

SOUTHSIDE PLANNING
DISTRICT COMMISSION

TITLE VI PLAN



Approved | August 16, 2018
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Revision History Table

The table below provides an inventory of revisions made to the Southside Planning District Commission's Title VI Plan. Each revision to the Title VI Plan is numbered, dated, and includes which sections were revised. Please also note that each page within the Title VI Plan that has been revised will include the most recent revision number in the footer for reference.

Revision Number	Date	Section(s)
1	10/31/2019	Revision History Table 2. Policy Statement 3. Title VI Program Assurances 4. Organization, Staffing & Responsibilities 9. Data Collection, Reporting, Analysis 12. Limited English Proficiency (LEP) Information and Policy Appendix D – Log of Complaints Appendix F – Annual Title VI Accomplishment Report
2	7/1/2020	Revision History Table 4. Organization, Staffing & Responsibilities 9. Data Collection, Reporting, Analysis 12. Limited English Proficiency (LEP) Information and Policy
3	9/24/2020	Revision History Table 4. Organization, Staffing & Responsibilities 9. Data Collection, Reporting, Analysis

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1. Introduction & Authorities

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI 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 subjected to discrimination under any program or activity receiving Federal financial assistance.” (42 U.S.C. Section 2000d)

The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of Federal-aid recipients, sub-recipients, and contractors whether those programs and activities are federally funded or not.

Additional authorities and citations include: Section 162(a) of the Federal-Aid Highway Act of 1973 (23 US 324); Age Discrimination Act of 1975; Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act of 1990; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601); The Age Discrimination Act of 1975 (42 U.S.C. 6101); Executive Order 13166 “Improving Access to Service for Persons with Limited English Proficiency”; Executive Order 12898 “Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations”; 49 CFR Part 21; 23 CFR Part 200.

This document details how Southside Planning District Commission (SPDC) incorporates nondiscrimination policies and practices in providing services to the public. The SPDC’s Title VI policies and procedures are documented in this plan and its appendices. This plan will be updated periodically (at least once every three years) to incorporate changes and additional responsibilities that arise.


2. Policy Statement

The Southside Planning District Commission (SPDC) will effectuate the provisions of Title VI of the Civil Rights Act of 1964, 49 Code of Federal Regulation (CFR) Part 21, 23 CFR Part 200, and other applicable directives. Title VI of the Civil Rights Act of 1964 prohibits discrimination based upon race, color, and national origin. Specifically, 42 USC 2000d states 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 subjected to discrimination under any program or activity receiving Federal financial assistance."*

In addition to Title VI, the SPDC will not discriminate under other statutes that afford legal protection on the basis of sex, age and disability. Further, as a recipient of federal-aid funding, the SPDC strives to achieve nondiscrimination in all its programs and activities whether or not those programs and activities are federally funded.

The GIS Planner is designated as the Title VI Coordinator for the SPDC and is responsible for initiating and monitoring Title VI activities, preparing annual reports, and other responsibilities as required by Title 23 CFR Part 200, Title 49 CFR Part 21, and the SPDC's Title VI Plan.


Deborah Gosney, Executive Director


Date

3. Title VI Program Assurances

SOUTHSIDE PLANNING DISTRICT COMMISSION TITLE VI / NONDISCRIMINATION ASSURANCE (DOT Order No.1050.2A)

The Southside 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 Southside 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 *Southside 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 *Southside 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*.

Southside Planning District Commission

by 
Deborah Gosney, Executive Director

DATED 

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.

A

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 *Southside 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 *Southside 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 *Southside 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 *Southside Planning District Commission*, its successors and assigns.

The *Southside 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 *Southside 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.)

B

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 *Southside 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 *Southside 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 *Southside 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 *Southside 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 *Southside 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 *Southside 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 *Southside Planning District Commission* will there upon revert to and vest in and become the absolute property of the *Southside 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.*).

4. Organization, Staffing & Responsibilities

ORGANIZATIONAL CHART – REPORTING RELATIONSHIPS

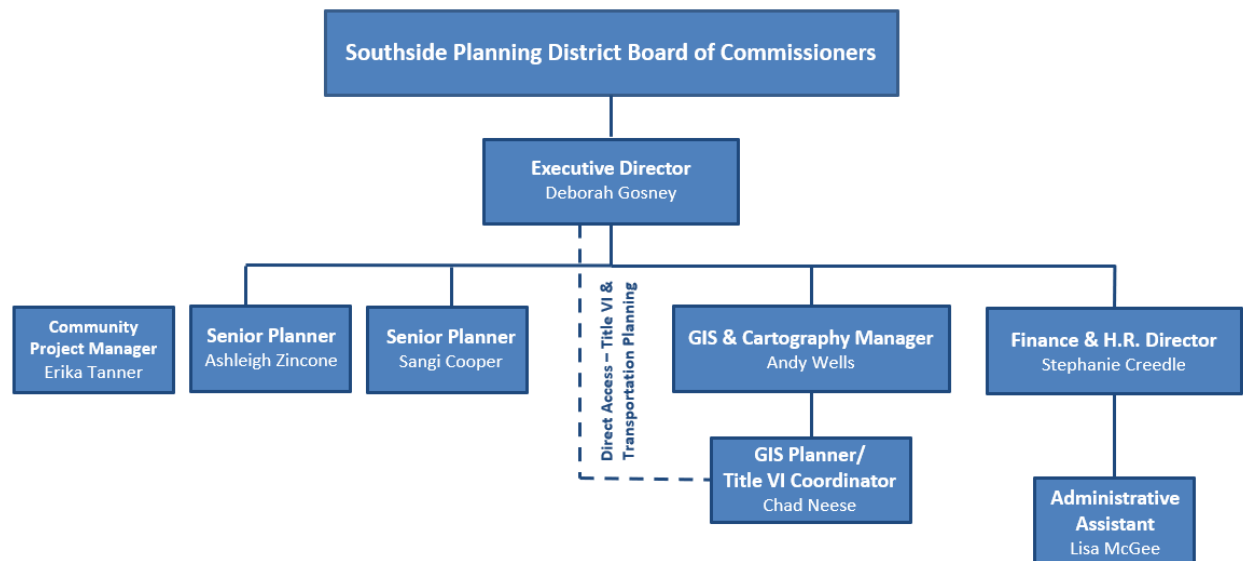


Figure 1. Organizational Chart of the Southside Planning District Commission.

