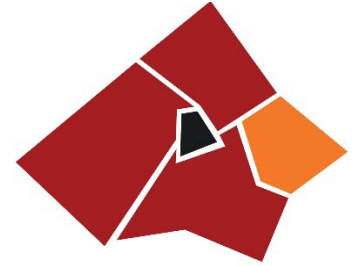


Central Virginia Planning District Commission
Meeting Agenda
5:00 p.m., May 18, 2023



CVPDC Offices – 828 Main Street, 12th Floor
Lynchburg, VA

Electronic connection: <https://us02web.zoom.us/j/88197738663?pwd=ZXIzQVpEQ2FHTk1pWlYranMwL0s2Zz09>

Dial In: (301) 715-8592

Meeting ID: 881 9773 8663

Passcode: 435000

- 1) Welcome Dwayne Tuggle, CVPDC Chair
- 2) Consideration of Requests for Electronic Participation Chair
- 3) Special Guest: Delegate Wendell Walker, House District 52 (Lynchburg, Campbell) Chair
- 4) Meeting Minutes Chair
 - a) Regular meeting, March 16, 2023
 - b) Executive Committee meeting, April 13, 2023
- 5) Title VI Implementation Plan Chair & Staff
 - a) Public Hearing
 - b) Consideration
- 6) Rural Transportation Planning Work Program Chair & Staff
- 7) Fiscal Year 2024 Work Plan & Budget Chair & Staff
- 8) Organizational Reports Staff
 - a) Financial Report, ME April 2023 Sandy Dobyns
 - b) Executive Director's Report Alec Brebner
 - i. GO Virginia
 - ii. Staffing
- 9) Other Business Chair
- 10) Adjournment Chair

Central Virginia Planning District Commission
Meeting Agenda Brief Sheet
5:00 p.m., May 18, 2023



- 1) Welcome Dwayne Tuggle, CVPDC Chair
- 2) Consideration of Requests for Electronic Participation Dwayne Tuggle, Chair
- 3) Special Guests: Delegate Wendell Walker, House District 52 Chair
- 4) Meeting Minutes Chair
 - a) Regular meeting, March 16, 2023 (page 4)
 - b) Executive Committee meeting, April 13, 2023 (provided under separate cover)

The Executive Committee met jointly with the Central Virginia Radio Communications Board on May 11. Membership of the Executive Committee is a subset of membership of the Commission. Those NOT on the Executive Committee may abstain from voting on Item (4b). *The request of the Commission is approval of the minutes of the March 16 meeting. The request of the Executive Committee is approval of the minutes of the April 13 meeting.*

- 5) Title VI Implementation Plan (page 9) Chair & Staff
 - a) Public Hearing

The Commission will conduct a public hearing as required by law and properly advertised. The item appears on the agenda for consideration of adoption if no input is received that would precipitate revisions.

- b) Consideration

CVTPO maintains a Title VI Implementation Plan that serves as a policy document guiding compliance with federal laws governing equal opportunity for public input and procurement. Greater Lynchburg Transit Company operates under this policy as a member of the CVTPO.

The Plan is due for regular maintenance and updates. In research and preparation of a new document, staff learned the Plan must be adopted by CVPDC in its responsibility to house the TPO. Title VI applies to all federal funds. The Plan has gone out for public review and comment as required prior to adoption. No written comment has been received.

The request of the Commission is approval of the CVPDC Title VI Implementation Plan.

- 6) Rural Transportation Work Program (page 42) Chair & Staff
- CVPDC must prepare an annual work program to articulate to VDOT initiatives in which CVPDC will invest resources. Completion of this exercise qualifies CVPDC for a \$58,000 State Planning & Research grant for technical assistance to rural areas of the region. CVPDC's primary initiatives for the coming fiscal year are a strategic plan update for its commuter assistance program and administration of its Comprehensive Safety Action Plan. The SPR grant requires a 20% match.

The request of the Commission is approval of the Rural Transportation Work Program for submittal to VDOT.

7) Fiscal Year 2024 Work Plan & Budget (page 50)..... Chair & Staff
The Executive Committee of the Central Virginia Planning District Commission met April 13, 2023, to discuss CVPDC’s work plan and budget for the 2023-2024 fiscal year. The Executive Committee unanimously recommended approval of the proposed work plan and budget with one condition.

Staff had proposed five-percent salary increases. The Executive Committee encouraged staff to consider seven percent, preparing to meet the increase adopted by the Commonwealth. The budget, therefore, includes a contingency of \$10,297 under Expenses at the bottom of the first page of the budget to cover the additional two percent.

The request of the Commission is approval of the FY24 Work Program and Budget as recommended by the Executive Committee with the following revisions:

- *Inclusion of a 2% salary contingency*
- *Increase of \$6,600 in Finance salaries with proportionate increase in benefits*
- *Reduction of Education and Training expenses from \$10,000 to \$5,000*
- *Omission of Madison Height rehabilitation (\$8,000 in revenue)*
- *Upward adjustment of interest income (\$5,000 to \$6,000)*

- 8) Organizational Reports.....Staff
- a) Financial Report, FY23, 2nd Quarter (page 56)Sandy Dobyns
 - b) Executive Director’s ReportAlec Brebner
 - i. GO Virginia
 - ii. Staffing

Staff will present items that may be of interest to the Commission. Discussion is encouraged. No action is required.

9) Other BusinessDwayne Tuggle, Chair
Commissioners may address the group with items of interest to the region.

10) AdjournmentDwayne Tuggle, Chair



**Central Virginia Planning
District Commission**
828 Main Street, 12th Floor
Lynchburg, VA 24504
Office: (434) 845-3491
cvpdc.org

Central Virginia Planning District Commission Regular Meeting Minutes

Draft Minutes

March 16, 2023; 5:00 p.m.

CVPDC Offices

**828 Main Street, 12th Floor
Lynchburg, VA 24504**

Members Present:

Chairman Mayor Dwayne Tuggle, Town of Amherst
Vice Chairman Richard Conner, Town of Appomattox
Frank Rogers, Campbell County
Greg Patrick, City of Lynchburg (proxy)
Jeremy Bryant, Amherst County
Robert Hiss, Bedford County
Sara McGuffin, Town of Amherst
Terry McGhee, Town of Appomattox
Bruce Johannessen, Town of Bedford
Gary Shanaberger Town of Altavista
John Spencer, Appomattox County
Drew Wade, Amherst County

Staff Present:

Alec Brebner, CVPDC Executive Director
Kelly Hitchcock, CVPDC
Tony Hengeli, CVPDC
Kirsten Trautman, CVPDC
Sandy Dobyns, CVPDC

Other:

Janice Crawford, GO Virginia Region 2 Council
Luke Towles, GO Virginia Region 2 Council
Quina Weber-Shirk, GO Virginia Region 2 Council
Bruce Boone, Appomattox VoTech Center
Matt Perkins, Town of Altavista

1. Welcome and Introductions of New Members

Chairman Dwayne Tuggle called the meeting to order at 5:00 p.m. He welcomed and thanked everyone for being there.

He introduced Greg Patrick, Deputy Manager for the City of Lynchburg, and Jeff Helgeson, City Councilor, who was out of town and not able to attend. He said that Greg would be working as a Proxy for Wynter Benda, City Manager of Lynchburg.

He then entertained a motion to allow Greg Patrick to work as the proxy. Frank Rogers made the motion and Richard Conner seconded the motion. All were in favor. The motion passed.

2. Consideration of Requests for Electronic Participation

Seeing no one participating electronically, the Chair moved to the next item on the agenda.

3. Guest Presentations

a. GO Virginia Regional 2 Council: Janice Crawford and Luke Towles

Dwayne introduced Janice and Luke from GO Virginia Region 2 Council.

From there, Janice Crawford and Luke Towles presented briefly on Go Virginia. They then spoke on the projects that GO Virginia is currently working on and the ones that are starting in the region. After they had finished, they asked for any questions.

Frank Rogers asked about projects that may not receive funding and why they wouldn't receive funding.

Quina of Go Virginia responded by saying that projects that don't receive funding usually don't have a clear business value proposition, among other restrictions. Also, they cannot fund ongoing projects.

Alec Brebner spoke up and mentioned the various projects and grants that GO Virginia had approved in our region.

b. Appomattox VoTech Center Development: John Spencer and Bruce Boone

Once the GO Virginia conversation finished, Dwayne welcomed Bruce Boone and John Spencer.

John explained that the building that everyone was being shown was the old elementary school and Bruce Boone would be explaining more about what they would be doing in the school.

Bruce then presented what would be taking place at the school and how they would be renovating and repurposing the area to start the VoTech Center, which will be a vocational center that will provide areas for CVCC and other local schools to use.

Frank asked who would be eligible to go to this program, whether it would just be students of CVCC, Appomattox residents, or anyone in the region.

Bruce said that anyone in the region would be eligible for this program.

Frank also asked how they are funding the renovations to the space.

Bruce explained that currently, he had been personally funding the renovations so far, and they are applying to different grants available.

4. Approval of Meeting Minutes

After looking at the meeting minutes from January 12, 2023, and January 26, 2023, Dwayne entertained a motion to approve both meeting minutes.

Gary Shanaberger made the motion to approve the meeting minutes and Richard Conner seconded the motion. All were in favor. The motion passed.

5. CVPDC Housing Development Program Awards

Alec Brebner began giving an update on the Housing Development program. The CVPDC had received a \$2 million grant from Virginia Housing with the purpose of constructing affordable housing in the region. The first part of this grant was given to Rush Homes to build housing on Florida Avenue.

The second round of funding has come, and they had nine applications. The committee of staff was composed of Kelly Hitchcock, Jefrado Granger, Sandy Dobyons, and Alec. The committee scored the nine applications on the following items: project experience of the applicant to accomplish these goals, budget, makeup of the funding portfolio, and others such as proximity to transit. The projects submitted provided a wide variety of these items, and out of the nine projects, they have recommendations for four of these projects.

