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**Title VI Plan and Procedures**  
**Title VI of the Civil Rights Act of 1964**

**Capital Area Partnership Uplifting People**

**CAPITAL AREA  
PARTNERSHIP  
UPLIFTING PEOPLE**



**CAPUP**

**Adopted date**  
**November 29, 2021**

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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 Capital Area Partnership Uplifting People (CAPUP) incorporates nondiscrimination policies and practices in providing services to the public. CAPUP'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

Programs include a Senior Center in Richmond serving 30 to 35 seniors four days a week with a meal and activities. CAPUP transports about 35 seniors daily to and from their homes to the Senior Center. There are also occasional van trips provided for shopping and recreational needs, assistance and outreach. CAPUP operates a single neighborhood center, which provides emergency food, rent/utilities. During the past fiscal year over 2,000 persons received food from our center in Richmond and nearly 1,000 families were aided with rent or utilities. These services are provided five days a week primarily at the agency's offices at 1021 Oliver Hill Way by an experienced staff of paraprofessionals. The Child Care Food Program provides over 330,000 meals annually to children in home-based childcare. In Powhatan, Goochland and Hanover Counties van transportation is provided to elderly and disabled residents for medical and social service needs as well as for Friendship Cafés for seniors in partnership with CAAA. Seniors from these Cafes are also provided with special trips for medical and social service locations. In Petersburg the agency provides employment services and financial assistance to aid persons with rent and utilities from Petersburg and Hopewell. Other services include a monthly food buyers' club and free federal and state tax preparation services. Project Discovery serves youth in 18 high schools in the Greater Richmond community with a college pipeline service. Campus visits are provided for all participating youth. CAPUP partnered with Dinwiddie County Department of Social Service and Parks and Recreation to provide transportation for under privilege to local activities, events, medical appointments, and grocery stores. (Services were altered and may remained so due to accommodating safety measures identified by CDC during a pandemic.)

### III. POLICY STATEMENT AND AUTHORITIES

#### Title VI Policy Statement

CAPUP 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 CAPUP 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.

Hester Brown  
Signature of Authorizing Official

December 2, 2021  
Date

#### 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 5610.2, “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 FTA’s Master Agreement, FTA MA 13 (October 1, 2006).

#### **IV. NONDISCRIMINATION ASSURANCE TO DRPT**

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, **CAPUP** 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, CAPUP confirms to DRPT the agency's commitment to nondiscrimination and compliance with federal and state requirements.

**V. PLAN APPROVAL DOCUMENT**

**NOTE: *\*\*Provide here\*\* a copy of meeting minutes, resolution, or other appropriate documentation showing that the board of directors or appropriate governing entity of official(s) responsible for policy decisions has reviewed and approved the Title VI Program.***

**(Board convene on November 29, 2021, at which time Title VI Plan was reviewed, discussed and a vote was cast in favor. Board Meeting Minutes will be forwarded as soon as transcribed, but no later than December 22, 2021.)**

**I hereby acknowledge the receipt of the CAPUP Title VI Implementation Plan 2021-2024. 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 transit 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.**

Hester Brown

Signature of Authorizing Official

**Hester Brown, President/CEO**

**Capital Area Partnership Uplifting People**

December 2, 2021

DATE

## **VI. ORGANIZATION AND TITLE VI PROGRAM RESPONSIBILITIES**

The **CAPUP's Transportation Manager and President/CEO** 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 and staff are 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 fund 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, and for coordinating with those responsible for public outreach and involvement and service planning and delivery.

#### **1. Data collection**

To ensure that Title VI reporting requirements are met, CAPUP 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 of FTA funds, CAPUP is required to submit a Quarterly Report Form to DRPT that documents any Title VI complaints received during the preceding quarter and for each year. CAPUP will also maintain and provide to DRPT on an annual basis, the log of public outreach and involvement activities undertaken to ensure that minority and low-income people had a meaningful access to these activities.

Further, we will submit to DRPT 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 notices 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 preparing 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, they 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. CAPUP 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. All Title VI complaints and their resolution will be logged as described under Section 1. Data collection and reported annually (in addition to immediately) to DRPT.

## **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 responsibilities 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. This 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.