EXECUTIVE DIRECTOR

The Executive Director is authorized to ensure compliance with all provisions of the SPDC's Title VI Plan and with other applicable law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. The SPDC's compliance and coordination of Title VI activities shall be performed under the authority of the SPDC Executive Director.

TITLE VI COORDINATOR

The SPDC has designated the GIS Planner to perform the duties of the Title VI Coordinator, which shall include ensuring that the SPDC's Title VI Plan is properly implemented. The GIS Planner has a direct reporting relationship to the Executive Director on matters relating to Title VI and transportation planning, while reporting to the GIS & Cartography Manager for matters relating to GIS.

Responsibilities of the Title VI Coordinator

1. Administer the Title VI program, including compliance.
2. Process Title VI complaints in accordance with Sec. 14 "Discrimination Complaint Procedure" of this plan.
3. Conduct annual Title VI review of SPDC to determine the effectiveness of program activities at all levels.

4. Prepare and submit the Annual Title VI Program Plan Update and Annual Accomplishment Report to VDOT by October 31st of each year.
5. Attend training opportunities on Title VI and conduct and/or facilitate training for SPDC staff and sub-recipients.
6. Conduct and/or coordinate with other SPDC staff, the review and monitoring of contractors, consultants or other relevant sub-recipients of federal funds as applicable.
7. Collect statistical data (race, color, national origin, etc.) of participants in, and beneficiaries of, SPDC programs.
8. Develop Title VI information for dissemination to the public and in languages other than English, when appropriate.
9. Identify, investigate and eliminate discrimination through the review of current or proposed programs, projects or other directives.
10. Establish procedures for promptly eliminating discrimination and resolving any deficiencies that may be found. The correction period should not exceed 90 days.

5. Review of SPDC Directives

It is the responsibility of the Executive Director to ensure that planning manuals, directives, guidelines, and policies have been reviewed for Title VI compliance purposes.

In doing so, the Executive Director must ensure that a draft of these documents be submitted to the Title VI Coordinator for review of Title VI compliance. Other SPDC staff members may also assist in ensuring compliance of this requirement.

6. Program Areas, Special Emphasis Program Areas & Reviews

PROGRAM AREAS

Planning and Project Development

The SPDC works on a variety of planning documents related to transportation, including: the Rural Long Range Transportation Plan; the Regional Bicycle, Pedestrian, and Trail plans; local comprehensive plans; and various grants opportunities. Encouraging participation across all socio-economic backgrounds is paramount when planning for projects. To ensure that all people have the same opportunity to participate and become involved in the planning process, the SPDC will follow the guidelines as expanded upon in Section 11 (Public Involvement) of this plan. Data collection of participants and/or beneficiaries will occur for planning and programming activities in accordance with Section 9 (Data Collection).

Right-of-Way (If Applicable)

From time-to-time the SPDC may be involved with a project that requires the acquisition of right-of-way. In those instances, the SPDC will work to ensure: equal opportunity in procuring any services relating to real estate or appraisal services; that appraisals be conducted impartially; that offers shall be no less than the appraised amount; that impacted people are informed of their rights, options and available services; and that any deeds, permits, or leases contain appropriate Title VI language and/or attachments.

Project Management

The SPDC routinely provides project management services through administrative agreements with localities. As these projects are funded by federal transportation funds, the SPDC will work to ensure that: solicitations for bids and RFP's are compliant with Title VI regulations; contracts contain appropriate Title VI language and/or attachments; work is monitored impartially; contract provisions are consistently executed; and any sanctions must be fairly and consistently assessed.

Education and Training

Ensuring that SPDC staff and sub-recipients are aware of their responsibilities as they relate to Title VI is of the utmost importance to the Southside Planning District Commission. To that end, education and training will be carried out as provided for in Section 8 (Training) of this plan.

SPECIAL EMPHASIS PROGRAM AREAS

Should trends and/or patterns of discrimination begin to emerge through the review of annual reports the Title VI Coordinator will identify these deficiencies as Special Emphasis Program Areas. In doing so, the Coordinator will meet with the Executive Director and present a plan to correct the matter moving forward. The issue will be included in the Annual Report and once corrected for a period of one calendar year, will be eligible to be removed from the Special Emphasis Program Areas by the Title VI Coordinator.

REVIEWS

Program area guides for some of the more common tasks relating to Title VI will be distributed to staff during training and/or upon request. After the initial distribution, the guides will be made available in a digital format in which all staff members have access to. The Title VI Coordinator will provide assistance to other staff to ensure appropriate language and attachments are included in all relevant documents and will review such materials and methods (such as community outreach, data collection, etc.) to provide feedback as warranted while projects are still ongoing. Should a trend or pattern of discrimination materialize during an annual review, the Title VI Coordinator will follow the steps established in the previous paragraph, "SPECIAL EMPHASIS PROGRAM AREAS."

7. Sub-Recipients – Monitoring, Reviewing, Compliance & Enforcement

Whenever the SPDC receives federal transportation funds and engages the services of a sub-recipient, the SPDC becomes responsible for ensuring that the sub-recipient is compliant with applicable Title VI regulations. When those conditions exist the SPDC will follow the guidelines as outlined below.

There also may be instances in which the SPDC engages in administrative agreements with localities to help manage various federally funded transportation projects. If the SPDC agrees to monitor sub-recipients on behalf of a locality, then the locally adopted and state approved Title VI plans regarding the monitoring and reviewing of sub-recipients will be followed. Should a locality not have the aforementioned plan in place, the SPDC will adhere to the following while coordinating with the locality:

MONITORING & REVIEWING

1. SPDC staff will ensure that any Requests for Proposals, solicitations for bid, and contracts are drafted in accordance with Title VI requirements. This will include ensuring that USDOT 1050.2A Appendix A & E is attached to every contract, FHWA-1273 is attached to construction contracts and all Requests for Proposals and solicitations for bid include the following language:

The Southside 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.

2. Outreach efforts will be reviewed to ensure that disadvantaged, small, women and minority businesses have an opportunity to compete for a contract.
3. The SPDC will assist VDOT in periodically conducting Title VI compliance reviews. This will include confirming that sub-recipients have included appropriate Title VI language, provisions and related requirements in relevant documents and that they have been adhered to. On-site visits with sub-recipients may need to be arranged to confirm information relating to Title VI.

