

# Title VI Program Plan



-  Cumberland County
-  Town of Eastover
-  City of Fayetteville
-  Fort Bragg
-  Harnett County
-  Hoke County
-  Town of Hope Mills
-  Town of Parkton
-  City of Raeford
-  Robeson County
-  Town of Spring Lake

**March 27, 2019**

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## TITLE VI POLICY STATEMENT and NOTICE of NONDISCRIMINATION

It is the policy of the Fayetteville Area Metropolitan Organization (FAMPO), as a federal-aid recipient, to ensure that no person shall, on the ground of race, color, national origin, Limited English Proficiency (LEP), sex, age, or disability (and low-income, where applicable), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of our programs and activities, as provided by Title VI of the Civil Rights Act of 1964, Executive Orders 12898 and 13166, the Civil Rights Restoration Act of 1987 and other pertinent nondiscrimination authorities.

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

Katrina Evans  
Title VI Coordinator  
130 Gillespie Street  
Fayetteville, NC 28301  
(910) 678-7614  
[kevans@co.cumberland.nc.us](mailto:kevans@co.cumberland.nc.us)

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

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Joel Strickland  
FAMPO Executive Director

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Date

## **STANDARD USDOT TITLE VI ASSURANCES**

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

## **ORGANIZATION & STAFFING**

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

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

The Fayetteville Area MPO (FAMPO) was established in 1975. Our Transportation Policy Board (TPB) has 15 members and meets six times yearly. Our Technical Coordinating Committee (TCC) has 34 members and meets six times yearly. We also have a Citizens Advisory Committee (CAC), which has 12 members and meets six times yearly. Please refer to *Appendix B* for lists of current TPB, TCC and CAC members with race, gender, and affiliation included.

### **Title VI Coordinator**

Key responsibilities of the Coordinator include:

- Maintaining knowledge of Title VI and related requirements.
- Attending civil rights training when offered by NCDOT, FHWA or other federal agencies.
- Administering the Title VI Nondiscrimination Program and coordinating implementation of this Plan.
- Making sure internal staff and officials are familiar and complying with their Title VI obligations.
- Disseminating Title VI information internally and to the public, including in languages other than English.
- Presenting Title VI-related information to decision-making bodies for input and approval.
- Ensuring Title VI-related posters are prominently and publicly displayed.
- Developing a process to collect data related to race, national origin, sex, age, and disability to ensure minority, low-income, and other underserved groups are included and not discriminated against.

- Ensuring that non-elected boards and committees reflect the service area and minorities are represented.
- Promptly processing (receiving, logging, investigating and/or forwarding) discrimination complaints.
- Providing information to NCDOT and cooperating during compliance reviews and investigations.
- Promptly resolving deficiencies to ensure compliance with Title VI nondiscrimination requirements.

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

### **Staffing**

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

- Executive Director
- Senior Planner
- Planner (3 positions)
- Administrative Coordinator

An organizational chart showing the Title VI Coordinator's place within the organization is in *Appendix G*.

## ENVIRONMENTAL JUSTICE

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

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

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

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

- (1) Identifying and evaluating environmental, public health, and interrelated social and economic effects of our programs, policies and activities;
- (2) Proposing measures to avoid, minimize and/or mitigate disproportionately high and adverse environmental and public health effects, and interrelated social and economic effects, and providing offsetting benefits and opportunities to enhance communities, neighborhoods, and individuals affected by our programs, policies and activities, where permitted by law;
- (3) Considering alternatives to proposed programs, policies, and activities, where such alternatives would result in avoiding and/or minimizing disproportionately high and adverse human health or environmental impacts to minority and/or low-income populations;
- (4) Eliciting public involvement opportunities and considering the results thereof, including soliciting input from affected minority and low-income populations in considering alternatives; and
- (5) Adding an EJ section to plans and studies, such as Long-Range Plans, Public Involvement Plans, and Corridor Studies.

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

## DATA COLLECTION/ ANALYSIS/REPORTING

Data collection, analysis and reporting are key elements of a successful Title VI enforcement strategy. To ensure that Title VI reporting requirements are met, FAMPO will collect and maintain data on potential and actual beneficiaries of our programs and services. This section contains relevant population data for our overall service area. The data provides context for the Title VI Nondiscrimination Program and will be used to ensure nondiscrimination in public outreach and delivery of our programs. Please refer to *Appendix D* for demographic tables on Race & Ethnicity, Age & Sex, Disability, Poverty, and Household Income.

### Population Locations

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

### LIMITED ENGLISH PROFICIENCY (LEP)

Limited English Proficient (LEP) persons are individuals for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. These individuals reported to the U.S. Census Bureau that they speak English less than very well.

To comply with USDOT's LEP Policy Guidance and Executive Order 13166, this section of our Title VI Plan outlines the steps the Fayetteville Area MPO (FAMPO) will take to ensure meaningful access by LEP persons to all benefits, services and information provided under our programs and activities. A four-factor analysis was conducted to determine the LEP language groups present in our planning area and the specific language services that are needed.

#### Four Factor Analysis

This Four Factor Analysis is an individualized assessment that balances the following four factors:

- (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee;
- (2) The frequency with which LEP individuals come in contact with the program;
- (3) The nature and importance of the program, activity, or service provided by the recipient to people's lives; and
- (4) The resources available to the recipient and costs.

**Factor #1: *The number or proportion of LEP persons eligible to be served or likely to be encountered by the program, activity, or service of the recipient.***

LANGUAGE SPOKEN AT HOME	Estimate	Margin of Error
Total (population 5 years and over):	297,822	+/-53
Speak only English	263,962	+/-1231
Spanish or Spanish Creole:	20,343	+/- 783
Speak English "very well"	14,737	+/- 746
Speak English less than "very well"	5,606	+/- 556
German	2,455	+/- 370
Speak English "very well"	2,074	+/- 326

Speak English less than "very well"	381	+/- 144
Korean:	1,932	+/- 288
Speak English "very well"	969	+/- 179
Speak English less than "very well"	963	+/- 231

Source: U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates

Many of the LEP groups from the data did not reach 5% OR 1000 individuals that spoke English less than “very well”. Spanish speaking individuals was the highest group with 5,606. Korean speaking individuals was the next highest with 963 individuals speaking English less than “very well”.

**Factor #2: *The frequency with which LEP individuals encounter the program.***

LEP individuals within the FAMPO Metropolitan Planning Area (MPA) could encounter the EJ program at any time by contacting the EJ Coordinator in office or by email, during Public Meetings, and at community events.

FAMPO has not encountered any individuals in the EJ program over the last five years.

**Factor #3: *The nature and importance of the program, activity, or service provided by the recipient to people’s lives.***

FAMPO will determine on a case-by-case basis what programs and activities are best for LEP individuals by first assessing the individual’s needs.

**Factor #4: *The resources available to the recipient and costs.***

FAMPO will keep an updated list, available upon request, of financial and technical resources and community-based organizations used to disseminate information to LEP individuals.

**LANGUAGE ASSISTANCE PLAN**

As a result of the above four factor analysis, a language assistance plan is required. FAMPO’s *Title VI – Limited English Proficiency Policies and Plans* represents our commitment to ensuring nondiscrimination and meaningful access by persons who are Limited English Proficient (LEP). This Plan also details the mechanisms we will use to reach LEP persons and the language assistance services we provide. We will provide services to any person, upon request. If an individual is LEP, we will work with the individual to ensure they receive the needed transportation service. Our employees will be routinely oriented on the principles and practices of Title VI and LEP to ensure fairness in the administration of this Plan.

**Language Assistance Measures**

Currently, the following general language assistance measures are reasonable and achievable for our organization:

- Translating Public Notices posted in the Fayetteville Observer, Multimodal Transit Center, FAST transit vehicles and Cumberland County Community Transportation Program vehicles into Spanish.

- Vital documents—such as brochures with service times and routes—are translated into Spanish across the entire service area and available at the Multimodal Transit Center, the FAMPO office and various local community events.
- Making a concerted effort to inform LEP persons of available language assistance via staff, handouts, broadcast media, relationship-building with organizations and at [www.FAMPO.org](http://www.FAMPO.org).
- Posting vital bulletin board information and disseminating community surveys in various languages.
- Providing translation and interpretive services when appropriate (upon request or predetermined) at meetings.
- Determining how best to take public involvement to LEP groups directly, including through small group meetings.
- Where possible, utilizing or hiring staff who speak a language other than English and can provide competent language assistance.
  - Note: We will not ask community-based organizations (CBO) to provide, or serve as, interpreters at our meetings. Relying upon CBOs in that capacity could raise ethical concerns. If a CBO decides (on its own) to translate any materials for its constituents, or bring interpreters it trusts to our meetings, we will not object. That is their right.
- Using language identification flashcards to determine appropriate services.
- Establishing a process to obtain feedback on our language assistance measures.

### **Written Translation and Oral Interpretation**

Vital documents will be translated for each eligible LEP language group in our service area that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be encountered. Translated materials will be placed online and in appropriate public (or private) places accessible to LEP persons. The safe harbor provisions apply to the translation of written documents only, and do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. When appropriate, translation of any document will be communicated orally in the appropriate language.

If the 5% trigger is reached for a LEP language group that is fewer than 50 persons, written notice will be provided in the primary language of that group of the right to receive competent oral interpretation of vital written materials, free of cost. The most effective method of notice, which could be an ad in the local newspaper or other publication, a radio commercial or door hangers will be determined in consideration of the circumstances on the ground and in coordination with LEP community contacts.

### **Staff Support for Language Assistance**

- The FAMPO staff will be provided a list of referral resources that can assist LEP persons with written translation and oral interpretation, including the Title VI Coordinator and consultants contracted to provide LEP services. This list will be updated as needed to remain current.
- All main offices will have available language assistance flashcards and materials translated into the languages that meet the safe harbor threshold. When encountering an LEP person, staff should present the individual with an iSpeak flashcard and let them choose the language. Do not assume their preferred language. If available, assistance may be sought from bilingual staff fluent in the identified language before contacting a referral resource. Document the encounter and report it to the Title VI Coordinator.
- Training: All employees will be instructed on our procedures for providing timely and reasonable assistance to LEP persons. New employee orientation will also explain these procedures to new hires. Staff routinely encountering LEP persons by telephone or in person

will receive annual refresher training. All other employees will be reminded of LEP through annual Title VI program acknowledgements and basic Title VI trainings.