The four projects are Habitat for Humanity Greater Lynchburg to build five owner-occupied homes, Town of Altavista to build three owner-occupied homes, Amherst County Habitat for Humanity two owner-occupied homes, and AHC Investments LLC to adaptive reuse of six rental units.

Before opening the floor to discussion, Dwayne Tuggle entertained a motion to approve the project awards. Frank Rogers made the motion and Drew Wade seconded.

Frank asked about the time commitment of the rental units' affordability.

Alec said it would be an eight-year time frame.

All were in favor. The motion passed.

6. On-Call Service Providers Procurement Renewal

Alec explained that they have a small group of on-call service providers that provide transportation planning, engineering tools, and general planning services. Berkley Group, EPR, and Clark Nexson are all on-call providers that the Commission can use for short-term projects.

The contracts will end soon, and they will need to re-up the agreements. Alec brought all this up to remind everyone that these options are available for them to be able to use for any of their upcoming projects. If the board was interested, the PDC could also reach out to other consultants that cover more areas that could provide benefit to them.

Dwayne asked if there was any discussion on this and then they would come back to vote on it.

Multiple board members thought this was a good idea and that expanding would be a great thing for the localities. With that said, Dwayne recommended that they send it back to the staff that way they will be able to look for different providers, and at a later date, they can bring to the board their list and recommendations. Everyone was in favor of this.

7. Title VI Implementation Plan

Alec began explaining that staff is expanding and updating the Title VI Plan. This updated plan will be under the direction of the TPO but adopted as a PDC plan. The course of action is a draft plan that needs to be authorized for public comment, and after the public comment period, the draft plan will be brought back to the Commission for full approval.

Dwayne entertained a motion to approve the draft Title VI for a 30-day public comment period.

Jeremy Bryant made the motion and Robert Hiss seconded the motion. All were in favor. The motion passed.

8. Organizational Reports

a. Financial Reports

Dwayne opened the floor to Tonya Hengeli, financial director, to present the updated financial report.

Tonya explained that their operations were currently under budget due to not being fully staffed and in total, the operations were at 33%. Nothing was out of the ordinary; however, Tonya did point out an error in the spreadsheet. She showed that in the office expenses tab, under contract services, it was showing \$28,000 and she said that this was the category total. Contractual services were actually at \$15,167 and she clarified that these services are things such as the employee assistance program. Moving on, Tonya pointed out that the direct project expenses were at 21% for the year.

Jeremy Bryant asked why there was funding still left from the CVCC/GOVA.

Tonya said that this is billed quarterly, and it is for two positions at CVCC. They are currently waiting on the bill for the remaining amount.

b. Executive Director's Report

Alec reminded everyone that at the last meeting, the rent for the CVPDC offices was discussed. After a meeting with the landlord, they are willing to condense the space and in doing that, the rent will go down by \$300.

The next thing that he brought up was the various legislative issues that are going on, and Alec asked for feedback or comments from the board on whether the information/updates they are receiving is something they wish to continue and if not, what else could be done.

Frank Rogers said that he thought the regular updates were useful and also added that having a meeting about a pressing legislative issue may be helpful.

Robert Hiss mentioned the recent Workforce development bill that had been passed and said that it would be interesting to know the impact on their localities' workforce board.

9. Personnel Update, FY23 Budget Amendment for Recruiting Services

Alec said that with Tonya Hengeli leaving at the end of April, they have found an in-house candidate to step into her role. Sandy Dobyns will be taking her place when Tonya leaves. Also, they had hired a new person to fill Sandy's position as well.

The transportation planner position is still open. Since it is still hard to fill this position, staff is looking at entry-level and will know by the end of April if they can fill this position. Alec stated that it would be his request to the commission to move a maximum of \$30,000 from personnel to consulting services to be able to hire a recruiter and try to fill the open position.

Dwayne entertained a motion to move the money to consulting services.

Richard Conner made the motion and Frank Rogers seconded. All were in favor. The motion passed.

10. Adjournment

Dwayne Tuggle entertained a motion to adjourn the meeting.

Frank Rogers made the motion to adjourn, and Richard Conner seconded. All were in favor, and the meeting ended at 6:09 PM.

SIGNATURES

Alexander W. Brebner, Secretary

Dwayne Tuggle, Chairman



Central Virginia Planning
District Commission
828 Main Street, 12th Floor
Lynchburg, VA 24504
Office: (434) 845-3491
cvpdc.org

**RESOLUTION
OF THE CENTRAL VIRGINIA PLANNING DISTRICT COMMISSION TO ADOPT THE
CENTRAL VIRGINIA PLANNING DISTRICT COMMISSION TITLE VI
IMPLEMENTATION PLAN**

WHEREAS, Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in any program or activity receiving Federal Funds; and

WHEREAS, the Central Virginia Planning District Commission (CVPDC) commits to assure that no person shall, on the grounds of race, color, national origin, gender, or abilities be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the execution of CVPDC programs and activities, regardless of the funding source; and

WHEREAS, the Title VI responsibilities of the Central Virginia Planning District Commission include methods of administration, outlined in the *Central Virginia Planning District Commission Title VI Implementation Plan*, that provide a reasonable guarantee of Title VI compliance; and

WHEREAS, the CVPDC receives federal funds and uses said funds to support regional organizations, projects, and programs including the Central Virginia Transportation Planning Organization; and

WHEREAS, the CVPDC, as well as its members and its committees as representatives and members of the CVPDC, are hereby obligated to adhere to the Plan.

NOW, THEREFORE, BE IT RESOLVED THAT the Central Virginia Planning District Commission does hereby duly adopt the *Central Virginia Planning District Commission Title VI Implementation Plan*, which shall replace all previous Title VI plans.

Upon motion by Commissioner _____, duly seconded by

Commissioner _____, adopted this 18th day of May, 2023.

ATTESTED BY:

CERTIFIED BY:

Alexander W. Brebner, Secretary
Central Virginia Planning
District Commission

Dwayne Tuggle, Chair
Central Virginia Planning
District Commission

Central Virginia Planning District Planning Commission (CVPDC)

Title VI Implementation Plan

DRAFT April 2023

Abstract

The Central Virginia Planning District Commission (CVPDC) Title VI Implementation Plan articulates that adopted measures which are undertaken to ensure compliance with the Title VI of the Civil Rights Act of 1964 which prohibits discrimination on the basis of race, color, or national origin. As an agency which receives federal financial assistance the CVPDC is subject to and must comply with Title VI. The CVPDC, to include all organizations and programs it staffs or funds, including the Central Virginia Transportation Planning Organization (CVTPO), will utilize the CVPDC Title VI Implementation Plan to guide program execution.

CVPDC Title VI Policy

As provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (Public Law 100.259), the CVPDC assures that no person 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. Further, the CVPDC commits to taking every effort to ensure nondiscrimination in the execution of all programs and activities, regardless of funding origin. The CVPDC, in the event of distribution of federal funds to other agencies, shall include Title VI language, to include compliance procedures, in all written agreements.

Acknowledgments

The CVPDC acknowledges and thanks the assistance from the Thomas Jefferson Planning District Commission and the Virginia Association of Metropolitan Planning Organization. This document was prepared in cooperation with the Virginia Department of Transportation (VDOT), the Virginia Department of Rail and Public Transit (VDRPT), Greater Lynchburg Transit Company (GLTC), and the Federal Transit Administration (FTA). The contents do not necessarily reflect the official views or policies of the VDOT, VDRPT, GLTC or FTA.

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Overview

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin by agencies that receive federal financial assistance (see Appendix A: Title VI). The CVPDC, and all of its programs, as recipients of federal funding do not discriminate on the basis of race, color, or national origin (see Appendix B: Non-Discrimination Statement).

The CVPDC Title VI Implementation Plan articulates the adopted actions which will be enacted by CVPDC, to include all of its programs and projects, to ensure compliance with Title VI in four sections:

1. Title VI Programs;
2. Limited English Proficiency;
3. Coordinators; and
4. Discrimination Complaints.

The Title VI Implementation Plan outlines the process by which the CVPDC will ensure nondiscrimination in program communication, public participation, planning and programming, consultant contracts, and education and training. Limited English Proficiency (LEP) describes that statement of commitment to LEP persons, implementation of LEP activities, and monitoring and update of LEP procedures. The relevant agency staff that will guide and oversee the program are the Title VI Manager and the ADA Coordinator. Discrimination Complaints (see Section 4) describes the complaint procedures.

