

Commonwealth Regional Council TITLE VI PROGRAM PLAN



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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 disability, sex, age, or income status to the criteria for which discrimination is prohibited. The Commonwealth Regional Council's Title VI Plan was developed to ensure the Commonwealth Regional Council is in compliance with nondiscrimination requirements as outlined in Title 23 CFR and 49 CFR and related laws and to provide specific information on how to file a nondiscrimination complaint.

This Plan also provides an overview of Environmental Justice Assessment and Limited English Proficiency (LEP) concepts, definitions of Title VI concepts and associated nondiscrimination acts, and how Title VI and LEP are requirements are addressed in the rural transportation planning process. Guidelines for public outreach strategies are also included within the document.

PURPOSE

The Commonwealth Regional Council receives State Planning and Research Funds (SPR) from the Virginia Department of Transportation (VDOT) for the Rural Transportation Planning Assistance Program. The purpose of this program is to provide transportation planning assistance to local jurisdictions within Planning District 14. The federal funds are used for specific activities as requested by VDOT and/or the Federal Highway Administration by means of a scope of work to assist them in the State Planning Process to address the transportation needs of non-metropolitan area. The Commonwealth Regional Council does not disburse any of the funding to sub-recipients.

Due to the Commonwealth Regional Council being a recipient of this federal assistance, it is required to comply with Title VI and subsequent nondiscrimination laws, as well as to provide an overview of how the Commonwealth Regional Council 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 Commonwealth Regional Council to assure compliance with the rules and regulations associated with Title VI and subsequent nondiscrimination laws, Environmental Justice, and LEP requirements.



IN PARTNERSHIP WITH
The Counties of Amelia | Buckingham | Charlotte | Lunenburg | Prince Edward

**RESOLUTION OF THE
COMMONWEALTH REGIONAL COUNCIL
ENDORING THE 2017 TITLE VI PROGRAM PLAN**

WHEREAS, the Virginia Department of Transportation (VDOT) allocates part of the State Planning and Research (SPR) funding to provide annual transportation planning assistance for non-urbanized areas within the Commonwealth;

WHEREAS, the Rural Transportation Planning (RTP) Program was created to aid the State in fulfilling the requirements of the State Planning Process to address the transportation need of non-metropolitan areas; and

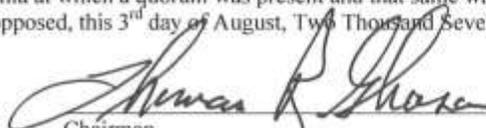
WHEREAS, the Commonwealth Regional Council receives federal funds from VDOT's Rural Transportation Planning Assistance Program to aid the State in fulfilling the requirements of the State Planning Process to address the transportation need of non-metropolitan areas; and

WHEREAS, the Commonwealth Regional Council, as a 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 Commonwealth Regional Council addresses Executive Order 12898 on Environmental Justice and Executive Order 13166 on Limited English Proficiency.

THEREFORE, BE IT RESOLVED, the Commonwealth Regional Council endorses the 2017 Title VI Plan which describes the measures taken by the Commonwealth Regional Council to assure compliance with the rules and regulations associated with Title VI and subsequent nondiscrimination laws, Environmental Justice, and LEP requirements.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Commonwealth Regional Council at a Regular Council meeting in Farmville, Virginia at which a quorum was present and that same was passed by a vote of 5 in favor and 0 opposed, this 3rd day of August, Two Thousand Seventeen.


Chairman


Acting Executive Director

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TITLE VI POLICY STATEMENT OF COMMITMENT

The Commonwealth Regional Council, hereinafter also referred to as the "CRC", will effectuate the provisions of Title VI of the Civil Rights Act of 1964, 49 Code of Federal Regulation (CFR) Part 21, 23 CFR Part 200 and other applicable directives. These authorities provide that no person in the United States shall, on the grounds of race, color, national origin, sex, age or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which CRC receives federal assistance.

Further, as a recipient of federal-aid funding, Commonwealth Regional Council strives to achieve nondiscrimination in all its programs and activities whether or not those programs and activities are federally funded. These efforts to prevent discrimination will address, but not be limited to, a program's impact upon access, benefits, participation, treatment, services, contracting opportunities, training opportunities, investigation of complaints, allocation of funds, prioritization of projects, and the functions of right-of-way, research, planning, design, construction, and project development. Commonwealth Regional Council will ensure that every manager, supervisor, employee, and sub-recipient of federal-aid funds administered by the CRC is aware of and applies the intent and spirit of Title VI of the Civil Rights Act of 1964 and other nondiscrimination authorities in performing assigned duties.

Every employee and representative of Commonwealth Regional Council shall perform all official equal employment opportunity actions in an affirmative manner, and in full accord with applicable statutes, executive orders, regulations, and policies enunciated there under, to assure the equality of employment opportunity, without regard to race, color, national origin, sex, age, disability or low-income both in its own workforce and in the workforces of contractors, subcontractors, and material suppliers engaged in the performance of federal-aid highway construction contracts.

The Community Development Planner has been designated as the CRC's Title VI Coordinator and is responsible for ensuring that all matters relating to nondiscrimination are administered effectively.

Employees of the CRC, contractors or applicants with questions, problems or complaints regarding this statement, and the implementation of the stated provisions, should contact the CRC's Title VI Coordinator, Andre' Gilliam, at P.O. Box P, One Mill Street, Suite 202, Farmville, Virginia 23901; (434)392-6104

Melod Jost
Commonwealth Regional Council
Acting Executive Director

8-3-17
Date

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 titles:

1. Voting Rights
2. Public Accommodation
3. Desegregation of Public Facilities
4. Desegregation of Public Education
5. Commission on Civil Rights
- 6. Nondiscrimination in Federally Assisted Programs and Activities**
7. Equal Employment Opportunity
8. Registration and Voting Statistics
9. Intervention and Procedure after Removal in Civil Rights Cases
10. Establishment of Community Relations Service
11. 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 persons 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. The 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 with 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 regulation: 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, two 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/populations. 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 the 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) and 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 required 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 “systematically interdisciplinary approach” to aid in considering environmental and community factors in decision-making.