### **Project-Specific LEP Outreach**

A project-specific four factor analysis will be conducted for any project or outreach event limited to a specific geographical area (i.e., the project study area or outreach area, respectively). Language assistance will be provided in accordance with the measures already outlined, including translating written materials for each LEP language group that is 5% or 1,000, whichever is less, of the project or outreach area population.

### **Monitoring and Updating the Language Assistance Plan**

Monitoring of daily interactions with LEP persons will be continuous, thus language assistance techniques may be refined at any time. This Plan will be periodically reviewed—at least annually—to determine if our assistance measures and staff training are working. Resource availability and feedback from agency staff and the public will be factors in the evaluation and any proposed updates. Among other practices, this process will include working with LEP community contacts to determine if our employees are responding appropriately to requests made with limited English or in languages other than English, and observing how agency staff responds to requests, including observing drivers or surveying riders. To the best of our ability, we will attempt to never eliminate a successful existing LEP service. Significant LEP program revisions will be approved or adopted by our board or designated official and dated accordingly. LEP data and procedures will be reviewed and updated at least once every three years.

## **DISSEMINATION OF TITLE VI INFORMATION**

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

- Visibly posting our Title VI Policy Statement in public areas at our facilities, on our website, at our meetings, and prominently in any documents and reports we distribute;
- Placing notices in newspapers and publications with a large circulation among minority groups in the general vicinity of projects and activities. Ads in newspapers and other publications shall include the following:

FAMPO operates without regard to **race, color, national origin, limited English proficiency, sex, age or disability**. For more information on our Title VI program, or how to file a discrimination complaint, please call 910-678-7614 or [kevans@co.cumberland.nc.us](mailto:kevans@co.cumberland.nc.us).

- Translating information into languages other than English that meet the LEP safe harbor threshold;
- Incorporating Title VI language into our contracts and agreements (See *Appendix A* for Title VI Contract Language); and
- Ensuring any contractors and sub-recipients we have also disseminate Title VI information.

Please refer to our Public Involvement Plan (PIP) for additional outreach methods we employ to comply Title VI. Our PIP can be found on the FAMPO website as follows:

<http://fampo.org/galleries/origin/2045publicinvolvementplan-final.pdf>

## EXTERNAL DISCRIMINATION COMPLAINT PROCEDURES

These discrimination complaint procedures outline the process used by the Fayetteville Area Metropolitan Planning Organization (FAMPO) to process complaints of alleged discrimination filed under Title VI of the Civil Rights Act of 1964 and related nondiscrimination laws that are applicable to FAMPO programs, services and activities. Complaints will be investigated by the appropriate authority. Upon completion of an investigation, the complainant will be informed of all avenues of appeal. Every effort will be made to obtain early resolution of complaints at the lowest level possible by informal means.

### FILING OF COMPLAINTS

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

Complaints may be submitted to the following entities:

- **Fayetteville Area MPO**, ATTN: Title VI Coordinator, 130 Gillespie Street, Fayetteville, NC 28301 or call 910-678-7614.
  - **North Carolina Department of Transportation**, Office of Civil Rights, External Civil Rights Section, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919-508-1830 or toll free 800-522-0453
  - **Federal Highway Administration**, North Carolina Division Office, 310 New Bern Avenue, Suite 410, Raleigh, NC 27601, 919-747-7010
  - **US Department of Transportation**, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590; 202-366-4070
  - **US Department of Justice**, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530, 202-514-6255 or toll free 877-218-5228
4. **Format for Complaints** – Complaints shall be in **writing** and **signed** by the complainant(s) or a representative and include the complainant's name, address, and telephone number. Complaints received by fax or e-mail will be acknowledged and processed. Allegations received by telephone or in person will be reduced to writing, may be recorded and will be

provided to the complainant for confirmation or revision before processing. Complaints will be accepted in other languages, including Braille.

- 5. Complaint Basis** – Allegations must be based on issues involving race, color, national origin, sex, age, or disability. The term “basis” refers to the complainant’s membership in a protected group category.

Protected Categories	Definition	Examples	Applicable Statutes and Regulations
Race	An individual belonging to one of the accepted racial groups; or the perception, based usually on physical characteristics that a person is a member of a racial group	Black/African American, Hispanic/Latino, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; 23 CFR 200. (Executive Order 13166)
Color	Color of skin, including shade of skin within a racial group	Black, White, brown, yellow, etc.	
National Origin (LEP)	Place of birth. Citizenship is not a factor. Discrimination based on language or a person’s accent is also covered.	Mexican, Cuban, Japanese, Vietnamese, Chinese	
Sex	Gender	Women and Men	1973 Federal-Aid Highway Act; Title IX of the Education Amendments of 1972.
Age	Persons of any age	21-year old person	Age Discrimination Act of 1975
Disability	Physical or mental impairment, permanent or temporary, or perceived.	Blind, alcoholic, paraplegic, epileptic, diabetic, arthritic	Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990

### Complaint Processing

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

## **Complaint Log**

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

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

## **REVIEW OF ORGANIZATIONAL DIRECTIVES**

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

## **TITLE VI TRAINING**

All employees will receive basic Title VI training at least once every three years. New hires will receive this training within 15 days of their start date. Basic training will cover all sections of this Plan and our overall Title VI obligations. Staff may receive specialized training on how Title VI applies to their specific work areas. Those who routinely encounter the public, such as office personnel, call center staff, and vehicle drivers, will receive annual refresher training. Trainings will be provided or organized by the Title VI Coordinator and will often coincide with updates to our nondiscrimination policies and procedures. Records of staff trainings, such as agendas, sign-in sheets, copies of calendars and certificates will remain on file for at least three years (and in personnel files).

## **COMPLIANCE AND ENFORCEMENT PROCEDURES**

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

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

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

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

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

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

**Appendix A**  
**United States Department of Transportation**  
**STANDARD TITLE VI / NONDISCRIMINATION ASSURANCES**

DOT Order No. 1050.2A

The Fayetteville Area Metropolitan Planning Organization (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through **Federal Highway Administration (FHWA)**, is subject to and will comply with the following:

**Statutory/Regulatory Authorities**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964).

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

**General Assurances**

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure 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, for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration."*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Nondiscrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

**Specific Assurances**

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted **Federal-Aid Highway Program**:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Fayetteville Area Metropolitan Planning Organization (FAMPO), in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair 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. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will 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 will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or 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 will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, 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 Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the Fayetteville Area Metropolitan Planning Organization (FAMPO) also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FHWA. You must keep records, reports, and submit the material for review upon request to FHWA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Fayetteville Area Metropolitan Planning Organization (FAMPO) gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal-Aid Highway Program. This ASSURANCE is binding on the Fayetteville Area Metropolitan Planning Organization, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal-Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Fayetteville Area Metropolitan Planning Organization (FAMPO)

by \_\_\_\_\_

Joel Strickland  
Executive Director

DATED \_\_\_\_\_

Attachments:

Appendices A, B, C, D, E

## APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, regarding the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations 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 will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA 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. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will act with respect to any subcontract or procurement as the Recipient or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## APPENDIX B: CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the *Fayetteville Area Metropolitan Planning Organization (FAMPO)* will accept title to the lands and maintain the project constructed thereon in accordance with the *North Carolina General Assembly*, the Regulations for the Administration of the Federal-Aid Highway Program, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation 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 *NC DOT* all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

### (HABENDUM CLAUSE)

**TO HAVE AND TO HOLD** said lands and interests therein unto the *Fayetteville Area Metropolitan Planning Organization (FAMPO)* and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the *FAMPO*, its successors and assigns.

*FAMPO*, 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 will 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 with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the *FAMPO* will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

## **APPENDIX C: CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM**

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the *Fayetteville Area Metropolitan Planning Organization* to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
  1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Nondiscrimination covenants, the *FAMPO* will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*
- C. With respect to a deed, in the event of breach of any of the above Nondiscrimination covenants, *FAMPO* will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the *NCDOT* and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

**APPENDIX D: CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY  
ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM**

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the *Fayetteville Area Metropolitan Planning Organization* pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non discrimination covenants, *FAMPO* will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above Nondiscrimination covenants, *FAMPO* will there upon revert to and vest in and become the absolute property of the *NCDOT* and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

## APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following nondiscrimination statutes and authorities; including but not limited to:

