



TITLE VI PLAN

TITLE VI, ENVIRONMENTAL JUSTICE & LIMITED ENGLISH PROFICIENCY

Adopted: October 15, 2015

Amended: January 19, 2017

Amended: May 16, 2019

Amended: April 15, 2021



**Harrisonburg
Rockingham**
Metropolitan Planning
Organization

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HRVAMPO.ORG

Harrisonburg-Rockingham Metropolitan Planning Organization (HRMPO)

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Report Contact and Documentation

Contact Information

Citizens, stakeholders, and interested parties may contact the following individuals for information regarding this Title VI Plan, HRMPO documents, plans and other public records. Submit oral and/or written comments about any advertised plan, and/or about the HRMPO and its planning efforts to:

- HRMPO Secretary/Treasurer—Administrator, 112 MacTanly Place, Staunton, Virginia, 24401
Phone: (540) 885-5174
Fax: (540) 885-2687
Email: cspdc@cspdc.org
Website: www.hrvampo.org

Title VI Manager and Additional Assistance

Please submit any inquiries or comments for the HRMPO Title VI Manager to CSPDC staff at the above contact information. Hearing and voice assistance are available from:

- Virginia Relay for Hearing and Voice Impaired: 7-1-1
- Outside Virginia: Voice 800-828-1140 | Hearing 800-828-1120

Title:

Harrisonburg-Rockingham Metropolitan Planning Organization Title VI Plan

Authors:

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Report Date:

October 2015

Granting/Sponsoring Agencies:

Federal Highways Administration

Federal Transit Administration

Virginia Department of Transportation

Virginia Department of Rail and Public Transit

Local Funds

Abstract

Title VI of the Civil Rights Act of 1964 states: "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." Subsequent laws and Presidential Executive Orders added handicap, sex, age, or income status to the criteria for which discrimination is prohibited. The Harrisonburg-Rockingham Metropolitan Planning Organization (HRMPO) Title VI Plan was developed to ensure the HRMPO is in compliance with nondiscrimination requirements as outlined in Title 23 CFR and 49 CFR and related laws and provides specific information on how to file a nondiscrimination complaint.

This Plan also provides an overview of Environmental Justice and Limited English Proficiency (LEP) concepts, definitions of Title VI and associated nondiscrimination acts, and how Title VI, Environmental Justice and LEP are incorporated into the metropolitan transportation planning process. Public outreach strategies for minority, low-income, and LEP populations are included in the HRMPO Public Participation Plan, amended May 16, 2019.

Acknowledgements

This report was prepared by the HRMPO in cooperation with the United States Department of Transportation, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Virginia Department of Transportation (VDOT), and the Virginia Department of Rail and Public Transportation (DRPT). The contents of this report reflect the views of the HRMPO. The contents do not necessarily reflect the official views or policies of the FHWA, FTA, VDOT, DRPT, or Central Shenandoah Planning District Commission. This report does not constitute a standard, specification, or regulation. FHWA, FTA or VDOT acceptance of this report as evidence of fulfillment of the objectives of this planning study does not constitute endorsement/approval of the need for any recommended improvements nor does it constitute approval of their location and design or a commitment to fund any such improvements. Additional project level environmental impact assessments and/or studies of alternatives may be necessary.

This report will be included as a work element in the Fiscal Year 2013 Unified Planning Work Program (UPWP), which is scheduled to be released for public comment by the HRMPO at its May 17, 2012 meeting, approved in June, and its upkeep will be reflected in subsequent UPWP work plans.

For **Resolution**





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Metropolitan Planning
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RESOLUTION APPROVING AMENDMENTS TO THE TITLE VI PLAN

WHEREAS, the Title VI of the Civil Rights Act of 1964 (U.S.C. 200D) provides that no person shall on the grounds of race, color, national origin, gender, or disabilities be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal Funds; and

WHEREAS, the Virginia Department of Transportation requires that any Organization that is the recipient of Federal financial assistance shall have an adopted Title VI Plan and Policy; and

WHEREAS, the Harrisonburg-Rockingham Metropolitan Planning Organization is responsible for transportation planning in the region and therefore is the recipient of said funds; and

WHEREAS, the Virginia Department of Transportation requested additional updates to the Title VI Plan, which are 1) adding Title VI Certifications and Assurances in Appendix C, and 2) revising the Discrimination Complaint Procedures to ensure compliance with FHWA's new requirement that all complaints made against a subrecipient of federal funds be routed directly to FHWA for review in Appendix D; and

WHEREAS, the MPO has made the requested changes to the document;

NOW, THEREFORE, BE IT RESOLVED, that the Harrisonburg-Rockingham Metropolitan Planning Organization Policy Board does hereby approve the amended Title VI Plan on this 15th day of April 2021, and in so doing, repeals the Title VI Plan approved on October 15, 2015, as last amended on May 16, 2019.

