

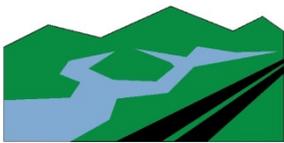
*DRAFT*

# **Title VI Program and Environmental Justice Analysis**

**Proposed Adoption: November 6, 2013**

Prepared by the  
Gainesville-Hall Metropolitan Planning Organization

In cooperation with the  
Georgia Department of Transportation  
Federal Highway Administration  
Federal Transit Administration  
And acknowledgment to the  
Hinesville Area Metropolitan Planning Organization



***Gainesville - Hall***

***GHMPO***

***Metropolitan Planning Organization***

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Flowery Branch - Gainesville - Hall County - Oakwood

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**A Resolution by the  
Gainesville-Hall Metropolitan Planning Organization Policy Committee  
Adopting the Title VI Program and Environmental Justice Analysis**

**WHEREAS**, the federal regulations, Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users (SAFETEA-LU) and reaffirmed by the Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21), mandate that Metropolitan Planning Organizations develop a Title VI Program and Environmental Justice Analysis; and

**WHEREAS**, the Gainesville-Hall County Metropolitan Planning Organization (GHMPO) has been designated by the Governor of the State of Georgia as the body responsible for the transportation planning process for Hall County and municipalities within the County; and

**WHEREAS**, as a sub-recipient of federal funds from the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) via the Georgia Department of Transportation (GDOT), the GHMPO is required to comply with Title VI of the Civil Rights Act of 1964 which prohibits discrimination based on race, color and national origin; and

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, that the Gainesville-Hall Metropolitan Planning Organization adopts the Title VI Program and Environmental Justice Analysis.

**IT IS FURTHER RESOLVED**, that a certified copy of this resolution be furnished to the Georgia Department of Transportation.

**I HEREBY CERTIFY** that the Gainesville-Hall MPO Policy Committee adopted the foregoing resolution.

This 6<sup>th</sup> day of NOVEMBER 2013

\_\_\_\_\_  
Chairperson, Mayor Danny Dunagan  
MPO Policy Committee

\_\_\_\_\_  
Attest:  
Connie Daniels, GHMPO Secretary

# Title VI and Environmental Justice

## Civil Rights Laws

Discrimination is defined as “That act (action or inaction), whether intentional or unintentional, through which a person in the United States solely because of their race, color, national origin, sex ,age, disability, etc. is subjected to disparate/unequal treatment or impact, in any program or activity receiving Federal financial assistance.” (FHWA 23 U.S.C)

Title VI of the 1964 Civil Rights Act states that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” (42 U.S.C. 2000d). The Civil Rights Restoration Act of 1987 broadened protection to all programs and activities of federal aid recipients, sub-recipients, consultants, and contractors, whether or not a program and activities are federally assisted or not.

## How Title VI Applies to the GHMPO

GHMPO is a sub-recipient of federal funds from the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) via the Georgia Department of Transportation (GDOT). In addition, by providing services to the community in the form of transportation planning including transit planning for Hall Area Transit (HAT), the GHMPO is obligated to follow Title VI requirements. The GHMPO is required to:

1. **Sign Title VI Assurances (USDOT Regulation 49 CFR 21, FHWA 23 CFR 200) updated every three years.** Assurances serve primarily two major purposes: 1) they remind prospective recipients of their nondiscrimination obligations, and 2) they provide a basis for the Federal government to sue to enforce compliance with these statutes. If an applicant for Federal assistance refuses to sign a required assurance, the agency may deny assistance only after providing notice of the noncompliance, an opportunity for a hearing, and other statutory procedures.
2. **Create a Title VI Plan or sign GDOT’s nondiscrimination agreement.** FHWA deems it a best practice for local governments serving 100,000 or more persons to develop a Title VI Plan and update it annually.

FHWA “Title VI Non-discrimination in the Federal Highway Highway-Aid Program” Data Collection: Sub-recipients are required to keep accurate and complete records necessary to ascertain whether they are complying with Title VI. The reports should be submitted in a timely manner. In addition, sub-recipients should have available racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance (49 CFR § 21.9(b)).

## **Title VI Notice**

The Title VI Public Notice is included as Appendix A to this document.

## **Instructions to Submit a Title VI Complaint**

The “Complaint Resolution Procedure to Ensure Non-Discrimination in Federally Assisted Programs or Activities Participated in by the Gainesville-Hall Area Metropolitan Planning Organization” containing the purpose, scope, responsibilities and complaint form is included as Appendix B to this document.

## **Title VI Investigations, Complaints, and Lawsuits**

There have been no investigations, complaints, or lawsuits that pertain to allegations of discrimination on the basis of race, color, and/or national origin in transportation planning programs or in transit-related activities since the creation of the GHMPO in 2004.

## **Title VI Staff Training**

GHMPO staff attended Title VI/Americans with Disabilities Act (ADA) training sessions sponsored by GDOT in 2009, 2010 and 2013.

## **Environmental Justice**

On February 11, 1994, President Bill Clinton signed executive Order 12898 (Federal Action to Address Environmental Justice in Minority Populations and Low Income Populations). The aim of the executive order was to avoid, minimize, or mitigate uneven negative environmental, social and economic effects on minority and low income populations. The executive order focused attention on Title VI by providing that “each agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations.” In support of Executive Order 12898, the U.S. Department of Transportation issued Order on Environmental Justice U.S. DOT Order 5610.2, which clarifies and reinforces Title VI responsibilities, as well as addresses the effects on low-income populations.

In general, this means that for any program or activity for which any federal funds will be used, the agency receiving the federal funds:

- Must make meaningful effort to involve low income and minority populations in the processes established to make the decision about the use of the federal funds, and
- Must evaluate the nature, extent, and incidence of probable favorable and adverse human health or environmental impacts of the program or activity upon minority or low-income populations.

## Public Participation Plan

The GHMPO's latest Public Participation Plan (PPP) is a separate document and was approved by the Policy Committee on August 13, 2013. The PPP outlines how the GHMPO will actively engage with the public in order to create transportation plans that will serve area's transportation needs. The document includes statutory requirements for non-discrimination for those covered under the Civil Rights Act of 1964, those with disabilities, and low-income populations. The Limited English Proficiency (LEP) Plan was approved in 2010 and is updated and included in Appendix C of this document.

## Committee Participation

The GHMPO bylaws determine membership makeup of the three GHMPO committees. The GHMPO Technical Coordination Committee (TCC) 12 voting members represent staff members of: GHMPO, Hall County, City of Gainesville, City of Oakwood, City of Flowery Branch, GDOT, Hall Area Transit (HAT) and Georgia Mountains Regional Development Commission (GMRDC). The 13 non-voting members represent staff from: FHWA, FTA, GDOT, Citizen Advisory Committee (CAC), Main Street Gainesville, Northeast Georgia Medical Center (NEGMC), Greater Hall Chamber of Commerce (GHCC), area law enforcement departments and area school districts. The 17 GHMPO CAC members are appointed by the elected officials of the member jurisdictions within the GHMPO. Member representation is as follows: eight for Hall County, five for the City of Gainesville, two for the City of Oakwood and two for the City of Flowery Branch. The CAC functions as a public information and involvement committee. The CAC is entrusted with informing the GHMPO Policy Committee (PC) of the community's perspective while providing information to the community about transportation policies and issues. All the GHMPO plans and programs go through these two committees for review and comments before they can be adopted by the Policy Committee. The five voting GHMPO Policy Committee members represent: Hall County, the City of Gainesville, the City of Oakwood, the City of Flowery Branch and GDOT. The eight non-voting members represent: GHMPO, CAC, TCC, FHWA, FTA, GDOT Intermodal, GDOT District One and HAT.

## Committee Makeup

The following table shows the racial/gender makeup of the GHMPO standing committees as of the date of this analysis:

Committee	Total	Female	% Female	Minority	% Minority
Policy	13	3	23%	4	31%
TCC	25	7	28%	4	16%
CAC	17	5	29%	2	12%

As the committees expand and/or membership changes occur, the makeup will be subject to change.

## **Outreach Methods**

GHMPO involves our community through public meetings and three standing committees in each step of the Transportation Improvement Program (TIP), Long Range Transportation Plan (LRTP) -- our most recent is the 2040 Metropolitan Transportation Plan (MTP), Unified Planning Work Program (UPWP), EJ and PPP development processes. GHMPO staff presents information to the public and committees at their respective meetings, invite comments, and answer questions. Comments from both the committees and public are investigated in the plan development process and incorporated into the plans.

The public participation residents within the GHMPO planning area includes a combination of the following methods: public meetings, sending draft plans to the reviewing agencies, publishing public notices and media coverage in the newspaper, *Gainesville Times*, local governments through their participation in the committees, advertising the meeting notices on GHMPO's website (<http://www.ghmpo.org/default.asp>) and mass mailings based on a database of interested parties.

## **Information Presentation Methods**

Besides giving formal presentations with visualization tools, GHMPO prepares information boards with maps and pertinent information, answers questions, and one-to-one conversations with participants at or after public meetings. GHMPO distributes comment sheets or surveys participants so that they can either write down their responses at the meeting or return them at a later time.

## **Demographic Profile of GHMPO Area**

### **Demographic Terms**

*Low-Income* means a person whose median household income is at or below the Department of Health and Human Services' poverty guidelines.

*Minority* means a person who is (1) Black (a person having origins in any of the black racial groups of Africa); (2) Hispanic (a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race); (3) Asian American (a person having origins in any of the peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands); (4) American Indian and Alaskan Native (a person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition); and (5) Native Hawaii or Other Pacific Islanders (a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands). Additionally, any person who responded to the US Census as being either solely or a mix of one of these minority groups qualifies as being in the minority population.

## **Title VI and EJ Populations**

The following maps show relevant demographic characteristics of population in the study area, including poverty status, racial and ethnic background, and vehicle ownership. It should be noted that unincorporated and incorporated areas of the County do not necessarily follow census tract boundaries.

Figure 1 shows that the densest concentration of households below the poverty level is in central Gainesville stretching outward to the south and west of Hall County. Somewhat less dense poverty level populations can be found in eastern Gainesville into East Hall County.