### **Pertinent Nondiscrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

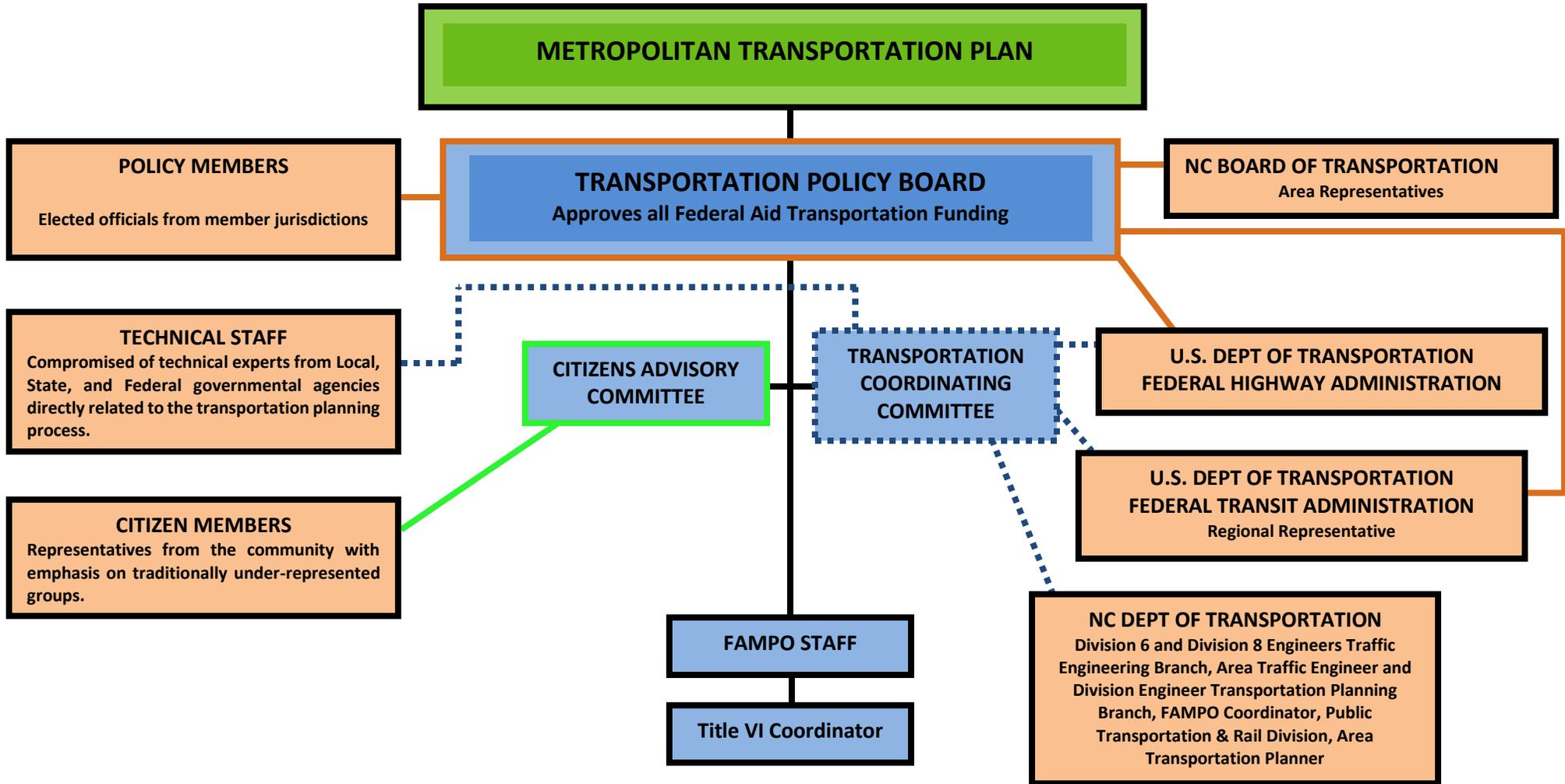
**Appendix F**

**TPB, TCC and CAC Members and Responsibilities**

		FAMPO COMMITTEES		
		CAC	TCC	TPB
<b>RACE/ETHNICITY</b>	White	8	22	10
	Black/African American	2	6	3
	Asian		2	
	American Indian/Alaskan Native	1	2	1
	Native Hawaiian/Pacific Islander			
	Hispanic/Latino			
	Other	1 - Asian/White		
<b>M / F</b>	Male	6	24	11
	Female	6	8	3

Appendix G

FAMPO Organizational Chart



## Appendix H

### Race and Ethnicity

Subject	Number	Percent
<b>RACE</b>		
Total population	319,431	100.0
White	164,064	51.4
Black or African American	117,117	36.7
American Indian and Alaska Native	5,140	1.6
Asian	7,090	2.2
Native Hawaiian and Other Pacific Islander	1,225	0.4
Some Other Race	9,943	3.1
Two or More Races	14,852	4.6
<b>HISPANIC OR LATINO</b>		
Hispanic or Latino (of any race)	30,190	9.5
Mexican	10,073	3.2
Puerto Rican	11,214	3.5
Cuban	772	0.2
Other Hispanic or Latino [2]	8,131	2.5

Source: U.S. Census Bureau, 2010 Census

### Age and Sex

Age	Number			Percent		
	Both sexes	Male	Female	Both sexes	Male	Female
Total population	319,431	154,328	165,103	100.0	100.0	100.0
Under 5 years	26,539	13,408	13,131	8.3	8.7	8.0
Under 18 years	85,541	43,427	42,114	26.8	28.1	25.5
18 to 64 years	203,690	98,563	105,127	63.8	63.9	63.7
65 years and over	30,200	12,338	17,862	9.5	8.0	10.8
Median age (years)	31.0	29.3	32.9	(X)	(X)	(X)

Source: U.S. Census Bureau, 2010 Census

### Household Income

Subject	Cumberland County, North Carolina	
	Households	
	Estimate	Margin of Error
Total	127,702	+/-1,767
Less than \$10,000	9.4%	+/-1.2
\$10,000 to \$14,999	6.4%	+/-0.7
\$15,000 to \$24,999	13.3%	+/-1.4
\$25,000 to \$34,999	11.8%	+/-1.7
\$35,000 to \$49,999	15.5%	+/-1.5
\$50,000 to \$74,999	18.1%	+/-1.7
\$75,000 to \$99,999	11.5%	+/-1.4
\$100,000 to \$149,999	9.0%	+/-1.2
\$150,000 to \$199,999	3.0%	+/-0.7
\$200,000 or more	1.9%	+/-0.5
Median income (dollars)	43,759	+/-1,587
Mean income (dollars)	56,884	+/-1,992

**Disability**

Subject	Cumberland County, North Carolina					
	Total		With a disability		Percent with a disability	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
<b>Total civilian noninstitutionalized population</b>	303,139	+/-2,760	50,796	+/-3,192	16.8%	+/-1.0
<b>SEX</b>						
<b>Male</b>	141,474	+/-2,384	24,676	+/-2,082	17.4%	+/-1.4
<b>Female</b>	161,665	+/-1,215	26,120	+/-2,284	16.2%	+/-1.4
<b>RACE AND HISPANIC OR LATINO ORIGIN</b>						
<b>White alone</b>	142,925	+/-3,427	26,113	+/-2,444	18.3%	+/-1.6
<b>Black or African American alone</b>	118,381	+/-2,894	19,741	+/-2,183	16.7%	+/-1.9
<b>American Indian and Alaska Native alone</b>	3,385	+/-861	842	+/-389	24.9%	+/-11.4
<b>Asian alone</b>	8,623	+/-1,194	587	+/-274	6.8%	+/-3.3
<b>Native Hawaiian and Other Pacific Islander alone</b>	N	N	N	N	N	N
<b>Some other race alone</b>	8,269	+/-1,759	1,472	+/-605	17.8%	+/-7.3
<b>Two or more races</b>	20,229	+/-2,994	1,988	+/-787	9.8%	+/-3.5
<b>White alone, not Hispanic or Latino</b>	125,700	+/-2,048	23,916	+/-2,106	19.0%	+/-1.6
<b>Hispanic or Latino (of any race)</b>	34,037	+/-1,146	4,464	+/-1,280	13.1%	+/-3.7
<b>AGE</b>						
<b>Under 5 years</b>	25,009	+/-5	0	+/-207	0.0%	+/-0.7
<b>5 to 17 years</b>	56,716	+/-193	5,105	+/-969	9.0%	+/-1.7
<b>18 to 34 years</b>	78,280	+/-2,335	7,368	+/-1,427	9.4%	+/-1.8
<b>35 to 64 years</b>	104,926	+/-1,147	21,766	+/-2,078	20.7%	+/-1.9
<b>65 to 74 years</b>	23,244	+/-568	7,712	+/-1,009	33.2%	+/-4.4
<b>75 years and over</b>	14,964	+/-519	8,845	+/-1,016	59.1%	+/-6.2

