

# CENTRAL VIRGINIA METROPOLITAN PLANNING ORGANIZATION



## TITLE VI PLAN

Approved: April 18, 2013  
Amended: January 21, 2016  
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Title VI of the Civil Rights Act of 1964 states, "No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." Subsequent laws and Presidential Executive Orders added handicap, sex, age, or income status to the criteria for which discrimination is prohibited. A full description of Title VI and other Nondiscrimination Authorities can be found in Appendix I of this plan. The Central Virginia Metropolitan Planning Organization (CVMPO) Title VI Plan was developed to ensure the CVMPO is in compliance with nondiscrimination requirements as outlined in Title 23 CFR and 49 CFR and related laws and provides specific information on how to file a nondiscrimination complaint (Appendix II).

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## ABSTRACT

Title VI of the Civil Rights Act of 1964 states, "*No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.*" Subsequent laws and Presidential Executive Orders added handicap, sex, age, or income status to the criteria for which discrimination is prohibited. A full description of Nondiscrimination Authorities can be found in Appendix I of this plan. The Central Virginia Metropolitan Planning Organization (CVMPO) Title VI Plan was developed to ensure the CVMPO is in compliance with nondiscrimination requirements as outlined in Title 23 CFR and 49 CFR and related laws and provides specific information on how to file a nondiscrimination complaint (Appendix I).

This Plan also provides an overview of Environmental Justice and Limited English Proficiency (LEP) concepts, definitions of Title VI and associated nondiscrimination acts, and how Title VI, Environmental Justice and LEP are incorporated into the metropolitan transportation planning process. Guidelines for outreach strategies are included within the CVMPO Public Participation Plan, amended on January 17, 2013.

## ACKNOWLEDGEMENTS

This report was prepared by the CVMPO in cooperation with the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Virginia Department of Transportation (VDOT), and the Greater Lynchburg Transit Company (GLTC). The contents of this report reflect the views of the CVMPO. The contents do not necessarily reflect the official views or policies of the FHWA, FTA, VDOT, GLTC, or Department of Rail and Public Transportation (DRPT).

## NON-DISCRIMINATION STATEMENT

The Central Virginia Metropolitan Planning Organization (CVMPO) gives public notice of its policy to assure full compliance with Title VI of the Civil Rights Act of 1964 and all related statutes. Title VI requires that no person in the United States of America shall, on the grounds of race, color, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the LGC or CVMPO receives Federal financial assistance.

Please contact the CVMPO to request a copy of the department's Title VI program.

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

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

For complainants who may be unable to file a written complaint, verbal information will be accepted by the (your agency name, phone number, and email address) as well as by the individual service providers.

To submit a formal complaint or to request additional information on Title VI obligations please contact:

W. Scott Smith, ADA/Title VI Compliance Officer  
Central Virginia Metropolitan Planning Organization  
828 Main Street, 12th Floor  
Lynchburg, Virginia 24504  
(434) 845 – 3491  
ssmith@region2000.org

## PURPOSE

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

## CENTRAL VIRGINIA METROPOLITAN PLANNING ORGANIZATION

The CVMPO, for which this Title VI Plan is applicable, is the metropolitan planning organization (MPO) for the Greater Lynchburg area. As such, it is a federally mandated transportation policy board comprised of representatives from local, state, and federal governments, transit agencies, and other stakeholders and is responsible for transportation planning and programming for the Central Virginia Metropolitan Planning Area (MPA). Any highway or transit project or program to be constructed or conducted within the MPA and to be paid for with Federal funds, must receive approval by the CVMPO before any Federal funds can be expended. In addition, any highway or transit project deemed to be regionally-significant, regardless of the source(s) of funding, must receive CVMPO approval to proceed. The Central Virginia MPA includes the City of Lynchburg, the Town of Amherst, and portions of Bedford, Amherst, and Campbell Counties.

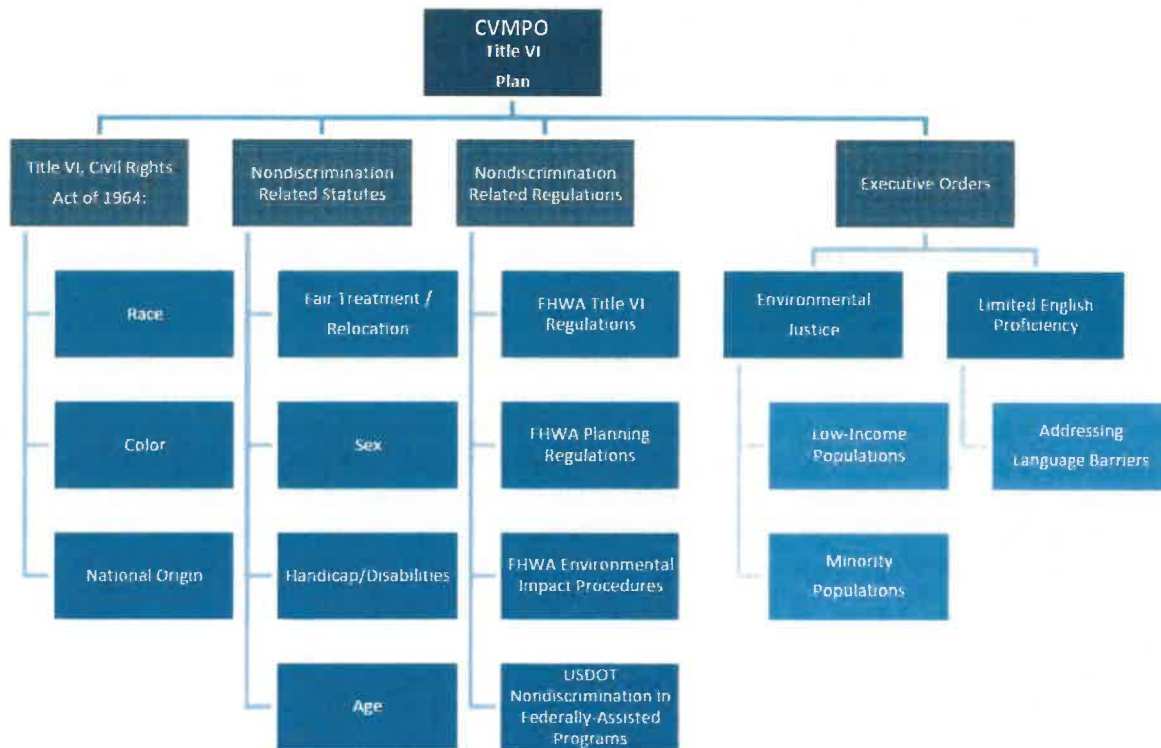
## POLICY STATEMENT AND AUTHORITIES

*The CVMPO assures that no person shall, on the grounds of race, color, national origin, handicap, sex, age or income status, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (Public Law 100.259) and subsequent nondiscrimination laws and related authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The CVMPO further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.*

In the event the CVMPO distributes federal-aid funds to another governmental entity, the CVMPO will include Title VI language in all written agreements and will monitor for compliance. The CVMPO Executive Director is responsible for ensuring implementation of the organization's Title VI Plan. The Title VI Coordinator, under supervision of the Executive Director, is responsible for coordinating the overall administration of the Title VI Plan and assurances. The authorities that provide guidance on Title VI and related nondiscrimination laws, regulations, and executive orders can be found in Appendix IV.

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

The chart below depicts the nondiscrimination authorities addressed in the CVMPO Title VI Plan.



## **CVMPO TITLE VI COORDINATOR**

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

### **Responsibilities of the Title VI Coordinator**

CVMPO staff will assist the Title VI Coordinator in evaluating and monitoring compliance with applicable nondiscrimination authorities in all aspects of the CVMPO public participation process. To comply with Title VI requirements, CVMPO staff members and the Title VI Coordinator will:

- Identify, investigate, and work to eliminate discrimination when found to exist.
- Process discrimination complaints received by the CVMPO. Any individual may exercise his or her right to file a complaint with the CVMPO, if that person believes that he or she or any other program beneficiaries have been subjected to discrimination, in their receipt of benefits/services or on the grounds of race, color, national origin, sex, handicap, age, or income status. The CVMPO will make a concerted effort to resolve complaints in accordance with Discrimination Complaint Procedures.
- Meet with appropriate staff members to monitor and discuss progress, implementation, and compliance issues related to the CVMPO Title VI Plan.
- Periodically review the CVMPO Title VI Plan to assess whether administrative procedures are effective, staffing is appropriate, and adequate resources are available to ensure compliance. This review will occur on an annual basis unless new federal requirements are issued requiring a different timetable.
- Work with staff involved with Consultant Contracts and the sub-recipient found to not be noncompliant, to resolve the deficiency status and write a remedial action if necessary, as described in the Consultant Contracts section of this document. A remedial action may consist of a letter to the noncompliant Consultant giving a deadline date for when compliance must occur.
- Review important issues related to nondiscrimination with the Executive Director, as needed.
- Maintain a list of Interpretation Service Providers. The CVMPO will use the same Interpretation Service Provider as our local VDOT district: Trusted Translations, INC., 108 N. Virginia Ave., Falls Church, VA 22046.

