



Official Name: Roanoke Valley Area Metropolitan Planning Organization (RVAMPO)

Title VI, Environmental Justice and Limited English Proficiency (LEP) Plan - Working Draft

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Acknowledgements

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ABSTRACT

Title VI of the Civil Rights Act of 1964 states: "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." Subsequent laws and Presidential Executive Orders added handicap, sex, age, or income status to the criteria for which discrimination is prohibited. The Roanoke Valley Area Metropolitan Planning Organization (RVAMPO) Title VI Plan was developed to ensure the RVAMPO is in compliance with nondiscrimination requirements as outlined in Title 23 CFR and 49 CFR and related laws and provides specific information on how to file a nondiscrimination complaint.

This Plan also provides an overview of Environmental Justice and Limited English Proficiency (LEP) concepts, definitions of Title VI and associated nondiscrimination acts, and how Title VI, Environmental Justice and LEP are incorporated into the metropolitan transportation planning process. Environmental Justice guidelines and outreach strategies for minority, low-income, and LEP

populations are included within the RVAMPO Public Participation Plan, Original Version 2007 and Adjusted Version 2014. The RVAMPO Public Participation Plan is scheduled to be updated in Fiscal Year 2016.

ACKNOWLEDGEMENTS

This report was prepared by the Roanoke Valley Area Metropolitan Planning Organization (RVAMPO) – Commonly known as the Roanoke Valley Transportation Planning Organization (RVTPO) - in cooperation with the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Virginia Department of Transportation (VDOT) and the Virginia Department of Rail and Public Transportation (VDRPT). The contents do not necessarily reflect the official views or policies of the FHWA, FTA, VDOT, Department of Rail and Public Transportation (DRPT), RVTPO or Roanoke Valley-Alleghany Regional Commission (RVARC). This report does not constitute a standard, specification, or regulation. FHWA, FTA or VDOT acceptance of this report as evidence of fulfillment of the objectives of this planning study does not constitute endorsement/approval of the need for any recommended improvements nor does it constitute approval of their location and design or a commitment to fund any such improvements. Additional project level environmental impact assessments and/or studies of alternatives may be necessary.

“The Roanoke Valley Transportation Planning Organization (RVTPO) fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, or to obtain a Discrimination Complaint Form, see www.rvarc.org or call (540) 343-4417.”

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1.0 RVAMPO Title VI Plan

The Roanoke Valley Area Metropolitan Planning Organization (RVAMPO) operates and does business as the Roanoke Valley Transportation Planning Organization (RVTPO). The RVAMPO Policy Board felt that RVTPO better communicates the Transportation Planning purpose of the body to citizens at large. Staff use the RVTPO brand in public facing and outreach efforts. Since this is an official document the official name of RVAMPO will appear throughout this document as well. RVAMPO and RVTPO can be taken as synonyms throughout this document.

Purpose:

The Roanoke Valley Area Metropolitan Planning Organization (RVAMPO), as a sub-recipient of federal financial assistance, is required to comply with Title VI and subsequent nondiscrimination laws, as well as provide an overview of how the RVAMPO addresses Executive Order 12898 on Environmental Justice and Executive Order 13166 on Limited English Proficiency (LEP). The purpose of this Title VI Plan is to describe the measures taken by the RVAMPO to assure compliance with the rules and regulations associated with Title VI and subsequent nondiscrimination laws, Environmental Justice, and LEP.

The RVAMPO, for which this Title VI Plan is applicable, is the metropolitan planning organization (MPO) for the area around Roanoke, Virginia. As such, it is a federally mandated transportation policy board comprised of representatives from local, state, and federal governments, transit agencies, and other stakeholders and is responsible for transportation planning and programming for the Roanoke Metropolitan Planning Area (MPA). Any highway or transit project or program to be constructed or conducted within the MPA and to be paid for with Federal funds, must receive approval by the RVAMPO

before any Federal funds can be expended. In addition, any highway or transit project deemed to be regionally-significant, regardless of the source(s) of funding, must receive RVAMPO approval to proceed.

1.1 Title VI Policy Statement

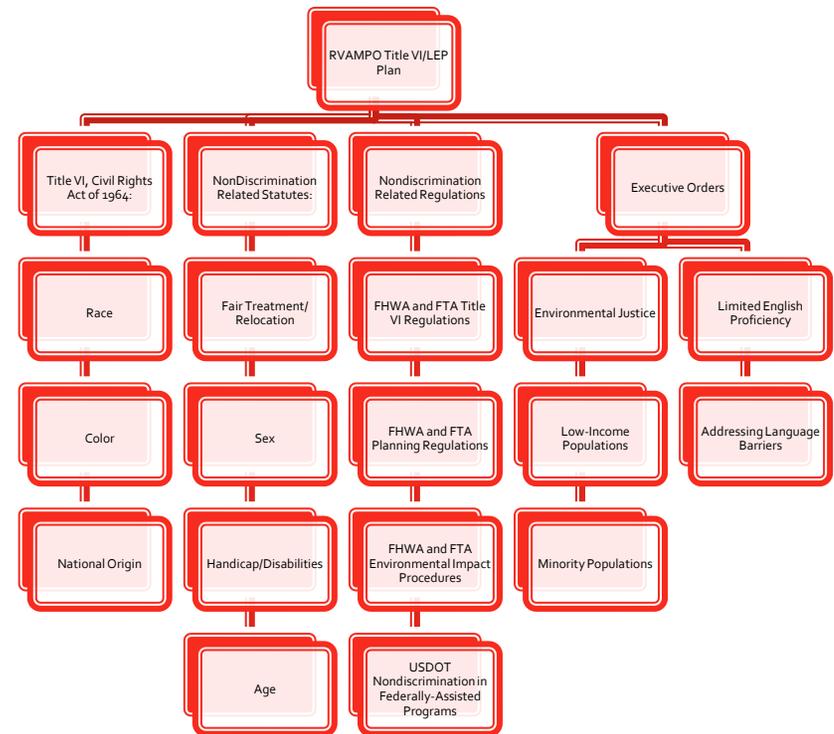
The RVAMPO assures that no person shall, on the grounds of race, color, national origin, handicap, sex, age or income status, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (Public Law 100.259) and subsequent nondiscrimination laws and related authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The RVAMPO further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. In the event the RVAMPO distributes federal-aid funds to another governmental entity, the RVAMPO will include Title VI language in all written agreements and will monitor for compliance. The RVAMPO Director of Transportation Planning Organization Programs is responsible for ensuring implementation of the organization's Title VI Plan. The Title VI Administrator, under supervision of the Executive Director of the Roanoke Valley-Alleghany Regional Commission and in coordination with the RVAMPO Director of Transportation Planning Organization Programs, is responsible for coordinating the overall administration of the Title VI/LEP Plan and assurances. The authorities that provide guidance on Title VI and related nondiscrimination laws, regulations, and executive orders can be found in the "Title VI and Other Nondiscrimination Laws" section of this document.

1.2 Introduction

Title VI of the Civil Rights Act of 1964 prohibits federal agencies and sub-recipients of federal funds from discriminating, on the basis of race, color or national origin, against participants or clients of programs that receive Federal funding. Subsequent laws and Presidential Executive Orders added handicap, sex, age, or income status to the criteria for which discrimination is prohibited. This document addresses prohibition of discrimination as mandated by Title VI as well as by the authorities listed in the following section.

In addition to nondiscrimination, this document provides information regarding two Presidential Executive Orders pertaining to fairness and inclusiveness. Executive Order 12898 mandates that federal agencies address equity and fairness, or Environmental Justice, toward low-income and minority persons and populations. Executive Order 13166 mandates that federal agencies ensure that people who have Limited English Proficiency (LEP) have meaningful access to federally-conducted and/or funded programs and activities. Detailed Environmental Justice guidelines and outreach strategies for minority, low-income, and LEP populations to comply with Executive Order 12898 and Executive Order 13166 are included in the RVAMPO Public Participation Plan, originally completed in 2007 and adjusted/updated in 2014.

The chart below depicts the nondiscrimination authorities addressed in the RVAMPO Title VI/LEP Plan.



1.3 Title VI and Other Nondiscrimination Authorities

Title VI is usually referred to in the context of federal nondiscrimination laws. Title VI is one of eleven titles included in the Civil Rights Act of 1964. The following is a list of all of the Civil Rights Act titles:

- I. Voting Rights
- II. Public Accommodation
- III. Desegregation of Public Facilities
- IV. Desegregation of Public Education
- V. Commission on Civil Rights
- VI. Nondiscrimination in Federally Assisted Programs and Activities**
- VII. Equal Employment Opportunity
- VIII. Registration and Voting Statistics
- IX. Intervention and Procedure after Removal in Civil Rights Cases
- X. Establishment of Community Relations Service
- XI. Miscellaneous

Title VI ***“declares it to be the policy of the United States that discrimination on the ground of race, color, or national origin shall not occur in connection with programs and activities receiving federal financial assistance and authorizes and directs the appropriate federal departments and agencies to take action to carry out this policy.”*** Any organization that receives Federal funds is bound to comply with Title VI.