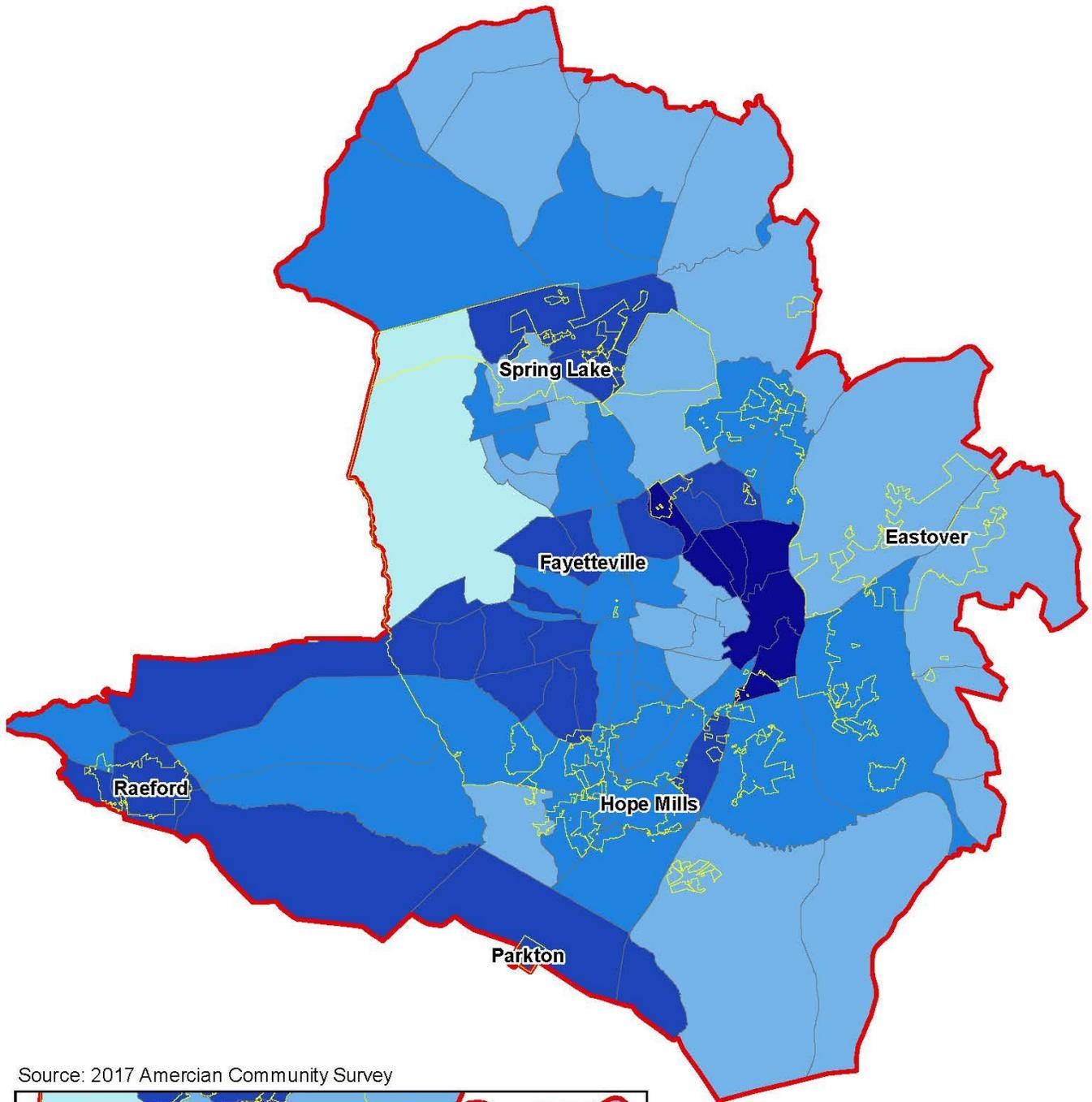
## Poverty

Subject	Cumberland County, North Carolina					
	Total		Below poverty level		Percent below poverty level	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
<b>Population for whom poverty status is determined</b>	317,441	+/-2,495	58,935	+/-5,825	18.6%	+/-1.8
<b>AGE</b>						
<b>Under 18 years</b>	81,188	+/-485	20,193	+/-3,383	24.9%	+/-4.1
<b>Under 5 years</b>	24,930	+/-133	7,016	+/-1,526	28.1%	+/-6.1
<b>5 to 17 years</b>	56,258	+/-393	13,177	+/-2,306	23.4%	+/-4.1
<b>Related children of householder under 18 years</b>	81,031	+/-537	20,036	+/-3,393	24.7%	+/-4.1
<b>18 to 64 years</b>	198,045	+/-2,419	34,947	+/-3,146	17.6%	+/-1.6
<b>18 to 34 years</b>	88,763	+/-2,398	17,656	+/-2,305	19.9%	+/-2.6
<b>35 to 64 years</b>	109,282	+/-619	17,291	+/-1,720	15.8%	+/-1.6
<b>60 years and over</b>	53,521	+/-1,367	6,458	+/-1,062	12.1%	+/-1.9
<b>65 years and over</b>	38,208	+/-594	3,795	+/-843	9.9%	+/-2.2
<b>SEX</b>						
<b>Male</b>	154,910	+/-1,855	26,093	+/-3,202	16.8%	+/-2.1
<b>Female</b>	162,531	+/-1,411	32,842	+/-3,397	20.2%	+/-2.1
<b>RACE AND HISPANIC OR LATINO ORIGIN</b>						
<b>White alone</b>	153,849	+/-3,272	22,943	+/-4,270	14.9%	+/-2.7
<b>Black or African American alone</b>	120,960	+/-2,825	26,557	+/-3,280	22.0%	+/-2.6
<b>American Indian and Alaska Native alone</b>	3,361	+/-830	1,364	+/-640	40.6%	+/-15.7
<b>Asian alone</b>	8,970	+/-1,144	1,247	+/-699	13.9%	+/-7.5
<b>Native Hawaiian and Other Pacific Islander alone</b>	N	N	N	N	N	N
<b>Some other race alone</b>	8,377	+/-1,826	1,676	+/-964	20.0%	+/-10.3
<b>Two or more races</b>	20,597	+/-3,077	4,790	+/-1,640	23.3%	+/-7.8
<b>Hispanic or Latino origin (of any race)</b>	36,753	+/-860	8,311	+/-2,214	22.6%	+/-6.1
<b>White alone, not Hispanic or Latino</b>	134,311	+/-1,768	18,923	+/-3,652	14.1%	+/-2.7
<b>ALL INDIVIDUALS WITH INCOME BELOW THE FOLLOWING POVERTY RATIOS</b>						
<b>50 percent of poverty level</b>	26,858	+/-4,095	(X)	(X)	(X)	(X)
<b>125 percent of poverty level</b>	80,941	+/-6,676	(X)	(X)	(X)	(X)
<b>150 percent of poverty level</b>	97,541	+/-7,470	(X)	(X)	(X)	(X)
<b>185 percent of poverty level</b>	123,007	+/-8,084	(X)	(X)	(X)	(X)
<b>200 percent of poverty level</b>	133,396	+/-7,813	(X)	(X)	(X)	(X)
<b>300 percent of poverty level</b>	196,162	+/-6,614	(X)	(X)	(X)	(X)
<b>400 percent of poverty level</b>	236,061	+/-5,795	(X)	(X)	(X)	(X)
<b>500 percent of poverty level</b>	262,976	+/-5,499	(X)	(X)	(X)	(X)

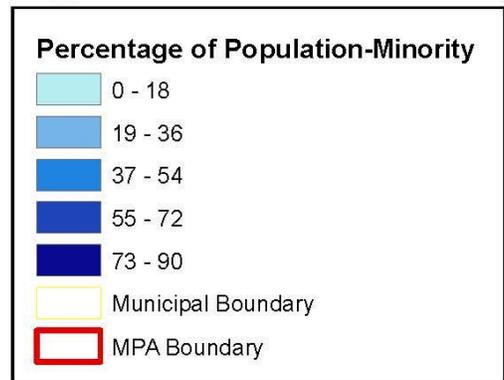
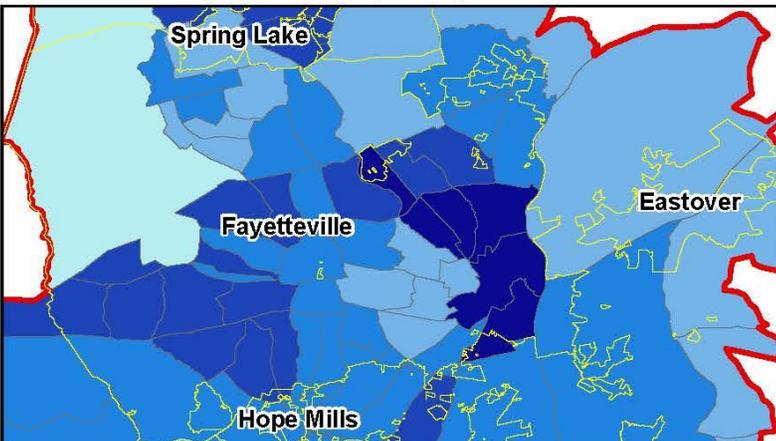
Source: U.S. Census Bureau, 2017 American Community Survey 1-Year Estimates

Appendix I

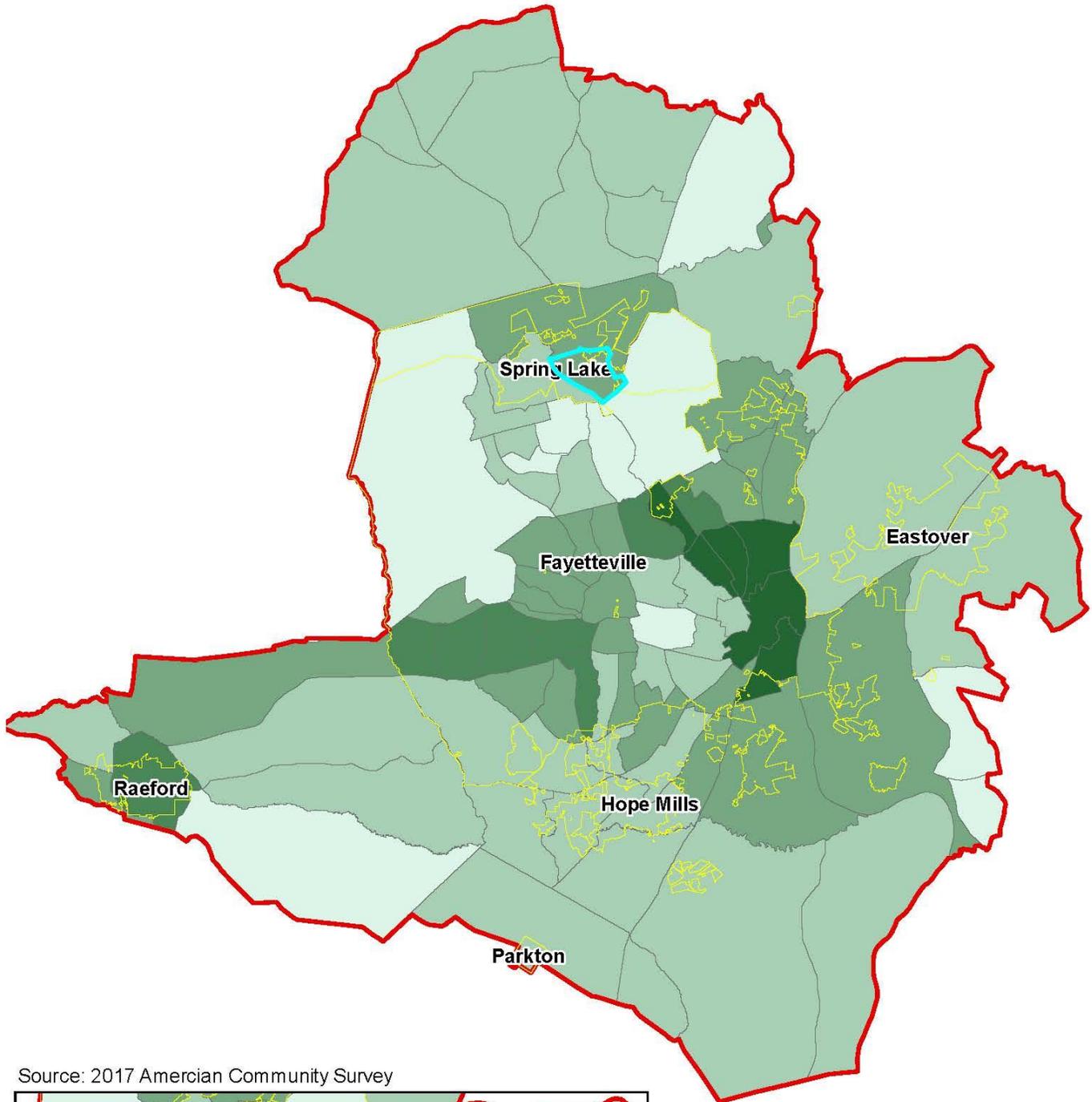
# Minority Population



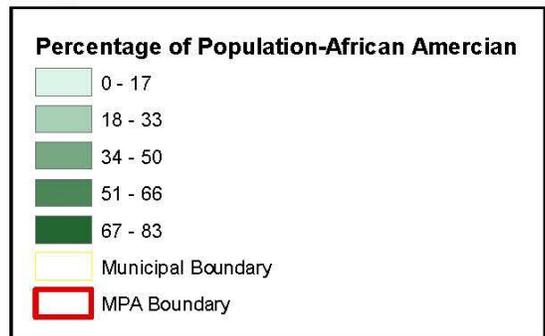
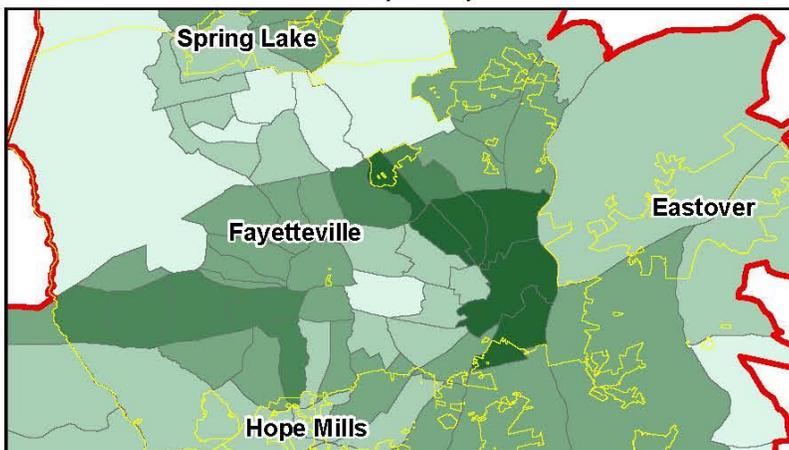
Source: 2017 American Community Survey



