Southwestern Commission
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regiona.org

# SOUTHWESTERN RURAL PLANNING ORGANIZATION

## TRANSPORTATION ADVISORY COMMITTEE (TAC) MEETING

**March 25, 2019 at 5:00 PM**
Chestnut Tree Inn, 37 Tsalagi Rd, Cherokee, NC

## AGENDA

**Welcome and Housekeeping**

1. Introductions and Quorum check (C.B. McKinnon, TAC Chair)
2. Ethics Reminder* (McKinnon)
3. Agenda Approval/Modifications (McKinnon)
4. Public Comment

**Action Items**

5. Minutes from January 28, 2019 SWRPO TAC meeting (Rose Bauguess)
6. SWRPO Title VI Non-Discrimination Plan (Bauguess)

**Guest Presentation:**

7. NCDOT Statewide Plan, James Upchurch, NCDOT

**Informational Items**

8. SWRPO Staff Update (Bauguess)
9. NCDOT Division 14 Update (Steve Williams)
10. NCDOT Transportation Planning Division Update (Roger Castillo)

**Other Items**

11. TAC Member Updates (All)
12. Adjournment

**In accordance with the State Government Ethics Act, it is the duty of every TAC member to avoid conflicts of interest. If anyone has a conflict of interest with respect to any matters coming before the TAC today, please identify the conflict and refrain from any participation in the matter involved.*

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Agenda Item 5.

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# SOUTHWESTERN RURAL PLANNING ORGANIZATION (SWRPO)
## Transportation Advisory Committee (TAC) Meeting Summary

**Meeting Date: January 28, 2019** **Location: Cherokee, NC**

| Jurisdiction | Representative | Present |
|---|---|---|
| **Cherokee County** | **CB McKinnon – Chair** | ☒ |
| Andrews | James Reid | ☐ |
| Murphy | Rick Ramsey | ☒ |
| **Clay County** | Clay Logan | ☒ |
| Hayesville | Harry Baughn | ☒ |
| **Graham County** | Connie Orr | ☒ |
| Fontana Dam | Rob Hardy | ☐ |
| Robbinsville | Brian Johnson | ☒ |
| **Jackson County** | Brian McMahan | ☒ |
| Dillsboro | Mike Fitzgerald | ☐ |
| Forest Hills | Niall Michelsen | ☒ |
| Sylva | Lynda Sossamon | ☒ |
| Webster | Tracy Rodes | ☒ |
| **Macon County** | Ronnie Beale | ☒ |
| Franklin | Bob Scott | ☐ |
| Highlands | Patrick Taylor | ☒ |
| **Swain County** | Roger Parsons | ☐ |
| Bryson City | Tom Sutton | ☒ |
| **NCDOT Board** | Jack Debnam | ☒ |
| | **TOTAL VOTING MEMBERS PRESENT:** | **14** |

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| Representing | Name | Present |
|---|---|---|
| Southwestern RPO | Rose Bauguess | ☒ |
| Southwestern Commission | Sarah Thompson | ☒ |
| NCDOT Division 14 | Brian Burch | ☒ |
| NCDOT Division 14 | Steve Williams | ☒ |
| NCDOT Division 14 | Troy Wilson | ☒ |
| NCDOT TPD | Roger Castillo (via phone) | ☒ |
| NCDOT Programming Unit | David Wasserman | ☒ |
| Town of Sylva | Paige Dowling | ☒ |
| Lake Santeetlah | Roger Carlton | ☒ |
| | **TOTAL NON-MEMBERS PRESENT:** | 9 |

**Welcome and Housekeeping**:

1. Chair CB McKinnon called the meeting to order. Introductions were made, and McKinnon determined a quorum was present.
2. McKinnon read the ethics statement and reminded the members about the importance of recognizing a conflict of interest when one exists.
3. McKinnon asked if there were any modifications to the agenda. Hearing none, Tracy Rodes motioned to approve the agenda as presented, and with a second by Connie Orr, the agenda was approved.
4. McKinnon offered the opportunity for public comment; there were none.

**Action Items:**

5. Rose Bauguess presented the minutes from the September 24, 2018 SWRPO TAC meeting for review and discussion. Ronnie Beale motioned to approve the minutes as presented, seconded by Lynda Sossamon; the motion carried unanimously.
6. Bauguess presented a resolution in support of Swain County's Bicycle Planning Grant Application. Connie Orr motioned to approve the resolution; seconded by Harry Baughn; the motion carried unanimously.

**Guest Speaker:**

Mr. David Wasserman, P.E., NCDOT's Western Region STIP Manager, presented an overview of the process used to develop the State Transportation Improvement Program (STIP) and the results from the most recent STIP. The presentation generated good discussion and questions from members, including:

- Ronnie Beale asked Wasserman if Division 14 had the highest construction costs per mile in state. Wasserman said he didn't have that statistic readily available, but it is likely. He said Division 11 is also very high. And coastal divisions have lots of wetlands and bridges, which are very expensive to

build, whereas land acquisition prices in the center of the state are higher. Beale also mentioned the lack of adequate maintenance funding, and the need to pave secondary gravel roads.

- Patrick Taylor expressed his concern about the Statewide funding category stopping in Asheville, even though we have statewide needs in the far west.
- CB McKinnon proposed the idea of a fourth funding category for rural areas only, so that they don't have to compete with the urban areas with more congestion. McKinnon also stated that the quantitative score carries so much weight, that the locals don't really get local input, because they are forced to put their local input points on the highest scoring projects, or they will get nothing.
- Jack Debnam noted that that Division 14 is well-represented on the Prioritization 6.0 workgroup with Brian Burch, Land of Sky RPO, French Broad River MPO, and Isothermal RPO. so we should get better results from the process. He said if you've got to eat the cake, you need to be in the kitchen when it's being baked.
- Lynda Sossamon mentioned the damage to roads in the east from Hurricane Florence and asked how that might affect funding for other projects. Brian Burch informed the group that NCDOT pays for all those repairs and must wait 3-4 years to get reimbursed by the federal government.

**Informational Items:**

7. Bauguess provided the RPO staff update, including the following items:
    - Report on NCDOT Transportation Summit attended earlier this month. The theme was "Moving from Vision to Reality at the Speed of Change" and focused largely on the rapid rate of expansion in technology and population in North Carolina. Long-term funding strategies to meet the future transportation needs of our state were also discussed.
    - NCDOT's Transportation Planning Division is updating the long-range transportation plan for the state, called NC Moves 2050. It is like your county CTPs, but for the entire state. They are conducting stakeholder outreach and want to reflect the views of all regions of the state. They will be coming to several of our TAC meetings over the next couple of years to collect your input for the plan.
    - 2020 Census preparations are in full swing. The state census liaison Bob Coates will be presenting to the Southwestern Commission Board after tonight's meeting. He will also do a training session at the Commission's office tomorrow morning. The Southwestern Commission is working with county planners and GIS staff on updating the geographical boundaries for block groups and Census Designated Places through the Participatory Statistical Area Participation (PSAP) program. Our Census representative is Laura McClettie out of the Atlanta office. She will be contacting each County Manager in the state to help set up Complete Count Committees in each county to help increase participation. It is important for every citizen to be counted.
    - Prioritization 6.0 Update. The P6.0 workgroup has reached seven consensus points so far. The P6.0 process appears to be slight tweaking to the P5.0 process, not a major overhaul.

The next milestone for the RPO is submitting new projects for scoring. We will adopt this list of projects at our September 23 meeting.

- Corridor K public workshops are scheduled for February 12 in Robbinsville and February 14 in Andrews.
- Applications for NCDOT's Watch for Me NC (bike/pedestrian safety) program are due March 1.
- Ethics filing time is coming up, but the electronic forms are not available yet. The Ethics Commission has been through some major transitions and are revamping their system. We expect the forms to be available in mid-February.

8. Steve Williams provided a detailed update of the results of the Draft 2020-2029 STIP released in early January. There were several new projects funded, several that fell out, and multiple schedule changes to projects that had been previously funded. See handout for additional details.
9. Roger Castillo provided the Transportation Planning Division update via phone and a printed handout.

**Other Items:**

10. TAC members were skipped due to time constraints.
11. Brian McMahan moved to adjourn, seconded by Harry Baughn. The next meeting is scheduled for March 25, 2019.

Agenda Item 6.

# SOUTHWESTERN RURAL PLANNING ORGANIZATION

## NON-DISCRIMINATION PLAN

### IN ACCORDANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT

**Adopted: March 25, 2019**

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## Alphabetical List of Acronyms

EJ…….....Environmental Justice
FHWA…....Federal Highway Administration
GS.....General Statute
LEP…….....Limited English Proficiency
NCDOT..…North Carolina Department of Transportation
SWRPO..…Southwestern Rural Planning Organization
TAC……...Transportation Advisory Committee
TCC……...Technical Coordinating Committee
USDOT..…United States Department of Transportation

# I. TITLE VI POLICY STATEMENT AND NOTICE OF NONDISCRIMINATION

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

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

Address: 125 Bonnie Lane, Sylva, NC 28779
Telephone: 828-586-1962 x 213
Email: rose@regiona.org

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

_____
Rose Bauguess, Senior Planner

_____
Date

**Implementation (Dissemination)**

- This Policy Statement contains contact information for the Title VI Coordinator, and it will also serve as our notice to public.
- This statement will be signed by the SWRPO Title VI coordinator and re-signed whenever a new person assumes that position.
- The signed statement will be posted on office bulletin boards, near the receptionist's desk, in meeting rooms, and disseminated within brochures and other written materials.
- The statement will be incorporated into Title VI training and acknowledgement activities.
- The statement will be posted or disseminated in languages other than English, when appropriate.
- Low-income will be applicable to our programs, policies and activities under Environmental Justice when determining if there will be disproportionately high and adverse effects.

## II. STANDARD USDOT TITLE VI ASSURANCES

Please refer to **Appendix A** of this Plan for a copy of our completed, signed United States Department of Transportation (USDOT) Title VI Assurances.

## III. ORGANIZATION & STAFFING

Rural Planning Organizations (RPOs) were established by the State of North Carolina in recognition of the need for more coordinated transportation planning in rural areas located outside the Metropolitan Planning Organizations. An RPO is a voluntary organization of local officials formed through a Memorandum of Understanding to work cooperatively with the North Carolina Department of Transportation (NCDOT) to plan rural transportation systems and to advise NCDOT on rural transportation policy. General Statute (GS) 136-212 identifies four primary duties for RPOs: 1) Develop, in cooperation with NCDOT, long-range, local and regional multimodal transportation plans, 2) Provide a forum for public participation in the transportation planning process, 3) Develop and prioritize suggestions for transportation projects the organization believes should be included in the State's Transportation Improvement Program, and 4) Provide transportation-related information to local governments and other interested organizations and persons. According to GS 136-211 (b), Rural Transportation Planning Organizations shall include representatives from contiguous areas in three to fifteen counties, or a total population of the entire area represented of at least 50,000 persons according to the latest population estimate of the Office of State Budget and Management. Rural Planning Organizations receive State Planning and Research funds from NCDOT's Transportation Planning Division.

The Southwestern RPO was established in 2001. Our planning area includes the following counties: Cherokee, Clay, Graham, Jackson, Macon, and Swain. The Transportation Advisory Committee (TAC) has 20 members (plus two alternates) and meets at least quarterly. Our Technical Coordinating Committee (TCC) has 18 members and meets at least quarterly. **Appendix B** contains current TAC and TCC membership rosters.

### *Title VI Coordinator*

Key responsibilities of the Coordinator include:

- Maintaining knowledge of Title VI and related requirements.
- Attending civil rights training when offered by NCDOT, the Federal Highway Administration (FHWA) or other federal agencies.
- Administering the Title VI Nondiscrimination Program and coordinating implementation of this Plan.
- Making sure internal staff and officials are familiar and complying with their Title VI obligations.
- Disseminating Title VI information internally and to the public, including in languages other than English.
- Presenting Title VI-related information to decision-making bodies for input and approval.
- Ensuring Title VI-related posters are prominently and publicly displayed.
- Developing a process to collect data related to race, national origin, sex, age, and disability to ensure minority, low-income, and other underserved groups are included and not discriminated against.
- Ensuring that non-elected boards and committees reflect the service area and minorities are represented.
- Promptly processing discrimination complaints.
- Providing information to NCDOT and cooperating during compliance reviews and investigations.
- Promptly resolving deficiencies to ensure compliance with Title VI nondiscrimination requirements.

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

### *Staffing*

The Southwestern Commission provides one full-time position for the RPO with part-time support by three additional staff:

- Rose Bauguess, RPO Director and Title VI Coordinator
- Sarah Thompson, Executive Director of the Southwestern Commission
- Russ Harris, Director of Community and Economic Development Department
- Becca Scott, Senior Project Manager

Please see **Appendix C** to view the Title VI Coordinator's place within the organization.

## IV. ENVIRONMENTAL JUSTICE (EJ)

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

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

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

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

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

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

## V. DATA COLLECTION/ANALYSIS/REPORTING

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

### *Population Locations*

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

## VI. LIMITED ENGLISH PROFICIENCY

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

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

### *Four Factor Analysis*

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

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

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

Factor #1 was determined utilizing data from Census table B16001 found at factfinder.census.gov for each county in the Southwestern RPO. The safe harbor threshold applies to any county with a language group that has at least 5% of the population or 1,000 people who speak English less than "very well". The upper estimate was used to determine these thresholds by adding the margin of error to the original estimate.

Jackson County and Macon County exceed the threshold for Spanish-speaking persons who speak English less than "very well" when including the margin of error. Jackson County has 1061 people or approximately 2% of the total county population, located primarily near Tuckasegee and Glenville. Macon County has 1090 people or approximately 2.6% of the population, located near the Town of Franklin.