**Title VI training is the responsibility of Transportation Manager and President/CEO.**

## **8. Title VI clauses in contracts**

In all federal procurements requiring a written contract or Purchase Order (PO), CAPUP's contract/PO will include appropriate non-discrimination clauses. The Title VI Manager will work with the **Transportation Manager and President/CEO** who is/are responsible for procurement contracts and PO's to ensure appropriate non-discrimination clauses are included.

## **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 21.9(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, CAPUP 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, in federally-funded vehicles, etc. The following Sample Public Notice is to be included as APPENDIX A- Title VI Notice to the Public; List of Locations and displayed in your vehicles and facilities. Place Notice on agency letterhead:

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).

**CAPUP** 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 4702.1B. If you feel you are being denied participation in or being denied benefits of the transit services provided by CAPUP, or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, our contact information is:

**Name: Hester Brown**

**Title: President/CEO**

**Agency Name: Capital Area Partnership Uplifting People (CAPUP)**

**Address: 1021 Oliver Hill Way**

**City, State Zip code: Richmond, VA 23219**

**Telephone Number: 804-788-0050**

**Email address: hbrown@capup.org**

**NOTE: As part of Title VI requirements, sub-recipients are also required to maintain a list of locations where their Title VI Notices have been posted or displayed.**

**SEE APPENDIX A-Title VI Notice to the Public**

**SEE APPENDIX B-Title VI Notice to the Public List of Locations**

## VIII. TITLE VI COMPLAINT PROCEDURES

### **Requirement to Develop Title VI Complaint Procedures and Complaint Form.**

In order 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.

### **Sample of Narrative**

Any individual may exercise his or her right to file a complaint with CAPUP 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 within three business days (per DRPT requirements), 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.

CAPUP 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:

*The CAPUP is committed to ensuring that no person is excluded from participation in or denied the benefits of its transit services on the basis of race, color or national origin, as protected by Title VI of the Civil Rights Act of 1964.*

*For additional information on CAPUP's nondiscrimination policies and procedures, or to file a complaint, please visit the website at [www.capup.org](http://www.capup.org) or contact (Hester Brown, President/CEO, 1021 Oliver Hill Way, Richmond, Virginia 23219).*

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 CAPUP's [*passenger policies/ride guide/other*] brochure.

Posting identifying how to access a Title VI Complaint Procedures and form will be posted on bulletin board located in agency's facilities visible to the public.

### **SEE APPENDIX C-Title VI Complaint Form**

CAPUP will utilize the complaint form supplied by DRPT below.

## CAPUP - TITLE VI COMPLAINT FORM

<b>Section I:</b>				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
<b>Section II:</b>				
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
<b>Section III:</b>				
I believe the discrimination I experienced was based on (check all that apply):				
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin				
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.				
_____				
_____				
<b>Section IV</b>				
Have you previously filed a Title VI complaint with this agency?			Yes	No
<b>Section V</b>				
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"/> Federal Court _____	<input type="checkbox"/> State Agency _____
<input type="checkbox"/> State 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:	
<b>Section VI</b>	
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

## **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 **CAPUP** 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).  
*[Your agency may wish to develop a complaint form that gathers the necessary information. However, keep in mind that, if use of the form is required in order for the complaint to be duly considered, it must be provided in formats accessible to people with disabilities and appropriate languages for LEP persons.]*
  - 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 CAPUP **President/CEO** at **1021 Oliver Hill Way, Richmond, Virginia 23219** or [hbrown@capup.org](mailto:hbrown@capup.org).
  - e. Complaints received by any other employee of CAPUP 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 **[President/CEO]** will assist the complainant in converting the verbal allegations to writing.



2. Upon receipt of the complaint, the Title VI Manager or President/CEO will immediately:
  - a. notify DRPT (no later than 3 business days from receipt)
  - b. notify the **CAPUP**'s President/CEO
  - 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 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 **CAPUP**'s President, DRPT, and, if appropriate, **CAPUP**'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 in the event the complainant wishes to appeal the determination. This letter will be copied to DRPT.

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 will serve as the appealing forum to a complainant that is not satisfied with the outcome of an investigation conducted by CAPUP. DRPT will analyze the facts of the case and will issue its conclusion to the appellant according to their procedures.