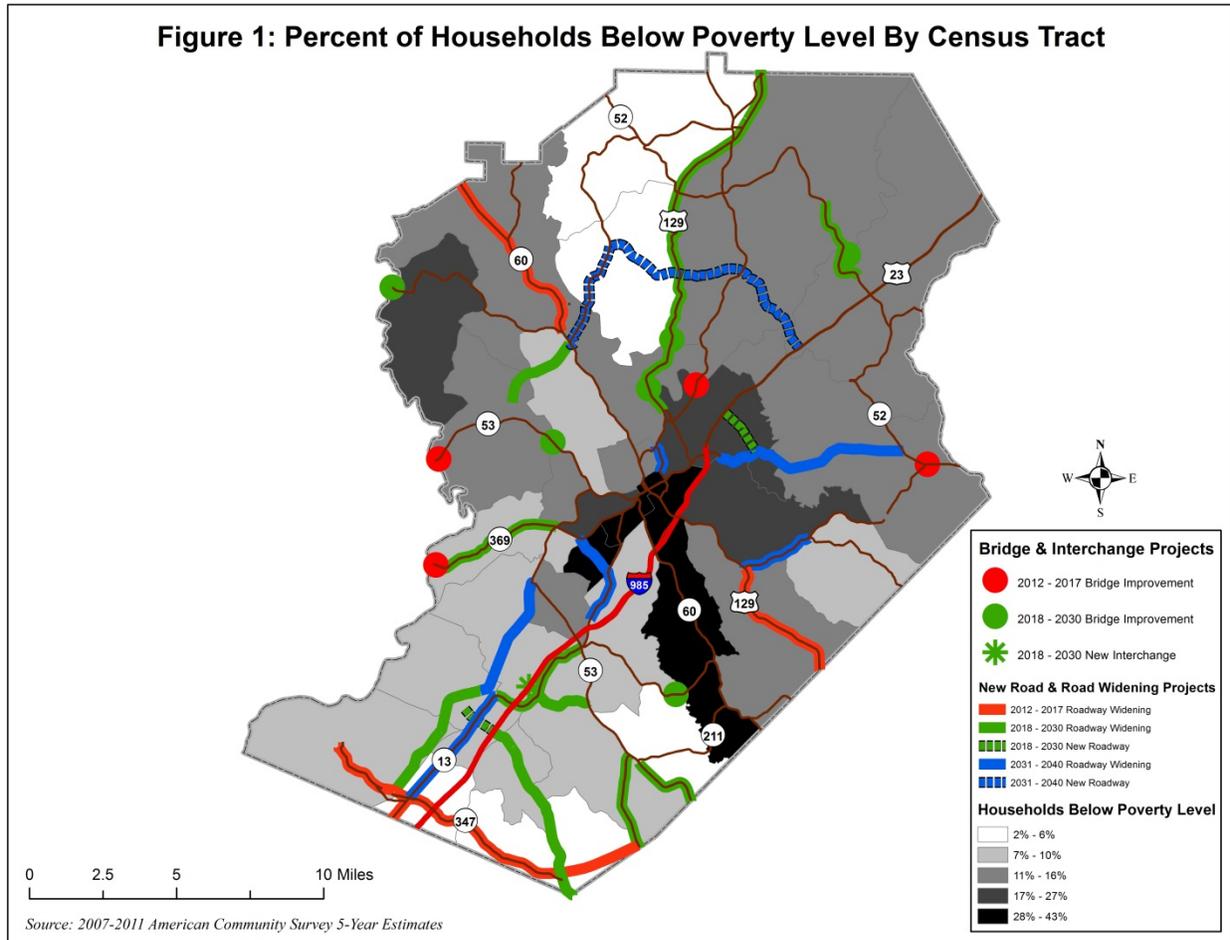
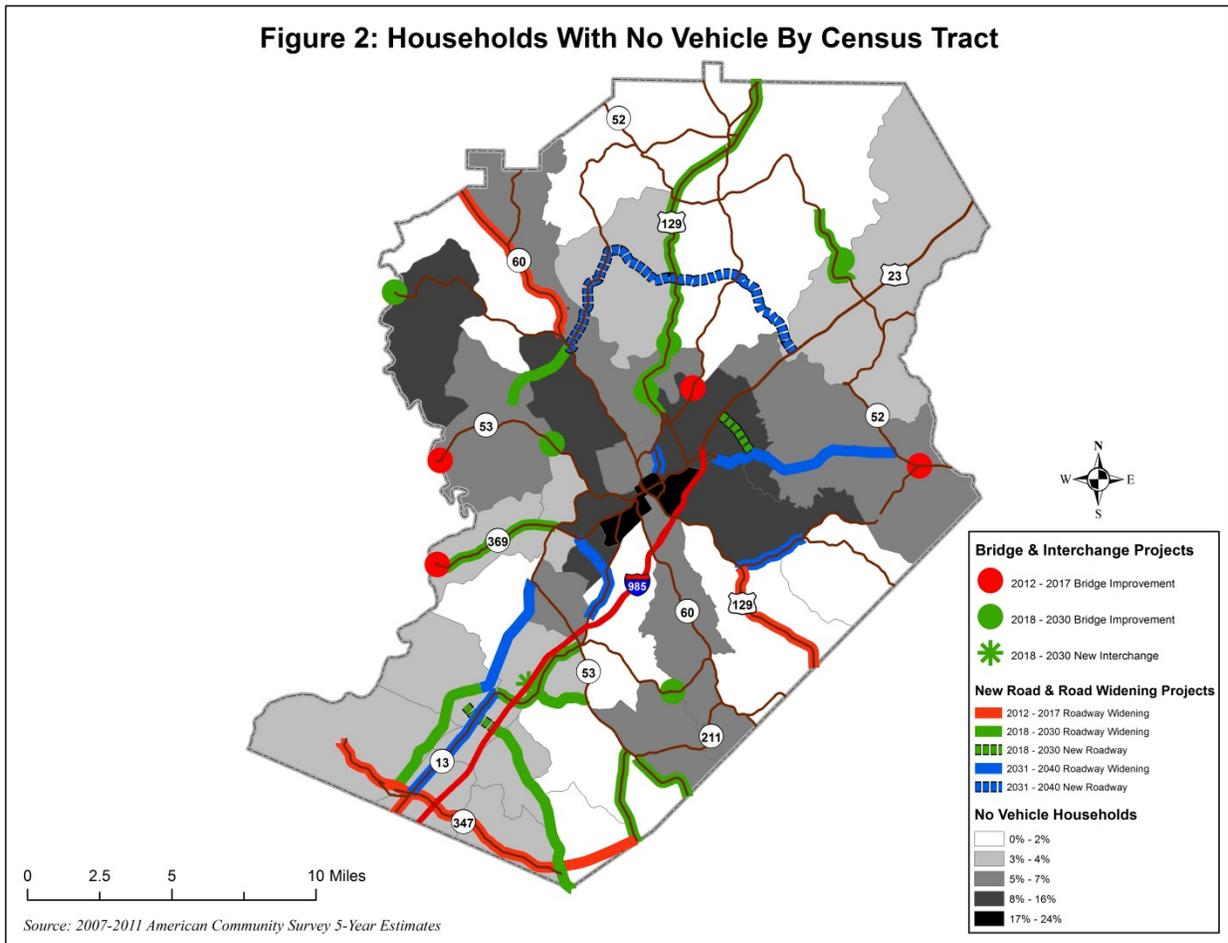


Figure 2 reveals a pattern similar to Figure 1 where households without vehicles map has a correlation to households below poverty level.