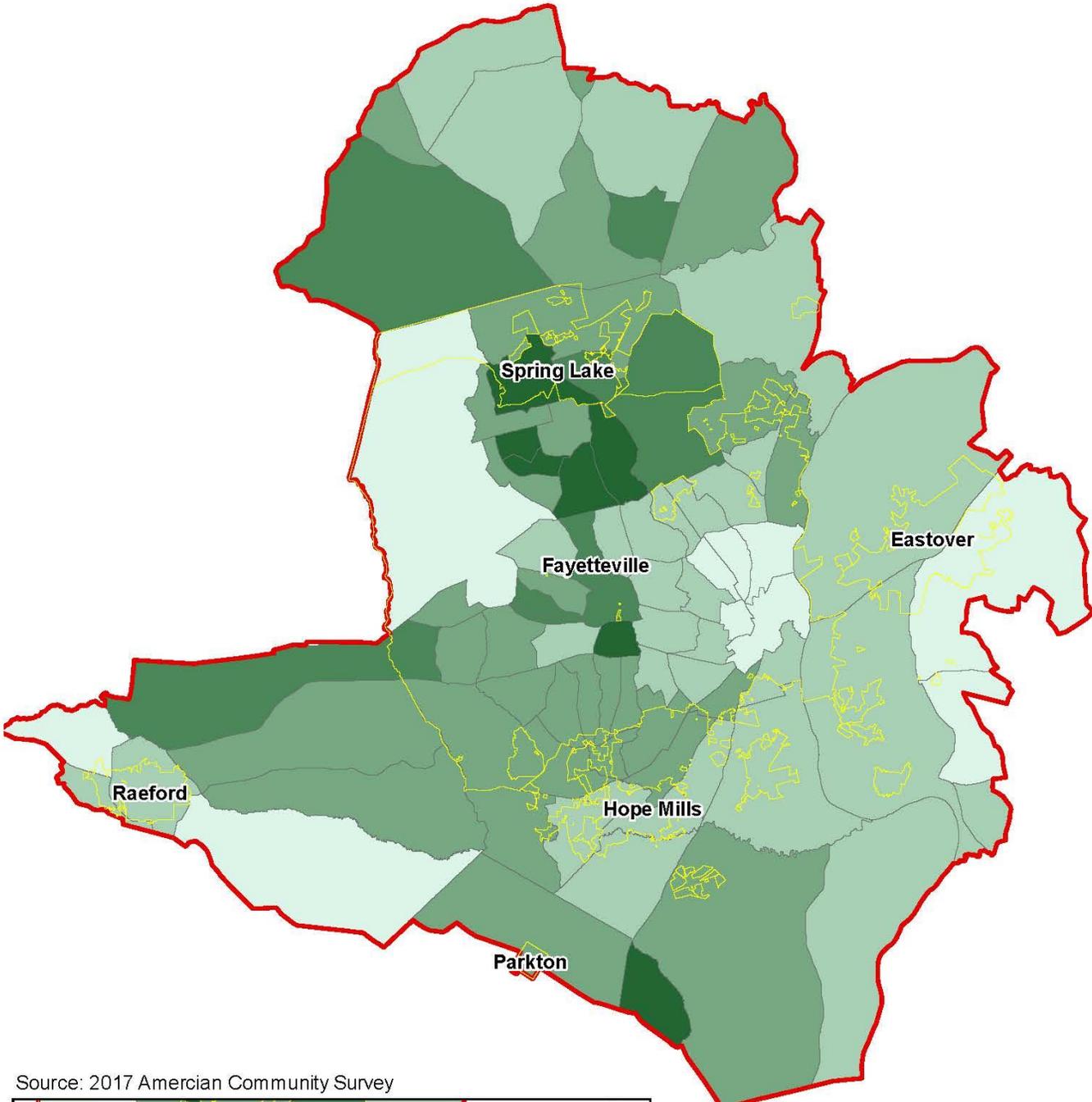
# African American Population



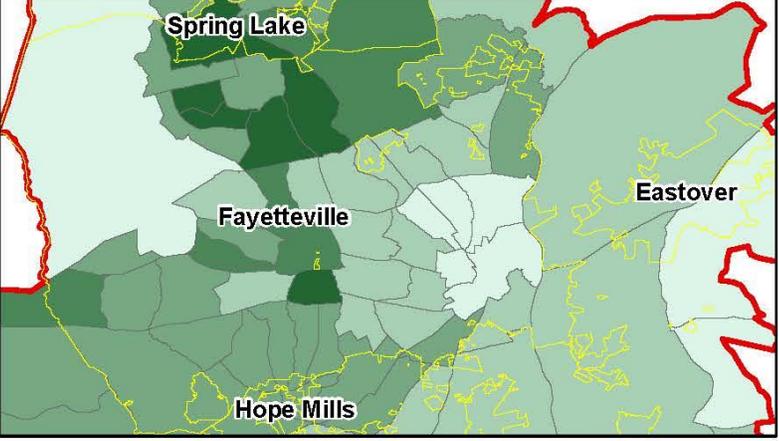
Source: 2017 American Community Survey



# Hispanic Population



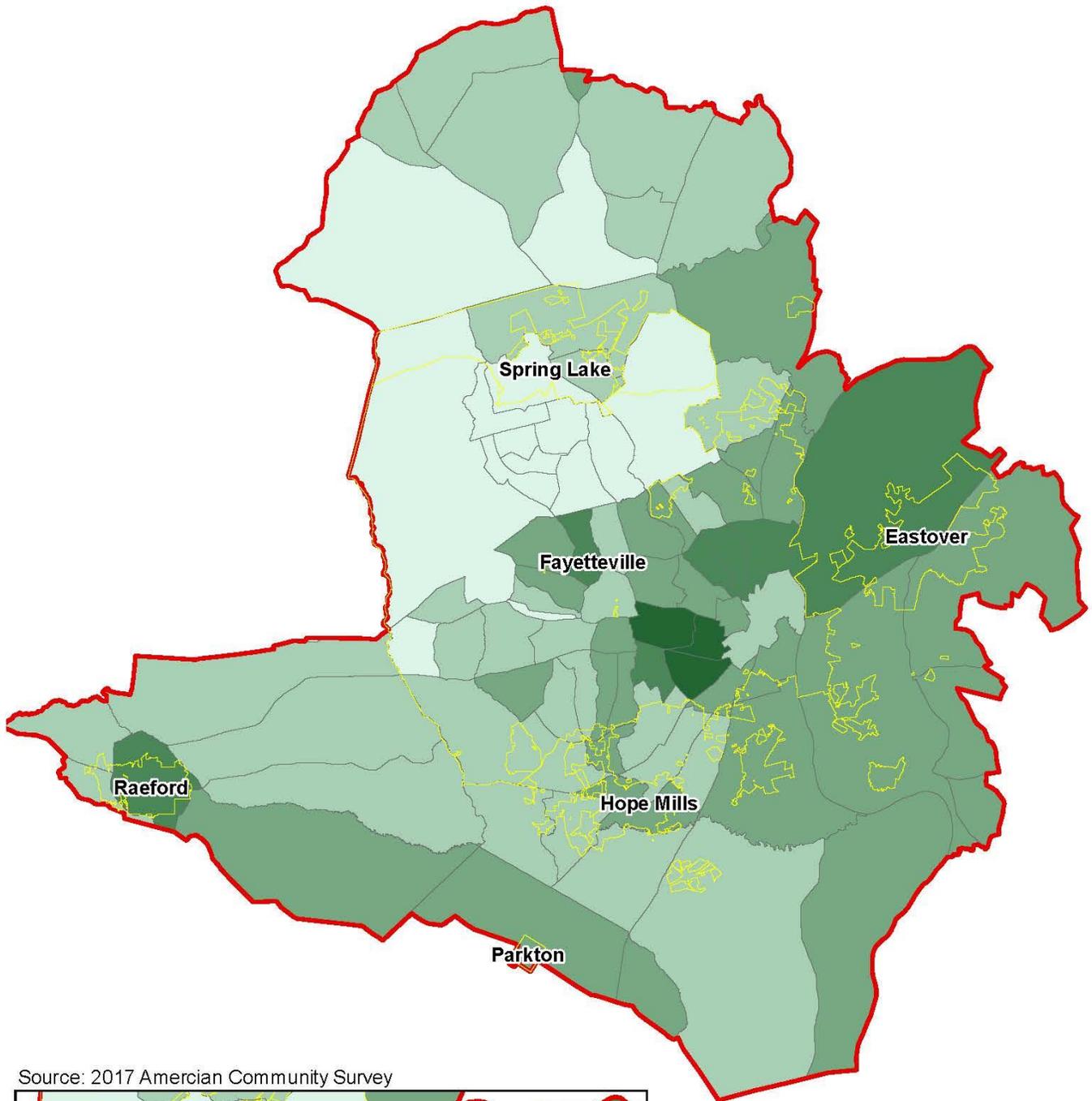
Source: 2017 American Community Survey



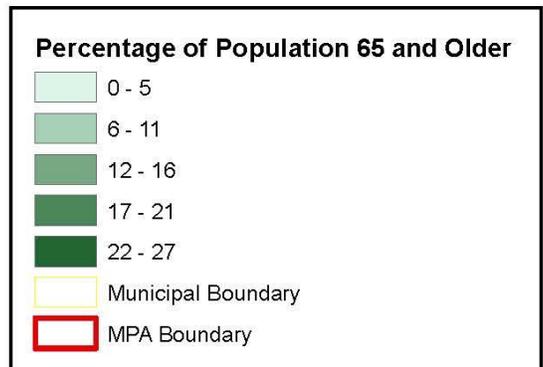
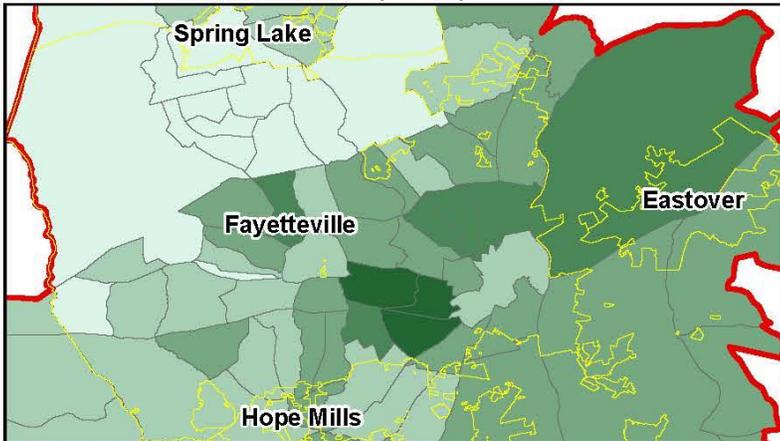