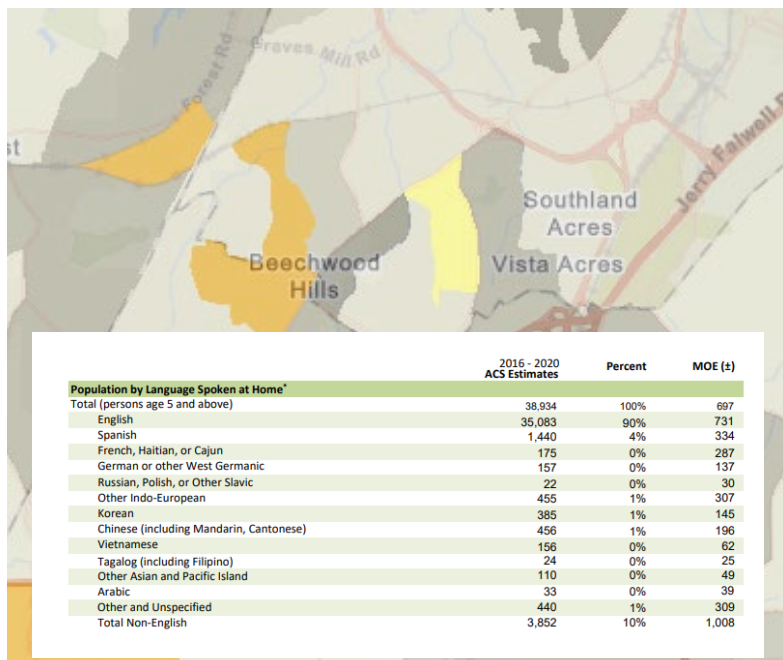
The CVPDC Title VI Implementation Plan serves as the CVPDC policy insurance that Title VI of the Civil Rights Act of 1964 nondiscrimination will be enacted in all programs and projects staffed or funded by the CVPDC. The CVPDC is the contractual administrator of the Central Virginia Transportation Planning Organization (CVTPO), the Central Virginia Radio and Communications Board (CVRCB). This Plan applies to the following programs:

- Central Virginia Transportation Planning Organization (CVTPO)
- CVPDC Rural Transportation Program
- Chesapeake Bay Watershed Implementation Plan
- Hazard Mitigation Plan
- Central Virginia Radio and Communications Board (CVRCB)
- Virginia Housing Preservation Grant
- CVPDC Brownfields Program

Alec Brebner, Executive Director is responsible for oversight of the program areas listed above. Brebner will work with the Title VI Manager to ensure that all CVPDC programs and projects are Title VI compliant through staff training, Title VI policies for the agency, and program reviews. To ensure compliance, all agency staff will have access to Title VI relevant training and be made aware of the CVPDC Title VI Implementation Plan, its procedures and requirements.

The CVPDC, in executing local or regional plans, coordinates with area jurisdictions, agencies, and other local stakeholders. In doing so, plans that may directly impact minority or low-income communities may be executed. The following procedures for conducting reviews of areas impacted are as follows. The Executive Director or Title VI Manager will review the CVPDC programs and staff activities each Fiscal

Year by meeting with agency staff to identify projects that need a Four Factor Analysis employed. Each project manager will be instructed on how to complete the Four Factor Analysis and provided information of the Title VI evaluation tools. With analysis completion the Title VI Coordinator will utilize the following steps to ensure compliance and non-discrimination on the basis of race, color, and national origin.



Source: EPA EJScreen ACS Summary Report

Limited English Proficiency (LEP) Four Factor Analysis

Factors to ensure meaningful access to programs and activities by LEP persons. The following outline the four factors that ensure fact-dependent and independent evaluation that balances response are employed to ensure Title VI nondiscrimination compliance.

The four factors are:

1. Number or proportion of LEP persons served or encountered in the eligible service population ("served or encountered" include persons who would be served or encountered if those persons received adequate education and outreach, to include sufficient language services). Utilization of data tools (e.g. Census) must be employed to evaluate this factor.
2. The frequency with which LEP persons come into contact with the program.
3. The nature and importance of the program, activity, or service provided by the program.
4. The resources available and costs to the recipient.

1. Title VI Program

The CVPDC staff and the decision-makers of its organizations and programs, to comply with Title VI Compliance, will not discriminate on the basis of race, color, or national origin.

CVPDC staff will evaluate and monitor compliance with nondiscrimination authorities in its:

- Communications and Public Participation;
- Planning and Programming;
- Consultant Contracts; and
- Education and Training.

To comply with Title VI, the CVPDC:

- Maintains current Title VI Assurances (Appendix C: Certificate of Assurance).
- Promptly corrects any identified deficiency.
- Conducts regular review of program areas and contractors (Appendix D).
- Reviews sub-recipients Title VI procedures on a regular basis (Appendix E).
- Documents and prepares reports of Title VI efforts on a regular basis.
- The CVPDC Executive Director designates a Title VI Manager (Section 3).

1.1 Communications and Public Participation

CVPDC endeavors to communicate with and provide opportunities for minority, low-income, and disabled person to participate. The Central Virginia Transportation Planning Organization (CVTPO), which is staffed by the CVPDC, maintains a *Public Participation Plan* that describes the process by which it consults with interested and affected individuals, organizations, agencies, and governmental entities and includes them in the decision-making process. The *CVTPO Public Participation Plan* and all other CVPDC public participation opportunities and organizations and programs its staffs comply with Title VI requirements.

To ensure Title VI compliance in communications and public participation, CVPDC staff will:

- Include contact information for people needing accommodations in notifications for public participation opportunities.
- Post the Title VI Policy on CVPDC program website(s).
- Include the following statement in public notices:

“CVPDC fully complies with Title VI of the Civil Rights Act of 1964 in all programs and activities. CVPDC provides reasonable accommodation for persons who require special assistance to participate in public involvement opportunities. For more information, or to obtain a Discrimination Compliant Form, contact (434) 845-3491 or www.cvpdc.org.”

- Provide reasonable accommodations for persons who require special assistance to participate in public involvement opportunities.
- Collect and monitor demographic data during public input opportunities, conduct additional target outreach if the data shows a deficiency in public input from particular groups.
- Recruit diverse applicants, including minorities, low-income persons, and disabled, for public participation opportunities, to include serving on program and project committees.



1.2 Planning and Programming

To ensure compliance in planning and programming, CVPDC staff will:

- Prepare and update publicly available demographic profiles of the region using current and appropriate statistical information.
- Consider a high-level overview of benefits and burdens of CVPDC transportation project on minority and low-income populations, using maps and geographic demographic data to determine projects that could impact such populations. Lead agencies in individual projects are responsible for environmental justice analyses evaluations in executing programs and projects.
- Conduct an environmental justice analysis during the development of the Central Virginia Transportation Planning Organization Long Range Transportation Plan, and other required transportation planning documents.
- Evaluate programs to determine if there are Title VI implications and interpret how agency or program directives impact Title VI program areas.
- Include, as relevant, environmental justice aspects of performance measures in transportation, and other programs as required, performance-based planning and programming.

1.3 Consultant Contract

CVPDC is responsible for selection, negotiation, and administration of its consultant contracts. CVPDC complies with all relevant federal and state laws in contract selection and evaluate and monitor consultant contracts for nondiscrimination compliance. CVPDC will:

- Ensure inclusion of nondiscriminatory language in contracts and Request for Proposals.
- Ensure that all consultants verify their compliance with nondiscrimination authorities, procedures, and requirements.
- Assist any recipient or sub-recipient found to be not in nondiscrimination compliance to resolve deficiency status, to include writing remedial action plan.
- Review outreach activities to ensure small, disadvantaged, minority, women and disabled veteran businesses are not excluded to participate in opportunities to compete for consulting contracts.

The CVPDC, as a part of the Certifications and Assurances submitted to the Virginia Department of Rail and Public Transit (DRPT) with the Annual Grant Application and all Federal Transit Administration grants submitted to the DRPT, submits a Nondiscrimination Assurance which addresses compliance with Title VI, nondiscrimination in hiring (Equal Employment Opportunity) and contracting (Disadvantaged Business Enterprise), and nondiscrimination on the basis of disability. In signing and submitting this assurance, CVPDC confirms to DRPT the agency's commitment to nondiscrimination and compliance with federal and state requirements.

Disadvantaged Business Enterprise

Disadvantaged Business Enterprises (DBE) are for-profit small business concerns where socially and economically disadvantaged individuals own at least 51% interest and control management and daily business operations. African Americans, Hispanics, Native Americans, Asian-Pacific and Subcontinent Asian Americans, and women are presumed to be socially and economically disadvantaged. Other individuals may qualify on a case-by-case basis. The U.S. Department of Transportation's DBE

regulations require state and local transportation agencies that receive federal financial assistance to establish goals for the participation of DBEs. The CVPDC supports DBE program objectives:

- To ensure nondiscrimination in the award and administration of Federal Highway Administration assisted contracts.
- To create a level playing field on which DBEs can compete fairly for Federal Highway Administration-assisted, and other federal agencies as required, contracts.
- To ensure the DBE Program is narrowly tailored in accordance with applicable law.
- To ensure that only firms that fully meet 49 CFR, Part 26 eligibility standards are permitted to participate as DBEs.
- To help remove barriers to the participation of DBEs in federally assisted contracts, to include the Federal Highway Administration.
- To assist the development of firms that can successfully compete in the marketplace outside of the DBE Program.
- To provide appropriate flexibility to recipients of federal financial assistance in establishing and providing DBE participation opportunities.

1.4 Education and Training

To ensure nondiscrimination integration within the CVPDC programs, Title VI education and training will be integrated within the CVPDC staff education and training. The CVPDC Title VI Manager will:

- Distribute information to staff, board and committee manager, and other stakeholders on training programs regarding Title VI and related nondiscrimination authorities.
- Train staff in Title VI nondiscrimination and implementation annually and with new employee orientation.
- Track Title VI nondiscrimination training of staff and board and committee members.

2. Limited English Proficiency (LEP)

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English are Limited English Proficient (LEP). Language, understanding or using, for a LEP person, can present a barrier to accessing benefits and services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. LEP persons may be entitled to language assistance at no cost to them with respect to a service, benefit, or encounter.

CVPDC provides LEP persons meaningful access to programs and activities by providing adequate and understandable information and executing reasonable steps to remove participation barriers.

2.1 Statement of Commitment

Meaningful access to LEP persons means ensuring the LEP persons can effectively communicate, and that comments and actions can be appropriately responded based on provided communication. CVPDC will take reasonable steps to ensure LEP persons have meaningful access to programs, activities, services, and information that are normally provided in English. Failure to ensure that LEP persons can

effectively participate in federally assisted programs and activities may violate the prohibiting of discrimination against national origin per Title VI of the Civil Rights Act of 1964.

2.2 Implementation

The following Implementation guidelines describe the process that should be taken when an LEP person is encountered or an LEP person request is made. Routine activities to maintain LEP program information and training is also included.

LEP Encounter

When CVPDC, or program consultants, encounter LEP persons or request for language assistance, the guidelines will be used to determine what assistance can be provided.