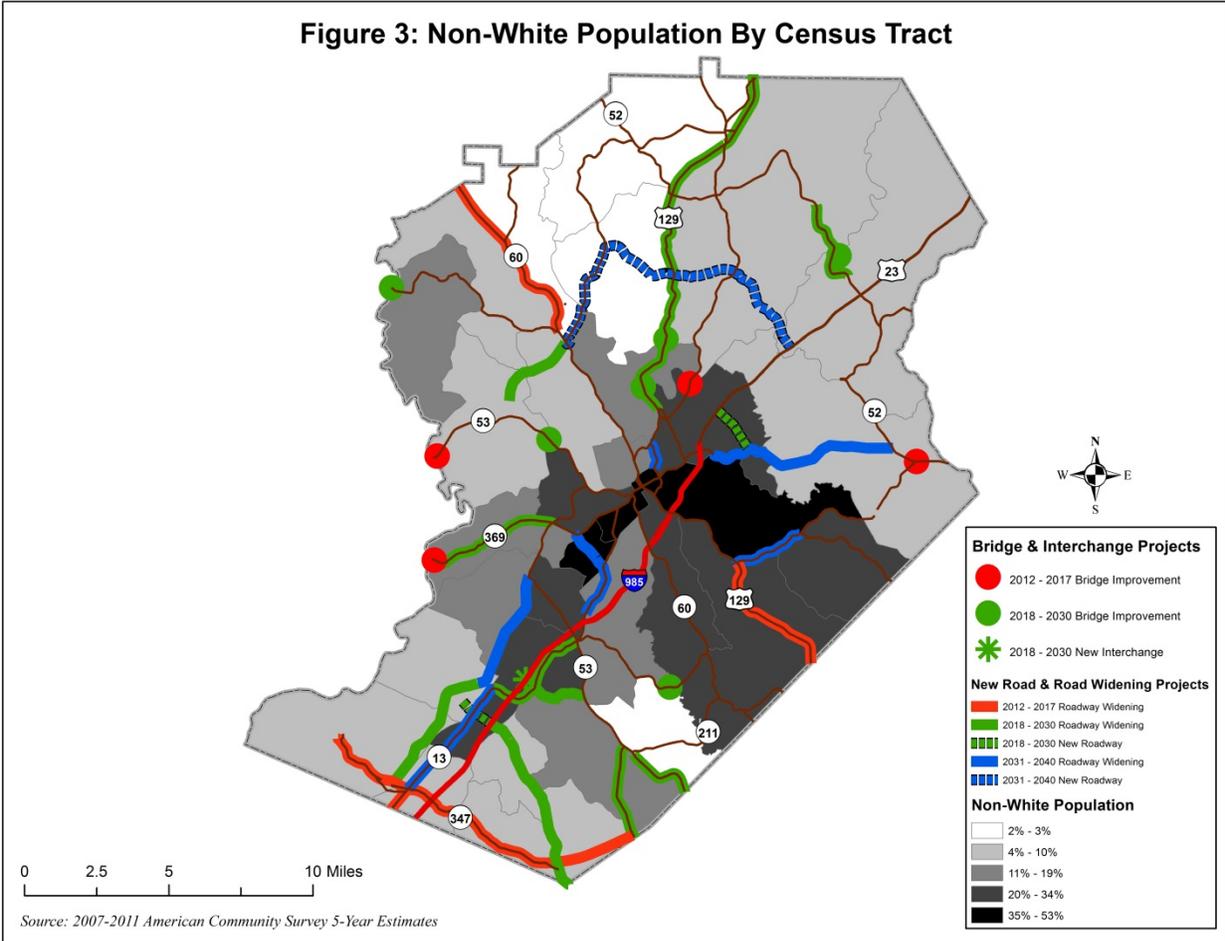
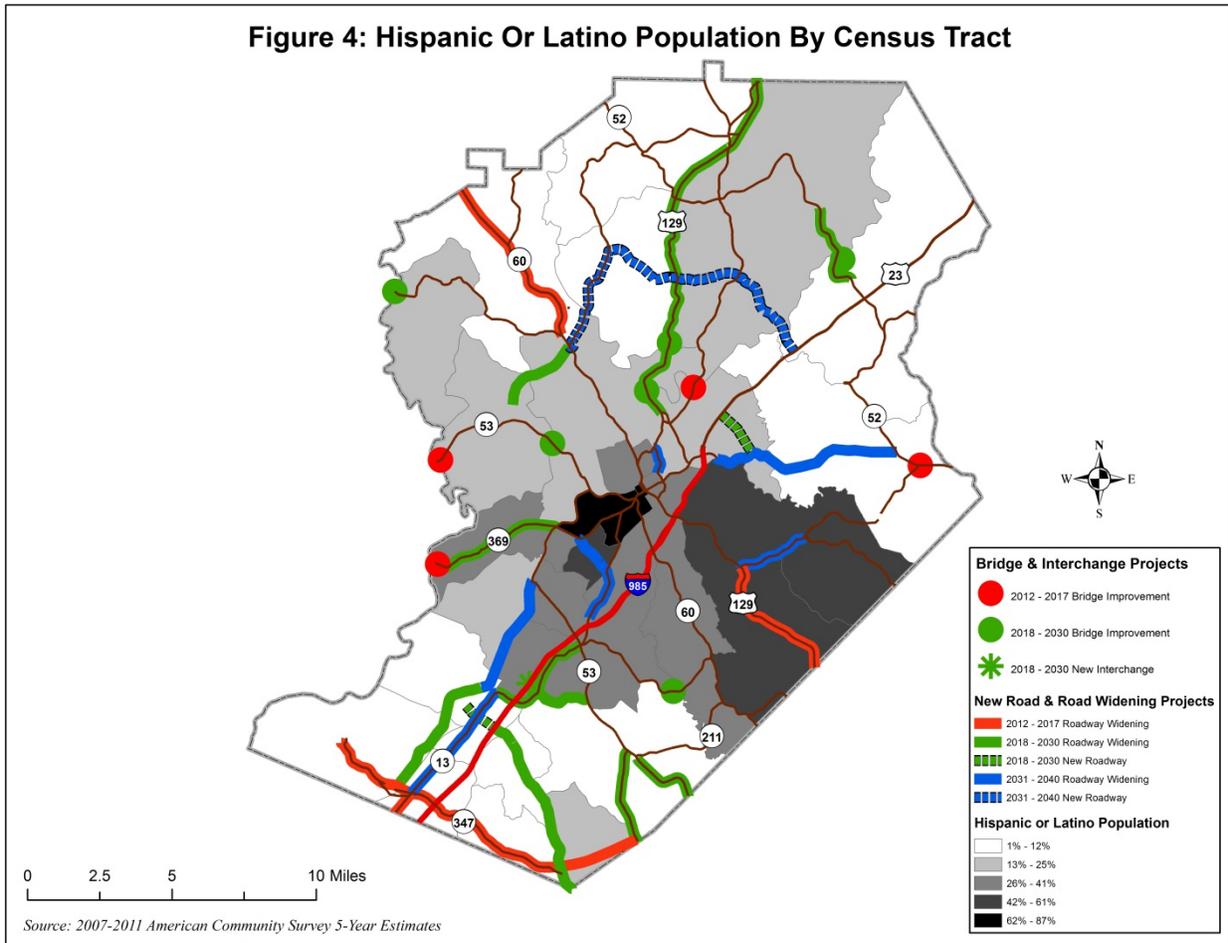


Figure 3 shows that the non-White population is concentrated in Gainesville, with fewer racial and ethnic minorities living in North Hall and in South Hall near Flowery Branch.

Title VI also requests information on the national origin of residents served by a governmental entity. Due to the diversity of GHMPO planning area, only those residents born outside the United States are enumerated and mapped. Approximately 16% of Hall County and 29% of the City of Gainesville are foreign born. The majority of residents born abroad are from Latin America.

**Table 1 World Region of Birth of Foreign Born**

	Hall County	Gainesville
<b>Europe</b>	3%	1%
<b>Asia</b>	8%	9%
<b>Africa</b>	1%	1%
<b>Oceania</b>	0%	0%
<b>Latin America</b>	87%	89%
<b>Northern America</b>	1%	0%



## Title VI and EJ Target Population in GHMPO Study Area

The target populations in the GHMPO transportation planning area include minorities (Blacks, Hispanic populations, Asian Americans, American Indians and Alaskan Natives, Native Hawaiian or Other Pacific Islanders, people with two or more races and ) and low-income population (persons below poverty). This information is used for the equitable public participation process and for planning other related transportation improvements. The thresholds used for defining target populations are the percent of a population of a census tract that exceeds countywide averages for given category.

The table below summarizes thresholds for determining Title VI target populations and environmental justice populations in the GHMPO study area. When these parameters are applied to each tract, 21 of 36 census tracts or 58% of the target population meets one or more thresholds. Of course, within each tract, the distribution of target populations will vary.

**Table 2 Summary Demographic Profile**

<b>U.S. Census Categories</b>	<b>Gainesville</b>	<b>Hall County</b>
White	54%	74%
Hispanic or Latino (of any race)	42%	26%
Black or African American	16%	7%
Asian	4%	2%
American Indian and Alaska Native	1%	1%
Native Hawaiian and Other Pacific Islander	0%	0%
Some Other Race*	25%	14%
Two or More Races	3%	2%
Families below Poverty Level**	21%	12%
Households with No Vehicle	17%	6%

\* “Some Other Race” includes all other responses not included in the White, Black or African American, American Indian or Alaska Native, Asian, and Native Hawaiian or Other Pacific Islander race categories described above. Respondents reporting entries such as multiracial, mixed, interracial, or a Hispanic or Latino group (for example, Mexican, Puerto Rican, Cuban, or Spanish) in response to the race question are included in this category.

U.S. CENSUS BUREAU Overview of Race and Hispanic Origin: 2010

\*\*Percentage of families and whose income in the past 12 months is below the poverty level

Source: U.S. Census Bureau, 2010 Census, 2007-2011 American Community Survey, 2009-2011 American Community Survey.