Cherokee, Clay, Graham, and Swain counties do not have any populations exceeding the threshold for Limited English Proficiency.

| **Jackson County Limited English Proficiency, 2015** | | | | |
|---|---|---|---|---|
| **LANGUAGE SPOKEN AT HOME** | **Estimate** | **Margin of Error (+/-)** | **Estimate + Margin of Error** | **Percent of Population** |
| **Total** (population 5 years and over): | **38,844** | **63** | **38,907** | **100%** |
| Speak only English | 36,386 | 335 | 36721 | 94% |
| **Spanish or Spanish Creole:** | 1831 | 260 | 2091 | 4.7% |
| Speak English "very well" | 1034 | 253 | 1287 | 2.7% |
| **Speak English less than "very well"** | **797** | **264** | **1061** | **2.05%** |

| **Macon County Limited English Proficiency, 2015** | | | | |
|---|---|---|---|---|
| **LANGUAGE SPOKEN AT HOME** | **Estimate** | **Margin of Error (+/-)** | **Estimate + Margin of Error** | **Percent of Population** |
| **Total** (population 5 years and over): | **32,230** | **185** | **32,415** | **100%** |
| Speak only English | 29,862 | 234 | 30096 | 93% |
| **Spanish or Spanish Creole:** | 1822 | 235 | 2057 | 5.7% |
| Speak English "very well" | 983 | 352 | 1335 | 3.0% |
| **Speak English less than "very well"** | **839** | **251** | **1090** | **2.60%** |

**Factor #2:** ***The frequency with which LEP individuals come in contact with the program.***

Limited English Proficiency individuals could be included in long-range transportation planning and prioritization of future needs. These items are discussed at RPO TCC and TAC meetings, as well as steering committee meetings and public workshops.

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

Transportation infrastructure is important to everyone, because nearly everyone uses the transportation system or is served by the transportation system. Limited English Proficiency individuals would potentially be interested in long-range transportation plans and prioritization of projects for funding. They may also be

interested in bicycle and pedestrian infrastructure. Obtaining input from LEP populations on their priorities and needs is necessary in order to plan for all users' needs.

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

Previous planning processes have utilized the county health department and the university for translation services. Translating surveys into Spanish has yielded low response rates, but targeted outreach could improve response rates. Churches, farmworker groups, and Mexican grocery stores have been utilized for outreach.

## *Language Assistance Plan*

As a result of the above four factor analysis, a Language Assistance Plan is required. This Plan represents our commitment to ensuring nondiscrimination and meaningful access by persons who are LEP. This Plan also details the mechanisms we will use to reach LEP persons and the language assistance services we provide. We will provide services to any person, upon request. If an individual is LEP, we will work with the individual to assist them with needed transportation service. Our employees will be routinely oriented on the principles and practices of Title VI and LEP to ensure fairness in the administration of this Plan.

### *Language Assistance Measures*

The following general language assistance measures are reasonable and achievable for our organization at this time:

- Translating public notices posted in the local paper and at stations, stops, and in vehicles into any languages that meet the safe harbor threshold in Factor 1.
- Making a concerted effort to inform LEP persons of available language assistance via staff, broadcast media, relationship-building with organizations, and our website.
- Posting vital bulletin board information and disseminating community surveys into any languages that meet the safe harbor threshold in Factor 1.
- Providing translation and interpretive services when appropriate (upon request or predetermined) at meetings.
- Determining how best to take public involvement to LEP groups directly, including through small group meetings.
- Where possible, utilizing or hiring staff who speak a language other than English and can provide competent language assistance.
    - Note: We will not ask community-based organizations to provide, or serve as, interpreters at our meetings. Relying upon organizations in that capacity could raise ethical concerns. If a community-based organization decides (on its own) to translate any materials for its constituents, or bring interpreters it trusts to our meetings, we will not object. That is their right.
- Using language identification flashcards to determine appropriate services.
- Establishing a process to obtain feedback on our language assistance measures.

### *Specific Measures for Spanish*

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

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

### *Staff Support for Language Assistance*

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

### *Project-Specific LEP Outreach*

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

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

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

## VII. DISSEMINATION OF TITLE VI INFORMATION

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

- Visibly posting our Title VI Policy Statement in public areas at our facilities, on our website, at our meetings, and prominently in any documents and reports we distribute;

- Placing notices in newspapers and publications with a large circulation among minority groups in the general vicinity of projects and activities. Ads in newspapers and other publications shall include the following:

  > "The Southwestern Rural Planning Organization operates without regard to **race, color, national origin, limited English proficiency, sex, age or disability.** For more information on our Title VI program, or how to file a discrimination complaint, please contact Rose Bauguess at rose@regiona.org.."

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

Please refer to our Public Involvement Plan for additional outreach methods we employ to comply Title VI; the document can be found at the following link: https://regiona.org/rpo-public-involvement/.

## VIII. External Discrimination Complaint Procedures

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

### *Filing of Complaints*

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

   Complaints may be submitted to the following entities:

   - Southwestern Commission, Southwestern Rural Planning Organization, 125 Bonnie Lane, Sylva, NC 28779; 828-586-1962
   - North Carolina Department of Transportation, Office of Civil Rights, External Civil Rights Section, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919-508-1830 or toll free 800-522-0453
   - Federal Highway Administration, North Carolina Division Office, 310 New Bern Avenue, Suite 410, Raleigh, NC 27601, 919-747-7010

- US Department of Transportation, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590; 202-366-4070
- US Department of Justice, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530, 202-514-6255 or toll free 877-218-5228

4. **Format for Complaints –** Complaints shall be in writing and signed by the complainant or a representative and include the complainant's name, address, and telephone number. Complaints received by fax or e-mail will be acknowledged and processed. Allegations received by telephone or in person will be reduced to writing, may be recorded and will be provided to the complainant for confirmation or revision before processing. Complaints will be accepted in other languages, including Braille.
5. **Complaint Basis –** Allegations must be based on issues involving race, color, national origin, sex, age, or disability. The term "basis" refers to the complainant's membership in a protected group category.

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

## *Complaint Processing*

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

### *Complaint Log*

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

Please refer to **Appendix F** for Investigation Guidance, Discrimination Complaint Form and Log Discrimination Complaint Form, Complaints Log, and Sample Investigation Template.

## IX. REVIEW OF ORGANIZATIONAL DIRECTIVES

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

## X. TITLE VI TRAINING

All employees will receive basic Title VI training at least once every three years. New hires will receive this training within 30 days of their start date. Basic training will cover all sections of this Plan and our overall Title VI obligations. Staff may receive specialized training on how Title VI applies to their specific work areas. Those who routinely encounter the public will receive annual refresher training. Trainings will be provided or organized by the Title VI Coordinator and will often coincide with updates to our nondiscrimination policies and procedures. Records of staff trainings, such as agendas, sign-in sheets, copies of calendars, and certificates, will remain on file for at least three years.

## XI. COMPLIANCE AND ENFORCEMENT PROCEDURES

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

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

e. Other means authorized by law.

To ensure compliance with Title VI of the Civil Rights Act, Southwestern RPO will take proactive steps to prevent discrimination in our programs and activities, including the following:

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

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

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

# APPENDIX A: USDOT TITLE VI ASSURANCES

**United States Department of Transportation**
**STANDARD TITLE VI / NONDISCRIMINATION ASSURANCES**
DOT Order No. 1050.2A

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

**Statutory/Regulatory Authorities**

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

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

**General Assurances**

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

> *"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, "for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.*

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

**Specific Assurances**

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

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

   "The *Southwestern Rural Planning Organization*, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered

into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.

4. The Recipient will insert the clauses of Appendix B of this Assurance, as applicable, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.

7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as applicable, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
   a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
   b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
   a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
   b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

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

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

*Southwestern Rural Planning Organization*

by _____

Sarah Thompson, Executive Director

DATED: March 11, 2019

Attachments:
Appendices A, B, C, D, E

## APPENDIX A

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

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

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

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the *North Carolina Department of Transportation (NCDOT)* will accept title to the lands and maintain the project constructed thereon in accordance with the *North Carolina General Assembly*, the Regulations for the Administration of the Federal-Aid Highway Program, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the *NCDOT* all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

**(HABENDUM CLAUSE)**

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

The *NCDOT*, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the *NCDOT* will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

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

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

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the *North Carolina Department of Transportation (NCDOT)* pursuant to the provisions of Assurance 7(a):

A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
   1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Nondiscrimination covenants, the *NCDOT* will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*

C. With respect to a deed, in the event of breach of any of the above Nondiscrimination covenants, the *NCDOT* will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the *NCDOT* and its assigns.*

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

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

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the *North Carolina Department of Transportation (NCDOT)* pursuant to the provisions of Assurance 7(b):

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

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

## APPENDIX E

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

**Pertinent Nondiscrimination Authorities**:

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

## APPENDIX B: TAC AND TCC MEMBERS

The governing board of the Southwestern RPO is the Transportation Advisory Committee (TAC), which includes county and municipal elected officials from the member governments. The TAC meets approximately five times per year and provides direction and guidance on transportation planning activities and priorities. The TAC adopts the annual work plan and all administrative documents of the RPO, endorses transportation plans, and assigns local priorities to transportation improvement projects.

### *2019 Southwestern RPO TAC Members*

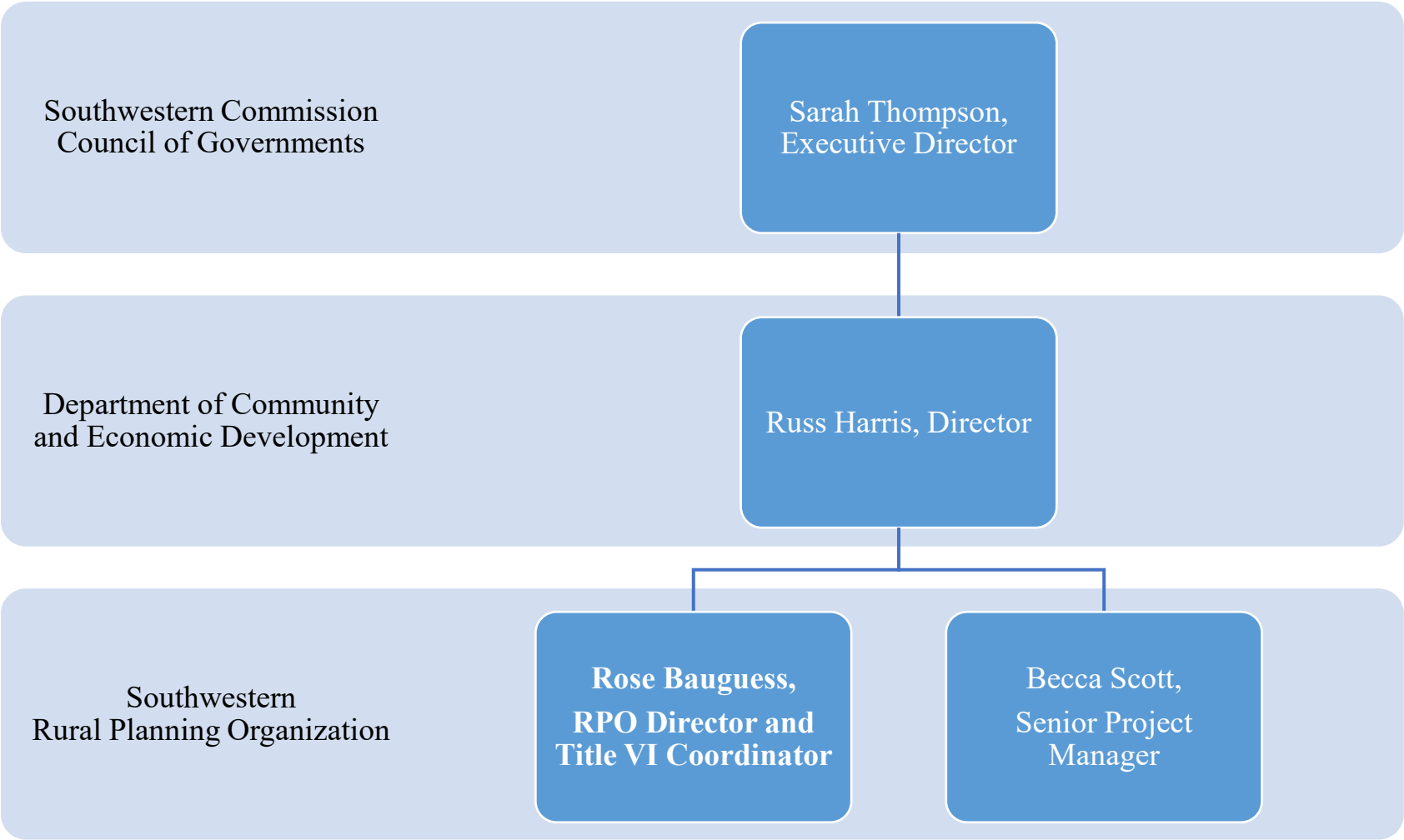
| Jurisdiction | TAC Representative | Title |
|---|---|---|
| **Cherokee County** | CB McKinnon, Chair | County Commissioner |
| Andrews | James Reid | Mayor |
| Andrews | Scott Stalcup (Alt) | Town Councilman |
| Murphy | Rick Ramsey | Mayor |
| **Clay County** | Clay Logan | County Commissioner |
| Hayesville | Harry Baughn | Mayor |
| **Graham County** | Connie Orr | County Commissioner |
| Fontana Dam | Rob Hardy | Town Councilman |
| Lake Santeetlah | Roger Carlton | Town Councilman |
| Robbinsville | Steve Hooper | Mayor |
| Robbinsville | Brian Johnson (Alt) | Town Councilman |
| **Jackson County** | Brian McMahan | County Commissioner |
| Dillsboro | Mike Fitzgerald | Mayor |
| Forest Hills | Dr. Niall Michelsen | Town Councilman |
| Sylva | Lynda Sossoman | Mayor |
| Webster | Tracy Rodes | Mayor |
| **Macon County** | Ronnie Beale | County Commissioner |
| Franklin | Bob Scott | Mayor |
| Highlands | Patrick Taylor | Mayor |
| **Swain County** | Roger Parsons | County Commissioner |
| Bryson City | Tom Sutton | Mayor |
| **Board of Transportation** | Jack Debnam | Division 14 Board Member |

The Technical Coordinating Committee (TCC) reviews and reviews plans and documents, then provides recommendations to the TAC. The TCC is comprised of municipal and county staff (managers, planners, administrators) of the member governments. The TCC meets approximately five times per year and provides direction and guidance on transportation planning activities and priorities. The TAC adopts the annual work plan and all administrative documents of the RPO, endorses transportation plans, and assigns local priorities to transportation improvement projects.

