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FREDERICKSBURG REGIONAL TRANSIT

# TITLE VI PROGRAM

FY2022 – 2024

Title VI of the Civil Rights Act of 1964



March 2021 - **DRAFT**

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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.

The Federal Transit Administration (FTA) has placed renewed emphasis on Title VI issues, including providing meaningful access to individuals 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 Fredericksburg Regional Transit (FRED Transit or FRED) incorporates nondiscrimination policies and practices in providing services to the public. FRED Transit'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

The mission of FRED Transit is to provide accessible, affordable, dependable, efficient, safe and secure transportation for people who reside or work or visit within the greater Fredericksburg region (i.e., the City of Fredericksburg and the counties of Spotsylvania and Stafford). FRED Transit provides regular route and route deviation service in the Fredericksburg Region. The system's operations are supported by FTA funding under the Section 5307 as well as funding from the Commonwealth of Virginia and local governments, institutions, and civic organizations.

FRED maintains a fleet of 30 body-on-chassis transit buses, with seating capacities ranging from 15 to 26, operating 21 routes. The transit system offers three types of service: 1) weekday service; 2) weekday morning and afternoon/evening Virginia Railway Express feeder bus service in the City and Spotsylvania County; and 3) Friday late night service and Saturday and Sunday service, known as Eagle Express, centered on the University of Mary Washington during the academic year (late August through mid-May). FRED does not have traditional peak and off-peak hours of service. The system essentially operates the same level of service throughout the day from 7:00 am to 8:00 pm, all of which are considered "off peak."

In lieu of paratransit service, FRED offers route deviation service on its regular routes. Citizens can request curb-side pickup and drop off for locations up to  $\frac{3}{4}$  miles off fixed routes. Route deviation service is available to all FRED customers; including those who may find it difficult to get to a regular transit stop. All buses are equipped with wheelchair lifts.

FRED maintains two major facilities. The Lawrence A. Davies Transit Center (known familiarly as FRED Central) houses FRED's passenger terminal and administrative offices. FRED's Operations and Maintenance center has two structures: the Maintenance building where work on the fleet and other equipment is conducted and the Operations building where training, data processing and other transit activities take place.

FRED operates as a department of the City of Fredericksburg and provides service to the other jurisdictions in the Region under annual budget agreements. The Fredericksburg City Council is FRED's governing authority. FRED and the City receive counsel and recommendations from the Public Transit Advisory Board (PTAB), on which are represented all of the jurisdictions in the Region, major contributing civic, institutional and business entities, and the disabled community.

### III. POLICY STATEMENT AND AUTHORITIES

#### Title VI Policy Statement

The Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin. Section 601 of Title VI of the Civil Rights Act of 1964 states that "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

To achieve this purpose, each Federal department and agency which provides financial assistance for any program or activity is authorized and directed by U.S. Department of Justice (DOJ) to effectuate provisions of Title VI for each program or activity by issuing generally applicable rules, regulations, or requirements.

Fredericksburg Regional Transit's 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. Fredericksburg Regional Transit receives federal assistance for the provision of public transit services and therefore complies with the Civil Rights Act of 1964 and the provision of Title VI.

  
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Signature of Authorizing Official

3/24/2021

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” (October 1, 2003, unless otherwise noted); Joint FTA/Federal Highway Administration (FHWA) regulation, 23 CFR part 771, “Environmental Impact and Related Procedures” (February 7, 2013); Joint FTA/FHWA regulation, 23 CFR part 450 and 49 CFR part 613, “Planning Assistance and Standards,” (December 29, 2017 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,” (June 14, 2012); 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 22 (October 1, 2015).

## **NONDISCRIMINATION ASSURANCES**

In accordance with 49 CFR Section 21.7(a), applications 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 Fredericksburg Regional Transit and the Virginia Department of Rail and Public Transportation (DRPT) submit their annual certifications and assurances to FTA.

As part of the Certifications and Assurances submitted to the DRPT with the Annual Grant Application, and all FTA grant applications submitted to the DRPT or directly to the FTA, FRED Transit submits a Nondiscrimination Assurance which addresses compliance with Title VI as well as nondiscrimination in hiring (EEO) and contracting (DBE), and nondiscrimination based on disability (ADA).

In signing and submitting this assurance, FRED Transit confirms to DRPT and the FTA, the agency’s commitment to nondiscrimination and compliance with federal and state requirements.

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

The Title VI Manager and staff are responsible for coordinating the overall administration of the Title VI Program, plan, assurances, language assistance, complaint handling, data collection and reporting, annual review and updates, and education. At the time of this report, FRED Transit has no subrecipients and is solely responsible for providing transit service and ensuring compliance with Title VI.

### **Responsibilities of the Title VI Manager**

FRED Transit's Manager of Policy, Planning and Compliance (Title VI Manager) is responsible for ensuring implementation of the agency's Title VI Program. The specific areas of responsibility have been delineated below for purposes of clarity. 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 transit services.
3. Conduct annual Title VI review of FRED Transit to determine the effectiveness of the program plan.
4. Monitor contractors, suppliers, and other procurement vendors for Title VI compliance.
5. Provide FRED Transit employees with instructive information on Title VI and other related nondiscrimination statutes.
6. Prepare reports of Title VI activities, accomplishments and program goals, as required.
7. Develop and maintain Title VI required information for dissemination to the general public and, where appropriate, in languages other than English.
8. Develop and maintain a Language Assistance Plan in concert with the Limited English Proficiency assessment.
9. Promptly prepare and implement a corrective action plan in response to a Title VI deficiency status from FTA, DRPT or another federal assistance agency.

## **General Title VI Responsibilities**

The Title VI Manager is responsible for ensuring elements of the Title VI Program are appropriately implemented, 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, FRED Transit 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 persons had a meaningful access to these activities.
- A record of the contacts and request for language assistance of Limited English Proficiency (LEP) individuals at public meetings and/or events.

### **2. Annual Report and Updates**

As a recipient and sub-recipient of FTA funds, FRED Transit will submit to FTA updates to any of the following items since the previous submission, or a statement to the effect that these items have not been changed since the previous submission, indicating date:

- A copy of any compliance review report for reviews conducted in the last three years, along with the purpose or reason for the review, the name of the organization that performed the review, a summary of findings and recommendations, and a report on the status or disposition of the findings and recommendations.
- Limited English Proficiency (LEP) and Language Assistance 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 FRED Transit's notice to the public that it complies with Title VI and instructions on how to file a discrimination complaint.

### **3. Annual Review of Title VI Program**

Each year, in preparing for the Annual Report and Updates, the Title VI Manager will review the Title VI program to assure implementation of the Title VI Plan. In addition, the Title VI Manager will review the operational guidelines and program related 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 FRED Transit 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 requested according to the Language Assistance Plan (LAP) 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 Title VI requirements. All Title VI complaints and their resolution will be logged and reported to FTA as appropriate.

#### **6. Written Policies and Procedures**

Fredericksburg Regional Transit’s Title VI policies and procedures are documented in this plan, its appendices and attachments. This plan will be updated periodically and at minimum every three years to incorporate changes and additional responsibilities that are to be included.