I. ORGANIZATION AND STAFF RESPONSIBILITIES

A. Relationship of Civil Rights Unit/Staff to Head of Commonwealth Regional Council (CRC)

Executive Director – The Executive Director is authorized to ensure compliance with provisions of the CRC’s policy of nondiscrimination and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. The CRC’s grants compliance function and Title VI coordination shall be performed under the authority of the Executive Director.

Title VI Coordinator – The Deputy Director will perform the duties of the Title VI Coordinator and ensure implementation of the Agency’s Title VI Transportation Program.

B. Statement of Responsibility and Authority of Title VI Coordinator

As authorized by the CRC Executive Director, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring CRC compliance with Title VI requirements as follows:

Program Administration

- Administer the Title VI Program and coordinate implementation of the plan
- Ensure compliance with the assurances, policy, and program objectives
- Perform Title VI Program reviews to assess administrative procedures, staffing, and resources
- Provide recommendations as required to the CRC Executive Director.

Complaints

- Review written Title VI complaints that may be received by CRC following the adopted procedural guidelines.

Data Collection.

- Review the statistical data gathering process periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration.

Environmental Impact Statements

- Ensure that available census data are included as a part of all Environmental Impact Statements/Assessments (EIS/EIA) for projects receiving Federal Highway Administration or other Federal assistance.

Training Programs

- Conduct or facilitate training programs on Title VI issues and regulations for CRC employees; and facilitate Title VI training for appropriate staff, contractors, and sub-recipients. A summary of training conducted will be reported in the annual update.

Title VI Plan Update

- Review and update the CRC Title VI Plan as needed or required
- Present updated plan to the CRC Executive Director for approval
- Submit amended Plan to VDOT

Annual Accomplishment Report

- Prepare an annual report of Title VI accomplishments and changes to the program in the preceding Federal fiscal year
- Identify goals and objectives for the upcoming year as required; and submit to VDOT.

Public Dissemination

- Work with CRC staff to develop and disseminate Title VI program information to CRC employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public.

- Ensure public service announcements or notices are posted of proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community.
- Ensure the full utilization of available minority publications or media
- Provide written or verbal information in languages other than English, where appropriate.

Elimination of Discrimination

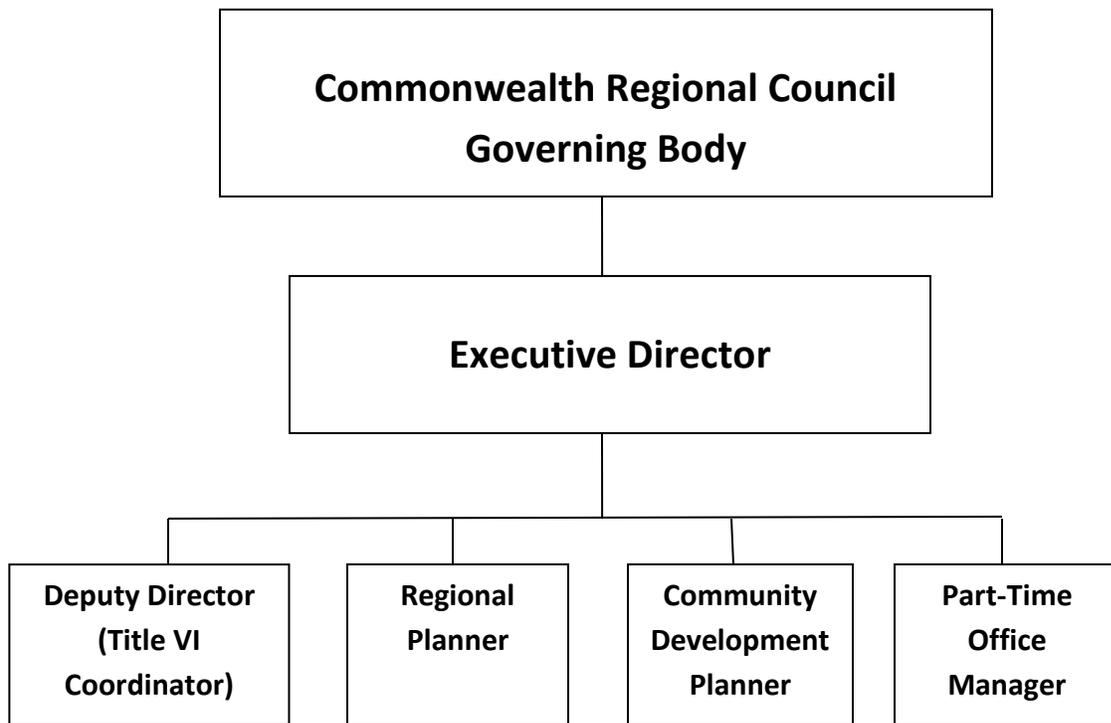
- Work with CRC to establish procedures for promptly resolving deficiencies, as needed
- Recommend procedures to identify and eliminate discrimination that may be discovered in any CRC processes

Maintain Legislative and Procedural Information.

- Federal laws, rules, and regulations, VDOT guidelines, the current CRC Title VI Plan, Annual Accomplishment Reports, and other resource information pertaining to the implementation and administration of the CRC's Title VI Program will be maintained and updated by the Coordinator.
- Information will be made available to the public as requested or required.

