Central Virginia Planning District Planning Commission (CVPDC)

Title VI Implementation Plan

Transportation Technical Committee (TTC) Recommendation:
CVPDC Policy Board Adoption:

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, with the exception of 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

This document was prepared in cooperation with the Virginia Department of Transportation (VDOT), the Virginia Department of Rail and Public Transit (VDRPT), the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). The contents do not necessarily reflect the official views or policies of the VDOT, VDRPT, FHWA, or FTA.

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Introduction

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.

The CVPDC is the regional planning organization serving a ten jurisdiction region that includes four counties (Appomattox, Amherst, Bedford and Campbell), five incorporated towns (Appomattox, Altavista, Amherst, Bedford, and Brookneal), and the City of Lynchburg.

Regional map

The CVPDC provides multiple planning, program implementation, project administration, and fiscal administration services. This includes programs, projects, and administration services that include federal, state, and local funding.

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), which has its own Title VI Implementation Plan, the Central Virginia Radio and Communications Board (CVRCB). This Plan applies to all CVPDC programs and includes, but is not limited to, the following programs:

- CVPDC Rural Transportation Program
- Chesapeake Bay Watershed Implementation Plan
- Hazard Mitigation Plan
- Central Virginia Radio and Communications Board (CVRCB)
- Comprehensive Economic Development Strategy
- Virginia Housing Preservation Grant
- CVPDC Brownfields Program

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. Language Access Barrier (LAB) or for whom the First Language is Not English (FLNA);
3. Coordinators; and
4. Discrimination Complaints.

Alec Brebner, Executive Director, CVPDC is responsible for oversight of CVPDC programs and serves as the Title VI Coordinator for the CVPDC and the CVTPO. Brebner coordinates with all CVPDC staff to ensure Title VI compliance in CVPDC programs, projects, and consultant contracts. Brebner also coordinates with CVPDC staff to support relevant Title VI training opportunities to support program compliance, and the integration of best practices and procedures are utilized in program implementation.

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.

Additionally, to ensure Title VI compliance, the CVPDC will

- Maintain current Title VI Assurances.
- Correct any identified deficiency.
- Conduct regular review of program areas and contactors.
- Review all sub-recipient Title VI procedures.
- Document and report Title VI program initiatives.
- Designate a Title VI Coordinator.

1.1 Communications and Public Participation

The 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 public participation goals, outreach strategies, public notice procedures, and public participation template from the *CVTPO Public Participation Plan,* will be utilized as the foundation for all CVPDC public participation activities to 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 all CVPDC, non-CVTPO transportation program, 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 accommodation for individuals 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 the execution of planning and programming, CVPDC staff will:

- Develop and update as needed, demographic data for the region, and where available, statistical information on project/program area. Consider a high-level overview of benefits and burdens of CVPDC transportation project on minority, low-income, and persons with whom First Language is Not English (FLNE), using maps and geographic data to inform projects that could impact such populations.
- 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, targeted performance measures to evaluate success in the inclusion of representative citizen participation in planning and programing activities.

1.3 Consultant Contract

The 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.

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.
- Trail 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. English Language Barrier (ELB)

The CVPDC will advance necessary communication, outreach, and other necessary efforts, as needed, to support access and participation in transportation planning and programming initiatives. Persons that may have limited ability to speak, read, write or understand English are, for the purpose of CVTPO planning and programming purposes, classified as individuals with language access barriers. CVTPO staff will employ practices, when and where necessary, to provide meaningful access to programs and

activities by providing adequate and understandable information, to include translation services, and executing reasonable steps to remove participation barriers.

2.1 Special Accommodation Implementation

The following outlines the process that will be employed to support purposeful access and participation in CVTPO transportation planning and programs by individuals that may have language access barriers, or for those for whom the First Language is Not English (FLNE).

- Provide language interpreter services upon request for all CVTPO meetings.
- Upon request or where demographic data indicates there is a population of impacted populations, provide translated documents/project materials.
- Provide clear directions on how interpreter services and/or translated documents may be requested in all program public notices, website, and public service announcements.
- Incorporate easy to understand and recognizable translation service option on the CVPDC website.

2.2 Monitoring and Adjusting Practices

CVTPO staff will monitor, review and as needed, update its policies and practices associated with providing access to all individuals, including those with language access barriers. The CVTPO staff will employ the four-factor analysis process in monitoring its program access evaluation. The four-factor process includes evaluation of:

1. Demography: Refers to the number and proportion of individuals with language access barriers 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 an individual or population.
4. Resources: Refers to available resources, including language assistance services.

CVPDC staff will:

- Regularly review the planning area demographic data, update as necessary.
- Where data show necessary, as defined by any project area where there is a FLNE population greater than five percent (> 5%) of the population, advance development of targeted interpreted language materials/documents to support outreach and participation.
- Collect and maintain demographic statistics on populations impacted by program projects and studies.
- Solicit feedback from local social services departments and community-based organizations to gain best practices on serving persons with language access barriers, or other barriers (e.g. physical) that have been shown to advance participation. Feedback solicited from departments and organizations may include:
    - Nature and importance of projects, studies, and activities to FLNE individuals and/or populations.
    - The effectiveness of current language assistance measures in meeting the needs of ELB persons and/or populations.
    - Changes in the frequency of contact with ELB 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 Executive Director serves as the Title VI Coordinator, and as such, is the final arbitrator on all CVPDC program and contract activities.

