



# Title VI Plan

Northern Neck Planning District Commission

September 2016

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The Northern Neck Planning District Commission (NNPDC) hereby gives public notice that it is the policy of the agency to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, national origin, disability, sex, age, or low income or minority, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which NNPDC receives federal financial assistance. Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with NNPDC. Any such complaint must be in writing and filed with NNPDC’s Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. For more information, or to obtain a Title VI Discrimination Complaint Form, please see the NNPDC’s website at <http://www.northernneck.us> or call (804) 333-1919.

**The Northern Neck Planning District Commission is a partner of Virginia Relay. Sign language and communication material in alternate formats can be arranged by calling VA Relay 711. For Español | Spanish, call 804.333.1900, ext. 32**

## Northern Neck Planning District Commission Title VI Plan

*“It has been The Federal Highway Administration's (FHWA's) and the Federal Transit Administration's (FTA's) longstanding policy to actively ensure nondiscrimination under Title VI of the 1964 Civil Rights Act in Federally funded activities. Under Title VI and related statutes, each Federal agency is required to ensure that no person is excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, national origin, disability, sex, age, or low income or minority. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all program and activities of Federal-aid recipients, subrecipients, and contractors whether those programs and activities are federally funded or not.” (Source: US Department of Transportation)*

Title VI and environmental justice are an integral part of the transportation planning and programming process throughout the United States. This renewed commitment to Title VI has, and continues to be, reflected in the Northern Neck Planning District Commission's (NNPDC) work program, publications, communications, and public involvement efforts. This document establishes a framework for efforts that will be taken at NNPDC to ensure compliance with Title VI and related statutes regarding nondiscrimination and environmental justice.

### About NNPDC

NNPDC is a regional planning **organization that implements policies regarding** transportation planning, economic development and tourism, and environmental planning in the Northern Neck of Virginia. NNPDC is a forum for towns, counties, the transit agency, the regional educational institution, and state agencies to address common regional issues. NNPDC is designated under federal law as an Economic Development District (EDD). Under state and federal mandates and at the request of its member localities, the NNPDC conducts and supports numerous state and federal planning, compliance and certification programs which enable members and other jurisdictions and entities in the region to obtain state and federal funding.

### Members

NNPDC members are Westmoreland, Lancaster, Richmond, and Northumberland Counties.

Membership benefits include: a voice in key regional decisions, distribution of federal transportation dollars, technical assistance to obtain federal and state funding, education and training, data to meet special planning needs, access to Geographic Information Systems databases, free standard and secondary data products and working data sets, and technical expertise.

### Governance, Boards, and Committees

NNPDC is governed by its Commission and an Executive Committee. Each member of NNPDC is a voting member, which meets quarterly to vote on major decisions, establish the budget, and elect new officers. The Executive Board is chaired by the NNPDC Chairman, meets on an as needed basis between regularly scheduled quarterly meetings, and serves on the governing board. Both the

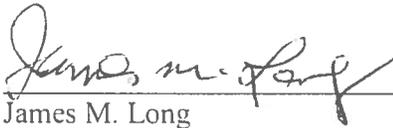
Commission and Executive Committee use equally-weighted votes to make decisions.

The Northern Neck Chesapeake Bay Region Partnership is governed by an advisory board composed of public and private members appointed by the member-localities of the NNPDC that meets quarterly to coordinate regional economic development planning. Likewise, the Northern Neck Tourism Commission consists of appointed members from the participating localities. Neither the Partnership nor the Commission has voting members who are designated by the NNPDC.

**Board Action on NNPDC's Title VI Plan**

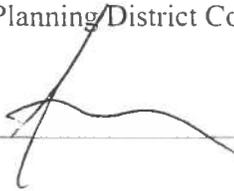
NNPDC's Commission will take action on this plan on October 17, 2016.

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Adopted this 17<sup>th</sup> day of October, 2016



James M. Long  
Chairman, Northern Neck Planning District Commission

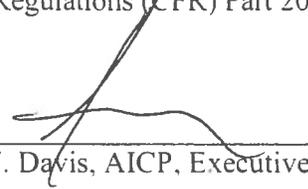
ATTEST: \_\_\_\_\_



Jerry W. Davis, AICP, Executive Director

**Title VI Policy Statement**

The Northern Neck Planning District Commission (NNPDC) assures that no person shall, on the grounds of race, color, national origin, disability, sex, age, or low income or minority as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. NNPDC further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. In the event NNPDC distributes federal aid funds to another governmental entity, NNPDC will include Title VI language in all written agreements and will monitor for compliance. NNPDC's Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports, and other NNPDC responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.