### *2019 Southwestern RPO TCC Members*

| Jurisdiction | TCC Representative | Title |
|---|---|---|
| **Cherokee County** | Randy Wiggins | County Manager |
| Andrews | Bill Green | Town Administrator |
| Murphy | Chad Simons | Town Manager |
| **Clay County** | Mark Pullium | County Manager |
| Hayesville | Vacant | N/A |
| **Graham County** | Becky Garland | County Manager |
| Fontana Dam | Zelerie Rogers | Town Administrator |
| Lake Santeetlah | Vacant | N/A |
| Robbinsville | Vacant | N/A |
| **Jackson County** | Mike Poston | County Planning Director |
| Dillsboro | Debbie Coffey | Town Administrator |
| Forest Hills | Vacant | N/A |
| Sylva | Paige R. Dowling, Chair | Town Manager |
| Webster | Vacant | N/A |
| **Macon County** | Jack Morgan | County Planning Director |
| Franklin | Justin Setser | Town Planner |
| Highlands | Josh Ward | Town Manager |
| **Swain County** | Kevin King | County Manager |
| Bryson City | Regina Mathis | Town Manager |
| **NCDOT Division 14** | Steve Williams | Division Planning Engineer |
| **NCDOT Transportation Planning Division** | Roger Castillo | Transportation Engineer I |
| **Eastern Band of Cherokee Indians** | Manual Maples | Director, Cherokee DOT |
| **SWRPO Public Transit** | Kim Angel | Transit Director |

## APPENDIX C: ORGANIZATIONAL CHART



## APPENDIX D: DEMOGRAPHIC TABLES

Appendix D contains the following demographic tables for each of the six counties in the Southwestern RPO:

- Table D1. Race and Ethnicity – Number of Population and Percent of Population
- Table D2. Age and Sex – Number of Population and Percent of Population
- Table D3. Disability – Number of Population and Percent of Population
- Table D4. Poverty – Number of Population and Percent of Population
- Table D5. Household Income – Number of Population and Percent of Population

## *D1. Race and Ethnicity.*

The following tables were completed using data from Census Table QT-P3, Race and Hispanic or Latino Origin: 2000:

| Race and Ethnicity, Population Numbers | County | | | | | |
|---|---|---|---|---|---|---|
| **RACE** | **Cherokee County** | **Clay County** | **Graham County** | **Jackson County** | **Macon County** | **Swain County** |
| Total population | 24,298 | 8,775 | 7,993 | 33,121 | 29,811 | 12,968 |
| White | 23,040 | 8,600 | 7,346 | 28,378 | 28,969 | 8,602 |
| Black or African American | 387 | 70 | 15 | 552 | 357 | 221 |
| American Indian and Alaska Native | 396 | 29 | 547 | 3,379 | 84 | 3,765 |
| Asian | 69 | 8 | 13 | 169 | 117 | 20 |
| Native Hawaiian and other Pacific Islander | 3 | 6 | 1 | 6 | 5 | 1 |
| Some other race | 109 | 13 | 10 | 181 | 91 | 63 |
| Two or more races | 294 | 49 | 61 | 456 | 188 | 296 |
| **HISPANIC OR LATINO** | | | | | | |
| Hispanic or Latino (of any race) | 303 | 73 | 60 | 577 | 454 | 191 |
| Mexican | 139 | 27 | 25 | 343 | 266 | 106 |
| Puerto Rican | 47 | 16 | 12 | 64 | 28 | 32 |
| Cuban | 40 | 4 | 0 | 30 | 47 | 7 |
| Other Hispanic or Latino | 77 | 26 | 23 | 140 | 113 | 46 |

| Race and Ethnicity, Percent of Population | County | | | | | |
|---|---|---|---|---|---|---|
| **RACE** | **Cherokee County** | **Clay County** | **Graham County** | **Jackson County** | **Macon County** | **Swain County** |
| Total population | 100 | 100 | 100 | 100 | 100 | 100 |
| White | 94.8 | 98 | 91.9 | 85.7 | 97.2 | 66.3 |
| Black or African American | 1.6 | 0.8 | 0.2 | 1.7 | 1.2 | 1.7 |
| American Indian and Alaska Native | 1.6 | 0.3 | 6.8 | 10.2 | 0.3 | 29 |
| Asian | 0.3 | 0.1 | 0.2 | 0.5 | 0.4 | 0.2 |
| Native Hawaiian and other Pacific Islander | 0 | 0.1 | 0 | 0 | 0 | 0 |
| Some other race | 0.4 | 0.1 | 0.1 | 0.5 | 0.3 | 0.5 |
| Two or more races | 1.2 | 0.6 | 0.8 | 1.4 | 0.6 | 2.3 |
| **HISPANIC OR LATINO** | | | | | | |
| Hispanic or Latino (of any race) | 1.2 | 0.8 | 0.8 | 1.7 | 1.5 | 1.5 |
| Mexican | 0.6 | 0.3 | 0.3 | 1 | 0.9 | 0.8 |
| Puerto Rican | 0.2 | 0.2 | 0.2 | 0.2 | 0.1 | 0.2 |
| Cuban | 0.2 | 0 | 0 | 0.1 | 0.2 | 0.1 |
| Other Hispanic or Latino | 0.3 | 0.3 | 0.3 | 0.4 | 0.4 | 0.4 |

## *D2. Age and Sex.*

The following table was completed using data from Census Table QT-P1, Age Groups and Sex: 2010:

| | | Number | | | Percent | | |
|---|---|---|---|---|---|---|---|
| | | **Both sexes** | **Male** | **Female** | **Both sexes** | **Male** | **Female** |
| **CHEROKEE COUNTY** | Total Population | 27,444 | 13,341 | 14,103 | 100 | 100 | 100 |
| | Under 5 years | 1,377 | 720 | 657 | 5 | 5 | 5 |
| | Under 18 years | 5,287 | 2,702 | 2,585 | 19 | 20 | 18 |
| | 18-64 years | 15,873 | 7,754 | 8,119 | 58 | 58 | 58 |
| | 65 years and over | 6,284 | 2,885 | 3,399 | 23 | 22 | 24 |
| | Median age (years) | 48 | 47 | 49 | -- | -- | -- |
| **CLAY COUNTY** | Total Population | 10,587 | 5,223 | 5,364 | 100 | 100 | 100 |
| | Under 5 years | 502 | 257 | 245 | 4.7 | 4.9 | 4.6 |
| | Under 18 years | 1,983 | 1,079 | 904 | 18.7 | 20.7 | 16.9 |
| | 18-64 years | 6,106 | 2,990 | 3,116 | 57.7 | 57.2 | 58.1 |
| | 65 years and over | 2,498 | 1,154 | 1,344 | 23.6 | 22.1 | 25.1 |
| | Median age (years) | 49.6 | 47.6 | 51.2 | -- | -- | -- |
| **GRAHAM COUNTY** | Total Population | 8,861 | 4,367 | 4,494 | 100 | 100 | 100 |
| | Under 5 years | 508 | 289 | 219 | 5.7 | 6.6 | 4.9 |
| | Under 18 years | 1,913 | 1,015 | 898 | 21.6 | 23.2 | 20 |
| | 18-64 years | 5,206 | 2,550 | 2,656 | 58.8 | 58.4 | 59.1 |
| | 65 years and over | 1,742 | 802 | 940 | 19.7 | 18.4 | 20.9 |
| | Median age (years) | 44.3 | 42.8 | 45.6 | -- | -- | -- |
| **JACKSON COUNTY** | Total Population | 40,271 | 20,043 | 20,228 | 100 | 100 | 100 |
| | Under 5 years | 2,035 | 1,045 | 990 | 5 | 5 | 5 |
| | Under 18 years | 7,123 | 3,755 | 3,368 | 18 | 19 | 17 |
| | 18-64 years | 27,064 | 13,548 | 13,516 | 67 | 68 | 67 |
| | 65 years and over | 6,084 | 2,740 | 3,344 | 15 | 14 | 17 |
| | Median age (years) | 36 | 35 | 38 | -- | -- | -- |
| **MACON COUNTY** | Total Population | 33,922 | 16,495 | 17,427 | 100 | 100 | 100 |
| | Under 5 years | 1,750 | 902 | 848 | 5 | 6 | 5 |
| | Under 18 years | 6,534 | 3,349 | 3,185 | 19 | 20 | 18 |
| | 18-64 years | 19,319 | 9,530 | 9,789 | 57 | 58 | 56 |
| | 65 years and over | 8,069 | 3,616 | 4,453 | 24 | 22 | 26 |
| | Median age (years) | 48 | 46 | 50 | -- | -- | -- |
| **SWAIN COUNTY** | Total Population | 13,981 | 6,812 | 7,169 | 100 | 100 | 100 |
| | Under 5 years | 879 | 428 | 451 | 6 | 6 | 6 |
| | Under 18 years | 3,269 | 1,658 | 1,611 | 23 | 24 | 23 |
| | 18-64 years | 8,391 | 4,117 | 4,274 | 60 | 60 | 60 |
| | 65 years and over | 2,321 | 1,037 | 1,284 | 17 | 15 | 18 |
| | Median age (years) | 41 | 40 | 42 | -- | -- | -- |

## *D3. Disability.*

The following table was completed using data from Census Table S1810, Disability Characteristics:

| CHEROKEE COUNTY | Total | | Number with a disability | | Percent with a disability | |
|---|---|---|---|---|---|---|
| | Estimate | Margin of Error | Estimate | Margin of Error | Estimate | Margin of Error |
| **Total** civilian noninstitutionalized population | 26,946 | +/-132 | 5,540 | +/-467 | 21% | +/-1.7 |
| **SEX** | | | | | | |
| Male | 13,163 | +/-123 | 2,955 | +/-302 | 22% | +/-2.3 |
| Female | 13,783 | +/-134 | 2,585 | +/-304 | 19% | +/-2.2 |
| **RACE** | | | | | | |
| White | 25,294 | +/-203 | 5,165 | +/-462 | 20% | +/-1.8 |
| Black or African American | 340 | +/-72 | 124 | +/-63 | 37% | +/-18.2 |
| American Indian and Alaska Native | 383 | +/-111 | 47 | +/-35 | 12% | +/-8.1 |
| Asian | 166 | +/-37 | 0 | +/-22 | 0% | +/-17.7 |
| Native Hawaiian and other Pacific Islander | 0 | +/-22 | 0 | +/-22 | - | ** |
| Some other race | 199 | +/-146 | 5 | +/-12 | 3% | +/-6.7 |
| Two or more races | 564 | +/-117 | 199 | +/-68 | 35% | +/-10.0 |
| **ETHNICITY** | | | | | | |
| White, not Hispanic or Latino | 24,744 | +/-128 | 5,105 | +/-456 | 21% | +/-1.8 |
| Hispanic or Latino (of any race) | 774 | +/-13 | 73 | +/-62 | 9% | +/-8.0 |
| **AGE** | | | | | | |
| Under 5 years | 1,142 | +/-82 | 13 | +/-20 | 1% | +/-1.7 |
| 5 to 17 years | 3,722 | +/-96 | 180 | +/-78 | 5% | +/-2.1 |
| 18 to 34 years | 3,962 | +/-137 | 457 | +/-151 | 12% | +/-3.8 |
| 35 to 64 years | 10,997 | +/-159 | 2,260 | +/-360 | 21% | +/-3.3 |
| 65 to 74 years | 4,449 | +/-109 | 1,243 | +/-209 | 28% | +/-4.8 |
| 75 years and over | 2,674 | +/-121 | 1,387 | +/-166 | 52% | +/-5.8 |