COMPLIANCE & ENFORCEMENT

By signing the Title Assurances document as a condition to using Federal funds, the SPDC has agreed to conduct compliance reviews, referenced above, and to take enforcement actions when required. The enforcement actions that the SPDC will follow in the event of a finding of noncompliance are:

1. Should the SPDC find that a sub-recipient has been deficient in their adherence to Title VI requirements, they will receive a letter outlining their deficiencies and be given 90 calendar days to correct the matter. This shall be known as voluntary or informal compliance.

2. If a sub-recipient fails or refuses to comply with Title VI requirements after having been provided reasonable notice and time to do so, the SPDC will submit to VDOT and the FHWA copies of the case files relating to the deficiency and a recommendation that the sub-recipient be found in noncompliance.
3. Should the deficiency still be present after 180 days, the locality SPDC and VDOT may initiate sanctions per 49 CFR 21 with the FHWA's approval. Such enforce actions may include any or all of the following:
 - a.) Suspension or termination of Federal assistance;
 - b.) Refusal to grant or continue Federal Financial assistance; and
 - c.) Utilize any other means as authorized by the law.

8. Training

The Southside Planning District Commission will conduct and/or facilitate training on Title VI issues and regulations for staff periodically. SPDC employees will also be provided the opportunity to attend training offered by other Planning District Commissions, VDOT, FHWA or other similar organizations and agencies.

The SPDC will provide or help facilitate training to sub-recipients if either of the following two conditions are met:

1. The SPDC receives federal funds and passes them along to a sub-recipient, or
2. An administrative agreement is signed in which the SPDC specifically agrees to review and monitor sub-recipients on behalf of a locality receiving federal funds.

A summary of the training that has been conducted, facilitated and/or attended will be included in the SPDC's annual report to VDOT's Civil Rights Division.

9. Data Collection

To ensure that reporting requirements are met for Title VI and that appropriate data is available for analysis, the SPDC will collect demographic data including, but not limited to: race, age, income level, and limited English proficiency (LEP). Sources of this data may include the U.S Census, American Community Survey, Geographic Information Systems (GIS), Virginia Employment Commission, Weldon Cooper Center, local surveys from public participants (See Appendix I), and other related and trustworthy sources.

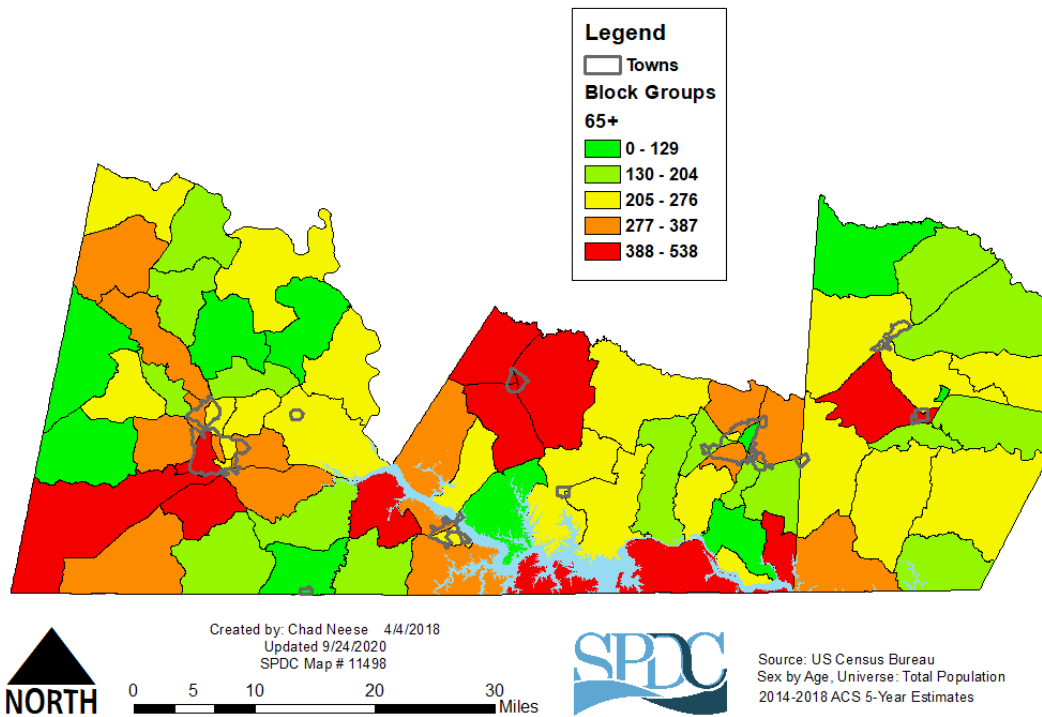
In an effort to provide a visualization of the region's demographics, and to help SPDC anticipate identified populations within project areas, SPDC staff will utilize their GIS resources to overlay project areas on demographic maps to better determine what public involvement procedures may be appropriate for a given area. Maps concerning the Elderly (65+), Minorities, Poverty, and LEP have been provided in this Section at the Census block group level, while additional tables and analysis of LEP data at the county level for the region can be found in Section 12 of this Plan.

With the SPDC collecting and maintaining demographic data, it will be in a position to better decide on outreach efforts for projects based upon the anticipated demographic makeup within it. Once the public participation process begins, demographic data within the project area can be more refined and beneficiaries of the program will become more evident through surveys.