CRC ORGANIZATIONAL CHART

CRC ORGANIZATIONAL CHART



Updated Chart 7-9-19

II. TITLE VI PROGRAM ADMINISTRATION

The Commonwealth Regional Council Title VI Coordinator is generally responsible for overseeing compliance with applicable nondiscrimination authorities in each of the rural transportation planning and programming areas. Other staff members are expected to provide information and support to assist this staff member in performing his or her tasks.

Responsibilities of the Title VI Coordinator

The Title VI Coordinator is responsible for supervising staff activities pertaining to nondiscrimination regulations and procedures set forth in federal guidance and in accordance with the Commonwealth Regional Council Title VI Plan. In support of this, the Title VI Coordinator will:

- Identify, investigate, and work to eliminate discrimination when found to exist.
- Process discrimination complaints received by the Commonwealth Regional Council. Any individual may exercise his or her right to file a complaint with the Commonwealth Regional Council, if that person believes that he or she or any other program beneficiaries have been subjected to discrimination, in receipt of benefits/services or on the grounds of race, color, national origin, sex, handicap, age, or income status. The Commonwealth Regional Council 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 Commonwealth Regional Council Title VI Plan.
- Periodically review the Commonwealth Regional Council Title VI Plan to assess whether administrative procedures are effective, staffing is appropriate, and adequate resources are available to ensure compliance.
- Work with staff involved with consultant contracts and sub-recipients found to not be compliant, to resolve the deficiency status and write a remedial action if necessary, as described in the Consultant Contracts section of this document.
- Review important issues related to nondiscrimination with Commonwealth Regional Council staff as needed.
- Assess communication strategies and address additional language needs when needed.
- Disseminate information related to the nondiscrimination authorities. The Commonwealth Regional Council Title VI Plan is to be disseminated to the Commonwealth Regional Council Board, employees, contractors, and the general public.
- Coordinate with appropriate federal, state, and regional entities to periodically provide the Commonwealth Regional Council employees with training opportunities regarding nondiscrimination and Title VI.
- Review CRC program areas or directives to determine if there are Title VI implications.

For questions on the Commonwealth Regional Council Title VI Plan and procedures, please contact Mr. Todd Fortune, Deputy Director/Title VI Coordinator at (434) 392-6104 or by email at tfortune@virginiasheartland.org . For information on the Commonwealth Regional Council Rural Transportation Planning Program work program or publications, please see the Commonwealth Regional Council webpage located at <http://www.virginiasheartland.org/our-services/transportation-planning/>

III. TITLE VI PROGRAM IMPLEMENTATION

The Commonwealth Regional Council ensures compliance with all applicable nondiscrimination authorities and with regard to the following:

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

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

Planning and Programming

Through its Rural Transportation Planning Program, the Commonwealth Regional Council is responsible for developing long and short range rural transportation plans and programs to provide efficient transportation to the Commonwealth Regional Council region. A comprehensive transportation process is used which entails the monitoring and collection of various data pertaining to transportation issues. The Commonwealth Regional Council coordinates with VDOT, counties, and area transit agencies; seeks public participation (including coordination with member localities governing boards if applicable); and provides technical support when needed. The public outreach methods for the long-range transportation plan update are the same as other public outreach and are included within the Public Participation Plan (see EXHIBIT E)

On the behalf of the Commonwealth Regional Council, the Council Staff is responsible for evaluating and monitoring compliance with applicable nondiscrimination authorities in all aspects of the Commonwealth Regional Council planning and programming processes. This includes project specific grant administration services provided to member localities upon request. The Commonwealth Regional Council will:

- Ensure that all aspects of the planning and programming process operation (including general services provided to member localities) comply with nondiscrimination authorities.
- As applicable in Rural Transportation Planning Program, prepare and update demographic specific 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 limited English proficiency (LEP) population groups as it relates to applicable products per of annual Rural Transportation Planning Program work program.
- If applicable, make these maps and associated tables available to the public and member agencies on the Commonwealth Regional Council webpage or in hard copy format, if requested.

- Continue to ensure that staff make concerted efforts to involve member of all social, economic, and ethnic groups in the planning and programming process operation (including general service provided to member localities). This item is addressed through the Commonwealth Regional Council Public Participation Plan (see EXHIBIT E).

Special Emphasis Program Areas

There have been no special emphasis program areas identified.

Data Collection, Reporting and Analysis

The CRC will 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 contained in the Commonwealth Regional Council's 2035 Rural Long-Range Transportation Plan (RLRP) available on-line.

http://www.virginiashheartland.org/wp-content/uploads/2013/03/Commonwealth_Regional_Council.pdf

Education and Training

The Title VI Coordinator will seek all opportunities to participate in education and training through webinars and workshops within budgetary limitations. All Title VI webinars, conferences, seminars, training and classes presented by FHWA and VDOT will be considered for staff attendance.

The Title VI Coordinator will be responsible to inform all staff members and consultants of all federal Title VI policies including any changes and updates. The Coordinator will also be responsible to inform all staff members and consultants of the Commonwealth Regional Council Title VI Program, including our Public Involvement Plan, as well as any updates and changes.

Education and Training may also consist of the Commonwealth Regional Council hosting training seminars related to all Title VI issues and inviting all interested and pertaining parties to attend.

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 contexts 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.

On behalf of the Commonwealth Regional Council, Council Staff is responsible for evaluating and monitoring compliance with applicable nondiscrimination authorities in all aspects of the Commonwealth Regional Council's efforts to address Environmental Justice.

- Ensure that all aspects of efforts to address Environmental Justice comply with nondiscrimination authorities.

- The Commonwealth Regional Council Participation Plan (see EXHIBIT E) includes provisions for outreach strategies for minority and low-income households traditionally underserved by existing transportation systems. With the adoption of the Commonwealth Regional Council Title VI Plan, the Limited English Proficiency (LEP) population will be included under this provision and be considered in the development of future rural transportation plans and programs.
- Disseminate information to the public on the processes used and finding of any analysis, in accordance with Commonwealth Regional Council public participation procedures.