**Percentage of Population-Hispanic**

- 0 - 5
- 6 - 10
- 11 - 15
- 16 - 20
- 21 - 25
- Municipal Boundary
- MPA Boundary

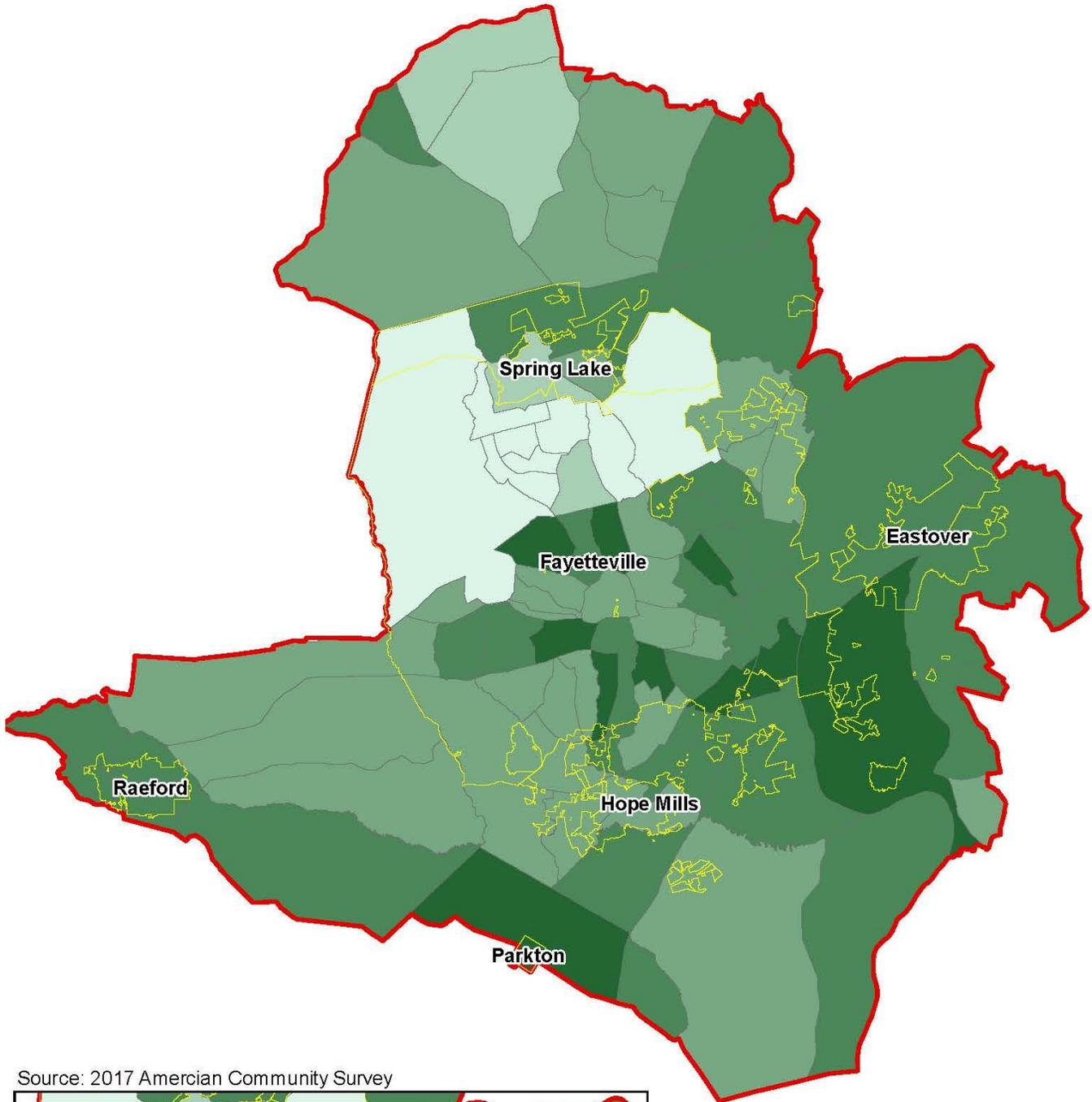
# Elderly Population



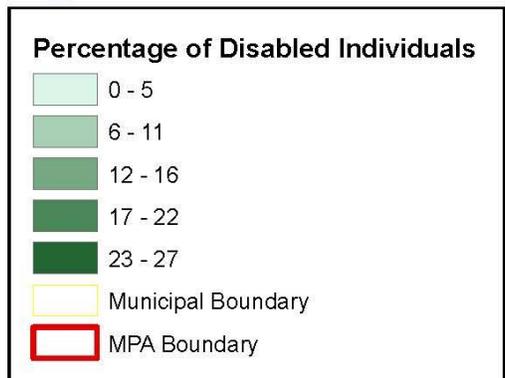
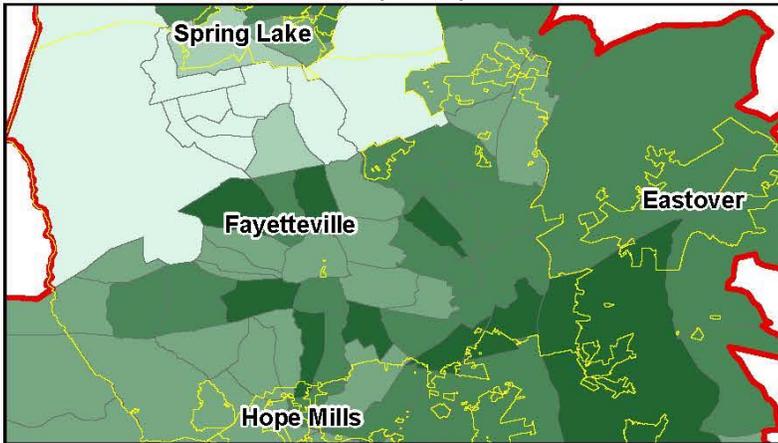
Source: 2017 American Community Survey