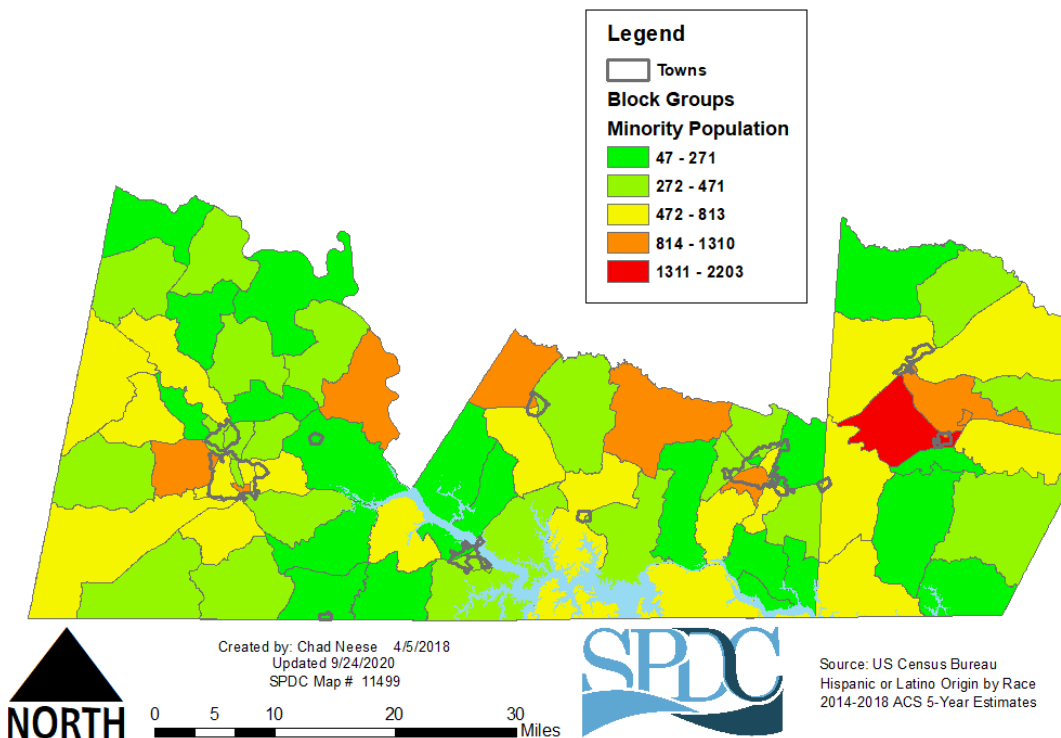
DEMOGRAPHIC COMPARISION

Demographic	Brunswick Co.	Halifax Co.	Mecklenburg Co.
Elderly (65+)	19.6%	23.3%	25.9%
Poverty	18.5%	15.1%	18.9%
Minority	59.3%	41.1%	41.3%
LEP	0.4%	0.5%	0.3%

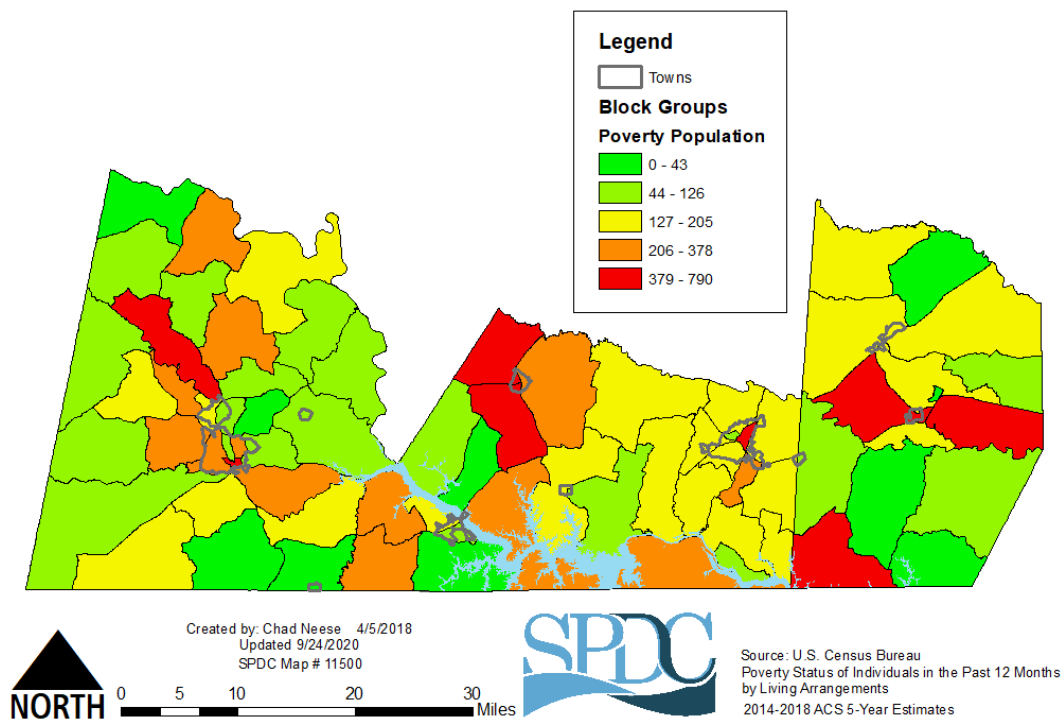
Population 65 and Older in the Southside Planning District by Block Group



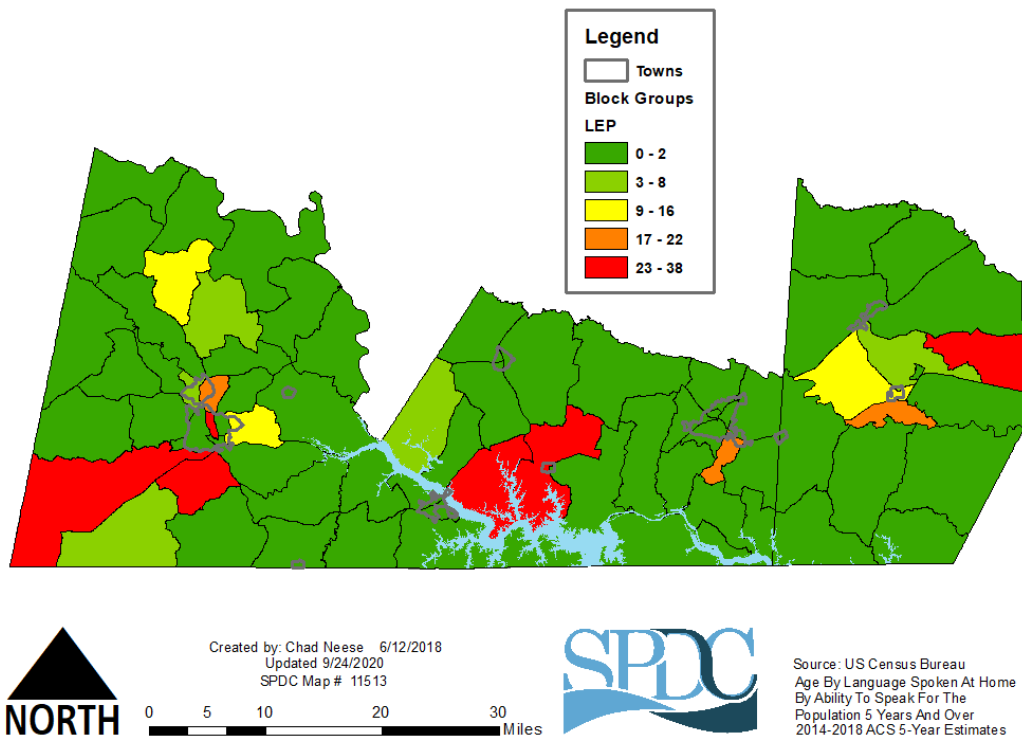
Minority Population in the Southside Planning District by Block Group



