

Title VI Plan and Procedures

Title VI of the Civil Rights Act of 1964

ACCOMACK-NORTHAMPTON PLANNING DISTRICT
COMMISSION



APPROVED AUGUST 6, 2020

CONTENTS

Accomack-Northampton Planning District Commission.....	1
Approved August 6, 2020	1
Introduction.....	4
I. Policy Statement and Authorities	4
Authorities	4
II. Nondiscrimination Assurances	5
III. Plan Approval Document.....	5
IV. Organizational and Title VI Programs and Responsibilities	5
Overall Organization for Title VI	5
Detailed Responsibilities of the Transportation Program Manager	6
General Title VI responsibilities of the agency	6
V. Procedures For Notifying The Public Of Title VI Rights And How To File A Complaint.....	8
Title VI Complaint Procedures	8
Requirement to Develop Title VI Complaint Procedures and Complaint Form.....	9
Sample of Narrative	9
Monitoring Title VI Complaints.....	9
Procedures for Handling and Reporting Investigations/Complaints and Lawsuits.....	9
Procedures.....	9
Transportation-Related Title VI Investigations, Complaints, and Lawsuits	11
VI. PUBLIC OUTREACH AND INVOLVEMENT	12
Public Participation Plan	12
VII. Language Assistance Plan For Persons With Limited English Proficiency (LEP).....	13
Assessment of Needs and Resources	13
LEP Implementation Plan.....	15
Minority Representation on Planning and Advisory Bodies	15
VIII. Environmental Justice	15
IX. Service Changes & Periodic Review	15
APPENDIX A	17
Title VI Public Notice.....	17
APPENDIX B	18
TITLE VI COMPLAINT FORM	18
APPENDIX C.....	19

INVESTIGATIONS, LAWSUITS AND COMPLAINTS DOCUMENT	19
APPENDIX D	20
SUMMARY OF OUTREACH EFFORTS	20
PUBLIC OUTREACH AND INVOLVEMENT	20
Public Outreach Activities.....	20
Non-Elected Board Diversity.....	20
APPENDIX E.....	21
TABLE OF MINORITY REPRESENTATION ON COMMITTEES BY RACE.....	21
APPENDIX F.....	22
V. PROCEDURES FOR NOTIFYING THE PUBLIC OF TITLE VI RIGHTS AND HOW TO file A COMPLAINT.....	22
VII. LANGUAGE ASSISTANCE PLAN FOR PERSONS WITH LIMITED ENGLISH LANGUAGE PROFICIENCY (LEP)	22
VIII. Environmental Justice.....	22
APPENDIX G	24
Accomack-Northampton Planning District Commission Title VI/ Nondiscrimination Assurance (DOT Order No. 1050.2A)	24

INTRODUCTION

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 ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. Section 2000d).

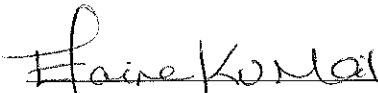
The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of Federal-aid recipients, sub-recipients, and contractors whether those programs and activities are federally funded or not.

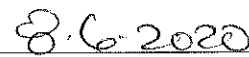
This document details how Accomack-Northampton Planning District Commission (A-NPDC) incorporates nondiscrimination policies and practices in providing services to the public. The A-NPDC's Title VI policies and procedures are documented in this plan and its appendices and attachments. This plan will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

I. POLICY STATEMENT AND AUTHORITIES

A-NPDC is committed to ensuring that no person shall, on the grounds of race, color, national origin, 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, whether those programs and activities are federally funded or not.

The A-NPDC Transportation Program Manager is responsible for initiating and monitoring Title VI activities, preparing annual reports, and other responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.


Signature of Authorizing Official


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, 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 49 CFR Part 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, sub recipients, and contractors, whether such programs and activities are federally assisted or not.