Title VI Coordinator: Alexander W. Brebner

- Email: Alec.Brebner@cvpdc.org
- Phone: (434) 845-3491
- Is responsible for Title VI compliance, coordination with implementation across programs, guides staff training.
- Guides processing of discrimination complaints
- Assures compliant Title VI documentation

Alex Brebner, in his role as Title VI Coordinator, coordinates with the CVPDC staff in advancing Title VI program implementation and day-to-day program execution. Key CVPDC staff that support Title VI efforts.

Deputy Director of Planning: Kelly Hitchcock

- Email: Kelly.Hitchcock@cvpdc.org
- Phone: (434) 818-7604

Special Projects Manager: Hannah Mitchell

- Email: Hannah.Mitchell@cvpdc.org
- Phone: (434) 818-7611

Finance Director: Sandy Dobyns

- Email: Sandy.Dobyns@cvpdc.org
- Phone: (434) 818-7605

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 E), to register a complaint and ensure response to said complaint. A Spanish Language compliant form is available. However, a person may provide a written compliant is any language or request translation services.

4.1 Eligibility

Any person who believes they, a group, or organization, have been 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 CVTPO 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 E, or directly on the CVTPO website at (will be provided upon up-loading of approved instrument). A paper copy can be obtained at 828 Main Street, 12th Floor, Lynchburg, Virginia, requested by main, or downloaded from the CVPDC website. Assistance in filing the Discrimination Complaint Form may be requested through a direct request to Hannah Mithcell at Hannah.Mitchell@cvpdc.org 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's corresponding State or Federal agency. All incidents will be tracked to ensure a direct Complainant response is determined.

All CVPDC 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 to the appropriate federal program funding agency providing program oversight 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 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 manner 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 fil a formal complaint.

The CVPDC Executive Director and CVTPO Program Administrator, Alexander W. Brebner, 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) Par 200, and Title 49 CFP Part 21.

To submit a formal complaint or to request additional information on Title VI obligations, contact Alexander Brebner, CVTPO Title VI Coordinator, 828 Main Street, 12th Floor, Lynchburg, VA 24504; phone 434- 845-3491; email Alec.Brebner@cvtpo.org. Should the complainant be unable to provide such complaint in writing, verbal assistance can be provided by contacting any CVTPO staff by calling 845-3491.

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.

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. The CVPDC are responsible for the selection, negotiation, and administration of consultant contracts and grant sub-recipients. This review procedure endeavors to ensure that the program and project sub-recipients do not discriminate.

CVTPO staff, with oversight and 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 E: 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, 12th Floor, Lynchburg, Virginia. Any CVPDC staff can assist in filing a compliant. The CVPDC staff office can be reached Monday – Friday from 8:30 a.m. to 5:00 p.m. at (434)845-3491, or by email to communications@cvpdc.org.

The Title VI Discrimination Complaint Form begins on the next page. Both English and Spanish language forms are available. Should additional language translation for a form be required, a request can be submitted directly to the CVPDC at the contacts noted above.

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 Planning District Commission (CVPDC) 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:

I believe the discrimination I experienced was based on (check all that apply):

[ ] Race [ ] Color [ ] National Origin

Date of Alleged Discrimination (Month, Day, Year): _____

Time of incident (approximately): _____ Location (address) of incident: _____

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.

_____

_____

Section IV

Have you previously filed a Title VI complaint with this agency?	Yes	No

Section V

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?

[ ] Yes [ ] No

If yes, check all that apply:

[ ] Federal Agency: _____

[ ] Federal Court _____ [ ] State Agency _____

[ ] State Court _____ [ ] Local Agency _____

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:

Title VI Coordinator
Central Virginia Planning District Commission
828 Main Street, 12th Floor Lynchburg, Virginia 24504

This form can also be emailed to Communications@cvpdc.org with subject line Title VI Coordinator

Appendix F: Resolutions of Adoption

Appendix G: Data Collection and Regional Demographics

The Central Virginia Planning District Commission (CVPDC) collects and analyzes demographic data on an ongoing basis to ensure the agency is meeting Title VI obligations. Analysis of demographic trends within the planning area allows the CVPDC to evaluate the implications of past and present transportation investments – including whether those investments have supported the efficient movement of people and goods, expanded economic opportunity, and improved safety for all members of the traveling public – and to inform future decision-making accordingly.

Demographic data collection and analysis are conducted in furtherance of the following nondiscrimination obligations under Title VI of the Civil Rights Act of 1964 and applicable federal regulations:

- To ensure the level and quality of transportation services and benefits are provided without regard to race, color, or national origin;
- To identify and avoid disproportionately high and adverse human health and environmental effects on low-income and minority populations;
- To ensure full and fair participation by all potentially affected communities in the planning process;
- To prevent the denial of, reduction in, or significant delay in receipt of benefits by low-income and minority populations; and
- To ensure meaningful access to the CVPDC's programs, activities, and services by persons with language access barriers.

The following demographic analysis was completed using the 2020-2024 American Community Survey (ACS) 5-Year Estimates – the most recent data available at the time the plan was last updated. Disadvantaged groups in the CVPDC region include individuals experiencing poverty, disabled populations, zero-car households, minority populations, and elderly populations, and individuals experiencing language access barriers.

Appendix H: CVPDC Committee Members

An updated CVPDC member and committee member list will be updated and incorporated in the document With the CVPDC adoption. Pending elections may see changes in Policy Board representation.