#### **7. Education**

Our employees will receive training on Title VI policies and procedures as part of the new hire and training process. This training will include requirements of Title VI, our obligations under Title VI, and data regarding the transit system’s program and demographics. In addition, instructive materials will be provided when any Title VI-related policies or procedures change (agency-wide training), or when appropriate in resolving a complaint.

Title VI education is the responsibility of FRED’s Title VI Manager and Driver Trainer.

#### **8. Title VI Clauses in Contracts**

In federal procurements requiring a written contract or Purchase Order (PO), FRED Transit’s contracts/POs will include appropriate clauses related to Title VI Compliance. The Title VI Manager will work with the FRED Transit and City of Fredericksburg staff who are responsible for procurement contracts and POs to ensure appropriate nondiscrimination clauses are included.

### **9. Equity Analysis to Determine Site or Location of a Facility**

If FRED Transit should construct a future transit facility, the department will engage in outreach to individuals potentially impacted by the siting of a facility. FRED Transit will complete a Title VI equity analysis to compare the equity impacts of various siting alternatives, and the analysis will occur before the selection of the preferred site.

When evaluating locations of facilities, we will give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. The analysis will be done at the Census tract or block group where appropriate to ensure that proper perspective is given to localized impacts.

If we determine that the location of the project will result in a disparate impact based on race, color or national origin, we will only locate the project in that location if there is a substantial legitimate justification for locating the project there and where there are no alternative locations that would have a less disparate impact.

FRED Transit will show how both tests are met; by showing how we considered and analyzed the alternatives to determine whether those alternatives would have less of a disparate impact, and then implement the alternative with the least identified impact to the affected populations.

## **VI. 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.

The public notice is posted in the lobbies of the Lawrence A. Davies Transit Center (FRED Central) and the FRED Operations center, on all buses used in fixed route service, and on the website at [www.rideFRED.com](http://www.rideFRED.com). A copy of FRED Transit's Title VI Program is available through the website or a printed copy may be requested through the Title VI Manager. Public notice postings include directions and contact information for requesting information on FRED Transit's Title VI Program.

Appendix A contains FRED's Title VI Notice to the public.

### **Title VI Complaint Form and Procedures**

To comply with the requirements established in 49 CFR Section 21.9(b), all recipients shall develop a complaint form and 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 at minimum on the recipient's website.

To comply with the requirements established in 49 CFR Section 21.9(b), FRED Transit developed a complaint form and procedures for investigating Title VI complaints. The Title VI Complaint Form and Procedures are vital documents and may be provided in Spanish upon request. Any individual may exercise his or her right to file a complaint with FRED Transit if that person believes that he or she has been subjected to unequal treatment or discrimination in the receipt of benefits or services or participation in FRED Transit services. Title VI complaints and their resolution will be logged and reported to DRPT and the FTA as applicable.

A person may also file a complaint directly with the Federal Transit Administration:

Federal Transit Administration  
Office of Civil Rights  
Attention: Complaint Team  
East Building, 5<sup>th</sup> floor – TCR  
1200 New Jersey Avenue SE  
Washington, DC 20590.

Instructions for filing a Title VI complaint are posted on the website and available upon request through the Title VI Manager. The complainant may also speak with the Title VI Manager directly to file a complaint; however, all complaints must be submitted in writing by the complainant.

FRED Transit's Title VI Complaint Form and Complaint Procedures are attached as Appendix B and posted on [www.rideFRED.com](http://www.rideFRED.com).

**Transportation-Related Title VI Investigations, Complaints and Lawsuits Log**

FRED Transit will prepare and maintains a list of any of the following that allege discrimination based on race, color, or national origin:

- Active investigations conducted by FTA and entities other than FTA;
- Lawsuits; and
- Complaints naming Fredericksburg Regional Transit

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 in response, or final findings related to the investigation, lawsuit, or complaint. This list shall be included in the Title VI Program submitted to DRPT and the FTA every three years and information shall be provided to DRPT quarterly and annually as directed.

FRED Transit uses the form included at Appendix C to track and document civil rights-related (Title VI, EEO and ADA) investigations, lawsuits and/or complaints. Additional pages and materials may be appended to this basic form.

The complaint and related documents will be held in a confidential manner. FRED Transit did not receive a Title VI related complaint during the previous program period.

## **VII. Public Outreach and Involvement**

### **PUBLIC PARTICIPATION PLAN**

The Public Participation Plan (PPP) is a guide for ongoing public participation activities. Its purpose is to ensure that FRED Transit utilizes effective means of providing information and receiving public input on transportation decisions from the community we serve and to engage input from low income, minority and limited English proficient (LEP) populations, as required by Title VI of the Civil Rights Act of 1964.

Under federal regulations, transit operators must take reasonable steps to ensure that LEP individuals have meaningful access to their programs and activities. This means that public participation opportunities, normally provided in English, should be accessible to individuals we serve 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.

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

Our strategy is to routinely involve the community in our decisions through our Public Transit Advisory Board and to supplement this outreach with special efforts as dictated by target actions. FRED transit involves many individuals and community organization to gain input on the development of public transportation services and policies. These groups may include, but are not limited to:

- Potential and current riders
- Non-riders
- Business and community leaders/groups
- Government officials
- City Council and other City departments
- Faith-based community
- Academia and educational institutions
- Medical facilities/long-term care centers
- Social Service agencies

FRED Transit will identify targeted actions 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 individuals from effectively participating in our decision-making process.

FRED Transit maintains a constant connection to the public through a combination of website, radio, newspaper ads, postings in vehicles and/or at select stops. More detailed and specific public participation actions may be triggered by specific events such as:

- Major changes in routes
- Reductions or increases in service
- Significant construction projects
- Changes in fare structure or
- Significant changes in funding of transit services.

State-level transportation planning and decisions impacting transit services or transportation/transit funding are most-often addressed by the local metropolitan planning organization (MPO). The public participation program of the MPO has the lead responsibility for public participation for these “high-level” issues. FRED works closely with the local MPO as a representative on the Technical Advisory Committee and participates in outreach activities as appropriate. The MPO’s Public Participation Plan may be viewed at <https://www.fampo.gwregion.org/public-participation-plan/>. The desired outcome is to effectively engage the community we serve in planning and decisions affecting public transportation.

### **FRED Transit Public Outreach**

FRED Transit may employ the practices listed below to encourage minority and LEP communities to use FRED services, comment on FRED policies and procedures, and otherwise participate in the planning and operation of transit services in the Region.

- a. Determining and identifying what meetings and program activities lend themselves to client public participation.
- b. Scheduling meetings at times and locations that are convenient and accessible for senior citizens, persons with disabilities, minorities and person with limited English proficiency.
- c. Employing different meeting sizes and formats.
- d. Coordinating with community organizations, educational institutions, local government officials, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
- e. Communicating through: our website; postings on our buses, passenger stations, and bus stops; and as appropriate radio, television, or newspaper ads on stations. Supplementing our routine communications through publications that serve LEP populations.
- 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.

The intended outcome of these activities is to engage the general public, minorities, LEP communities and low-income persons in the development, operation and evaluation of public transit services and how these services can be improved to meet the needs of the entire region.