Additional authorities and citations include: Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d); Federal Transit Laws, as amended (49 U.S.C. Chapter 53 et seq.); Uniform Relocation Assistance and Real Property Acquisition

Policies Act of 1970, as amended (42 U.S.C. 4601, et seq.); Department of Justice regulation, 28 CFR part 42, Subpart F, "Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs" (December 1, 1976, unless otherwise noted); U.S. DOT regulation, 29 CFR part 21, "Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs of the Department of Transportation -- Effectuation of Title VI of the Civil Rights Act of 1964" (June 18, 1970, unless otherwise noted); Joint FTA/Federal Highway Administration (FHWA) regulation, 23 CFR part 771, "Environmental Impact and Related Procedures" (August 28, 1987); Joint FTA/FHWA regulation, 23 CFR part 450 and 49 CFR part 613, "Planning Assistance and Standards," (October 28, 1993, unless otherwise noted); U.S. DOT Order 5610.2, "U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations," (April 15, 1997); U.S. DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons, (December 14, 2005), and Section 12 of FTA's Master Agreement, FTA MA 13 (October 1, 2006).

II. NONDISCRIMINATION ASSURANCES

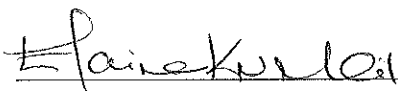
In accordance with 49 CFR Section 21.7 (a), every application for financial assistance from the Federal Highway Administration must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT's Title VI regulations.

As part of the Certifications and Assurances submitted to VDOT, A-NPDC submits a Nondiscrimination Assurance which addresses compliance with Title VI as well as nondiscrimination in hiring (EEO) and contracting (DBE), and nondiscrimination on the basis of disability (ADA).

In signing and submitting this assurance, A-NPDC confirms to VDOT the agency's commitment to nondiscrimination and compliance with federal and state requirements.

III. PLAN APPROVAL DOCUMENT

I hereby acknowledge the receipt of the A-NPDC Title VI Implementation Plan 2020-2023. I have reviewed and approve the Plan. I am committed to ensuring that no person is excluded from participation in, or denied the benefits of A-NPDC services on the basis of race, color, or national origin, as protected by Title VI.



Signature of Authorizing Official

IV. ORGANIZATIONAL AND TITLE VI PROGRAMS AND RESPONSIBILITIES

The **A-NPDC Transportation Program Manager** is responsible for ensuring implementation of the agency's Title VI program. Title VI program elements are interrelated and responsibilities may overlap. The specific areas of responsibility have been delineated below for purposes of clarity.

OVERALL ORGANIZATION FOR TITLE VI

The Transportation Program Manager is responsible for coordinating the overall administration of the Title VI program, plan, and assurances, including complaint handling, data collection and reporting, annual review and updates, and internal education.

DETAILED RESPONSIBILITIES OF THE TRANSPORTATION PROGRAM MANAGER

The Transportation Program Manager is charged with the responsibility for implementing, monitoring, and ensuring compliance with Title VI regulations. Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints received.
2. Collect statistical data (race, color or national origin) of participants in and beneficiaries of agency programs, (e.g., affected citizens, and impacted communities).
3. Conduct annual Title VI reviews of agency to determine the effectiveness of program activities at all levels.
4. Conduct Title VI reviews of construction contractors, consultant contractors, suppliers, and other recipients of federal-aid fund contracts administered through the agency.
5. Conduct training programs on Title VI and other related statutes for agency employees.
6. Prepare a yearly report of Title VI accomplishments and goals, as required.
7. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.
8. Identify and eliminate discrimination.
9. Establish procedures for promptly resolving deficiency status and writing the remedial action necessary, all within a period not to exceed 90 days.

GENERAL TITLE VI RESPONSIBILITIES OF THE AGENCY

The Transportation Program Manager is responsible for substantiating that these elements of the plan are appropriately implemented and maintained, and for coordinating with those responsible for public outreach and involvement and service planning and delivery.

DATA COLLECTION

To ensure that Title VI reporting requirements are met, A-NPDC will maintain:

- A database or log of Title VI complaints received. The investigation of and response to each complaint is tracked within the database or log.
- A log of the public outreach and involvement activities undertaken to ensure that minority and low-income people had a meaningful access to these activities.

ANNUAL REPORT AND UPDATES

As a sub-recipient of federal funds, A-NPDC may be required to submit a Quarterly Report Form to various federal agencies that documents any Title VI complaints received during the preceding quarter and for each year. A-NPDC

will also maintain and provide to requesting agencies on an annual basis, the log of public outreach and involvement activities undertaken to ensure that minority and low-income people had a meaningful access to these activities.