**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.**

## **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 every three years and information shall be provided to DRPT quarterly and annually.

*The sample below is provided for the purposes of guidance only.*

### **SAMPLE List of Investigations, Lawsuits and Complaints**

	<b>Date (Month, Day, Year)</b>	<b>Summary (include basis of complaint: race, color or national origin)</b>	<b>Status</b>	<b>Action(s) taken</b>
<b>Investigations</b>				
<b>1.</b>				

<b>Lawsuits</b>				
<b>1.</b>				
<b>Complaints</b>				
<b>1.</b>				

**SEE APPENDIX D- Investigations, Lawsuits and Complaints Document**

**CAPUP has no investigations, lawsuits and complaints at the time.**

**IX. 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 CAPUP utilizes effective means of providing information and receiving public input on transportation decisions from low income, minority and limited English proficient (LEP) populations, 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.

*CAPUP* 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.

*CAPUP* 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.

**NOTE:** FTA has developed a Circular, 4703.1, “Environmental Justice Policy Guidance for Federal Transit Administration Recipients,” that includes many examples of effective strategies for engaging minority and low-income populations. FTA Chap. III-6 FTA C 4702.1B encourages recipients to review that Circular for ideas when developing their public engagement strategy.

A sample of effective public outreach practices follows. It is possible that a private non-profit agency may not have to employ many or any of these practices, but you must document this if such is the case.

**SOME OF THOSE EFFECTIVE PUBLIC OUTREACH PRACTICES INCLUDES:**

- 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. 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.**
- e. 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.**
- f. 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.**

**\*\*ADD HERE\*\* ADDITIONAL OUTREACH METHODS TO ENGAGE MINORITY AND LEP POPULATIONS**

CAPUP adheres to scheduling meetings at times and locations that are convenient and accessible for minority and LEP communities;

Employ different meeting sizes and formats if applicable;

Coordinate 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;

Provide opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recordings devices to capture oral comments if applicable.

CAPUP will post Title VI compliance documents at all its locations. CAPUP has a Spanish speaking counselor to work with youth who are Hispanic and attend local public schools.

**SEE APPENDIX E-Summary of Outreach Efforts**

## **X. LANGUAGE ASSISTANCE PLAN FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)**

### **SAMPLE PLAN FOR SERVING PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)**

*[If you are part of a city or county government, you may have general procedures in place for serving LEP persons. The model provided below is designed to address FTA-specific requirements.]*

### **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 *CAPUP* is based on FTA guidelines.

As required, **CAPUP** developed a written LEP Plan (below). Using the 2000 American Community Survey (ACS) Census data, CAPUP 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, as well as the languages they speak.

#### **U.S. Census Data – American Community Survey (2012-2016)**

Data from the U.S. Census Bureau’s American Community Survey (ACS) were obtained through [www.census.gov](http://www.census.gov) by CAPUP’s service area. The agency’s service area includes a

total of 23,747, which is less than 0.03% [insert number and percent of total population] persons with Limited English Proficiency (those persons who indicated that they spoke English “less than very well,” in the 2012-2016 ACS Census).

Information from the 2012-2016 ACS also provides more detail on the specific languages that are spoken by those who report that they speak English less than very well. Languages spoken at home by those with LEP are presented below. These data indicate the extent to which translations into other language are needed to meet the needs of LEP persons.

• Spanish	[10,860]	[5.3%]
• Indo-European	[ 3,758]	[1.8%]
• Asian and Pacific Island Languages	[ 2,572]	[1.3%]
• Other Languages	[Unknown]	[Unknown]

*[Note: if any of these categories represents over 5% or 1,000 persons whichever is less, you should explore the individual languages in the category to determine whether any specific language meets this threshold]*

It is noted that there are relatively low number of LEP persons in the service area - no language is spoken by over 5% or a total of 1,000 persons in the LEP population.

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

**CAPUP** reviewed the relevant benefits, services, and information provided by the agency and determined the extent to which LEP persons have come into contact with these functions through [*one or more of*] the following channels:

- Contact with transit vehicle operators;
- Contact with transit station managers;
- Calls to **CAPUP**’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 **CAPUP**;
- Contact with the agency’s ADA complementary paratransit system (including applying for eligibility, making reservations, and communicating with drivers).