- Assess communication strategies and address additional language needs when needed. The CVMPO will rely on maps provided by DRPT to identify areas within the MPA that have a population of non-English speaking citizens that make up more than 1,000 persons or 5% of the total population. This percentage is based on federal standards.
- Disseminate information related to the nondiscrimination authorities. The CVMPO Title VI Plan is to be disseminated to CVMPO employees, contractors, the general public, and any of the CVMPO services. Title VI information will be available through two sources: The CVMPO website and hard-copy brochures.
- Coordinate with appropriate federal, state, and regional entities to periodically provide CVMPO employees with training opportunities regarding nondiscrimination.
- Ensure that all new CVMPO employees receive education and training regarding nondiscrimination regulations and procedures as set forth in this plan and in accordance with federal guidance. The Region 2000 Human Services Coordinator will provide a Title VI brochure during employee orientation.

#### **List of Transit-Related Title VI Investigations, Complaints, and Lawsuits**

Since the submission of the last Title VI Program to the Federal Transit Administration (FTA), there have been no Title VI investigations, complaints, or lawsuits received by the CVMPO Transportation Department or the CVMPO Agency related to transit.

#### **Questions**

For questions on the CVMPO Title VI Plan and procedures, please contact the Transportation Planning Director at Region 2000—who serves as the Title VI Coordinator at (434) 845-3491. For information on the CVMPO's work programs or publications, please see the CVMPO website at <http://www.region2000.org/metropolitan-planning-organization.html>



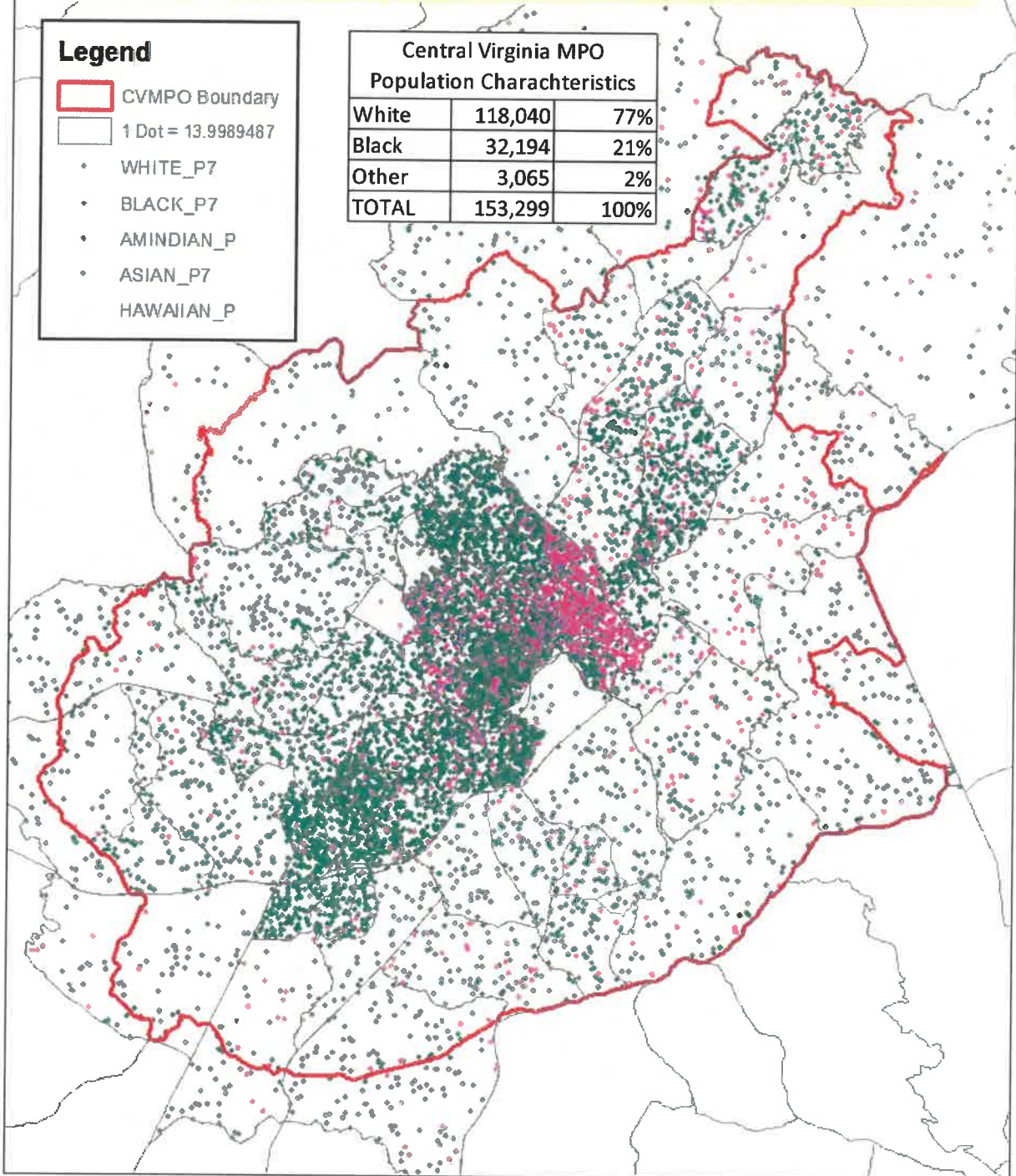
## CENTRAL VIRGINIA METROPOLITAN AREA COMMUNITY CHARACTERISTICS

### 2010 Census: Dot Density of Population by Race by Blockgroup

#### Legend

- CVMPO Boundary
- 1 Dot = 13.9989487
- WHITE\_P7
- BLACK\_P7
- AMINDIAN\_P
- ASIAN\_P7
- HAWAIIAN\_P

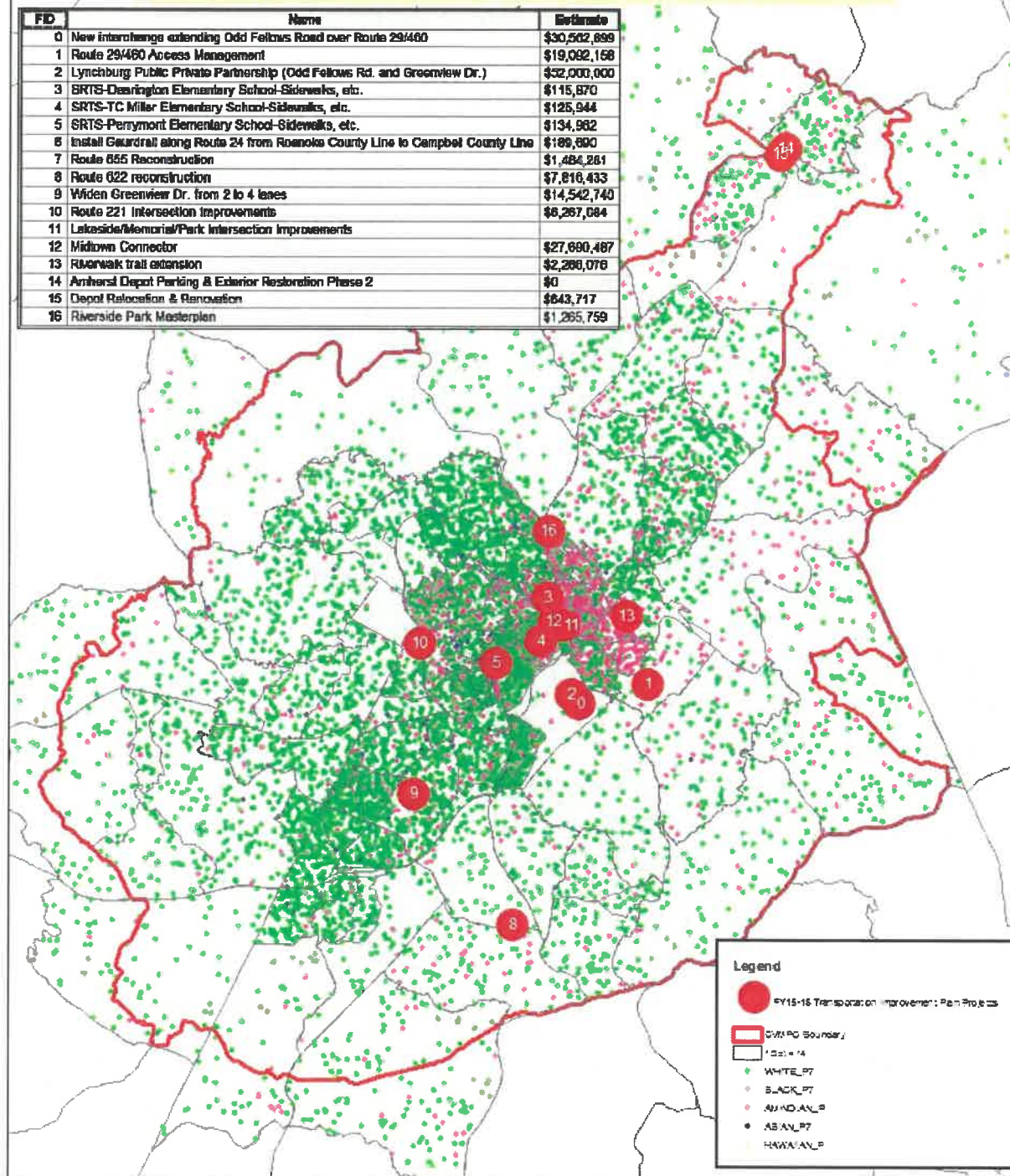
Central Virginia MPO Population Characteristics		
White	118,040	77%
Black	32,194	21%
Other	3,065	2%
TOTAL	153,299	100%



# CENTRAL VIRGINIA METROPOLITAN AREA TRANSPORTATION SYSTEM INVESTMENTS

## Location of MPO's Transportation System Investments

FD	Name	Estimate
0	New interchange extending Odd Fellows Road over Route 29/460	\$30,502,699
1	Route 29/460 Access Management	\$19,092,168
2	Lynchburg Public Private Partnership (Odd Fellows Rd. and Greenview Dr.)	\$52,000,000
3	SRTS-Deerington Elementary School-Sidewalks, etc.	\$115,870
4	SRTS-TC Miller Elementary School-Sidewalks, etc.	\$125,944
5	SRTS-Pennymont Elementary School-Sidewalks, etc.	\$134,962
6	Install Gaillard along Route 24 from Roanoke County Line to Campbell County Line	\$189,800
7	Route 656 Reconstruction	\$1,484,281
8	Route 622 reconstruction	\$7,816,433
9	Widen Greenview Dr. from 2 to 4 lanes	\$14,542,740
10	Route 221 Intersection Improvements	\$6,267,084
11	Lakeside/Memorial/Park Intersection Improvements	
12	Midtown Connector	\$27,690,467
13	Riverwalk trail extension	\$2,266,076
14	Amherst Depot Parking & Exterior Restoration Phase 2	\$0
15	Depot Relocation & Renovation	\$643,717
16	Riverside Park Masterplan	\$1,265,759





**CVMPO PUBLIC TRANSPORTATION PROJECTS**

This map illustrates the public transportation network in the Central Virginia Metropolitan Planning Organization (CVMPO) area, centered on Lynchburg, Virginia. The map shows the James River flowing through the region, with Lynchburg situated on its western bank. Surrounding areas include Amherst Co. to the north, Bedford Co. to the west, and Campbell Co. to the south.

**Key Features:**

- Bus Routes:** Indicated by blue lines, showing a dense network within Lynchburg and extending to surrounding areas like Amherst and Bedford counties.
- Kemper St. Station:** Marked with a red star in the center of Lynchburg.
- Population Density:** Represented by colored dots (WHITE\_P7, BLACK\_P7, AMINDIAN\_P, ASIAN\_P7, HAWAIIAN\_P) scattered across the map, indicating areas of higher population concentration.
- Major Roads:** Labeled with route numbers and names, including US-501, US-29, US-210, US-460, and various local roads like Amelton Rd, Lakeside Dr, and Greenview Dr.
- Geographic Labels:** "City of Lynchburg" is prominently displayed in the center, with "James River" labeled along the waterway.

**Legend:**

- Bus Routes (Blue line)
- Kemper St. Station (Red star)
- 1 Dot = 12 (Scale for population density dots)
- WHITE\_P7
- BLACK\_P7
- AMINDIAN\_P
- ASIAN\_P7
- HAWAIIAN\_P

**Logos:**

- GLTC:** Greater Lynchburg Transit Company logo, featuring a stylized yellow and blue design.

## **CVMPO RESPONSIBILITIES**

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

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

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

### **Communications and Public Participation**

Transportation has a direct and personal impact on the population of a region and is of critical importance to economic vitality and quality of life. The CVMPO continually endeavors to provide citizens, affected public agencies, and other interested parties with reasonable opportunities to be involved in the transportation planning process.

**Note:** The Communications and Public Participation area applies to and affects the CVMPO work program as a whole, particularly CVMPO efforts and responsibilities related to the Planning and Programming and Environmental Justice areas. The CVMPO Public Participation Plan includes specific information regarding outreach and communication strategies and Environmental Justice guidelines. Special emphasis is placed on outreach strategies for minority, low-income, and LEP populations.

In addition, the Central Virginia Metropolitan Planning Organization coordinates with Greater Lynchburg Transit Company (GLTC) in sharing resources involved in community outreach strategies. GLTC Title VI and LEP plans were reviewed and referenced in this document where applicable.

### **CVMPO Responsibilities**

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

- Ensure that all communications and public participation efforts comply with nondiscrimination authorities.
- Develop and distribute information on nondiscrimination and CVMPO programs to the general public. This item will be addressed by posting information on the CVMPO website as well as distributing brochures to local libraries and other public spaces.
- Provide services for individuals with special needs. This may include providing interpretation services.

- Include the following statement in all of the CVMPO public notices:

“The CVMPO ensures nondiscrimination and equal employment in all programs and activities in accordance with Title VI and Title VII of the Civil Rights Act of 1964. If you have questions or concerns about your civil rights in regards to this project or special assistance for persons with disabilities or limited English proficiency, please contact the CVMPO. Sign language or non-English language interpreters will be provided if needed and requested in advance of this meeting. Please contact the CVMPO at 434-845-3491 to request an interpreter no later than <enter date at least 14 days prior to meeting>.”

- Include the above Title VI Statement in press releases and on the CVMPO website.

## **Planning and Programming**

The CVMPO is responsible for developing long- and short-range transportation plans and programs to provide efficient transportation services for the Central Virginia Metropolitan Area. A comprehensive transportation process is used which entails the monitoring and collection of various data pertaining to transportation issues. The CVMPO coordinates with VDOT, DRPT, cities, counties, and area transit agencies; seeks public participation; and provides technical support when needed. The outreach methods for long-range transportation plan updates are included within the Public Participation Plan.

### **CVMPO Responsibilities**

CVMPO staff is responsible for evaluating and monitoring compliance with applicable nondiscrimination authorities in all aspects of the CVMPO planning and programming processes. CVMPO staff will:

- Ensure that all aspects of the planning and programming process operation comply with nondiscrimination authorities.
- Prepare and update demographic maps and associated tables of the region using the most current and appropriate statistical information available on race, income, and other pertinent data. These maps will be used to identify areas with high minority, low-income, and LEP population groups. DRPT will provide the CVMPO with current maps and associated tables.
- Make these maps and associated tables available to the public and member agencies on the CVMPO website or in hard copy format, if requested.
- Continue to ensure that staff makes concerted efforts to involve members of all social, economic, and ethnic groups in the planning process. This item is addressed throughout the CVMPO's Public Participation Plan as well as GLTC's Title VI and LEP plans.

## **Environmental Justice**

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

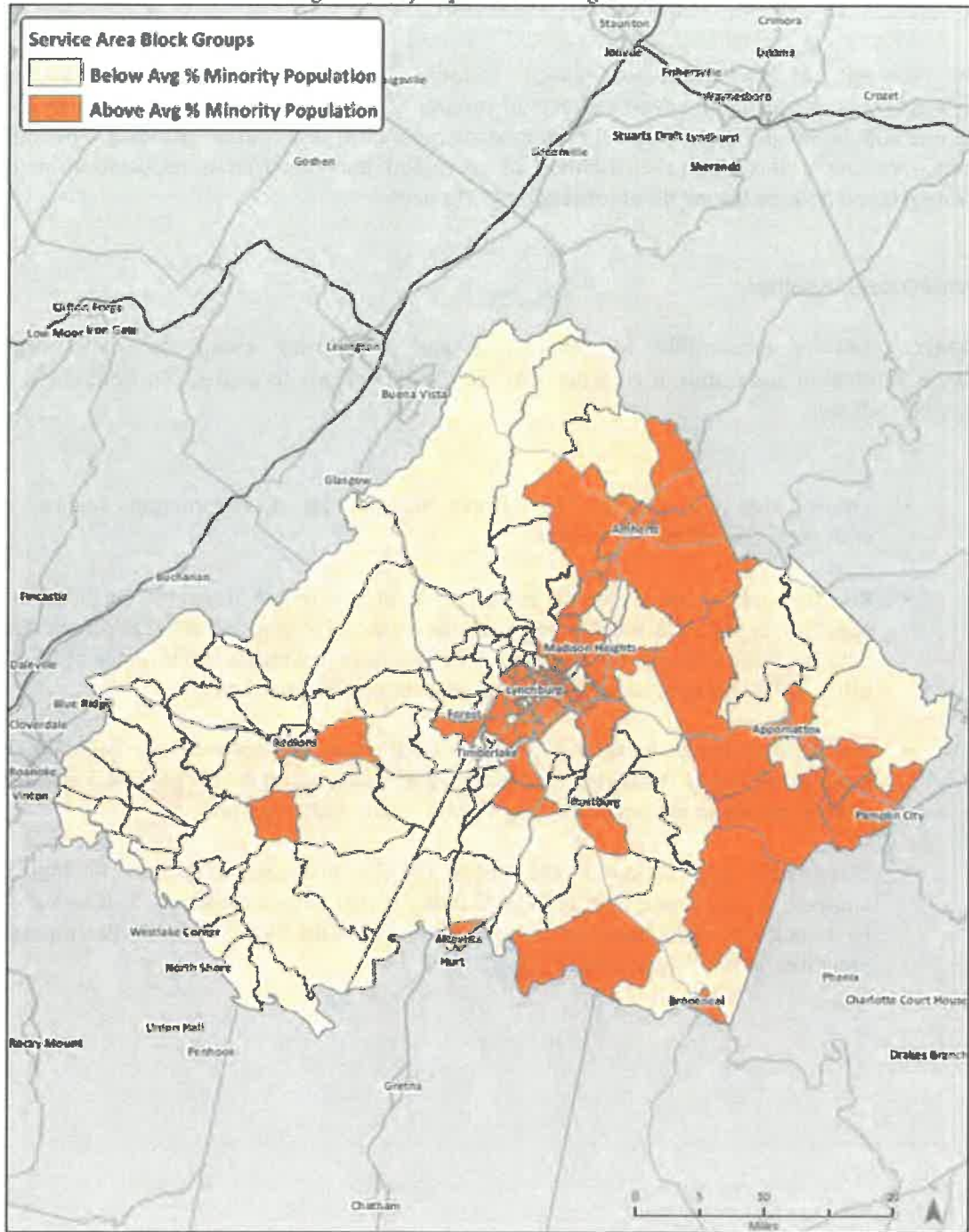
### **CVMPO Responsibilities**

CVMPO staff is responsible for evaluating and monitoring compliance with applicable nondiscrimination authorities in all aspects of the CVMPO efforts to address Environmental Justice. CVMPO staff will:

- Ensure that all aspects of efforts to address Environmental Justice comply with nondiscrimination authorities.
- Prepare and update a demographic profile of the region using the most current and appropriate statistical information available on race, income, and other pertinent data. This data is readily available through the US Census Bureau website and is on file at the CVMPO office. DRPT will assist in creating maps associated with this task.
- The CVMPO Public Participation Plan includes Environmental Justice guidelines, which outlines outreach strategies for minority, low-income, and LEP populations during the development and implementation of CVMPO plans and programs.
- Disseminate information to the public on the processes used and findings of any analysis, in accordance with all CVMPO public participation procedures. This task is covered by mandatory public comment periods addressed in the CVMPO's Public Participation Plan as well as GLTC's Title VI and LEP plans.

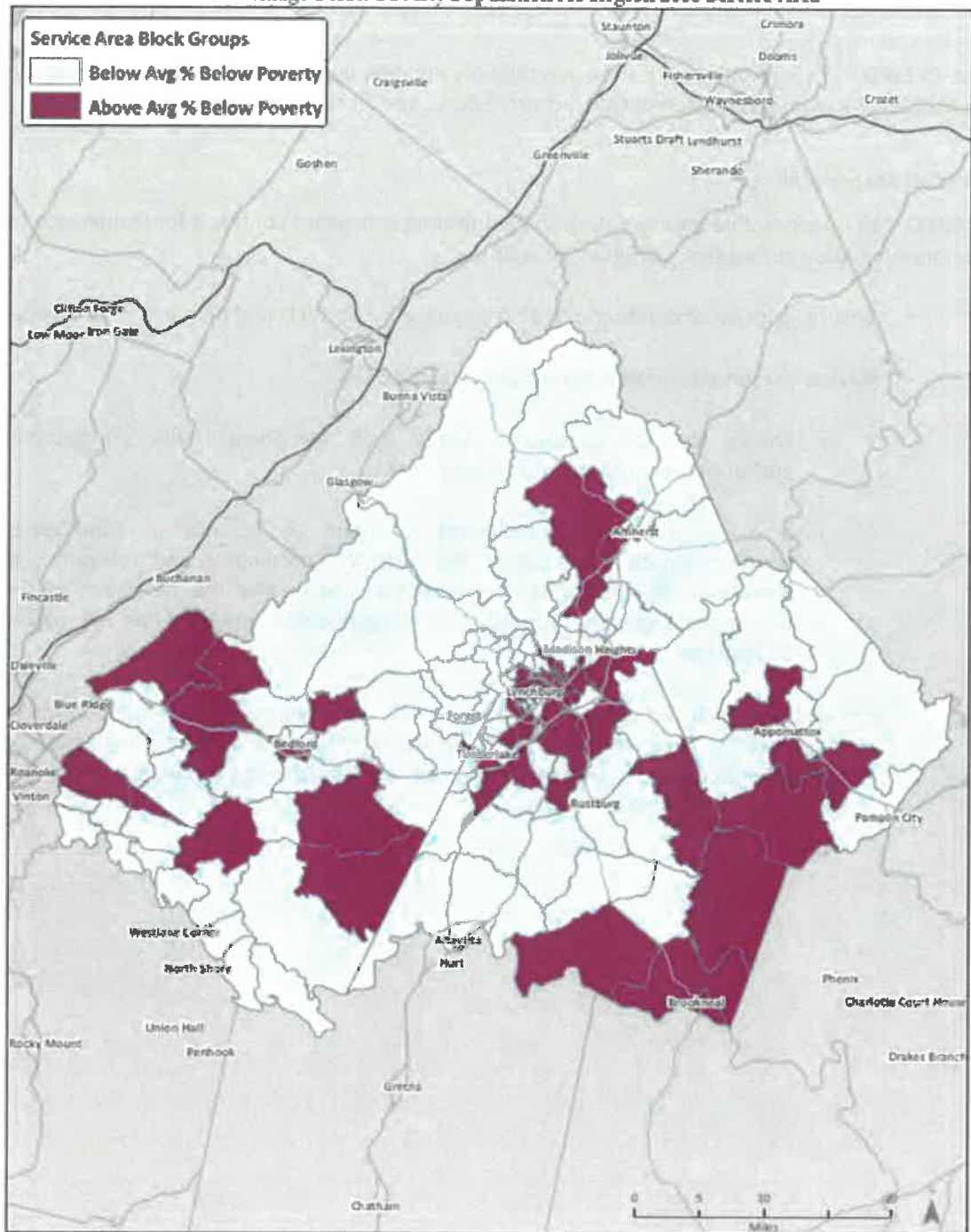


Percentage Minority Population for Region 2000 Service Area





Percentage Below Poverty Population for Region 2000 Service Area



## Consultant Contracts

The CVMPO is responsible for selection, negotiation, and administration of its consultant contracts. The CVMPO operates under its internal contract procedures and all relevant federal and state laws.

### CVMPO Responsibilities

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

- Ensure inclusion of nondiscrimination language in contracts and Requests for Proposals (RFPs).
- Review consultants for compliance as described below:
  - Ensure that all consultants verify their compliance with nondiscrimination authorities, procedures, and requirements.
  - If a recipient or sub-recipients is found to be not in compliance with nondiscrimination authorities, the Title VI Coordinator and relevant staff will work with the recipient or sub-recipient to resolve the deficiency status. This means that the Title VI Coordinator will give a deadline for when the matter must be resolved.
- 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. Outreach methods and sources are discussed in the CVMPO's Public Participation Plan as well as GLTC's Title VI and LEP plans.

## **Education and Training**

In an effort to continuously improve the CVMPO's overall compliance posture, nondiscrimination training will be coordinated with FHWA, VDOT, DRPT, and the Greater Lynchburg Transit Company (GLTC), and made available to CVMPO staff on an ongoing basis to ensure up-to-date knowledge of Title VI and other nondiscrimination statutes.

### **CVMPO Responsibilities**

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

- Distribution of information to CVMPO staff on training programs regarding Title VI and related statutes.
- Tracking staff participation in nondiscrimination training.
- Maintain and update nondiscrimination training as necessary.
- Maintain and update the CVMPO Title VI Plan as necessary. The Title VI Plan will be reviewed on an annual basis unless a new federal mandate requires a different timeline.

## **Appendix I: DISCRIMINATION COMPLAINT PROCEDURES—HANDLING, TRACKING, RESOLVING, AND REPORTING INVESTIGATION/COMPLAINTS**

Any individual may exercise his or her right to file a complaint with the Central Virginia Metropolitan Planning Organization (CVMPO hereafter) if that person believes that s/he or any other program beneficiaries have been subjected to unequal treatment or discrimination in the receipt of benefits/services or prohibited by non-discrimination requirements. The CVMPO will make a concerted effort to resolve complaints locally, using the agency's Nondiscrimination Complaint Procedures, as described below. All Title VI complaints and their resolution will be logged as described under "Data collection" and reported immediately.

Should any Title VI investigations be initiated by FTA, or any Title VI lawsuits be filed against the CVMPO, the agency will follow these procedures:

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, and the Civil Rights Restoration Act of 1987, relating to any program or activity administered by the CVMPO, as well as to sub recipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law. These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be utilized for resolution. The Title VI Coordinator will make every effort to pursue a resolution to the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

### **Procedures**

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with the CVMPO's Title VI Program Coordinator. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complaint must meet the following requirements.

- a. Complaint shall be in writing and signed by the complainant(s).
- b. Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
- c. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complained-of incident.

- d. Allegations received by fax or e-mail will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established. The complainant is required to mail a signed, original copy of the fax or e-mail transmittal for the CVMPO to process it.
  - e. Allegations received by telephone will be reduced to writing and provided to complainant for confirmation or revision before processing.
  - f. A complaint form will be forwarded to the complainant for him/her to complete, sign, and return to the CVMPO for processing.
2. Upon receipt of the complaint, the Title VI Coordinator will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. In cases where the complaint is against one of the CVMPO's sub recipients of federal funds, the CVMPO will assume jurisdiction and will investigate and adjudicate the case. Complaints against the CVMPO will be referred to the appropriate Federal Agency for proper disposition pursuant to their procedures.
3. In order to be accepted, a complaint must meet the following criteria:
- a. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
  - b. The allegation(s) must involve a covered basis such as race, color, or national origin.
  - c. The allegation(s) must involve a program or activity of a federal-aid recipient, sub recipient, or contractor.
4. A complaint may be dismissed for the following reasons:
- a. The complainant requests the withdrawal of the complaint.
  - b. The complainant fails to respond to repeated requests for addition information needed to process the complaint.
  - c. The complainant cannot be located after reasonable attempts.
5. Once the CVMPO decides to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within seven calendar days. The complaint will receive a case number and will then be logged into the CVMPO's records identifying its basis and alleged harm.
6. In cases where the CVMPO assumes the investigation of the complaint, the CVMPO will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days from the date of the CVMPO's written notification of acceptance of the complaint to furnish his/her response to the allegations.

7. The CVMPO's final investigative report and a copy of the complaint will be forwarded to the appropriate Federal Agency and affected parties within 60 calendar days of the acceptance of the complaint.

8. The CVMPO will notify the parties of its final decision.

9. If complainant is not satisfied with the results of the investigation of the alleged discrimination and practices the complainant will be advised of their right file a complaint with the appropriate federal funding agency.

## Appendix II: DISCRIMINATION COMPLAINT FORM

Please provide the following information in order to process your complaint. Assistance is available upon request. Complete this form and mail or deliver to:

Central Virginia Metropolitan Planning Organization, Title VI Coordinator, 828 Main Street 12<sup>th</sup> Floor, Lynchburg, VA 24504

You can reach our office Monday-Friday from 8:00am to 5:30pm at (434) 845-3491.

1. Name (Complainant):	
2. Phone Number:	3. E-mail Address:
4. Home address (street address, city, state, zip code):	
5. If applicable, name and title of person(s) who allegedly discriminated against you:	
6. Location of incident:	6a. Date of incident:
7. Discrimination because of: <input type="checkbox"/> Race <input type="checkbox"/> National origin <input type="checkbox"/> Color	
8. Explain as clearly as possible what happened and how you believe you were discriminated against. Indicate who was involved. Be sure to include how you feel other persons were treated differently than you. Also, attach any written material pertaining to your case.	
9. Why do you believe these events occurred?	

10. What other information do you think is relevant to the investigation?

11. How can this/these issue(s) be resolved to your satisfaction?

12. Please list below any person(s) we may contact for additional information to support or clarify your complaint (witnesses):

Name: Address & E-Mail Address: Phone number:

13. 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 court  
☐ Local agency ☐ State agency

If filed at an agency and/or court, please provide information about a contact person at the agency/court where the complaint was filed.

Agency/Court: Contact's Name: Address Phone number & E-Mail Address:

Signature (Complainant):

Date of filing:



## DISCRIMINATION COMPLAINT FORM IN SPANISH

Por favor, provea la siguiente información con el fin de procesar su queja. La ayuda está disponible bajo petición. Complete este formulario y envíelo por correo o entregar a:

Central Virginia Organización de Planificación Metropolitana, Coordinador del Título VI, 828 Main Street, Lynchburg, VA 24504

Puede llegar a nuestra oficina de lunes a viernes de 8:30 am a 5:00 pm al (434) 845-3491.

1. Nombre (de la persona de la queja):	
2. Teléfono:	3. Correo Electrónico
4. Dirección (número, calle, ciudad, estado, código postal):	
5. Si es aplicable, nombre de la persona que supuestamente le ha discriminado a usted:	
6. Lugar del incidente:	6a. Fecha del Incidente:
7. Discriminación a causa de: <input type="checkbox"/> Raza <input type="checkbox"/> Origen <input type="checkbox"/> Color	
8. Explique brevemente y lo más claro posible lo que sucedió y cómo cree que fue discriminado. Indique quien fue involucrado. No olvide incluir cómo siente usted otras personas han sido tratadas diferente a usted. También, adjunte cualquier material escrito relativo a su caso.	
9. ¿Por qué cree que ocurrieron estos hechos?	

<p>10. ¿Qué otra información piensa usted que es relevante para esta investigación?</p>										
<p>11. ¿Cómo puede resolver en su satisfacción este/estos problemas?</p>										
<p>12. Debajo por favor provee el nombre (s) de persona que podemos contactar para obtener información adicional respaldando o aclarar su queja (testigos):</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Nombre:</td> <td style="width: 33%;">Dirección y correo electrónico:</td> <td style="width: 33%;">Número de Teléfono:</td> </tr> </table>	Nombre:	Dirección y correo electrónico:	Número de Teléfono:							
Nombre:	Dirección y correo electrónico:	Número de Teléfono:								
<p>13. ¿Han presentado esta queja con cualquier otra agencia federal, del estado o local; o con una corte federal o estatal?</p> <p style="margin-left: 40px;"> <input type="checkbox"/> Sí                      <input type="checkbox"/> No         </p> <p>Si es í, marcar todos los le que correspondan:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><input type="checkbox"/> Agencia Federal</td> <td style="width: 33%;"><input type="checkbox"/> Corte Federal</td> <td style="width: 33%;"><input type="checkbox"/> Corte Estatal</td> </tr> <tr> <td><input type="checkbox"/> Agencia Local</td> <td><input type="checkbox"/> Agencia Estatal</td> <td></td> </tr> </table> <p>Si se presentase a una agencia/corte, favor de proporcionar información sobre una persona de contacto en la agencia/corte donde fue presentada la denuncia.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 25%;">Agencia/Corte:</td> <td style="width: 25%;">Nombre de Contacto:</td> <td style="width: 25%;">Dirección:</td> <td style="width: 25%;">Número de Teléfono y correo electrónico:</td> </tr> </table>	<input type="checkbox"/> Agencia Federal	<input type="checkbox"/> Corte Federal	<input type="checkbox"/> Corte Estatal	<input type="checkbox"/> Agencia Local	<input type="checkbox"/> Agencia Estatal		Agencia/Corte:	Nombre de Contacto:	Dirección:	Número de Teléfono y correo electrónico:
<input type="checkbox"/> Agencia Federal	<input type="checkbox"/> Corte Federal	<input type="checkbox"/> Corte Estatal								
<input type="checkbox"/> Agencia Local	<input type="checkbox"/> Agencia Estatal									
Agencia/Corte:	Nombre de Contacto:	Dirección:	Número de Teléfono y correo electrónico:							
<table style="width: 100%; border: none;"> <tr> <td style="width: 60%; border-bottom: 1px solid black;">Firma (de la persona de la queja):</td> <td style="width: 40%; border-bottom: 1px solid black;">Fecha en la que fue llenada:</td> </tr> </table>	Firma (de la persona de la queja):	Fecha en la que fue llenada:								
Firma (de la persona de la queja):	Fecha en la que fue llenada:									

### **Appendix III: NOTICE TO THE PUBLIC**

In order to comply with 49 CFR Section 21.9(d), the CVMPO shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. The paragraph below will be inserted into all significant publications that are distributed to the public, such as future versions and updates of the Long-Range Transportation Plan, Transportation Improvement Program, and Unified Planning Work Program. The text will be placed permanently on the CVMPO's website.

“The CVMPO ensures nondiscrimination and equal employment in all programs and activities in accordance with Title VI and Title VII of the Civil Rights Act of 1964. If you have questions or concerns about your civil rights in regards to this project or special assistance for persons with disabilities or limited English proficiency, please contact the CVMPO. Sign language or non-English language interpreters will be provided if needed and requested in advance of this meeting. Please contact the CVMPO at 434-845-3491 to request an interpreter no later than <enter date at least 14 days prior to meeting>.”

## Appendix IV: TITLE VI AND OTHER NONDISCRIMINATION AUTHORITIES

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

- Voting Rights
- Public Accommodation
- Desegregation of Public Facilities
- Desegregation of Public Education
- Commission on Civil Rights
- Nondiscrimination in Federally
- Assisted Programs and Activities
- Equal Employment Opportunity
- Registration and Voting Statistics
- Intervention and Procedure after Removal
- in Civil Rights Cases
- Establishment of Community Relations
- Service
- Miscellaneous

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

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

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

- **The American Disabilities Act (ADA) of 1990** prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities.
- **23 CFR Part 200** – Federal Highway Administration regulations: Title VI Program and Related Statutes – Implementation and Review Procedures.
- **49 CFR Part 21** – Nondiscrimination in Federally-Assisted Programs.
- **23 CFR Part 450** – Federal Highway Administration planning regulations.
- **23 CFR Part 771** – Federal Highway Administration regulations, Environmental Impact Procedures.

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

- **Executive Order 12898** – Environmental Justice (February 11, 1994), a presidential mandate to address equity and fairness toward low-income and minority persons/population. Executive Order 12898 organized and explained the federal government’s commitment to promote Environmental Justice. Each federal agency was directed to review its procedures and make environmental justice part of its mission. U.S. DOT Order 5610.2 (April 15, 1997) expanded upon Executive Order 12898 requirements and describes process for incorporating Environmental Justice principles into DOT programs, policies, and activities. FHWA Order 6640.23 (December 2, 1998) – FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.
- **DOT Order 5610.2** on Environmental Justice summarized and expanded upon the requirements of Executive Order 12898 to include all policies, programs, and other activities that are undertaken, funded, or approved by the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), or other U.S. DOT components.
- **Executive Order 13166** – Limited English Proficiency (August 11, 2000), a presidential directive to federal agencies to ensure people who have limited English proficiency have meaningful access to services. Executive Order 13166 ensures federal agencies and their recipients to improve access for persons with Limited English Proficiency to federally-conducted and federally assisted programs and activities.
- **The National Environmental Policy Act (NEPA) of 1969** addresses both social and economic impacts of environmental justice. NEPA stresses the importance of providing for “all Americans, safe, healthful, productive and aesthetically pleasing surroundings,” and provides a requirement for taking a “systematic interdisciplinary approach” to aid in considering environmental and community factors in decision-making.
- **FHWA/FTA Memorandum Implementing Title VI Requirements in Metropolitan and Statewide Planning** - This memorandum provides clarification for field officers on how to ensure that environmental justice is considered during current and future planning certification reviews. The intent of this memorandum was for planning officials to understand that environmental justice is equally as important during the planning stages as it is during the project development stages.

## Appendix V: ENVIRONMENTAL JUSTICE

On February 11, 1994, President William J. Clinton signed **Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations**, which directs federal agencies to develop strategies to help them identify and address disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations. The Executive Order was also intended to provide minority and low-income communities with access to public information and opportunities for public participation in matters relating to human health or the environment.

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

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

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

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

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

- **Black** – a person having origins in any of the black racial groups of Africa.
- **Hispanic** – a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

- **American Indian and Alaskan Native** – a person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.
- **Asian American** – a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific islands.

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

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

**Low-Income Population** – any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who would be similarly affected by a proposed program, policy or activity.

Environmental Justice is incorporated through all phases of the transportation planning and programming process. Environmental Justice Guidelines for the CVMPO have been developed and are included within the updated CVMPO Public Participation Plan, adopted in 2010, and within the 2035 CVMPO Long-Range Transportation Plan completed in 2010.

## **Appendix VI: LANGUAGE ASSISTANCE PLAN FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)**

### **Introduction and Legal Basis**

LEP is a term that defines any individual not proficient in the use of the English language. The establishment and operation of an LEP program meets objectives set forth in Title VI of the Civil Rights Act and Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP). This Executive Order requires federal agencies receiving financial assistance to address the needs of non-English speaking persons. The Executive Order also establishes compliance standards to ensure that the programs and activities that are provided by a transportation provider in English are accessible to LEP communities. This includes providing meaningful access to individuals who are limited in their use of English. The following LEP language implementation plan, developed by CVMPO is based on FTA guidelines.

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

### **Assessment of Needs and Resources**

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

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

The four-factor analysis was used to determine which language assistance services are appropriate to address the identified needs of the LEP population. Below is a detailed description of the four factor analysis.

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



## U.S. Census Data—American Community Survey (2009-2013)

Data from the U.S. Census Bureau's American Community Survey (ACS) were obtained through [www.census.gov](http://www.census.gov) by CVMPO's service area. The agency's service area includes a total of 3,107 persons (1.39%) with Limited English Proficiency (those persons who indicated that they spoke English "less than very well" in the 2009-2013 ACS Census).

Information from the 2009-2013 ACS also provides more detail on the specific languages that are spoken by those who report that they speak English less than very well. Languages spoken at home by those with LEP are presented below. These data indicate the extent to which translations into other language are needed to meet the needs of LEP persons.

• Spanish	1,222	0.55%
• Indo-European	580	0.26%
• Asian and Pacific Island Languages	1,228	0.55%
• Other Languages	77	0.03%

It is noted that there are relatively low number of LEP persons in the service area - no language is spoken by over 5% and only Spanish and Asian and Pacific Island Languages are above 1,000 persons in the LEP population (note: the largest Asian and Pacific Island Language where English is spoken less than "very well" is Korean where 679 people reported that, below the 1,000 threshold). The complete LEP table can be found in Appendix VIII.

CVMPO planning staff used this data to determine how best to disseminate information that is accessible to persons with LEP. Based on this relatively low percentage, the need to address the LEP population is somewhat limited. The discrimination complaint form is translated into Spanish in the appendix of this plan. Requests for document translations will be provided as needed. The CVMPO uses the same translator/interpreter services as the Lynchburg VDOT District Office.

### ***Factor 2: Assessment of Frequency with Which LEP Individuals Come Into Contact with the Transit Services or System***

The CVMPO has reviewed the relevant benefits, services, and information provided by DRPT and determined the extent to which LEP persons have come into contact with these functions through the following channels:

- Public involvement and public engagement meetings/hearings for all transportation related projects.
- Translator services are available through Lynchburg's VDOT District Office.
- Visits to DRPT's office(s) and responses during public comment periods.

The CVMPO will work alongside DRPT in continuing to identify emerging populations as updated Census and ACS data become available.

**Factor 3:        *Assessment of the Nature and Importance of the Transit Services to the LEP Population***

One of the CVMPO's main functions is to support cooperative, comprehensive, and continuing public transportation planning and services as outlined in federal transportation acts. In doing so, the CVMPO develops the Transportation Improvement Program, the Public Participation Plan, the Long Range Transportation Plan Year 2040 and other studies. Another key function of the MPO is to work closely with its main transit provider—the Greater Lynchburg Transit Company—in providing planning documents such as the Transit Development Plan.

DRPT's "Public Transportation and Transportation Demand Management Grant Program" provides GLTC with application guidance regarding the various state and federal public transportation grant programs. The document contains two major parts:

1. An overview of the grant programs administered by DRPT, a description of DRPT's public transportation investment policy, and a calendar describing each step in the grant application process.
2. A description of eligible expenses, match ratios, application evaluation criteria, and the application procedure.

DRPT is required by the FTA to ensure that recipients of FTA assistance—such as the Greater Lynchburg Transit Company—comply with federal requirements. To meet this federal mandate, DRPT conducts periodic reviews of GLTC. Additional objectives of the reviews are to ensure compliance with state requirements, encourage progress, and identify training and technical assistance needs.

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

The CVMPO provides access to LEP persons via translation services through VDOT's Lynchburg District Office. Limited resources are allocated to the LEP section of the LEP plan because of the low total percentage of LEP citizens—less than one percent.

Costs must be factored into this balancing test as part of the consideration of "resources available." Reasonable steps may cease to be reasonable when the costs imposed substantially exceed the benefits in light of the factors outlined in the U.S. DOJ LEP Guidance. In the CVMPO's case, the needs of the LEP population will be met on an as needed basis by translator services.

- Translation of vital documents upon request
  - Discrimination complaint form
  - Public Participation Plan
  - Title VI Plan
- VDOT's language service contractor

Considering the area served by the CVMPO and the number of LEP individuals, it is necessary to provide at least the most basic and cost-effective services available to ensure compliance with Executive Order 13166.

- Publish vital documents such as the discrimination complaint form on the CVMPO website in languages other than English as requested.
- Disseminate the LEP Plan to community organizations, governmental entities, and other interested persons; in languages other than English upon request.
- With advance notice of seven calendar days, provide interpreter services at any meeting or public hearing. This will include foreign language and hearing impaired interpreter services.
- Place statements in notices and publications that interpreter services are available for meetings, with seven days advance notice.
- Include a LEP policy in the updates of the Public Participation Plan.

#### **Summary of Outreach Efforts Made Since the Last Title VI Program Submission**

These efforts are in addition to the federally required outreach efforts:

- The CVMPO continues to post public meeting notices in all fixed route buses serving the Greater Lynchburg Transit Company's service area. The buses serve a high minority/low income population.
- The CVMPO continues to post public meeting notices in public libraries throughout the MPO service area.

## APPENDIX VII: TRANSPORTATION TECHNICAL COMMITTEE MEMBERSHIP

Central Virginia MPO Transportation Technical Committee Membership		
Jeremy Bryant	Amherst County	White
Sara Carter	Amherst Town	White
Mariel Fowler	Bedford County	White
Doyle Allen	Bedford County	White
Paul Harvey	Campbell County	White
Richard Metz	Campbell County	White
Tom Martin	City of Lynchburg	White
Kevin Jones	FHWA	Black
Brian Booth	Greater Lynchburg Transit	White
Lee Beaumont	Liberty University	White
Mark Courtney	Lynchburg Regional Airport	White
Rick Youngblood	VDOT	White
Nick Britton	VDRPT	White

TTC membership is comprised of staff-level officials of local, state, and federal agencies. In addition, the technical committee includes representatives of interest groups, various transportation modes, and local citizens. Members are appointed by the localities rather than by the MPO. Therefore, the role of the MPO is to encourage diversity of appointees to the localities served.

# APPENDIX VIII: LIMITED ENGLISH PROFICIENCY POPULATION STATISTICS

	Region Aggregate	Percentage of Total Population	Amherst County	Bedford County	Campbell County	City of Lynchburg	Town of Amherst
Total Population (Primary Language):	222,811		30,464	65,827	52,113	71,883	2,524
Spanish or Spanish Creole:	3,609	1.62%	488	898	635	1,533	55
Speak English "very well"	2,387	1.07%	176	695	436	1,046	34
Speak English less than "very well"	1,222	0.55%	312	203	199	487	21
French (incl. Patois, Cajun):	687	0.31%	34	170	150	333	0
Speak English "very well"	503	0.23%	30	83	121	269	0
Speak English less than "very well"	184	0.08%	4	87	29	64	0
French Creole:	222	0.10%	0	16	0	206	0
Speak English "very well"	209	0.09%	0	16	0	193	0
Speak English less than "very well"	13	0.01%	0	0	0	13	0
Italian:	146	0.07%	4	76	25	41	0
Speak English "very well"	113	0.05%	4	53	25	31	0
Speak English less than "very well"	33	0.01%	0	23	0	10	0
Portuguese or Portuguese Creole:	75	0.03%	0	49	11	15	0
Speak English "very well"	75	0.03%	0	49	11	15	0
Speak English less than "very well"	0	0.00%	0	0	0	0	0
German:	419	0.19%	122	125	36	122	14
Speak English "very well"	353	0.16%	122	100	36	81	14
Speak English less than "very well"	66	0.03%	0	25	0	41	0
Yiddish:	0	0.00%	0	0	0	0	0
Speak English "very well"	0	0.00%	0	0	0	0	0
Speak English less than "very well"	0	0.00%	0	0	0	0	0
Other West Germanic languages:	20	0.01%	0	7	0	13	0
Speak English "very well"	20	0.01%	0	7	0	13	0
Speak English less than "very well"	0	0.00%	0	0	0	0	0
Scandinavian languages:	27	0.01%	0	0	11	16	0
Speak English "very well"	11	0.00%	0	0	11	0	0
Speak English less than "very well"	16	0.01%	0	0	0	16	0
Greek:	56	0.03%	22	0	6	28	0
Speak English "very well"	56	0.03%	22	0	6	28	0
Speak English less than "very well"	0	0.00%	0	0	0	0	0
Russian:	76	0.03%	9	31	0	27	9
Speak English "very well"	59	0.03%	4	31	0	20	4
Speak English less than "very well"	17	0.01%	5	0	0	7	5
Polish:	70	0.03%	0	70	0	0	0
Speak English "very well"	44	0.02%	0	44	0	0	0
Speak English less than "very well"	26	0.01%	0	26	0	0	0
Serbo-Croatian:	0	0.00%	0	0	0	0	0
Speak English "very well"	0	0.00%	0	0	0	0	0
Speak English less than "very well"	0	0.00%	0	0	0	0	0
Other Slavic languages:	13	0.01%	0	13	0	0	0
Speak English "very well"	13	0.01%	0	13	0	0	0

	Region Aggregate	Percentage of Total Population	Amherst County	Bedford County	Campbell County	City of Lynchburg	Town of Amherst
Speak English less than "very well"	0	0.00%	0	0	0	0	0
Armenian:	0	0.00%	0	0	0	0	0
Speak English "very well"	0	0.00%	0	0	0	0	0
Speak English less than "very well"	0	0.00%	0	0	0	0	0
Persian:	54	0.02%	0	0	30	24	0
Speak English "very well"	42	0.02%	0	0	30	12	0
Speak English less than "very well"	12	0.01%	0	0	0	12	0
Gujarati:	356	0.16%	41	102	0	202	11
Speak English "very well"	179	0.08%	0	77	0	102	0
Speak English less than "very well"	177	0.08%	41	25	0	100	11
Hindi:	154	0.07%	0	0	0	154	0
Speak English "very well"	148	0.07%	0	0	0	148	0
Speak English less than "very well"	6	0.00%	0	0	0	6	0
Urdu:	67	0.03%	0	0	67	0	0
Speak English "very well"	67	0.03%	0	0	67	0	0
Speak English less than "very well"	0	0.00%	0	0	0	0	0
Other Indic languages:	67	0.03%	0	0	0	67	0
Speak English "very well"	37	0.02%	0	0	0	37	0
Speak English less than "very well"	30	0.01%	0	0	0	30	0
Other Indo-European languages:	115	0.05%	0	13	0	102	0
Speak English "very well"	115	0.05%	0	13	0	102	0
Speak English less than "very well"	0	0.00%	0	0	0	0	0
Chinese:	537	0.24%	28	155	167	187	0
Speak English "very well"	320	0.14%	0	116	90	114	0
Speak English less than "very well"	217	0.10%	28	39	77	73	0
Japanese:	70	0.03%	10	0	10	50	0
Speak English "very well"	34	0.02%	0	0	0	34	0
Speak English less than "very well"	36	0.02%	10	0	10	16	0
Korean:	967	0.43%	23	101	19	824	0
Speak English "very well"	288	0.13%	23	34	8	223	0
Speak English less than "very well"	679	0.30%	0	67	11	601	0
Mon-Khmer, Cambodian:	21	0.01%	0	21	0	0	0
Speak English "very well"	21	0.01%	0	21	0	0	0
Speak English less than "very well"	0	0.00%	0	0	0	0	0
Hmong:	0	0.00%	0	0	0	0	0
Speak English "very well"	0	0.00%	0	0	0	0	0
Speak English less than "very well"	0	0.00%	0	0	0	0	0
Thai:	30	0.01%	0	0	0	30	0
Speak English "very well"	14	0.01%	0	0	0	14	0
Speak English less than "very well"	16	0.01%	0	0	0	16	0
Laotian:	0	0.00%	0	0	0	0	0
Speak English "very well"	0	0.00%	0	0	0	0	0
Speak English less than "very well"	0	0.00%	0	0	0	0	0
Vietnamese:	197	0.09%	0	42	14	141	0
Speak English "very well"	55	0.02%	0	0	14	41	0
Speak English less than "very well"	142	0.06%	0	42	0	100	0

	Region Aggregate	Percentage of Total Population	Amherst County	Bedford County	Campbell County	City of Lynchburg	Town of Amherst
Other Asian languages:	405	0.18%	45	56	65	223	16
Speak English "very well"	350	0.16%	21	56	45	223	5
Speak English less than "very well"	55	0.02%	24	0	20	0	11
Tagalog:	205	0.09%	21	25	75	84	0
Speak English "very well"	149	0.07%	15	25	51	58	0
Speak English less than "very well"	56	0.03%	6	0	24	26	0
Other Pacific Island languages:	116	0.05%	15	35	36	30	0
Speak English "very well"	89	0.04%	8	35	36	10	0
Speak English less than "very well"	27	0.01%	7	0	0	20	0
Navajo:	0	0.00%	0	0	0	0	0
Speak English "very well"	0	0.00%	0	0	0	0	0
Speak English less than "very well"	0	0.00%	0	0	0	0	0
Other Native North American languages:	30	0.01%	0	10	0	20	0
Speak English "very well"	30	0.01%	0	10	0	20	0
Speak English less than "very well"	0	0.00%	0	0	0	0	0
Hungarian:	66	0.03%	0	30	19	17	0
Speak English "very well"	56	0.03%	0	30	9	17	0
Speak English less than "very well"	10	0.00%	0	0	10	0	0
Arabic:	81	0.04%	0	54	0	27	0
Speak English "very well"	57	0.03%	0	30	0	27	0
Speak English less than "very well"	24	0.01%	0	24	0	0	0
Hebrew:	15	0.01%	0	11	4	0	0
Speak English "very well"	15	0.01%	0	11	4	0	0
Speak English less than "very well"	0	0.00%	0	0	0	0	0
African languages:	325	0.15%	26	0	0	286	13
Speak English "very well"	311	0.14%	26	0	0	272	13
Speak English less than "very well"	14	0.01%	0	0	0	14	0
Other and unspecified languages:	29	0.01%	29	0	0	0	0
Speak English "very well"	0	0.00%	0	0	0	0	0
Speak English less than "very well"	29	0.01%	29	0	0	0	0
Total Speaking English less than "very well"	3,107	1.39%	466	561	380	1,652	48





**RESOLUTION ADOPTING THE CENTRAL VIRGINIA METROPOLITAN  
PLANNING ORGANIZATION'S TITLE VI POLICY STATEMENT AND PLAN**

**WHEREAS**, Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance; and

**WHEREAS**, the CVMPO commits to assure that no person shall, on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination under any CVMPO program or activity regardless of the funding source; and

**WHEREAS**, the CVMPO has the responsibility under the provisions of the Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP 21) for developing and carrying out a continuing, cooperative and comprehensive transportation planning process for the Metropolitan Area; and

**WHEREAS**, the CVMPO receives Federal transportation funding; and

**WHEREAS**, the CVMPO receives Federal funding from other agencies that also have Title VI requirements.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Central Virginia Metropolitan Planning Organization does hereby approve the proposed Central Virginia Metropolitan Planning Organization's Title VI Plan in order to meet Title VI and attendant federal requirements.

Upon motion by Member David Laurrell duly seconded by Member Will Mays, adopted this 18th day of April 2013.

ATTESTED BY:

Gary F. Christie, Secretary  
Central Virginia Metropolitan  
Planning Organization

CERTIFIED BY:

John Sharp, Chair  
Central Virginia Metropolitan  
Planning Organization





**RESOLUTION AMENDING THE CENTRAL VIRGINIA  
METROPOLITAN PLANNING ORGANIZATION'S  
TITLE VI POLICY STATEMENT AND PLAN**

**WHEREAS**, Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance; and

**WHEREAS**, the CVMPO commits to assure that no person shall, on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination under any CVMPO program or activity regardless of the funding source; and

**WHEREAS**, the CVMPO has the responsibility under the provisions of the Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP 21) for developing and carrying out a continuing, cooperative and comprehensive transportation planning process for the Metropolitan Area; and

**WHEREAS**, the CVMPO receives Federal transportation funding; and


**WHEREAS**, the CVMPO receives Federal funding from other agencies that also have Title VI requirements; and

**WHEREAS**, the CVMPO desires to update the Title VI plan to meet additional FTA requirements as requested by DRPT and shown in the attached document "Narrative of Changes to the Central Virginia MPO Title VI Plan".


**NOW, THEREFORE, BE IT RESOLVED THAT** the Central Virginia Metropolitan Planning Organization does hereby approve the amended Central Virginia Metropolitan Planning Organization's Title VI Plan, dated January 21, 2016, in order to meet Title VI and attendant federal requirements.

Upon motion by Member Turner Perrow duly seconded by Member Rick Youngblood, adopted this **21st** day of **January 2016**.

**ATTESTED BY:**

  
**Gary F. Christie, Secretary**  
Central Virginia Metropolitan  
Planning Organization

**CERTIFIED BY:**

  
**Frank Rogers, Acting Chair**  
Central Virginia Metropolitan  
Planning Organization





**RESOLUTION AMENDING THE CENTRAL VIRGINIA  
METROPOLITAN PLANNING ORGANIZATION'S  
TITLE VI POLICY STATEMENT AND PLAN**

**WHEREAS**, Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance; and

**WHEREAS**, the CVMPO commits to assure that no person shall, on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination under any CVMPO program or activity regardless of the funding source; and

**WHEREAS**, the CVMPO has the responsibility under the provisions of the Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP 21) for developing and carrying out a continuing, cooperative and comprehensive transportation planning process for the Metropolitan Area; and

**WHEREAS**, the CVMPO receives Federal transportation funding; and

**WHEREAS**, the CVMPO receives Federal funding from other agencies that also have Title VI requirements; and

**WHEREAS**, the CVMPO desires to update the Title VI plan to meet additional FTA requirements as requested by DRPT and shown in the attached document "Narrative of Changes to the Central Virginia MPO Title VI Plan".

**NOW, THEREFORE, BE IT RESOLVED THAT** the Central Virginia Metropolitan Planning Organization does hereby approve the amended Central Virginia Metropolitan Planning Organization's Title VI Plan, dated April 18, 2013, as amended, to meet Title VI and attendant federal requirements.

Upon motion by Member Laura Carter duly seconded by Member Bonnie Smith, adopted this **21st** day of **February 2018**.

ATTESTED BY:

**Gary F. Christie, Secretary**  
Central Virginia Metropolitan  
Planning Organization

CERTIFIED BY:

**Edgar J. T. Perrow, Jr., Chair**  
Central Virginia Metropolitan  
Planning Organization



**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





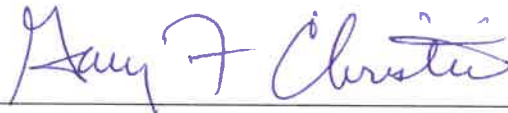
- b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee 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



Gary F. Christie

DATED

11/20/19



**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.*).