Further, we will submit to requesting federal agencies updates to any of the following items since the previous submission, or a statement to the effect that these items have not been changed since the previous submission, indicating date:

- A copy of any compliance review report for reviews conducted in the last three years, along with the purpose or reason for the review, the name of the organization that performed the review, a summary of findings and recommendations, and a report on the status or disposition of the findings and recommendations
- Limited English Proficiency (LEP) plan
- procedures for tracking and investigating Title VI complaints
- A list of Title VI investigations, complaints or lawsuits filed with the agency since the last submission
- A copy of the agency notice to the public that it complies with Title VI and instructions on how to file a discrimination complaint

ANNUAL REVIEW OF TITLE VI PROGRAM

Each year, in preparing for the Annual Report and Updates, the Transportation Program Manager will review the agency's Title VI program to assure implementation of the Title VI plan. In addition, they will review agency operational guidelines and publications, including those for contractors, to verify that Title VI language and provisions are incorporated, as appropriate. They will also review a Commission program or project for Title VI implications and report their findings to the Executive Director.

DISSEMINATION OF INFORMATION RELATED TO THE TITLE VI PROGRAM

Information on our Title VI program will be disseminated to agency employees, contractors, and beneficiaries, as well as to the public, as described in the "public outreach and involvement" section of this document, and in other languages when needed according to the LEP plan as well as federal and State laws/regulations.

RESOLUTION OF COMPLAINTS

Any individual may exercise his or her right to file a complaint if that person believes that he, she or any other program beneficiaries have been subjected to unequal treatment or discrimination in the receipt of benefits/services or prohibited by non-discrimination requirements. A-NPDC will report the complaint to relevant federal agency within three business days, and make a concerted effort to resolve complaints locally, using the agency's Title VI Complaint Procedures. All Title VI complaints and their resolution will be logged as described under the section Data Collection and reported annually (in addition to immediately) to the relevant federal agency.

WRITTEN POLICIES AND PROCEDURES

Our Title VI policies and procedures are documented in this plan and its appendices and attachments. This plan will be updated periodically to incorporate changes and additional responsibilities that arise. During the course of the Annual Title VI Program Review (above), the Title VI Manager will determine whether or not an update is needed.

INTERNAL EDUCATION/TRAINING

Our employees will receive training on Title VI policies and procedures upon hiring and upon promotion. This training will include requirements of Title VI, our obligations under Title VI (LEP requirements included), and required data that must be gathered and maintained. In addition, training will be provided when any Title VI-related policies or procedures change (agency-wide training), or when appropriate in resolving a complaint.

Title VI training is the responsibility of the Transportation Program Manager. The A-NPDC Executive Director will authorize appropriate training for the entire staff through staff meetings, and special training for the Transportation Program Manager and other selected staff.

TITLE VI CLAUSES IN CONTRACTS

In all federal procurements requiring a written contract or Purchase Order (PO), A-NPDC's contract/PO will include appropriate non-discrimination clauses. The Executive Director and the Transportation Program Manager who is/are responsible for procurement contracts and PO's to ensure appropriate non-discrimination clauses are included.

SPECIAL EMPHASIS PROGRAM AREAS

The Transportation Program Manager, upon finding a trend or pattern of discrimination in the yearly review, will add the identified program to the Special Emphasis Program Areas and monitor the program annually. The Manager will develop recommendations to eliminate the pattern or trend and report these to the Executive Director and subsequently provide assistance in meeting the recommendations. The Manager will also report on progress in the Annual Reports. Once a program reverses the pattern or trend, it will be monitored for one additional year and, if no subsequent trend or pattern is detected, it will be removed from the Special Emphasis Program Areas.

SUB RECIPIENT REVIEWS

The Commission does not have sub recipients.

V. PROCEDURES FOR NOTIFYING THE PUBLIC OF TITLE VI RIGHTS AND HOW TO FILE A COMPLAINT

Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under federal Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI. At a minimum, A-NPDC shall disseminate this information to the public by posting a Title VI notice on the agency's website and in public areas of the agency's office(s), including the reception desk, meeting rooms, in federally-funded vehicles, etc. A sample Public Notice is included as APPENDIX A-Title VI Notice to the Public; List of Locations, and will be displayed in all vehicles and facilities.

