



Title VI

Implementation

Plan

Approved October 24, 2019

Amended March 25, 2021

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RVARC fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. RVARC strives to provide reasonable accommodations and services for persons who require special assistance to participate in public involvement opportunities. For more information, or to obtain a Discrimination Complaint Form, contact the Title VI Manager or ADA Coordinator at (540) 343-4417 or see www.rvarc.org.

Resolutions

The ___ day of ___ 2019

Resolution

**by the Roanoke Valley-Alleghany Regional Commission to Adopt a Title VI
Implementation Plan**

The ___ day of ___ 2019

Resolution

by the Roanoke Valley Transportation Planning Organization to endorse the Roanoke Valley-Alleghany Regional Commission Title VI Implementation Plan

Abstract

The Title VI Implementation Plan describes the measures the Roanoke Valley-Alleghany Regional Commission (RVARC) adopts to ensure compliance with Title VI of the Civil Rights Act of 1964 which prohibit discrimination on the basis of race, color, or national origin. Any agency that receives federal financial assistance must comply with Title VI. RVARC and the organizations and programs it staffs are subject to the Title VI Implementation Plan.

Title VI Policy

RVARC assures that no person shall, on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (Public Law 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. RVARC further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. In the event RVARC distributes federal-aid funds to another governmental entity, it will include Title VI language in all written agreements and will monitor for compliance.

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Overview

Title VI of the Civil Rights Act of 1964 prohibit discrimination on the basis of race, color, or national origin by agencies that receive federal financial assistance (see Appendix A: Title VI). As a recipient of federal financial assistance, the Roanoke Valley-Alleghany Regional Commission (RVARC) and its programs do not discriminate on the basis of race, color, or national origin (see Appendix B: Non-Discrimination Statement).

The Title VI Implementation Plan describes the measures RVARC adopts to ensure compliance with Title VI in four sections: Title VI Program, Limited English Proficiency, Coordinators, and Discrimination Complaints. Title VI Program describes how RVARC ensures nondiscrimination in communications and public participation, planning and programming, consultant contracts, and education and training. Limited English Proficiency (LEP) describes the statement of commitment to LEP persons, implementation of LEP activities, and monitoring and updating of LEP procedures. The relevant coordinators are the Title VI Manager and the ADA Coordinator. Discrimination Complaints describes the procedures for handling discrimination complaints.

1. Title VI Program

To ensure Title VI Compliance, RVARC staff and the decision-makers of its organizations and programs will not discriminate on the basis of race, color, or national origin.

RVARC staff evaluate and monitor compliance with nondiscrimination authorities in its:

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

To comply with Title VI, RVARC:

- Maintains current Title VI Assurances (Appendix C: Certificate of Assurance)
- Promptly corrects any deficiency identified
- Conducts regular reviews of program areas and contractors
- Documents and prepares reports of Title VI efforts on a regular basis
- The RVARC executive director designates a Title VI Manager.

1.1 Communications and Public Participation

RVARC endeavors to communicate with and provide opportunities for minority, low-income, and disabled persons to participate. The Roanoke Valley Transportation Planning Organization, which is staffed by RVARC, maintains a Public Participation Plan that

describes the process by which it consults with interested and affected individuals, organizations, agencies, and government entities and includes them in the decision-making process. The Public Participation Plan and all other public participation opportunities of RVARC and the organizations and programs it staffs comply with Title VI requirements.

To ensure Title VI compliance in communications and public participation, RVARC staff will:

- Include contact information for people needing accommodations in notifications of opportunities for public participation.
- Post the Title VI Policy on the website.
- Include the following statement in public notices:
“RVARC fully complies with Title VI of the Civil Rights Act of 1964 in all programs and activities. RVARC provides reasonable accommodations for persons who require special assistance to participate in public involvement opportunities. For more information, or to obtain a Discrimination Complaint Form, contact (540) 343-4417 or www.rvarc.org.”
- Provide reasonable accommodations for persons who require special assistance to participate in public involvement opportunities.
- Collect and monitor demographic data during public input opportunities, conducting additional target outreach if the data show a deficiency in public input from particular groups.
- Recruit diverse applicants, including minorities, low-income persons, and disabled, to opportunities for public participation and to serve on committees.