  
\_\_\_\_\_  
Jerry W. Davis, AICP, Executive Director

\_\_\_\_\_  
October 17, 2016  
Date

## **Authorities**

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin, disability, sex, age, or low income or minority, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (refer to 23 CFR 200.9 and 49 CFR 21). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms “programs or activities” to include all programs or activities of Federal Aid recipients, subrecipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100259 [S. 557] March 22, 1988).

Additional Authorities and Citations Include: Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000-4; 42 USC 4601 to 4655; 23 United States Code 109(h); 23 United States Code 324; Department of Transportation Order 1050.2; Executive Order 12250; Executive Order 12898; Executive Order 13166; 28 CFR 50.

## **Notice to the Public**

### **Title VI Notice to the Public**

The paragraph below will be inserted in all significant publications that are distributed to the public and will remain permanently on the agency’s website, [www.northernneck.us](http://www.northernneck.us) and in the office. The version below is the preferred text, but where space is limited, the abbreviated version can be used in its place.

The Northern Neck Planning District Commission (NNPDC) hereby gives public notice that it is the policy of the agency to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, national origin, disability, sex, age, or low income or minority, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which NNPDC receives federal financial assistance. Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with NNPDC. Any such complaint must be in writing and filed with NNPDC’s Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. For more information, or to obtain a Title VI Discrimination Complaint Form, please see the NNPDC’s website at <http://www.northernneck.us> or call (804) 333-1919.

### **Abbreviated Title VI Notice to the Public**

The following shortened version of the above paragraph can be used in communications where space or cost is an issue.

NNPDC fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, or to obtain a Title VI Complaint Form, see <http://www.northernneck.us> or call (804) 333-1919.

## Complaint Procedures

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 [including its Disadvantaged Business Enterprises (DBE) and Equal Employment Opportunity (EEO) components], Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by NNPDC or its subrecipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be utilized for resolution, at any stage of the process. The Title VI Coordinator will make every effort to pursue a resolution to the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

### *Procedures*

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with NNPDC's Title VI Coordinator. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complaint must meet the following requirements:
  - a. Complaint shall be in writing and signed by the complainant(s).
  - b. Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
  - c. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complained-of incident.
  - d. Allegations received by fax or e-mail will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established. For this, the complainant is required to mail a signed, original copy of the fax or e-mail transmittal for NNPDC to be able to process it.
  - e. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign, and return to NNPDC for processing.
2. Upon receipt of the complaint, the Title VI Coordinator will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. In cases where the complaint is against one of NNPDC's subrecipients of federal funds, NNPDC will assume jurisdiction and will investigate and adjudicate the case. Complaints against NNPDC will be referred to the Virginia Department of Transportation's

(VDOT) Division of Civil Rights, the Federal Highway Administration or the Federal Transit Administration, as appropriate, for proper disposition pursuant to their procedures. In special cases warranting intervention to ensure equity, these agencies may assume jurisdiction and either complete or obtain services to review or investigate matters.

3. In order to be accepted, a complaint must meet the following criteria:
  - a. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
  - b. The allegation(s) must involve a covered basis such as race, color, national origin, gender, disability, or retaliation.
  - c. The allegation(s) must involve a program or activity of a Federal-aid recipient, subrecipient, or contractor, or, in the case of ADA allegations, an entity open to the public.
  - d. The complainant(s) must accept reasonable resolution based on NNPDC's administrative authority (reasonability to be determined by NNPDC).
4. A complaint may be dismissed for the following reasons:
  - a. The complainant requests the withdrawal of the complaint.
  - b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
  - c. The complainant cannot be located after reasonable attempts.
5. Once NNPDC or VDOT decides to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within five calendar days. The complaint will receive a case number and will then be logged in NNPDC's or VDOT's records identifying its basis and alleged harm, and the race, color, national origin, and gender of the complainant.
6. In cases where NNPDC assumes the investigation of the complaint, NNPDC will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days from the date of NNPDC's written notification of acceptance of the complaint to furnish his/her response to the allegations.
7. In cases where NNPDC assumes the investigation of the complaint, within 40 calendar days of the acceptance of the complaint, NNPDC's Title VI Coordinator will prepare an investigative report for review by the agency's Legal Counsel and Executive Director. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition.
8. The investigative report and its findings will be sent to NNPDC's Legal Counsel for review. The Counsel will review the report and associated documentation and will provide input to the Title VI Coordinator within 10 calendar days.
9. Any comments or recommendations from NNPDC's Legal Counsel will be reviewed by NNPDC's Title VI Coordinator. The Coordinator will discuss the report and recommendations with the Executive Director within 10 calendar days. The report will be modified as needed and made final for its release.