TITLE VI COMPLAINT PROCEDURES

REQUIREMENT TO DEVELOP TITLE VI COMPLAINT PROCEDURES AND COMPLAINT FORM.

In order to comply with the reporting requirements established in 49 CFR Section 21.9(b), all recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public. Recipients must also develop a Title VI complaint form. The form and procedure for filing a complaint shall be available on the recipient's website and at their facilities.

SAMPLE OF NARRATIVE

Any individual may exercise his or her right to file a complaint with Accomack-Northampton Planning District Commission if that person believes that he or she has been subjected to unequal treatment or discrimination in the receipt of benefits or services. We will report the complaint to the relevant federal agency within three business days, and make a concerted effort to resolve complaints locally, using the agency's Nondiscrimination Complaint Procedures. All Title VI complaints and their resolution will be logged and reported annually (in addition to immediately) to the relevant federal agency.

A person may also file a complaint directly with the relevant federal agency through their office of civil rights.

A-NPDC includes the following language on all printed information materials, on the agency's website, in press releases, in public notices, or in published documents:

A-NPDC is committed to ensuring that no person is excluded from participation in, or denied the benefits of its services on the basis of race, color or national origin, as protected by Title VI. For additional information on A-NPDC's nondiscrimination policies and procedures, or to file a complaint, please visit the website at www.a-npdc.org or contact the Transportation Program Manager, 23372 Front Street, P.O. Box 417, Accomac, Virginia 23301.

Instructions for filing Title VI complaints are posted on the agency's website and in posters in the agency's facilities.

A copy of the Title VI Complaint Form is attached as APPENDIX B.

MONITORING TITLE VI COMPLAINTS

As part of the complaint handling procedure, the Transportation Program Manager investigates possible inequities in service delivery about which the complaint was filed. If inequities are discovered during this review, options for reducing the disparity are explored, and service changes are planned, if needed.

In addition to the investigation following an individual complaint, the Transportation Program Manager periodically reviews all complaints received to determine if there may be a pattern. At a minimum, this review is conducted as part of preparing the Annual Report and Update.

PROCEDURES FOR HANDLING AND REPORTING INVESTIGATIONS/COMPLAINTS AND LAWSUITS

Should any Title VI investigations be initiated, or any Title VI lawsuits are filed against A-NPDC the agency will follow these procedures:

PROCEDURES

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination on the basis of race, color, or national origin may file a written complaint with the Executive Director. The complaint is to be filed in the following manner:
 - a. A formal complaint must be filed within 180 calendar days of the alleged occurrence.
 - b. The complaint shall be in writing and signed by the complainant(s).
 - c. The complaint should include:
 - the complainant's name, address, and contact information (i.e., telephone number, email address, etc.)
 - the date(s) of the alleged act of discrimination (if multiple days, include the date when the complainant(s) became aware of the alleged discrimination and the date on which the alleged discrimination was discontinued or the latest instance).
 - a description of the alleged act of discrimination
 - the location(s) of the alleged act of discrimination
 - an explanation of why the complainant believes the act to have been discriminatory on the basis of race, color, and/or national origin
 - if known, the names and/or job titles of those individuals perceived as parties in the incident
 - contact information for any witnesses
 - indication of any related complaint activity (i.e., was the complaint also submitted to another agency)
 - d. The complaint shall be submitted to the A-NPDC's Executive Director at 23372 Front Street, P.O. Box 417, Accomac, Virginia 23301, emeil@a-npdc.org or the Transportation Program Manager.
 - e. Complaints received by any other employee will be immediately forwarded to the Executive Director.
 - f. In the case a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the Title VI Manager. Under these circumstances, the complainant will be interviewed, and the A-NPDC staff will assist the complainant in converting the verbal allegations to writing.
2. Upon receipt of the complaint, the Transportation Program Manager will immediately:
 - a. notify the relevant federal agency (no later than 3 business days from receipt)
 - b. notify the A-NPDC Authorizing Official
 - c. ensure that the complaint is entered in the complaint database
3. Within 3 business days of receipt of the complaint, the Executive Director or their designated staff, will contact the complainant by telephone to arrange an interview.