Since the Civil Rights Act of 1964, other nondiscrimination laws have been enacted to expand the range and scope of Title VI coverage and applicability:

- ***The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*** prohibits unfair and inequitable treatment of persons displaced or whose property will be acquired as a result of federal and federal-aid programs and projects.
- ***The Federal Aid Highway Act of 1973*** states that no person shall, on the grounds of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.
- ***Section 504 of the Rehabilitation Act of 1973*** states that no qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance. This Act protects qualified individuals from discrimination based on their disability.
- ***The Age Discrimination Act of 1975*** states that no person shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. This act prohibits age discrimination in Federally Assisted Programs.
- ***The Civil Rights Restoration Act of 1987, P.L.100-209*** amends Title VI of the 1964 Civil Rights Act to make it clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal assistance.
- ***The American Disabilities Act (ADA) of 1990*** prohibits discrimination against people with disabilities in employment,

transportation, public accommodation, communications, and governmental activities.

- **23 CFR Part 200** – Federal Highway Administration regulations: Title VI Program and Related Statutes – Implementation and Review Procedures.
- **49 CFR Part 21** – Nondiscrimination in Federally-Assisted Programs.
- **23 CFR Part 450** – Federal Highway Administration planning regulations.
- **23 CFR Part 771** – Federal Highway Administration regulations, Environmental Impact Procedures.

In addition to the laws listed above, two executive orders must be taken into account when ensuring compliance with federal nondiscrimination laws, directives, and mandates:

- **Executive Order 12898** – Environmental Justice (February 11, 1994), a presidential mandate to address equity and fairness toward low-income and minority persons/population. Executive Order 12898 organized and explained the federal government’s commitment to promote Environmental Justice. Each federal agency was directed to review its procedures and make environmental justice part of its mission. U.S. DOT Order 5610.2 (April 15, 1997) expanded upon Executive Order 12898 requirements and describes process for incorporating Environmental Justice principles into DOT programs, policies, and activities. FHWA Order 6640.23 (December 2, 1998) – FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.
- **DOT Order 5610.2** on Environmental Justice summarized and expanded upon the requirements of Executive Order 12898 to include all policies, programs, and other activities that are undertaken, funded, or approved by the Federal Highway

Administration (FHWA), the Federal Transit Administration(FTA), or other U.S. DOT components.

- **Executive Order 13166** – Limited English Proficiency (August 11, 2000), a presidential directive to federal agencies to ensure people who have limited English proficiency have meaningful access to services. Executive Order 13166 ensures federal agencies and their recipients to improve access for persons with Limited English Proficiency to federally-conducted and federally assisted programs and activities.
- **The National Environmental Policy Act (NEPA) of 1969** addresses both social and economic impacts of environmental justice. NEPA stresses the importance of providing for “all Americans, safe, healthful, productive and aesthetically pleasing surroundings,” and provides a requirement for taking a “systematic interdisciplinary approach” to aid in considering environmental and community factors in decision-making.
- **FHWA/FTA Memorandum Implementing Title VI Requirements in Metropolitan and Statewide Planning** - This memorandum provides clarification for field officers on how to ensure that environmental justice is considered during current and future planning certification reviews. The intent of this memorandum was for planning officials to understand that environmental justice is equally as important during the planning stages as it is during the project development stages.

1.4 Environmental Justice

On February 11, 1994, President William J. Clinton signed **Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations**, which directs federal agencies to develop strategies to help them identify and address disproportionately high and adverse human health or environmental effects of their

programs, policies, and activities on minority and low-income populations. The Executive Order was also intended to provide minority and low-income communities with access to public information and opportunities for public participation in matters relating to human health or the environment.

Adverse effects as described in Executive Order 12898 is the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to:

- Bodily impairment, infirmity, illness or death.
- Air, noise, and water pollution and soil contamination.
- Destruction or disruption of:
 - man-made or natural resources
 - aesthetic values
 - community cohesion or a community's economic vitality
 - the availability of public and private facilities and services
- Adverse employment effects.
- Displacement of persons, businesses, farms, or non-profit organizations.
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community.
- Denial of, reduction in, or significant delay in the receipt of benefits of the RVAMPO programs, policies, or activities.

Environmental Justice joins social and environmental movements by addressing the unequal environmental burden often borne by minority and low-income populations. The right to a safe, healthy, productive, and sustainable environment for all, where "environment" is considered in its totality to include the ecological (biological), physical (natural and built), social, political, aesthetic, and economic environments.

Environmental Justice helps to ensure that programs, policies, and activities that have adverse effects on communities do not affect minority and low-income populations disproportionately. To prevent discrimination as described in Executive Order 12898, the Federal Highway Administration Order 6640.23 *Order To Address Environmental Justice in Minority Populations and Low-Income Populations* dated December 2, 1998 defines minority and low-income individuals and populations as follows:

Minority – a person who is Black, Hispanic, American Indian and Alaskan Native, or Asian American:

- **Black** – a person having origins in any of the black racial groups of Africa.
- **Hispanic** – a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- **American Indian and Alaskan Native** – a person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.
- **Asian American** – a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific islands.

Minority Population – any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed program, policy or activity.

Low-Income – a person whose household income is at or below the United States Department of Health and Human Services poverty guidelines.

Low-Income Population – any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient

persons (such as migrant workers or Native Americans) who would be similarly affected by a proposed program, policy or activity.

Environmental Justice is incorporated through all phases of the transportation planning and programming process.

1.5 Limited English Proficiency

On August 11, 2000, President William J. Clinton signed ***Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency***. The Executive Order requires federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. The Executive Order also requires that federal agencies work to ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English can be limited English proficient, or “LEP.” For an LEP individual, language can present a barrier to accessing benefits and services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. These individuals may be entitled to language assistance at no cost to them with respect to a particular type of service, benefit, or encounter.

The United States Department of Transportation guidelines require that recipients of federal financial assistance provide “meaningful access to programs and activities” by giving LEP persons adequate and understandable information and allowing them to participate in programs and activities, where

appropriate. Recipients of federal funds must take reasonable steps to remove barriers for LEP individuals. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors:

1. Demography: number and/or proportion of LEP persons served and languages spoken in service area.
2. Frequency: rate of contact with service or program.
3. Importance: nature and importance of program/service to people’s lives.
4. Resources: available resources, including language assistance services.

The four-factor analysis should be used to determine which language assistance services are appropriate to address the identified needs of the LEP population.

1.6 Responsibilities of the RVAMPO Title VI Coordinator

The RVAMPO Title VI Coordinator is generally responsible for overseeing compliance with applicable nondiscrimination authorities in each of the metropolitan transportation planning and programming areas. Other staff members are expected to provide information and support to assist the Coordinator member perform his or her tasks.

Responsibilities of the Title VI Coordinator

The Title VI Coordinator is responsible for supervising staff activities pertaining to nondiscrimination regulations and procedures set forth in federal guidance and in accordance with the RVAMPO Title VI/LEP Plan. In support of this, the Title VI Coordinator will:

- Identify, investigate, and work to eliminate discrimination when found to exist.
- Process discrimination complaints received by the RVAMPO. Any individual may exercise his or her right to file a complaint with the RVAMPO, if that person believes that he or she or any other program beneficiaries have been subjected to discrimination, in their receipt of benefits/services or on the grounds of race, color, national origin, sex, handicap, age, or income status. The RVAMPO will make a concerted effort to resolve complaints in accordance with Discrimination Complaint Procedures.
- Meet with appropriate staff members to monitor and discuss progress, implementation, and compliance issues related to the RVAMPO Title VI/LEP Plan.
- Periodically review the RVAMPO Title VI/LEP Plan to assess whether administrative procedures are effective, staffing is appropriate, and adequate resources are available to ensure compliance.
- Work with staff involved with Consultant Contracts and the sub-recipient found to not be noncompliant, to resolve the deficiency status and write a remedial action if necessary, as described in the Consultant Contracts section of this document.
- Review important issues related to nondiscrimination with the Executive Director of the Roanoke Valley-Alleghany Regional Commission (RVARC) and/or the RVTPO Director of Transportation Planning Organization Programs, as needed.
- Maintain a list of Interpretation Service Providers.
- Assess communication strategies and address additional language needs when needed.
- Disseminate information related to the nondiscrimination authorities. The RVAMPO Title VI/LEP Plan is to be disseminated to RVARC/RVTPO employees,

contractors, the general public, and any of the RVAMPO services.

- Coordinate with appropriate federal, state, and regional entities to periodically provide RVARC/RVAMPO employees with training opportunities regarding nondiscrimination.

Questions

For questions on the RVAMPO Title VI/LEP Plan and procedures, please contact Jeremy Holmes, Title VI Coordinator at (540) 343-4417 or by email at jholmes@rvarc.org. For information on the RVAMPO's (RVTPO's) work programs or publications, please see the RVARC website at www.rvarc.org.

1.7 RVAMPO Americans with Disabilities Act (ADA) Coordinator

The RVAMPO and RVARC share an ADA Coordinator. For questions about ADA compliance please contact Bryan Hill, ADA Coordinator at (540) 343-4417 or by email at bhill@rvarc.org. For information on the RVAMPO's (RVTPO's) work programs or publications, please see the RVARC website at www.rvarc.org.