*[Provide a summary of findings based on relevant (if anecdotal) information from agency staff, including the LEP persons’ native language, how successful the agency has been in communicating with LEP persons, and common questions directed to the agency by LEP persons. Also, review any available records on the number of hits it receives on its non-English web pages or requests for interpreters at public meetings or results of ridership surveys that capture the experiences of LEP persons.]*

CAPUP has a bilingual staff available to assist with LEP when applicable which has been very successful. 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 use a language identification flashcard based on that which was developed by the U.S. Census. (<http://www.lep.gov/ISpeakCards2004.pdf>), cell-phone translation app/or online software.

### **Information from Community Organizations that Serve LEP Persons (Optional?)**

To supplement the Census, education, and labor department data, CAPUP conducted community outreach to the following organizations that includes work with LEP populations. *[List those contacted, which may include any of the following:]*

- *School systems;*
- *Community organizations;*
- *State and local governments;*
- *Religious organizations;*
- *Legal aid entities.*

*[Note: Describe method of contact (telephone interviews, written or online surveys, outreach presentation at the organization, community meetings, etc.) and information obtained. You could discuss the services your agency provides and seek feedback from the organization on the size of the population it serves, the transportation and other needs of the population, any demographic trends among this population, and effect ways to obtain input from this population].*

- *CAPUP completes a community needs assessment every 3 years which includes telephone interviews, listing sessions, written and online surveys and outreach through local social services departments and other organizations, community meeting to identify needs for each area served. Program surveys are completed by each program allowing customers to identify feedback regarding services and needs addressed and unaddressed. The agency has a Spanish speaking staff member to better serve Hispanic youth and their families in the high schools we currently serve. We will work closely with guidance counseling staff in these schools to better serve Hispanic youth as well as other ethnic population youth.*

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

CAPUP provides the following programs, activities and services:

Programs include a Senior Center serving 30 to 35 seniors four days a week with a meal and activities. CAPUP operates three neighborhood centers, which provide emergency food, rent/utility assistance, and outreach. During the past fiscal year over 2,000 persons received food from our center in Richmond and nearly 1,000 families were aided with rent or utilities. These services are provided five days a week primarily at the agency's offices at 1021 Oliver Hill Way



by an experienced staff of paraprofessionals. The Child Care Food Program provides over 330,000 meals annually to children in home-based childcare. In Powhatan Goochland and Hanover Counties van transportation is provided to elderly and disabled residents for medical and social service needs as well as for Friendship Cafés for seniors in partnership with CAAA. Seniors from these Cafes are also provided with special trips for medical and social service locations. In Petersburg the agency provides employment services and financial assistance to aid persons with rent and utilities from Petersburg and Hopewell. CAPUP operates its Senior Center/ Friendship Café four days each week and transports about 40 seniors daily to and from their homes to the Center. There are also occasional van trips provided for shopping and recreational needs. Project Discovery serves youth in 18 high schools in the Greater Richmond community with a college pipeline service. Campus visits are provided for all participating youth. (Services were altered and may remained so due to accommodating safety measures identified by CDC.)

Based on past experience serving and communicating with LEP persons and interviews with community agencies, *[as well as questionnaires or direct consultations with LEP persons (if applicable, e.g. through focus groups or individual interviews facilitated/ interpreted by a community agency)]*, we learned that the following services/routes/ programs are currently of particular importance LEP persons in the community.

*[List these; identify particular routes or modes.] No particular services/routes/ program were identified to be particular importance to LEP persons based on Community Needs Assessment.*

The following are the most critical services provided by **CAPUP** for all customers, including LEP persons.

- Safety and security awareness instructions
- Emergency evacuation procedures
- Public transit services, including reduced fare application process
- Other paratransit services
- Services targeted at low-income persons
- *other critical services deemed necessary in an on-going basis*

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

##### ***Costs***

The following language assistance measures currently being provided by **CAPUP**

**For emergency food assistance CAPUP provides documents in Spanish provided by the FeedMore (Foodbank). The agency has hired a Spanish speaking Coordinator for our Project Discovery, which is a college pipeline project.**

- *[List these along with associated costs. Include costs associated with translating documents, contracting with language interpreters, producing pictographs, installing multilingual technology, and other language assistance measures your agency is taking or plans to implement.]*

- *[Also estimate the number of staff and percentage of staff time that is associated with providing language assistance.]*

We anticipate that these activities and costs will increase as follows.