The language assistance services available to the CVPDC are:

- CyraCom: CVPDC has a Pay-As-You-Go account with Cyra-COM-On Demand Over-the-Phone Interpretation (www.cyracom.com) service. CyraCom maintains telephone assisted interpretation capability for over 100 languages, costs on a per minute rate, and additional service-for-fee written translation services.
- Translation services available through CVPDC's CyraCom may be utilized. Access and cost information inquiries are directed to Kirsten Trautman, Executive Assistant, by phone at 434-845-3491 or kirsten.trautman@cvpdc.org.

The need for LEP services depends on the type of contract.

- In-person Contract: Use the Language Identification Flashcard, posted in the CVPDC entrance, to attempt to identify the language spoken. Enlist the assistance of staff and/or Cyra-COM service to obtain the LEP person's name and contact information.
- Telephone Contact: Enlist the assistance of staff and/or Cyra-Com service as needed.
- Written Contract or Documents: Engage translation service such as Cyra-Com.
- Requests for meeting translation: Use Cyra-Com service or employ another translation service.

Cost alone will not determine whether a request is granted. Language assistance services deemed appropriate will be made available at the expense of the CVPDC.

- Request for under \$100: Will be granted. For Spanish, a phone call that might last up to 30 minutes or a document that includes one-typed page in English, exemplifies this likely funding criterion.
- Requests for over \$100: Title VI Coordinator, and if needed the CVPDC Executive Director, review based on the Four-factor Analysis (see pages 2 and 8) and grant if deemed necessary.

Routine LEP Implementation Activities

The Title VI Manager will:

- Post written notices on the website and/or in a public area regarding the right to free language assistance for persons conducting business with the CVPDC in the most likely to be encountered languages (as determined by the Four-Factor Analysis).
- Ensure that public notices and publications include statements that CVPDC provides reasonable accommodations for persons who require special assistance to participate in public involvement opportunities.

- Maintain that language assistance resource list, updating with current resources.
- Ensure CVPDC staff and program consultants understand:
 - The right to free LEP person language assistance.
 - How to use the language assistance resources.
 - To include information in public notices and publications that CVPDC provides reasonable LEP accommodations.

2.3 Monitoring and Updating

CVPDC will monitor, review through the Four-factor Analysis process, and as needed, update its LEP policies and practices. Monitoring by the Title VI Coordinator will include:

- Review the CVPDC activities on a regular basis.
- Document requests for translation services and encounters with LEP persons and provide reports when requested.

Four-Factor Analysis

The Four-factor Analysis is used to assess the need for language assistance services:

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

The CVPDC staff will:

- Regularly review demographic data based on the Four-factor Analysis. If a language other than English represents the primary language for greater than five percent (> 5%) of the population, the LEP guidelines may need to be modified to accommodate communication needs.
- Collect and maintain demographic statistics on persons who are affected in their projects and studies.
- Solicit feedback from local social services departments and community-based organizations serving LEP persons to evaluate how well its practices meet their needs.

Locality social services departments and community-based organizations serving LEP persons include:

- Lynchburg Community Action Group
- Locality Social Service Departments
- Virginia Department of Social Services

The feedback solicited from these departments and organization may include:

- Nature and importance of projects, studies, and activities to LEP persons and/or populations.
- The effectiveness of current language assistance measures in meeting the needs of LEP persons and/or populations.
- Changes in the frequency of contact with LEP language groups.
- Changes in the availability of resources, including technological advances or financial resources.

3. Coordinators

The following presents the CVPDC Title VI Implementation Plan staff structure for the execution of program actions to ensure enactment of initiatives to ensure nondiscrimination as stated in Title VI of the Civil Rights Act of 1964.

The CVPDC Title VI Coordinator has access to the CVPDC Executive Director, the final arbitrator on all of the CVPDC program and contract activities.

Title VI Coordinator

Kelly Hitchcock, Deputy Director of Planning
Central Virginia Planning District Commission
828 Main Street, 12th Floor
Lynchburg, Virginia 24504
(434) 818 – 7604
kelly.hitchcock@cvpdc.org

Alexander W. Brebner, Executive Director
Central Virginia Planning District Commission
828 Main Street, 12th Floor
Lynchburg, Virginia 24504
(434) 845-3491
alec.brebner@cvpdc.org

4. Discrimination Complaints

Any person who believes the CVPDC, or its consultants, has unlawfully discriminated against them may file a complaint. The following complaint steps are presented to publicly present the procedures that the CVPDC staff will follow. Included are the actions that a person who believes there has been discrimination may use, to include the CVPDC Title VI Discrimination Complaint Form (Appendix F), to register a complaint and ensure response to said complaint.

4.1 Eligibility

Any person who believes they – or a specific class of persons – were subjected to discrimination on the basis of race, color, or national origin in the programs and activities of a Subrecipient that received federal financial assistance through the CVPDC program primary recipient may file a Title VI complaint.

4.2 Filing a Complaint

A discrimination complaint form is available in the Title VI Implementation Plan as Appendix F, or directly at <https://cvpdc.org/resources/TitleVIPlan>. A paper copy can be obtained at 828 Main Street, 12th Floor, Lynchburg, Virginia or requested by mail. Assistance in filing the Discrimination Complaint Form may be requested through a direct request to Kirsten Trautman at kirsten.trautman@cvpdc or at (434) 845-3491.

Per USDOT regulations, 49 CFR §21.11(b), a complaint must be filed not later than 180 days after the date of the last instance of alleged discrimination, unless the time for filing is extended by the processing agency.

4.3 Complaint Processing

Complaints, depending on the CVPDC program to which the complaint is directed, will be routed to the program corresponding State or Federal agency. All incidents will be tracked to ensure a direct Complainant response is determined.

All CVPDC and CVPTO transportation program complaints will be routed to the FHWA Headquarters Office of Civil Rights (OCR) for processing. OCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints filed against State DOTs or subrecipients of Federal Financial assistance.

Complaints will be forwarded from the initial receiving agency through the Federal-aid highway oversight hierarchy until the complaint reaches OCR. For example, if a complaint is filed with the CVPDC, CVPDC will forward the complaint to the Virginia Department of Transportation, which should forward the complaint to Virginia's FHWA Division Office, which should forward the complaint to OCR.

When OCR decides on whether to accept, dismiss, or transfer the complaint, OCR will notify the Complainant, the FHWA Division Office, the Virginia Department of Transportation, and the CVPDC.

Appendix A: Title VI

The Civil Rights Act of 1964, which ended segregation in public places and banned employment discrimination on the basis of race, color, religion, sex or national origin. The eleven titles with the Civil Rights Act are:

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

Title VI of the Civil Rights Act of 1964 addresses nondiscrimination in federally assisted programs and activities. The CVPDC Title VI Implementation Plan addresses the program actions to adhere to Title VI requirements, as required by any agency receiving Federal funding.

Title VI states “no person” shall be subject to discrimination because of race, color, or national origin. Title VI further declares it to be the policy of the United States that discrimination on the ground of race, color, or national origin shall not occur in connection with programs and activities receiving federal financial assistance and authorizes and directs the appropriate federal departments and agencies to take action to carry out this policy.” Subsequent nondiscrimination laws expanded the range and scope of Title VI coverage and applicability. Executive orders and federal agency orders and memos clarify implementation of nondiscrimination policy.

Appendix B: Non-Discrimination Statement

The Central Virginia Planning District Commission (CVPDC), to include all programs therein, give public notice of its policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (PL 100.259), and all related statutes. The CVPDC is committed to ensuring that no person shall, on the grounds of race, color, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the CVPDC receives Federal financial assistance.

Any person who believes that he or she has, individually, or as a member of any specific class of person, been excluded from the participation in, been denied the benefits of, or been otherwise subjected to discrimination under any program or activity for which the CVPDC engages, and believes the discrimination is based upon race, color, or national origin has the right to file a formal complaint.

The CVPDC Deputy Director of Planning is responsible for initiating and monitoring Title VI activities, preparing required reports, and other responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.

If a complaint addresses a particular service provider, the complaint should be logged with that provider.

For complainants who may be unable to file a written complaint, verbal information may be accepted by CVPDC at 434-818-7704 or in person,

To submit a formal complaint or to request additional information on Title VI obligations, contact Kelly Hitchcock, CVPDC Title VI Coordinator, 828 Main Street, 12th Floor, Lynchburg, VA 24504; phone 434-818-7604; email kelly.hitchcock@cvpdc.org.

Appendix C: Certificate of Assurance

The CVPDC Certificate of Assurance provides the confirmation of Title VI actions and procedures. The CVPDC Certificate of Assurance, which includes Appendices A through E, begins on the next page.

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**Central Virginia Planning District Commission
Title VI Nondiscrimination Assurance
(DOT Order No.1050.2A)**

The **Central Virginia Planning District Commission**, (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 the *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 Assurance

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 ground 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 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 Central Virginia Planning District Commission in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.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 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 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 **Central Virginia Planning District Commission** 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 or the Virginia Department of Transportation (VDOT)** 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 **FHWA or VDOT**. You must keep records, reports, and submit the material for review upon request to **FHWA or VDOT**, 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 **Central Virginia Planning District Commission** 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 **Commonwealth of Virginia**, 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**.

Central Virginia Planning District Commission

by 

Alexander W. Brebner, Executive Director

DATED April 6, 2023

APPENDIX A**Contractor/ Consultant/Supplier Agreement: U.S. DOT 1050.2A -- 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, the Federal Highway Administration, 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 Federal Highway Administration 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 Federal Highway Administration, 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 Federal Highway Administration 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 Federal Highway Administration 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 ***Central Virginia Planning District Commission*** will accept title to the lands and maintain the project constructed thereon in accordance with the Virginia 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 ***Central Virginia Planning District Commission*** 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 ***Central Virginia Planning District Commission*** 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 ***Central Virginia Planning District Commission***, its successors and assigns.