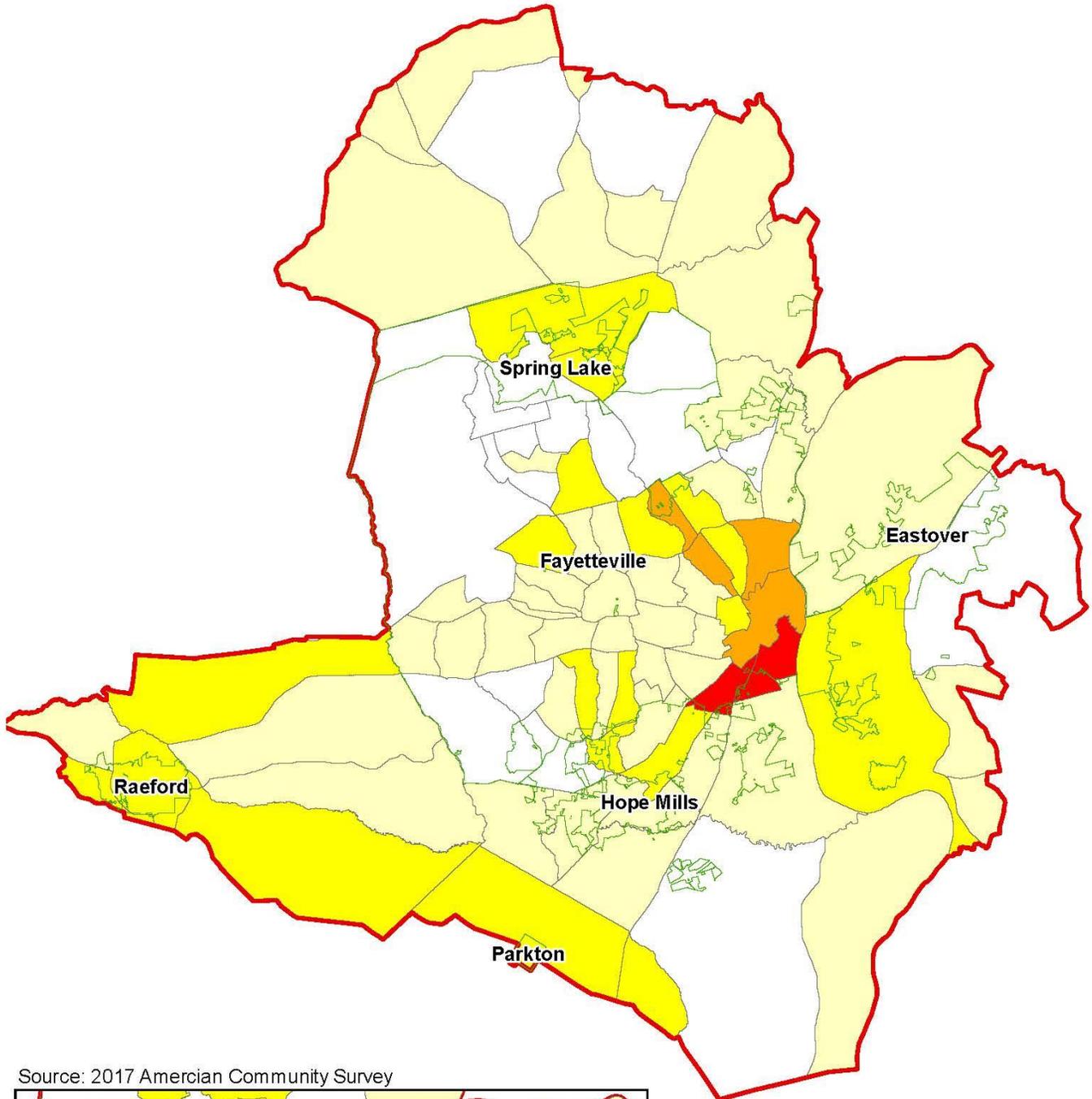
# Disabled Population



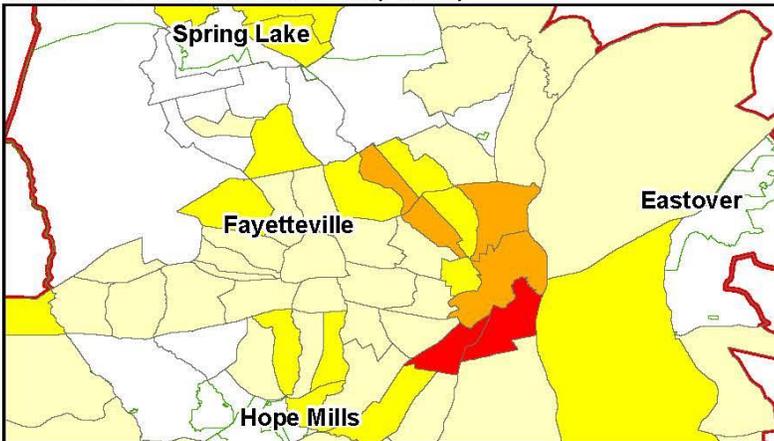
Source: 2017 American Community Survey



# Poverty



Source: 2017 American Community Survey

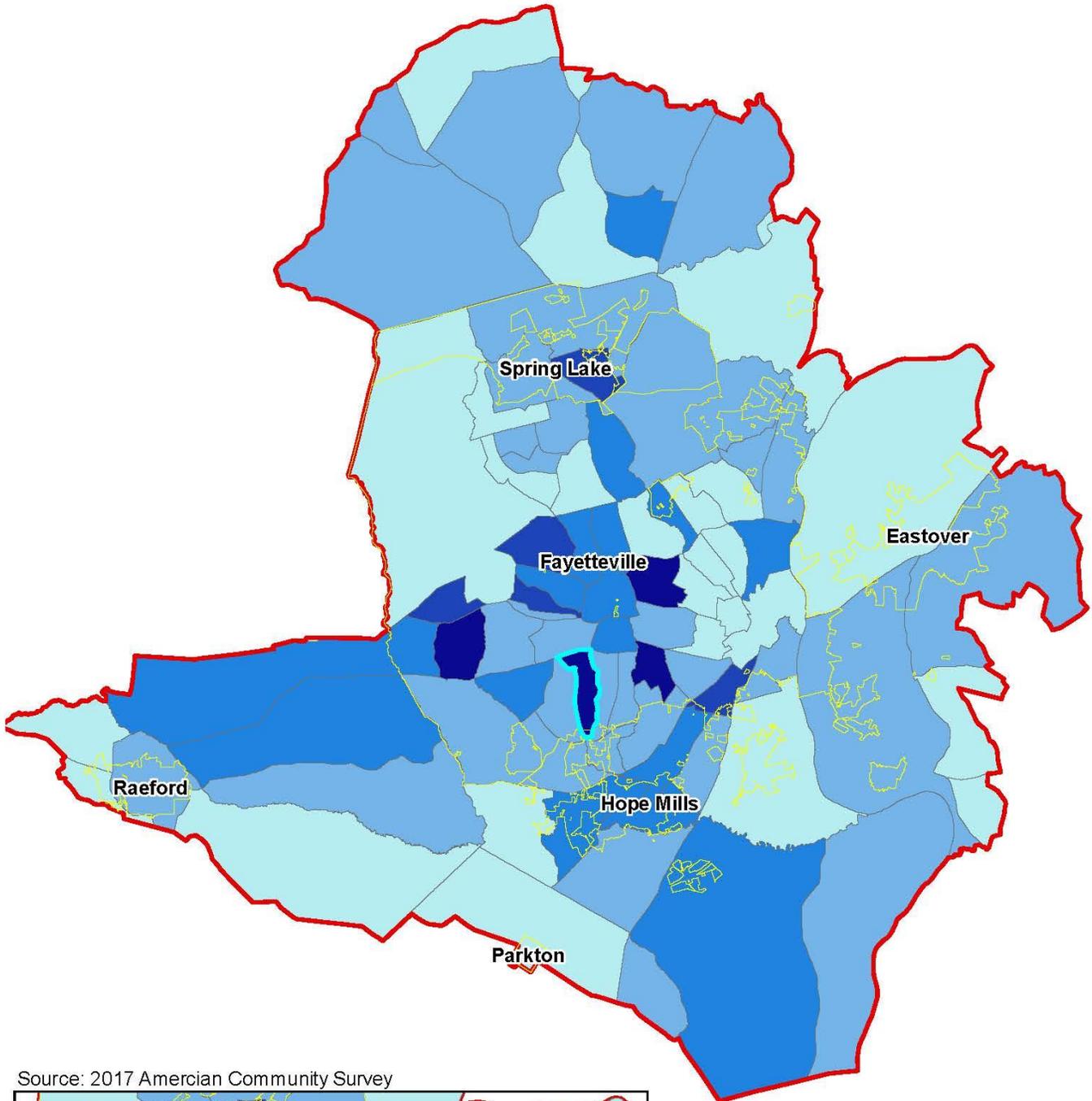


## Percentage of Population Living Below Poverty Level

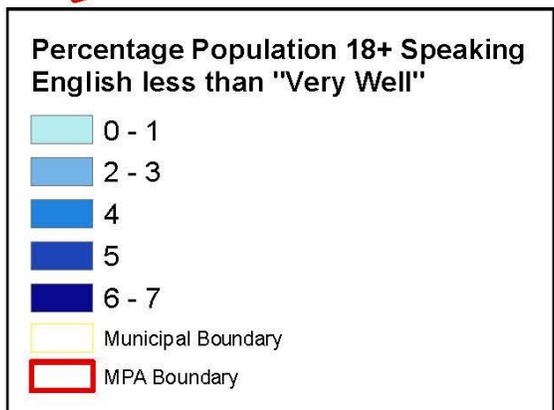
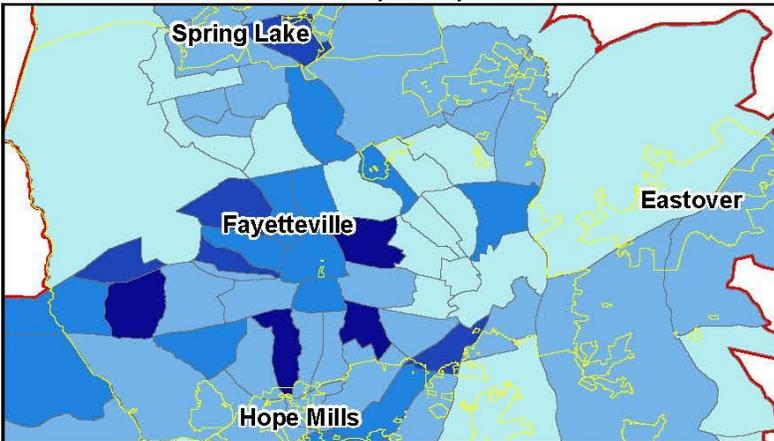
- 0 - 11
- 12 - 23
- 24 - 34
- 35 - 45
- 46 - 56

- Municipal Boundary
- MPA Boundary

# Linguistically Isolated Population



Source: 2017 American Community Survey



## Appendix J

### Investigation Guidance, Discrimination Complaint Form and Log INVESTIGATIVE GUIDANCE

- A. Scope of Investigation** – An investigation should be confined to the issues and facts relevant to the allegations in the complaint, unless evidence shows the need to extend the issues.
- B. Developing an Investigative Plan** – It is recommended that the investigator (i.e., Title VI Coordinator or other official trained to conduct Title VI investigations) prepares an Investigative Plan (IP) to define the issues and lay out the blueprint to complete the investigation. The IP should follow the outline below:
1. Complainant(s) Name and Address (Attorney name and address if applicable)
  2. Respondent(s) Name and Address (Attorney for the Respondent(s) name and address, if applicable)
  3. Applicable Law(s)
  4. Basis/(es)
  5. Allegation(s)/Issue(s)
  6. Background
  7. Name of Persons to be interviewed
    - a. Questions for the complainant(s)
    - b. Questions for the respondent(s)
    - c. Questions for witness(es)
  8. Evidence to be obtained during the investigation
    - a. Issue – e.g., Complainant alleges his predominantly African American community was excluded from a meeting concerning a future project which could affect the community.
      - i. Documents needed – e.g., mailing list which shows all physical addresses, P.O. Box numbers, property owner names, and dates when the meeting notification was mailed; other methods used to advertise the meeting.
- C. Request for Information** – The investigator should gather data and information pertinent to the issues raised in the complaint.
- D. Interviews** – Interviews should be conducted with the complainant, respondent, and appropriate witnesses during the investigative process. Interviews are conducted to gain a better understanding of the situation outlined in the complaint of discrimination. The main objective during the interview is to obtain information that will either support or refute the allegations.
- E. Preparing an Investigative Report** – The investigator should prepare an investigative report setting forth all relevant facts obtained during the investigation. The report should include a finding for each allegation. A sample outline for an investigative report is provided below.