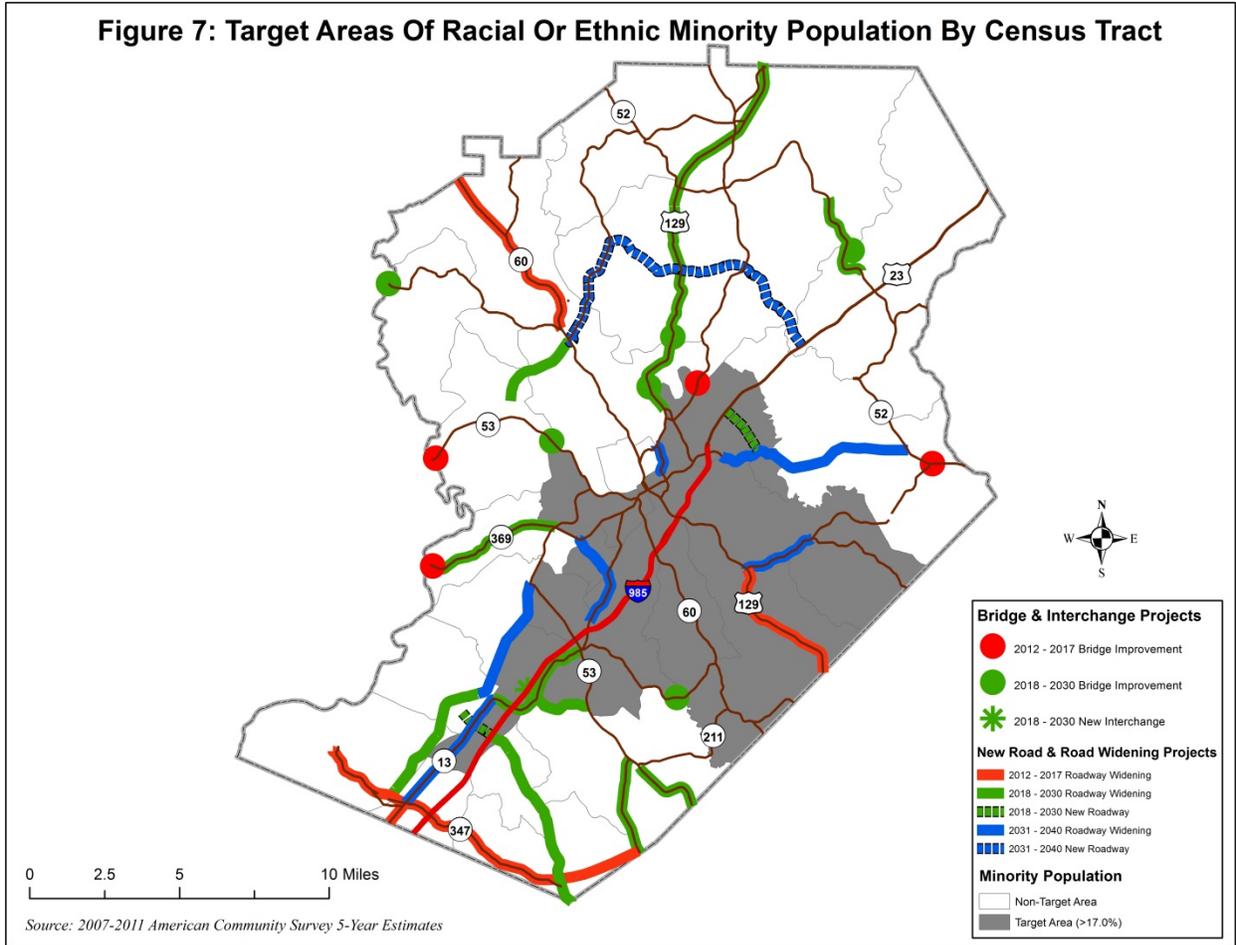
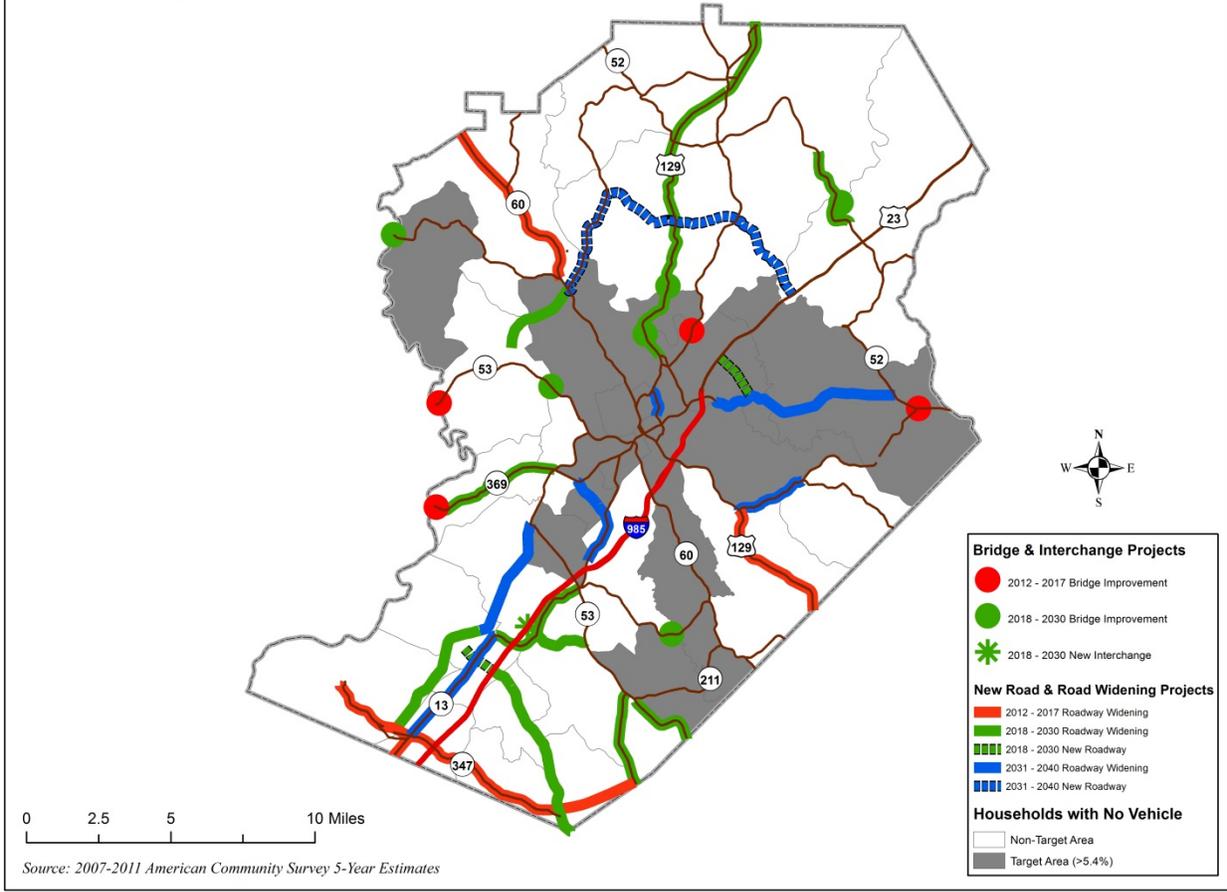
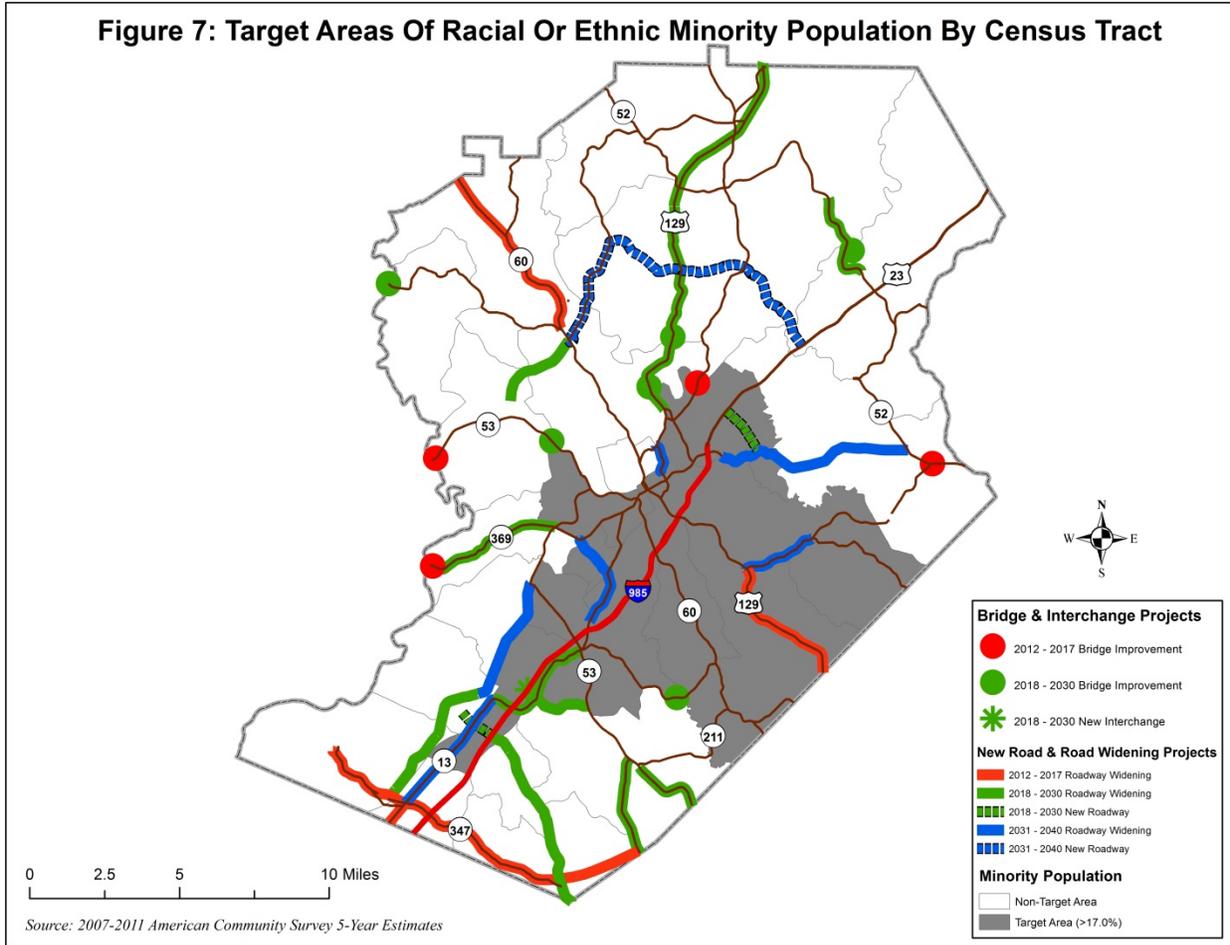


Figure 5 and Figure 6 show tracts that have above average concentrations of people living below the poverty line and those without vehicles in the household.

**Figure 6: Target Areas of Households With No Vehicle By Census Tract**



Source: 2007-2011 American Community Survey 5-Year Estimates



The target area threshold for racial or ethnic minorities is 17% because 17% of Hall County’s population, on average, is of a racial or ethnic minority. In the target areas, the minority population is higher than this average. Figure 7 shows that southeast of Gainesville is the minority population target area.

The table below shows that majority of the study area has been identified as a target area, with 58% of the total population in a target area. The inclusion of such a large proportion of the study area within the target area indicates the diversity of the study area.

**Table 3 Percent of Population in Target Areas**

	Percent of Study Area Population
Target Area	58%
Non-target Area	42%

## **Environmental Justice Analysis**

The GHMPO Title VI Program and EJ Analysis are based partially upon the GDOT draft EJ planning guidelines issued in 2005. The document has been updated per FTA Circular 4703.1, Environmental Justice Policy Guidance for Federal Transit Administration Recipients and FTA Circular 4702.1B, Title VI Guidelines for FTA Recipients.

The process includes:

- Identify the potential burdens and benefits.
- Identify the target populations within the study area.
- Correlate the identified burdens and benefits to the target populations.
- Note possible mitigation strategies for identified disproportionate burdens.
- Determine which public participation methodologies to use.
- Make environmental justice recommendations.
- Evaluate the implementation of the EJ process.

### **Objective**

GHMPO determined to assess the impacts of the transportation planning process for the LRTP and TIP on minority and low-income populations.

GHMPO incorporated three principles to ensure that environmental justice considerations are properly integrated into the transportation planning process. They are:

- Ensuring adequate public participation of the target populations (low-income and racial/ethnic minorities) in regional transportation decision-making.
- Assessing whether there are disproportionately high adverse impacts on the target populations.
- Assuring that the target populations receive a proportionate share of benefits of federal transportation investments.
- Identify potential burdens and benefits.
- Establishment of objectives and goals.

The first step in identifying and addressing potential burdens and benefits on target populations occurs during the establishment of goals and objectives in the planning process. The GHMPO developed its EJ objectives and goals corresponding to the FHWA guidelines (Publication NHI-02-034), thus the overall goals that address EJ in the planning process include the following:

- Enhance accessibility and mobility
- Promote system preservation
- Enhance quality of life and health
- Improve safety

- Promote economic development, and
- Improve operational efficiency
- Identification of performance measures

The next step involves establishing meaningful performance measures to determine burdens and benefits. These measures are developed to test against the planning goals defined above.