Environmental Justice Guidelines can be seen in EXHIBIT D.

Limited English Proficiency (LEP)

Individuals who do not speak English as their primary language and who have 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 service, 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.

The United State 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:

1. Demography: number and/or proportion of LEP persons served and languages spoken in service area.
2. Frequency: rate of contact with service or program.
3. Importance: nature and importance of program/service to people’s lives.
4. Resources: available resources, including language assistance service.

The above four-factor analysis should be used to determine which language assistance services are appropriate to address the identified needs of the LEP population. More information regarding the identification of LEP individuals within the community are included in EXHIBIT C.

Consultant Contracts

The Commonwealth Regional Council is responsible for selection, negotiation and administration of its federally funded consultant contracts under the provisions of its internal contract procedures and all relevant state and federal laws. Consultant contracts will include USDOT 1050.2A of APPEDIX A and 1050.2A of APPENDIX E in contract document templates (See EXHIBIT B for consultant contract compliance documents).

The Title VI Coordinator is responsible for evaluating and monitoring federally funded consultant contracts for compliance with nondiscriminatory authorities to:

- Ensure including of all applicable nondiscrimination language in contracts and Requests for Proposals (RFPs): “The Commonwealth Regional Council, in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000 d-42 and Title 49, Code of Federal Regulations, hereby notifies all bidders that it will affirmatively ensure that any federally funded contract entered pursuant to this advertisement will afford minority business enterprises full opportunity to submit bids in response to the invitation, and will not discriminate on the grounds of race, color or national origin in consideration for an award.”
- Review outreach activities to ensure small, disadvantaged, minority, women and disabled veteran businesses are not excluded to participate in opportunities to compete for federal funded consulting contracts.
- Ensure that federally funded consultants are monitoring and verifying compliance with all applicable nondiscrimination authorities, procedures and requirements within the workplace and in the conduct of grant funded activities.
- Monitor DBE program requirements for all federally funded consultant contracts.
- Ensure that all federally funded consultant contracts administered by the Council have the appropriate Title VI provisions included.
- Review directives and procedures to ensure Title VI compliance.
- Maintain necessary data and documentation required for completion of the Council’s Title VI Annual Report.
- Review consultants for compliance as described below:
 - Ensure that all consultants verify their compliance with nondiscrimination authorities, procedures, and requirements.
 - If found to be not in compliance with nondiscrimination authorities, the Title VI Coordinator and relevant staff will work to resolve the deficiency status. This means that the Title VI Coordinator will give a deadline for when the matter must be resolved by a corrective action plan.
- Review outreach activities to ensure small, disadvantaged, minority, women, and disabled veteran businesses are not excluded to participated in opportunities to compete for federally funded consulting contracts. Outreach methods and sources are discussed in the Commonwealth Regional Council Public Participation Plan found in EXHIBIT E.

Communication and Public Participation

The Communications and Public Participation area applies to and affects the Commonwealth Regional Council Rural Transportation Planning Program as a whole. 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 Commonwealth Regional Council endeavors to provide citizens, affected public agencies and other interest parties with reasonable opportunities to be involved in the rural transportation planning process.

On behalf of the Commonwealth Regional Council, Council staff is responsible for evaluating and monitoring compliance with applicable nondiscrimination authorities in all aspect of the Commonwealth Regional Council public participation process per its Rural Transportation Planning Program, including the following:

- Ensure that all communications and public participation efforts comply with nondiscrimination authorities.
- Develop and distribute information on nondiscrimination and Commonwealth Regional Council programs to the general public. This will be addressed by posting information on the Commonwealth Regional Council webpage as well as distributing copies of regional plans to local libraries and other public spaces.
- Provide assistance for persons with disabilities or Limited English Proficiency when requested. This may include providing interpretation services when applicable.
- Any known minority media resources will be included in the notification process for Commonwealth Regional Council public meetings or for the public review of Council documents.
- Include the following statement in all of the Commonwealth Regional Council public notices and on the webpage:

The Commonwealth Regional Council ensures nondiscrimination and equal employment in all programs and activities in accordance with Title VI of the Civil Rights Act of 1964. If you need more information or special assistance for persons with disabilities or limited English proficiency, contact the CRC's Title VI Coordinator, Todd Fortune at (434) 392-6104 or tfortune@virginiasheartland.org

- Include the above Title VI statement in press releases and on the Commonwealth Regional Council webpage.
- Include the above Title VI statement into all significant rural transportation planning program publications that are distributed to the public and on the Commonwealth Regional Council webpage.

The Commonwealth Regional Council has an official Public Participation Plan which can be seen in EXHIBIT E.

Committee

The Commonwealth Regional Council has an established Transportation Technical Advisory Committee under its Rural Transportation Planning Program to discuss transportation issues within the region. The Advisory Committee is made up of individuals appointed by each member locality to serve on the Committee. Localities are encouraged to have a Staff and a Board of Supervisors Member on the Committee, localities may appoint citizens or whomever they choose.

IV. Review of CRC Directives

It is the responsibility of the Executive Director to ensure that planning manuals, directives, guidelines, and policies have been reviewed for Title VI compliance purposes. In doing so, the Executive Director must ensure that a draft of these documents be submitted to the Title VI Coordinator for review of Title VI compliance. Other CRC staff members may also assist in ensuring compliance of this requirement.

V. DISCRIMINATION COMPLAINT PROCEDURES

Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, or national origin. Subsequent laws and Presidential Executive Orders added disability, sex, age, income status and limited English proficiency to the criteria for which discrimination is prohibited, in programs and activities receiving federal financial assistance.

The Commonwealth Regional Council adopts the following discrimination complaint procedures for complaints relating to federally assisted transportation-related programs or activities.