1.2 Planning and Programming

To ensure compliance in planning and programming processes, RVARC staff will:

- Prepare and update publicly available demographic profiles of the region using the most current and appropriate statistical information.
- Consider a high-level overview of benefits and burdens of transportation projects on minority and low-income populations, using maps and geographic demographic data to determine projects that could impact such populations. Lead agencies in individual projects are responsible for in-depth analyses of environmental justice as they move forward.
- Conduct an environmental justice analysis during the development of the Roanoke Valley Transportation Planning Organization Long-Range Transportation Plan, analyzing the relative distribution of costs and benefits from transportation investment strategies and policies on minority or low-income populations.
- Review directives to determine if there are Title VI implications and interpret how directives impact Title VI program areas.
- Include environmental justice aspects of performance measures in transportation performance-based planning and programming, when relevant.

1.3 Consultant Contract

RVARC is responsible for selection, negotiation, and administration of its consultant contracts. RVARC complies with all relevant federal and state laws in contract selection. RVARC staff evaluate and monitor consultant contracts for compliance with nondiscrimination authorities. RVARC staff will:

- Ensure inclusion of nondiscrimination language in contracts and Requests for Proposals.
- Ensure that all consultants verify their compliance with nondiscrimination authorities, procedures, and requirements.
- Work with the recipient or sub-recipient, if found to be not in compliance with nondiscrimination authorities, to resolve the deficiency status and write a remedial action if necessary.
- Review outreach activities to ensure small, disadvantaged, minority, women, and disabled veteran businesses are not excluded to participate in opportunities to compete for consulting contracts.

As part of the Certifications and Assurances submitted to the Virginia Department of Rail and Public Transportation (DRPT) with the Annual Grant Application and all Federal Transit Administration grants submitted to the DRPT, RVARC submits a Nondiscrimination Assurance which addresses compliance with Title VI, nondiscrimination in hiring (Equal Employment Opportunity) and contracting (Disadvantaged Business Enterprise), and nondiscrimination on the basis of disability. In signing and submitting this assurance, RVARC confirms to DRPT the agency's commitment to nondiscrimination and compliance with federal and state requirements.

Disadvantaged Business Enterprise

Disadvantaged Business Enterprises (DBE) are for-profit small business concerns where socially and economically disadvantaged individuals own at least a 51% interest and also control management and daily business operations. African Americans, Hispanics, Native Americans, Asian-Pacific and Subcontinent Asian Americans, and women are presumed to be socially and economically disadvantaged. Other individuals can also qualify as socially and economically disadvantaged on a case-by-case basis. The U.S. Department of Transportation's DBE regulations require state and local transportation agencies that receive federal financial assistance to establish goals for the participation of DBEs.

RVARC supports the objectives of the DBE Program:

- To ensure nondiscrimination in the award and administration of Federal Highway Administration assisted contracts
- To create a level playing field on which DBEs can compete fairly for Federal Highway Administration-assisted contracts
- To ensure the DBE Program is narrowly tailored in accordance with applicable law

- To ensure that only firms that fully meet 49 CFR, Part 26 eligibility standards are permitted to participate as DBEs
- To help remove barriers to the participation of DBEs in Federal Highway Administration-assisted contracts
- To assist the development of firms that can compete successfully in the marketplace outside of the DBE Program
- To provide appropriate flexibility to recipients of federal financial assistance in establishing and providing opportunities for DBEs

1.4 Education and Training

To ensure compliance through education and training, the RVARC Title VI Manager will:

- Distribute information to staff, board and committee members, and other stakeholders on training programs regarding Title VI and related nondiscrimination authorities.
- Offer training to staff in Title VI nondiscrimination and implementation.
- Track Title VI nondiscrimination training of staff and board and committee members.
- Develop Title VI educational information for dissemination to the general public.

2. Limited English Proficiency

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English are Limited English Proficient (LEP). For a LEP person, language can present a barrier to accessing benefits and services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. LEP persons may be entitled to language assistance at no cost to them with respect to a service, benefit, or encounter.

RVARC provides meaningful access to programs and activities by giving LEP persons adequate and understandable information to participate in programs and activities and by taking reasonable steps to remove barriers for LEP persons.