The GDOT, “EJ Guidelines” define some performance measures such as average number of jobs within 20 minutes by driving, average number of jobs within 40 minutes by bus, transit ridership per capita, frequency of transit service, number of high-accident locations, accidents per year, average travel time for home-based work trip, average travel time for home-based other trips, percent of population close to a hospital, percent of population close to a college and percent of population close to a major retail destination.

Even though these measures are comprehensive, it is hard to determine how some of them can be correlated solely to the EJ target populations. GHMPO decided to perform the EJ analysis by ensuring fair public participation and by comparing the total proposed improvements within and outside of the EJ target areas. Specifically, the performance measures include the following transportation modes:

- Highway
- Highway investments
- Displacement from highway projects
- Public transit
- Fixed route bus service
- On-demand public transportation service

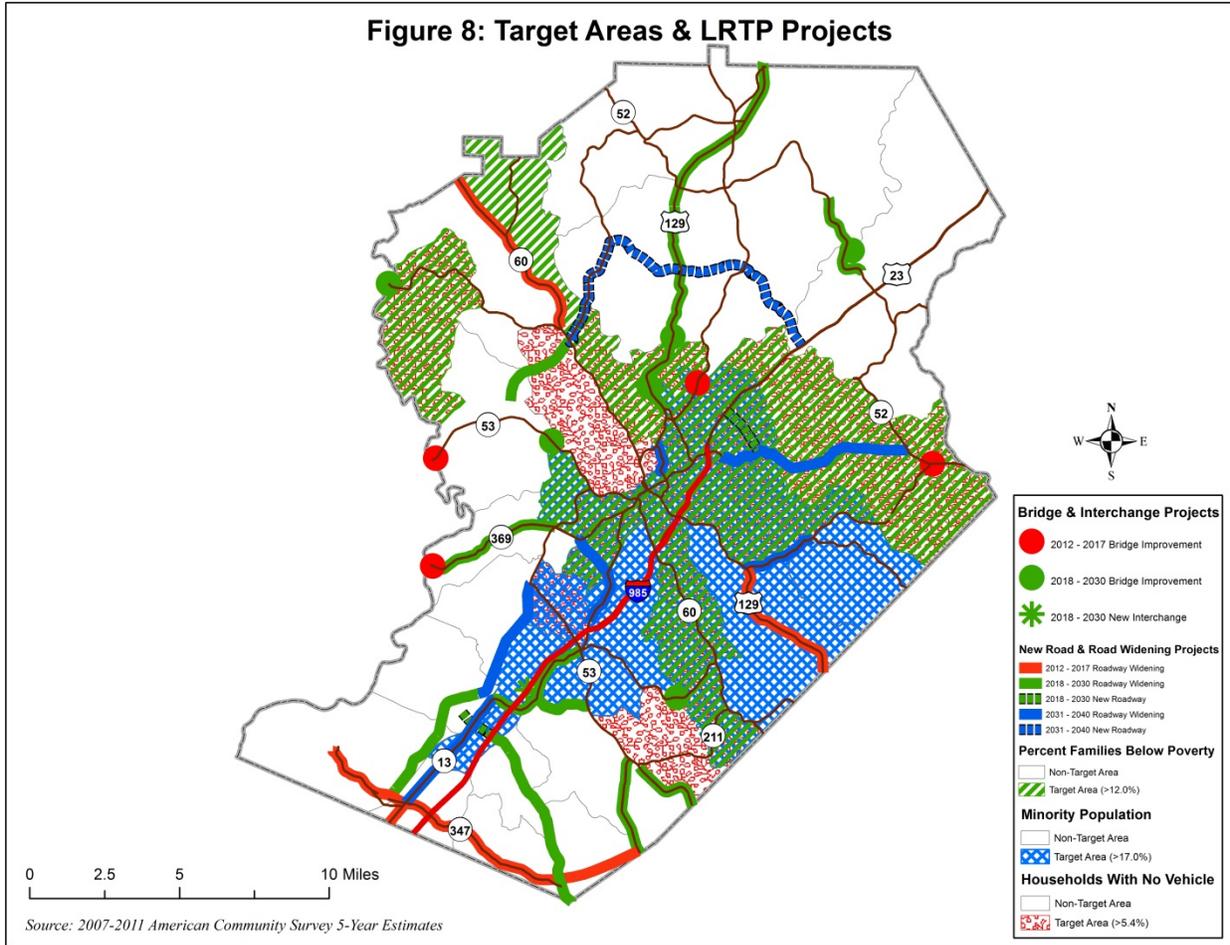


Figure 8 shows the location of the 2040 Metropolitan Transportation Plan (MTP) transportation projects in relation to target areas for Title VI and Environmental Justice.

### Identification of Benefits and Burdens in the Study Area

With the performance measures established, the potential benefits and burdens can be identified and measured. Table 4 provides the possible benefits and burdens associated with various types of transportation projects and possible mitigation measures.

**Table 4 Potential Benefits and Burdens**

<b>Proposed Project Type</b>	<b>Possible Benefits</b>	<b>Possible Burdens</b>	<b>Possible Mitigation Strategies</b>
<b>Highway System</b>			
New Road	<p>Enhance accessibility and mobility.</p> <p>Promote economic development.</p> <p>Improve safety.</p> <p>Improve operational efficiency.</p>	<p>Benefits limited to populations with motor vehicles.</p> <p>Increase in noise and air pollution.</p> <p>Might impact existing neighborhoods.</p>	<p>Signal synchronization, pedestrian crosswalks, bike lanes, bus route addition, etc.</p> <p>Select ROW for minimum impacts.</p> <p>Try to incorporate context-sensitive design to maintain the neighborhoods.</p>
Resurface/Upgrade of existing roadways	<p>Promote system preservation</p> <p>Improve safety.</p> <p>Improve operational efficiency.</p>	<p>Expansion of shoulder width impinges on residential property.</p> <p>Diverted traffic during project construction causes heavy traffic and dangerous conditions on city streets.</p> <p>Noise and air pollution during construction.</p>	<p>Build curbing and sidewalks rather than shoulders.</p> <p>Close large section of roadways on weekends to increase resurfacing productivity.</p> <p>Reroute traffic to major streets if possible.</p>
<b>Pedestrian</b>			
<p>Addition of Pedestrian Amenities and/or Safety Provisions</p> <p>Addition of Bike Routes on Existing Roads</p>	<p>Improve quality of life, health and environment by encouraging people to use the bike/pedestrian facilities.</p> <p>Improve safety to pedestrians and bike</p>	<p>“Bump-outs” and traffic calming measures make commercial deliveries difficult.</p> <p>Bike routes takes space for passing turning cars at intersections and</p>	<p>Need to come up with some original improvement plans to accommodate both motor vehicle traffic and bike/pedestrian usage.</p>

	riders. Provide an alternative to motor vehicles.	reduce on-street parking.	
<b>Other Transportation Projects</b>			
Multi-modal connection	Enhance mobility and accessibility.	Some ITS projects might be expensive to implement	Multi-modal incorporates transit stations and other modes.  Have a comprehensive design before any ITS projects are implemented.
ITS improvements	Improve safety.		
CMS strategies	Enhance system preservation and operational efficiency.		

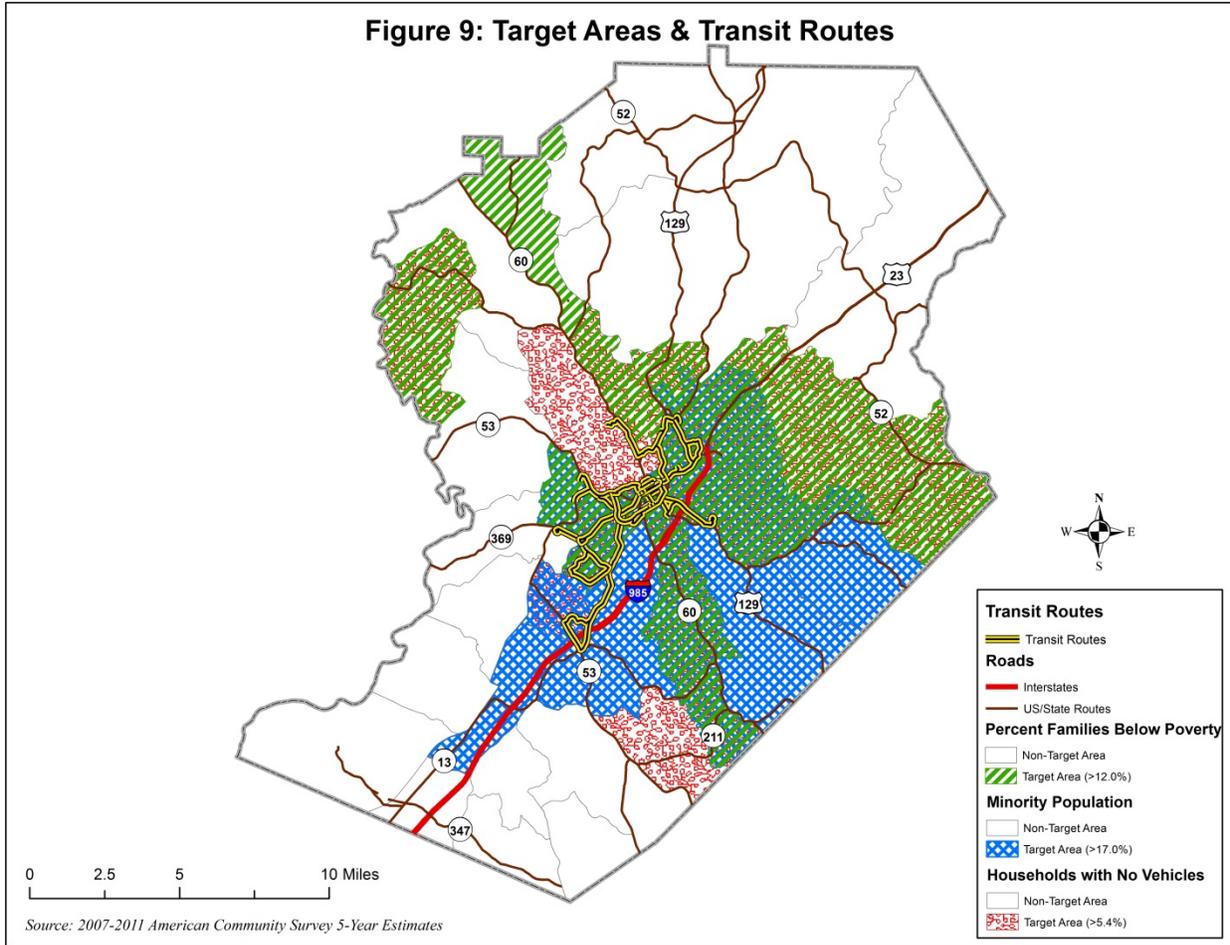
The ultimate result of the MPO planning process is the long-range transportation plan, 2040 MTP. The TIP is the subset or short-range of the MTP that has specific funding identified and is scheduled over the next four years. In the GHMPO EJ analysis, funding or investments have been applied to the set of projects in the MTP and TIP and comparing the relative treatment of and the impacts on the target populations versus non-target populations in the planning area. This should provide some information on whether or not the transportation investments being made in the region are having disproportionately high adverse impacts on the target populations and if the benefits from these investments are equally distributed.