The ***Central Virginia Planning District Commission*** 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 ***Central Virginia Planning District Commission*** 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 non-discrimination 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 ***Central Virginia Planning District Commission*** 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 ***Central Virginia Planning District Commission*** 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 ***Central Virginia Planning District Commission*** 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 ***Central Virginia Planning District Commission*** 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 ***Central Virginia Planning District Commission*** 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 Nondiscrimination covenants, the ***Central Virginia Planning District Commission*** 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 Non-discrimination covenants, the ***Central Virginia Planning District Commission*** will there upon revert to and vest in and become the absolute property of the ***Central Virginia Planning District Commission*** 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

Contractor/ Consultant/Supplier Agreements: U.S. DOT 1050.2A -- 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 non-discrimination 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 Non-discrimination 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 non-discrimination 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 D: Procedures for Conducting CVPDC Title VI Program Review

Evaluation and procedural review are the foundation of the CVPDC Title VI Implementation Plan. Program review will be completed for all programs and projects receiving federal funds. Per Federal regulations which state:

All entities that receive federal financial assistance are required to create establish and maintain effective internal control over the Federal award that provides reasonable assurance that the entity is managing the award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. 2 C.F.R. §200.303(a)

Entities may not directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin. 49 C.F.R. §21.5(b); 28 C.F.R. §42.104(b)

The CVPDC directly or indirectly receives federal funding through the following programs:

- Central Virginia Transportation Planning Organization (CVTPO)
- Rural Transportation Program
- Transit Service Program
- RIDE Solutions
- Hazard Mitigation Plan
- Central Virginia Radio and Communications Board (CVRCB)
- Virginia Housing Preservation Grant
- CVPDC Brownfields Program
- Chesapeake Bay Watershed Implementation Program
- Region 2000 Services Authority

The CVPDC is committed to the assurance that all persons are provided equal opportunities to participate in CVPDC program activities regardless of race, color, ability or national origin. Title VI requires non-discrimination based on race, color or national origin and the Americans with Disabilities Act requires entities open to the public to reasonably accommodate people with disabilities.

The CVPDC program review procedure endeavors to ensure that all CVPDC programs and projects do not discriminate based on race, color, national origin or ability. The CVPDC staff will use the Title VI Implementation Plan, to include accompanying statements, interpretation services as needed, and regular program reviews to meet this non-discrimination and accommodation mission.

CVPDC programs operate on a July 1 to June 30 fiscal basis following a work program. The Executive Director will review the CVPDC, to include all partners, work plans at the beginning of each Fiscal Year by meeting each project manager to identify projects that need the *Four Factor Analysis*. During the annual program review, the Title VI Coordinator will review the Title VI Implementation Plan which includes:

- Instructions to ensure non-discrimination in communications and public participation;
- Instructions to ensure non-discrimination in planning and programming;
- Instructions to evaluate and monitor consultant contracts for compliance with nondiscrimination authorities and disadvantaged business enterprise goals; and

- Instructions for accommodating a person with limited English proficiency and limited English Proficient requests.

The Title VI Coordinator will help the program manager identify program areas or project that need a *Four Factor Analysis*, the program manager will be instructed on how to complete the *Four Factor Analysis* and give Title VI resources.

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Appendix E: Procedures for Conducting Title VI Reviews of Sub-recipients

Evaluation and procedural review are the foundation of the CVPDC Title VI Implementation Plan. Program review will be completed for all programs and projects receiving federal funds. Per Federal regulations which state:

All entities that receive federal financial assistance are required to create establish and maintain effective internal control over the Federal award that provides reasonable assurance that the entity is managing the award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. 2 C.F.R. §200.303(a)

Entities may not directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin. 49 C.F.R. §21.5(b); 28 C.F.R. §42.104(b)

The CVPDC directly or indirectly receives federal funding through the following programs:

- Central Virginia Transportation Planning Organization (CVTPO)
- Rural Transportation Program
- Transit Service Program
- RIDE Solutions
- Hazard Mitigation Plan
- Central Virginia Radio and Communications Board (CVRCB)
- Virginia Housing Preservation Grant
- CVPDC Brownfields Program
- Chesapeake Bay Watershed Implementation Program
- Region 2000 Services Authority

The CVPDC is committed to the assurance that all persons are provided equal opportunities to participate in CVPDC program activities regardless of race, color, ability or national origin. The CVPDC is responsible for the selection, negotiation, and administration of consultant contracts and grant sub-recipients. This review procedure endeavors to ensure that CVPDC program and project sub-recipients do not discriminate.

CVPDC staff, with guidance from the Title VI Coordinator, will evaluate and review consultant contracts and sub-recipient agreements for compliance with nondiscrimination authorities and will:

- Ensure inclusion of nondiscriminatory language in contacts and Request for Proposals (RFPs).
- Ensure that all consultants verify their compliance with nondiscrimination authorities, procedures, and requirements.
- If a recipient or sub-recipient is found not to be in compliance, will execute a plan in coordination with the recipient or sub-recipient to resolve the deficiency status. This includes setting a timeline and course of action to resolve the matter.
- Review outreach activities to ensure accommodation to meet the needs of all persons regardless of race, color, ability or national origin.

Appendix F: Discrimination Complaint Form

The CVPDC Discrimination Complaint Form, available in print form and online on the CVPDC website at: <https://cvpdc.org/resources/TitleVI>, and on the CVPTPO website at: <https://cvtrpo.org/title-vi.html>.

The CVPDC Discrimination Complaint Form can be submitted by email, by mail, or in person at 828 Main Street, Lynchburg, Virginia. The Title VI Coordinator can assist the person in filing a complaint. The CVPDC office can be reached Monday – Friday from 8:30 a.m. to 5:00 p.m. at (434) 845-3491, or by email at info@cvpdc.org.

The CVPDC Discrimination Complaint Form begins on the next page.

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Title VI Discrimination Complaint Form

Please use this form if you have a complaint alleging discrimination under Title VI of the Civil Rights Act of 1964 against the Central Virginia Planning District Commission (CVPDC), Central Virginia Transportation Planning Organization (CVTPO), or any of its programs, projects or sub-contractors.

In order to process your Title VI complaint, please provide the following information. Assistance is available upon request at the CVPDC office, Monday – Friday, 8:30 a.m. to 5:00 p.m., or by calling (434) 845-3491, or by email at info@cvpdc.org.

Mail or deliver this completed form to:
Central Virginia Planning District Commission
C/O Title VI Coordinator
828 Main Street, 12th Floor
Lynchburg, VA 24503

Central Virginia's Metropolitan Planning Organization (CVMPO) Title VI Complaint Form

Section I:				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Email:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
Section II:				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If an authorized representative is filling out this complaint form on behalf of another person, his/her personal information must also be included.				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	

Email: _____		
Relationship to the complainant: _____		
Please explain why you have filed for a third party: _____		
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.	Yes	No
Section III:		
<p>I believe the discrimination I experienced was based on (check all that apply):</p> <p><input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin</p> <p>Date of Alleged Discrimination (Month, Day, Year): _____</p> <p>Time of incident (approximately): _____ Location (address) of incident: _____</p> <p>As clearly as possible explain what happened and why you believe you were discriminated. Describe all persons involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.</p> <p>_____</p> <p>_____</p>		
Section IV		
Have you previously filed a Title VI complaint with this agency?	Yes	No
Section V		
<p>Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, check all that apply:</p> <p><input type="checkbox"/> Federal Agency: _____</p> <p><input type="checkbox"/> Federal Court _____ <input type="checkbox"/> State Agency _____</p> <p><input type="checkbox"/> State Court _____ <input type="checkbox"/> Local Agency _____</p>		

Please provide information about a contact person at the agency/court where the complaint was filed.
Name:
Title:
Agency:
Address:
Telephone:
Section VI
Name of agency complaint is against:
Contact person:
Title:
Telephone number:

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

Signature	Date

Please submit this form in person at the address below, or mail this form to:

Kelly Hitchcock, Title VI Compliance Officer
 Central Virginia Planning District Commission
 828 Main Street, 12th Floor Lynchburg, Virginia 24504
 (434) 845 - 3491 Kelly.hitchcock@cvpdc.org

Appendix G: Resolutions of Adoption

This section is intentionally blank.

The Central Virginia Planning District Commission (CVPDC) and the Central Virginia Transportation Planning Organization (CVTPO) policy boards will consider adoption of the *CVPDC Title VI Implementation Plan* after a 30-day Public Comment Period and the May 18, 2023 Public Hearing.

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**Central Virginia Planning
District Commission**
828 Main Street, 12th Floor
Lynchburg, VA 24504
Office: (434) 845-3491
cvpdc.org

RESOLUTION APPROVING THE FISCAL YEAR 2024 RURAL TRANSPORTATION WORK PROGRAM

WHEREAS, as staff of the Central Virginia Planning District Commission (CVPDC) has prepared the annual Rural Transportation Work Program for the fiscal year 2024; and

WHEREAS, the Rural Transportation Planning Work Program has been reviewed and recommended for approval by the Transportation Technical Committee; and

WHEREAS, the Rural Transportation Planning Work Program is now before the Central Virginia Planning District Commission for approval.

NOW, THEREFORE, BE IT RESOLVED THAT the Central Virginia Planning District Commission does hereby approve the Rural Transportation Work Program for Fiscal Year 2024 and authorizes it to be submitted to the Virginia Department of Transportation.

Upon motion by Commissioner _____, duly seconded by

Commissioner _____, adopted this 18th day of May, 2023.