Poverty Population in the Southside Planning District by Block Group



LEP Population in the Southside Planning District by Block Group



10. Dissemination of Title VI Rights

The Southside Planning District Commission is required to provide information to the public regarding the Commission's obligations under federal Title VI regulations and educate the public of their protections against discrimination provided under Title VI. The SPDC will disseminate this information as follows:

1. Post a public notice (see Appendix F) on the SPDC website (www.southsidepdc.org);
2. Display the public notice (see Appendix F) in public areas of the SPDC office building, including inside the front entrance and in the conference room. These two areas receive the highest volume of public interaction in the SPDC office building;
3. Publish public meeting notices in minority and local newspapers having general circulation within the region;
4. Providing materials, guidance and training on Title VI regulations, policies, and procedures to SPDC staff and sub-recipients; and
5. Fulfilling requests for the dissemination of written Title VI materials in languages other than English.

11. Public Involvement

Public outreach and involvement applies to and affects the Southside Planning District Commission's mission and rural transportation planning work program as a whole. As transportation has a direct impact on the population of a region, the overarching goal of public outreach and involvement is to provide for sufficient public notification about, and participation in, major actions and decisions.

On behalf of the Southside Planning District Commission, staff will be responsible for evaluating and monitoring compliance with applicable nondiscrimination authorities as they relate to the public planning participation process involving transportation projects, including the following:

1. Inform the Public of Meetings

- a. Post meeting information on the SPDC website (www.southsidepdc.org);
- b. Post meeting information in the lobby or other public space at the SPDC office;
- c. Place public notices in local newspaper(s) when applicable;
- d. Any known minority media in the region will be utilized in the public notification process;
- e. Notices in languages other than English will be provided when requested or when analysis of demographic data indicates it is needed;
- f. Affected localities will be asked to assist in providing public notice by way of posting information of meetings on their website, community events boards, social media accounts, etc. when applicable;
- g. Utilize other means of notification after reviewing a project areas demographic data, which may include but not be limited to: press releases, door-to-door flyers, mailings and providing notices to places of worship and other community based organizations; and
- h. Should the SPDC establish social media accounts in the future, those platforms will be utilized for notifying the public of meetings as well.

2. Provide for Public Input at Meetings

- a. To the extent possible, public meetings will be scheduled in a time, place and manner to help maximum the potential for public attendance and participation;
- b. All people will be afforded the opportunity to speak at public meetings;
- c. Notices for public meetings shall include the following language:

The SPDC ensures nondiscrimination in all programs and activities in accordance with Title VI of the Civil Rights Act of 1964. If special assistance is needed for persons with disabilities or limited English proficiency, contact Chad Neese at least seven business days in advance of the meeting at 434-447-7101 or cneese@southsidepdc.org.

- d. Demographic surveys will be conducted at the meetings to collect demographic data of attendees. An example of the demographic information to be collected can be found in Appendix I.

3. Other Ways of Providing for Public Participation and Comment (if deemed applicable)

- a. It may be appropriate to accept written or oral comments from the public at times other than public meetings due to various factors (fear of public speaking, scheduling conflict, illness, etc.); and
- b. Surveys, in various forms, including but not limited to: door-to-door, mail, and online.

4. Participation on Committees/Advisory Boards

The Southside Planning District Commission follows its Equal Opportunity/Affirmative Action Plan to ensure it maintains and improves on equal opportunity for all people. To that end, the following goals are of specific relevance to this section:

- a. "Continue to ensure minorities are well represented as Commissioners and committee members;" and
- b. "Continue to include the needs of the minority in the Commission's planning processes and programs."

Additionally, the SPDC bylaws require a minimum of seven minority members to serve as Commissioners. Currently, eleven of the twenty-eight members are minorities.

The Southside Planning District Commission also has an established Transportation Technical Advisory Committee (TTAC) to help guide its Rural Transportation Planning Work Program and to discuss transportation related issues within the region. Each member is appointed by their local jurisdiction to serve and represent issues of interest to their locality.

The SPDC may have other committees/advisory boards for various transportation related projects. These committees/advisory boards may act as a subcommittee of TTAC members and/or include other individuals or stakeholders.

12. Limited English Proficiency (LEP) Information and Policy

Individuals who are not proficient in or have difficulty understanding the English language, be it reading, speaking or writing, are deemed to be “limited English proficient”, or LEP. This limitation is considered a barrier that may preclude LEP individuals from accessing benefits and services, understanding and exercising important rights, complying with applicable responsibilities, or understand relevant information provided for in programs and activities that are federally funded. Recipients of federal funds are required to take reasonable steps to remove barriers for LEP individuals.

In assessing what language assistance service may be warranted for the LEP population in the service area of the Southside Planning District Commission and serving as the basis for creating and implementing LEP policy, the following four factors are utilized for fact-finding purposes:

1. Demography – Assessment of LEP Persons in the SPDC Service Area

The Southside Planning District Commission staff has reviewed the 2012-2016 American Community Survey (ACS) estimates for the number of individuals in its Rural Transportation Planning Program service area that are considered to be LEP, as profiled in the following tables. This data indicates the extent to which translations into other languages are needed to meet the needs of LEP individuals. This data was analyzed on the County level as it provided more specific data on languages spoken as opposed to Census Tract level in which non-English languages are condensed into one of four language categories.

It is estimated that there are 785 LEP individuals within the SPDC service area. This represents approximately 1% of the total population. The following charts are included for reference and analysis to be conducted by SPDC staff to better plan for possible interaction with LEP individuals in the three Counties that are served by the Commission.

Assessment of LEP Persons in the SPDC Service Area

LEP Persons Aged 5+ Who Speak English Less Than Well	Brunswick Co.		Halifax Co.		Mecklenburg Co.		SPDC	
	Est. Pop.	% Pop.	Est. Pop.	% Pop.	Est. Pop.	% Pop.	Est. Pop.	% Pop.
Spanish	123	0.8%	219	0.7%	69	0.2%	411	0.5%
Other Indo-European languages	26	0.2%	143	0.4%	18	0.1%	187	0.2%
Asian and Pacific Island languages	80	0.5%	112	0.3%	14	0.0%	206	0.3%
Other languages	0	0.0%	1	0.0%	48	0.2%	49	0.1%

*Source: U.S. Census Bureau, 2014-2108 American Community Survey 5-Year Estimates, TableID: S1601, *Language Spoken At Home*.