| CLAY COUNTY | Total | | Number with a disability | | Percent with a disability | |
|---|---|---|---|---|---|---|
| | Estimate | Margin of Error | Estimate | Margin of Error | Estimate | Margin of Error |
| **Total** civilian noninstitutionalized population | 10,680 | +/-29 | 1,834 | +/-368 | 17% | +/-3.4 |
| **SEX** | | | | | | |
| Male | 5,048 | +/-96 | 874 | +/-241 | 17% | +/-4.8 |
| Female | 5,632 | +/-100 | 960 | +/-198 | 17% | +/-3.5 |
| **RACE** | | | | | | |
| White | 10,606 | +/-78 | 1,818 | +/-365 | 17% | +/-3.4 |
| Black or African American | 37 | +/-64 | 16 | +/-28 | 43% | +/-19.2 |
| American Indian and Alaska Native | 0 | +/-19 | 0 | +/-19 | - | ** |
| Asian | 12 | +/-18 | 0 | +/-19 | 0% | +/-85.6 |
| Native Hawaiian and other Pacific Islander | 0 | +/-19 | 0 | +/-19 | - | ** |
| Some other race | 8 | +/-23 | 0 | +/-19 | 0% | +/-100.0 |
| Two or more races | 17 | +/-24 | 0 | +/-19 | 0% | +/-71.9 |
| **ETHNICITY** | | | | | | |
| White, not Hispanic or Latino | 10,278 | +/-79 | 1,817 | +/-366 | 18% | +/-3.6 |
| Hispanic or Latino (of any race) | 336 | +/-2 | 1 | +/-4 | 0% | +/-1.1 |
| **AGE** | | | | | | |
| Under 5 years | 424 | +/-60 | 0 | +/-19 | 0% | +/-7.4 |
| 5 to 17 years | 1,503 | +/-60 | 60 | +/-59 | 4% | +/-3.9 |
| 18 to 34 years | 1,613 | +/-44 | 145 | +/-104 | 9% | +/-6.5 |
| 35 to 64 years | 4,170 | +/-26 | 807 | +/-269 | 19% | +/-6.5 |
| 65 to 74 years | 1,817 | +/-24 | 307 | +/-113 | 17% | +/-6.3 |
| 75 years and over | 1,153 | +/-39 | 515 | +/-120 | 45% | +/-10.4 |

| GRAHAM COUNTY | Total | | Number with a disability | | Percent with a disability | |
|---|---|---|---|---|---|---|
| | Estimate | Margin of Error | Estimate | Margin of Error | Estimate | Margin of Error |
| **Total** civilian noninstitutionalized population | 8,536 | +/-104 | 1,626 | +/-189 | 19% | +/-2.2 |
| **SEX** | | | | | | |
| Male | 4,273 | +/-96 | 777 | +/-136 | 18% | +/-3.1 |
| Female | 4,263 | +/-92 | 849 | +/-149 | 20% | +/-3.4 |
| **RACE** | | | | | | |
| White | 7,576 | +/-120 | 1,547 | +/-184 | 20% | +/-2.5 |
| Black or African American | 25 | +/-31 | 1 | +/-2 | 4% | +/-15.3 |
| American Indian and Alaska Native | 704 | +/-54 | 61 | +/-38 | 9% | +/-5.3 |
| Asian | 0 | +/-17 | 0 | +/-17 | - | ** |
| Native Hawaiian and other Pacific Islander | 0 | +/-17 | 0 | +/-17 | - | ** |
| Some other race | 163 | +/-87 | 0 | +/-17 | 0% | +/-18.0 |
| Two or more races | 68 | +/-48 | 17 | +/-26 | 25% | +/-34.3 |
| **ETHNICITY** | | | | | | |
| White, not Hispanic or Latino | 7,490 | +/-104 | 1,547 | +/-184 | 21% | +/-2.4 |
| Hispanic or Latino (of any race) | 259 | +/-17 | 0 | +/-17 | 0% | +/-11.8 |
| **AGE** | | | | | | |
| Under 5 years | 347 | +/-17 | 0 | +/-17 | 0% | +/-8.9 |
| 5 to 17 years | 1,494 | +/-80 | 92 | +/-50 | 6% | +/-3.4 |
| 18 to 34 years | 1,550 | +/-98 | 153 | +/-85 | 10% | +/-5.6 |
| 35 to 64 years | 3,346 | +/-75 | 555 | +/-136 | 17% | +/-4.1 |
| 65 to 74 years | 1,069 | +/-46 | 365 | +/-78 | 34% | +/-7.3 |
| 75 years and over | 730 | +/-76 | 461 | +/-75 | 63% | +/-8.7 |

| JACKSON COUNTY | Total | | Number with a disability | | Percent with a disability | |
|---|---|---|---|---|---|---|
| | Estimate | Margin of Error | Estimate | Margin of Error | Estimate | Margin of Error |
| **Total** civilian noninstitutionalized population | 40,951 | +/-125 | 5,220 | +/-587 | 13% | +/-1.4 |
| **SEX** | | | | | | |
| Male | 20,259 | +/-223 | 2,542 | +/-355 | 13% | +/-1.8 |
| Female | 20,692 | +/-215 | 2,678 | +/-358 | 13% | +/-1.8 |
| **RACE** | | | | | | |
| White | 34,163 | +/-358 | 4,376 | +/-543 | 13% | +/-1.6 |
| Black or African American | 1,247 | +/-372 | 146 | +/-94 | 12% | +/-8.5 |
| American Indian and Alaska Native | 3,504 | +/-334 | 506 | +/-174 | 14% | +/-4.5 |
| Asian | 420 | +/-51 | 53 | +/-64 | 13% | +/-15.7 |
| Native Hawaiian and other Pacific Islander | 9 | +/-15 | 0 | +/-25 | 0% | +/-98.9 |
| Some other race | 617 | +/-253 | 25 | +/-30 | 4% | +/-4.9 |
| Two or more races | 991 | +/-338 | 114 | +/-96 | 12% | +/-8.5 |
| **ETHNICITY** | | | | | | |
| White, not Hispanic or Latino | 33,145 | +/-135 | 4,301 | +/-537 | 13% | +/-1.6 |
| Hispanic or Latino (of any race) | 2,218 | +/-4 | 163 | +/-98 | 7% | +/-4.4 |
| **AGE** | | | | | | |
| Under 5 years | 1,950 | +/-67 | 31 | +/-34 | 2% | +/-1.8 |
| 5 to 17 years | 5,167 | +/-77 | 233 | +/-106 | 5% | +/-2.1 |
| 18 to 34 years | 12,555 | +/-235 | 726 | +/-206 | 6% | +/-1.6 |
| 35 to 64 years | 14,210 | +/-243 | 1,975 | +/-357 | 14% | +/-2.5 |
| 65 to 74 years | 4,420 | +/-104 | 965 | +/-237 | 22% | +/-5.5 |
| 75 years and over | 2,649 | +/-134 | 1,290 | +/-196 | 49% | +/-6.4 |

| MACON COUNTY | Total | | Number with a disability | | Percent with a disability | |
|---|---|---|---|---|---|---|
| | Estimate | Margin of Error | Estimate | Margin of Error | Estimate | Margin of Error |
| **Total** civilian noninstitutionalized population | 33,774 | +/-127 | 5,732 | +/-490 | 17% | +/-1.5 |
| **SEX** | | | | | | |
| Male | 16,360 | +/-165 | 2,927 | +/-325 | 18% | +/-2.0 |
| Female | 17,414 | +/-192 | 2,805 | +/-311 | 16% | +/-1.8 |
| **RACE** | | | | | | |
| White | 31,270 | +/-399 | 5,418 | +/-503 | 17% | +/-1.7 |
| Black or African American | 378 | +/-166 | 126 | +/-69 | 33% | +/-22.2 |
| American Indian and Alaska Native | 161 | +/-71 | 34 | +/-32 | 21% | +/-22.8 |
| Asian | 250 | +/-41 | 0 | +/-25 | 0% | +/-12.2 |
| Native Hawaiian and other Pacific Islander | 0 | +/-25 | 0 | +/-25 | - | ** |
| Some other race | 1,294 | +/-395 | 87 | +/-84 | 7% | +/-6.9 |
| Two or more races | 421 | +/-190 | 67 | +/-56 | 16% | +/-13.5 |
| **ETHNICITY** | | | | | | |
| White, not Hispanic or Latino | 30,293 | +/-140 | 5,370 | +/-501 | 18% | +/-1.7 |
| Hispanic or Latino (of any race) | 2,246 | +/-25 | 135 | +/-89 | 6% | +/-4.0 |
| **AGE** | | | | | | |
| Under 5 years | 1,737 | +/-77 | 0 | +/-25 | 0% | +/-1.9 |
| 5 to 17 years | 4,702 | +/-70 | 386 | +/-164 | 8% | +/-3.5 |
| 18 to 34 years | 5,597 | +/-193 | 351 | +/-148 | 6% | +/-2.6 |
| 35 to 64 years | 12,820 | +/-185 | 2,184 | +/-325 | 17% | +/-2.5 |
| 65 to 74 years | 5,173 | +/-85 | 1,102 | +/-202 | 21% | +/-3.9 |
| 75 years and over | 3,745 | +/-112 | 1,709 | +/-154 | 46% | +/-4.1 |

| SWAIN COUNTY | Total | | Number with a disability | | Percent with a disability | |
|---|---|---|---|---|---|---|
| | Estimate | Margin of Error | Estimate | Margin of Error | Estimate | Margin of Error |
| **Total** civilian noninstitutionalized population | 14,055 | +/-65 | 2,142 | +/-282 | 15% | +/-2.0 |
| **SEX** | | | | | | |
| Male | 6,899 | +/-136 | 1,058 | +/-166 | 15% | +/-2.4 |
| Female | 7,156 | +/-150 | 1,084 | +/-195 | 15% | +/-2.7 |
| **RACE** | | | | | | |
| White | 9,033 | +/-115 | 1,644 | +/-217 | 18% | +/-2.4 |
| Black or African American | 173 | +/-58 | 16 | +/-17 | 9% | +/-8.9 |
| American Indian and Alaska Native | 3,900 | +/-225 | 438 | +/-135 | 11% | +/-3.4 |
| Asian | 52 | +/-44 | 0 | +/-19 | 0% | +/-41.1 |
| Native Hawaiian and other Pacific Islander | 0 | +/-19 | 0 | +/-19 | - | ** |
| Some other race | 133 | +/-107 | 0 | +/-19 | 0% | +/-21.5 |
| Two or more races | 764 | +/-238 | 44 | +/-36 | 6% | +/-5.4 |
| **ETHNICITY** | | | | | | |
| White, not Hispanic or Latino | 8,909 | +/-59 | 1,629 | +/-219 | 18% | +/-2.5 |
| Hispanic or Latino (of any race) | 672 | +/-3 | 15 | +/-22 | 2% | +/-3.3 |
| **AGE** | | | | | | |
| Under 5 years | 938 | +/-65 | 4 | +/-7 | 0% | +/-0.7 |
| 5 to 17 years | 2,330 | +/-64 | 52 | +/-51 | 2% | +/-2.2 |
| 18 to 34 years | 2,893 | +/-150 | 227 | +/-120 | 8% | +/-4.2 |
| 35 to 64 years | 5,342 | +/-137 | 773 | +/-149 | 15% | +/-2.8 |
| 65 to 74 years | 1,579 | +/-68 | 553 | +/-115 | 35% | +/-7.2 |
| 75 years and over | 973 | +/-59 | 533 | +/-85 | 55% | +/-8.8 |

## *D4. Poverty.*

The following table was completed using data from Census Table S1701, Poverty Status in the Past 12 Months:

| CHEROKEE COUNTY | Total | | Number below poverty level | | Percent below poverty level | |
|---|---|---|---|---|---|---|
| | Estimate | Margin of Error | Estimate | Margin of Error | Estimate | Margin of Error |
| **Population for whom poverty status is determined** | 26,860 | +/-146 | 5,247 | +/-654 | 20% | +/-2.4 |
| **AGE** | | | | | | |
| Under 18 years | 4,786 | +/-79 | 1,346 | +/-247 | 28% | +/-5.2 |
| 18 to 64 years | 14,951 | +/-126 | 3,111 | +/-441 | 21% | +/-2.9 |
| 65 years and over | 7,123 | +/-163 | 790 | +/-177 | 11% | +/-2.5 |
| **SEX** | | | | | | |
| Male | 13,123 | +/-121 | 2,370 | +/-338 | 18% | +/-2.6 |
| Female | 13,737 | +/-137 | 2,877 | +/-420 | 21% | +/-3.0 |
| **RACE** | | | | | | |
| White | 25,225 | +/-205 | 4,749 | +/-646 | 19% | +/-2.5 |
| Black or African American | 331 | +/-72 | 161 | +/-70 | 49% | +/-26.7 |
| American Indian and Alaska Native | 376 | +/-100 | 183 | +/-105 | 49% | +/-20.5 |
| Asian | 166 | +/-37 | 31 | +/-55 | 19% | +/-34.1 |
| Native Hawaiian and other Pacific Islander | 0 | +/-22 | 0 | +/-22 | - | ** |
| Some other race | 199 | +/-146 | 0 | +/-22 | 0% | +/-15.0 |
| Two or more races | 563 | +/-117 | 123 | +/-69 | 22% | +/-11.1 |
| **ETHNICITY** | | | | | | |
| White, not Hispanic or Latino | 766 | +/-20 | 243 | +/-165 | 32% | +/-21.7 |
| Hispanic or Latino (of any race) | 24,675 | +/-141 | 4,528 | +/-601 | 18% | +/-2.4 |
| **ALL INDIVIDUALS WITH INCOME BELOW:** | | | | | | |
| 50 percent of poverty level | 2,331 | +/-469 | -- | -- | -- | -- |
| 125 percent of poverty level | 6,783 | +/-700 | -- | -- | -- | -- |
| 150 percent of poverty level | 8,438 | +/-728 | -- | -- | -- | -- |
| 185 percent of poverty level | 11,036 | +/-872 | -- | -- | -- | -- |
| 200 percent of poverty level | 12,066 | +/-890 | -- | -- | -- | -- |