For the measures to be meaningful and capable of being applied, GHMPO determined to use the following indexes. Of the 39 projects listed in the 2040 MTP, 25 lie in target areas while 14 are in non-target areas. Fixed route transit reached 16 out of 36 total County census tracts but some routes only border a census tract boundary and do not provide service to entire census tracts.

- Number of roadway project in target and non-target areas
- Public transportation in target and non-target areas

**Table 5: Programmed Transportation Investments**

	<b>% of Population</b>	<b>Number of 2040 MTP Roadway Projects</b>	<b>Fixed Route (Red Rabbit)</b>	<b>On-Demand Transit (Dial-A-Ride)</b>
<b>Target Area</b>	58%	64%	71%	100%
<b>Non-Target Area</b>	42%	36%	7%	100%



## Target Population Mobility Needs

Mobility needs of target populations are identified through both public outreach and technical analysis in the transportation planning process. Public outreach functions have been held and will be in locations accessible to target populations. Venues include: The Georgia Mountains Center, Gainesville Civic Center, Hall County library locations, Fair Street Neighborhood Center and the Hall County Government Center.

Locations in Gainesville and part of the City of Oakwood are accessible via the fixed route Red Rabbit of Hall Area Transit (HAT). Figure 9 highlights the seven fixed routes of HAT in relation to target area populations. Routes do not extend far beyond the City of Gainesville and with a single route to University of North Georgia campus. Table 5 indicates 71% of the target areas have some access to fixed route transit. The other locations within the County are served via HAT's Dial-A-Ride on-demand transit service. HAT complies with the Americans with Disabilities Act (ADA) with its Mobility Plus buses with a  $\frac{3}{4}$  of a mile route deviation for eligible paratransit passengers to Red Rabbit routes or direct service to several human service destinations.

Specific electronic and paper copy surveys are also available to those who cannot attend public workshops or committee meetings. Surveys have been used for the 2040 MTP as well as for the Transit Development Plan and the City of Gainesville Transportation Master Plan and the Park and Ride Lot Study.

## **GHMPO Process**

In order to provide better transportation services to the target populations in the GHMPO planning area, the following actions have been taken:

- Notification of target populations of meetings
- Membership on GHMPO committees is diverse
- Respond to requests for EJ population size/density, makeup and locations on specific projects with Geographic Information System (GIS) mapping with available data.

### **Long Range Transportation Plan and Transportation Improvement Plan Process**

In addition to documenting needs of Title VI and EJ populations, impacts of transportation system investments proposed in the MPO's transportation plans are assessed. Furthermore, impacts to target populations are considered during the LRTP, TIP and other major studies' development process in line with the Public Participation Plan. GIS can be used to overlay target population locations with proposed improvements. The 2040 MTP addressed EJ concerns in the following passage:

“The Environmental Justice analysis for this plan mainly focused on the potentially adverse impacts caused by regionally significant street and highway construction projects. The construction of new roadways along new rights-of-way received special attention due to their potential to split or isolate parts of the community. Widening of existing roadways was considered not as critical, but was still scrutinized for potential impacts. Alternative mode investments in transit service and bicycle and pedestrian facilities were considered to provide positive impacts to the minority and low-income populations of the region. For those locations that do not currently have multimodal transportation facilities, alternative mode services and facilities would provide additional, lower-cost transportation options to increase the mobility of these populations and their access to the community.”

### **Possible Mitigation Strategies**

At this time, there appear to be proportionate impacts in the study area.

There are various strategies to move traffic more efficiently, be it highway, transit, or other modes. With regards to EJ, there are generally four mitigation strategies, including avoidance of projects, minimize the impacts, mitigation strategies for unavoidable impacts, and offsetting enhancements. In the GHMPO planning area, these strategies are all explored. The GHMPO target areas include the majority of the study area, and almost all of the developed areas.

Development of increased public transportation options as part of the multimodal system is another mitigation strategy. The GHMPO planning area has some bicycle and pedestrian facilities and continues to enhance alternate modes of travel with the partial update to the Bicycle and Pedestrian Plan. Additionally, the fixed route and route deviation public transportation in the target area increase mobility options for target populations. Similarly, the rural on-demand transit service is a benefit for target populations.

### **Overall Findings, Conclusions, and Recommendations**

The benefits and burdens of transportation projects cannot be clearly divided when any project can be favored by some residents and not by their neighbors depending on individual circumstances and disposition of parcels. The improved roadway is open to all but some residents may bear the burden of changed conditions.

At the time of writing, the largest road projects underway are in South Hall or bridge projects in more rural and less densely populated areas; therefore, reducing impacts commonly found in more developed areas. Overall, table 5 shows that the 58% of the population is within the target area and that 64% of long-range transportation projects are in the target area. The number of projects is not inordinately disproportionate to either the EJ target areas or the non-target EJ areas when compared to the total population.

HAT's Red Rabbit serves the more densely populated urban areas of the City of Gainesville and is accessible to a majority of citizens in the target population areas while the Dial-A-Ride buses extend their reach throughout Hall County.

## Appendix A: Title VI Notice to the Public

### Gainesville-Hall Metropolitan Planning Organization (GHMPO) Title VI Notice to Public

The Gainesville-Hall Metropolitan Planning Organization (GHMPO) developed the Draft Title VI Program and Environmental Justice (EJ) Analysis. The proposed document outlines how the organization will uphold the tenets of Title VI of the Civil Rights Act of 1964 and avoid, minimize, or mitigate against disproportionately high adverse outcomes of the agency upon low income and minority populations. The Title VI Program requires a 30-day minimum public comment period before official adoption. The formal 30-day public comment period begins on October 1, 2013 and runs through October 31, 2013. The proposed plan will be available for the public and interested agencies to review and comment on the GHMPO website [www.ghmpo.org](http://www.ghmpo.org). A hardcopy of the document will be made available at the Hall County Planning Department, located in the Hall County Government Center at 2875 Browns Bridge Road, Gainesville, Georgia. Official adoption of the FY 2014 UPWP will be on the agenda of the GHMPO Policy Committee at their regular meeting on November 6, 2013.

The GHMPO meetings are conducted in accessible locations and materials can be provided in accessible formats and in languages other than English. If you would like or require accessibility or language accommodation, please contact the GHMPO at 770-297-2625 (voice), 770-531-3902 (fax) or [www.ghmpo.org](http://www.ghmpo.org).

If you need further information, contact David Fee, Transportation Planner at 770-297-5541 or [dfee@hallcounty.org](mailto:dfee@hallcounty.org).

## **Appendix B: Complaint Resolution Procedure**

### **Complaint Resolution Procedure to Ensure Non-Discrimination In Federally Assisted Programs or Activities Participated in by the Gainesville-Hall Area Metropolitan Planning Organization**

#### **Purpose, Scope, Responsibilities and Complaint Form**

##### **Purpose**

This procedure covers all formal complaints and informal charges filed by an individual or group of individuals under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by Gainesville-Hall Area Metropolitan Planning Organization (GHMPO) or its sub-recipients, consultants, and contractors. Intimidation or retaliation of any kind is prohibited by law.

##### **Definitions**

An *informal charge* is defined as any verbal or written communication received by customer service staff from members of the public referencing a general complaint regarding the inequitable distribution of benefits, services, amenities, programs or activities financed in whole or in part with federal funds.

A *formal complaint* is defined as any written complaint of discrimination on the basis of race, color, national origin or sex filed by an individual or group; signed by the complaining party on GHMPO's complaint form (included at the end of this document) seeking to remedy perceived discrimination by facially neutral policies, practices or decisions, which have an adverse impact which resulted in inequitable distribution of benefits, services, amenities, programs or activities finance in whole or in part with federal funds. Such complaints include, but are not limited to, allegations of:

- Failing to provide comparable services;
- Policies and practices that act as arbitrary and unnecessary barriers to equal opportunity;
- Denied opportunity for equitably participation;
- Provision of fewer services or benefits and/or inferior services or benefits to members of a protected group;
- Differential exposure of protected groups to environmental hazards;
- Patterns of disparate treatment;
- Disproportionate adverse effects on social and economic parameters (e.g. access to services, healthcare facilities, employment opportunities and community cohesion).

Informal charges and formal complaints should be filed within 120 calendar days of the event which forms the basis of the claim; of if the concern is an ongoing one, the charge/complaint should be filed within 120 calendar days of the last occurrence.

This procedure does not preclude the right of any complainant to file complaints directly with the Federal Transportation Administration (FTA), Federal Highway Administration (FHWA), or to seek private legal representation.

The time required to process investigations will vary depending on the complexity of the issue; however, every effort will be made to ensure a speedy resolution of all complaints within 60 business days.

The option of informal mediation meeting(s) between the affected parties may be utilized for resolution.

### **Responsibility**

GHMPO is responsible for intake of informal Title VI charges and submission of those complaints to the Director of GHMPO.

The Director of GHMPO will forward complaints to the appropriate party within their respective department to handle resolution, follow up to ensure that resolution/proposed resolution occurs, and communicate specifics of the resolution/proposed resolution to the GHMPO office.

The Director of GHMPO is responsible for tracking the complaints to ensure that the affected department(s) has taken the recommended action to remedy any determination of discrimination and communicating findings to the complainant. The Director of GHMPO is also responsible for reporting trends, action plans, and non-compliance to the Policy Committee.