2. Frequency – Assessment of Frequency When LEP Individuals Come Into Contact With SPDC Staff

The Southside Planning District Commission has not been approached in the past for information by any populations who do not have a reasonable grasp of the English language. There have been a few instances in the past when LEP individuals have been encountered in the field by SPDC staff, limited to non-transportation related projects, and a representative of the LEP individual has provided translations for the benefit of both parties.

3. Importance – Assessment of the Nature and Importance of the Rural Transportation Planning Program to People’s Lives

The Southside Planning District Commission's Rural Transportation Planning Program has been established and charged with facilitating regional participation and consensus building on transportation-related issues through a continuing, comprehensive, and coordinated planning process. Well planned and implemented transportation projects add to the overall quality of life of the community. The SPDC has worked on various transportation projects that improve pedestrian safety and connectivity (sidewalks), promote health and wellness (Tobacco Heritage Trail), and support tourism (Brunswick Byways Visitors Center), to provide a few examples.

4. Resources – Assessment of Resources Available to the Agency and Costs

Translation and interpreter services are not as readily available in the Southside Planning District as they are in other, more urban areas of the Commonwealth. Locally, there are no certified translation/interpreter services available. Regionally, community college faculty or foreign language teachers at public and/or private schools can provide translation/interpreter services, albeit in a limited capacity. For a more complete offering of services, the SPDC will need to contract with businesses, colleges, universities, etc. outside of the region.

As demand for these types of services over the past few years has been extremely low, the SPDC will look to provide these services on an "as-needed" basis and consider the cost of services versus the frequency in which services are requested when preparing the annual budget.

LIMITED ENGLISH PROFICIENCY POLICY

The Southside Planning District Commission will monitor the LEP population on an annual basis, keep records of any interactions and outreach efforts, and fulfill reasonable accommodation and translation requests from those who are LEP. All translation and interpreter services shall be provided by a trustworthy or certified source. However, in the event of an emergency or when all other efforts have been exhausted, the SPDC may utilize other non-traditional services and products.

13. Environmental Justice

Environmental Justice focuses on identifying and addressing disproportionately high and adverse human health or environmental effects of the Commission's programs, policies, and activities on minority populations and low-income populations to achieve an equitable distribution of benefits and burdens. It is the objective of the Southside Planning District Commission to have significant and ongoing public involvement with equal access to all people impacted by the rural transportation planning program so as to avoid disproportionately high and adverse outcomes to specific populations. To help ensure Environmental Justice, the SPDC will work to identify minority and low-income populations through the collection and analysis of demographics (Section 9 "Data Collection") and through public outreach and involvement (Section 11 "Public Involvement") of this plan to better understand the demographics of its project areas.

In accordance with Federal Highway Administrative Order 6640.23A, FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, as amended on June 14, 2012, the following definitions are provided for reference as it related to Environmental Justice:

Adverse Effects The totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to:

1. Bodily impairment, infirmity, illness or death;
2. Air, noise, and water pollution and soil contamination;
3. Destruction or disruption of human-made or natural resources;
4. Destruction or diminution of aesthetic values;
5. Destruction or disruption of community cohesion or a community's economic vitality;
6. Destruction or disruption of the availability of public and private facilities and services;
7. Vibration;
8. Adverse employment effects;
9. Displacement of persons, businesses, farms, or nonprofit organizations;
10. Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community; and
11. The denial of, reduction in, or significant delay in the receipt of, benefits of FHWA programs, policies, or activities.

Disproportionately High and Adverse Effect on Minority and Low-Income Populations An adverse effect that:

1. Is predominately borne by a minority population and/or low-income population; or
2. Will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the nonminority population and/or non-low-income population.

Low-Income A person whose median household income is at or below the Department of Health and Human Services poverty guidelines.

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

Minority A person who is:

1. **Black** A person having origins in any of the black racial groups of Africa;
2. **Hispanic or Latino** A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
3. **Asian American** A person having origins in any of the original peoples of the Far East, Southeast Asia or the Indian subcontinent;
4. **American Indian and Alaskan Native** A person having origins in any of the original people of North America, South America (including Central America), and who maintains cultural identification through tribal affiliation or community recognition; or
5. **Native Hawaiian and Other Pacific Islander** A person having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.

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

14. Discrimination Complaint Procedures

The Southside Planning District Commission adopts the following procedures for processing external complaints of discrimination filed under Title VI of the Civil Rights Act of 1964 and related statutes (as identified in Section 1).

1. Filing a Discrimination Complaint

Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been, or is being, subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964 and other related statutes and regulations, the American with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, has the right to file a complaint. A complaint may also be filed by a representative on behalf of such a person.

Any individual wishing to file a discrimination complaint must be given the option to file the complaint with the Southside Planning District Commission, or directly with VDOT, FHWA, and USDOT. Complaint forms shall be made available by the Title VI Coordinator during regular business hours in paper and digital format (Appendix G). Please see subsection 7 for complaints against the SPDC.

2. Complaint Filing Timeframe

In order to have the complaint considered under this procedure, the complainant must file the complaint no later than 180 days after the date of the alleged act of discrimination.

3. Contents of a Complaint

Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. In an effort to better understand and fully investigate a complaint, the submitted complaint should include the following information:

- a. The complainant's name, address and other contact information, and that of the complainant's representative when applicable;
- b. The agency and/or person who the complainant believes discriminated against them;
- c. The date(s) and location(s) of the alleged act of discrimination;
- d. The reason in which the complainant believes the alleged act of discrimination took place (i.e., race/color, national origin, sex, age, disability, other);
- e. A detailed description of the alleged act of discrimination;
- f. Contact information for any witnesses to the alleged act of discrimination; and
- g. Notification if the complaint has already been filed with any other agencies.

In the event that a person makes a verbal complaint of discrimination to a staff member of the Southside Planning District Commission, the person shall be interviewed by the Commission's Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and then submit the written version of the complaint to the person for signature.

4. Submitting a Complaint

Complaints against parties other than the SPDC shall be submitted to the SPDC's Title VI Coordinator at 200 South Mecklenburg Avenue, South Hill, VA 23970. Complaints may be submitted in person, by mail or through email (cneese@southsidepdc.org). Complaints received by any other employee shall be immediately forwarded to the Title VI Coordinator.