4. The complainant will be informed that they have a right to have a witness or representative present during the interview and can submit any documentation he/she perceives as relevant to proving his/her complaint.
5. If the relevant federal agency has assigned staff to assist with the investigation, A-NPDC may offer an opportunity to participate in the interview.
6. The alleged discriminatory service or program official will be given the opportunity to respond to all aspects of the complainant's allegations.
7. The Manager, in consultation with the Executive Director, will determine, based on relevancy or duplication of evidence, which witnesses will be contacted and questioned.
8. The investigation may also include:
 - a. investigating contractor operating records, policies or procedures
 - b. reviewing operating policies and procedures
 - c. observing behavior of the individual whose actions were cited in the complaint
9. All steps taken and findings in the investigation will be documented in writing and included in the complaint file.
10. The Manager will contact the complainant at the conclusion of the investigation, but prior to writing the final report, and give the complainant an opportunity to give a rebuttal statement at the end of the investigation process.
11. At the conclusion of the investigation and within 30 days of the interview with the complainant, the Transportation Program Manager will prepare a report that includes a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition. This report will be provided to the Authorizing Official, the relevant federal agency, and, if appropriate, A-NPDC's legal counsel.
12. The Manager will send a letter to the complainant notifying them of the outcome of the investigation. If the complaint was substantiated, the letter will indicate the course of action that will be followed to correct the situation. If the complaint is determined to be unfounded, the letter will explain the reasoning, and refer the complainant to the relevant federal agency in the event the complainant wishes to appeal the determination. This letter will be copied to the relevant federal agency.
13. A complaint may be dismissed for the following reasons:
 - a. The complainant requests the withdrawal of the complaint.
 - b. An interview cannot be scheduled with the complainant after reasonable attempts.
 - c. The complainant fails to respond to repeated requests for additional information needed to process the complaint.

TRANSPORTATION-RELATED TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS

BACKGROUND

All recipients shall prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin:

- Active investigations conducted by FTA and entities other than FTA;
- Lawsuits; and
- Complaints naming the recipient.

This list shall include the date that the transportation-related Title VI investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to the investigation, lawsuit, or complaint. This list shall be included in the Title VI Program and information shall be provided as required. See Appendix C for a sample reporting form.

VI. PUBLIC OUTREACH AND INVOLVEMENT

PUBLIC PARTICIPATION PLAN

The Public Participation Plan (PPP) is a guide for ongoing public participation endeavors. Its purpose is to ensure that A-NPDC utilizes effective means of providing information and receiving public input on transportation decisions from low income, minority and limited English proficient (LEP) populations, as required by Title VI of the Civil Rights Act of 1964 and its implementing regulations.

Under federal regulations, sub recipients must take reasonable steps to ensure that Limited English Proficient (LEP) persons have meaningful access to their programs and activities. This means that public participation opportunities, normally provided in English, should be accessible to persons who have a limited ability to speak, read, write, or understand English.

In addition to language access measures, other major components of the PPP include: public participation design factors; a range of public participation methods to provide information, to invite participation and/or to seek input; examples to demonstrate how population-appropriate outreach methods can be and were identified and utilized; and performance measures and objectives to ensure accountability and a means for improving over time.

A-NPDC uses the Virginia Freedom of Information Act's public participation process that will determine how, when, and how often specific public participation activities should take place, and which specific measures are most appropriate. A-NPDC will publicize the public's rights and obligations in the Commission's decision making processes. A-NPDC will design public participation outreach with a goal of improving access to the entire community. An example of the techniques that could be used include the Accomack-Northampton 2015 Community Survey methods description.

A-NPDC will make these determinations based on a demographic analysis of the population(s) affected, the type of plan, program, and/or service under consideration, and the resources available. Efforts to involve minority and LEP populations in public participation activities may include both comprehensive measures, such as placing public notices, as well as targeted measures to address linguistic, institutional, cultural, economic, historical, or other barriers that may prevent minority and LEP persons from effectively participating in our decision-making process.

VII. LANGUAGE ASSISTANCE PLAN FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

LEP is a term that defines any individual not proficient in the use of the English language. The establishment and operation of an LEP program meets objectives set forth in Title VI of the Civil Rights Act and Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP). This Executive Order requires federal agencies receiving financial assistance to address the needs of non-English speaking persons. This includes providing meaningful access to individuals who are limited in their use of English.