| CLAY COUNTY | Total | | Number below poverty level | | Percent below poverty level | |
|---|---|---|---|---|---|---|
| | Estimate | Margin of Error | Estimate | Margin of Error | Estimate | Margin of Error |
| **Population for whom poverty status is determined** | 10,677 | +/-29 | 1,731 | +/-501 | 16% | +/-4.7 |
| **AGE** | | | | | | |
| Under 18 years | 1,924 | +/-6 | 464 | +/-231 | 24% | +/-12.0 |
| 18 to 64 years | 5,783 | +/-37 | 994 | +/-320 | 17% | +/-5.5 |
| 65 years and over | 2,970 | +/-50 | 273 | +/-119 | 9% | +/-4.0 |
| **SEX** | | | | | | |
| Male | 5,045 | +/-97 | 751 | +/-272 | 15% | +/-5.3 |
| Female | 5,632 | +/-100 | 980 | +/-279 | 17% | +/-5.0 |
| **RACE** | | | | | | |
| White | 10,603 | +/-78 | 1,691 | +/-486 | 16% | +/-4.6 |
| Black or African American | 37 | +/-64 | 37 | +/-64 | 100% | +/-48.8 |
| American Indian and Alaska Native | 0 | +/-19 | 0 | +/-19 | - | ** |
| Asian | 12 | +/-18 | 0 | +/-19 | 0% | +/-85.6 |
| Native Hawaiian and other Pacific Islander | 0 | +/-19 | 0 | +/-19 | - | ** |
| Some other race | 8 | +/-23 | 0 | +/-19 | 0% | +/-100.0 |
| Two or more races | 17 | +/-24 | 3 | +/-5 | 18% | +/-43.6 |
| **ETHNICITY** | | | | | | |
| White, not Hispanic or Latino | 336 | +/-2 | 28 | +/-38 | 8% | +/-11.2 |
| Hispanic or Latino (of any race) | 10,275 | +/-79 | 1,663 | +/-490 | 16% | +/-4.8 |
| **ALL INDIVIDUALS WITH INCOME BELOW:** | | | | | | |
| 50 percent of poverty level | 512 | +/-265 | -- | -- | -- | -- |
| 125 percent of poverty level | 2,826 | +/-638 | -- | -- | -- | -- |
| 150 percent of poverty level | 3,330 | +/-659 | -- | -- | -- | -- |
| 185 percent of poverty level | 4,169 | +/-712 | -- | -- | -- | -- |
| 200 percent of poverty level | 4,683 | +/-719 | -- | -- | -- | -- |

| GRAHAM COUNTY | Total | | Number below poverty level | | Percent below poverty level | |
|---|---|---|---|---|---|---|
| | Estimate | Margin of Error | Estimate | Margin of Error | Estimate | Margin of Error |
| **Population for whom poverty status is determined** | 8,536 | +/-104 | 1,650 | +/-347 | 19% | +/-4.0 |
| **AGE** | | | | | | |
| Under 18 years | 1,841 | +/-80 | 425 | +/-150 | 23% | +/-8.1 |
| 18 to 64 years | 4,896 | +/-84 | 947 | +/-219 | 19% | +/-4.5 |
| 65 years and over | 1,799 | +/-110 | 278 | +/-114 | 16% | +/-6.2 |
| **SEX** | | | | | | |
| Male | 4,273 | +/-96 | 802 | +/-208 | 19% | +/-4.8 |
| Female | 4,263 | +/-92 | 848 | +/-205 | 20% | +/-4.7 |
| **RACE** | | | | | | |
| White | 7,576 | +/-120 | 1,448 | +/-329 | 19% | +/-4.3 |
| Black or African American | 25 | +/-31 | 3 | +/-4 | 12% | +/-31.4 |
| American Indian and Alaska Native | 704 | +/-54 | 143 | +/-90 | 20% | +/-12.9 |
| Asian | 0 | +/-17 | 0 | +/-17 | - | ** |
| Native Hawaiian and other Pacific Islander | 0 | +/-17 | 0 | +/-17 | - | ** |
| Some other race | 163 | +/-87 | 21 | +/-35 | 13% | +/-23.4 |
| Two or more races | 68 | +/-48 | 35 | +/-38 | 52% | +/-35.4 |
| **ETHNICITY** | | | | | | |
| White, not Hispanic or Latino | 259 | +/-17 | 73 | +/-74 | 28% | +/-28.8 |
| Hispanic or Latino (of any race) | 7,490 | +/-104 | 1,396 | +/-320 | 19% | +/-4.2 |
| **ALL INDIVIDUALS WITH INCOME BELOW:** | | | | | | |
| 50 percent of poverty level | 613 | +/-189 | -- | -- | -- | -- |
| 125 percent of poverty level | 2,322 | +/-448 | -- | -- | -- | -- |
| 150 percent of poverty level | 2,884 | +/-482 | -- | -- | -- | -- |
| 185 percent of poverty level | 3,809 | +/-484 | -- | -- | -- | -- |
| 200 percent of poverty level | 4,079 | +/-479 | -- | -- | -- | -- |

| JACKSON COUNTY | Total | | Number below poverty level | | Percent below poverty level | |
|---|---|---|---|---|---|---|
| | Estimate | Margin of Error | Estimate | Margin of Error | Estimate | Margin of Error |
| **Population for whom poverty status is determined** | 37,458 | +/-332 | 8,646 | +/-999 | 23% | +/-2.7 |
| **AGE** | | | | | | |
| Under 18 years | 6,987 | +/-99 | 2,341 | +/-528 | 34% | +/-7.5 |
| 18 to 64 years | 23,402 | +/-337 | 5,580 | +/-650 | 24% | +/-2.7 |
| 65 years and over | 7,069 | +/-153 | 725 | +/-186 | 10% | +/-2.6 |
| **SEX** | | | | | | |
| Male | 18,658 | +/-270 | 4,138 | +/-626 | 22% | +/-3.3 |
| Female | 18,800 | +/-269 | 4,508 | +/-555 | 24% | +/-3.0 |
| **RACE** | | | | | | |
| White | 31,224 | +/-456 | 6,505 | +/-817 | 21% | +/-2.6 |
| Black or African American | 867 | +/-385 | 532 | +/-407 | 61% | +/-24.2 |
| American Indian and Alaska Native | 3,493 | +/-333 | 812 | +/-316 | 23% | +/-9.2 |
| Asian | 388 | +/-52 | 50 | +/-53 | 13% | +/-13.9 |
| Native Hawaiian and other Pacific Islander | 9 | +/-15 | 0 | +/-25 | 0% | +/-98.9 |
| Some other race | 592 | +/-255 | 261 | +/-168 | 44% | +/-22.5 |
| Two or more races | 885 | +/-331 | 486 | +/-306 | 55% | +/-19.4 |
| **ETHNICITY** | | | | | | |
| White, not Hispanic or Latino | 2,089 | +/-70 | 1,170 | +/-319 | 56% | +/-15.2 |
| Hispanic or Latino (of any race) | 30,288 | +/-301 | 6,039 | +/-768 | 20% | +/-2.5 |
| **ALL INDIVIDUALS WITH INCOME BELOW:** | | | | | | |
| 50 percent of poverty level | 4,139 | +/-798 | -- | -- | -- | -- |
| 125 percent of poverty level | 10,588 | +/-1,037 | -- | -- | -- | -- |
| 150 percent of poverty level | 12,324 | +/-1,089 | -- | -- | -- | -- |
| 185 percent of poverty level | 14,731 | +/-1,122 | -- | -- | -- | -- |
| 200 percent of poverty level | 16,178 | +/-1,075 | -- | -- | -- | -- |

| MACON COUNTY | Total | | Number below poverty level | | Percent below poverty level | |
|---|---|---|---|---|---|---|
| | Estimate | Margin of Error | Estimate | Margin of Error | Estimate | Margin of Error |
| **Population for whom poverty status is determined** | 33,654 | +/-144 | 6,183 | +/-696 | 18% | +/-2.1 |
| **AGE** | | | | | | |
| Under 18 years | 6,330 | +/-100 | 2,009 | +/-349 | 32% | +/-5.4 |
| 18 to 64 years | 18,406 | +/-108 | 3,378 | +/-454 | 18% | +/-2.5 |
| 65 years and over | 8,918 | +/-125 | 796 | +/-190 | 9% | +/-2.1 |
| **SEX** | | | | | | |
| Male | 16,326 | +/-172 | 2,829 | +/-388 | 17% | +/-2.4 |
| Female | 17,328 | +/-209 | 3,354 | +/-427 | 19% | +/-2.4 |
| **RACE** | | | | | | |
| White | 31,211 | +/-403 | 5,245 | +/-642 | 17% | +/-2.0 |
| Black or African American | 365 | +/-167 | 101 | +/-76 | 28% | +/-24.1 |
| American Indian and Alaska Native | 161 | +/-71 | 9 | +/-16 | 6% | +/-10.4 |
| Asian | 250 | +/-41 | 61 | +/-73 | 24% | +/-29.4 |
| Native Hawaiian and other Pacific Islander | 0 | +/-25 | 0 | +/-25 | - | ** |
| Some other race | 1,247 | +/-395 | 618 | +/-338 | 50% | +/-20.8 |
| Two or more races | 420 | +/-190 | 149 | +/-144 | 36% | +/-27.6 |
| **ETHNICITY** | | | | | | |
| White, not Hispanic or Latino | 2,196 | +/-62 | 1,001 | +/-304 | 46% | +/-14.1 |
| Hispanic or Latino (of any race) | 30,235 | +/-148 | 4,858 | +/-556 | 16% | +/-1.8 |
| **ALL INDIVIDUALS WITH INCOME BELOW:** | | | | | | |
| 50 percent of poverty level | 2,684 | +/-612 | -- | -- | -- | -- |
| 125 percent of poverty level | 8,679 | +/-801 | -- | -- | -- | -- |
| 150 percent of poverty level | 10,168 | +/-849 | -- | -- | -- | -- |
| 185 percent of poverty level | 12,607 | +/-916 | -- | -- | -- | -- |
| 200 percent of poverty level | 13,768 | +/-919 | -- | -- | -- | -- |

| SWAIN COUNTY | Total | | Number below poverty level | | Percent below poverty level | |
|---|---|---|---|---|---|---|
| | Estimate | Margin of Error | Estimate | Margin of Error | Estimate | Margin of Error |
| **Population for whom poverty status is determined** | 13,990 | +/-85 | 3,277 | +/-565 | 23% | +/-4.0 |
| **AGE** | | | | | | |
| Under 18 years | 3,203 | +/-68 | 1,353 | +/-329 | 42% | +/-10.2 |
| 18 to 64 years | 8,235 | +/-74 | 1,541 | +/-291 | 19% | +/-3.6 |
| 65 years and over | 2,552 | +/-87 | 383 | +/-103 | 15% | +/-4.0 |
| **SEX** | | | | | | |
| Male | 6,854 | +/-137 | 1,544 | +/-290 | 23% | +/-4.3 |
| Female | 7,136 | +/-150 | 1,733 | +/-349 | 24% | +/-4.7 |
| **RACE** | | | | | | |
| White | 8,978 | +/-135 | 1,562 | +/-379 | 17% | +/-4.2 |
| Black or African American | 166 | +/-58 | 159 | +/-69 | 96% | +/-13.7 |
| American Indian and Alaska Native | 3,897 | +/-226 | 1,217 | +/-302 | 31% | +/-7.7 |
| Asian | 52 | +/-44 | 14 | +/-20 | 27% | +/-42.7 |
| Native Hawaiian and other Pacific Islander | 0 | +/-19 | 0 | +/-19 | - | ** |
| Some other race | 133 | +/-107 | 52 | +/-46 | 39% | +/-29.5 |
| Two or more races | 764 | +/-238 | 273 | +/-164 | 36% | +/-18.0 |
| **ETHNICITY** | | | | | | |
| White, not Hispanic or Latino | 672 | +/-3 | 282 | +/-124 | 42% | +/-18.4 |
| Hispanic or Latino (of any race) | 8,854 | +/-79 | 1,548 | +/-378 | 18% | +/-4.3 |
| **ALL INDIVIDUALS WITH INCOME BELOW:** | | | | | | |
| 50 percent of poverty level | 1,762 | +/-452 | -- | -- | -- | -- |
| 125 percent of poverty level | 4,292 | +/-566 | -- | -- | -- | -- |
| 150 percent of poverty level | 4,938 | +/-565 | -- | -- | -- | -- |
| 185 percent of poverty level | 6,175 | +/-609 | -- | -- | -- | -- |
| 200 percent of poverty level | 6,972 | +/-608 | -- | -- | -- | -- |