2.1 Statement of Commitment

Meaningful access to LEP persons means ensuring that LEP persons can communicate effectively and act appropriately based on that communication. RVARC will take reasonable steps to ensure LEP persons have meaningful access to programs, activities, services, and information that are normally provided in English. Failure to ensure that LEP persons can effectively participate in federally assisted programs and activities may violate the prohibition against national origin discrimination under Title VI of the Civil Rights Act of 1964.

2.2 Implementation

Implementation guidelines describe what should be done when an LEP person is encountered or an LEP request is made as well as what activities should be done routinely to keep information and training up to date.

LEP Encounter

When staff encounter LEP persons or request for language assistance, use these guidelines to determine what assistance can be provided.

The language assistance services available to RVARC are:

- CyraCom: RVARC has a Pay-As-You-Go account with CyraCom – On Demand Over-the-Phone Interpretation (www.cyracom.com). CyraCom maintains telephone assisted interpretation capability for over 100 languages (\$2.98/minute) and written translation services for a fee.
- Translation services available through Roanoke Spanish (\$0.15/word or \$85/page)
- RVARC bilingual employees fluent in Spanish: As of 2019, two RVARC bilingual employees, Cristina Finch and Amanda McGee, are fluent in Spanish.

The need for LEP services depends on the type of contact.

- In-person Contact: Use the Language Identification Flashcard, posted in the RVARC entrance, to attempt to identify the language spoken. Enlist the assistance of bilingual staff and/or Cyra-Com service to obtain the LEP person's name and contact information.
- Telephone Contact: Enlist the assistance of bilingual staff and/or Cyra-Com service as needed.
- Written Contact or Documents: Engage translation service such as Roanoke Spanish or Cyra-Com.
- Request for translation at a meeting: Use Cyra-Com service or other translation service.

Cost alone will not determine whether a request is granted. Language assistance services deemed appropriate will be made available at the expense of RVARC.

- Requests for under \$100: Will be granted. For Spanish, a phone call that might last up to 30 minutes or a document that is 1 typed page in English is likely to fit this criterion.
- Requests for over \$100: Title VI Manager and the RVARC Executive Director review based on the four-factor analysis (page 13) and grant if deemed vital.

Routine LEP Implementation Activities

The Title VI Manager will:

- Post written notices on the website and/or in a public area regarding the right to free language assistance for persons conducting business with RVARC in the most likely to be encountered languages (as determined using the four-factor analysis).

- Ensure that public notices and publications include statements that RVARC provides reasonable accommodations for persons who require special assistance to participate in public involvement opportunities.
- Maintain the language assistance resource list, updating with current resources.
- Ensure staff understand:
 - The right to free language assistance for LEP persons.
 - How to use language assistance resources.
 - To include statements in public notices and publications that RVARC provides reasonable accommodations.

2.3 Monitoring and Updating

RVARC will monitor its LEP policies and practices, review them regularly with the four-factor analysis, and update as needed.

To monitor LEP policies and practices, the Title VI Manager will:

- Review RVARC activities on a regular basis for providing meaningful access to LEP persons.
- Document requests for translation services and encounters with LEP persons and provide reports when requested.

Four-factor analysis

The four-factor analysis is used to assess the need for language assistance services:

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

The Title VI Manager will:

- Regularly review demographic data based on the four-factor analysis. If a language other than English is the primary language of >5% of the population, the LEP guidelines may need to be modified to meet the new needs.
- Collect and maintain demographic statistics on persons who participate in their programs and services.
- Solicit feedback from locality social service departments and community-based organizations serving LEP persons to evaluate how well its practices meet their needs.

Locality social service departments and community-based organizations serving LEP persons include:

- Roanoke Refugee Partnership
- Roanoke Spanish
- City of Roanoke Division of Human Services
- Roanoke County Department of Social Services

- Virginia Department of Social Services
- Council of Community Services

The feedback solicited from these departments and organizations may include:

- Nature and importance of programs, services, and activities to LEP persons
- The effectiveness of current language assistance measures in meeting the needs of LEP persons
- The effectiveness of staff LEP trainings and agency-wide language assistance protocol
- Changes in the frequency of contact with LEP language groups
- Changes in the availability of resources, including technological advances or financial resources

3. Coordinator

The Title VI Manager is Rachel Ruhlen, (540) 343-4417, email rrehlen@rvarc.org. The secondary contact for Title VI issues is Wayne Strickland, (540) 343-4417, email wstrickland@rvarc.org.