As required, A-NPDC developed a written LEP Plan (below). Using 2015 Census and American Community Survey (ACS) data, A-NPDC has evaluated data to determine the extent of need for translation services of its vital documents and materials.

ASSESSMENT OF NEEDS AND RESOURCES

The need and resources for LEP language assistance were determined through a four-factor analysis.

FACTOR 1: ASSESSMENT OF THE NUMBER AND PROPORTION OF LEP PERSONS LIKELY TO BE SERVED OR ENCOUNTERED IN THE ELIGIBLE SERVICE POPULATION

The agency has reviewed census data on the number of individuals in its service area that have limited English Proficiency, as well as the languages they speak.

American Community Survey (2015) – Language Spoken at Home by Ability

Data from the U.S. Census Bureau's American Community Survey (ACS) were obtained through www.census.gov. The agency's service area includes a total of 2,222 persons (out of a population of 42,518) with Limited English Proficiency (those persons who indicated that they spoke English “less than very well”).

Language Spoken at Home (Population Age 5+ who speak English “less than very well”)	Population	Notes
Spanish or Spanish Creole	1,831	75% in Accomack County
French Creole	218	98% in Accomack County
Tagalog	41	100% in Northampton County
French	12	100% in Accomack County
Gujarati	29	100% in Northampton County
Other Asian	16	100% in Accomack County
Italian	20	66% in Accomack County
Greek	21	100% in Accomack County
Korean	16	100% in Accomack County

Vietnamese	7	100% in Accomack County
German	9	100% in Northampton County
Persian	2	100% in Accomack County
Total Population (English & LEP)	42,518	

A-NPDC currently provides for Spanish language materials for public notices, and programs, activities and services. A-NPDC obtains non-English translation services on an as-needed basis. The French Creole population has emerged since the 2010 Haitian earthquake and the Transportation Program Manager will continue to work to improve the amount of materials available in French Creole. A new Asian population is also moving into the region. The Transportation Program Manager will continue to monitor population change in the future and add language materials as needed.

FACTOR 2: ASSESSMENT OF FREQUENCY WITH WHICH LEP INDIVIDUALS COME INTO CONTACT WITH THE AGENCY

Staff recall approximately six instances where individuals interacted with the agency where there was a need for translation services. For fiscal year 2015, the A-NPDC had 2,222 unique visits to the office. Several other instances occurred but the individual came with an interpreter and so A-NPDC did not need to provide the translation services used.

The Transportation Program Manager will continue to identify emerging populations as updated Census and American Community Survey data become available for our service area. In addition, when LEP persons contact our agency, we will attempt to identify their language and keep records on contacts to accurately assess the frequency of contact.

FACTOR 3: ASSESSMENT OF THE NATURE AND IMPORTANCE OF SERVICES TO THE LEP POPULATION

A-NPDC currently provides planning services, and housing counseling services to the community. However, A-NPDC staff also staff the Accomack-Northampton Regional Housing Authority and many service programs of that agency are critical to all segments of the population. A-NPDC currently works with Spanish-speaking clients and will continue to make efforts to improve the client experience with the agency. It has been possible to work with LEP clients to stave off foreclosure and assist in purchasing homes. These are critical services.

FACTOR 4: ASSESSMENT OF THE RESOURCES AVAILABLE TO THE AGENCY AND COSTS

We do not anticipate that these activities and costs will increase in the near future. Budgets in the future will reflect need assessed. Staff training would be added as need is assessed.

MONITORING/UPDATING THE PLAN

This plan will be reviewed on a periodic basis (at least every three years), based on feedback, updated demographic data, and resource availability. As the community grows and new LEP groups emerge, A-NPDC will strive to address the needs for additional language assistance.

LEP IMPLEMENTATION PLAN

Through the four-factor analysis, A-NPDC has determined that a written Language Implementation Plan is not required at this time, which is permissible under FTA Circular C4702.1A. A-NPDC understands that the absence of a written LEP plan does not obviate the underlying obligation to ensure meaningful access by LEP persons to our program or activities. When appropriate, A-NPDC will provide translation of vital documents, provide access to language assistance services, and provide staff training on policies and procedures related to assisting LEP persons. A summary of outreach efforts is attached as APPENDIX D.

MINORITY REPRESENTATION ON PLANNING AND ADVISORY BODIES

Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin, “deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.”

A-NPDC will seek additional diversity in race, color and national origin on the Transportation Technical Advisory Committee and will document recruitment efforts to encourage greater participation from minority segments of the community. These efforts will continue until the committee is more representative of the entire community. Participation in future committees will be documented as indicated in Appendix E.

VIII. 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. This objective is to be achieved, in part, by actively adhering to the principles and practices of both Title VI and the National Environmental Policy Act (NEPA) during the development and implementation of transportation activities.

A-NPDC is committed to adhering to the following principles when planning or implementing transportation projects.

1. Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations,
2. Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process, and
3. Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority population and low-income populations.

IX. SERVICE CHANGES & PERIODIC REVIEW

A-NPDC follows the Commonwealth of Virginia's Freedom of Information Act public comment process. All planning efforts for changes to existing services, as well as new services, have a goal of providing equitable service.

The Transportation Program Manager will, at least annually, review a Commission program or project for Title VI implications and report their findings to the Executive Director.

The Transportation Program Manager's review report and update for FY20 follows as **Appendix F**.

TITLE VI PUBLIC NOTICE

Title VI Public Notice



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 ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

A-NPDC is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transportation services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1B. If you feel you are being denied participation in or being denied benefits of the transit services provided by A-NPDC or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, our contact information is:

Name/Title	Clara Vaughn, Transportation Program Manager
Agency Name:	Accomack-Northampton Planning District Commission
Address:	23372 Front Street, P.O. Box 417
City, State Zip code:	Accomac, Virginia 23301
Telephone Number:	(757) 787-2936 x127
Email address:	claravaughn@a-npdc.org

TITLE VI COMPLAINT FORM

Accomack-Northampton Planning District Commission

23372 Front Street, P. O. Box 417

Accomac, Virginia 23301

Phone: (757) 787-2936 Email: emeil@a-npdc.org

Please Note: The complaint should include the following information:

- Your name, address, and how to contact you (telephone number, email address, etc.)
- How, when, where, and why you believe you were discriminated against
- The location, names, and contact information of any witnesses

Below is a link to the complaint form. Use Cntrl+Click to open the link. It is also available at www.a-npdc.org.

[Title VI Complaint Form.pdf](#)

APPENDIX C

INVESTIGATIONS, LAWSUITS AND COMPLAINTS DOCUMENT

List of Investigations, Lawsuits and Complaints for FY20

	Date	Summary (include basis of complaint: race, color or national origin)	Status	Action(s) taken
Investigations	0			
1.				
Lawsuits	0			
1.				
Complaints	0			
1.				

APPENDIX D

SUMMARY OF OUTREACH EFFORTS

PUBLIC OUTREACH AND INVOLVEMENT

Public outreach and involvement applies to and affects A-NPDC's mission and work program as a whole, particularly agency efforts and responsibilities. The overall goal of the public outreach and involvement policy is to secure meaningful public notification about, and participation in, major actions and decisions. In seeking public comment and review, A-NPDC makes a concerted effort to reach all segments of the population.

PUBLIC OUTREACH ACTIVITIES

A-NPDC will take steps to ensure that minority, low-income, and LEP members of the community have meaningful access to public outreach and involvement activities when the need of additional public outreach is identified. Public notices appear currently in local newspaper publications, on the web page, and are displayed on a slide show in the A-NPDC office lobby. Additionally, a copy of the public portions of meeting packets are made available in the office lobby and on the web page for the public to examine. Any changes to our program would be announced in this format. The above activities are the responsibility of the Transportation Program Manager.

NON-ELECTED BOARD DIVERSITY

The Transportation Program Manager will make efforts to recruit Transportation Technical Advisory Committee members that represent all segments of the community. The Manager will also document their efforts to recruit members.

TABLE OF MINORITY REPRESENTATION ON COMMITTEES BY RACE

1. Please provide a description of your selection process, including recruitment efforts made to encourage the participation of minorities on such committee(s)

A-NPDC staff request public bodies who appoint members to the Commission to consider the racial and ethnic diversity of their jurisdiction when recruiting and appointing members.

A-NPDC worked with the Center for Independent Living on improving transit service to disabled populations. As part of this process, A-NPDC met one of their service coordinators, who is disabled and a member of a minority community, and asked her if she would serve on the Transportation Technical Advisory Committee. Staff also invites agencies to send a representative who works with special needs populations as well.