For a complaint against the SPDC, the complainant or their representative should file the complaint with VDOT's Civil Rights Division or the FHWA's Virginia Division Office of Civil Rights. Additional information on this process and contact information for VDOT can be found in subsection 7.

5. Notice of Receipt

Within 10 days of receipt of the discrimination complaint, the Title VI Coordinator will issue an initial written Notice of Receipt that:

- a. Acknowledges receipt of the discrimination complaint;
- b. Informs the complainant of action taken or proposed to process the allegation; and
- c. Advise the complainant of other avenues of redress available, including the VDOT, FHWA and USDOT.

6. Notification of a Complaint to VDOT

The SPDC will also advise VDOT within 10 days of receipt of the discrimination complaint. Generally, the following information will be included in every notification to VDOT:

- a. Name, address and phone number of the complainant.
- b. Name(s) and address(es) of alleged discriminating official(s).
- c. Basis of complaint (i.e., race, color, national origin, sex).
- d. Date of alleged discriminatory act(s).
- e. Date the complaint was received by the SPDC.
- f. A statement of the complaint.
- g. Other agencies (state, local or Federal) where the complaint has been filed.
- h. An explanation of the actions the SPDC has taken or proposed to resolve the issue identified in the complaint, if applicable.

7. Complaints Against the Southside Planning District Commission

Complaints filed with the Southside Planning District Commission in which the SPDC is named as the respondent will be forwarded to VDOT's Civil Rights Division, who will in turn forward it to the FHWA, Virginia Division Office of Civil Rights for processing. The allegations will be analyzed by FHWA's Headquarters of Civil Rights (HCR) and the complainant will be notified by HCR of those aspects of the complaint accepted for investigation and the investigator. The SPDC shall not investigate any complaint in which it has been named as the respondent.

VDOT's Civil Rights Division may be contacted at:

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

8. Complaints Against SPDC Sub-Recipients and Processing Thereof

The SPDC will receive complaints against any of its sub-recipients and will notify VDOT's Civil Rights Division to establish appropriate jurisdiction and to determine any investigation procedures. In the event that the Title VI Coordinator has not received the required training to conduct an investigation, the SPDC shall not carry out any investigation.

Should it be determined that the SPDC has jurisdiction and is directed to conduct an investigation, and with the Title VI Coordinator having received the proper training to carry out an investigation, the SPDC will prepare a written investigation plan. At a minimum, the written investigation plan shall include the following:

- a. Complainant(s) name and address.
- b. Respondent(s) name and address.
- c. Applicable Law(s).
- d. The basis for the complaint.
- e. The allegation(s), issue(s), events or circumstances that caused the person to believe that they have been discriminated against.
- f. Background information.
- g. The names of persons to be interviewed and issues of which they have first-hand knowledge.
- h. Evidence to be obtained during the investigation.
- i. The remedy sought by the complainant(s).

9. Record Keeping

The SPDC's Title VI Coordinator shall maintain a log of complaints filed that alleged discrimination. The log must include:

- a. The name and address of the complainant.
- b. Basis of discrimination complaint.
- c. Date filed.
- d. Disposition and date.
- e. Any other pertinent information.

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

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 (hereafter 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 lease 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 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 litigation to protect the interests of the United States.

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 of 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, (42 U.S.C. § 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 prohibits 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.*).

Title VI Public Notice



The Southside Planning District Commission hereby gives public notice that it is committed to assuring compliance with Title VI of the Civil Rights Act of 1964 and other related statutes and regulations in the SPDC's programs and activities. Federal civil rights laws stipulate that no person shall, on the grounds of race, color, national origin, age, disability, income or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the SPDC receives Federal financial assistance under any Federal Aid Highway program.

Any person who believes that they have been subjected to discrimination prohibited by Title VI has the right to file a formal complaint with the SPDC. A complaint may also be filed by a representative on behalf of such a person. Any such complaint must be in writing and filed with the SDPC Title VI Coordinator within 180 days following the date of the alleged act of discrimination. For more information please contact the SPDC's Title VI Coordinator, Chad Neese, at 434-447-7101, extension 211 or cneese@southsidepdc.org.

Additionally, the SPDC is committed to ensure all people have the opportunity to participate at public meetings. If special assistance is needed for persons with disabilities or limited English proficiency, contact Chad Neese at least seven business days in advance of the meeting at 434-447-7101, extension 211 or cneese@southsidepdc.org.

APPENDIX C

Discrimination Complain Form

In order to process your complaint, please provide the necessary information as requested below. Assistance is available upon request and you may attach any additional pages if necessary. Complete this form and mail or deliver to:

Southside Planning District Commission, Title VI Coordinator, 200 S. Mecklenburg Avenue, South Hill, Virginia 23970.

You can reach our office Monday-Thursday from 8:30 am to 5:00 pm and Friday from 8:30 am to 4:00 pm at (434) 447-7101 or you can email the Southside Planning District Commission's Title VI Coordinator at cneese@southsidepdc.org.

Section 1

Complainant's Name: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Telephone No. (Home): _____ (Cell): _____

Email Address: _____

Section 2

Person discriminated against (if other than complainant):

Name: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Telephone No.(Home): _____ (Cell): _____

Email Address: _____

Please explain your relationship to this person(s): _____

Section 3

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

Name: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

If this complaint involves a specific individual(s), please provide the name(s) of the person(s), if known:

Date and location of incident resulting in discrimination: _____

Which of the following best describes the reason you believe the discrimination took place?
Was it because of your:

Race/Color: ☐ National Origin: ☐ Sex: ☐ Age: ☐ Disability: ☐ Other: ☐

In your own words, describe the alleged discrimination:

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

Name: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Telephone No. (Home): _____ (Cell): _____

Section 4

Have you filed this complaint with any other federal, state or local agency; or with any federal or state court? Yes ☐ No ☐

If yes, please provide the date the complaint was filed: _____

Please provide information about a contact person at the agency/court where the complaint was filed:

Name: _____

Street address: _____

City: _____ State: _____ Zip Code: _____

Telephone No.: _____

Section 5

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

Signature of Applicant

Date

For Use by Title VI Coordinator:

Date complaint form was received: _____

Enter Log #: _____

APPENDIX D

Log of Complaints FY20

Name	Address	Basis of Discrimination Complaint	Date Filed	Disposition/ Date	Other

APPENDIX E

Title VI Public Participation Survey Form

Completing this survey form is voluntary, but your participation would be greatly appreciated.