## *D5. Household Income.*

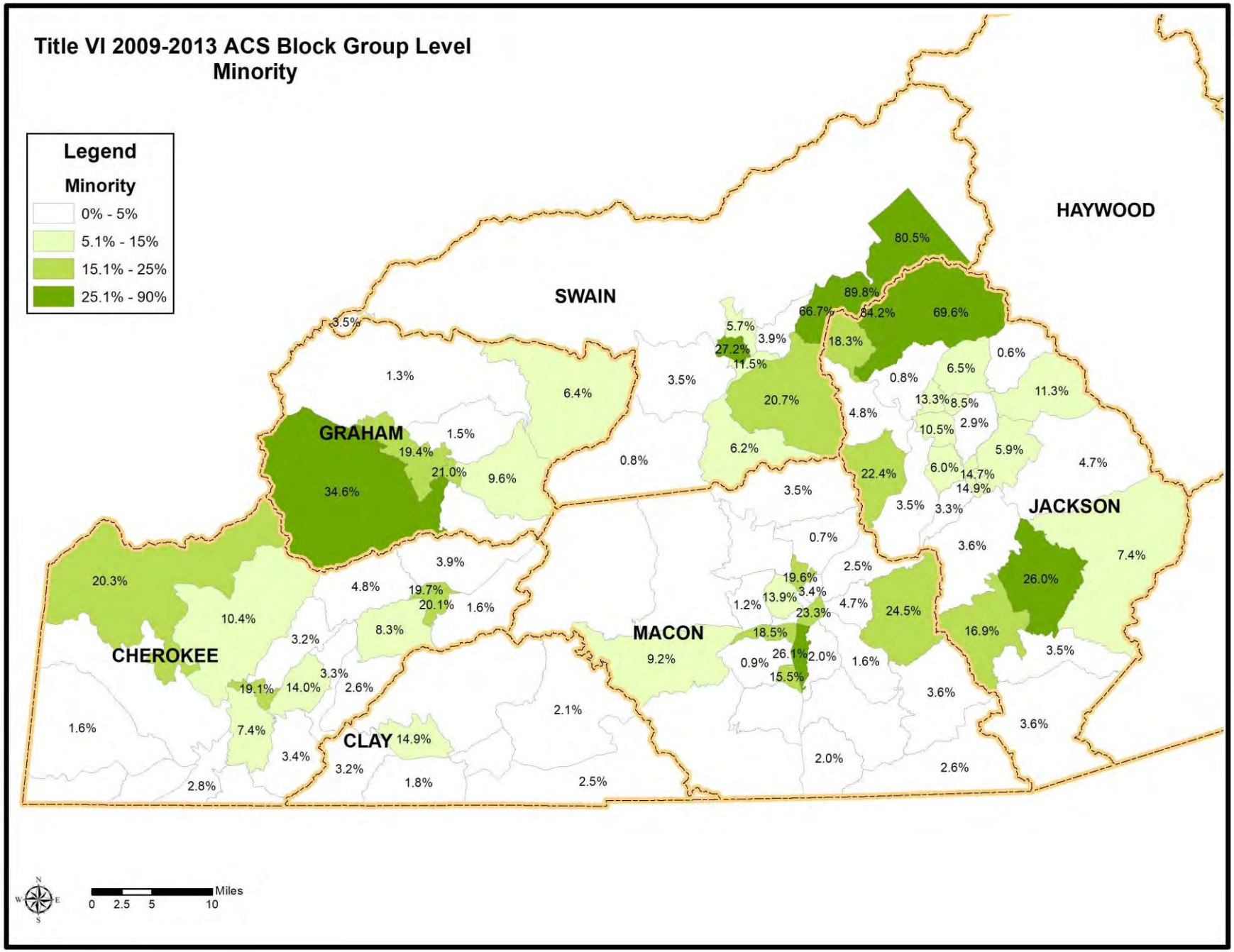
The following table was completed using data from Census Table S1901, Income in the Past 12 Months (In 2016 Inflation-Adjusted Dollars):

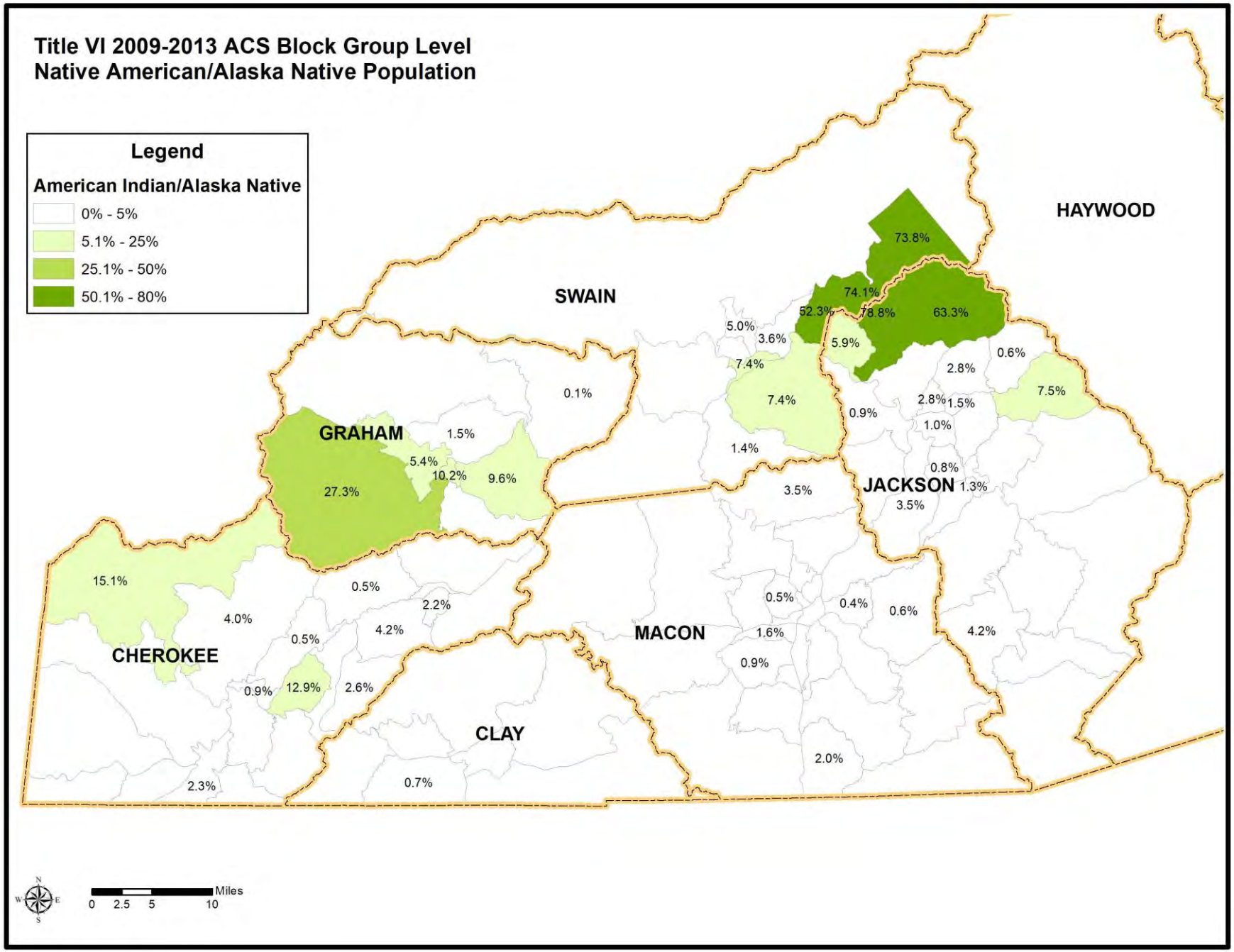
| | Cherokee County | | Clay County | | Graham County | | Jackson County | | Macon County | | Swain County | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **Estimate** | **Margin of Error** | **Estimate** | **Margin of Error** | **Estimate** | **Margin of Error** | **Estimate** | **Margin of Error** | **Estimate** | **Margin of Error** | **Estimate** | **Margin of Error** |
| **Total** | 10,857 | +/- 450 | 4,666 | +/- 271 | 3,252 | +/- 228 | 16,048 | +/- 604 | 15,215 | +/- 460 | 5,425 | +/- 286 |
| Less than $10,000 | 11.7% | +/- 2.6 | 7.1% | +/- 3.4 | 12.1% | +/- 3.6 | 11.7% | +/- 1.9 | 8.0% | +/- 1.7 | 10.5% | +/- 2.6 |
| $10,000 to $14,999 | 7.1% | +/- 1.4 | 7.2% | +/- 3.0 | 6.2% | +/- 2.2 | 7.4% | +/- 1.4 | 8.3% | +/- 1.5 | 9.1% | +/- 2.2 |
| $15,000 to $24,999 | 15.5% | +/- 2.1 | 17.8% | +/- 4.8 | 17.3% | +/- 3.4 | 14.9% | +/- 2.2 | 13.8% | +/- 2.2 | 16.2% | +/- 2.9 |
| $25,000 to $34,999 | 15.4% | +/- 2.3 | 16.1% | +/- 3.4 | 14.5% | +/- 3.8 | 10.4% | +/- 1.4 | 14.1% | +/- 1.7 | 16.3% | +/- 3.1 |
| $35,000 to $49,999 | 15.9% | +/- 2.1 | 17.3% | +/- 4.7 | 14.1% | +/- 3.2 | 14.1% | +/- 2.3 | 16.4% | +/- 2.1 | 13.8% | +/- 2.9 |
| $50,000 to $74,999 | 18.6% | +/- 2.5 | 17.7% | +/- 3.8 | 19.0% | +/- 4.7 | 18.7% | +/- 2.3 | 16.8% | +/- 2.1 | 14.5% | +/- 2.8 |
| $75,000 to $99,999 | 8.3% | +/- 1.7 | 7.1% | +/- 2.9 | 8.4% | +/- 2.6 | 12.8% | +/- 1.7 | 10.5% | +/- 1.6 | 9.6% | +/- 2.5 |
| $100,000 to $149,999 | 5.4% | +/- 1.3 | 6.9% | +/- 2.6 | 5.1% | +/- 2.2 | 7.6% | +/- 1.4 | 7.7% | +/- 1.4 | 6.1% | +/- 1.7 |
| $150,000 to $199,999 | 1.7% | +/- 0.8 | 1.6% | +/- 1.4 | 1.8% | +/- 1.4 | 1.4% | +/- 0.7 | 1.8% | +/- 0.8 | 2.0% | +/- 1.2 |
| $200,000 or more | 0.5% | +/- 0.3 | 1.3% | +/- 0.9 | 1.4% | +/- 1.0 | 1.2% | +/- 0.5 | 2.8% | +/- 0.6 | 1.9% | +/- 1.0 |
| | | | | | | | | | | | | |
| Median income (dollars) | $35,284 | +/- 2,102 | $36,296 | +/- 6,050 | $34,778 | +/- 4,836 | $40,278 | +/- 2,673 | $39,593 | +/- 1,924 | $33,598 | +/- 2,593 |
| Mean income (dollars) | $44,790 | +/- 1,984 | $50,971 | +/- 6,467 | $45,699 | +/- 3,781 | $52,960 | +/- 3,528 | $56,298 | +/- 2,596 | $48,481 | +/- 3,314 |

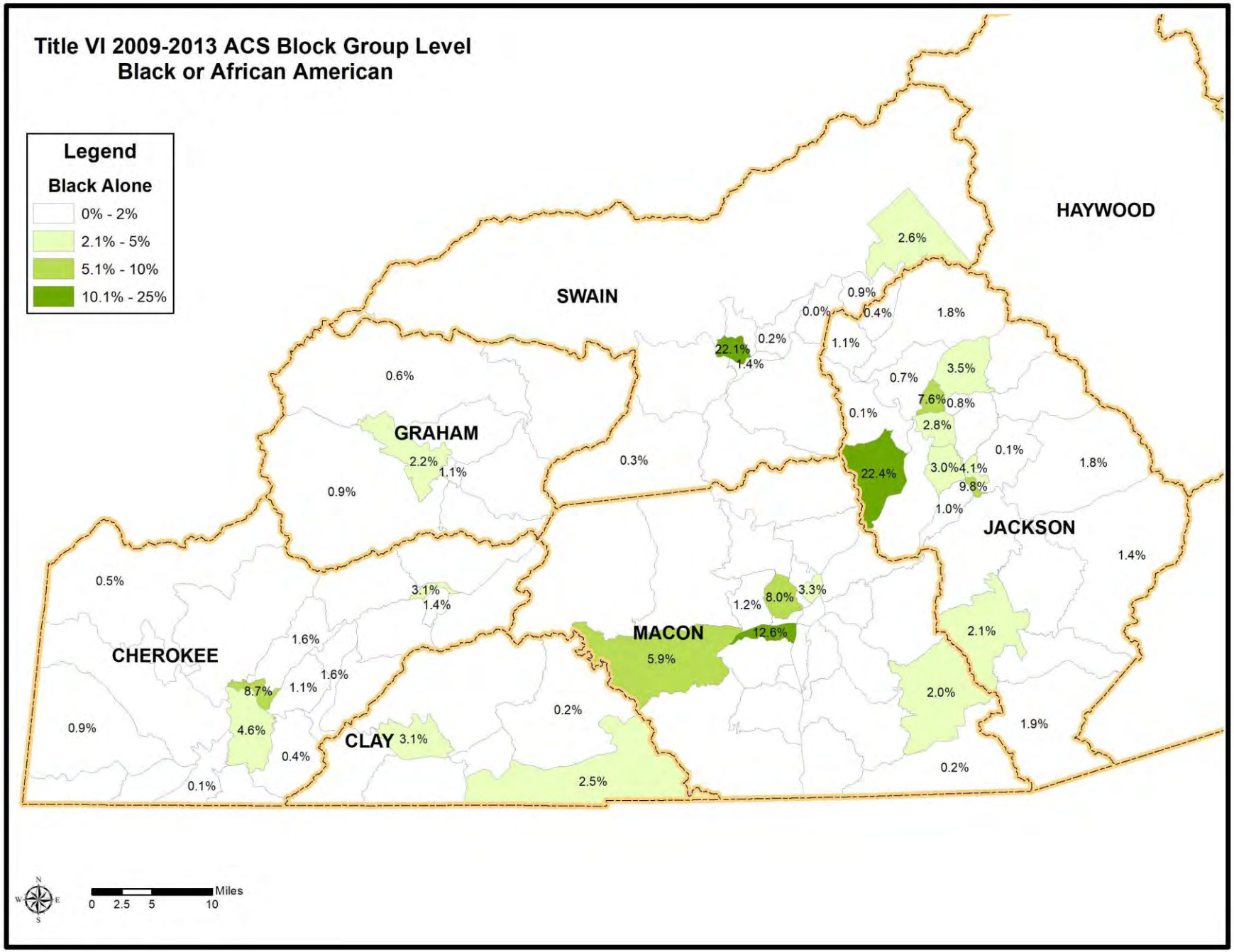
## APPENDIX E: DEMOGRAPHIC MAPS

Appendix E contains the following demographic maps, which were developed using 2009-2013 American Community Survey Block Group Level Data.