*The agency is committed to absorbing whatever costs that are necessary to serve all ethnic and LEP persons.*

Based on the analysis of demographic data and contact with community organizations and LEP persons, CAPUP has determined that the following additional services are ideally needed to provide meaningful access:

- *[List and provide general cost estimates. For example, information may need to be translated into additional languages, additional oral or written language services should be provided, or that existing language assistance needs to be made available on a more widespread basis. Cost estimates can be based on price quotes from translating and interpreting firms or based on experiences of similar transit agencies that have implemented the assistance measures.]*

In the last three years, CAPUP has incurred no cost as it relates to serving ethnic and LEP persons outside of agency budget.

#### **Resources**

The available budget that would be devoted to additional language assistance expenses is **\$1,000**. This amount is likely to increase over time.

- **CAPUP has a Spanish speaking Coordinator for our Project Discovery, which is a college pipeline project.**

In addition, in-kind assistance may be available through local social services departments, local colleges/universities, community organizations, other city or county departments, other transit agencies who may be able to partner for language assistance services.

*Your agency may have access to language assistance products that have been developed and paid for by local, regional, or state government agencies and may also have bilingual staff that could provide language assistance on an ad hoc or regular basis. These resources should be inventoried and taken into consideration as part of your assessment of total resources available.*

*Your agency may already have or be able to establish arrangements with qualified community volunteers to provide written or oral language translation. Although these volunteers may be willing to provide their services free of charge, your agency will need to verify that they can provide competent interpretation service and train them on their role within the agency. These should be inventoried as potential or confirmed resources.*

*Other potential cost saving measures include telephonic and video conferencing interpretation services, translating vital documents posted on Web sites, pooling resources, and standardizing documents to reduce translation needs, centralizing interpreter and translator services to achieve economies of scale.]*

### ***Feasible and Appropriate Language Assistance Measures***

Based on the available resources, the following language assistance measures are feasible and appropriate for our agency at this time:

- ***Translate agency brochures into Spanish***
- ***Utilize documents which are Spanish produced by partnering agencies***
- ***Work with agency staff who speaks Spanish***

### **LEP Implementation Plan**

Through the four-factor analysis, CAPUP has determined that the following types of language assistance are most needed and feasible:

#### ***[Spanish language documents]***

- ***Translation of vital documents into Spanish. These documents include:***
  - ***System Map and Ride Guide***
  - ***Application for reduced fare***
  - ***All printed materials on ADA Paratransit, including brochure, eligibility application package, and passenger policies and procedures***
  - ***Emergency preparedness brochure***
- ***Attempt to hire bilingual staff with competency in spoken and written (Spanish, Vietnamese, etc. as appropriate for your service area).***
- ***Language Line Translation Services for telephone contacts.***
- ***In-person translation for ADA eligibility assessments.]***

#### ***Staff Access to Language Assistance Services***

Agency staff who come into contact with LEP persons can access language services by contacting bilingual staff; utilizing language translation app on cell phone and utilizing online software. All staff will be provided with a list of available language assistance services and additional information and referral resources (such as community organizations which can assist LEP persons). This list will be updated at least annually. In the few cases experienced thus far, a younger family residence speaks English to some degree and has been able to translate if necessary

***[describe procedures, such as offering the individual a language identification flashcard, having a supply of translated documents on hand, transferring a call to bilingual staff, having a telephone menu allowing the customer to pre-select their language].***

#### ***Responding to LEP Callers***

Staff who answer calls from the public respond to LEP customers as follows:

Request the aid of bilingual staff; utilize language translation app or online software. Staff may as if a family member of client is available to translate on client's

behalf. *[describe, indicate language translation line if used, availability of bilingual staff. Include trip scheduling procedures for LEP persons].*

#### ***Responding to Written Communications from LEP Persons***

The following procedures are followed when responding to written communications from LEP persons: Aid the assistance of a bilingual staff, when applicable for community services customers. Other programs such as Child Care Food Program provide translated documents when applicable. Bilingual staff has translated documents when necessary.