1.8 Annual Nondiscrimination Assurance to the Virginia Department of Rail and Public Transportation (DRPT)

As part of the Certifications and Assurances submitted to the DRPT with the Annual Grant Application and all Federal Transit Administration grants submitted to the VDRPT, RVARC 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, RVARC confirms to VDRPT the agency's commitment to nondiscrimination and compliance with federal and state requirements.

1.9 RVAMPO Responsibilities

The RVAMPO ensures compliance with all applicable nondiscrimination authorities and with regard to the following:

- Communications and Public Participation
- Planning and Programming
- Environmental Justice
- Consultant Contracts
- Education and Training

In addition to the responsibilities listed in this section, responsibilities may include reviewing Title VI guidelines and procedures for the RVAMPO Title VI Plan, and incorporating Title VI-related language and provisions into RVAMPO documents, as appropriate.

1.10 Communications and Public Participation Responsibilities

The RVAMPO staff is responsible for evaluating and monitoring compliance with applicable nondiscrimination authorities in all aspects of the RVAMPO public participation process. RVAMPO staff members will:

- Ensure that all communications and public participation efforts comply with nondiscrimination authorities.
- Develop and distribute information on nondiscrimination and RVAMPO programs to the general public.

- Provide services for individuals with special needs – Upon advance notice, deaf interpreters, translators, and Braille documents can be provided for public meetings. Notifications of opportunities for public participation will include contact information for people needing these or other special accommodations.
- Include contact information for people needing these or other special accommodations.
- Include the following statement in all of the RVAMPO public notices:

“The RVAMPO will strive to provide reasonable accommodations and services for persons who require special assistance to participate in this public involvement opportunity. Contact the Public Involvement and Community Outreach Coordinator at (540) 343-4417 for more information.

- Include the following Title VI Statement to the Public in relevant press releases and on the RVAMPO website.

“The Roanoke Valley Area Metropolitan Planning Organization (RVAMPO) fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, or to obtain a Discrimination Complaint Form, see www.rvarc.org or call (540) 343-4417.”

1.11 Planning and Programming Responsibilities

The RVAMPO staff is responsible for evaluating and monitoring compliance with applicable nondiscrimination authorities in all

aspects of the RVAMPO planning and programming processes. RVAMPO staff will:

- Ensure that all aspects of the planning and programming process operation comply with nondiscrimination authorities.
- Prepare and update a demographic profile of the region using the most current and appropriate statistical information available on race, income, and other pertinent data.
- Make the document available to the public and member agencies on the RVAMPO website or in hard copy format, if requested.
- Continue to ensure that staff makes concerted efforts to involve members of all social, economic, and ethnic groups in the planning process.

1.12 Environmental Justice Responsibilities

The concept of Environmental Justice includes the identification and assessment of disproportionately high and adverse effects of programs, policies, or activities on minority and low-income population groups. Within the context of regional transportation planning, Environmental Justice considers the relative distribution of costs and benefits from transportation investment strategies and policies among different segments of society.

RVAMPO staff is responsible for evaluating and monitoring compliance with applicable nondiscrimination authorities in all

aspects of the RVAMPO efforts to address Environmental Justice. RVAMPO staff will:

- Ensure that all aspects of efforts to address Environmental Justice comply with nondiscrimination authorities.
- Conduct an Environmental Justice analysis during the development of the Long-Range Transportation Plan.
- Prepare and update a demographic profile of the region using the most current and appropriate statistical information available on race, income, and other pertinent data.
- Ensure the updated RVAMPO Public Participation Plan includes Environmental Justice guidelines, which outline outreach strategies for minority, low-income, and LEP populations during the development implementation of RVAMPO plans and programs
- Disseminate information to the public on the processes used and findings of any analysis, in accordance with all RVAMPO public participation procedures.

1.13 Consultant Contract Responsibilities

The RVARC as fiscal agent and lead staffing agency to the RVAMPO is responsible for selection, negotiation, and administration of its consultant contracts. The RVARC complies with all relevant federal and state laws in contract selection.

RVARC staff is responsible for evaluating and monitoring consultant contracts for compliance with nondiscrimination authorities. RVARC staff will:

- Ensure inclusion of nondiscrimination language in contracts and Requests for Proposals (RFPs).
- Review consultants for compliance as described below:
 - Ensure that all consultants verify their compliance with nondiscrimination authorities, procedures, and requirements.
 - If a recipient or sub-recipients is found to be not in compliance with nondiscrimination authorities, the Title VI Coordinator and relevant staff will work with the recipient or sub-recipient to resolve the deficiency status and write a remedial action if necessary.
- Review outreach activities to ensure small, disadvantaged, minority, women, and disabled veteran businesses are not excluded to participate in opportunities to compete for consulting contracts.

1.14 Education and Training Responsibilities

Under the category of education and training, nondiscrimination responsibilities include:

- Distribution of information to RVARC and RVAMPO staff on training programs regarding Title VI and related statutes.
- Tracing staff participation in nondiscrimination training.
- Maintain and update nondiscrimination training as necessary.

- Maintain and update the RVAMPO Title VI Plan as necessary.

1.15 Discrimination Complaint Procedures

Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, or national origin. Subsequent laws and Presidential Executive Orders added handicap, sex, age, income status and limited English proficiency to the criteria for which discrimination is prohibited, in programs and activities receiving federal financial assistance. As a sub-recipient of federal assistance, the RVAMPO has adopted a Discrimination Complaint Procedure as part of its Title VI Plan to comply with Title VI and associated statutes.

1. Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, as amended, or any nondiscrimination authority, may file a complaint with the RVAMPO. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the RVAMPO Title VI Coordinator for review and action.
2. In order to have the complaint considered under this procedure, the complainant must file the complaint no later than 180 days after:

- a. The date of the alleged act of discrimination; or
- b. Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In case, the recipient or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints should set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in putting the complaint in writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled in the usual manner.

4. Within 10 days, the RVAMPO Title VI Coordinator will acknowledge receipt of the allegation in writing, inform the complainant of action taken or proposed action to process the allegation, advise the respondent of their rights under Title VI and related statutes, and advise the complainant of other avenues of redress available, such as the Virginia Department of Transportation (VDOT) and the Federal Highway Administration (FHWA).

5. Within 10 days, a letter will be sent to the VDOT Central Office, Civil Rights Division, and a copy to the FHWA Virginia Division Office. This letter will list the names of the parties

involved, the basis of the complaint, and the assigned investigator.

6. In the case of a complaint against the RVAMPO, a VDOT investigator will prepare a final investigative report and send it to the complainant, respondent (RVAMPO person listed), the RVAMPO Title VI Coordinator, and FHWA Virginia Division.

7. Generally, the following information will be included in every notification to the VDOT Office of Civil Rights:

- a. Name, address, and phone number of the complainant.
- b. Name(s) and address(es) of alleged discriminating official(s).
- c. Basis of complaint (i.e., race, color, national origin, sex, age, handicap/disability, income status, limited English proficiency).
- d. Date of alleged discriminatory act(s).
- e. Date of complaint received by the recipient.
- f. A statement of the complaint.
- g. Other agencies (state, local or federal) where the complaint has been filed.
- h. An explanation of the actions the recipient has taken or proposed to resolve the issue raised in the complaint.

8. Within 60 days, the RVAMPO Title VI Coordinator will conduct and complete an investigation of the allegation and

based on the information obtained, will render a recommendation for action in a report of findings to the Executive Director of the recipient of federal assistance. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

9. Within 90 days of receipt of the complaint, the RVAMPO Title VI Coordinator will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with the Virginia Department of Transportation or the Federal Highway Administration, if they are dissatisfied with the final decision rendered by the RVAMPO. The RVAMPO's Title VI Coordinator will also provide the VDOT Civil Rights Central Office with a copy of the determination and report findings.

10. In the case a nondiscrimination complaint that was originated at the RVAMPO is turned over to and investigated by VDOT, FHWA or another agency, the RVAMPO Title VI Coordinator will monitor the investigation and notify the complainant of updates, in accordance with applicable regulations and VDOT policies and procedures.

11. In accordance with federal law, the RVAMPO will require that applicants of federal assistance notify the RVAMPO of any law suits filed against the applicant or sub-recipients of federal assistance or alleging discrimination; and a statement as to whether the applicant has been found in noncompliance with any relevant civil rights requirements.

12. The RVAMPO will submit Title VI accomplishment reports to the VDOT Central Office, Civil Rights Division, in compliance with VDOT's established processes.

13. The RVAMPO will collect demographic data on staff, committees, and program areas in accordance with 23 CFR, 49 CFR and VDOT's established procedures and guidelines.

14. Pursuant to the Virginia Public Records Act (VPRA) § 42.1-76 et seq., the RVAMPO will retain Discrimination Complaint Forms and a log of all complaints filed with or investigated by the RVAMPO.