10. NNPDC’s final investigative report and a copy of the complaint will be forwarded to VDOT’s Division of Civil Rights within 60 calendar days of the acceptance of the complaint. VDOT’s Division of Civil Rights will share the report with FHWA and FTA, Fredericksburg Offices, as part of its Annual Title VI Update and Accomplishment Report.
11. NNPDC will notify the parties of its preliminary findings, which are subject to concurrence from VDOT’s Division of Civil Rights. VDOT’s Division of Civil Rights will issue the final decision to NNPDC based on NNPDC’s investigative report.
12. Once VDOT’s Division of Civil Rights issues its final decision, NNPDC will notify all parties involved about such determination. VDOT’s final determination is not subject to an appeal.
13. VDOT will also serve as the appealing forum to a complainant that is not satisfied with the outcome of an investigation conducted by NNPDC. VDOT will analyze the facts of the case and will issue its conclusion to the appellant according to their procedures.

**Complaint Form**

The complaint form is available here at <http://www.northernneck.us>

**Investigations**

NNPDC has not received any complaints in the reporting period.

**Title VI as part of NNPDC’s Annual Work Program**

**Organizational Title VI Chart**



NNPDC's Executive Director is responsible for ensuring implementation of the agency's Title VI program. The Title VI Coordinator, under supervision of the Executive Director, is responsible for coordinating the overall administration of the Title VI program, plan, and Assurances.

Five areas of NNPDC's annual work program have been identified as applicable to Title VI regulations: (1) Communications & Public Involvement, (2) Planning & Programming, (3) Environmental, (4) Contracts, and (5) Education & Training. The Title VI Coordinator will work with the staff assigned to these areas to ensure compliance with Title VI provisions.

### **General Title VI Program Responsibilities**

Following are general Title VI responsibilities of the agency. The Title VI Coordinator is responsible for ensuring these elements of the plan are appropriately implemented and maintained.

#### **1. Data collection**

Demographic data on race, color, national origin, income level, and language spoken of the region's population is to be collected and maintained by NNPDC. This demographic data will be used to develop public outreach efforts and to conduct environmental justice analyses.

#### **2. Annual Title VI Report**

An Annual Title VI Report is to be submitted by the end of August each year, to VDOT's Division of Civil Rights. The document is to include:

- Any changes to the Title VI Plan
- Organization and Staff
- Complaints
- Accomplishments and Updates on the 5 Reporting Areas

#### **3. Annual review of Title VI program**

Each year, in preparing for the Annual Title VI Report, the Title VI Coordinator and Executive Director will review the agency's Title VI program to assure compliance with Title VI. In addition, they will review agency operational guidelines and publications, including those for contractors, to ensure that Title VI language and provisions are incorporated, as appropriate.

#### **4. Dissemination of information related to the Title VI program**

Information on the agency's Title VI program is to be disseminated to agency employees, contractors, and beneficiaries, as well as to the public, as described in the "Program Area Responsibilities" section of this document, and in other languages when needed.

#### **5. Resolution of complaints**

Any individual may exercise his or her right to file a complaint with NNPDC, if that person believes that s/he or any other program beneficiaries have been subjected to unequal treatment or discrimination, in their receipt of benefits/services or on the grounds of race, color, national origin, disability, sex, age, or low income or minority. NNPDC will make a concerted effort to resolve complaints informally at the lowest level, using the agency's Nondiscrimination Complaint Procedures.

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

The Title VI Coordinator is responsible for implementing, monitoring, and reporting on NNPDC's compliance with Title VI regulations. In support of this, the Title VI Coordinator will:

- Identify, investigate, and eliminate discrimination when found to exist.
- Process Title VI complaints received by NNPDC.
- Periodically review the agency's Title VI program to assess if administrative procedures are effective, staffing is appropriate, and adequate resources are available to ensure compliance.
- Work with Liaisons to develop and submit the Annual Title VI Report to VDOT by the end of August each year.
- If a subrecipient is found to not be compliance with Title VI, work with the subrecipient to resolve the deficiency status and write a remedial action if necessary
- Review important Title VI-related issues with the Executive Director, as needed.
- Assess communications and public involvement strategies to ensure adequate participation of impacted Title VI protected groups and address additional language needs when needed.

## **Program Area 1: Communications and Public Involvement**

### **Public Participation Plan**

The Coordinator will:

- Ensure all communications and public involvement efforts comply with Title VI.
- Develop and distribute information on Title VI and agency programs to the general public. Provide information in languages other than English, as needed.
- Disseminate information to minority media and ethnic/gender related organizations, to help ensure all social, economic, and ethnic interest groups in the region are represented in the planning process.
- Include the abbreviated Title VI Notice to the Public in some press releases and on the agency Web site.
- Notify affected, protected groups of public hearings regarding proposed actions, and make the hearings accessible to all residents. This includes the use of interpreters when requested, or when a strong need for their use has been identified.
- Ensure that any Citizen Advisory Committee NNPDC creates has representation from Title VI relevant populations.