## **PROCESSING INFORMAL CHARGES**

### **Intake**

Intake of an informal charge is generated through communication, generally presented verbally to GHMPO staff (or its sub-recipients, consultants, and contractors).

Any GHMPO staff (or its sub-recipients, consultants, and contractors) who receives an inquiry or complaint of this type shall direct the complainant to report the concern directly to the GHMPO Director (770) 531-3905, or by mail to GHMPO, P.O. Box 1435, Gainesville, GA, 30503.

The GHMPO Director upon receipt of an informal charge shall record the charge and shall promptly identify the appropriate department(s) to resolve the issue and forward the charge directly to that department's general manager. The Director of GHMPO will ascertain proper jurisdiction, investigate merits of alleged violations (if needed) and monitor response dates. If determination is made that the matter is outside the scope of Title VI, GHMPO will notify the affected department's general manager within a reasonable period.

## **Processing of Charge and Resolution**

If the matter is determined to be within the scope of Title VI, the affected department's general manager, within 5 business days of receipt will consult with GHMPO and offer a proposed resolution. Within 5 business days of receiving written notification of a proposed resolution, GHMPO representatives will offer suggestions, if any, to modify the proposed resolution. GHMPO or the affected department will communicate its written or verbal findings to the customer within 30 business days and explain any steps being taken to resolve the matter, and will forward copies of this communication to the affected department(s).

Every effort shall be made to process and resolve informal charges within 30 business days.

## **Appeal**

There is no right to appeal resolution of an informal charge. However, the party reserves the right to file a formal complaint within 120 business days.

## **PROCESSING FORMAL COMPLAINTS**

### **Intake**

Intake of formal complaints is generated through verbal or written communication of a concern as presented to GHMPO staff. Any GHMPO staff who receives a complaint of this type will direct the complaint to the GHMPO Executive Director. GHMPO staff will provide a formal complaint form to the complainant. Complainant must sign and submit the completed complaint form to the Director of GHMPO by fax or mail to address shown on the complaint form.

### **Processing**

The Director of GHMPO shall record the complaint, review the matter to determine Title VI jurisdiction, assign an investigator if it is determined that the matter merits investigation, and monitor response dates.

Jurisdiction will be determined based upon information provided in the written complaint. A complaint shall be investigated unless:

- It fails to state facts which could establish intentional unequal treatment as described in the definitions section of this procedure;
- Complainant is not a primary beneficiary of the federal aid received by GHMPO.
- If determination is made that the matter is outside the scope of Title VI.

### **Investigation, Determination, and Recommendation**

If jurisdiction is determined to exist and investigation is warranted, the assigned investigator will take the following steps:

- Identify the basis of the alleged unequal treatment;
- Ascertain when and where the alleged unequal treatment occurred;
- Identify and interview all relevant parties, review documents, and make site visits to obtain factual information.

Upon conclusion of a thorough investigation, the investigator will prepare a report to summarize findings and suggest appropriate corrective action along with proposed resolution. The investigative report should be submitted to the Director of GHMPO within 50 business days. GHMPO will maintain a record of all discussions and retain all documents relating to the investigation in a confidential file.

### **Communication of Findings and Complaint Resolution**

The Director of GHMPO will accept, reject, or modify the investigative report and consult with the affected department to convey the preliminary findings and develop a proposal for resolution. The Director of GHMPO will prepare a written determination and submit the determination to the legal department for review and analysis of legal sufficiency (if required). Once the final determination is ready for release, the Director of GHMPO and a GHMPO legal representative (if required) will meet with the general manager of the affected department(s) to communicate the final determination and recommendations, if any, for corrective action. The Director of GHMPO will provide written notification to the complainant of the investigation findings and GHMPO's proposed resolution, if any. GHMPO will forward copies of this communication to the affected department(s).

If cause is found to indicate a potential occurrence of non-compliance, the Director of GHMPO will communicate this information to the executive committee of the governing board before releasing its findings to the complainant.

### **Appeal**

The Director of GHMPO will explain to the complainant their right to appeal to the Federal Transit Administration, Federal Highway Administration, or seek private legal representation.

## Title VI Discrimination Complaint Form

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

The Environmental Justice component of Title VI guarantees fair treatment for all people. GHMPO is required to identify and address, as appropriate, disproportionately high and adverse effects of its programs, policies, and activities on minority and low-income populations. GHMPO is also required to take reasonable steps to ensure that Limited English Proficiency (LEP) person have meaningful access to the programs, services, and information GHMPO provides.

If you feel that you have been discriminated against, please provide the following necessary information in order to facilitate the processing of your complaint. Should you require assistance in completing this form, please let us know. Once completed, return a signed copy to:

**Gainesville-Hall Area Metropolitan Planning Organization (GHMPO)**

Attn: Director  
P.O. 1435  
Gainesville, GA 30503  
(tel) (770) 297-2625 (fax) & (770) 531-3902

Note: To protect your rights, your complaint must be filed with **120** days of the occurrence. Failure to file within **120** days may result in dismissal of the complaint.

Complainant’s Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone # (Home): \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) \_\_\_\_\_

Person discriminated against (if someone other than Complainant)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Telephone # (Home): \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) \_\_\_\_\_

Upon what premise is your discrimination complaint based? (check all that apply)

Race/Color

Religion

Disability

National Origin

Gender

Limited English Proficiency (LEP)

Date of alleged discrimination: \_\_\_\_\_

Describe the alleged discrimination. Explain what happened and who you believe was responsible. (For additional space, attach additional sheets of paper or use back of the form) \_\_\_\_\_

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Where did the incident take place? Please provide location, time, bus number etc.? \_\_\_\_\_

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Witnesses? Please provide their contact information.

**Name:** \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Telephone # (Home): \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Telephone # (Home): \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) \_\_\_\_\_

How can this complaint be resolved (how can the problem be corrected)? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Did you file this complaint with another federal, state, or local agency or with a federal or state court?

*(check the appropriate space)*      Yes               No

If your answer is yes, check each agency with which a complaint was filed:

Federal Agency               Federal Court               State Agency

State Court               Local Agency               Other

Please provide contact information for the agency you also filed the complaint with: \_\_\_\_\_

\_\_\_\_\_ Date File: \_\_\_\_\_

If you need any special accommodations for communication regarding this complaint, please specify which alternative format you require.

Braille               Large Print (specify the font size) \_\_\_\_\_  CD (compact disk)

Sign Language Interpreter (specify language) \_\_\_\_\_

Language Interpreter (specific language) \_\_\_\_\_

**Sign the complaint in space below. Attach any documents you believe supports your complaint.**

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Complainant's Signature

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Signature Date

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Office use only:  Date received: _____ by: _____
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## Appendix C: Limited English Proficiency (LEP) Plan

### Introduction

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP." Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities.

### Title VI and Executive Order 13166

In certain circumstances, a failure to ensure that LEP persons can effectively participate in or benefit from federally assisted programs and activities may violate the prohibition against national origin discrimination under [Title VI of the Civil Rights Act of 1964](#) (42 U.S.C. 2000d) and the U.S. Department of Transportation's (DOT) Title VI regulations at [49 CFR Part 21](#).

To clarify existing requirements for LEP persons under Title VI, on August 11, 2000, President Clinton issued [Executive Order 13166](#), "Improving Access to Services for Persons with Limited English Proficiency." The Executive Order requires each Federal agency to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each Federal agency is also directed to work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries. To this end, each agency must prepare a plan to improve access to its federally conducted programs and activities (i.e., the services it provides directly to the public) by eligible LEP persons.

### USDOT Guidance on Establishing an LEP Plan

As a federal funding recipient, the GHMPO will comply with Executive Order 13166 by establishing an LEP using the framework provided by the U.S. Department of Transportation (USDOT ) and the Federal Transit Administration's (FTA) publication, *Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons* (April 13, 2007). The USDOT guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the MPO, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the MPO.
3. The nature and importance of the MPO, activity, or service provided by the MPO to the LEP community.
4. The resources available to the MPO and costs.

The greater the number or proportion of eligible LEP persons; the greater the frequency with which they have contact with a program, activity, or service; and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets. The intent of DOT’s guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

### LEP Assessment for the GHMPO Planning Area

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

The planning area of the GHMPO consists of the incorporated cities of Gainesville, Oakwood, Flowery Branch, Clermont, Lula, Gillsville and unincorporated areas within the confines of Hall County. According to the U.S. Census Bureau, the primary language for Hall County is English and the second most common language spoken is Spanish at 23%. The City of Gainesville has a higher concentration of Spanish speakers with 42% identifying Spanish as their first language.