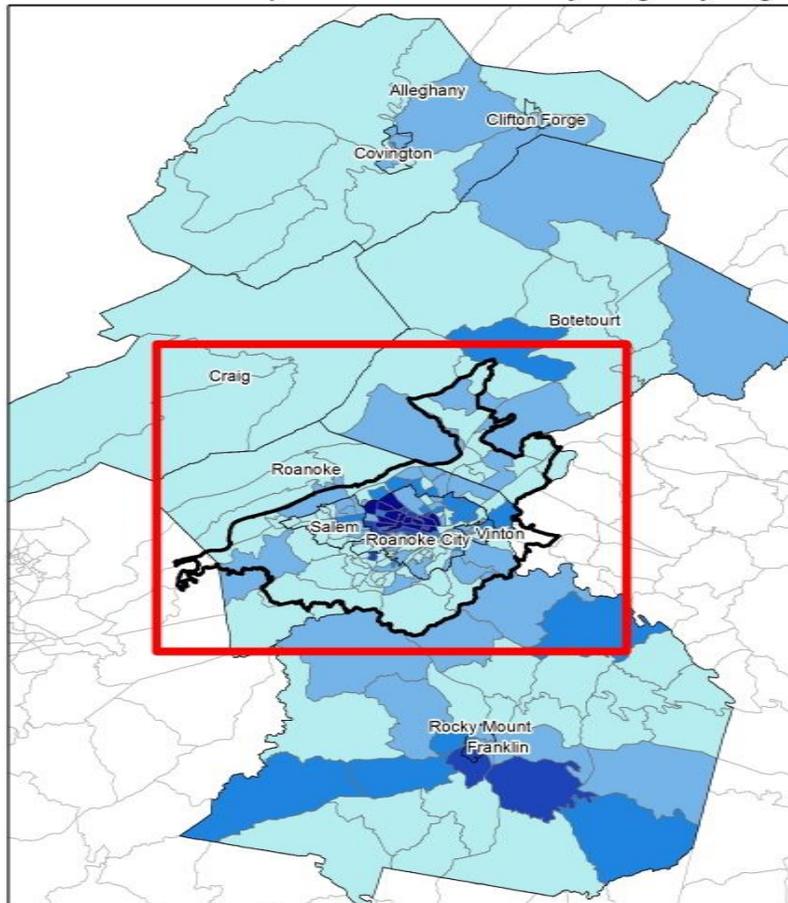
15. Records of complaints and related data will be made available by request in accordance with the Virginia Freedom of Information Act.

1.16 RVAMPO Demographic Profiles - Updated Fall 2015 with most recently available data.

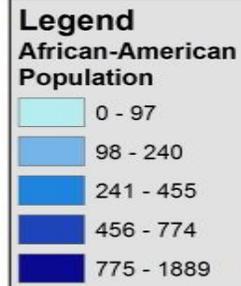
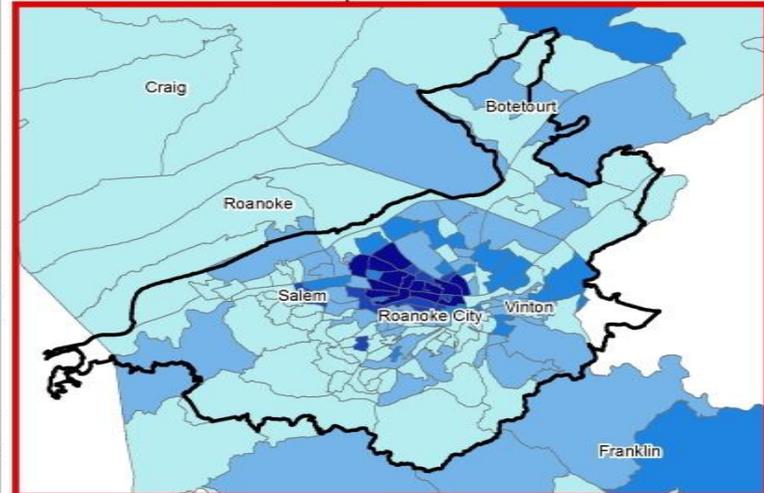
Figure 1 – Black or African American Population by Block Group

Roanoke Valley Transportation Planning Organization Black or African American Population* by Block Group

African American Population: Roanoke Valley Alleghany Region



African American Population: Roanoke MPO



*Data represented includes Black or African-American alone or in combination with one or more races.
Source: RVARC, U.S. Census Bureau, ACS 2013
Map by: Allison Homer

Coordinate System: GCS North American 1983
Datum: North American 1983
Units: Degree

Figure 2 – Minority Population by Block Group

Roanoke Valley Transportation Planning Organization Minority Population by Block Group