### **Environmental Justice and Title VI of the 1964 Civil Rights Act**

NNPDC maintains a Title VI Plan to ensure that no person in the region shall, on the grounds of race, color, national origin, disability, sex, age, or low income or minority be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which NNPDC receives federal financial assistance. NNPDC's Title VI Plan is updated approximately every four years. NNPDC also submits annual reports on its Title VI program to the Virginia Department of Transportation to ensure all federal regulations are being met.

NNPDC seeks out and considers the needs of people traditionally underserved by transportation systems (e.g., low-income and minority households). To identify these populations, NNPDC

publishes an Environmental Justice (EJ) Demographic Profile using Census and American Community Survey data to identify the number and locations of minority, low-income, elderly and limited English proficient populations in the region. NNPDC updates this profile approximately every three years. With this data, if needed, NNPDC is able to provide an Environmental Justice analysis of the impacts of key decisions on traditionally underserved populations as part of the planning process.

### **Alternative Formats and Limited English Proficiency**

NNPDC's agendas, news releases, and publications are available in alternative formats and in other languages with advance request. Notification about alternative formats and TTY Relay 711 are on agendas, northernneck.us, and all publications, along with contact information for obtaining these formats. NNPDC has obtained the services Virginia Relay and is a Virginia Relay partner. NNPDC has a native Spanish-speaker on staff to address any translation needs in the office.

### **Techniques for Involving Low-Income Communities and Communities of Color**

- Outreach in the community (farmer's markets, festivals, churches, health centers, etc.)
- Personal interviews or use of audio recording devices to obtain oral comments
- Focus groups to obtain oral comments
- Translate materials; have translators available at meetings as requested
- Include information on meeting notices on how to request translation assistance
- Robust use of "visualization" techniques, including maps and graphics to illustrate trends, choices being debated, etc.
- Use of community and minority media outlets to announce participation opportunities

### **Techniques for Involving Limited-English Proficient Populations**

- Use of Department of Justice 4-Factor Analysis
- Personal interviews or use of audio recording devices to obtain oral comments
- Translated documents and web content on key initiatives
- Web based translation tools
- On-call translators for meetings (requires 5 days advanced notice)
- Possible to translate news releases and outreach to alternative language media
- Include information on meeting notices on how to request translation assistance
- Robust use of "visualization" techniques, including maps and graphics to illustrate trends, choices being debated, etc.
- Train staff to be alert to and anticipate the needs of low-literacy participants in meetings, and workshops

### **Strategy 4**

Encourage and solicit the involvement of all, including, but not limited to, the transportation disadvantaged, minorities, non-English-speaking, elderly, persons with disabilities, and low-income households.

**4.1 Environmental Justice Demographic Profile:** NNPDC uses Census Data on minority, low-income, and limited English proficient residents of the region to analyze the impact of plans and programs. In addition, NNPDC uses this information to consider the transportation needs of these populations. NNPDC may also use this data to map where public comments are coming from.

**4.2 NNPDC meetings:** NNPDC holds its meetings at accessible locations.

**4.3 Visualization Techniques:** NNPDC uses visualization techniques, such as maps, charts, graphics, photos, or drawings to provide information to people with limited English proficiency or low literacy.

**4.4 Special Needs Transportation:** NNPDC accommodate transportation needs with 5 days previous notice.

**4.5 Alternate Formats:** Through Virginia Relay, NNPDC offers sign language, translations services for over hundred languages on the website, agenda packets, and publications. TTY Relay 711 is published in all publications.

### **Regulatory and Planning Context for Environmental Justice**

Under 1998 guidance from the Federal Highway Administration and the Federal Transit Administration on environmental justice, metropolitan planning organizations must, as part of the planning process:

- Enhance analytical capabilities to ensure that the long-range transportation plan and transportation improvement program comply with Title VI.
- Identify residential, employment and transportation patterns of low-income and minority populations, identify and address needs, and assure that benefits and burdens of transportation investments are fairly distributed.
- Improve public involvement processes to eliminate participation barriers and engage minority and low-income populations in transportation decisions.

### **NNPDC carries out each of these directives by:**

- Gathering and analyzing regional demographic and travel data and refining its analytical capabilities.
- Conducting an equity analysis of each long-range plan.
- Preparing an investment analysis with a focus on environmental justice.
- Examining and refining the agency's public involvement process to ensure full and fair participation in decision-making.

### **Summary of Outreach Efforts**

#### **NNPDC's Website – [northernneck.us](http://northernneck.us)**

NNPDC maintains a website about its programs and activities, data products, publications, and other relevant information. NNPDC's website is updated regularly on an as-needed basis.

#### **Public Comment Periods**

Public comment is always encouraged on any topic. When the agency is seeking public comment on a particular action, NNPDC may offer a specific public comment and review period of at least 20 days and use the variety of notification methods discussed in this plan to let the public know how to comment. Federal and SEPA requirements are also taken into consideration when determining the length and number of public comment and review periods.

#### **Social Media**

NNPDC in its tourism program has developed a social media marketing program to inform residents and visitors alike of the events and attractions in the Northern Neck. Platforms included are a blog, Facebook, Twitter, and Instagram. Public comment is enabled on all platforms.

**News Releases, Media Advisories and Media Relations**

NNPDC sends news releases or media advisories as appropriate on its programs and other important information to news and social media in the four-county region as well as to the Northern Neck Tourism Commission's membership mailing list. In addition, news releases or media advisories are distributed to news and social media in the region regarding major upcoming actions or events, whom to contact for more information or to make a comment. NNPDC maintains and routinely updates a comprehensive contact list of media outlets within the region.

**Information Center**

NNPDC maintains an information rack at its offices to keep its documents, publications and other significant material on file for public inspection and use. The NNPDC office is open to the public weekdays from 8:30 a.m. to 5 p.m. at 457 Main Street, Warsaw, VA 22572. Staff members are informed and available to help answer questions and find requested documents and data.

**Other Publications**

NNPDC produces other publications as needed, including reports, maps, and brochures, and makes them available to anyone. These publications include technical and policy information and often use visualization techniques (such as aerial and 3D maps; charts and graphs; comparison graphics; and mapping techniques which display data by area) to enhance understanding of regional planning. All publications are available free of charge.

## Language Assistance Plan

### Introduction

The Northern Neck Planning District Commission develops policies and coordinates decisions about regional growth, transportation, and economic development planning within Westmoreland, Lancaster, Richmond, and Northumberland counties. NNPDC is home to a population of 49,571 residing in a predominantly rural landscape with six towns within its service area.

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

NNPDC takes reasonable steps to ensure that all persons have meaningful access to its programs, services, and information, at no cost.

A Language Assistance Plan starts with an assessment to identify LEP individuals who need language assistance. Implementation includes the development of language assistance methods, notification to LEP individuals, and monitoring of the plan.

#### **Federal Laws and Policies Guiding Limited English Proficiency Plans**

**Title VI of the 1964 Civil Rights Act** provides 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 receiving federal financial assistance (refer to 23 CFR 200.9 and 49 CFR 21). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms "programs or activities" to include all programs or activities of Federal Aid recipients, subrecipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100259 [S. 557] March 22, 1988).

**Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency**, clarified the Title VI of the Civil Rights Act of 1964 with regards to accessibility of federal programs and services to persons who are not proficient in the English language. This executive order stated that individuals who do not speak, read, write, or understand English well are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter.

## **Determination of Need**

The U.S. Department of Transportation recommends using a four-factor LEP analysis to determine the need for language assistance measures. The four factors are:

1. The number and proportion of LEP persons served or encountered in the eligible service population.
2. The frequency with which LEP persons come into contact with NNPDC programs, activities, or services.
3. The importance to LEP persons of NNPDC's programs, activities, and services.
4. The resources available to NNPDC and overall cost to provide LEP assistance.

### **Factor 1: Number and proportion of LEP persons in the service area**

NNPDC looked at American Community Survey data for people who speak English "less than very well" as Limited English Proficient persons. Table 1 shows the languages spoken at home, by ability to speak English, for persons five years of age and older, with number and percentage broken out by county.

Looking at the regional totals, the three most frequently spoken languages other than English are Spanish, French and Portuguese. Given the predominance shown in Table 1, Spanish is the language most likely to be requested with 56% of the region's Spanish speakers unable to speak English very well.

### **Factor 2: Frequency of LEP populations' contact with programs, activities, services.**

Since the early 1990s, the NNPDC has worked with minority communities in the Northern Neck in administering Community Development Block Grants, conducting on-site septic system replacement or repair loans, and implementing a septic pumpout grant program, among other initiatives. Most recently, the NNPDC is engaged with creating an African-American Education Trail which is dependent on gathering information from the elderly African-American community. As a matter of course, NNPDC's staff is instructed to work directly with community stakeholders and "sparkplugs" to reach those affected by NNPDC programming. As part of ongoing program requirements, various staff members of the NNPDC routinely hold meetings with minority and low-income community group members. Such meetings provide insight into the needs and concerns of residents who, in the past, have had limited participation in regional government and decision making. During this time, translation services have not been requested or recommended for any of these community group meetings. Also, throughout its planning processes, NNPDC regularly updates its mailing lists to include community groups and organizations representing the traditionally underserved, who may include LEP persons.

### **Factor 3: Importance to LEP population of programs, services, activities.**

NNPDC works with the Northern Neck counties (Westmoreland, Richmond, Lancaster and Northumberland), towns, transit agency, and the state to develop and implement policies and make decisions about long-term regional issues on land use, transportation, and the economy.

With the exception of a ride-matching program (Northern Neck Commuter Services), NNPDC does not provide any direct projects or services to the population of the Northern Neck region.

NNPDC does not distribute funds through any transportation programs. NNPDC ensures that its plans, policies, and programs comply with the law, and are inclusive and beneficial to those who live in the Northern Neck.

**Factor 4: Resources available to NNPDC and overall cost to provide LEP assistance.**

NNPDC remains committed to providing translation services to people who request them and will seek creative, low-cost measures to assist LEP individuals and show the agency's willingness to provide translation services when needed, particularly when NNPDC is engaged in Title VI or Environmental Justice outreach. NNPDC will continue to monitor all requests for translation services and flexibly respond to such requests as they occur.

NNPDC has a native Spanish speaker on staff, Alex Eguiguren, who is available for written or oral translation on an as-needed basis.

NNPDC has Google Translate tools for its websites. This tool will prompt anyone looking at NNPDC's website from a computer that is not set to English that the translation tool is available. Google offers about 90 languages.

**Additional LAP Measures**

**Visualization Techniques**

Visualization techniques are one way to communicate with LEP or low-literacy persons. NNPDC uses visualization techniques such as maps, charts, graphs, illustrations, presentations and videos at all types of meetings and in all types of print materials to explain concepts behind actions and decision-making. NNPDC may also use handouts and posters to display visual information. NNPDC's meeting and conference room are equipped with computers, projectors, and sound systems for displaying visual and audio information. NNPDC uses PowerPoint presentations to present a consistent, streamlined, and easy to understand visual message.

**Notification Techniques**

NNPDC regularly notifies community groups and the media when there are opportunities for public comment or new information is available. This includes notifying community based organizations that support LEP groups. NNPDC's website, publications, and news releases include a notification of the public's rights under Title VI and include notification of the availability of translation services.

**Mailing List Improvements**

NNPDC continuously updates its mailing lists and databases to maintain and initiate contact with interested parties, targeting those traditionally underserved and/or gaps in existing databases. NNPDC mailing lists include indigenous populations, community groups, Title VI relevant

**Table 1**

2013-2017 American Community Survey 5-Year Estimates

Language Spoken At Home	Regional Population	Lancaster County		Northumberland County		Richmond County		Westmoreland County	
		Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Total:	49571	10,848	*****	12,254	*****	8,873	*****	17,596	*****
Speak only English	44989	9966	+/-226	11,687	+/-172	7,636	+/-255	15,700	+/-282
Spanish:	1649	129	+/-87	94	+/-81	731	+/-239	695	+/-260
Speak English less than "very well"	841	38	+/-29	9	+/-15	400	+/-151	394	+/-198
Other Indo-European languages:	378	148	+/-78	69	+/-57	12	+/-13	149	+/-99
Speak English less than "very well"	140	66	+/-51	0	+/-19	12	+/-13	62	+/-70
Asian and Pacific Islander languages:	358	169	+/-183	1	+/-3	140	+/-134	48	+/-44
Speak English less than "very well"	146	9	+/-12	0	+/-19	111	+/-34	26	+/-40

Total Population of LEP: 1127  
 Percentage of total population: 2.3%

Notes prepared by NNPDC Staff utilizing data from the 2013-2017 American Community Survey (ACS)

populations, businesses, membership, and local governments. For example, during the development of the Northern Neck Regional Economic Development Plan, NNPDC worked to build its mailing list to include environmental resource agencies, minority-owned businesses, and community organizations that represent Title VI, Environmental Justice and Limited English Proficient populations. To join NNPDC's mailing list, contact 804.333.1919.

### **Accessibility for Sight and Hearing Impaired**

NNPDC maintains an accessible website and uses the TTY Relay. All NNPDC meetings are conducted in facilities that are accessible to persons with disabilities.

### **Non-Elected Committees/Citizens' Advisory Committees**

NNPDC has the Northern Neck Chesapeake Bay Region Partnership whose members are appointed by the localities. Additionally, the Northern Neck Tourism Commission likewise has 15 members appointed by the four counties of the NNPDC and King George County. NNPDC encourages diversity during its outreach to fill board and committee positions, but the responsibility for appointments is that of the member-counties.

## **Program Area 2: Planning & Programming**

### **Title VI Coordinator's Responsibilities**

The Title VI Coordinator is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the agency's planning process. In addition, the Coordinator will:

- Ensure all aspects of the planning and programming process operation comply with Title VI.
- 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. Make the document available to the public and member agencies on NNPDC's website and in the office.