4. Discrimination Complaints

Any person who believes that RVARC has unlawfully discriminated against them may file a complaint with RVARC. These procedures are written for RVARC staff to follow. A person who believes there has been discrimination may not be aware of the requirements of the complaint procedures.

4.1 Eligibility

Any person who believes they—or a specific class of persons—were subjected to discrimination on the basis of race, color, or national origin in the programs and activities of a Subrecipient that receives Federal financial assistance through a primary Recipient may file a Title VI complaint.

4.2 Filing a complaint

A discrimination complaint form is available online (link: <https://rvarc.org/wp-content/uploads/2021/03/Amended-Title-VI-Complaint-Form.pdf>). A paper copy can be obtained at 313 Luck Ave SW, Roanoke VA or requested by mail, and a copy is provided in Appendix D: Discrimination Complaint Form. The complaint form can be submitted online, by mail, or in person at 313 Luck Ave SW, Roanoke VA. The Title VI Manager can assist the person in filing a complaint if needed.

According to USDOT regulations, 49 CFR §21.11(b), a complaint must be filed not later than 180 days after the date of the last instance of alleged discrimination, unless the time for filing is extended by the processing agency.

4.3 Complaint processing

Complaints will be routed to the FHWA Headquarters Office of Civil Rights (HCR) for processing. HCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints filed against State DOTs or Subrecipients of Federal financial assistance.

Complaints will be forwarded from the initial receiving agency through the Federal-aid highway oversight hierarchy until the complaint reaches HCR. For example, if a complaint is filed with RVARC, RVARC will forward the complaint to the Virginia Department of Transportation, which should forward the complaint to Virginia's FHWA Division Office, which should forward the complaint to HCR.

RVARC will log all complaints received.

When HCR decides on whether to accept, dismiss, or transfer the complaint, HCR will notify the Complainant, the FHWA Division Office, the Virginia Department of Transportation, and RVARC.

Appendix A: Title VI

The eleven titles of the Civil Rights Act of 1964 are:

- I. Voting Rights
- II. Public Accommodation
- III. Desegregation of Public Facilities
- IV. Desegregation of Public Education
- V. Commission on Civil Rights
- VI. **Nondiscrimination in Federally Assisted Programs and Activities**
- VII. Equal Employment Opportunity
- VIII. Registration and Voting Statistics
- IX. Intervention and Procedure after Removal in Civil Rights Cases
- X. Establishment of Community Relations Service
- XI. Miscellaneous

Title VI of the Civil Rights Act of 1964 addresses nondiscrimination in federally assisted programs and activities. Title VI declares it to be the policy of the United States that discrimination on the grounds of race, color, or national origin shall not occur in connection with programs and activities receiving federal financial assistance and authorizes and directs the appropriate federal departments and agencies to take action to carry out this policy. Subsequent nondiscrimination laws expanded the range and scope of Title VI coverage and applicability. Executive orders and federal agency orders and memos clarify implementation of nondiscrimination policy.

Appendix B: Non-Discrimination Statement

The Roanoke Valley-Alleghany Regional Commission (RVARC) gives public notice of its policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (PL 100.259), and all related statutes. RVARC is committed to ensuring that no person in the United States of America shall, on the grounds of race, color, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which RVARC receives Federal financial assistance as required by Title VI.

Any person who believes that he or she has, individually, or as a member of any specific class of persons, been excluded from the participation in, been denied the benefits of, or been otherwise subjected to discrimination under any program or activity for which RVARC provides assistance, and believes the discrimination is based upon race, color, or national origin has the right to file a formal complaint.

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

If a complaint addresses a particular service provider, the complaint should be lodged with that provider.

For complainants who may be unable to file a written complaint, verbal information will be accepted by RVARC at 540-343-4417 or in person.

To submit a formal complaint or to request additional information on Title VI obligations, contact Rachel Ruhlen, RVARC Title VI Manager, 313 Luck Avenue, SW, Roanoke, Virginia, 24016; phone 540-343-4417; email ruhlen@rvarc.org.