- Minority
- Native American/Alaska Native
- Black/African American
- Hispanic and Latino
- Limited English Proficiency (Spanish)
- Elderly Population over 65
- Poverty Level


Title VI 2009-2013 ACS Block Group Level
Minority
Legend
Minority
0% - 5%
5.1% - 15%
15.1% - 25%
25.1% - 90%
HAYWOOD
SWAIN
GRAHAM
JACKSON
CHEROKEE
MACON
CLAY
80.5%
89.8%
66.7%
84.2%
69.6%
5.7%
3.9%
27.2%
11.5%
18.3%
0.6%
6.5%
0.8%
11.3%
13.3%
8.5%
4.8%
10.5%
2.9%
5.9%
6.0%
14.7%
14.9%
4.7%
3.5%
3.3%
3.6%
7.4%
26.0%
16.9%
3.5%
3.6%
2.0%
2.6%
3.5%
1.3%
6.4%
20.7%
6.2%
22.4%
1.5%
19.4%
21.0%
9.6%
34.6%
0.8%
3.5%
0.7%
2.5%
19.6%
3.4%
13.9%
1.2%
23.3%
4.7%
24.5%
18.5%
26.1%
2.0%
0.9%
15.5%
1.6%
9.2%
20.3%
10.4%
3.9%
4.8%
19.7%
20.1%
1.6%
8.3%
3.2%
3.3%
19.1%
14.0%
2.6%
1.6%
7.4%
3.4%
14.9%
3.2%
1.8%
2.8%
2.1%
2.5%
Miles
0 2.5 5 10


Title VI 2009-2013 ACS Block Group Level
Native American/Alaska Native Population
Legend
American Indian/Alaska Native
0% - 5%
5.1% - 25%
25.1% - 50%
50.1% - 80%
HAYWOOD
SWAIN
GRAHAM
JACKSON
CHEROKEE
MACON
CLAY
73.8%
74.1%
52.3%
78.8%
63.3%
5.0%
3.6%
5.9%
0.6%
7.4%
2.8%
0.1%
7.4%
7.5%
2.8%
1.5%
0.9%
1.0%
1.5%
1.4%
0.8%
27.3%
5.4%
10.2%
9.6%
3.5%
1.3%
3.5%
15.1%
0.5%
2.2%
0.5%
0.4%
0.6%
4.0%
4.2%
0.5%
1.6%
4.2%
0.9%
12.9%
2.6%
2.0%
2.3%
0.7%
Miles
0 2.5 5 10


Title VI 2009-2013 ACS Block Group Level
Black or African American
Legend
Black Alone
0% - 2%
2.1% - 5%
5.1% - 10%
10.1% - 25%
HAYWOOD
SWAIN
GRAHAM
JACKSON
CHEROKEE
MACON
CLAY
2.6%
0.9%
0.0%
0.4%
1.8%
0.2%
22.1%
1.4%
1.1%
0.6%
0.7%
3.5%
7.6%
0.8%
0.1%
2.8%
0.1%
2.2%
1.1%
0.3%
22.4%
3.0%
4.1%
1.8%
9.8%
0.9%
1.0%
1.4%
0.5%
3.1%
1.4%
8.0%
3.3%
1.2%
12.6%
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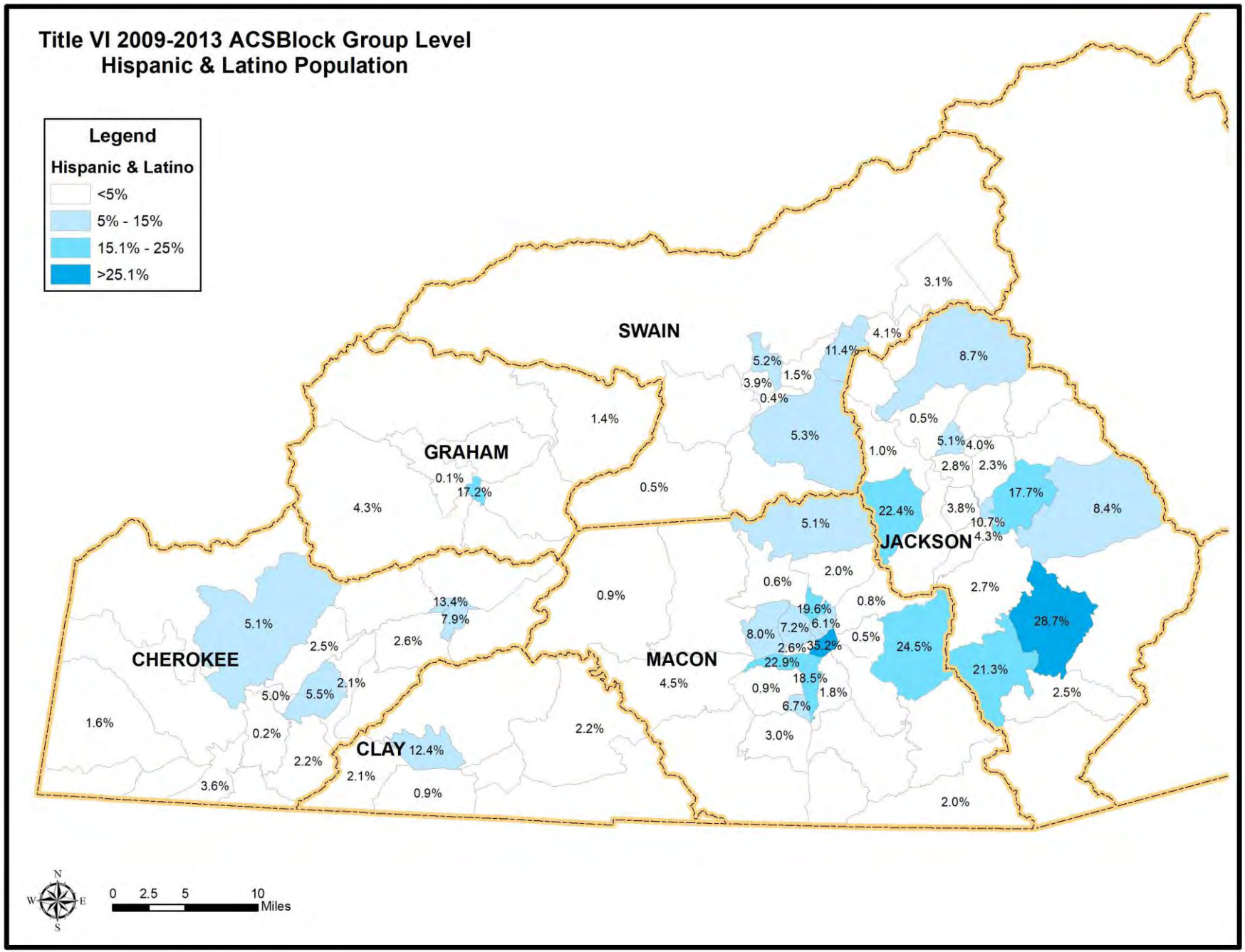
0 2.5 5 10