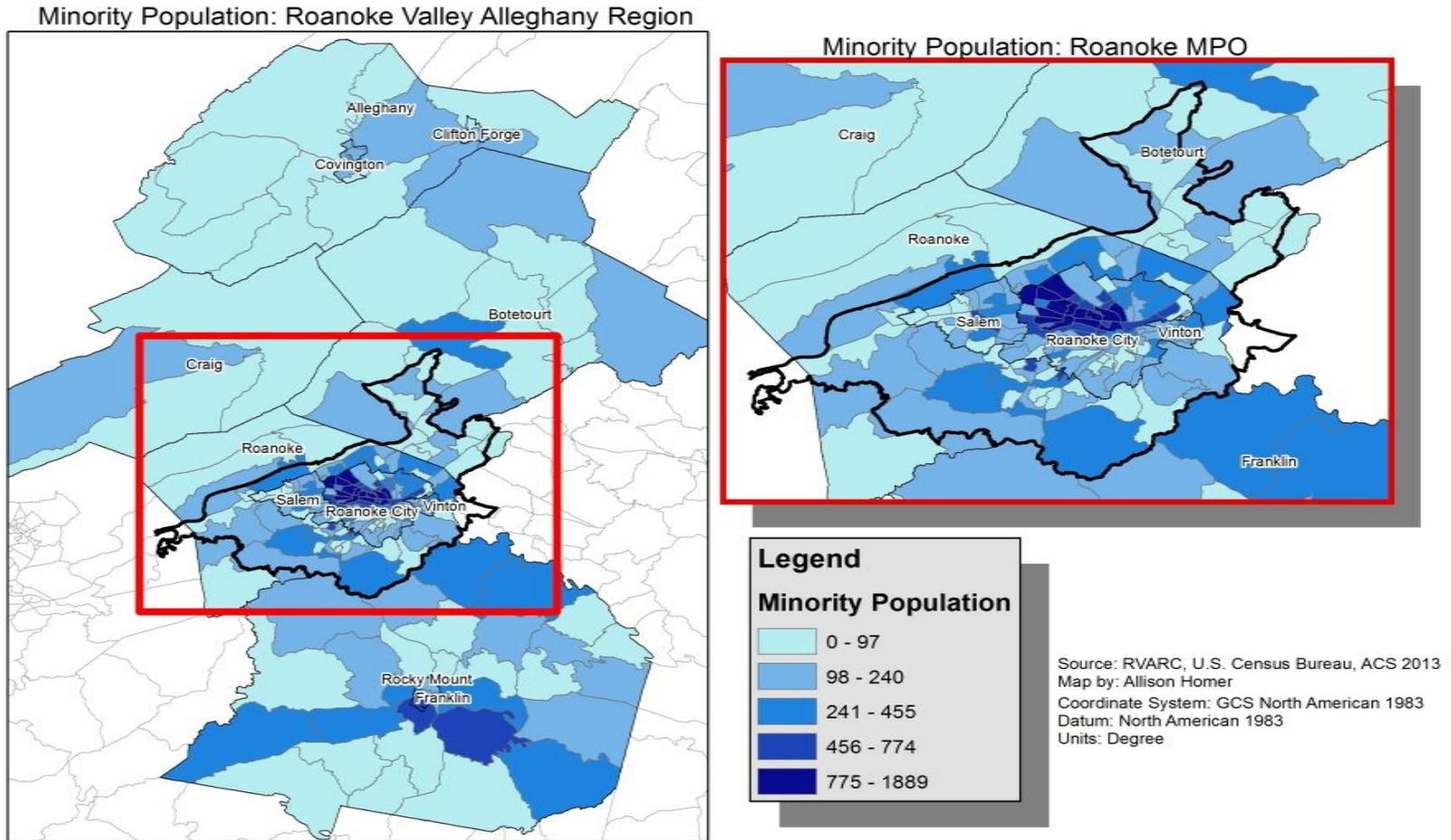


Figure 3 – Transportation Access

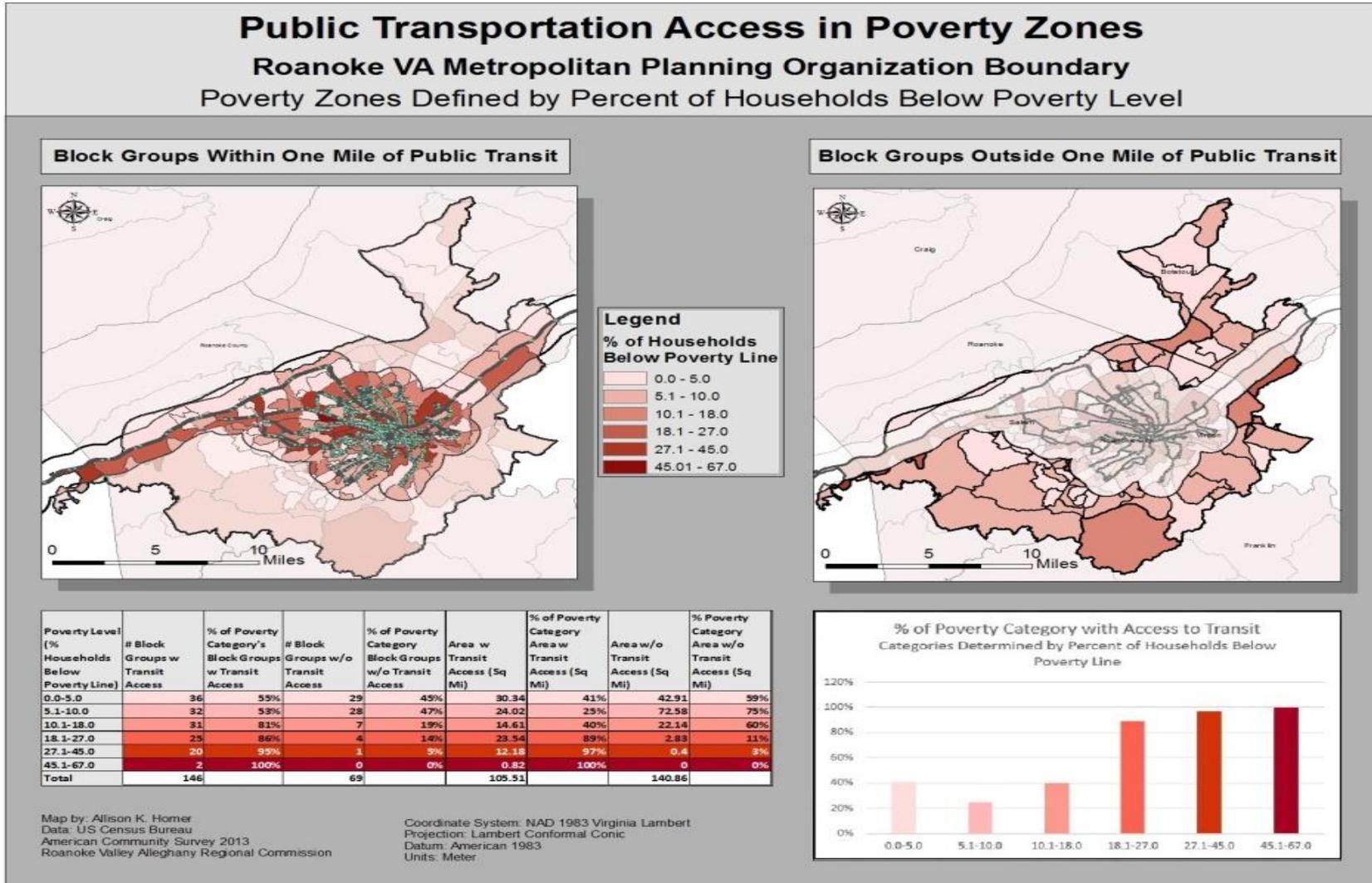


Figure 4 – Poverty Zones

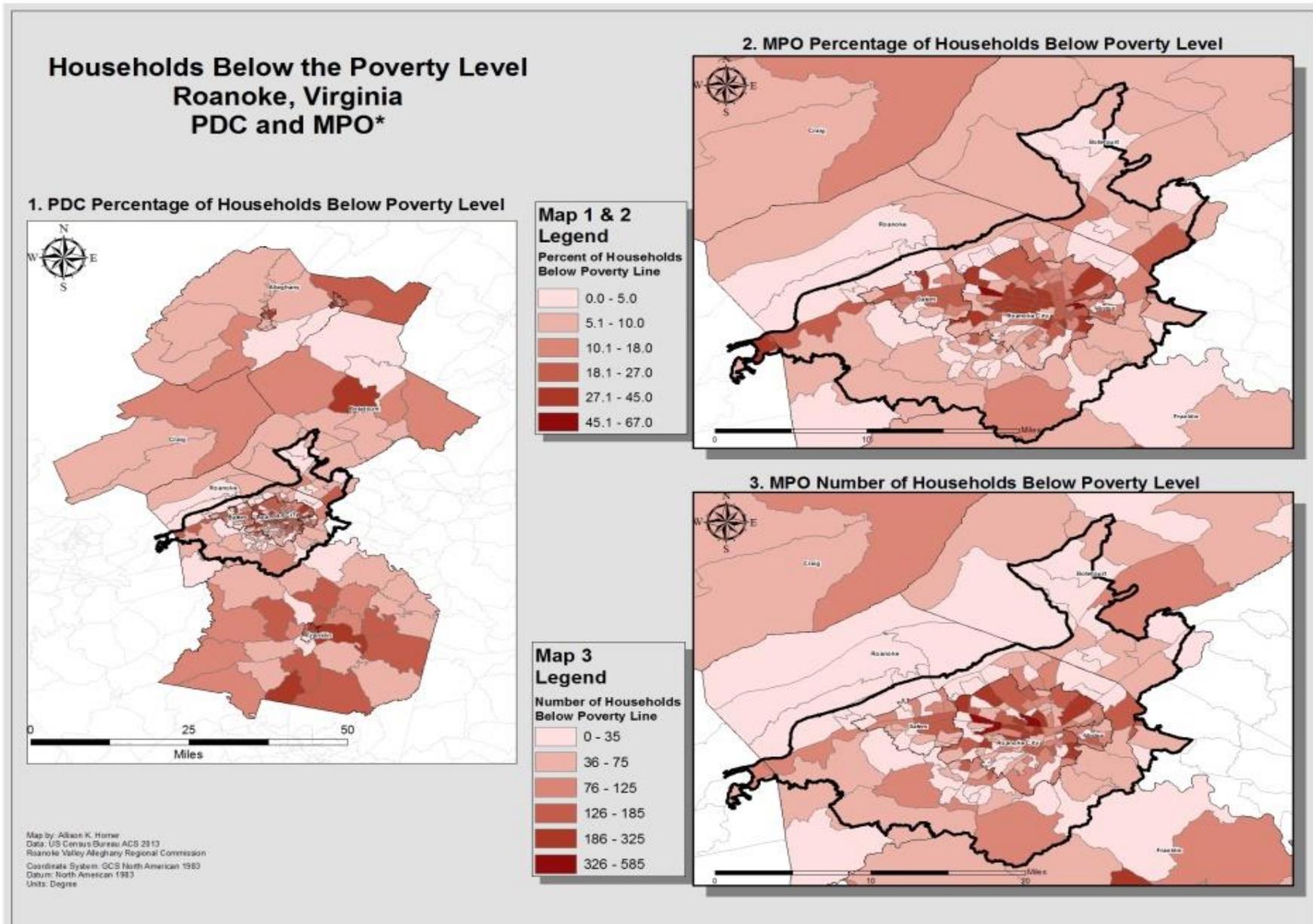
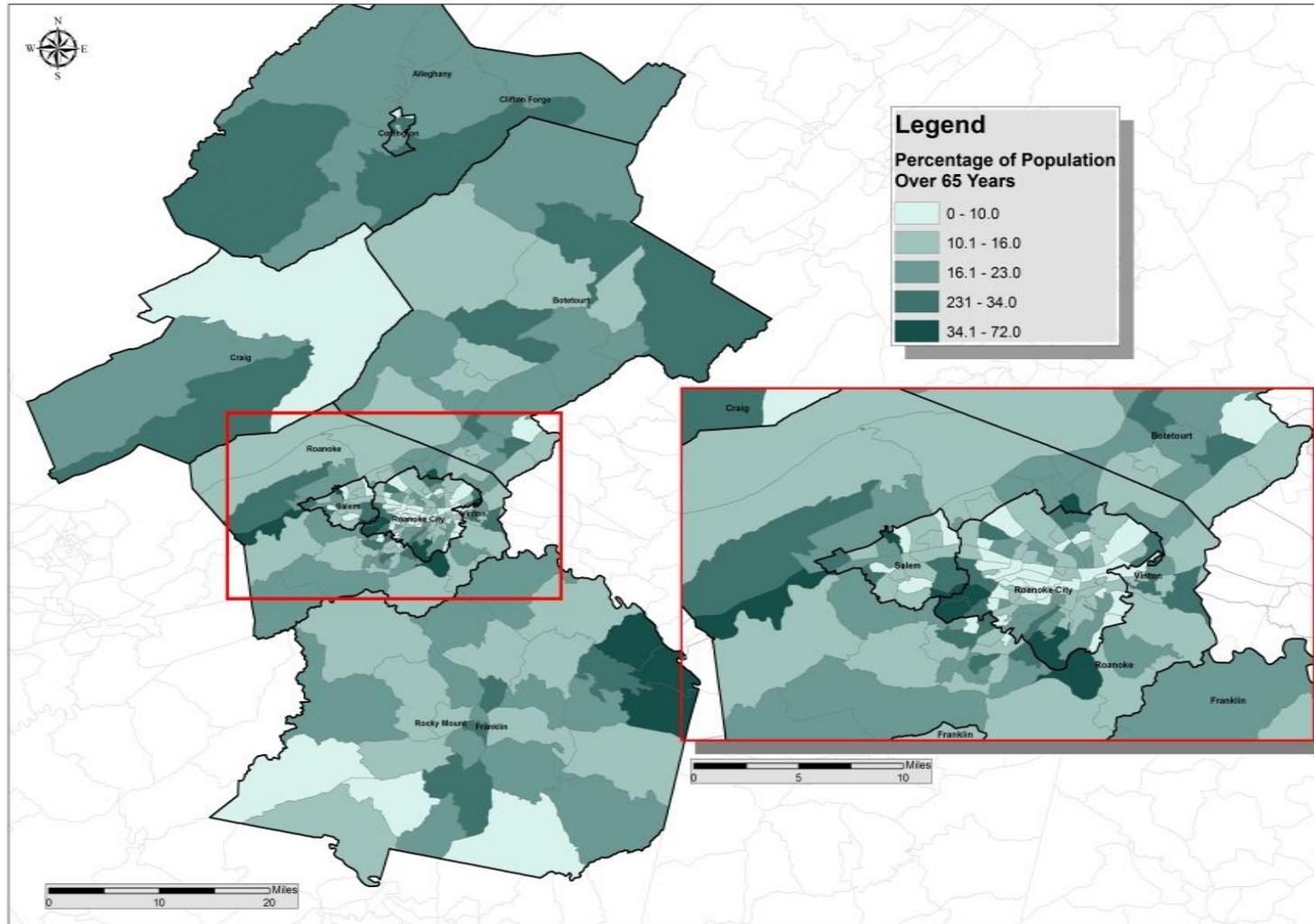