In the last three years FRED Transit has:

- Completed transit service analyses in Caroline and King George Counties. These analyses were part of transit needs studies that were undertaken to improve and expand service. The studies identified locations of low-income populations, seniors, persons with disabilities, and minorities.
- Formed a subcommittee of the Public Transit Advisory Board and charge its members with the task of identifying and recommending the means to address underserved communities.
- Contacted churches and organizations representing minority communities requesting participation in the development of our Title VI plan.
- Conducted outreach programs at local community events to disseminate information about regional transit service.
- Participated in the re-definition of core values for all employees of the city, which include providing all citizens with outstanding customer service.
- Placed new Title VI notices in English and Spanish on all revenue vehicles.
- Provided an update on all civil rights-related programs to the public transit advisory board.
- Provided all staff with training on Title VI, DBE and EEO requirements.
- Updated Fredericksburg Regional Transit's new website and Title VI Program page.

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

## VIII. LANGUAGE ASSISTANCE PLAN (LAP) FOR INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY (LEP)

### Introduction and Legal Basis

Limited English Proficiency (LEP) is a term that defines any individual not proficient in the use of the English language. The establishment and operation of an LEP meets objectives set forth in Title VI of the Civil Rights Act of 1964 and Executive Order 13116, 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 individuals. 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.

Fredericksburg Regional Transit's LEP Plan (below) is based on FTA guidelines. Using American Community Survey (ACS) Census data (2019), FRED Transit has evaluated data to determine the extent of need for translation services of its vital documents and materials.

### 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 Individuals 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 2019 (1-year estimates)**

Data from the U.S. Census Bureau's American Community Survey (ACS) were obtained through <https://factfinder.census.gov> for the FRED Transit's service area. The Region, comprised of the City of Fredericksburg, and Spotsylvania and Stafford counties has a total estimated of 105,281 households, among which it is estimated that 3,300 (3.13%) speak English less than "very well" or not at all (i.e., have limited English proficiency).

The most highly represented LEP languages spoken at home in the Region are presented below.

<b>PRIMARY LANGUAGE</b>	<b>POPULATION</b>	<b>PERCENT OF POPULATION</b>
Spanish	2,287	1.04%
Other Indo-European	490	0.23%
Asian and Pacific Island Languages	440	0.14%

Following the Safe Harbor provision, FRED Transit will provide written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less of the total population of persons eligible to be served. The ACS data results are that only one language, Spanish, is spoken by more than 1,000 persons in the Region with limited English proficiency. Consequently, FRED's main efforts are directed to providing vital documents in Spanish. The vital documents are described under "LAP Implementation Plan." A detailed table showing languages spoken in each FRED jurisdiction is included as Appendix F.

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

FRED Transit reviewed the relevant benefits, services, and information provided by the agency and determined the extent to which LEP individuals have come into contact with these functions through the following channels:

- Contact with transit vehicle operators;
- Contact with transit supervisors and managers;
- Calls to the customer service telephone line;
- Visits to the agency's headquarters;
- Attendance at community meetings or public hearings hosted by FRED Transit or the City of Fredericksburg on matters relating to FRED Transit;
- Contact with the agency's route deviation system.

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 individuals contact our agency and request language translation services, we work to confirm their language and keep records on contacts to accurately assess the frequency of contact.

**Information from Community Organizations that Serve LEP Individuals**

To supplement the efforts to communicate with LEP groups, FRED Transit works with its Public Transit Advisory Board (PTAB) to reach minority and LEP populations. PTAB assists FRED in communicating the transit services to:

- School systems;
- Community organizations;
- State and local governments;
- Religious organizations;
- Organization representing the disabled.

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

FRED Transit provides important public transit service, which includes individuals without access to personal vehicles and those identified as low income. FRED services designed to meet the

special needs of seniors and people with disabilities often will also meet the needs of LEP individuals and others who need assistance in using the system.

FRED Transit has detected no particular service or routes that are more frequently used by or are the subject of inquiry by LEP individuals. The following are the most critical services provided by FRED Transit for all customers, including LEP individuals.

- Public transit services, including schedule and fare information;
- Reduced fare rates for seniors and eligible persons;
- Route deviation services;
- Services for those with mobility challenges.

FRED Transit provides the following services to LEP individuals:

- Translation of basic materials into Spanish and, as appropriate and reasonable, into other languages;
- Use of Language Line or Google phone interpretation service as needed; and
- Use of Spanish or other non-English language speaking staff members to assist customers, as available.

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

The costs associated with these services are anticipated to vary during the duration of this plan due to demand, request for services, and future service changes which will require outreach. The cost of conducting outreach to the LEP community may increase marginally as additional meetings, briefings, training, etc. may be necessary. The cost of staff time is anticipated to be approximately \$50 per hour and the cost of materials should not exceed \$5,000 per year.

#### ***Identified Costs***

- Translation of vital documents into Spanish, as appropriate;
- Reasonable interpretation of vital documents into other languages as staff fluid in other languages are available;
- Use of Language Line or Google phone interpretation service as needed;
- Use of website translation tools on [www.rideFRED.com](http://www.rideFRED.com) website;
- Use of Spanish or other non-English language speaking staff members to assist customers, as available.

### ***Resources***

Based on the available resources and the assessed need for and use of language assistance measures, FRED Transit believes that the measures cited above are reasonable and appropriate for our agency at this time.

### **Language Assistance Plan**

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

- Translation of vital documents into Spanish. These documents may include:
  - Application for reduced fare
  - Complaint forms and instructions
  - Printed materials on route deviation services.
- Recruitment efforts through the Human Resources department to hire bilingual staff.
- Language Line Translation Services.

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

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

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

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

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

The following procedures are followed when an LEP person visits our customer service and administrative office: 1) ascertain the language being used, using language identifier material as necessary; 2) use bilingual staff to assist in communication if available; 3) use printed language materials if available; 4) seek volunteer assistance from other customers who may be bilingual; 5) contact language line provider if additional efforts are needed to communicate with LEP person.

The following procedures are followed by Operators when an LEP person has a question on board a FRED Transit vehicle: 1) identify the language being spoken; 2) seek to communicate basic information in English to the extent possible (e.g., fare, major stops on the route, time to arrive at end of route); 3) contact the dispatch office for further guidance or assistance.

### ***Staff Training***

FRED Transit staff are provided with a list of available language assistance services and additional information and referral resources, updated annually.

All new hires receive information on assisting LEP individuals as part of their on-boarding and training. This may include:

- A summary of the responsibilities under the DOT LEP Guidance;
- A summary of the language assistance plan;
- A summary of the number and proportion of LEP individuals in the Region, the frequency of contact between the LEP population and the programs and activities, and the importance of the programs and activities to the population;
- A description of the type of language assistance that is available and instructions on how staff can access these products and services; and

Staff who routinely come into contact with customers, supervisors and all management staff, may receive periodic refresher guidance on policies and procedures related to assisting LEP individuals.

### ***Providing Notice to LEP Individuals***

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

Any transit rider requiring language assistance will be provided the best assistance that FRED Transit has available at no cost to the LEP individual. FRED Transit will follow the language assistance procedures described under the LAP section to provide adequate communication between FRED Transit and the LEP individual.

### ***Monitoring/Updating the LAP***

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

In preparing the triennial update of the LAP, FRED Transit will review information gathered in connection with Factor 2 above and feedback that may be submitted from community members and employees to determine whether additional or different measures should be taken to adjust FRED's LAP. The cost of proposed changes and the available resources will affect the enhancements that can be made; therefore, FRED will seek to identify the most cost-effective approaches.

As the community grows and new LEP groups emerge and grow, FRED Transit will strive to address the need for additional language assistance.

## **IX. 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.”

The Public Transit Advisory Board (PTAB) serves as an advisory body to FRED and the City of Fredericksburg. PTAB comprises representation of the local jurisdictions in which FRED provides service, the business community, the academic community, the disabled community, major partners that contribute more than \$25,000 in cash or in kind annually to support FRED operations, minority communities, and the general public. All meetings of the PTAB are open to the public. The businesses, organizations and institutions represented on the PTAB select the persons to represent them on the Board. FRED ensures that those selections are made without regard to the Board members’ race, color or national origin and encourages the participating jurisdictions and agencies to appoint persons from minority communities as their representative. FRED Transit actively involves our advisory board members in the development of our Title VI plan and through that involvement is aware and engaged in involving minority representation in planning and advisory board activities vital to the program.

Appendix E includes a table showing minority representation on FRED Transit’s PTAB as of January 2018.

## X. SYSTEM-WIDE SERVICE STANDARDS REQUIREMENT

### **Requirements and Guidelines for Fixed Route Transit Providers**

To ensure that transit providers do not discriminate on the basis of race, color or national origin, or income in the manner in which they deliver service, the FTA requires transit operators to develop quantitative measures of service standards that can be used to compare and contrast service on various routes. The FTA also requires the development of qualitative service policies for the same purpose. FRED does not have traditional peak and off-peak service hours; consequently, it does not have separate sets of service standards for peak and off-peak service. Where there are differences in standards for different types of services (e.g., commuter rail feeder service, regular weekday service, and weekend service) they are noted below.

#### Quantitative Measures

Vehicle load: the ratio of passengers carried to the seating capacity of the bus;

Vehicle headway: the amount of time between two buses traveling in the same direction on a given route;

On-time performance: the percentage of runs that are completed according to the published schedule;

Service availability: the distribution of routes within FRED's service area;

Distribution of service amenities: the process for deciding on the location of amenities such as benches, shelters, information signage.

Vehicle assignments: the process by which FRED decides which buses will be used on which routes.

FRED Transit's specific standards are described below.

Vehicle Load. Buses will be assigned to regular routes in a manner that avoids the need for any passenger to stand on FRED's 15 to 26-seat buses. In other words, the ratio of passengers to the number of seats should not exceed 1.0. For FRED's VRE feeder service, the vehicle loads should not exceed 1.2; i.e., should not exceed 26 passengers for 22-seat buses and 31 passengers for 26-seat buses.

Vehicle Headways. Vehicle headways should not exceed one (1) hour on FRED's regular route operations in the City of Fredericksburg and the counties of Spotsylvania and Stafford. Headways on FRED's VRE feeder service are determined by the arrival and departure times of the VRE commuter trains.

Scheduling and headways involve the consideration of a number of factors including: ridership intensity, traffic patterns and congestion, the location and density of transit-dependent

populations and activities, FRED's role in the FAMPO Transportation Plan, regional partners' funding priorities, land use connectivity, and transportation demand management.

### On-time Performance

A FRED bus is considered on time if it departs a scheduled time point no more than one (1) minute early and no more than five (5) minutes late. FRED Transit's on-time performance objective is 90 percent or greater. FRED currently monitors on-time performance through RouteMatch software, reports from drivers and line supervisors. Problem routes may be surveyed to determine more precise performance characteristics and potential remedies. As FRED operates a deviated fixed route system, some routes may be subject to wide variations in on-time performance when a large number of deviations are scheduled.

### Service Availability

FRED Transit will endeavor to distribute transit service so that 75 percent of all residents in the service area are within ¼ mile walk of regular route bus service. This measure is affected by the fact that FRED operates many miles over roads in lightly populated areas; it is also affected by local partner jurisdictions' funding of transit, which determines the extent of FRED operations.

### Vehicle Assignment

FRED's assignment of vehicles to routes will consider the following factors:

- Ridership
- Accessibility of streets and roadways; e.g., width, tightness of turns
- Rotation of buses among high and low-density routes to enhance vehicle performance.

All buses on all routes are similarly equipped with wheelchair lifts, stop signaling pulls or bars, PA systems, air conditioning and heating, 2-way radios, GPS systems and video cameras.

### Transit Amenities

Installation of transit amenities (shelters, benches, and signage) is based on route and stop characteristics such as route ridership and individual stop boardings, safety, as well as input from partner jurisdictions. Amenities are identified and sited based on these characteristics and consultations with affected jurisdictions. FRED will review requests for amenities submitted by riders, jurisdictions or citizens to determine the characteristics of the route and or stop for which the amenity is proposed, whether the amenity can be safely installed, the availability of funding, and other factors. FRED will make every effort to review such requests within one month.

### Monitoring System-Wide Service Standards

As part of the complaint handling procedure, the Title VI Manager investigates possible inequities in service delivery for the route(s) or service(s) about which the complaint was filed. Depending

on the nature of the complaint, the review examines span of service (days and hours), frequency, routing directness, interconnectivity with other routes and/or fare policy. If inequities are discovered during this review, options for reducing the disparity are explored, and service or fare changes are planned if needed.

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

### **Fare and Service Changes**

FRED Transit follows its adopted written policy for the public comment process for major service reductions and fare increases. With each proposed service or fare change, FRED considers the relative impacts on, and benefits to, minority and low-income populations, including LEP populations. All planning efforts for changes to existing services or fares, as well as new services, have a goal of providing equitable service. See Appendices D.1 and D.2.

## APPENDIX A

### Title VI Notice to the Public



Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the 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).

Fredericksburg Regional Transit 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. Transit riders needing language assistance to use the transportation services will be assisted at no cost. If you would like to request additional information or if you feel you are being denied participation in or being denied benefits of the transit services provided by FRED Transit, or otherwise being discriminated against because of your race, color, or national origin, you may file a complaint with us. Our contact information is:

R. Craig Reed, Title VI Manager  
Manager of Policy, Planning and Compliance  
Fredericksburg Regional Transit  
1400 Emancipation Highway - Fredericksburg, VA 22401  
540.372.1222 x209 - rcreed@fredericksburgva.gov

You also have the right to file a complaint directly with the Federal Transit Administration. The complaint may be sent to:

Federal Transit Administration  
Office of Civil Rights  
Attn: Title VI Program Coordinator  
East Building, 5<sup>th</sup> Floor-TCR  
1200 New Jersey Avenue, SE  
Washington, DC 20590

A copy of FRED Transit's Title VI Program is available through FRED's website or a printed copy may be requested through the Title VI Manager.