By filling out the below information you are assisting the Southside Planning District Commission comply with Title VI and related statutes. The collection of this statistical data will be used to help assess the SPDC's outreach efforts among those individuals who are affected or interested in this program or project.

For any questions regarding this form, please contact the SPDC's Title VI Coordinator by telephone (434) 447-7101 ext. 211 or email cneese@southsidepdc.org.

Project: _____ **Date:** _____

Meeting Location: _____

1. Please check the box for the racial or ethnic group with which you identify:

- ☐ American Indian/Alaskan Native
- ☐ Asian
- ☐ Black/African American
- ☐ Hawaiian or other Pacific Islander
- ☐ Hispanic/Latino
- ☐ White
- ☐ Other _____

2. Please indicate your sex:

- ☐ Male
- ☐ Female

3. Please indicate your household income:

- ☐ Under \$10,000
- ☐ \$10,000 - \$19,999
- ☐ \$20,000 - \$29,999
- ☐ \$30,000 - \$39,999
- ☐ \$40,000 - \$49,999
- ☐ \$50,000 - \$74,999
- ☐ \$75,000 - \$99,999
- ☐ Over \$100,000
- ☐ Would rather not say

4. Please indicate your age group:

- ☐ 18 – 25
- ☐ 26 – 39
- ☐ 40 – 65
- ☐ Over 65

5. Please indicate how you found out about this public meeting:

- ☐ Website/Social Media/Internet
- ☐ Newspaper
- ☐ Flyer
- ☐ Other _____

6. Were special accommodations to access the meeting facility requested?

- ☐ Yes (If Yes, please also respond to question 8)
- ☐ No

7. Were special accommodations such as language translation, sign language, Braille or large print documents, etc., requested for participation in this public meeting?

- ☐ Yes (If Yes, please also respond to question 8)
- ☐ No

8. If you answered Yes to question 6 or 7, were the special accommodations requested provided for at the meeting?

- ☐ Yes
- ☐ No

APPENDIX F

ANNUAL TITLE VI ACCOMPLISHMENT REPORT Southside Planning District Commission

Reporting Period: _____

Submittal Date: _____

Southside Planning District Commission

Deborah Gosney, Executive Director
200 S. Mecklenburg Ave.
South Hill, VA 23970
(434) 447-7101 ext. 201
dgosney@southsidepdc.org

Chad Neese, Title VI Coordinator
200 S. Mecklenburg Ave.
(434) 447-7101 ext. 211
cneese@southsidepdc.org

I. POLICY STATEMENT

Describe any changes to the SDPC's approved policy statement, change in Executive Director, etc. A new signed copy should be submitted.

II. ORGANIZATION AND STAFFING

- A. Organization** *Note any changes to SPDC organization, including change in relationship between Title VI Coordinator and the Executive Director.*
- B. Staffing** *Provide any changes in description of duties, names, race, and gender of the support staff responsible for Title VI compliance monitoring.*

III. TITLE VI PROGRAM IMPLEMENTATION

- A. Selection of Sub-recipients**
Describe efforts undertaken in compliance with the procedures outlined in the SPDC plan.

B. Sub-recipient Reviews

List any reviews conducted during past year, name of reviewer, and results.

C. Data Collection

Provide summary of efforts in this area.

D. Community Outreach and Public Education

Describe actions that have been taken to promote compliance with Title VI, including public dissemination.

E. Public Involvement

List actions, meetings, scheduled events, etc. Include information on posting of public notices and number of public meetings held.

F. Limited English Proficiency

Note any progress made or instances encountered in this area.

G. Environmental Justice

Note any efforts and/or accomplishments in identifying potential impacts to minority and/or low income populations.

IV. COMPLAINTS

Provide a copy of the log for the past yearly time frame, include any investigative reports.

V. ACCOMPLISHMENTS BY PROGRAM AREA

Provide any accomplishments for each of the program areas listed in the plan.

VI. TITLE VI TRAINING

Describe Title VI training attended or provided.

VII. REVISIONS TO TITLE VI PLAN

Describe revisions made to the Title VI Plan during the past year.

APPENDIX G

2004 Census Test	United States Census 2010 LANGUAGE IDENTIFICATION FLASHCARD
<input type="checkbox"/> وضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.	1. Arabic
<input type="checkbox"/> Խոսողում՝ ենք՝ նշում՝ կատարեք այս քառակուսում, եթե խոսում՝ կամ կարդում՝ եք հայերեն:	2. Armenian
<input type="checkbox"/> যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।	3. Bengali
<input type="checkbox"/> ឈូមបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។	4. Cambodian
<input type="checkbox"/> Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.	5. Chamorro
<input type="checkbox"/> 如果你能读中文或讲中文，请选择此框。	6. Simplified Chinese
<input type="checkbox"/> 如果你能讀中文或講中文，請選擇此框。	7. Traditional Chinese
<input type="checkbox"/> Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.	8. Croatian
<input type="checkbox"/> Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.	9. Czech
<input type="checkbox"/> Kruis dit vakje aan als u Nederlands kunt lezen of spreken.	10. Dutch
<input type="checkbox"/> Mark this box if you read or speak English.	11. English
<input type="checkbox"/> اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.	12. Farsi

<input type="checkbox"/> Cocher ici si vous lisez ou parlez le français.	13. French
<input type="checkbox"/> Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
<input type="checkbox"/> Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	15. Greek
<input type="checkbox"/> Make kazye sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
<input type="checkbox"/> अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
<input type="checkbox"/> Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
<input type="checkbox"/> Jelölje meg ezt a kockát, ha megérti vagy beszél a magyar nyelvet.	19. Hungarian
<input type="checkbox"/> Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
<input type="checkbox"/> Marchi questa casella se legge o parla italiano.	21. Italian
<input type="checkbox"/> 日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
<input type="checkbox"/> 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
<input type="checkbox"/> ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.	24. Laotian
<input type="checkbox"/> Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

DB-3309

U.S. DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. CENSUS BUREAU

<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Însemnați această casuță dacă citiți sau vorbiți românește.	27. Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
<input type="checkbox"/>	Обележите овај квадратих уколико читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	31. Spanish
<input type="checkbox"/>	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ให้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย.	33. Thai
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukrainian
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
<input type="checkbox"/>	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
<input type="checkbox"/>	באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish

