



Title VI Plan

Northern Neck Planning District Commission

September 2016

Northern Neck Planning District Commission, P.O. Box 1600, 457 Main Street, Warsaw, VA 22572
Phone: (804) 333-1900 ♦ Fax: (804) 333-5274 ♦ E-mail: jdavis@nnpdc17.state.va.us

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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.

Adopted this 17th 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* 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) Office of Equal Opportunity (OEO), 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 OEO within 60 calendar days of the acceptance of the complaint. VDOT’s OEO 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 OEO. VDOT’s OEO will issue the final decision to NNPDC based on NNPDC’s investigative report.
12. Once VDOT’s OEO 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 Office of Equal Opportunity. 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

NNPDC maintains a website about its programs and activities, data products, publications, and other relevant information. PSRC'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, pinterest, tumblr 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 48, 276 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. PSRC 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

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,

analyzing, and reporting on data for the Northern Neck region. This includes information on population, housing, employment, poverty, income, wages, transportation, traffic, and growth. Member agencies and other groups use this data for activities such as planning and the distribution of funds.

Program Area 3: Environmental Affairs

Title VI Coordinator's Responsibilities

The Title VI Coordinator will work with the Executive Director, who is responsible for state environmental review, and Title VI environmental justice compliance in all aspects of NNPDC's work that triggers environmental review requirements. The Coordinator will:

- Ensure Title VI environmental justice compliance of all EISs prepared by NNPDC.
- Analyze and make findings regarding the population affected by the action.
- Analyze and make findings regarding the impacts of the project on protected Title VI groups, and determine if there will be a disproportionately high and adverse impact on these groups.
- Look at the mobility needs of Title VI Populations.
- Disseminate information to the public on the processes used and findings of the analysis, in accordance with all agency public involvement procedures. This includes dissemination to groups representing minority media and ethnic/gender related organizations, and the use of public comment periods and public hearings, interpreters, and materials in other languages, as needed.

Title VI and Environmental Affairs

When NNPDC adopts new planning documents, or substantively amends existing documents in a manner that requires action by the General Assembly, the agency is required to comply with the Code of Virginia §10.1-1191, and with federal and state environmental justice requirements. When this occurs, a systematic process is used to study and evaluate all necessary environmental aspects of the proposed action(s). Depending on the scope, complexity, and impacts of the project, a checklist, Determination of Non-significance (DSN), or Environmental Impact Statement (EIS) will be produced. When one of these documents is required, the agency will ensure all federal and state requirements are met, and that the public has been involved as appropriate.

Program Area 4: Contracts

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 consultant contracts process.

Contract Procedures

NNPDC's contract procedures follow the Virginia Public Procurement Act. Title VI text is included in all NNPDC Requests for Proposals (RFP) and contracts. For most projects, NNPDC acts as the administrator of the contracts on behalf of the locality, who is the applicant or grantee and does not directly contract with consultants or organizations.

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. 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

Northern Neck Planning District Commission
TITLE VI / NONDISCRIMINATION ASSURANCE
(DOT Order No.1050.2A)

The Northern Neck Planning District Commission, (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the *Federal Highway Administration (FHWA)*, is subject to and will comply with the following:

Statutory/Regulatory Authorities

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

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

General Assurance

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

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

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

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its federally assisted Highway Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a

"program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Northern Neck Planning District Commission in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or

- b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the *Northern Neck Planning District Commission* also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the *FHWA or the Virginia Department of Transportation (VDOT)* access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by *FHWA or VDOT*. You must keep records, reports, and submit the material for review upon request to *FHWA or VDOT*, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The *Northern Neck Planning District Commission* gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the *Federal-Aid Highway Program*. This ASSURANCE is binding on the *Commonwealth of Virginia*, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in the *Federal-Aid Highway Program*.

Northern Neck Planning District Commission

by

Jerry W. Davis, AICP, Executive Director

DATED 10/24/19

APPENDIX A

Contractor/ Consultant/Supplier Agreement: U.S. DOT 1050.2A -- Appendix A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.

6. Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B
CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the *Northern Neck Planning District Commission* will accept title to the lands and maintain the project constructed thereon in accordance with the Virginia General Assembly, the Regulations for the Administration of the Federal-Aid Highway Program and the policies and procedures prescribed by the *Federal Highway Administration* of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the *Northern Neck Planning District Commission* all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the *Northern Neck Planning District Commission* and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the *Northern Neck Planning District Commission*, its successors and assigns.

The *Northern Neck Planning District Commission* in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the *Northern Neck Planning District Commission* will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

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

APPENDIX C
CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER
THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the *Northern Neck Planning District Commission* pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Nondiscrimination covenants, the *Northern Neck Planning District Commission* will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Nondiscrimination covenants, the *Northern Neck Planning District Commission* will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the *Northern Neck Planning District Commission* and its assigns.*

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

APPENDIX D
CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER
THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the *Northern Neck Planning District Commission* pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, the *Northern Neck Planning District Commission* will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the *Northern Neck Planning District Commission* will there upon revert to and vest in and become the absolute property of the *Northern Neck Planning District Commission* and its assigns.*

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

APPENDIX E

Contractor/ Consultant/Supplier Agreements: U.S. DOT 1050.2A -- Appendix E

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

Pertinent Nondiscrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