## Título VI Aviso al Público



El Título VI de la Ley de Derechos Civiles de 1964 prohíbe la discriminación por motivos de raza, color u origen nacional en los programas y actividades que reciben asistencia financiera federal. Específicamente, el Título VI establece que "ninguna persona en los Estados Unidos, por motivos de raza, color u origen nacional, será excluida de la participación, se le negarán los beneficios de, o será objeto de discriminación en virtud de cualquier programa o actividad que reciba Asistencia financiera federal" (42 USC Sección 2000d).

FREDericksburg Regional Transit se compromete a garantizar que ninguna persona sea excluida de la participación o denegación de los beneficios de sus servicios de transporte por motivos de raza, color u origen nacional, como está protegido por el Título VI en la Circular 4702.1B de la Administración Federal de Tránsito (FTA). . A los pasajeros de transporte público que necesiten asistencia con el idioma para usar los servicios de transporte se les brindará asistencia sin costo. Si desea solicitar información adicional o si siente que se le niega la participación o se le niegan los beneficios de los servicios de tránsito proporcionados por FRED Transit, o que de otra forma se lo discrimina debido a su raza, color u origen nacional, puede presentar una queja ante nosotros. Nuestra información de contacto es:

R. Craig Reed, Title VI Manager  
Gerente de Política, Planificación y Cumplimiento  
Tránsito Regional Fredericksburg  
1400 Emancipation Highway, Fredericksburg, VA 22401  
540.372.1222 x209 - rcreed@fredericksburgva.gov

También tiene derecho a presentar una queja directamente con la Administración Federal de Tránsito. La queja puede ser enviada a:

Administración Federal de Tránsito  
Oficina de Derechos Civiles  
A la atención del coordinador del programa del Título VI  
Edificio Este, 5 ° Piso-TCR  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Una copia del Programa Título VI de FRED Transit está disponible a través del sitio web de FRED o se puede solicitar una copia impresa a través del Sr. Reed.

**APPENDIX B**  
**Title VI Complaint Form**

This form must be filed with FRED's Title VI Manager as shown below.

<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>			



You may also use this form to file a complaint directly with the Federal Transit Administration by sending it to:

Federal Transit Administration  
Office of Civil Rights  
Attn: Title VI Program Coordinator  
East Building, 5<sup>th</sup> Floor-TCR  
1200 New Jersey Avenue, SE  
Washington, DC 20590

## Formulario de Queja del Título VI

**Este formulario debe ser archivado con el Gerente del Título VI de FRED como se muestra a continuación.**

<b>Sección I:</b>				
<b>Nombre:</b>				
<b>Dirección:</b>				
<b>Teléfono (domicilio):</b>			<b>Teléfono (trabajo):</b>	
<b>Dirección de correo electrónico:</b>				
<b>Requisitos de formato accesible?</b>	<b>Gran Formato</b>		<b>Cinta de audio</b>	
	TDD		<b>Otros</b>	
<b>Sección II:</b>				
¿Está presentando esta queja en su propio nombre?			Si*	No
* Si respondió "sí" a esta pregunta, vaya a la Sección III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
En caso contrario, sírvase indicar el nombre y la relación de la persona por la que se queja:  _____				
Por favor, confirme que ha obtenido el permiso de la parte agraviada si está presentando en nombre de un tercero. Por favor, explique por qué ha presentado un tercero:			Si	No
<b>Sección III:</b>				
Creo que la discriminación que experimenté se basó en (marque todos los que apliquen):				
<input type="checkbox"/> Raza <input type="checkbox"/> Color <input type="checkbox"/> Origen Nacional				
Fecha de Presunta Discriminación (Mes, Día, Año): _____				
Explique lo más claramente posible lo que sucedió y por qué cree que fue discriminado. Describa a todas las personas involucradas. Incluya el nombre y la información de contacto de la persona (s) que discriminó (si se conoce), así como nombres e información de contacto de cualquier testigo. Si necesita más espacio, utilice la parte posterior de este formulario.				
<b>Sección IV</b>				

¿Ha presentado anteriormente una queja de Título VI con esta agencia?	Si	No
<b>Section V</b>		
¿Ha presentado esta queja ante cualquier otra agencia federal, estatal o local, o ante cualquier tribunal federal o estatal?		
<input type="checkbox"/> Si <input type="checkbox"/> No		
En caso afirmativo, marque todas las que correspondan:		
<input type="checkbox"/> Agencia Federal _____		
<input type="checkbox"/> Tribunal Federal _____		<input type="checkbox"/> Agencia Estatal _____
<input type="checkbox"/> Tribunal Estatal _____		<input type="checkbox"/> Agencia Local _____
Proporcione información sobre una persona de contacto en la agencia / tribunal donde se presentó la queja		
<b>Nombre:</b>		
<b>Título:</b>		
<b>Agencia:</b>		
<b>Dirección:</b>		
<b>Teléfono:</b>		
<b>Sección VI</b>		
El nombre de la queja de la agencia está en contra:		
Persona de contacto:		
Título:		
Número de teléfono		

Usted puede adjuntar cualquier material escrito u otra información que considere relevante para su queja.

Firma y fecha requerida abajo

\_\_\_\_\_

Firma

Fecha

Por favor envíe este formulario en persona a la dirección abajo, o envíe este formulario por correo a:

Fredericksburg Regional Transit  
Attn: Title VI Manager  
1400 Emancipation Highway

Fredericksburg, VA 22401

También tiene derecho a presentar una queja directamente con la Administración Federal de Tránsito. La queja puede ser enviada a:

Federal Transit Administration  
Office of Civil Rights  
Attn: Title VI Program Coordinator  
East Building, 5<sup>th</sup> Floor-TCR  
1200 New Jersey Avenue, SE  
Washington, DC 20590

## TITLE VI COMPLAINT 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 written 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) or a representative of the complainant.
  - c. In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the Title VI Manager. Under these circumstances, the complainant will be interviewed, and the Title VI Manager will assist the complainant in converting the verbal allegations to writing.
2. The complaint should include:
  - a. The complainant's name, address, and contact information, (i.e., telephone number, email address, etc.)
  - b. 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).
  - c. A description of the alleged act of discrimination
  - d. The location(s) of the alleged act of discrimination (include vehicle number if appropriate)
  - e. An explanation of why the complainant believes the act to have been discriminatory based on race, color, and national origin
  - f. If known, the names and/or job titles of those individuals perceived as parties in the incident
  - g. Contact information for any witnesses
  - h. Indication of any related complaint activity (e.g., whether the complaint also was submitted to DRPT or FTA)
3. The complaint shall be submitted to the FRED Transit Title VI Manager at 1400 Emancipation Highway or at [rcreed@fredericksburgva.gov](mailto:rcreed@fredericksburgva.gov).
4. Complaints submitted to any employee of FRED Transit will be immediately forwarded to the Title VI Manager.
5. Once the complaint is received, we will review it to determine if our office has jurisdiction.
6. Upon acceptance of the complaint, the Title VI Manager will immediately:
  - a. notify the FRED Transit Authorizing Official
  - b. ensure that the complaint is entered in the complaint database or log
7. Within 5 business days of receipt of the complaint, the Title VI Manager will contact the complainant informing her/him whether the complaint will be investigated by our office.
8. The Title VI Manager will contact the complainant by telephone to set up an interview.
9. 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.
10. If DRPT has assigned staff to assist with the investigation, the Title VI Manager will offer an opportunity to participate in the interview.

11. The alleged discriminatory service or program official will be given the opportunity to respond to all aspects of the complainant's allegations.
12. The Title VI Manager will determine, based on relevancy or duplication of evidence, which witnesses will be contacted and questioned.
13. 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
14. All steps taken and findings in the investigation will be documented in writing and included in the complaint file.
15. 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.
16. At the end of the investigation and within 60 days of the interview with the complainant, the Title VI Manager will prepare a report that includes a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition. This report will be provided to the Authorizing Official, DRPT and the FTA, and, if appropriate, FRED Transit's legal counsel.
17. The Title VI Manager will send a letter to the complainant notifying them of the outcome of the investigation. If the complaint was substantiated, the letter will indicate the course of action that will be followed to correct the situation. If the complaint is determined to be unfounded, the letter will explain the reasoning, and refer the complainant to DRPT and the FTA in the event the complainant wishes to appeal the determination. This letter will be copied to DRPT and the FTA.
18. A complaint may be dismissed for the following reasons:
  - a. The complainant requests to withdrawal 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.
19. DRPT or the FTA, as appropriate, will serve as the appealing forum to a complainant that is not satisfied with the outcome of an investigation conducted by FRED Transit. DRPT or the FTA, as appropriate, will follow their complaint/investigative process and contact the appellant according to their procedures.

## TÍTULO VI PROCEDIMIENTOS DE QUEJA

- a. . Cualquier persona, grupo de personas o entidad que crea que ha sido objeto de discriminación por motivos de raza, color u origen nacional puede presentar una queja por escrito ante el Administrador del Título VI. La queja debe ser presentada de la siguiente manera:
  - a. Una queja formal se debe presentar dentro de los 180 días calendario posteriores a la supuesta ocurrencia.
  - b. La queja debe ser por escrito y firmada por el demandante(s) o un representante del demandante.
- b. En el caso en que un demandante no pueda o no pueda proporcionar una declaración por escrito, se puede presentar una queja verbal de discriminación ante el Administrador del Título VI. En estas circunstancias, se entrevistará al denunciante y el Administrador del Título VI ayudará al demandante a convertir las acusaciones verbales en redacción.

La queja debe incluir:

  - a. el nombre, la dirección y la información de contacto del demandante, (es decir, número de teléfono, dirección de correo electrónico, etc.)
  - b. la(s) fecha(s) del presunto acto de discriminación (si hay varios días, incluya la fecha en que el demandante(s) tomó conocimiento de la presunta discriminación y la fecha en que se suspendió la supuesta discriminación o la última instancia).
  - c. una descripción del presunto acto de discriminación
  - d. la(s) ubicación(es) del presunto acto de discriminación (incluya el número de vehículo si corresponde)
  - e. una explicación de por qué el demandante cree que el acto ha sido discriminatorio en función de la raza, el color y el origen nacional
  - f. si se conocen, los nombres y / o los títulos de trabajo de aquellos individuos percibidos como partes en el incidente
  - g. información de contacto para cualquier testigo
  - h. indicación de cualquier actividad de queja relacionada (por ejemplo, si la queja también fue presentada a DRPT o FTA).
- c. La queja debe ser presentada al Gerente de VIED Transit Title VI en 1400 Emancipation Highway o en [rcreed@fredericksburgva.gov](mailto:rcreed@fredericksburgva.gov).
- d. Las quejas presentadas a cualquier empleado de FRED Transit serán enviadas inmediatamente al Administrador del Título VI.
- e. Una vez que se recibe la queja, la revisaremos para determinar si nuestra oficina tiene jurisdicción.
- f. Tras la aceptación de la queja, el Administrador del Título VI inmediatamente:
  - a. notificar a DRPT y al FTA (a más tardar 3 días hábiles desde la recepción) segundo. notificar al oficial autorizador de tránsito de FRED
  - b. asegúrese de que la queja se ingrese en la base de datos de quejas o inicie sesión.
- g. Dentro de los 3 días hábiles posteriores a la recepción de la queja, el Gerente del Título VI se comunicará con el demandante para informarle si nuestra oficina investigará la queja.
- h. El gerente del Título VI contactará al demandante por teléfono para programar una entrevista.

- i. Se le informará al demandante que tiene derecho a que un testigo o representante esté presente durante la entrevista y puede presentar cualquier documentación que perciba como relevante para probar su queja.
- j. Si DRPT o el FTA ha asignado personal para ayudar con la investigación, el Gerente del Título VI ofrecerá la oportunidad de participar en la entrevista.
- k. El supuesto servicio discriminatorio o funcionario del programa tendrá la oportunidad de responder a todos los aspectos de las alegaciones del demandante.
- l. El Gerente del Título VI determinará, según la relevancia o la duplicación de la evidencia, qué testigos serán contactados y cuestionados.
- m. La investigación también puede incluir:
  - a. investigar los registros operativos, políticas o procedimientos de los contratistas
  - segundo. revisar rutas, horarios y políticas de tarifas
  - b. revisar las políticas y procedimientos operativos
  - c. revisar los registros de programación y despacho
  - d. observar el comportamiento del individuo cuyas acciones fueron citadas en la queja.
- n. Todos los pasos y conclusiones de la investigación se documentarán por escrito y se incluirán en el archivo de la queja.
- o. El gerente del Título VI se pondrá en contacto con el demandante al finalizar la investigación, pero antes de escribir el informe final, y le dará al demandante la oportunidad de dar una declaración de refutación al final del proceso de investigación.
- p. Al final de la investigación y dentro de los 60 días de la entrevista con el demandante, el Gerente del Título VI preparará un informe que incluye una descripción narrativa del incidente, identificación de las personas entrevistadas, hallazgos y recomendaciones para la disposición. Este informe se proporcionará al Funcionario Autorizado, DRPT y el FTA, y, si corresponde, al asesor legal de FRED Transit.
- q. El Gerente del Título VI enviará una carta al demandante notificándole el resultado de la investigación. Si la queja fue corroborada, la carta indicará el curso de acción que se seguirá para corregir la situación. Si se determina que la queja es infundada, la carta explicará el razonamiento y remitirá al demandante a DRPT y al FTA en caso de que el demandante desee apelar la determinación. Esta carta será copiada a DRPT y al FTA.
- r. Una queja puede ser desestimada por las siguientes razones:
  - a. El demandante solicita retirar la queja.
  - b. No se puede programar una entrevista con el demandante después de intentos razonables.
  - c. El demandante no responde a las solicitudes repetidas de información adicional necesaria para procesar la queja.
- s. El DRPT o el FTA, según corresponda, servirá como el foro de apelación para un demandante que no está satisfecho con el resultado de una investigación realizada por FRED Transit. DRPT o el FTA, según corresponda, seguirán su proceso de queja / investigación y se comunicarán con el apelante de acuerdo con sus procedimientos.