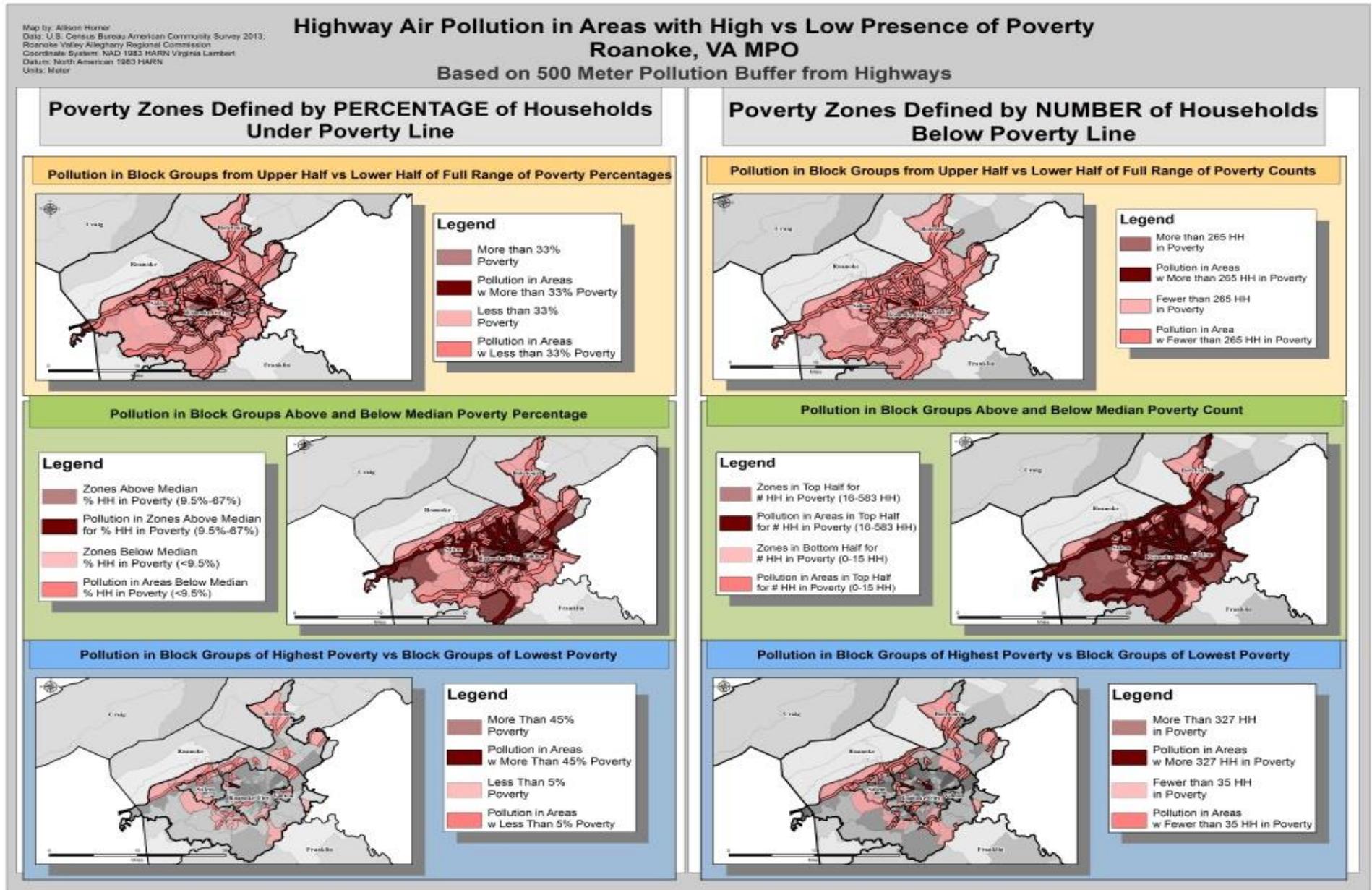
Figure 5 – Age Percentage

Roanoke Valley Alleghany Region Percentage of Population Over 65 Years of Age



Coordinate System: GCS North American 1983
 Datum: North American 1983
 Units: Degree

Figure 6 – Highway Air Pollution



Restoration Act of 1987 (PL 100.259), and all related statutes. The RVAMPO is committed to ensuring that no person in the United States of America shall, on the grounds of race, color, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the RVAMPO receives Federal financial assistance as required by Title VI.

Please contact the RVAMPO to request a copy of the department's Title VI Plan.

Any person who believes that he or she has, individually, or as a member of any specific class of persons, been excluded from the participation in, been denied the benefits of, or been otherwise subjected to discrimination under any program or activity for which the RVAMPO provides assistance, and believes the discrimination is based upon race, color, national origin, gender, age, economic status, or limited English proficiency has the right to file a formal complaint.

The RVAMPO Title VI Coordinator 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.

If a complaint addresses a particular service provider, the complaint should be lodged with that provider. A complaint must be submitted within 180 days of the alleged discriminatory act. Complaints may also be filed with the US Federal Transit Administration. If a complaint addresses DRPT, you may file the complaint thru email via the link below, by phone, or in writing.

For complainants who may be unable to file a written complaint, verbal information will be accepted by the RVAMPO at 540-343-

4417, email jholmes@rvarc.org, as well as by the individual service providers.

To submit a formal complaint or to request additional information on Title VI obligations, contact Jeremy Holmes, Title VI Coordinator, RVTPO (RVAMPO), 313 Luck Avenue, SW, Roanoke, Virginia, 24016; phone 540-343-4417; email jholmes@rvarc.org.

Appendix D - Notice Under the Americans with Disabilities Act

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the Roanoke Valley Area Metropolitan Planning Organization (RVAMPO) will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities.

Employment: the Roanoke Valley Metropolitan Planning Organization (RVAMPO) or Roanoke Valley-Alleghany Regional Commission (RVARC) does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: the Roanoke Valley Area Metropolitan Planning Organization (RVAMPO) will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in RVAMPO's programs, services and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing or vision impairments.

Modifications to Policies and Procedures: the Roanoke Valley Area Metropolitan Planning Organization (RVAMPO) will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services and activities.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a Roanoke Valley Area Metropolitan Planning Organization (RVAMPO) program, service or activity, should contact Bryan Hill, ADA Corridorator, 313 Luck Avenue, SW, Roanoke, Virginia, 24016; phone 540-343-4417; email bhill@rvarc.org as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Roanoke Valley Area Metropolitan Planning Organization (RVAMPO) to take any action that would fundamentally alter the nature of its programs or services, or impose any undue financial or administrative burden.

Complaints that a Roanoke Valley Area Metropolitan Planning Organization (RVAMPO) program, service or activity is not accessible to persons with disabilities should be directed to Bryan Hill, 313 Luck Avenue SW, Roanoke, Virginia, 24016; phone 540-343-4417; email bhill@rvarc.org.

The Roanoke Valley Area Metropolitan Planning Organization (RVAMPO) will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy.

2.0 RVAMPO Limited English Proficiency - LEP Plan

As a recipient of federal funds, the RVAMPO follows the United States Department of Transportation Policy Guidance (U.S. DOT 2005) concerning recipients' responsibilities to limited English proficient (LEP) persons. Individuals for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English are limited English proficient, or "LEP." RVAMPO's Title VI and LEP Guide is intended to guide the agency in the provision of meaningful access to its services, programs and activities by LEP persons.

