation
- b. Scheduling meetings at times and locations that are convenient and accessible for minority and LEP communities
- c. Employing different meeting sizes and formats
- d. Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments
- e. Coordinating with community and faith-based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and /or LEP communities
- f. Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP populations could also include audio programming available on podcasts

Appendix D describes Mountain Lynx Transit's minority and LEP-related outreach efforts.

VIII. LANGUAGE ASSISTANCE PLAN FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

Introduction and Legal Basis

LEP is a term that defines any individual not proficient in the use of the English language. The establishment and operation of an LEP program meets objectives set forth in Title VI of the Civil Rights Act and Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP). This Executive Order requires federal agencies receiving financial assistance to address the needs of non-English speaking persons. The Executive Order also establishes compliance standards to ensure that the programs and activities that are provided by a transportation provider in English are accessible to LEP communities. This includes providing meaningful access to individuals who are limited in their use of English. The following LEP language implementation plan, developed by District Three Governmental Cooperative is based on FTA guidelines.

As required, MOUNTAIN LYNX TRANSIT developed a written LEP Plan (below). Using 2012-2016 American Community Survey (ACS) Census data, MOUNTAIN LYNX TRANSIT has evaluated data to determine the extent of need for translation services of its vital documents and materials.

LEP persons can be a significant market for public transit, and reaching out to these individuals can help increase their utilization of transit. Therefore, it also makes good business sense to translate vital information into languages that the larger LEP populations in the community can understand.

Assessment of Needs and Resources

The need and resources for LEP language assistance were determined through a four-factor analysis as recommended by FTA guidance.

Factor 1: Assessment of the Number and Proportion of LEP Persons Likely to be Served or Encountered in the Eligible Service Population

The agency has reviewed census data on the number of individuals in its service area that have limited English Proficiency.

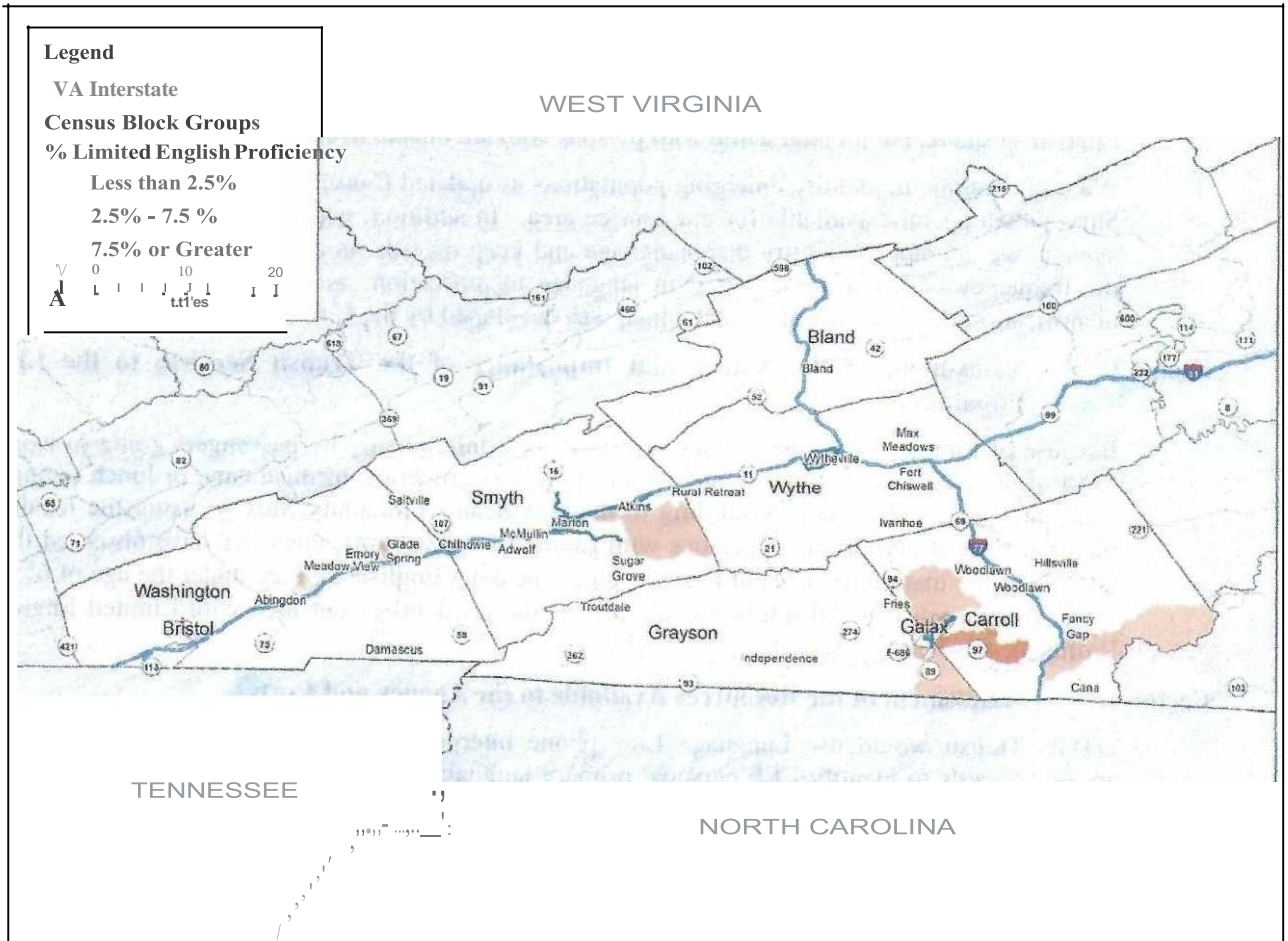
U.S. Census Data -American Community Survey (2011-2015 ACS Census)