APPENDIX C

Investigations, Lawsuits and Complaints Summary Log

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

No Title VI complaints or lawsuits were filed in FY2018, FY2019 or FY 2020; no FTA, DRPT or other investigations were undertaken.

## APPENDIX D

### Summary of Outreach Efforts

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

- Title VI Public Meeting in July 2021 to discuss related updates to the new Title VI Program.
- Publishing FRED's Title VI, DBE and EEO public meeting in the local general circulation newspaper (The Free Lance-Star) so that citizens are aware of their existence and whom to contact at FRED for information regarding the programs.
- Briefing Public Transit Advisory Board (PTAB) members on these programs. PTAB members represent local jurisdictions, businesses, academic institutions, organizations, the disabled community and the general public, and are in a position to disseminate information about and register concerns about FRED policies and programs.
- Posting Title VI and other nondiscrimination policies, plans and programs at FRED facilities and on buses and on the FRED website, [www.rideFRED.com](http://www.rideFRED.com).
- Ensuring all contracts and procurements contain the appropriate sections describing FRED's policies, plans and programs relating to Title VI and other nondiscrimination requirements.

FRED Transit's public participation policies and procedures for fare, route and schedule changes are shown below. Also shown as Appendix D.3 is a Memorandum of Understanding between FRED Transit and the Fredericksburg Area Metropolitan Planning Organization (FAMPO) through which FRED Transit uses FAMPO's approved Public Participation Plan for all regional planning related undertakings.

## APPENDIX D.1

### FRED Transit Public Notice and Participation Policy for Proposed Fare and Service Changes

#### FREDERICKSBURG REGIONAL TRANSIT

#### POLICY

##### Purpose

This document describes the process by which FREDericksburg Regional Transit (FRED) will consider and implement fare and service changes.

##### Policy

It is FRED's policy to review fare levels and service offerings periodically and/or upon request to make certain that FRED is fulfilling its mission to provide safe, economical and reliable transit services that contribute to the economic and social development of the Fredericksburg Region. In making any changes, FRED will give ample opportunity to the public to provide comment on any changes in fares and/or levels of service. Reviews of fares and services will be conducted annually and will be coordinated with the Public Transit Advisory Board. In proposing fare and service changes, FRED will adhere to all rules and regulations applicable under Title VI of the Civil Rights Act, including implementing the language assistance plan, under which FRED is committed to operate its programs and services without regard to race, color, and national origin.

##### Fares

A fare increase is defined as:

- Any change to an existing, established fare rate or fare type applicable to regular deviated fixed route service that results in a higher fare rate than is currently in effect.
- The establishment of a new deviated fixed route service that would charge fares that are higher than the existing, established fare rate or fare type that is currently in effect for other deviated fixed route services.
- The conversion of experimental or demonstration fare rates or types into permanent fare rates or types that have the effect described in the two bullets above.

##### Services

A service change is defined as the implementation of a new, regular deviated fixed route service or new limited special purpose services (e.g., limited stop commuter rail feeder services); or a significant reduction in transit service. A significant reduction in transit service is defined as:

- The elimination of a transit route.
- A reduction of 25% or more in the revenue vehicle miles operated on an existing transit route.
- Any change in service level, routing or structure that is expected to result in a 25% or more decline in ridership.

### Solicitation and Consideration of Public Comment

FRED will solicit and consider public comments prior to implementing fare increases or service reductions as defined above.

The solicitation of public comment will – at a minimum – include the opportunity to provide written comments. FRED may, at its discretion, also hold public meetings to provide additional opportunities for public comment.

At least thirty (30) days prior to the proposed implementation date for any fare increase or significant service decrease, FRED will publish the details of the proposed changes on its website and may post the information in general circulation newspapers in affected jurisdictions, on the City of Fredericksburg’s website. Notices may also be posted on all buses, FRED Central and in selected public places (e.g., libraries).

All notices of proposed changes will include a description of the proposed changes, the proposed effective date(s) of the changes, and the method(s) by which the public may comment. When proposing fare and services changes noted above, FRED will always request public comments in writing and may, at its sole discretion, hold public hearings.

- For written comments, FRED will allow a minimum of 30 days (with a goal of 45 days) from the date of the public notice prior to implementing any change.
- For public hearings, FRED will schedule any such hearings within two weeks of the date of the public notice; when scheduling public hearings, FRED will also provide the public with the opportunity to submit written comments as described above. Public hearings will be held in the jurisdictions most directly affected by proposed changes in fares and services. For system-wide changes, public hearings will be held in a central location or in multiple locations at FRED’s discretion.

For its information, FRED will provide the Public Transit Advisory Board (PTAB -- on which all funding jurisdictions are represented) a summary of written comments received in response to the solicitation process, a summary of testimony delivered at any public hearings and a summary of any other comments received from the public or funding jurisdictions.

Final determinations relating to fare increases will be made by the City of Fredericksburg, taking into consideration comments received from the public and funding jurisdictions as well as the views of the PTAB. Final determinations about service changes will be made jointly by the City of Fredericksburg and the jurisdiction funding the local share of the service.

Once final decisions have been made about fare and service changes and their effective dates, the public will be informed through news releases, website postings, postings on buses and in FRED Central and in selected public buildings.

## **APPENDIX D.2**

### **FRED Transit Public Notice and Participation Policy for Proposed Schedule and Route Changes**

Purpose: To establish policies and procedures for amending FRED service schedules and routes and related internal and external documentation and information.

#### Policy

FRED develops its service schedules and routes to accommodate the needs of its customers and the requests of its public and private partners. Routes and schedules are also designed to reflect FRED's role as a regional system, providing customers a means to travel to key locations throughout the area via coordinated transfers at designated bus stops. FRED's schedules are further designed to reflect realistic drive times over each of its routes, although conditions on public highways vary from day to day, sometimes making it difficult to adhere to published schedules.

The FRED service area is dynamic, experiencing rapid population growth, commercial and residential development and roadway construction. Consequently, it is to be expected that FRED will need to adjust its routes and schedules to accommodate the many changes taking place in the service area.

It is FRED's policy to conduct a comprehensive review and, as necessary, to adjust its routes and schedules annually. Typically, that annual review will be scheduled for July, prior to FRED's submission of proposed budgets to the City and other public and private sector partners. The annual review will be shared with the Public Transportation Advisory Board.

In considering potential changes to routes and schedules, FRED will adhere to all rules and regulations under Title VI of the Civil Rights Act, including implementing the language assistance plan, under which FRED is committed to operate its programs and services without regard to race, color, and national origin.

Adjustments to individual routes and schedules may take place whenever the need arises (e.g., when a new roadway opens; when a partner provides financial support for a new route or for more frequent service). Minor and repeated adjustments to schedules and routes over the course of a year are to be avoided, as this can confuse customers and increase costs without resulting in significant benefits.

The primary responsibility for conducting the annual review rests with the Operations Manager, who will prepare a memorandum to the Transit Director listing all proposed amendments. All amendments to routes and schedules must be approved in writing by the Transit Director.