In 2007, the FTA's Office of Civil Rights released a handbook – implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons – to provide recipients with technical assistance to implement federal guidelines. The U.S. DOT LEP Guidance notes that effective implementation plans typically include the following five elements:

1. Identifying LEP individuals who need language assistance
2. Providing language assistance measures
3. Training staff
4. Providing notice to LEP persons
5. Monitoring and updating the plan

The Federal Transit Administration updated the Title VI Circular to 4702.1B – Title VI and Title VI-Dependent Guidelines for FTA Recipients – in October 2012. This revised circular provides guidance to grantees on how to comply with Title VI regulations and specifies recommended steps to ensure grantees provide

meaningful language access to persons who are limited English proficient.

2.1 Limited English Proficiency LEP Introduction

On August 11, 2000, President William J. Clinton signed Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency. The Executive Order requires federal agencies to examine the services they provide, identify any need for services to those with LEP, and develop and implement a system to provide those services so LEP persons can have meaningful access to them. The Executive Order also requires that federal agencies work to ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English can be considered LEP. For an LEP individual, language can present a barrier to accessing benefits and services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. These individuals may be entitled to language assistance at no cost to them with respect to a particular type of service, benefit, or encounter.

The USDOT guidelines require that recipients of federal financial assistance provide "meaningful access to programs and activities" by giving LEP persons adequate and understandable information and allowing them to participate in programs and activities, where appropriate. Recipients of federal funds must take reasonable steps to remove barriers for LEP individuals. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors:

1. Demography: number and/or proportion of LEP persons served and languages spoken in service area.
2. Frequency: rate of contact with service or program.
3. Importance: nature and importance of program/service to people's lives.
4. Resources: available resources, including language assistance services.

The four-factor analysis should be used to determine which language assistance services are appropriate to address the identified needs of the LEP population. More information regarding the identification of LEP individuals within the community as well as outreach strategies will be included within the Updated RVAMPO Public Participation Plan that is scheduled to be updated by the end of Fiscal Year 2016.

Assessment of Needs and Resources

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

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

RVAMPO has reviewed Census data on the number of individuals in its service area that have LEP, as well as the languages they speak.

Data from the U.S. Census Bureau's American Community Survey (ACS) were obtained through www.census.gov for the MPA. Information from the 5-year 2009-13 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.

This data will be used to determine how best to disseminate information that is accessible to persons with LEP. According to the U.S. Census 5-Year 2009-13 ACS, The overall LEP percentage for the RVTPO 2040 Study area boundary is 1.85%. However there are specific block groups within the Study Area boundary that are above the Safe Harbor provision of 5% at the Census Block Group geographic level and are thus relevant to this LEP 4 factor analysis. The maps on the following pages (Figures 7 and 8 respectively) document the block groups with 5% or more LEP and the Block group percentage ranges of LEP respectively.

Figure 7 – RVTPO Block Groups with 5% or More LEP by Household

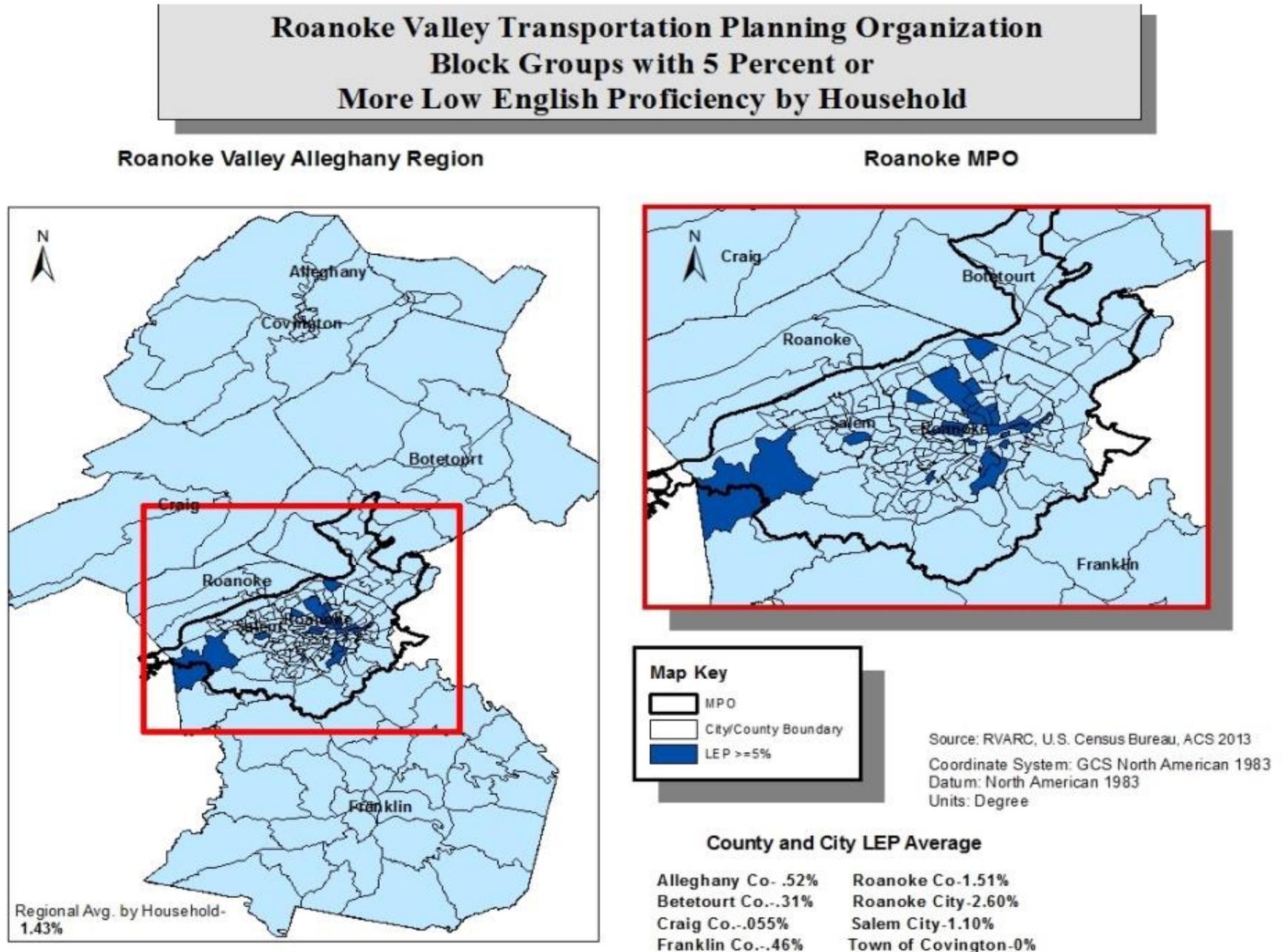
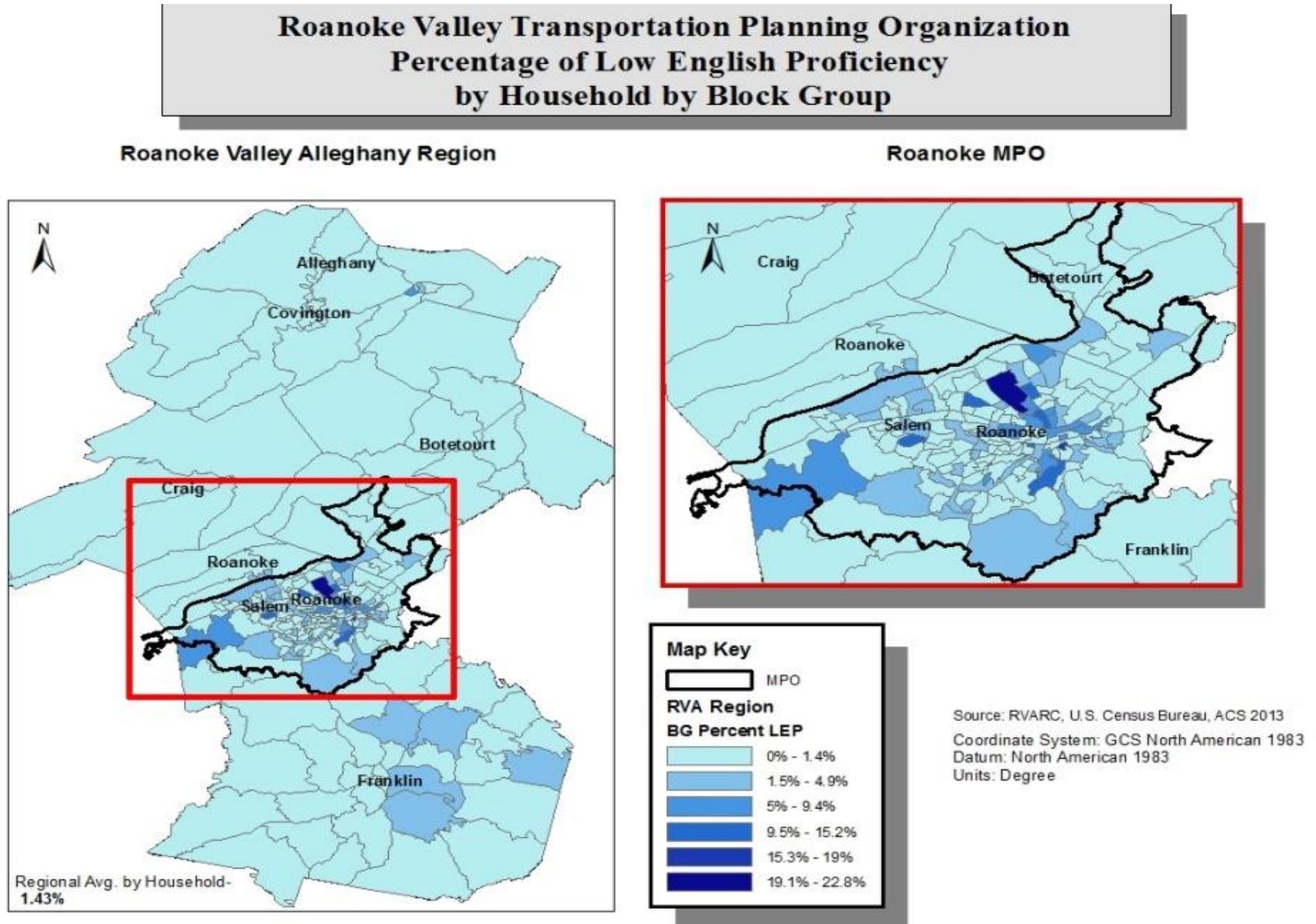