Appendix C: Certificate of Assurance

This Certificate of Assurance has Appendices A through E.

Roanoke Valley-Alleghany Regional Commission
TITLE VI / NONDISCRIMINATION ASSURANCE
(DOT Order No.1050.2A)

The Roanoke Valley-Alleghany Regional Commission which includes the Roanoke Valley Transportation Planning Organization, (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)* and/or the *Federal Transit Administration (FTA)*, 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 and/or Federal Transit 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 and/or Public Transportation Programs:

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 and/or Public Transportation Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Roanoke Valley-Alleghany Regional 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 **Roanoke Valley -Alleghany Regional 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 **Federal Highway Administration, Federal Transit Administration, Virginia Department of Transportation, and/or Virginia Department of Rail and Public Transportation** 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 **Federal Highway Administration, Federal Transit Administration, Virginia Department of Transportation, and/or Virginia Department of Rail and Public Transportation**. You must keep records, reports, and submit the material for review upon request to **Federal Highway Administration, Federal Transit Administration, Virginia Department of Transportation, and/or Virginia Department of Rail and Public Transportation**, 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 **Roanoke Valley-Alleghany Regional 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 and/or Public Transportation Programs**. 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 and/or Public Transportation Programs**.

Roanoke Valley-Alleghany Regional Commission

by Wayne Strickland
 Wayne Strickland, Executive Director

Date: March 25, 2021

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 and/or Federal Transit 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 and/or Federal Transit 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 and/or Federal Transit 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 and/or Federal Transit 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 and/or Federal Transit 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 **Roanoke Valley-Alleghany Regional 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 and/or Federal Transit 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 **Roanoke Valley-Alleghany Regional 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 **Roanoke Valley-Alleghany Regional 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 **Roanoke Valley-Alleghany Regional Commission**, its successors and assigns.

The **Roanoke Valley-Alleghany Regional 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 **Roanoke Valley-Alleghany Regional 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 **Roanoke Valley-Alleghany Regional 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 **Roanoke Valley-Alleghany Regional 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 **Roanoke Valley-Alleghany Regional 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 **Roanoke Valley-Alleghany Regional 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 Roanoke Valley-Alleghany Regional 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 Roanoke Valley-Alleghany Regional 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 Roanoke Valley-Alleghany Regional Commission will there upon revert to and vest in and become the absolute property of the Roanoke Valley-Alleghany Regional 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.*)

Appendix D: Discrimination Complaint Form

The discrimination complaint form is available below and online (link: <https://rvarc.org/transportation/title-vi-and-ada-notices/>). The complaint form can be submitted by email, by mail, or in person at 313 Luck Ave SW, Roanoke VA. The Title VI Manager can assist the person in filing a complaint if needed.



Roanoke Valley-Alleghany
REGIONAL
commission

TITLE VI DISCRIMINATION COMPLAINT FORM

Instructions: Please fill out this form completely in blue or black ink or type. Sign and submit to Rachel Ruhlen, Title VI Manager, 313 Luck Ave. SW, Roanoke, VA 24016. For assistance please call 540-343-4417 or email rruhlen@rvarc.org

THIS FORM IS OPTIONAL AND IS PROVIDED FOR YOUR CONVENIENCE.

Complainant Name: _____
Address: _____ E-mail: _____
Home Telephone: _____ Work: _____ Cell: _____

If an authorized representative is filing this complaint on behalf of another person, his/her personal information must also be included:

Representative Name: _____
Address: _____ E-mail: _____
Home Telephone: _____ Work: _____ Cell: _____

Please tell us why you believe the discrimination occurred: Race, Color, National Origin, Other

(Specify): _____

Date of Incident: _____ Time of Incident: _____

Location or Address of Incident: _____

Describe your complaint: _____

What type of corrective action would you like to see be taken? _____

If the incident involved any representatives of Roanoke Valley-Alleghany Regional Commission, its programs, or its consultants, please list his/her name: _____

Names and contact information of witnesses: _____

If your complaint is being filed on behalf of another person or group of people, all complaints must be identified by name: _____

Complainant Signature: _____ Date: _____

Authorized Representative Signature: _____ Date: _____