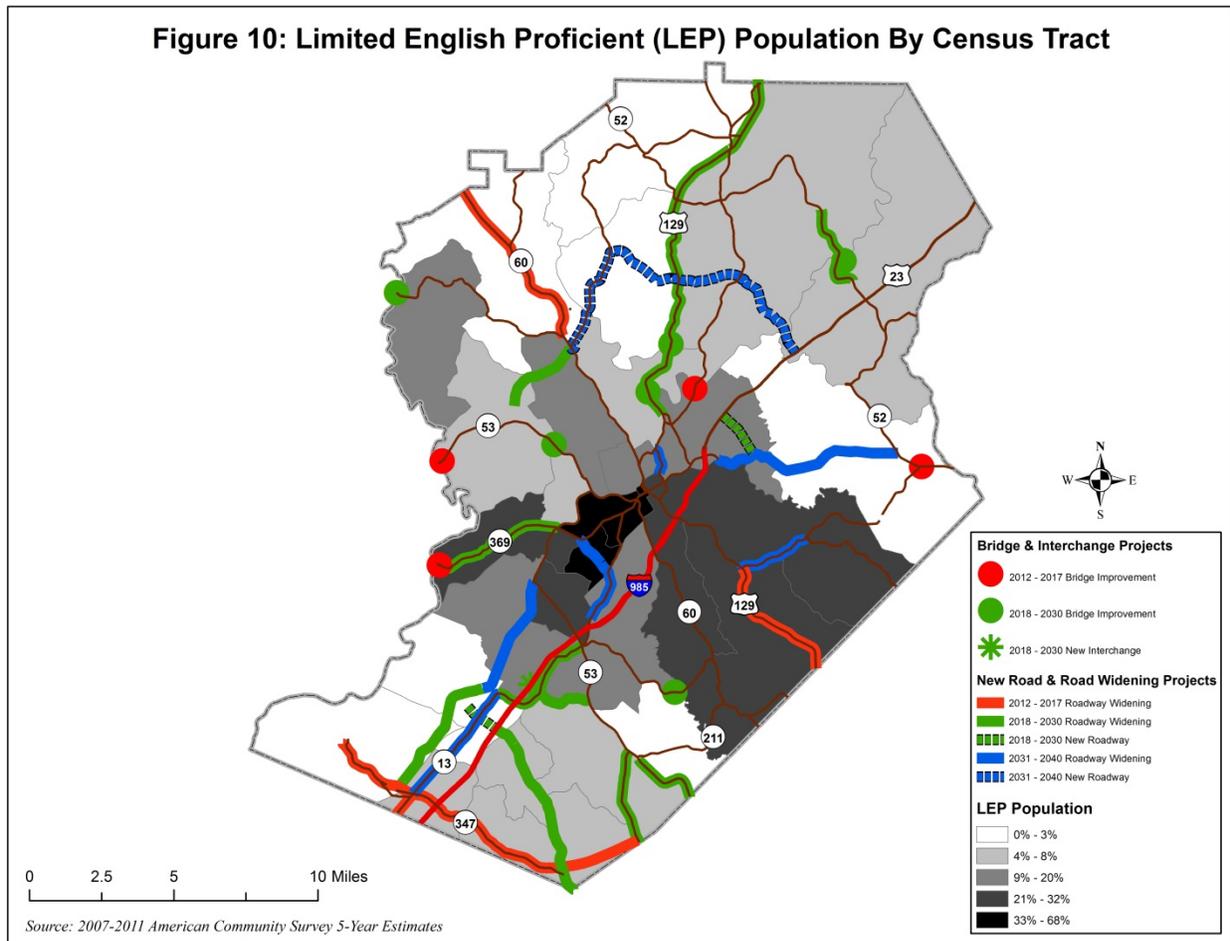


Table 1- Language Spoken at Home for the Population 5 Years and Over Hall County and the City of Gainesville

	Hall County	Gainesville
English only	75%	53%
Language other than English	25%	47%
Spanish	23%	42%
Asian and Pacific Islander languages	1%	4%

Source: U.S. Census Bureau, 2007-2011 American Community Survey

LEP persons are usually defined as those who self-identify as speaking English less than “very well” on the U.S. census. Table 2 indicates 15% of the population of Hall County is not proficient in English and 31% of those living in the City of Gainesville are not proficient in English. The bulk of those who cannot speak English very well primarily speak Spanish as their first language.

Table 2- Language Spoken at Home for the Population 5 Years and Over Hall County, Georgia

	Hall County	Gainesville
Language other than English	25%	47%
Speak English less than "very well"	15%	31%
Spanish	23%	42%
Speak English less than "very well"	14%	29%
Asian and Pacific Islander languages	1%	4%
Speak English less than "very well"	1%	2%

Source: U.S. Census Bureau, 2007-2011 American Community Survey

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

The GHMPO has not received any formal requests by LEP individuals for language translation of any document nor for an interpreter at any public meeting since first being designated as an MPO in 2003. The GHMPO has unilaterally provided Spanish speakers and funds for interpreters and provided public notices in both English and Spanish at all public meetings such as the development of the 2040 Metropolitan Transportation Plan (MTP), 2012-2017 Transportation Improvement Program (TIP) and assisted Hall Area Transit’s (HAT) Transit Development Plan (TDP) and Human Services Transportation Plan (HSTP).

**Factor 3: The nature and importance of the MPO, activity, or service provided by the MPO to the LEP community.**

The MPO uses Federal funds to plan for transportation projects and therefore does not include any direct service or program that requires vital, immediate or emergency assistance, such as medical treatment or services for basic needs (like food or shelter). The MPO does not conduct activities which require residents to fill out applications or submit to interviews prior to attending public functions.

The MPO is mandated by the Federal government to create and maintain three key documents: an annual Unified Planning Work Program (UPWP) outlining MPO activities, a short-term six year Transportation Improvement Program (TIP) and a Long Range Transportation Plan (LRTP) which covers 20 plus years. GHMPO has a Public Involvement Plan (PIP) which seeks to garner the input of all residents who can shape the planning process or wish to know more about the direction of transportation planning and how it will affect them.

Although the GHMPO does not directly provide transportation services, it has aided HAT in transit planning. HAT has some Spanish speaking staff members and prints a brochure detailing services, route maps and bus schedules in both English and Spanish.

**Factor 4: The resources available to the MPO and overall costs**

The final factor weighs the previous factors to assess the needs of LEP individuals against the resources available to the MPO providing assistance in a language other than English. The GHMPO does have a significant number of LEP residents within Hall County but historically the frequency of contact with the MPO has been low. Full translation of major MPO documents would be prohibitively expensive. For example, another MPO reported that a professional translation of their regional transportation plan would cost around \$24,000. The GHMPO has been committed to the principle of inclusivity and used more cost-effective means of outreach, particularly with the Spanish speaking segment of the community, at important junctures of the planning process.

**LEP Implementation Plan**

**Safe Harbor Stipulation and the GHMPO**

Federal law provides a “safe harbor” which means that if an MPO provides written translations under certain circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is non-compliance, but rather provides a guide for MPOs that would like greater certainty of compliance than can be provided by a fact-intensive, four-factor analysis. For example, even if a safe harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be

acceptable under such circumstances. Strong evidence of compliance with the recipient's written-translation obligations under 'safe harbor' includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally. This safe harbor provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

The GHMPO does not use vital documents for LEP purposes as defined by USDOT. "A document will be considered vital if it contains information that is critical for obtaining federal services and/or benefits, or is required by law." Federal Register: January 22, 2001 (Volume 66, Number 14). It recognized; however, that outreach efforts may require the MPO to survey/assess the needs of the LEP population to determine whether certain critical outreach materials should be translated into other languages.

### **Identifying Persons Who May Need Language Assistance**

- When the MPO sponsors a public function with a sign-in sheet table, a staff member or designate will greet and briefly speak to each attendee. To informally gauge the attendee's ability to speak and understand English, he or she will ask a question that requires a full sentence reply.
- The MPO can use Census Bureau's "I Speak Cards" at the sign-in table for those who speak a language other than English. While staff may not be able to provide translation assistance at this meeting, the cards can be an excellent tool to identify language needs for future meetings.

### **Language Assistance Measures**

In the event that the MPO should receive a request for assistance in a foreign language, staff members will take the name and contact information of the person. We can contact an individual who speaks Spanish but for other languages we will use a free online written translator website or we could to contact a local community volunteer if available. If the required language is not available or if a formal interpretation is required, staff shall use the telephone interpreter service, Language Line, at 1-800-752-6096.

### **MPO Staff Training**

Incoming staff members will be briefed on the GHMPO's LEP Plan and how to assist LEP residents. They will be told to keep a record of language assistance requests to assess future LEP population needs.

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

The GHMPO has provided notice in both English and Spanish for all public meetings in accordance with its Public Participation Plan:

### **Non-English Speaking Communities**

For major GHMPO planning efforts such as the Long Range Transportation Plan, the Transportation Improvement Program staff will coordinate with local media resources to gain access to these communities and garner their input. As appropriate, outreach meetings will be conducted to reach these communities. Translators will be made available to serve the non-English speaking communities at public information meetings. GHMPO will utilize outreach meetings with the Spanish speaking community to reach the non-English speaking communities:

The MPO also mails notices of important upcoming public meetings in both English and Spanish to those in the GHMPO database of organizations and individuals who have expressed an interest in following MPO activities.

### **Monitoring and Updating the LEP Plan**

MPOs are required to update key planning documents (see Factor 3) and monitoring the success of the LEP Plan will be an ongoing process. The answers reflect conditions since adoption of the original LEP in November 2010-present. USDOT guidance recommends updates should consider the following elements:

- How many LEP persons were encountered?  
*No one self-identified as an LEP person requesting language assistance.*
- Were their needs met?  
*No additional requests for language assistance were received.*
- What is the current LEP population in Hall County?  
*15% of Hall County and 31% of the City of Gainesville are LEP.*
- Has there been a change in the types of languages where translation services are needed?  
*None*
- Is there still a need for continued language assistance for previously identified MPO programs? Are there other programs that should be included?  
*Yes, but no other new programs have been added requiring language assistance.*
- Have the MPO's available resources, such as technology, staff, and financial costs changed?  
*In July, 2010 GDOT no longer be provided half of the local match (10%) for MPO transportation planning. The GHMPO now relies on an in-kind match as a substitute for the loss of direct financial assistance.*
- Has the MPO fulfilled the goals of the LEP Plan?  
*Yes*
- Were any complaints received?  
*No*

## **Dissemination of the MPO Limited English Proficiency Plan**

The MPO will post the LEP Plan on its website at: [www.ghmpo.org](http://www.ghmpo.org). Copies of the LEP Plan will be provided to the Georgia Department of Transportation (GDOT), Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and any person or agency requesting a copy. Each MPO sub-recipient will be provided a copy and will be educated on the importance of providing language assistance.

Any questions or comments regarding this plan should be directed to:

Srikanth Yamala  
Gainesville-Hall MPO  
P.O. Box 1435  
Gainesville, GA 30503  
Phone: (770) 531-6809  
Fax: (770) 531-3902  
[syamala@hallcounty.org](mailto:syamala@hallcounty.org)

## **Appendix D: List of Acronyms**

CAC	Citizens Advisory Committee
EJ	Environmental Justice
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
GDOT	Georgia Department of Transportation
GHCC	Greater Hall Chamber of Commerce
GHMPO	Gainesville- Hall Metropolitan Planning Organization
HAT	Hall Area Transit
LEP	Limited English Proficiency
LRTP	Long-Range Transportation Plan
MPO	Metropolitan Planning Organization
MTP	Metropolitan Transportation Plan
NEPA	National Environmental Policy Act
PC	Policy Committee
PPP	Public Participation Plan
TCC	Technical Coordinating Committee
TIP	Transportation Improvement Program
UPWP	Unified Planning Work Program
USDOT	United States Department of Transportation
USEPA	United States Environmental Protection Agency