Data from the U.S. Census Bureau's American Community Survey (ACS) was obtained through www.census.gov for MOUNTAIN LYNX TRANSIT's service area. The agency's service area includes a total of 1,949 people or 1.06% of the total population with Limited English Proficiency (those persons who indicated that they spoke English "less than very well" in the 2011-2015 ACS Census).

| District Three Service Area | | | |
|--------------------------------------|--------------------------|--|---|
| Language | Number of LEP Population | Percent of County Population Speaking Language | Percent of LEP Population Speaking Language |
| Spanish or Spanish Creole | 1,418 | 0.77% | 72.76 % |
| Chinese | 151 | 0.08% | 7.75% |
| Gujarati | 73 | 0.04% | 3.75% |
| Urdu | 49 | 0.03% | 2.51% |
| Arabic | 46 | 0.03% | 2.36% |
| Vietnamese | 45 | 0.02% | 2.31% |
| French | 34 | 0.02% | 1.74% |
| German | 23 | 0.01% | 1.18% |
| Other Indic languages | 19 | 0.01% | 0.97% |
| Other Asian languages | 19 | 0.01% | 0.97% |
| Other Native North American language | 14 | 0.01% | 0.72% |
| Korean | 14 | 0.01% | 0.72% |
| Italian | 13 | 0.01% | 0.67% |
| Polish | 12 | 0.01% | 0.62% |
| Tagalog | 10 | 0.01% | 0.51% |
| Other West Germanic languages | 5 | 0.00% | 0.26% |
| Japanese | 4 | 0.00% | 0.21% |
| Total LEP Population | 1,949 | 1.06% | |
| Total Service Area Population | 183,075 | | |

Spanish or Spanish Creole (1,418) is the most widely spoken language among LEP individuals in the Service Area. No other language group surpasses the Safe Harbor Provision. Figure 1 shows the percentage of LEP individuals in each Census Block Group. There are higher percentages of LEP persons in Carroll County.

Figure 1 • % LEP by Census Block



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

MOUNTAIN LYNX TRANSIT reviewed the relevant benefits, services, and information provided by the agency and determined the extent to which LEP persons may have come into contact with these services through any of the following channels:

- Contact with transit vehicle operators
- Calls to MOUNTAIN LYNX TRANSIT's customer service telephone line
- Visits to the agency's headquarters
- Access to the agency's website
- Attendance at community meetings or public hearings hosted by MOUNTAIN LYNX TRANSIT
- Contact with the agency's route deviation system (including making reservations and communicating with drivers)

MOUNTAIN LYNX TRANSIT drivers, area supervisors and dispatchers have reported very few interactions with LEP persons.

One supervisor who has encountered LEP persons in our Wytheville and Abingdon areas reported that after the initial difficulty of communicating with an LEP person, interaction becomes easier because he was able to remember where that particular person lived and generally wanted to go. By taking the time to become familiar with the passenger and his/her habits, he was able to provide the service required. This can be a practical solution in our area because of the exceptionally low number of LEP persons.

A dispatcher reported having difficulty understanding accents of people who are not native English speakers, but no interaction with persons who are unable to speak English at all.

We will continue to identify emerging populations as updated Census and American Community Survey data become available for our service area. In addition, when LEP persons contact our agency, we attempt to identify their language and keep records on contacts to accurately assess the frequency of contact. To assist in language identification, we have access to a language identification flashcard based on that which was developed by the U.S. Census.

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

Because of limited-service hours, our system is used infrequently by passengers going to work. Most of our passengers only use our services to access groceries, medical care, or lunch outings, many are older and retired. According to the American Community Survey, using the locality with the highest proportion of persons with Limited English Proficiency, we have observed that all (within the margin of error) of those listed as speaking English well are under the age of 65. It is our impression that a disproportionate few of the residents in our area with Limited English Proficiency use our services.

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

Mountain Lynx Transit would use Language Line phone interpretation service as needed and the "I speak..." cards to identify LEP persons' primary languages. To date we have not established a need for translating the basic materials into any one language. Funds available for Mountain Lynx Transit would be derived entirely from existing operating budgets and compete with other operational requirements on an annual basis.

Resources

As a general matter, MOUNTAIN LYNX TRANSIT has sufficient resources in its current budget to accommodate the relatively few LEP persons in our service area. Based on the available resources and the assessed need for and use of language assistance measures, MOUNTAIN LYNX TRANSIT believes that the measures cited above are reasonable and appropriate for our agency at this time.

LEP Implementation Plan

Through the four-factor analysis, MOUNTAIN LYNX TRANSIT has determined that an extensive language assistance plan is not currently necessary. MOUNTAIN LYNX TRANSIT believes the following types of language assistance are adequate for our service area at this time.

- Translation of vital documents. These documents include:
 - None at this time
- Language Line Translation Service for telephone contact
- All employees will receive instruction on accessing and using the CLI service during regular Title VI training
- On-line referral to Google translation software for all information contained on the Mountain Lynx Transit website
- Attempt to hire bilingual staff with competency in spoken and written Spanish

Staff Access to Language Assistance Programs

Agency staff who come into contact with LEP persons can access language services by offering the individual language identification flashcard or transferring the call to bilingual staff if available. All dispatchers will be provided with a list of available language assistance services and additional information and referral resources. This list will be reviewed at least annually.

Responding to LEP Callers

Staff who answer calls from the public respond to LEP customers as follows: 1) ascertain as much information from the caller in English as possible and respond to the maximum extent possible; 2) determine the caller's predominant language if additional assistance is required; 3) seek out DTGC or MOUNTAIN LYNX TRANSIT bilingual staff to respond if available; 4) contact language line provider as necessary; 5) get call-back information, obtain additional language assistance, and re-contact the caller.

Responding to Written Communications from LEP Persons

The following procedures are followed when responding to written communications from LEP persons; 1) obtain translation of the incoming communication using on-line or other translation services as necessary; 2) prepare response and have it translated; and 3) send response in both English and the foreign language to the writer.

Responding to LEP Individuals in Person

The following procedures are followed when an LEP person visits our administrative office; 1) ascertain the language being used, using language identifier material (e.g., "I speak..." flash cards) as necessary; 2) use bilingual staff to assist in communication if available; 3) seek volunteer assistance from other customers who may be bilingual; 5) contact language line provider if other efforts to communicate fail.

The following procedures are followed by operators when an LEP person has a question on board a Mountain Lynx Transit vehicle. 1) identify the language being spoken; 2) seek to communicate basic information in English to the extent possible (e.g., fare, destination, time to arrive); 3) seek volunteer assistance from fellow passengers; 4) contact the dispatch office for further guidance or assistance.

Staff Training

Mountain Lynx Transit staff will be provided with a list of available language assistance services and additional information and referral resources, updated annually.

All new hires receive training on assisting LEP persons as part of their sensitivity and customer service training. This includes:

- A summary of the transit agency's responsibilities under the DOTLEP Guidance
- A summary of the agency's language assistance plan
- A summary of the number and proportion of LEP persons in the agency's service area, the frequency of contact between the LEP population and the agency's programs and activities, and the importance of the programs and activities to the population
- A description of the type of language assistance that the agency is providing and instructions on how agency staff can access these products and services
- A description of the agency's cultural sensitivity policies and practices
- Refresher training on policies and procedures relating to assisting LEP persons is required annually for all management staff

Providing Notice to LEP Persons

In compliance with 49 CFR Section 21.9(d), Mountain Lynx Transit will provide information to the public regarding its Title VI obligation and apprise members of the public of the protections against discrimination afforded to them by Title VI.

Public notification will be achieved by posting the District Three Governmental Cooperative policy on non-discrimination in the Main office, in satellite offices, on all buses, and on www.catchthelynx.org. A link to this full Title VI Plan will also appear on www.catchthelynx.org.

Monitoring/updating the plan

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

In preparing the triennial update of this plan, MOUNTAIN LYNX TRANSIT will conduct an internal assessment using the Language Assistance Monitoring Checklist provided in the FTA's implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons: A Handbook for Public Transportation Providers."

Based on the feedback received from community members and agency employees, MOUNTAIN LYNX TRANSIT will make incremental changes to the type of written and oral language assistance provided as well as to their staff training and community outreach programs as necessary. The cost of proposed changes and the available resources will affect the enhancements that can be made; and therefore, MOUNTAIN LYNX TRANSIT will attempt to identify the most cost-effective approaches.

As the community grows and new LEP groups emerge, District Three Governmental Cooperative will strive to address the needs for additional language assistance.

MINORITY REPRESENTATION ON PLANNING AND ADVISORY BODIES

Title 49 CFR Section 21.S(b) (1) (vii) states that a recipient may not, on the grounds of race, color, or national origin, "deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program."

District Three Governmental Cooperative does not select the members of its board of commissioners. Representatives are appointed by member jurisdictions from their elected boards of supervisors or town/city councils. There are no other boards or committees that advise the Transit Division.

Appendix E is reserved for a table showing the minority representation on any such boards or committees if any are established in the future.

IX. REQUIREMENTS OF TRANSIT PROVIDERS

MOUNTAIN LYNX TRANSIT is required to plan and deliver transportation services in an equitable manner. This means the distribution of service levels and quality is to be equitable between minority and low-income populations and the overall population. MOUNTAIN LYNX TRANSIT has reviewed its services and policies to ensure that those services and benefits are provided in an equitable manner to all persons.

Service Standards

MOUNTAIN LYNX TRANSIT has set standards and policies that address how services are distributed across the transit system service area to ensure that the distribution affords users equitable access to these services. The agency's deviated route and demand response route services are available to all callers on a first-come first-served basis, without regard to race, color or national origin.

The following system-wide service standards are used to guard against service design or operations decisions from having disparate impacts. All of MOUNTAIN LYNX TRANSIT's services meet the agency's established standards; thus, it is judged that services are provided equitably to all persons in the service area, regardless of race, color or national origin.

Vehicle load. Vehicle load is expressed as the ratio of passengers to the total number of seats on a vehicle at its maximum load point. MOUNTAIN LYNX TRANSIT ratio of passengers to the number of seats should be 1.0. MOUNTAIN LYNX TRANSIT does not allow passengers to stand so all of MOUNTAIN LYNX TRANSIT services meet this standard.

Vehicle Headways. Vehicle headway is the amount of time between two vehicles traveling in the same direction on a given route. MOUNTAIN LYNX TRANSIT does not operate fixed route transit therefore vehicle headway is not calculated.

On-time Performance. On-time performance is a measure of runs completed as scheduled. This criterion first must define what is considered to be "on time". MOUNTAIN LYNX TRANSIT's on-time performance objective is 90 percent or greater, all of MOUNTAIN LYNX TRANSIT's services meet this standard. MOUNTAIN LYNX TRANSIT currently monitors on-time performance through reports from drivers and dispatchers. MOUNTAIN LYNX TRANSIT operates a deviated route system, some routes may be subject to wide variations in on-time performance when a large number of deviations are scheduled.

Service Availability. Service availability is a general measure of the distribution of routes within a transit provider's service area or the span of service. MOUNTAIN LYNX TRANSIT's standard for service availability is to distribute transit service as equitable and extensive as funding permits in all the counties, towns and city we service.

Distribution and Siting of Transit Amenities - Transit amenities refer to items of comfort, convenience, and safety that are available to the general riding public. MOUNTAIN LYNX TRANSIT does not currently provide any transit amenities. As amenities are introduced in the future, we will take all reasonable measures to ensure those amenities are provided equitably to low income and minority populations.

Vehicle assignment - Vehicle assignment refers to the process by which transit vehicles are placed into service and on routes throughout the system. MOUNTAIN LYNX TRANSIT assigns vehicles with the goal of providing equitable benefits to minority and low-income populations. Vehicles are assigned by the area dispatcher. The Title VI Manager can review vehicle assignments as needed to ensure vehicles are assigned equitably.

MOUNTAIN LYNX TRANSIT's assignment of vehicles to routes will take into account the following factors:

- Ridership demand patterns
- Service type (deviated route, demand response route, or hybrid)
- Accessibility of streets and roadways; e.g., width, tightness of turns
- Rotation of buses among high- and low-density routes to enhance vehicle performance

All buses on all routes are similarly equipped with wheelchair lifts, air conditioning and heating, 2-way radios, GPS systems and video cameras

Monitoring Title VI Complaints

As part of the complaint handling procedure, the Title VI Manager investigates possible inequities in service delivery for the route(s) or service(s) about which the complaint was filed. Depending on the nature of the complaint, the review examines span of service (days and hours), frequency, routing directness, interconnectivity with other routes and/or fare policy. If inequities are discovered during this review, options for reducing the disparity are explored and service or fare changes are planned if needed.

In addition to the investigation following an individual complaint, the Title VI Manager periodically reviews all complaints received to determine if there may be a pattern. At a minimum, this review is conducted as part of preparing the Annual Report and Update for submission to DRPT and FIA

Fare and Service Changes

MOUNTAIN LYNX TRANSIT follows its adopted written policy for the public comment process for major service reductions and fare increases. With each proposed service or fare change, MOUNTAIN LYNX TRANSIT considers the relative impacts on, and benefits to, minority and low-income populations, including LEP populations. All planning efforts for changes to existing services or fares, as well as new services, have a goal of providing equitable service.

DISTRICT THREE GOVERNMENTAL COOPERATIVE

Appendix A

Title VI Notice to the Public

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

District Three Governmental Cooperative is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transportation services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.**IB**. If you feel you are being denied participation in or being denied benefits of the transit services provided by District Three Governmental Cooperative or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, our contact information is:

Title VI Manager
District Three Governmental Cooperative
4453 Lee Highway
Marion, VA 24354
(276) 783-8157
- info@district-three.org

You also have the right to file complaints directly with the Federal Transit Administration. Those complaints should be sent to:

The Office of Civil Rights
Attn: Title VI Program Coordinator
East Building, 5th Floor-TCR
1200 New Jersey Avenue, SE
Washington, DC 20590

This notice will be posted at all District Three Governmental Cooperative facilities. It will also be posted on all Mountain Lynx Transit buses and on DTGC's website, www.district-three.org. A copy of DTGC's full plan for implementing its responsibilities under Title VI is available through a link on DTGC's website or a printed copy may be requested through calling the Main Office (276)783-8157.

**DISTRICT THREE
GOVERNMENTAL COOPERATIVE**

Appendix B

Title VI/ADA Discrimination Complaint Form

Section I: This form should be filed with District Three Governmental Cooperative's Title VI Manager as shown below

| | | | |
|---|--------------------------------|--|-------------------------------------|
| Section I: | | | |
| Name: | | | |
| Address: | | | |
| Telephone (Home): | | Telephone (Work): | |
| Accessible Format Requirements? | Large Print | Audio Tape | If other, please list/explain: |
| | TDD | Other | |
| Section II: | | | |
| Are you filing this complaint on your own behalf? | | Yes * | No |
| *If you answered " yes" to this question, go to Section III. | | | |
| If not, please supply the name and relationship of the person for whom you are complaining: | | | |
| Please explain why you have filed for a third party: | | | |
| Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party: | | Yes | No |
| Section III: | | | |
| I believe the discrimination experienced was based on (check all that apply): | | | |
| <input type="checkbox"/> Race | <input type="checkbox"/> Color | <input type="checkbox"/> National Origin | <input type="checkbox"/> Disability |
| Date of Alleged Discrimination (Month, Day, Year): _____ | | | |
| Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form. | | | |
| Section IV: | | | |
| Have you previously filed a Title VI complaint with this agency? <input type="checkbox"/> Yes <input type="checkbox"/> No | | | |

| | |
|--|--|
| Section V: | |
| Have you filed this complaint with any other Federal State, or local agency, or with any Federal or State court? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, check all that apply: | |
| <input type="checkbox"/> Federal Agency: _____ | <input type="checkbox"/> State Agency: |
| <input type="checkbox"/> Federal Court: | <input type="checkbox"/> Local Agency: |
| Please provide information about a contact person at the agency/court where the complaint was filed. | |
| Name: | |
| Title: | |
| Agency: | |
| Address: | |
| Telephone: | |
| Section VI: | |
| Name of Agency complaint is against: | |
| Contact Person: | |
| Title: | |
| Telephone Number: | |
| You may attach any written materials or other information that you think is relevant to your complaint. | |
| Signature and date required below | |
| Signature: | Date: |
| Please submit this form in person at the address below, or mail this form to: Title VI Manager District Three Governmental Cooperative 4453 Lee Highway Marion, VA 24354 info@district-three.org | |

Appendix C

Investigations, Lawsuits, and Complaints Document

Summary Form

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

No Title VI complaints or lawsuits were filed in FY2014, FY2015, FY2016, FY2017; no FTA, DRPT or other investigations were undertaken.

APPENDIX D

Summary of Outreach Efforts

Mountain Lynx Transit's outreach efforts include the following types of activities, most of which are directed at all citizens in the Region and not just towards minority or LEP segments of population.

- Briefing District Three Governmental Cooperative Board of Commissioner members on all programs. Board of Commissioners are elected representation of all the local jurisdictions served by DTGC. They are in a position to disseminate information about and register concerns about DTGC's policies and programs.
- Posting Title VI and other nondiscrimination policies, plans and programs at DTGC facilities and on buses and on the DTGC website, www.district-three.org.
- Making certain that all contracts and procurements contain the appropriate sections describing DTGC's policies, plans and programs relating to Title VI and other non-discrimination requirements.
- Scheduling briefings about DTGC services for various organizations and institutions such as apartment complexes, schools, churches, businesses, and civic organizations.
- Employing different meeting sizes and formats.