### **Demographic Profile of the Northern Neck**

NNPDC seeks out and considers the needs of people traditionally underserved by transportation systems (e.g., low-income and minority households). To identify these populations, NNPDC will publish an Environmental Justice (EJ) Demographic Profile using Census and American Community Survey data to identify the number and locations of minority, low-income, elderly and limited English proficient populations in the region. NNPDC will update this profile approximately every three years. The first publication of this data will be in 2016 update is available on NNPDC's website under Title VI.

### **Title VI and the Planning Process**

Considerations of Title VI are made throughout NNPDC's planning and programming activities, for example:

- **Data collection** – A large part of the agency's work program involves collecting,

### **Disadvantaged Business Enterprises (DBE) Program**

As administrator of numerous Community Development Block Grants, NNPDC reports on DBE participation as required.

### **Remedial Action Related to Consultant Reviews**

NNPDC will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with this Title VI program, both within NNPDC and with any of NNPDC's contractors. In conducting reviews of subrecipients, if a subrecipient is found to not be in compliance with Title VI, the Title VI Coordinator will work with the subrecipient to resolve the identified issues.

If the issues cannot be resolved, NNPDC will issue a notification of deficiency status and remedial action for the subrecipient, within a period not to exceed 90 calendar days. NNPDC will seek the cooperation of the subrecipient in correcting deficiencies, and will provide the technical assistance and guidance needed for the subrecipient to comply voluntarily. Subrecipients placed in a deficiency status will be given a reasonable time, not to exceed 90 calendar days after receipt of the deficiency letter and remedial action, to voluntarily correct deficiencies. If a subrecipient fails or refuses to voluntarily comply with requirements within the allotted time frame, NNPDC will submit to VDOT, FHWA, and FTA two copies of the case file and a recommendation that the subrecipient be found in noncompliance.

A follow-up review will be conducted within 180 calendar days of the initial review to ensure the subrecipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the subrecipient refuses to comply, NNPDC may, with VDOT's, FHWA's, and FTA's concurrence, initiate sanctions per 49 CFR 21.

### **Subrecipient Monitoring**

As a part of our subrecipient monitoring plan, NNPDC will ensure subrecipients comply with Title VI requirements. We will use the FTA circular as the basis for our Title VI monitoring. We will also adhere to other Title VI requirements prescribed by other funding agencies as applicable. In order to ensure subrecipient compliance, we will perform the following steps as part of our ongoing subrecipient monitoring. When conducting site visits, we will collect each subrecipient's Title VI plan and review programs for compliance with applicable requirements. We will ensure that the subrecipient's board of directors or appropriate governing body approved the program. We will check periodically to determine if there are significant changes to the plan. If there are significant changes, we will review them for compliance. Also, at the request of the FTA, in response to a complaint of discrimination, or as otherwise deemed necessary, we will request verification that the subrecipient in question provides service on an equitable basis. NNPDC does not pass through FTA financial assistance nor does it provide assistance to potential subrecipients.

NNPDC has not constructed a facility, such as a vehicle storage facility, maintenance facility, or operation center.

## **Program Area 5: Education & Training**

### **Title VI Coordinator's Responsibilities**

The Education & Training Liaison is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the education and training program. VDOT will provide information on training opportunities open to NNPDC staff and subrecipients, including information on training provided by NHI and NTI. The Coordinator will:

- Assist VDOT in the distribution of information to NNPDC staff on training programs regarding Title VI and related statutes.
- Ensure equal access to, and participation in, applicable NHI and NTI courses for qualified NNPDC employees
- Track staff participation in Title VI, NHI, and NTI courses.