2. Please provide a table(s) depicting the racial breakdown of the membership of those committees

Committee	Black or African American	White/Caucasian	Latino/Hispanic	American Indian or Alaska Native	Asian	Native Hawaiian or other Pacific Islander	Other	Totals
Accomack-Northampton Planning District Commission	4 (33%)	8 (67%)					1 Vacant seat	13
Transportation Technical Advisory Committee	1 (11%)	8 (89%)						9

APPENDIX F

FY20 ANNUAL REVIEW AND UPDATE

V. PROCEDURES FOR NOTIFYING THE PUBLIC OF TITLE VI RIGHTS AND HOW TO FILE A COMPLAINT

1. A complaint form is available to anyone at the front desk.
2. A copy of the complaint form is available in this report under Appendix B.
3. The complaint form is also available to be downloaded from the A-NPDC website under Planning Commission - Title VI Civil Rights (<http://www.a-npdc.org/accomack-northampton-planning-district-commission/title-vi/>).
4. The Title VI Plan and Procedures and the A-NPDC's affirmative action statement are also available on the website.
5. Copies of the complaint form were placed in all work vehicles.
6. No complaints were received in FY20.

VII. LANGUAGE ASSISTANCE PLAN FOR PERSONS WITH LIMITED ENGLISH LANGUAGE PROFICIENCY (LEP)

7. In FY20, A-NPDC renewed its contract with a language service, Liberty Language Services, to assist staff in communicating with clients with limited English proficiency.
 - a. All A-NPDC staff received updated instructions on how to utilize the service.
 - b. The service was not used in FY20 for language translation.
8. A flyer advertising the availability of free language services in Spanish, Haitian Creole, Filipino, German, French, Italian, and Hmong is posted in the lobby. These languages were chosen based on the most recent U.S. Census data available on languages spoken in Accomack and Northampton counties.
9. Because Liberty Language Services provides interpretation for more than 200 languages, A-NPDC staff are confident in being able to communicate with all prospective clients.

VIII. ENVIRONMENTAL JUSTICE

10. A-NPDC staff continued to update the 2017 Pedestrian Facilities Study, based on a scoring system for prioritizing pedestrian projects that includes access to STAR Transit bus stops and other amenities for individuals lacking access to a personal vehicle.
11. A-NPDC staff provided technical assistance in furthering the Virginia Department of Transportation's Eastern Shore of Virginia Rail-to-Trail Feasibility Study, which will provide transportation alternatives for individuals lacking access to a personal vehicle and considers practical connections in addition to recreational uses along the proposed 49-mile multi-use trail. Staff is actively working to recruit members of diverse communities to participate in the Rail-to-Trail Working Group, which will support trail development efforts.

12. A-NPDC staff, on behalf of the Town of Parksley, submitted a Transportation Alternatives program grant application providing ADA-accessible connections to the Town's STAR Transit public bus stop, future location of the Eastern Shore Regional Public Library, and downtown businesses.

ACCOMACK-NORTHAMPTON PLANNING DISTRICT COMMISSION TITLE VI/ NONDISCRIMINATION
ASSURANCE (DOT ORDER NO. 1050.2A)

Accomack-Northampton Planning District Commission
TITLE VI / NONDISCRIMINATION ASSURANCE
(DOT Order No. 1050.2A)

The Accomack-Northampton 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:

(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 Accomack-Northampton 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 *Accomack-Northampton 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 *Accomack-Northampton 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*.

Accomack-Northampton Planning District Commission

by 
Elaine Meil

DATED October 23, 2019

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 *Accomack-Northampton Planning District Commisison* 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 *Accomack-Northampton Planning District Commisison* 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 *Accomack-Northampton 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 *Accomack-Northampton Planning District Commission*, its successors and assigns.

The *Accomack-Northampton 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 *Accomack-Northampton 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 *Accomack-Northampton 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 *Accomack-Northampton 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 *Accomack-Northampton 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 *Accomack-Northampton 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 *Accomack-Northampton 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 *Accomack-Northampton 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 *Accomack-Northampton Planning District Commission* will there upon revert to and vest in and become the absolute property of the *Accomack-Northampton 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.*).