- A. Filing a discrimination complaint:** Any person who believes that he or she, or any class of individuals, or in connection with any disadvantaged business enterprise, has been or is being subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973, and/or the Civil Rights Restoration Act of 1987, as amended, has the right to file a complaint.

Any individual wishing to file a discrimination complaint must be given the option to file the complaint with the Commonwealth Regional Council, or directly with the Virginia Department of Transportation (VDOT), FHWA, USDOT and U.S. Department of Justice. Complaints may be filed with all agencies simultaneously.

No individual or agency shall refuse service, discharge, or retaliate in any manner against any persons because that individual has filed a discrimination complaint, instituted any proceeding related to a discrimination complaint, testified or is about to testify in any proceeding or investigation related to a discrimination complaint, or has provided information or assisted in an investigation.

- B. Complaint filing timeframe:** A discrimination complaint must be filed within 180 calendar days of either:
- The alleged act of discrimination.

- Date when the person(s) became aware of the alleged discrimination.
- Date on which the conduct was discontinued, if there has been a continuing course of conduct.

The Commonwealth Regional Council or their designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

C. Contents of a complaint: A discrimination complaint must be written. The document must contain the following information.

- The complainant's name and address, or other means by which the complainant may be contacted.
- Identification of individual(s) or organization(s) responsible for the alleged discrimination.
- A description of the complainant's allegations, which must include enough detail to determine if the Commonwealth Regional Council has jurisdiction over the complaint and if the complaint was filed timely.
- Specific prohibited bases of alleged discrimination (i.e., race, color, gender, etc.).
- Apparent merit of the complaint.
- The complainant's signature or signature of his/her authorized representative.

In the event that a person makes a verbal complaint of discrimination to an officer or employee of the Commonwealth Regional Council, the Coordinator may assist the complainant (if asked) in reducing the complaint to writing and then submit the written version of the complaint to the person for signature.

D. Complaints against the Commonwealth Regional Council: Any complaints received against the Commonwealth Regional Council should immediately be forwarded to VDOT for investigation. The Commonwealth Regional Council shall not investigate any complaint in which it has been named in the complaint. The contact information for VDOT's Title VI program is:

Virginia Department of Transportation
 Civil Rights Division Administrator / Title VI Program Coordinator
 1401 East Broad Street
 Richmond, VA 23219

E. Notice of Receipt: All complaints shall be referred to the Commonwealth Regional Council's Coordinator for review and action. Within 10 days of receipt of the discrimination complaint, the Coordinator shall issue an initial written Notice of Receipt that:

- Acknowledges receipt of the discrimination complaint.
- Advises the complainant of his/her right to seek representation by an attorney or other individual of his or her choice in the discrimination complaint process.
- Contains a list of each issue raised in the discrimination complaint.
- Advises the complainant of the timeframes for processing the discrimination complaint and providing a determination.
- Advises the complainant of other avenues of redress of their complaint, including the VDOT, FHWA, USDOT and USDOJ.
- Includes an invitation to mediation as described in paragraph 1 under item H below.

F. Notification of the Virginia Department of Transportation of a complaint: The Commonwealth Regional Council shall advise VDOT within 10 business days of receipt of the complaint. Generally, the following information will be included in every notification to VDOT.

- Name, address, and phone number of the complainant.
- Name(s) and address(es) of alleged discriminating official(s).
- Basis of complaint (i.e., race, color, national origin or gender).
- Date of alleged discriminatory act(s).
- Date complaint received by the Commonwealth Regional Council.
- A statement of the complaint.
- Other agencies (state, local, or federal) where the complaint has been filed.
- An explanation of the actions the Commonwealth Regional Council has taken or proposed to resolve the issue identified in the complaint.

G. Processing a complaint and timeframe: The total time allowed for processing the discrimination complaint is 90 calendar days from the date the complaint was filed. There is no extension available at this level. This timeframe includes 60 calendar days at the Commonwealth Regional Council level and 30 days for review at the state level, if needed.

If the complainant elects to file a complaint with both the Commonwealth Regional Council and VDOT, the complainant shall be informed that Commonwealth Regional Council has 90 calendar days to process the discrimination complaint and VDOT shall not investigate the complaint until the 90-calendar day period has expired.

Immediately after issuance of the notice of receipt to the complainant (step four), the Commonwealth Regional Council's Coordinator shall either begin the fact-finding or investigation of the discrimination complaint, or arrange to have an investigation conducted.

Based on the information obtained during that investigation, the Coordinator shall render a recommendation for action in a Report of Findings to the head of the Commonwealth Regional Council.

H. Alternative dispute resolution/mediation process: The complainant must be given an invitation to participate in mediation to resolve the complaint by informal means. The Commonwealth Regional Council's Coordinator shall include an invitation to mediation with the Notice of Receipt, offering the opportunity to use the alternative dispute resolution/mediation process.

If the complaint selects mediation, it allows disputes to be resolved in a less adversarial manner. With mediation, a neutral party assists two opposing parties in a dispute come to an agreement to resolve their issue. The mediator does not function as a judge or arbiter, but simply helps the parties resolve the dispute themselves.

Upon receiving a request to mediate, the Commonwealth Regional Council's Coordinator shall identify or designate a mediator who must be a neutral and impartial third party. The mediator must be a person acceptable to all parties and who will assist the parties in resolving their disputes.

If the complainant chooses to participate in mediation, she or he or the designee must respond in writing within 10 calendar days of the date of the invitation. This written acceptance must be dated and signed by the complainant and must also include the relief sought.

After mediation is arranged, a written confirmation identifying the date, time, and location of the mediation conference shall be sent to both parties. If possible, the mediation process should be completed within 30 calendar days of receipt of the discrimination complaint. This will assist in keeping within the 90-calendar day timeframe of the written Notice of Final Action if the mediation is not successful.

If resolution is reached under mediation, the agreement shall be in writing. A copy of the signed agreement shall be sent to VDOT's Title VI Program Coordinator. If an agreement is reached, but a party to it believes his/her agreement has been breached, the non-breaching party may file another complaint. If the parties do not reach resolution under mediation, the Commonwealth Regional Council's Coordinator shall continue with the investigation.

I. Notice of Final Action: A written Notice of Final Action shall be provided to the complainant within 60 days of the date the discrimination complaint was filed. It shall contain:

- A statement regarding the disposition of each issue identified in the discrimination complaint and reason for the determination.
- A copy of the mediation agreement, if the discrimination complaint was resolved by mediation.
- A notice that the complainant has the right to file a complaint with the VDOT, FHWA, USDOT or USDOJ within 30 calendar days after the Notice of Final Action, if she or he is dissatisfied with the final action on the discrimination complaint.

The Commonwealth Regional Council's Coordinator shall provide VDOT's Title VI Program Coordinator with a copy of this decision, as well as a summary of findings upon completion of the investigation. Should deficiencies be noted in the implementation of these discrimination complaint procedures by the Commonwealth Regional Council, VDOT's Title VI Program Coordinator will work in conjunction with the Commonwealth Regional Council's Coordinator to review the information and/or provide technical assistance in the discrimination complaint process, mediation process, and/or investigation.

J. Corrective action: If discrimination is found through the process of a complaint investigation, the respondent shall be requested to voluntarily comply with corrective action(s) or a conciliation agreement to correct the discrimination. If the respondent is nonresponsive/uncooperative, then the CRC may seek administrative sanctions, including, but not limited to, suspension or termination of Federal funds or referral to USDOJ for enforcement. If USDOT seeks to suspend or terminate funds, it must provide the Respondent with an opportunity for a hearing on the record.

K. Confidentiality: Commonwealth Regional Council and VDOT Title VI Program Coordinators are required to keep the following information confidential to the maximum extent possible, consistent with applicable law and fair determination of the discrimination complaint:

- The fact that the discrimination complaint has been filed.
- The identity of the complainant(s).
- The identity of individual respondents to the allegations.

- The identity of any person(s) who furnished information relative to, or assisting in, a complaint investigation.

L. Recordkeeping: The Commonwealth Regional Council's Coordinator shall maintain a log of complaints filed that alleged discrimination. The log must include:

- The name and address of the complainant.
- Basis of discrimination complaint.
- Description of complaint.
- Date filed.
- Disposition and date.
- Any other pertinent information.

All records regarding discrimination complaints and actions taken on discrimination complaints must be maintained for a period of not less than three years from the final date of resolution of the complaint.

VI. TITLE VI ASSURANCES (USDOT 1050.2A)

APPENDICIES

TITLE VI ASSURANCE (USDOT 1050.2A)

TITLE VI/NONDISCRIMINATION ASSURANCES

DOT Order No.1050.2A

The *Commonwealth Regional Council*, (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*, is subject to and will comply with the following:

Statutory/Regulatory Authorities

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

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

General Assurances

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

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

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

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its federally assisted 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 Commonwealth Regional Council 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.

APPENDIX A

TITLE VI/NONDISCRIMINATION ASSURANCES DOT Order No.1050.2A

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 *Commonwealth Regional Council* 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 *Commonwealth Regional Council* 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 *Commonwealth Regional Council* 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 Commonwealth Regional Council, its successors and assigns.

The Commonwealth Regional Council 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 *Commonwealth Regional Council* 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 Commonwealth Regional Council 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 Commonwealth Regional Council 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 Commonwealth Regional Council 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 Commonwealth Regional Council 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 Commonwealth Regional Council 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 *Commonwealth Regional Council* 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 *Commonwealth Regional Council* will there upon revert to and vest in and become the absolute property of the *Commonwealth Regional Council* and its assigns.*

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

APPENDIX E

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

Pertinent Nondiscrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's 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 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.*).

EXHIBITS

EXHIBIT A

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:

Commonwealth Regional Council, Title VI Coordinator, One Mill Street, Suite 202, P.O. Box P, Farmville, VA 23901

You can reach our office Monday-Friday from 8:30 am to 5:00 pm at (434) 392-6104, or you can email the Commonwealth Regional Council's Title VI Coordinator, Todd Fortune at tfortune@virginiasheartland.org

Complainant's Name: _____

Street Address: _____

City: State: Zip Code: _____

Telephone No. (Home): _____ Business: _____

Email Address: _____

Person discriminated against (if other than complainant):

Name: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Telephone No.: _____

The name and address of the agency, institution, or department you believe discriminated against you.

Name: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Date of incident resulting in discrimination: _____

Describe how you were discriminated against. What happened and who was responsible? If additional space is required, please either use the back of form or attach extra sheets to form.

This complaint involves a specific individual (s) associated with the Commonwealth Regional Council? If so, provide the name(s) of the person (s), if known.

Where the incident take place? _____

Are there any witnesses? If so, please provide their contact information:

Name: _____

Street address: _____

City: _____ State: _____

Phone: _____

Postal Code: _____

Name: _____

Street address: _____

City: _____ State: _____

Phone: _____

Postal Code: _____

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

() Yes

() No

If yes, check each complaint was filed with the agency:

() Federal Agency

() State Court

() Federal Court

() Local Agency

() State Agency

() Other

Please provide the contact information for the agency also filed a complaint with:

Name: _____

Street address: _____

City State: _____

Date of presentation: _____

Postal Code: _____

Sign complaint in the space below. Attach any documents that you believe support your complaint.

Signature of Applicant

Date

For internal use, only:

Enter #: _____

EXHIBIT B

Consultant Title VI Compliance Documents (Appendix A & E)

Consultants/Contractors shall include USDOT 1050.2A Appendix A and E in all Contracts

APPENDIX A

TITLE VI/NONDISCRIMINATION ASSURANCES DOT Order No.1050.2A

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 E

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

Pertinent Nondiscrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's 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 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.*).

EXHIBIT C

Limited English Proficiency Guidelines

On August 11, 2000, President William J. Clinton signed Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency. The Executive Order requires federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP person can have meaningful access to them. The Executive Order also requires that federal agencies work to ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

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, comply 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 request to a particular type of service, benefit, or encounter.

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:

- Demography: number and/or proportion of LEP persons serviced and languages spoken in the service area.
- Frequency: rate of contact with service or program
- Importance: nature and importance of program/service to people’s lives
- Resources: available resources, include 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. Detailed description of the four-factor analysis can be seen on the next page.

FACTOR 1 Assessment of the Number and Proportion of LEP Persons Likely to be Serviced or Encountered in the Commonwealth Regional Council Rural Transportation Planning Program Service Area

The Commonwealth Regional Council Staff has reviewed 2011-2015 American Community Survey (ACS) estimates for the number of individuals in its Rural Transportation Planning Program service area that have LEP, as profiled on the next several pages. These data indicate the extent to which translations into other languages are needed to meet the needs of LEP persons.

Limited English Speaking Households in CRC Region						
	Amelia County			Buckingham County		
Subject	Total	Limited English-Speaking Households	% Limited English-Speaking Households	Total	Limited English-Speaking Households	% Limited English-Speaking Households
All Households	4,704	0	0%	5,603	38	.7%
Households Speaking...						
Spanish	197	0	0%	151	0	0%
Other Indo-European languages	32	0	0%	96	0	0%
Asian & Pacific Island languages	10	0	0%	21	0	0%
Other languages	31	0	0%	38	38	100%
	Charlotte County			Lunenburg County		
Subject	Total	Limited English-Speaking Households	% Limited English-Speaking Households	Total	Limited English-Speaking Households	% Limited English-Speaking Households
All Households	4,723	0	0%	4,516	40	.9%
Households Speaking...						
Spanish	58	0	0%	151	38	25.2%
Other Indo-European languages	17	0	0%	56	2	3.6%
Asian & Pacific Island languages	0	0	0%	29	0	0%
Other languages	0	0	0%	4	0	0%

	Prince Edward County			
	Total	Limited English-Speaking Households	% Limited English-Speaking Households	
All Households	7,409	9	.1%	Source: 2011-2015 American Community Survey 5-Year Estimates -- Limited English Speaking Households. (S1602)
Households Speaking...				
Spanish	61	9	14.8%	
Other Indo-European languages	70	0	0%	
Asian & Pacific Island languages	38	0	0%	
Other languages	0	0	0%	

Notes: A "limited English speaking household" is one in which no member 14 years old and over (1) speaks only English or (2) speaks a non-English language and speaks English "very well." In other words, all members 14 years old and over have at least some difficulty with English. By definition, English-only households cannot belong to this group. Previous Census Bureau data products have referred to these households as "linguistically isolated" and "Households in which no one 14 and over speaks English only or speaks a language other than English at home and speaks English 'very well'." This table is directly comparable to tables from earlier years that used these labels.

The household language assigned to the housing unit is the non-English language spoken by the first person with a non-English language. This assignment scheme ranks household members in the following order: householder, spouse, parent, sibling, child, grandchild, other relative, stepchild, unmarried partner, housemate or roommate, and other nonrelatives. If no member of the household age 5 and over speaks a language other than English at home then the household language is English only.

Methodological changes to data collection in 2013 may have affected language data for 2013. Users should be aware of these changes when using multi-year data containing data from 2013. For more information, see: Language User Note. While the 2011-2015 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities. Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

FACTOR 2 Assessment of Frequency with Which LEP Individuals Come into Contact with the Commonwealth Regional Council

The Commonwealth Regional Council has not been approached in the past for information by any populations who do not have a reasonable competent grasp of the English language.

The goal of the Commonwealth Regional Council, going forward, is to make sure that for any potential federally funded programs and activities that could impact the region, the Council Staff will make every effort to include all stakeholders that could be affected, including Spanish speaking populations. The Commonwealth Regional Council Staff will perform outreach when needed and provide assistance when requested. The Council will continue to monitor updated U.S. Census and ACS data as it becomes available.

FACTOR 3 Assessment of the Nature and Importance of the Rural Transportation Planning Program to People's Lives

One of the Commonwealth Regional Council's main functions is to support cooperative, comprehensive, and continuing rural public transportation planning. In doing so, the Commonwealth Regional Council implements the Commonwealth Regional Council Rural Transportation Planning Program. Through this program, the Council is responsible for developing long and short range rural transportation plans and programs to provide efficient transportation to the Commonwealth Regional Council region. A comprehensive transportation process is used which entails the monitoring and collection of various data pertaining to transportation issues. The Commonwealth Regional Council coordinates with VDOT, counties, and area transit agencies; seeks public participation (including coordination with member localities governing boards if applicable); and provides technical support when needed. The outreach methods for long range transportation plan update area included with in the Public Participation Plan (see EXHIBIT E)

FACTOR 4 Assessment of the Resources Available to the Agency and Costs

At this time, the Commonwealth Regional Council has not had any requests for translation into non-English languages. Because of this, it is very hard to access the costs that would be incurred to make translations into Spanish. However, resources can be explored and adopted in the future, based on availability and cost.

LEP Implementation Plan

The Commonwealth Regional Council will provide access to LEP persons through the translation services of either the Richmond or Lynchburg District Office of VDOT. The Commonwealth Regional Council will provide translator services for Council Meeting for Spanish speaking citizens if given at least one week notice.

The Commonwealth Regional Council will also make major rural transportation plans available in Spanish, if requested to do so. The Council Staff will aim to complete a requested document translation with a reasonable timeframe.

The Commonwealth Regional Council will utilize the results of the factors analyzed above to serve as the foundation for the LEP Plan. Elements of this plan will include the most commonly spoken LEP languages and percentage of the LEP person in the region, and a summary of how existing resources will be used to reach and engage the LEP community.

EXHIBIT D

Environmental Justice Guidelines

On February 11, 1994, President William J. Clinton signed Executive Order 12898: Federal Action 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 environment 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, interrelated social and economic effects, which may include, but are not limited to:

- Bodily impairment, infirmity, illness or death
- Air, noise, water pollution and soil contamination
- Destruction or disruption of:
 - Man-made or natural resources
 - Aesthetic values
 - Community cohesion or a community's economic vitality
 - 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 Commonwealth Regional Council 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 surroundings.

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 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

Minority Population – any readily identifiable groups of minority persons who live in a 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 a 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.

It is the goal of the Commonwealth Regional Council to have significant and ongoing public involvement with equal access to all citizens. Environmental Justice is incorporated through all phases of the rural transportation planning and programming process. Environmental Justice is discussed in the Commonwealth Regional Council Public Participation Plan (see EXHIBIT E)

EXHIBIT E

Commonwealth Regional Council Public Participation Plan

Inform the Public about meetings

All regular Council Meetings are public meetings. Methods of notifying the public include:

- 1) Meetings are posted at the CRC Web site at www.virginiasheartland.org
- 2) Written notices to local newspapers.
- 3) Written notices are sent to local contact persons.
- 4) CRC Newsletter and calendar of events.

Additionally, written notices are sent to all CRC board members, including board alternates, local government contact persons and other interested community based stakeholders. In addition to written notification, local newspapers are also sent copies of Council's agenda's and meeting minutes. The dissemination of these documents to the local media service's regular media assists in the coverage of Council program and projects and thereby, helps to inform and educate the public.

The Council periodically also holds special educational meetings and other meetings specific to neighborhood and community projects, which are also open to the public and publicized in area newspapers, door-to-door flyers, mailings, churches, etc.

Inform the public about how the Commonwealth Regional Council operates and what role the CRC plays in assisting local units of government

The Council continues to strive to raise the public awareness of various issues facing the district, as well as educating the public about the Commonwealth Regional Council as a regional planning body and how they as district citizens can get involved in planning for future developments.

Involve the public in the planning, prioritization and identification of long and short- range community development needs

This can be accomplished by establishing committees and advisory groups, where appropriate, for various planning processes and construction projects. When appropriate, the Council encourages local units of government to consult and collaborate with neighborhoods, organizations, local government leaders and citizens in general.

Obtain and incorporate public comments into plans where appropriate, and share such comments with local, state and federal officials where appropriate

Public comments received are incorporated into planning documents when appropriate as well as provided to local, state and federal representatives.

Make it easier for all citizens to get involved in the planning processes and to provide input

The effectiveness of public policy and action is enhanced by good communication between the general citizenry of the community and their public officials. Such communications can be encouraged and facilitated by design and specific measures. The following are some recommended measures:

- To the extent possible, the Council should strive to schedule public meetings, hearings and workshops to maximize the practicality of public participation.
- Public meetings are not always convenient for citizens due to many factors including transportation barriers, disabilities, family obligations, etc. To better accommodate these individuals, alternate/multiple means for public input should be provided where practical. At a minimum, provisions should be made for the orderly receipt, processing and consideration of all written comment and oral comments directed to the Council.
- Other means of obtaining public input can be used where appropriate including door-to-door surveys, mail surveys, telephone surveys, web-based surveys, etc.
- Obtaining input from low- and moderate-income citizens may be particularly difficult owing to communications barriers and other factors (e.g. inadequate child care provisions). Care should be exercised to recognize this difficulty in outreach and to implement measures to compensate where appropriate.
- The Council should strive to comply with the Americans with Disabilities Act of 1990. Efforts will be made to provide accommodations fully accessible to individuals with disabilities. If requested, written materials will be made available in accessible formats for the visually impaired. Every reasonable effort will be made to accommodate individuals with disabilities who wish to participate in the public process.
- The Council will provide assistance for persons with Limited English Proficiency (LEP) when requested.

Citizen Comment at Council Meetings

Regular Council business meetings are held on a publicly announced schedule. The general public is welcome to attend all public meetings. While the Council's Board of directors must reserve its prerogative to conduct its official business in an orderly fashion, reasonable accommodations should be offered to allow public comment. The following are some recommended measures to accommodate public comment at Council meetings.

- Citizens requesting to appear before the Council, may request to be placed on the agenda. Such requests shall be placed either verbally or in writing no less than seven calendar days prior to the scheduled meeting. The Council may allow such time, as it deems appropriate to issues brought before it by citizens. The Council Chair reserves the right to limit citizen presentations to a reasonable length of time (15 minutes maximum suggested).
- Citizens seeking to address the Council on matters either listed on the agenda or unrelated matters may do so upon request during a "Other Business" period on the agenda. Again, the Council Chair reserves the right to limit citizen comment to a reasonable length of time (15 minutes maximum suggested).
- In the event large groups of citizens wish to address the same issue, the Council Chair reserves the right to limit the number of speakers representing the group to a reasonable number and the aggregate length of presentations to a reasonable length (5 speakers and not more than 15 minutes suggested).

- Where necessary and appropriate in the judgment of the Council Chair, matters brought up by citizens may be assigned to staff or committee for further consideration and reports back to the full Council Board of Directors.
- Citizens requiring special accommodations (physical, visual, hearing or language) may request such accommodations. Such requests shall be placed either verbally or in writing no less than seven days prior to the scheduled meeting.

For all other Council functions, the Council will make provisions to accommodate citizen comments.