ATTESTED BY:

CERTIFIED BY:

Alexander W. Brebner, Secretary
Central Virginia Planning
District Commission

Dwayne Tuggle, Chair
Central Virginia Planning
District Commission



Central Virginia Planning District Commission
FY-2024 Rural Transportation Planning Work Program
July 01, 2023 – June 30, 2024

DRAFT

Transportation Technical Committee Approval Consideration: 11 May 2023
Central Virginia Planning District Commission Approval Consideration: 18 April 2023

Purpose and Objective

The Virginia Department of Transportation (VDOT) allocates part of the State Planning and Research (SPR) funding to provide annual transportation planning assistance for non-urbanized areas within the Commonwealth. The Rural Transportation Planning (RTP) Program was created to aid the State in fulfilling the requirements of the State Planning Process to address the transportation needs of non-metropolitan areas. Funds appropriated under 23 U.S.C. 505 (SPR funds) are used in cooperation with the Department of Transportation, Commonwealth of Virginia for transportation planning as required by Section 135, Title 23, U.S. Code. These Federal funds provide 80 percent funding and require a 20 percent local match.

In FY-2024 each planning district commission / regional commission that has rural area will receive \$58,000 from VDOT's Rural Transportation Planning Assistance Program. The corresponding planning district commission / regional commission will provide a local match of \$14,500 to conduct rural transportation planning activities. This resource may be supplemented with additional planning funds. The arrangement of all such funds involves the development of a scope of work, approval and other coordination in the Transportation & Mobility Planning Division's (TMPD) administrative work programs.

The scope of work shall include specific activities as requested by VDOT and/or the Federal Highway Administration. The scope of work may also include activities or studies addressing other transportation planning related issues that may be of specific interest to the region. The criteria for the determination of eligibility of studies for inclusion as part of this work program are based upon 23 U.S.C. 505, State Planning and Research.

FY 2023 - Program Administration (\$28,000.00)

Background and Objective: The purpose of this work element is to provide oversight of regional transportation planning and programming efforts and facilitate regional participation and consensus building on transportation-related issues through a continuing, comprehensive, and coordinated planning process.

1. Rural Transportation Planning Management - \$25,000.00

Description: This activity includes all program management and administrative responsibilities not directly attributable to specific program activities. There are two defined objectives of this task: (1) the administration of transportation planning work program activities; and (2) the completion of necessary contracts, invoices, progress reports, correspondence, and grant applications in support of the work program.

Deliverable Products: The primary result of this task should be a well-functioning transportation program. Activities include, but not limited to, the following.

- Completion and submission of necessary agreements and contracts, invoices, progress reports, correspondence, and grant applications in support of the work program.
- Prepare meeting agenda minutes, resolutions, arrange for and/or attend meetings, trainings and conferences.
- Preparation for and attendance at Project Management Team (Technical Committee) meetings and additional trainings, workshops and conferences, as necessary, to enhance the rural transportation planning program.
- Prepare the Rural Transportation Planning Work Program, scope of work, manage program funds, and provide outreach and data assistance. This includes execution of any adjustments or alterations in project scope or funding.
- Maintain Title VI and Americans with Disabilities Act (ADA) compliance, and ensure environmental justice, nondiscrimination, and equity, including consultation with appropriate groups, committees, and community representatives through the implementation of the approved Title VI and Public Participation Plan.
- Review, as necessary, consultant contracts or supplements and monitor consultant contracts, negotiations, and work progress on corridor studies and plans employing consultants.

2. Rural Transportation Planning Work Program - \$3,000.00

Description: This task provides for the annual preparation of the Rural Transportation Planning Assistance Program – Scope of Work for the upcoming fiscal year. This also includes execution of any amendments or revisions to the existing scope of work and provide

necessary outreach and data development to support current Scope completion and future year Scope development.

Deliverable Products: The FY 2024-2025 Rural Transportation Planning Work Program, which documents the activities to be accomplished by the Central Virginia Planning District Commission staff in the upcoming fiscal year. It will also include any scope of work amendments or revisions.

SPR Funds (80%)	\$22,400.00
PDC Funds (20%)	\$5,600.00
Total Budgeted Expenditure for Program Administration	\$28,000.00

FY 2023 - Program Activities (\$44,500.00)

Background and Objective: Address regionalized transportation issues that are identified through coordination with local transportation stakeholders, to include VDOT, Transportation Technical Committee (TTC), and the Planning District Commission.

1. General Technical Assistance - \$23,000.00

Description: This task allows for the assistance to localities and VDOT on transportation related activities on an individual or regional basis as needed.

This task includes, but not limited to, the following.

- Complete any outstanding items from the FY 2023 Scope of Work.
- Participate in VTrans webinars regarding needs consolidation, recommendations and SMART SCALE Regional Meetings.
- Participate in meetings and trainings with VDOT staff regarding Title VI and Environmental Justice.
- Ensure that completed projects include as integral in the planning process the 2021 articulated FHWA Planning Emphasis Areas – actions that support resiliency and clean energy transition; advance equity and underserved communities; support Complete Street and multimodal networks; advance diverse public involvement; support the Strategic Highway Network; coordination with Federal Land Management Agencies; incorporates environmental impact evaluation; and advances and supports continued transportation planning and programming data development, sharing, and analysis.
- Participate in the Fall Transportation Meeting held in the region and provide a display to serve as outreach to the region’s citizens.
- Participate in outreach meetings and review data as requested by VDOT throughout the fiscal year pertaining to VTrans and other appropriate efforts as requested.

- Coordinate with VDOT and stakeholders on meeting performance measure goals.
- Coordinate with local stakeholders, VDOT, and localities in development of project pipeline studies, to include recommendation development and public involvement.
- Providing transportation technical input and resources to the PDC's localities outside of the MPO area to improve the overall effectiveness and efficiency of the transportation network.
- Development of comprehensive plan's transportation element.
- Program support duties as required by VDOT, FHWA, and the PDC.
- Development and provision of GIS information for use with transportation projects and planning efforts.
- Enhancement and maintenance of a website.
- Education, information, and referral assistance to localities on local transportation planning committees such as the 501 Coalition, Lynchburg Regional Transportation Advocacy Group (Lynchburg Regional Business Alliance), and local chamber of commerce transportation committees.
- Writing transportation planning grants, including Transportation Alternatives Program, SMART SCALE, Revenue Sharing and Federal Program grants (e.g. Safe Streets and Roads for All) as requested by program partners. This task includes any research and plan development necessary to support grant application efforts.
- Evaluation and review of special situations such as major traffic generators, site plans, elderly and handicapped needs, and para-transit projects, as needed.
- GIS training activities.
- Compile all available current and future land use GIS layers / attribute data from local comprehensive plans within the Planning District Commission boundaries. Use the GIS tool to be provided by VDOT-TMPD to geo-reference local transportation plan recommendations. VDOT-TMPD will provide technical assistance on an as needed basis in accomplishing this task. Information gathered will be used to update existing land use data within the Statewide Planning System and will be used to augment data for the Statewide Travel Demand Model that is currently under development. For localities that do not have GIS layers / attribute data for the current and future land use plans, develop a schedule and identify resources needed that would allow this data to be captured via GIS. VDOT-TMPD will provide detail instructions and templates to be used to provide consistency across the state.
- Association, National Association of Development Organizations, Virginia Association of Planning District Commissions, and other similar organizations.

Deliverable Products: Activities include, but not limited to, the following:

- Assistance as enumerated above.
- Enhance and maintain the PDC's web site transportation component.

2. **Comprehensive Plan Development** - \$3,000.00

Description: The CVTPO staff will review and assist in local comprehensive plan development to ensure that land use and other plan elements, to include the transportation chapter, are consistent and in accordance with local, state and federal planning and programmatic requirements, reflect identified VTrans needs, and are executed through a comprehensive public outreach process in accordance with Title VI and Environmental Justice compliance.

- Assist the Town of Bedford in development of the Transportation Chapter of the pending Comprehensive Plan update.
- Assist, as requested, review and evaluation of comprehensive plans.

Deliverable Product: Town of Bedford Transportation Chapter, such that the chapter incorporates all of the state and federal program requirements, has been reviewed and approved by the local District Planner, and incorporates, if ready, template elements as determined by the Town. Completion of this task does not include Comprehensive Plan adoption by the Town, as the timing may not coordinate.

3. **Rural Travel Demand Management Plan** - \$8,000.00

Description: CVPDC staff will, through evaluation of 2020 Census Data, surveys (to include public, economic development, and employers), stakeholder coordination, to include the CVTPO, and according to VDOT and DRPT programmatic requirements, assist in the development of the first CVPDC Travel Demand Management Plan. Activity includes assistance in execution of Park and Ride Lot use counts and conditions assessments utilizing the VDOT Facility Inspection Form and methodology.

Deliverable Product: A CVPDC Travel Demand Management Plan that will be submitted to VDOT and DRPT for approval and taken to each of the rural communities for adoption consideration. The document will serve as the foundation for future CVPDC Commuter Assistance Program activities and will support VDOT's Travel Demand Management programmatic goals. Evaluation and submittal of Lot Facility Inspection Forms.

4. **Active Transportation Planning Activities** - \$10,500.00

Description: The following items will be accomplished in support of active transportation planning efforts. These items coordinate with the Safe Streets and Roads for All (SS4A) and general regional active transportation, multimodal program initiatives. Task items include, but are not limited to, the following:

- Website updates

- Grant assistance
- Bike Month development and execution
- Re-formation of an area Bicycle and Pedestrian Advisory Committee
- Active Transportation Webinar Series
- Locality assistance as appropriate
- Assemble bicycle and pedestrian recommendations from comprehensive plans and standalone bicycle and pedestrian plans into a GIS shapefile.
- Support the State partners, VDOT, DCR, and Virginia Office of Trails in developing region-wide evaluation of current and future connection corridors.

Deliverable Product: A summary report of above referenced activities.

SPR Funds (80%)	\$35,600.00
PDC Funds (20%)	\$8,900.00
Total Budgeted Expenditure for Program Activities	\$44,500.00

<u>FY-2024 Budget Summary Tasks</u>	VDOT (SPR) 80%	PDC (Match) 20%	Total 100%
<u>Program Administration</u>			
1. Rural Transportation Planning Management	\$20,000.00	\$5,000.00	\$25,000.00
2. FY 23-24 Rural Transportation Planning Work Program Development	\$2,400.00	\$600.00	\$3,000.00
Total Budget for Program Administration	\$22,400.00	\$5,600.00	\$28,000.00
<u>Program Activities</u>			
1. General Technical Assistance	\$18,400.00	\$4,600.00	\$23,000.00
2. Comprehensive Plan Development	\$2,400.00	\$600.00	\$3,000.00
3. Rural Transportation Demand Management	\$6,400.00	\$1,600.00	\$8,000.00
4. Active Transportation Planning Activities	\$8,400.00	\$2,100.00	\$10,500.00
Total Budget for Program Activities	\$35,600.00	\$8,900.00	\$44,500.00
Total Budget FY2024 Rural Program Budget	\$58,000.00	\$14,500.00	\$72,500.00

FY 2023-2024 Work Plan

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CVPDC
Central Virginia Planning District Commission

The PDC's major work objectives for 2023-2024 strive to support the CVPDC's mission:

- to be a **dynamic** public forum for matters of regional significance; and,
- to create **solutions** by coordinating plans and building coalitions; and,
- to provide **service** excellence to our localities and to the Commonwealth.

Economic and Community Development

Strategic Planning (CEDS)

CVPDC will update its Comprehensive Economic Development Strategy in Fiscal Year 2024. The exercise serves as the organization's strategic plan, required in Virginia Code for planning district commissions. The CEDS will be rebranded with guidance from the Commission and positioned to cover CVPDC's ongoing program areas: Economic and Community Development, Transportation Planning, and Environmental Quality.

The US Economic Development Administration will grant \$30,000 to fund the development of the CEDS provided CVPDC matches dollar for dollar. The intent of the grant is that CVPDC will complete a CEDS that meets US EDA's standards for an "economic development district." That designation improves the region and its localities' competitiveness for federal grants to develop public works and workforce. The CEDS must therefore include a list of projects for which the region would seek funding.

Per US EDA, procedures to develop a CEDS include a diverse committee of stakeholders from a cross-section of the regional economy and include public input. The CEDS committee would guide the process, oversee means and methods of public participation, and make a recommendation to the CVPDC Commission.

Regional Support

1. CVPDC will continue to connect the region and member local governments to statewide and federal resources including but not limited to those available from US EDA, USDA Rural Development, US DOT, US EPA, Virginia Housing, GO Virginia, VDEQ, VDOT, and VDHCD.
2. CVPDC will assist localities with applications for grants and grant management for economic development, community development, housing, infrastructure, trail, and park or open space development projects. Ongoing and prospective projects include but are not limited to the following:
 - a. The County of Appomattox seeks help developing its VoTech Center.

- b. Staff will administrate the Church Street Water Line grant for the Town of Appomattox.
 - c. Staff will administrate the Hilltop neighborhood housing rehabilitation project for the Town of Bedford.
 - d. Staff will assist Amherst County with Old Town Madison Heights rehabilitation. The state has directed staff to pursue a fresh approach, so the original budget expectations presented in April are omitted.
- 3. CVPDC will continue to provide technical assistance to localities for comprehensive planning and implementation including geographic information systems and project management. (E.g., the Town of Brookneal seeks assistance with an update of its comprehensive plan.)
- 4. CVPDC will continue to coordinate with the Lynchburg Regional Business Alliance and support its activities in economic development.

Workforce Development

- 1. CVPDC will continue to provide the administrative staff of the region's workforce development board as well as financial and human resources management. CVPDC will further seek opportunities to assist the mission of Virginia Career Works – Central Region.
- 2. CVPDC will continue to coordinate with Central Virginia Community College and support its efforts to enhance and expand career and technical education in the region.

Housing

- 1. CVPDC will facilitate conversations about its to-be-completed Regional Housing Market Analysis and explore opportunities to implement recommendations and increase access to housing choices for households of all income levels.
- 2. CVPDC will continue to administrate its PDC Housing Development Grant, which has awarded \$1.2 million to date to five applicants operating in three localities.
- 3. CVPDC will entertain another round of applications for funding in FY24.

Transportation

- 1. CVPDC will continue to host and manage the Central Virginia Transportation Planning Organization, which serves the urbanized portion of the region, and provide transportation planning for the remaining, rural area as well. A planning work program for each of these two study areas is due to VDOT and subject to approval by the CVTPO Policy Committee and the Planning District Commission, respectively. In lieu of reproducing each transportation planning work program in its entirety, the following highlights are provided herein:
 - a. CVTPO will conduct a multi-modal plan, which will study and make recommendations to improve mobility for those who walk, ride bikes, take transit, and rideshare. Staff will work with GLTC and local stakeholders to evaluate existing resources, socioeconomic factors, routes, first- and last-mile connectivity, and primary destinations. This initiative will inform short- and long-term infrastructure investments, program development, and service efficiencies.
 - b. CVPDC will embark on a two-year Comprehensive Safety Action Plan. The purpose of the initiative is to develop policies, programs, and projects that make the transportation network safer for all users. Ideally, the plan will lead to implementation grants from USDOT. The benefit to the region is a needs analysis and recommendations for projects that traffic congestion and other conventional measures don't necessarily indicate. Network safety improvements should ultimately be more proactive and preventative.

- c. CVTPO will support GLTC in executing route and program planning and transit services, including evaluation of existing resources and methodology to consider access needs and grant assistance; ADA (Americans with Disabilities Act) evaluations; and membership on Customer Route Advisory Committee.
2. CVPDC will administer the DRPT Commuter Assistance Program by advancing the Commute!VA program, transit, and other multimodal programs that support access to jobs, essential services, and community resources. Action includes vanpool program development.

Environmental Quality

1. CVPDC will commission the Middle James Preservation Plan with funding through the National Fish and Wildlife Federation. The planning process will develop recommendations with engineered solutions to the sedimentation of the James River in Central Virginia. The benefit to the region will be implementable solutions that position the region for grants for construction.
2. CVPDC will commission the Central Virginia Regional Resiliency Plan with funding through the Community Flood Preparedness Fund. The planning process will develop recommendations with engineered solutions to flash flooding throughout the region as noted in the recently completed Central Virginia Hazard Mitigation Plan. The benefit to the region will be implementable solutions that position the region for grants for construction.
3. CVPDC will coordinate with locality and area stakeholders in cooperation with DEQ to implement the Virginia Chesapeake Bay Watershed 2023 PDC Locality Implementation Program Scope of Work. Activities include the following:
 - a. Support Lynchburg Rising, an EPA-funded project of Resilient Virginia to educate flood-prone neighborhoods and improve their resiliency (CVPDC will provide data coordination and environmental justice project recommendations.)
 - b. Provide education and advance information sharing of best management practices (BMPs) by connecting resource organizations to regional stakeholders and member local governments.
 - c. Assist member local governments with comprehensive plan preparation related to water quality protection and with pursuit of grant monies to fund implementation as recommended in such plans.

Administration

Central Virginia Radio Communications Board

CVPDC will continue to provide staff for general administration, maintenance coordination, and financial management to the Central Virginia Radio Communications Board.

1. CVRCB will seek partnerships and opportunities to secure system tower resources including targeted options for No Business Mountain, WSET Thaxton Mountain Tower, and Foster's Knob Tower.
2. CVRCB will continue to maintain road, facility, and tower equipment maintenance schedules.
3. CVRCB will guide the Campbell County system cutover integration and L3Harris system-wide Phase 2 update.
4. CVRCB will seek partnerships and grant funds that support system efficiencies and increased safety coordination.

Region 2000 Services Authority

CVPDC will continue to staff general administration, financial management, and human resources management to the Region 2000 Services Authority to advance environmentally safe and cost-effective

solid waste disposal services. The four-member Authority Board will determine the primary objectives of the organization.

Communications

1. CVPDC will continue to serve as a forum for regional dialogue. Examples of conversations occurring in Fiscal Year 2023 in furtherance of this mission are (a) CVPDC's lunch-and-learn about water supply programs and (b) GO Virginia Region 2 Council members' presentation of economic development funding opportunities. Staff will arrange similar opportunities in FY24.
2. CVPDC will maintain information on worldwide web and social media sites for the Region 2000 Services Authority, CVTPO, and certain programs, as appropriate, in addition to CVPDC.
3. CVPDC will distribute digital newsletters every other month (those months in which no full Commission meeting is scheduled). The newsletter aims to report highlights of CVPDC's activities to all of the region's elected officials and important stakeholders.
4. Staff will be available to visit the governing bodies of each locality as well as interest groups and stakeholder boards. CVPDC will aim to convene an informal gathering of all of these parties upon the conclusion of a full Commission meeting.

Budget Highlights

Staff's draft of a Fiscal Year 2023-2024 budget for the Central Virginia Planning District Commission follows. The budget is in positive territory by \$175. The surplus partially offsets prior-year commitments to dip into reserves to fund Central Virginia Community College's Career & Technical Education Program and CVPDC's own Comprehensive Economic Development Strategy. CVCC has parlayed the former into a \$200,000 grant from the state for a lab school.

Revenues

We forecast direct revenues of \$2.43 million, which appears almost exactly in line with FY23 revenues. We decided, however, to shift our award from Virginia Housing to fund affordable housing developments in our region to pass-through expenses. Your current staff would not characterize monies awarded by the Commission to affordable housing providers as CVPDC program expenses.

CVPDC expects notable upticks in revenue in two programmatic areas. First, CVPDC's Brownfields Assessment program will invest most of it a \$0.5 million award from the US Environmental Protection Agency into Phase I site assessments. Second, transportation monies will fund a multi-modal plan and a "comprehensive safety action plan." The latter will be funded by a \$280,000 award from the US Department of Transportation.

Membership Contributions

The Commission unanimously approved requests for increases in membership contributions averaging 4.7 percent. Staff is thankful for the support.

Expenses

At \$2.43 million, forecast expenses appear to be down year over year; however, the delta is due almost entirely to the change of CVPDC's Housing Development Program from operations to pass-through.

Personnel

Staff proposes a personnel budget that is \$4,694 higher year over year. The following changes are sought:

- Five-percent salary increases for all employees,
- Contingent increase of an additional two percentage points dependent upon state budget revisions,
- Increase in health insurance costs by 8.9%,
- Addition of an intern (cost: \$5,400),
- Temporarily defund one professional planner position.

As the Commission is aware, recruitment of professional planners has been a huge hurdle in this region and elsewhere in the Commonwealth in this economic cycle. In this reality, staff will plan to rely on consultants and, if approved, establish an internship. Ideally, CVPDC or one of its member local governments would find a role for the intern upon completion of his/her professional planning degree.

CVPDC's roster is as follows for the upcoming fiscal year:

- Executive Director

- Executive Assistant
- Finance Director
- Financial Services Professional
- Deputy Director for Planning
- Transportation Planning Director (currently vacant)
- Community Development Planner
- Regional Planner (vacant, unfunded)
- Regional Planner/Rideshare Coordinator (part-time)
- Planning Intern (subject to approval)
- Virginia Career Works Executive Director
- Virginia Career Works Business Engagement & Outreach Coordinator
- Virginia Career Works Operations Coordinator

FY24 Forecast

CVPDC will add one full-time planner in FY24 – through recruitment, if necessary. Demand for services from member local governments and opportunities presented by state and federal partners to support the region are high. Staff is confident that ongoing initiatives will pave the way for improvements and sustained programs that benefit constituents, localities, and the region as a whole.

Central Virginia's future is bright! CVPDC is pleased to play a part!

Central Virginia Planning District Commission						
Budget vs Actual FY23						
Actual as of April 30, 2023						
	FY 23 Approved Budget	Actual as of 4/30/2023	Balance of Budget Available	% of Budget Used Y-T-D	Proposed 2023-2024 Budget	% Change Between FY23 & FY24
OPERATIONS FUND (EXPENDITURES)						
SALARY						
ADMINISTRATION	156,162	144,861	11,301	92.76%	180,621	15.66%
FINANCE	132,788	118,704	14,084	89.39%	138,600	4.38%
OPERATIONS	269,154	112,539	156,615	41.81%	228,469	-15.12%
	558,104	376,104	182,000	67.39%	547,690	-1.87%
INTERNSHIP					5,400	
PART TIME HELP	19,890	12,176	7,714	61.22%	20,857	4.86%
Total Salaries & Wages	577,994	388,280	189,714	67.18%	573,947	-0.70%
EMPLOYER COST FICA	44,216	28,379	15,837	64.18%	43,907	-0.70%
EMPLOYER COST V R S	24,205	11,444	12,761	47.28%	23,753	-1.87%
EMPLOYER COST HEALTH INS	106,756	58,730	48,026	55.01%	116,257	8.90%
EMPLOYER COST LIFE INS	7,733	4,913	2,820	63.54%	7,733	0.00%
WORKERS COMP	1,900	1,148	752	60.42%	1,900	0.00%
UNEMPLOYMENT COMPENSATION	0	2,945	(2,945)		3,000	
Total Fringe Benefits	184,810	107,559	80,196	58.20%	193,551	4.73%
OFFICE EXPENSES						
AUDITING SERVICES	7,000	6,000	1,000	85.71%	7,500	7.14%
PAYROLL ACCOUNTING SERVICES	7,400	8,326	(926)	112.51%	8,000	8.11%
LEGAL SERVICES	3,000	1,030	1,970	34.33%	3,000	0.00%
LIABILITY INSURANCE	1,000	991	9	99.13%	1,200	20.00%
CONTRACTUAL SERVICES	30,000	16,055	13,945	53.52%	35,000	16.67%
ADVERTISING	1,500	50	1,450	3.33%	1,500	0.00%
POSTAGE	500	773	(273)	154.60%	600	20.00%
TELEPHONE	6,000	4,538	1,462	75.64%	6,000	0.00%
INTERNET SERVICES	1,000	677	323	67.67%	1,000	0.00%
OFFICE SUPPLIES	6,000	2,908	3,092	48.46%	5,000	-16.67%
PRINTING & BINDING	1,000	523	477	52.32%	1,000	0.00%
TRAVEL	10,000	5,599	4,401	55.99%	10,000	0.00%
SPECIAL MEETINGS	7,000	2,971	4,029	42.44%	5,000	-28.57%
EDUCATION & TRAINING	10,000	1,105	8,895	11.05%	5,000	-50.00%
DUES, SUBSCRIPTIONS	9,500	12,759	(3,259)	134.31%	10,000	5.26%
PUBLICATIONS	500	123	377	24.60%	500	0.00%
MISCELLANEOUS EXPENSES	1,000	663	337	66.30%	1,000	0.00%
FURNITURE & FIXTURES	1,000	-	1,000	0.00%	1,000	0.00%
RENTAL OFFICE EQUIPMENT	4,000	1,613	2,387	40.31%	4,000	0.00%
OFFICE RENT	62,668	50,588	12,080	80.72%	71,314	13.80%
PARKING	1,200	1,000	200	83.33%	1,200	0.00%
CONTINGENT 2% SALARY INCREASE					10,297	
COMPUTER EQUIP/SOFTWARE	12,000	13,710	(1,710)	114.25%	12,000	0.00%
Total Office Expenses	183,268	132,002	51,266	72.03%	201,111	9.74%
Total Operations Expenses	946,072	627,841	321,177	66.36%	968,609	2.38%

Central Virginia Planning District Commission							
Budget vs Actual FY23							
Actual as of April 30, 2023							

Central Virginia Planning District Commission						
Budget vs Actual FY23						
Actual as of April 30, 2023						
	<u>FY 23 Approved Budget</u>	<u>Actual as of 4/30/2023</u>	<u>Balance of Budget Available</u>	<u>% Of Budget Received</u>	<u>2023-2024 Budget</u>	<u>% Change Between FY23 & FY24</u>
Revenues						
OPERATIONS FUND (REVENUE)						
Dues	167,793	167,796	(3)	100.00%	175,688	4.71%
DHCD	89,971	74,289	15,682	82.57%	89,971	0.00%
Miscellaneous Revenue	11,000	1	10,999	0.01%		-100.00%
Total Operations Revenue	268,764	242,086	26,678	90.07%	265,659	-1.16%
Direct Project Revenues						
Altavista Comprehensive Plan	10,542	10,078	464	95.60%	-	-100.00%
Appomattox Church Street Water Line	10,000	6,550	3,450	65.50%	10,000	0.00%
Bedford Town CDBG (Hilltop)	12,500	23,288	(10,788)	186.31%	46,250	270.00%
CEDS	30,000	-	30,000	0.00%	30,000	0.00%
Brownfields - EPA	11,000	15,768	(4,768)	143.34%	203,500	1750.00%
Chesapeake Bay WIP III - DEQ	58,000	43,500	14,500	75.00%	35,000	-39.66%
DCR CFPF Resiliency Plan					54,000	
DRPT / FTA	199,138	23,053	176,085	11.58%	131,879	-33.78%
National Fish & Wildlife Middle James Proj					44,000	
Regional Radio Board - Campbell County	8,000		8,000	0.00%	-	-100.00%
Regional Radio Board	32,000	28,451	3,549	88.91%	34,000	6.25%
Region 2000 Services Authority	175,000	126,367	48,633	72.21%	182,700	4.40%
RideSolutions	50,882	23,874	27,008	46.92%	51,200	0.62%
Ride Solutions Mobility	10,000	-	10,000	0.00%	14,000	40.00%
US DOT Safe Streets & Roads for All (SS4A)					160,000	
VDOT-PL	179,579	138,945	40,634	77.37%	445,851	148.28%
VDOT-Rural	58,000	41,358	16,642	71.31%	58,000	0.00%
Virginia Housing	600,000	15,286	584,714	2.55%	50,000	-91.67%
Virginia Housing Study Grant	100,000	-	100,000	0.00%		-100.00%
WIOA	609,004	466,567	142,437	76.61%	609,004	0.00%
Total Direct Project Revenues	2,153,645	963,084	1,190,561	44.72%	2,159,384	0.27%
Interest	600	9,712	(9,112)	1618.70%	6,000	900.00%
TOTAL OPERATIONS & DIRECT PROJECT REVENUES	2,423,009	1,214,883	1,208,126	50.14%	2,431,043	0.33%
Surplus/(Use of Fund) Balance	(81,181)	74,085	(158,211)	-91.26%	175	-100.22%
Funding from Fund Balance						
CVCC-CTE	84,284	42,693	41,591	50.65%		-100.00%
CEDS	30,000	-	30,000	0.00%	30,000	0.00%
Funding from Fund Balance	114,284	42,693	71,591	37.36%	30,000	-73.75%
	\$33,103	\$116,778	(\$86,621)	352.77%	\$30,175	-8.84%
Pass Thru Revenue						
Regional Radio Board	1,239,343	1,274,013	(34,671)	102.80%	1,248,668	
Virginia Housing					1,300,000	
VDOT - PL	75,000		75,000	0.00%	0	
WIOA	950,000	1,021,522	(71,522)	107.53%	1,135,000	
Total Pass Thru Revenues	\$2,264,343	\$2,295,535	(\$31,193)	101.38%	\$3,683,668	
Total Revenue	4,801,636	3,553,111	1,248,524	74.00%	6,144,711	27.97%
Net Surplus/(Use of Fund) Balance	105,144	(47,779)	152,923		30,175	-71.30%
Local Government Investment Pool (LGIP) Balance	293,975					