#### ***Responding to LEP Individuals in Person***

The following procedures are followed when an LEP person visits our customer service and administrative office: *availability of bilingual staff, use of language translation services if appropriate and usage of language translation app on cell phone and online software.*

The following procedures are followed by operators when an LEP person has a question on board a CAPUP vehicle: *availability of bilingual operating staff, and referral to telephone assistance (translation app).*

#### ***Staff Training***

As noted previously, all CAPUP staff are 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 DOT LEP 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 currently providing and instructions on how agency staff can access these products and services; and
- A description of the agency's cultural sensitivity policies and practices.

Also, all staff who routinely come into contact with customers, as well as their supervisors and all management staff, receive annual refresher training on policies and procedures related to assisting LEP persons.

*[Describe addition training courses or resources provided to staff, such as tuition assistance for language courses at a local community college, training manuals/CDs/DVDs/online courses available to staff, instruction in basic phrases needed in the operating environment, etc.]*

Additional training courses or resources are always available to staff based on request from staff and the population trends change of customers receiving services. Staff may receive assistance with expensive related accordingly. CAPUP is engaged in providing any resource that aids in addressing LEP community.

### ***Providing Notice to LEP Persons***

LEP persons are notified of the availability of language assistance through the following approaches: *[List items such as:*

- ***Title VI policy statement included on our vital documents***
- ***Signs posted in agency vehicles and administrative offices.***
- ***Ongoing outreach efforts to community organizations, schools, and religious organizations***
- ***Staffing a table with bilingual staff at community service events of interest to LEP groups.***
- ***Sending translated news releases and public service announcements about the availability of translated information utilizing media LEP communities when feasible.***

LEP persons will also be included in all community outreach efforts related to services.

### ***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.

As part of ongoing outreach to community organizations, **CAPUP** will solicit feedback on the effectiveness of language assistance provided and unmet needs. In addition, we will conduct community needs assessments which includes ***surveys, focus groups, community meetings, internal meetings with staff who assist LEP persons, review of updated Census data, formal studies*** of the adequacy and quality of the language assistance provided, and determine changes to LEP needs.

In preparing the triennial update of this plan, **CAPUP** 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." ***[This checklist attached at the end of this sample plan.]***

Based on the feedback received from community members and agency employees, **CAPUP** 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. The cost of proposed changes and the available resources will affect the enhancements

that can be made, and therefore **CAPUP** will attempt to identify the most cost-effective approaches.

As the community grows and new LEP groups emerge, **CAPUP** will strive to address the needs for additional language assistance.

**XI. MINORITY REPRESENTATION ON PLANNING AND ADVISORY BODIES**

Title 49 CFR Section 21.5(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.”

*CAPUP* has transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which we select.

1. *Please provide a description of your selection process, including recruitment efforts made to encourage the participation of minorities on such committee(s)*
2. *Please provide a table(s) depicting the racial breakdown of the membership of those committees*

*The Sample below is provided for the purposes of guidance only*

Committee	Black or African American	White/ Caucasian	Latino/ Hispanic	American Indian or Alaska Native	Asian	Native Hawaiian or other Pacific Islander	Other *Note	Totals
Citizens Advisory Committee (CAC)	12	1						
% of CAC Committee								
Citizens Advisory Committee on Accessible Transportation (CACAT)								
% of CACAT Committee								

*\*Note – Other races reported: Lithuania, Ukrainian, and Polish*

**SEE APPENDIX F- TABLE MINORITY REPRESENTATION ON COMMITTEES BY RACE**

## **XII.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.



**APPENDIX A - TITLE VI NOTICE TO THE PUBLIC** – refer page 10

**APPENDIX B - TITLE VI NOTICE TO THE PUBLIC LIST OF LOCATIONS** – refer page 10-11

**APPENDIX C - TITLE VI COMPLAINT FORM** – refer page 12-13

**APPENDIX D - INVESTIGATIONS, LAWSUITS AND COMPLAINTS DOCUMENT** - agency has none at this time

**APPENDIX E - SUMMARY OF OUTREACH EFFORTS** – refer page 18

**APPENDIX F -TABLE MINORITY REPRESENTATION ON COMMITTEES BY RACE** – refer page 28