Title VI 2009-2013 ACSBlock Group Level
Hispanic & Latino Population
Legend
Hispanic & Latino
<5%
5% - 15%
15.1% - 25%
>25.1%
SWAIN
GRAHAM
CHEROKEE
MACON
JACKSON
CLAY
3.1%
4.1%
11.4%
8.7%
5.2%
1.5%
3.9%
0.4%
1.4%
0.5%
5.3%
0.5%
1.0%
5.1%
4.0%
2.8%
2.3%
0.1%
17.2%
4.3%
0.5%
17.7%
8.4%
22.4%
3.8%
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2.0%
0.6%
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0.9%
13.4%
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19.6%
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0.5%
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2.6%
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22.9%
21.3%
2.1%
18.5%
4.5%
0.9%
1.8%
2.5%
5.0%
5.5%
6.7%
1.6%
0.2%
2.2%
3.0%
12.4%
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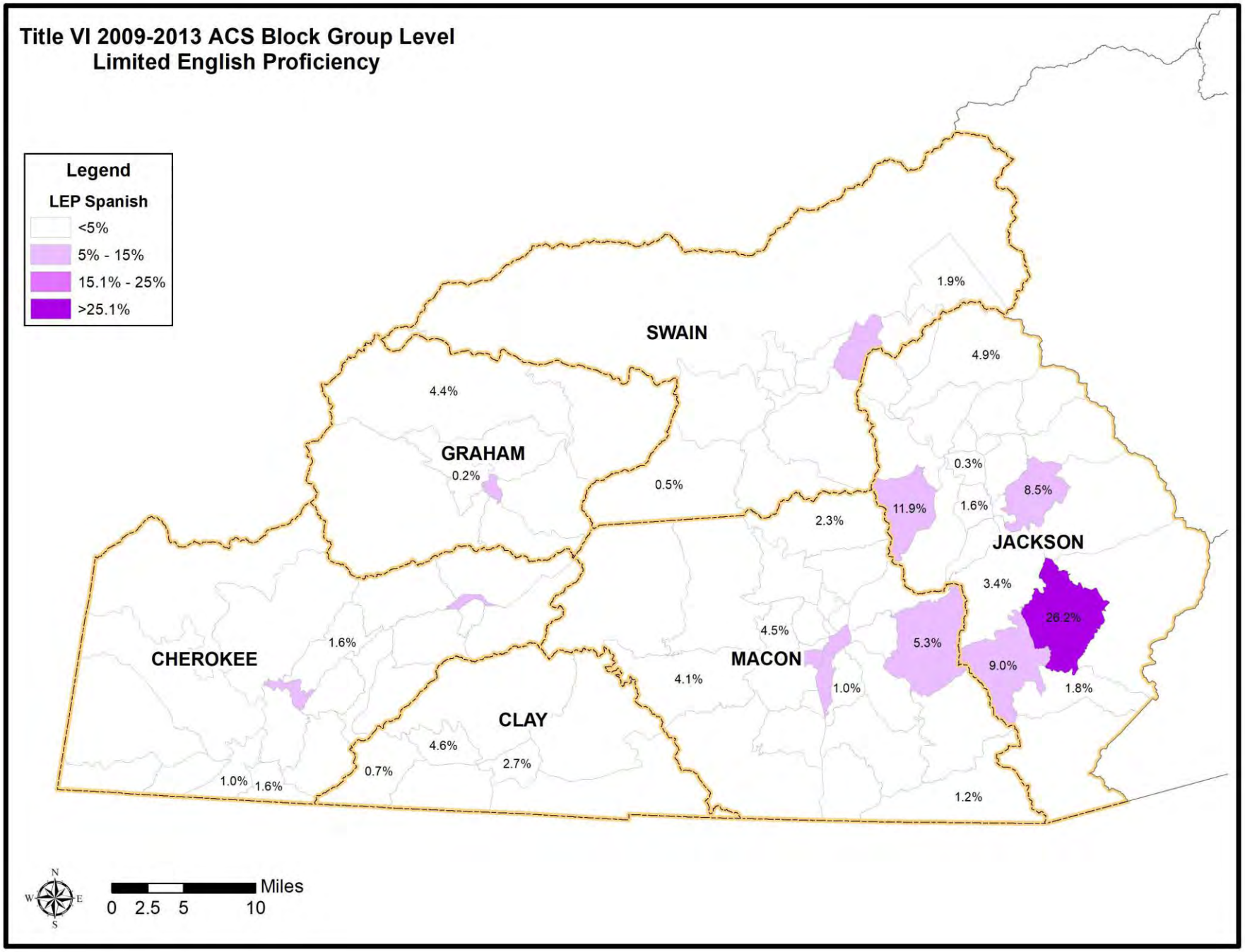
Title VI 2009-2013 ACS Block Group Level
Limited English Proficiency
Legend
LEP Spanish
<5%
5% - 15%
15.1% - 25%
>25.1%
SWAIN
GRAHAM
CHEROKEE
CLAY
MACON
JACKSON
1.9%
4.9%
4.4%
0.2%
0.5%
0.3%
8.5%
11.9%
1.6%
2.3%
3.4%
26.2%
1.6%
4.5%
5.3%
9.0%
4.1%
1.0%
1.8%
4.6%
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1.2%
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Miles
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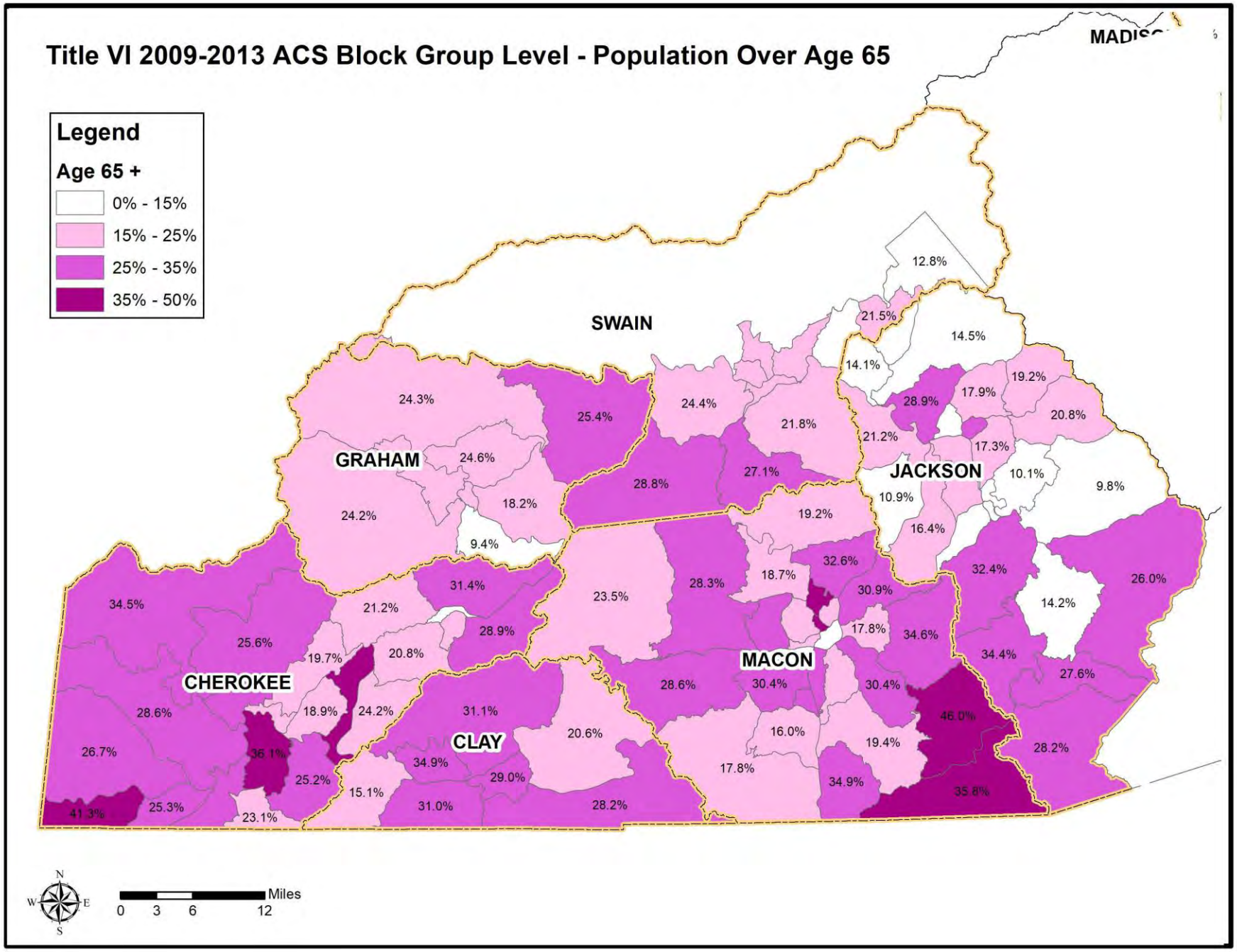
Title VI 2009-2013 ACS Block Group Level - Population Over Age 65
Legend
Age 65 +
0% - 15%
15% - 25%
25% - 35%
35% - 50%
SWAIN
GRAHAM
JACKSON
CHEROKEE
MACON
CLAY
12.8%
21.5%
14.5%
14.1%
19.2%
17.9%
28.9%
20.8%
24.3%
25.4%
24.4%
21.8%
21.2%
17.3%
24.6%
27.1%
10.1%
9.8%
28.8%
18.2%
10.9%
19.2%
24.2%
16.4%
9.4%
32.6%
32.4%
26.0%
31.4%
18.7%
28.3%
23.5%
30.9%
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27.6%
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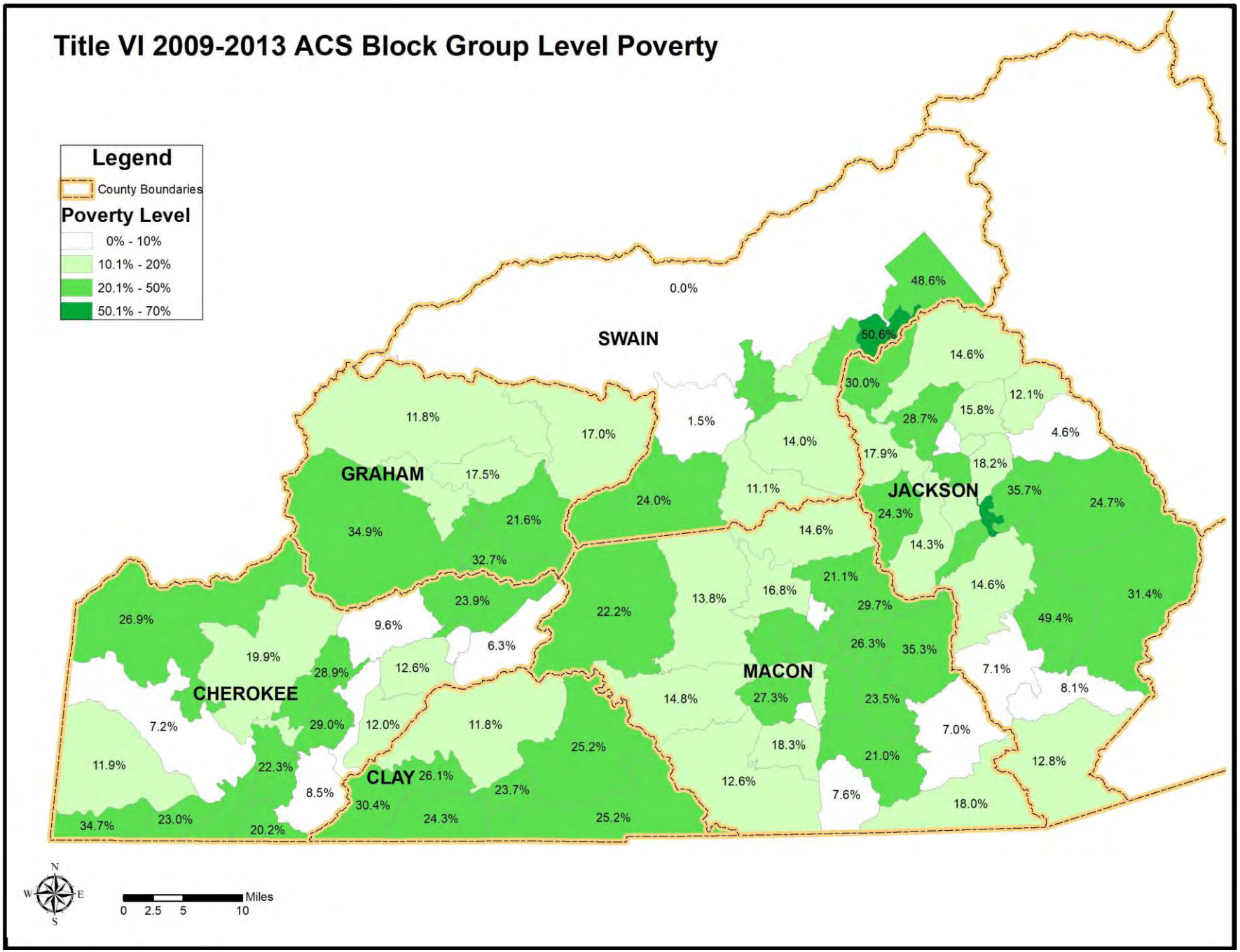
Title VI 2009-2013 ACS Block Group Level Poverty
Legend
County Boundaries
Poverty Level
0% - 10%
10.1% - 20%
20.1% - 50%
50.1% - 70%
SWAIN
GRAHAM
JACKSON
CHEROKEE
MACON
CLAY
0.0%
48.6%
50.6%
14.6%
30.0%
12.1%
15.8%
28.7%
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1.5%
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14.0%
17.9%
18.2%
17.5%
11.1%
35.7%
24.7%
24.0%
24.3%
21.6%
34.9%
14.6%
14.3%
32.7%
21.1%
14.6%
23.9%
13.8%
16.8%
31.4%
29.7%
22.2%
26.9%
9.6%
49.4%
6.3%
26.3%
35.3%
19.9%
12.6%
7.1%
28.9%
8.1%
14.8%
27.3%
23.5%
7.2%
29.0%
12.0%
11.8%
7.0%
25.2%
18.3%
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# APPENDIX F: INVESTIGATIVE GUIDANCE

## Investigation Guidance, Discrimination Complaint Form and Log

**A. Scope of Investigation** – An investigation should be confined to the issues and facts relevant to the allegations in the complaint, unless evidence shows the need to extend the issues.

**B. Developing an Investigative Plan** – It is recommended that the investigator (i.e., Title VI Coordinator or other official trained to conduct Title VI investigations) prepares an Investigative Plan to define the issues and lay out the blueprint to complete the investigation. The Investigative Plan should follow the outline below:

1. Complainant(s) Name and Address (Attorney name and address if applicable)
2. Respondent(s) Name and Address (Attorney for the Respondent(s) name and address, if applicable)
3. Applicable Law(s)
4. Basis/(es)
5. Allegation(s)/Issue(s)
6. Background
7. Name of Persons to be interviewed
    a. Questions for the complainant(s)
    b. Questions for the respondent(s)
    c. Questions for witness(es)
8. Evidence to be obtained during the investigation
    a. Issue – e.g., Complainant alleges his predominantly African American community was excluded from a meeting concerning a future project which could affect the community.
        i. Documents needed – e.g., mailing list which shows all physical addresses, P.O. Box numbers, property owner names, and dates when the meeting notification was mailed; other methods used to advertise the meeting.

**C. Request for Information** – The investigator should gather data and information pertinent to the issues raised in the complaint.

**D. Interviews** – Interviews should be conducted with the complainant, respondent, and appropriate witnesses during the investigative process. Interviews are conducted to gain a better understanding of the situation outlined in the complaint of discrimination. The main objective during the interview is to obtain information that will either support or refute the allegations.

**E. Preparing an Investigative Report** – The investigator should prepare an investigative report setting forth all relevant facts obtained during the investigation. The report should include a finding for each allegation. A sample outline for an investigative report is provided below.

**Sample Investigative Report Template**

**I. COMPLAINANT(S) NAME** (or attorney for the complainant(s) – name and address if applicable
Name, Address, Phone: 999-999-9999

**II. RESPONDENT(S)** (or attorney for the respondent(s) – name and address if applicable)
Name, Address, Phone: 999-999-9999

**III. APPLICABLE LAW/REGULATION**
[For example, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); 49 CFR §21.11; 49 CFR §26.53)]

**IV. COMPLAINT BASIS/(ES)**
[For example, Race, Color, National Origin, Limited English Proficiency, Sex, Age, Disability)]

**V. ALLEGATIONS**
[Describe in logical sequence, each allegation including the prohibited basis for the alleged discriminatory conduct, (e.g., race, color, national origin, sex, age, or disability) and the specific statutory or regulatory provision the allegation would violate, if proven to be true.]

Issue #1 – Complainant alleges that transit system failed to inform minority communities of rate increases.

Issue #2 – Complainant alleges that transit system has not sufficiently publicized or held public meetings to share information regarding fare increases and route changes that impacts low-income and minority citizens.

## VI. BACKGROUND

[Provide detailed information regarding the complaint, including a historical overview of the case, including any activities or actions taken prior to accepting the complaint for investigation.]

## VII. INVESTIGATIVE PROCEDURE

[Describe in detail, methods used to conduct the investigation, such as document requests, interviews and site visits. Include witnesses' names and addresses, documents received and/or reviewed, emails sent and received.]

## VIII. FINDINGS OF FACT

[Provide a detailed description of the investigator's analysis of each allegation, based on clear and factual findings. Include specific evidence used to support your findings.]

## IX. CONCLUSION

[State whether discrimination did or did not occur. Conclusions must be evidence-based and defensible. Test conclusions by considering all possible rebuttal arguments from the respondent and complainant. Both respondent and the complainant should be given an opportunity to confirm or rebut the assertions of the other party and your findings, but all the evidence you've presented should speak for itself.]

## X. RECOMMENDED ACTIONS

[Outline what should be done to remedy the findings or, if necessary, provide justice for the complainant.]

## APPENDIX

[Include in the Appendix any supplemental materials that support your findings and conclusion.]

# SOUTHWESTERN RPO DISCRIMINATION COMPLAINT FORM

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

| Last Name: | First Name: | ☐ Male<br>☐ Female |
|---|---|---|

| Mailing Address: | City | State | Zip |
|---|---|---|---|

| Home Telephone: | Work Telephone: | E-mail Address |
|---|---|---|

Identify the Category of Discrimination:

☐ RACE ☐ COLOR ☐ NATIONAL ORIGIN ☐ AGE

☐ SEX ☐ DISABILITY ☐ LIMITED ENGLISH PROFICIENCY

Identify the Race of the Complainant

☐ Black ☐ White ☐ Hispanic ☐ Asian American

☐ American Indian ☐ Alaskan Native ☐ Pacific Islander ☐ Other _____

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

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

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

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

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

| | **Name** | **Address** | **Telephone** |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |

DISCRIMINATION COMPLAINT FORM

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

- ☐ NC Department of Transportation _____
- ☐ Federal Highway Administration _____
- ☐ US Department of Transportation _____
- ☐ Federal or State Court _____
- ☐ Other _____

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

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

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

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

| _____ | _____ |
|---|---|
| **COMPLAINANT'S SIGNATURE** | **DATE** |

**MAIL COMPLAINT FORM TO:**

Southwestern Commission
125 Bonnie Lane
Sylva, NC 28779
828-586-1962

FOR OFFICE USE ONLY

Date Complaint Received: _____

Processed by: _____

Case #: _____

Referred to: ☐NCDOT ☐FHWA Date Referred:_____

## DISCRIMINATION COMPLAINTS LOG

**Log Year(s):**

| Case No. | Complainant Name | Race/ Gender | Respondent Name | Basis | Date Filed | Date Received | Action Taken | Date Investigation Completed | Disposition |
|---|---|---|---|---|---|---|---|---|---|
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**No Complaints or Lawsuits** ☐

I certify that to the best of my knowledge, the above described complaints or lawsuits alleging discrimination, or **no complaints or lawsuits** alleging discrimination, have been filed with or against **Southwestern RPO** since the previous Title VI Program submission to NCDOT.

_____ _____

**Signature of Title VI Coordinator or Other Authorized Official** **Date**

_____

**Print Name and Title of Authorized Official**

## APPENDIX G: COMPLIANCE REVIEW CHECKLIST FOR FHWA SUBRECIPIENTS

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