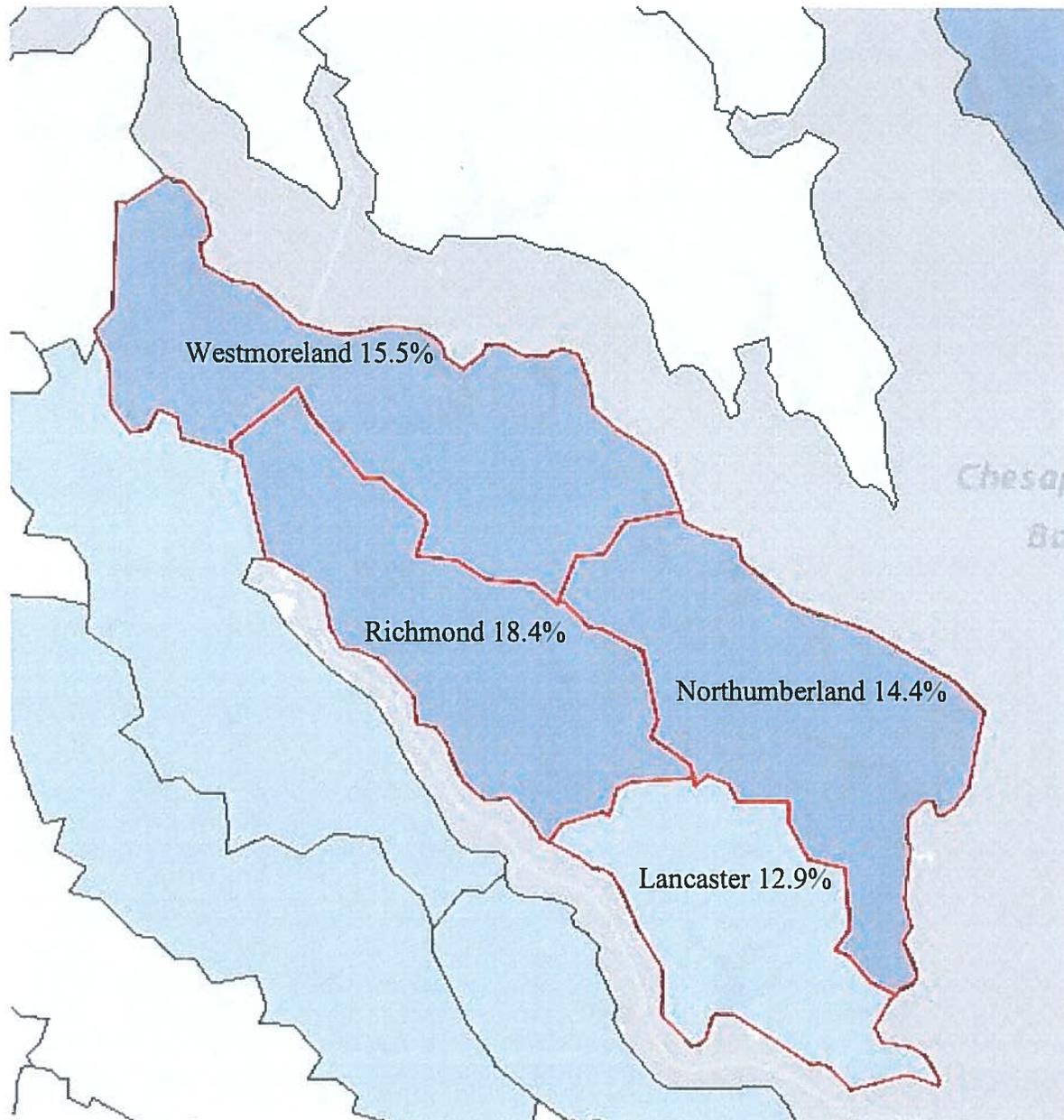
### **Employees Encouraged to Participate in Training**

All NNPDC employees are encouraged to participate in professional development and training. All materials received by the agency on training and education opportunities are made available to all employees, which includes all information on federally funded training, such as courses provided by the National Highway Institute (NHI) and the National Transit Institute (NTI).

### **Questions**

For questions on the NNPDC's Title VI Plan or procedures, work program or publications, including reports, data forecasting, maps, or other information available for use, please contact Lisa Hull, at (804) 333-1919 or [lhull@nnpdc17.state.va.us](mailto:lhull@nnpdc17.state.va.us). For information on all of the above, including current public comment periods and meetings open to the public, visit NNPDC's website at [www.northernneck.us](http://www.northernneck.us)

# Percentage of Persons in Poverty, 2017



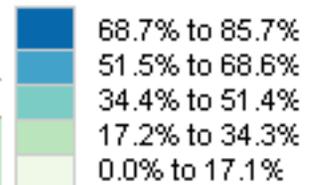
# Percent Black or African American

Westmoreland  
County = 28%

Richmond County =  
30.3%

Northumberland  
County = 25.3%

Lancaster County =  
28%



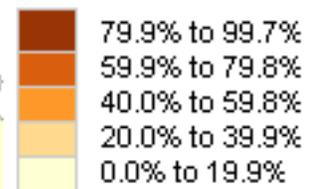
# Percent Hispanic or Latino (of any race)

Westmoreland  
County = 5.7%

Richmond County = 5.5%

Northumberland  
County = 3.1%

Lancaster County = 1%



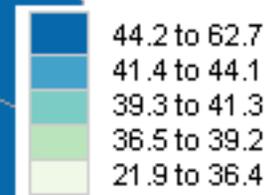
# Median Age

Westmoreland County = 46.6

Northumberland County = 53.6

Richmond County = 43.5

Lancaster County = 54.1



# Percent 65 years and over

Westmoreland County = 20.9%

Northumberland County = 30.1%

Richmond County = 18.2%

Lancaster County = 31.2%