Figure 8 – RVTPO Block Group Percentage LEP by Household



The following table details the total number of LEP Households for the majority localities in RVTPO. Spanish is certainly well represented in LEP households. However other Indo-European Languages and Asian Pacific Languages are also represented in some localities. RVTPO staff will drill down further and endeavor to document these other language communities and include updated information in future planning products.

Table 1 - English Proficiency by Language per Household

English Proficiency by Language per Household					
Geography	Total Households	Spanish LEP Households	Other Indo-European languages LEP Households	Asian and Pacific Island languages LEP Households	Other languages LEP Households
Botetourt County, Virginia	12825	15	21	0	5
Roanoke County, Virginia	37928	219	205	105	77
Roanoke city, Virginia	42494	667	127	248	144
Salem city, Virginia	9908	92	20	12	0

2.3 Factor 2: Assessment of the Frequency with Which LEP Individuals Come Into Contact with RVAMPO Plans or Services

As Figures 7 and 8 attest LEP households are somewhat concentrated within the RVTPO study area. When RVTPO Plans and Programs affect these areas special effort will be made to reach out to the appropriate language communities.

The RVAMPO 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 the following channels:

- Calls to the RVAMPO's offices;
- Visits to the RVAMPO's office;
- Access to the RVAMPO's website;
- Attendance at community meetings or public hearings hosted by the RVAMPO;
- Public involvement and public engagement meetings/hearings for projects affecting LEP communities or individuals;

The RVAMPO has never been contacted by any LEP individuals regarding projects or programs the RVAMPO administers.

The RVAMPO 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>)]

Also, the RVAMPO maintains a Pay-As-You Go subscription to CyraCom – On Demand Over-the-Phone Interpretation (www.cyacom.com). CyraCom maintains telephone assisted interpretation capability for over 100 languages. Any potential language encountered in the Roanoke Valley should be covered by CyraCom's large portfolio of interpreters.

2.4 Factor 3: Assessment of the Nature and Importance of RVARC Plans and Services to the LEP Population

The RVAMPO main function is to provide cooperative, comprehensive, and continuing transportation planning for the Roanoke Valley. To this end, the RVAMPO develops the regional Transportation Improvement Program (TIP), the Long Range Transportation Plan, assists the member jurisdictions with development of their transportation planning documents, assist the local public transportation provider with planning needs, promote multi-modal transportation options for the region, and provides other services as needed.

For LEP purposes, it was determined the following documents could be seen as vital documents:

- Long Range Transportation Plan
- Transportation Improvement Plan
- Unified Planning Work Program
- Public Participation Plan

Based on this evaluation and the language assessment in Factor 1 of the Four Factor analysis, the staff will seek partner organizations proficient in Spanish to provide information about RVAMPO plans and programs. Translation and/or interpretation services, for Spanish and other languages, will be considered upon request and in coordination with partner agencies in the region.

If any notice or document bears a direct impact toward a localized population that meets or exceeds the LEP Safe Harbor clause, then the notice or document will be considered for translation as described previously, to include translating notices and key information contained within vital documents. Federal law provides a “safe harbor” which means that if an MPO provides written translations of documents of summaries and abbreviations of said documents under certain circumstances, such action will be considered strong evidence of compliance with the recipient’s written-translation obligations under Title VI. The failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides a guide for MPOs that would like greater certainty of compliance than can be provided by a fact-intensive, four-factor analysis. For example, even if a safe harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances. Strong evidence of compliance with the recipient’s written-translation obligations under “safe harbor” includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally. This safe harbor provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to

LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

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

Costs:

RVAMPO Staff will investigate the cost of including Spanish-language announcements of public involvement activities. Based on experience of other MPOs it is anticipated that the costs for these services will range from \$500 - \$1,500 depending on the number of public involvement activities that occur in any given year. We do not expect these costs to increase in the near future.

The RVAMPO maintains a Pay-As-You Go subscription to CyraCom – On Demand Over-the-Phone Interpretation (www.cyacom.com). CyraCom maintains telephone assisted interpretation capability for over 100 languages. Any potential language encountered in the Roanoke Valley should be covered by CyraCom’s large portfolio of interpreters.

Based on the analysis of demographic data and contact with community organizations and LEP persons, the RVAMPO has determined that there is no need to expand our translation services to languages other than Spanish at this time. However, when projects are based in areas identified as high LEP populations additional outreach or accommodations may be necessary.

2.6 LEP Implementation Plan

Considering the RVAMPO’s size and scope, LEP individuals in the RVAMPO Service Area, and financial resources, it is necessary to

provide at least the most basic and cost-effective services available to ensure compliance with Executive Order 13166. The following recommendations are offered as measures to provide meaningful access to limited English speaking persons:

- Provide over-the phone interpreter services using the RVAMPO CyraCom account at any meeting or public hearing when feasible. This will include foreign language and hearing impaired interpreter services.
- Place notices of RVAMPO's non-discrimination policies and information on the local and federal complaint process on the website in English and other languages via Google Translate and make the notices available at public meetings.
- Translate vital documents in languages other than English when there is potential for impact to LEP communities.
- Provide training to RVAMPO staff on the requirements for providing meaningful access to services for LEP persons.
- Monitor data and requests to ensure LEP requirements are fulfilled and report annually on the accomplishments related to LEP activities.
- Include a LEP policy in the updates of the RVAMPO Public Participation Plan through, 1) statements and notices that over-the- phone interpretation can be provided, upon prior request for language assistance as well as 7 days prior notice for sign language, and 2) maintenance of a contact list for interpretation and translation providers.
- Utilize the VDOT's LEP Guidelines and Public Participation Plan in conjunction with the DRPT's LEP Plan to identify low-income populations, minority populations, the elderly, and the disabled; who may be part of the LEP population.

The RVAMPO will monitor and update its LEP Implementation Plan, as needed, to ensure meaningful access to its programs and services by LEP persons. The RVAMPO will use a combination of qualitative and quantitative approaches to monitor whether its LEP Implementation Plan effectively meets the needs of LEP persons across the RVAMPO Service Area. On at least a 5-year basis, the RVAMPO will review demographic data and solicit feedback from RVAMPO and RVARC staff, LEP persons and community-based organizations serving LEP individuals to evaluate the effectiveness of its Title VI and LEP Plan.

By establishing an evaluative review of the LEP Implementation Plan, the RVAMPO can assess whether its language assistance services are effective and have impacted relations with LEP communities. The RVAMPO will monitor its implementation plan by soliciting regular feedback from RVAMPO and the RVARC staff and third-party contractors, community-based organizations and LEP persons.

In compliance with U.S. DOT guidelines, the RVAMPO will monitor and evaluate its Title VI and LEP Plan by reviewing the following information:

- Changes in the number and proportion of LEP persons in the RVAMPO planning area
- New demographic data from the U.S. Census and American Community Survey
- Changes in the frequency of contact with LEP language groups (e.g., language line usage and translated website pageviews)
- Nature and importance of programs, services and activities to LEP persons
- Expansion of services and programs

2.6 LEP Plan Monitoring and Updating

- Changes in the availability of resources, including technological advances and/or identification of additional financial resources
- The effectiveness of current language assistance measures in meeting the needs of LEP persons
- Feedback from LEP persons on the effectiveness of current language assistance services
- The effectiveness of staff LEP trainings and agency-wide language assistance protocol (e.g., “Vital Documents Guidelines”)