When schedule and route changes are made, it is critical to make certain that all aspects of FRED operations relating to such changes are adjusted accordingly and fully coordinated. The following checklist may be used to ensure that coordination takes place:

Public notice of proposed changes at least one month in advance

- In buses
- In FRED Central
- To City Hall
- To affected jurisdictions
- In the Free Lance-Star
- To PTAB
- On rideFRED.com

Hard copies of affected routes and schedules

- Make adjustments
- Order copies from the printer
- Distribute to distribution points

Bus stops and shelters

- Remove, relocate, add as required
- Update electronic bus stop inventory
- Place new schedules at stops and shelters as required
- Make adjustments to on-line information

## **APPENDIX D.3**

### **Memorandum of Understanding between FRED Transit and Fredericksburg Area Metropolitan Planning Organization regarding Public Participation**

#### **MEMORANDUM OF UNDERSTANDING BETWEEN FREDERICKSBURG AREA METROPOLITAN PLANNING ORGANIZATION AND FREDERICKSBURG REGIONAL TRANSIT REGARDING PUBLIC PARTICIPATION IN TRANSIT PLANNING PROCESS**

#### **PURPOSE**

The purpose of this Memorandum of Understanding (MOU) is to describe the process by which the Fredericksburg Area Metropolitan Planning Organization (FAMPO) and FREDericksburg Regional Transit (FRED) will cooperate to ensure that the public has ample knowledge about and opportunity to comment on transit-related aspects of the Transportation Improvement Plan (TIP), the Program of Projects (POP), the Six-Year Transportation Improvement Plan (STIP), and the Long-Range Transportation Plan (LRTP).

#### **BACKGROUND**

FAMPO is the metropolitan planning organization organized under Federal law (TEA-21) responsible for transportation planning and approval of Federally funded transportation projects in the region. The region includes the City of Fredericksburg and the counties of Stafford and Spotsylvania. FAMPO's Public Participation Plan (PPP), updated and amended in June 2010 describes the procedures FAMPO uses to inform the public about plans for transportation projects in the region and solicit comment from the public on those plans.

FRED is a department of the City of Fredericksburg and provides regular route (with route deviations) service in the City of Fredericksburg and the counties of Spotsylvania, Stafford, Caroline and King George. FRED receives Federal and Commonwealth of Virginia financial assistance for these services under a variety of programs. FRED projects are included in the various transportation plans and programs of projects developed by FAMPO. FRED is a member of the FAMPO Technical Committee, which – under the guidance of FAMPO staff – develops the region's TIPs and POPs and makes recommendations to the FAMPO Policy Committee.

OBTAINING PUBLIC INPUT ON TRANSIT-RELATED PROJECTS

FAMPO and FRED are committed to providing the region’s citizens with ample opportunity to learn about and comment on transit-related plans and projects. To that end, FAMPO has developed a PPP that is fully compliant with the letter and spirit of 49 USC Chapter 53, Section 5303.

Rather than develop a separate PPP, FRED will use FAMPO’s PPP and good offices to ensure that citizens have a full opportunity to comment on FRED’s and other transit-related plans in the region.

To make certain that all FRED transit-related plans and projects are reflected in the region’s TIPs, LRTPs and other relevant planning documents, FRED will participate actively in the development of those documents through its participation on the FAMPO Technical Committee. FRED will work with FAMPO to ensure that all Federally funded projects are accurately reported with respect to their scope and funding.

In its PPP process, FAMPO will make certain that all Federally funded projects relating to transit service will be incorporated into TIPs, LRTPs and related planning documents, and will be included in outreach efforts including, as appropriate, public notices, workshops, public hearings, comment periods, websites, emails, surveys, media relations, and the use of committees and workgroups to which citizens may be appointed. Such efforts will include sufficient detail to permit the public to understand the nature of and funding for all transit-related projects. FAMPO also agrees to keep current its PPP and to make any amendments that might be required by Federal law and regulation.

AMENDMENT AND TERM OF THE MEMORANDUM OF UNDERSTANDING

This MOU will remain in effect until such time as either FAMPO or FRED desires to terminate it, on not less than sixty (60) day notice. This MOU may be amended at any time by the mutual consent of FAMPO and FRED.

For FAMPO

For FRED

\_\_\_\_\_/s/\_\_\_\_\_

\_\_\_\_\_/s/\_\_\_\_\_

Lloyd Robinson

Wendy L. Kimball

FAMPO Administrator

Director, Public Transit (FRED)

August 8, 2011 \_\_\_\_\_ Date

**APPENDIX E**

**Table – Minority Representation on the Public Transit Advisory Board**

	<b>Caucasian</b>	<b>Latino</b>	<b>African American</b>	<b>Asian American</b>	<b>Native American</b>
<b>% of Population</b>	<b>61.5%</b>	<b>9.4%</b>	<b>18%</b>	<b>2.7%</b>	<b>&gt;1%</b>
<b>Public Transit Advisory Board</b>	<b>88.5%</b>	<b>0%</b>	<b>12.5%</b>	<b>0%</b>	<b>0%</b>

Source: Derived from Census Demographic Profile Data and FRED Transit PTAB Data.

## APPENDIX F

### LEP Analysis

FRED Transit used the language spoken data found for 2012-2016 from the U.S. Census Bureau's American Community Survey (ACS) at <https://factfinder.census.gov>. The Region is comprised of Spotsylvania (includes Fredericksburg), Stafford and Caroline counties. The most highly represented LEP languages spoken at home in the Region are presented below.

#### LIMITED ENGLISH PROFICIENCY ANALYSIS FOR THE FREDERICKSBURG REGION

	<u>Stafford</u>	<u>Spotsy/City</u>	<u>Caroline</u>	<u>Total Population</u>	<u>Percent</u>
Population	130,637	121,028	27,665	279,330	100.0%
<b>Spanish</b> Speak English less than well or not at all	1512	1317	64	2893	1.04%
<b>African Languages/German</b> Speak English less than well or not at all	211	160	18	389	0.14%
<b>Chinese/Korean</b> Speak English less than well or not at all	276	349	26	651	0.23%

Source: U.S. Census Bureau, 2012-2016 (5-Year) American Community Survey for the City of Fredericksburg and the counties of Spotsylvania, Stafford and Caroline

Following the Safe Harbor provision, FRED Transit will provide written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less of the total population of persons eligible to be served. The 2012-2016 ACS data results are that only one language, Spanish, is spoken by more than 1,000 persons in the Region with limited English proficiency. Consequently, FRED's main efforts are directed to providing vital documents in Spanish. The vital documents are described under "LAP Implementation Plan."

**APPENDIX G**

**APPENDIX G**

**PLAN APPROVAL DOCUMENT**

I hereby acknowledge the receipt of the Fredericksburg Regional Transit's Title VI Program FY2022-2024. Under authority delegated by City Council, 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 Fredericksburg Regional Transit's transportation services on the basis of race, color, or national origin, as protected by Title VI according to Federal Transit Administration (FTA) Circular 4702.1B Title VI requirements and guidelines.

\_\_\_\_\_  
Signature of Authorizing Official

Timothy J. Baroody, City Manager  
City of Fredericksburg

\_\_\_\_\_  
Date