## Sample Investigative Report Template

- I. COMPLAINANT(S) NAME** (or attorney for the complainant(s) – name and address if applicable  
Name, Address, Phone: 999-999-9999)
  - II. RESPONDENT(S)** (or attorney for the respondent(s) – name and address if applicable)  
Name, Address, Phone: 999-999-9999
  - III. APPLICABLE LAW/REGULATION**  
[For example, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); 49 CFR §21.11; 49 CFR §26.53]]
  - IV. COMPLAINT BASIS(ES)**  
[For example, Race, Color, National Origin, Limited English Proficiency, Sex, Age, Disability]]
  - V. ALLEGATIONS**  
[Describe in logical sequence, each allegation including the prohibited basis for the alleged discriminatory conduct, (e.g., race, color, national origin, sex, age, or disability) and the specific statutory or regulatory provision the allegation would violate, if proven to be true.]  
Issue #1 – Complainant alleges that transit system failed to inform minority communities of rate increases.  
Issue #2 – Complainant alleges that transit system has not sufficiently publicized or held public meetings to share information regarding fare increases and route changes that impacts low-income and minority citizens.
  - VI. BACKGROUND**  
[Provide detailed information regarding the complaint, including a historical overview of the case, including any activities or actions taken prior to accepting the complaint for investigation.]
  - VII. INVESTIGATIVE PROCEDURE**  
[Describe in detail, methods used to conduct the investigation, such as document requests, interviews and site visits. Include witnesses' names and addresses, documents received and/or reviewed, emails sent and received.]
  - VIII. FINDINGS OF FACT**  
[Provide a detailed description of the investigator's analysis of each allegation, based on clear and factual findings. Include specific evidence used to support your findings.]
  - IX. CONCLUSION**  
[State whether discrimination did or did not occur. Conclusions must be evidence-based and defensible. Test conclusions by considering all possible rebuttal arguments from the respondent and complainant. Both respondent and the complainant should be given an opportunity to confirm or rebut the assertions of the other party and your findings, but all the evidence you've presented should speak for itself.]
  - X. RECOMMENDED ACTIONS**  
[Outline what should be done to remedy the findings or, if necessary, provide justice for the complainant.]
- APPENDIX**  
[Include in the Appendix any supplemental materials that support your findings and conclusion.]

Fayetteville Area MPO (FAMPO)

**DISCRIMINATION COMPLAINT FORM**

**Any person who believes that he/she has been subjected to discrimination based upon race, color, national origin, sex, age, or disability may file a written complaint with FAMPO, within 180 days after the discrimination occurred.**

Last Name:		First Name:		<input type="checkbox"/> Male
				<input type="checkbox"/> Female
Mailing Address:		City	State	Zip
Home Telephone:	Work Telephone:	E-mail Address		

Identify the Category of Discrimination:

<input type="checkbox"/> RACE	<input type="checkbox"/> COLOR	<input type="checkbox"/> NATIONAL ORIGIN	<input type="checkbox"/> AGE
<input type="checkbox"/> SEX	<input type="checkbox"/> DISABILITY	<input type="checkbox"/> LIMITED ENGLISH PROFICIENCY	

Identify the Race of the Complainant

<input type="checkbox"/> Black	<input type="checkbox"/> White	<input type="checkbox"/> Hispanic	<input type="checkbox"/> Asian American
<input type="checkbox"/> American Indian	<input type="checkbox"/> Alaskan Native	<input type="checkbox"/> Pacific Islander	<input type="checkbox"/> Other _____

Date and place of alleged discriminatory action(s). Please include earliest date of discrimination and most recent date of discrimination.

Names of individuals responsible for the discriminatory action(s):

How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. **(Attach additional page(s), if necessary).**

The law prohibits intimidation or **retaliation** against anyone because he/she has either taken action, or participated in action, to secure rights protected by these laws. If you feel that you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation.

Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint: (Attached additional page(s), if necessary).

<u>Name</u>	<u>Address</u>	<u>Telephone</u>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

Have you filed, or intend to file, a complaint regarding the matter raised with any of the following? If yes, please provide the filing dates. Check all that apply.

- NC Department of Transportation \_\_\_\_\_
- Federal Highway Administration \_\_\_\_\_
- US Department of Transportation \_\_\_\_\_
- Federal or State Court \_\_\_\_\_
- Other \_\_\_\_\_

Have you discussed the complaint with any FAMPO representative? If yes, provide the name, position, and date of discussion.

Please provide any additional information that you believe would assist with an investigation.

Briefly explain what remedy, or action, are you seeking for the alleged discrimination.

**\*\*WE CANNOT ACCEPT AN UNSIGNED COMPLAINT. PLEASE SIGN AND DATE THE COMPLAINT FORM BELOW.**

\_\_\_\_\_  
**COMPLAINANT'S SIGNATURE**

\_\_\_\_\_  
**DATE**

**MAIL COMPLAINT FORM TO:**  
FAMPO  
130 GILLESPIE STREET  
FAYETTEVILLE, NC 28301

**FOR OFFICE USE ONLY**

Date Complaint Received: \_\_\_\_\_

Processed by: \_\_\_\_\_

Case #: \_\_\_\_\_

Referred to: NCDOT FHWA Date Referred: \_\_\_\_\_



## Appendix K

### Compliance Review Checklist for FHWA Subrecipients

General Requirements	Completed
1. A copy of the recipient's signed USDOT Title VI Assurances	<input type="checkbox"/>
2. Title VI Policy Statement (signed)	<input type="checkbox"/>
3. Title VI Notice to Public, including a list of locations where the notice is posted	<input type="checkbox"/>
4. Name and official title of Title VI Coordinator and a list of their Title VI duties	<input type="checkbox"/>
5. Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)	<input type="checkbox"/>
6. Title VI Complaint Form	<input type="checkbox"/>
7. List of Title VI complaints, investigations, or lawsuits (i.e., Title VI Complaint Log)	<input type="checkbox"/>
8. Public Participation Plan, including information about outreach methods to engage traditionally underserved constituencies (e.g., minorities, low-income, disabled), as well as a summary of outreach efforts	<input type="checkbox"/>
9. Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance, which requires conducting four-factor analyses	<input type="checkbox"/>
10. A table depicting the membership of any non-elected committees and councils, broken down by race and gender, and a description of the process the MPO uses to encourage minorities and women to participate on such committees	<input type="checkbox"/>
11. A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program	<input type="checkbox"/>
12. Compliance and enforcement procedures to ensure nondiscriminatory administration of programs and services	<input type="checkbox"/>
13. A demographic profile of your planning area that includes identification of the locations of minority, low-income, LEP, and/or other underserved populations	<input type="checkbox"/>
14. Information regarding how consultants and/or subrecipients are monitored for compliance with Title VI	<input type="checkbox"/>
15. Any environmental justice analysis conducted in the past three years and, if necessary, a description of the measures used to address any disproportionately high and adverse impacts to minority or low-income communities	<input type="checkbox"/>
16. Documentation from any Title VI compliance reviews or investigations conducted by any agency other than NCDOT-OCR in the last three years.	<input type="checkbox"/>

## Appendix L

### LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER

Universe: Population 5 years and over 2015 American Community Survey 5-Year  
Estimates

	Cumberland County, North	
	Estimate	Margin of
Total:	297,822	+/-53
Speak only English	283,962	+/-1,231
Spanish or Spanish Creole:	20,343	+/-783
Speak English "very well"	14,737	+/-746
Speak English less than "very well"	5,606	+/-556
French (incl. Patois, Cajun):	899	+/-275
Speak English "very well"	693	+/-217
Speak English less than "very well"	206	+/-102
French Creole:	486	+/-218
Speak English "very well"	180	+/-82
Speak English less than "very well"	326	+/-200
Italian:	358	+/-127
Speak English "very well"	327	+/-130
Speak English less than "very well"	31	+/-29
Portuguese or Portuguese Creole:	87	+/-79
Speak English "very well"	59	+/-70
Speak English less than "very well"	28	+/-25
German:	2,455	+/-370
Speak English "very well"	2,074	+/-328
Speak English less than "very well"	381	+/-144
Yiddish:	0	+/-28
Speak English "very well"	0	+/-28
Speak English less than "very well"	0	+/-28
Other West Germanic languages:	61	+/-43
Speak English "very well"	44	+/-33
Speak English less than "very well"	17	+/-26
Scandinavian languages:	9	+/-14
Speak English "very well"	9	+/-14
Speak English less than "very well"	0	+/-28
Greek:	117	+/-85
Speak English "very well"	76	+/-53
Speak English less than "very well"	41	+/-36
Russian:	238	+/-122
Speak English "very well"	156	+/-87
Speak English less than "very well"	82	+/-68
Polish:	101	+/-73
Speak English "very well"	83	+/-63
Speak English less than "very well"	18	+/-20
Serbo-Croatian:	79	+/-70
Speak English "very well"	63	+/-68
Speak English less than "very well"	16	+/-19
Other Slavic languages:	16	+/-25
Speak English "very well"	16	+/-25
Speak English less than "very well"	0	+/-28
Armenian:	0	+/-28
Speak English "very well"	0	+/-28
Speak English less than "very well"	0	+/-28
Persian:	33	+/-38
Speak English "very well"	23	+/-27
Speak English less than "very well"	10	+/-16
Gujarati:	208	+/-150
Speak English "very well"	162	+/-117
Speak English less than "very well"	46	+/-54
Hindi:	127	+/-97
Speak English "very well"	104	+/-88
Speak English less than "very well"	23	+/-38
Urdu:	128	+/-102
Speak English "very well"	92	+/-66
Speak English less than "very well"	36	+/-42
Other Indic languages:	253	+/-151
Speak English "very well"	219	+/-149
Speak English less than "very well"	34	+/-22
Other Indo-European languages:	165	+/-88
Speak English "very well"	115	+/-67

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	Estimate	Margin of
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Source: U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates

The Title VI Plan was written by the  
Fayetteville Area Metropolitan Planning Organization Staff  
in cooperation with the  
Citizens Advisory Committee,  
Transportation Coordinating Committee and the  
Transportation Policy Board

The Title VI Plan was partially funded by grants  
from the  
Federal Highway Administration (FHWA)  
and the  
Federal Transit Administration (FTA)



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