Dennis Driver, Chair
Harrisonburg-Rockingham Metropolitan
Planning Organization Policy Board

ATTEST:

Bonnie S. Riedesel, Secretary/ Treasurer
Harrisonburg-Rockingham
Metropolitan Planning Organization
Policy Board

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Purpose

The Harrisonburg-Rockingham Metropolitan Planning Organization (HRMPO), as a sub-recipient of federal financial assistance, is required to comply with Title VI and subsequent nondiscrimination laws, as well as provide an overview of how the HRMPO addresses Executive Order 12898 on Environmental Justice and Executive Order 13166 on Limited English Proficiency (LEP). The purpose of this Title VI Plan is to describe the measures taken by the HRMPO to assure compliance with the rules and regulations associated with Title VI and subsequent nondiscrimination laws, Environmental Justice, and LEP.

Harrisonburg-Rockingham Metropolitan Planning Organization

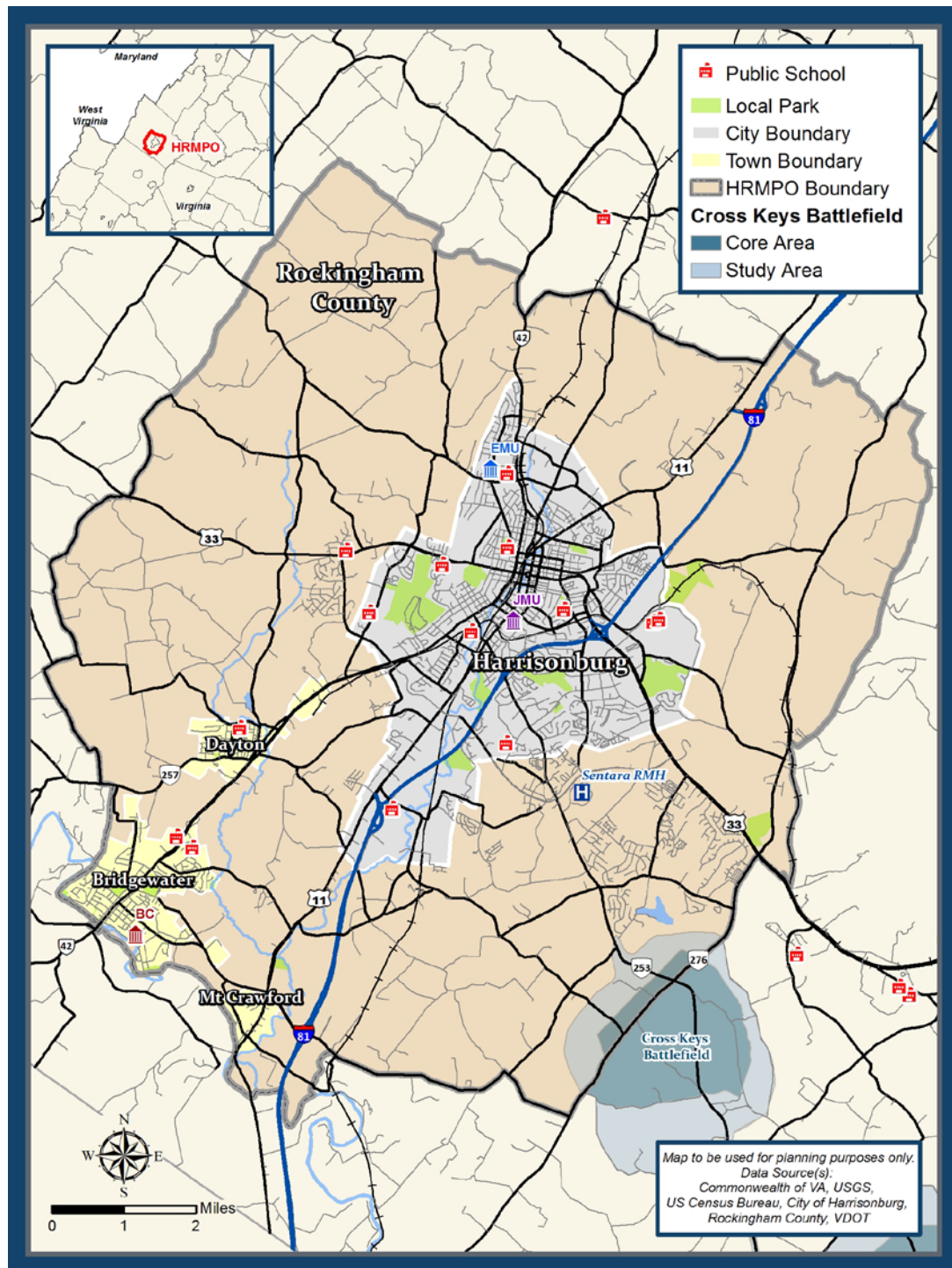
The HRMPO, for which this Title VI Plan is applicable, is the metropolitan planning organization for the Harrisonburg-Rockingham Metropolitan Planning Area (MPA) (See Figure 1). As such, it is a federally mandated transportation policy board comprised of representatives from local, state, and federal governments, transit agencies, and other stakeholders and is responsible for transportation planning and programming for the MPA. Any highway or transit project or program to be constructed or conducted within the MPA and to be paid for with Federal funds, must receive approval by the HRMPO before any Federal funds can be expended. The HRMPO includes the City of Harrisonburg, the County of Rockingham, and the towns of Bridgewater, Dayton and Mt. Crawford, Virginia.

Introduction

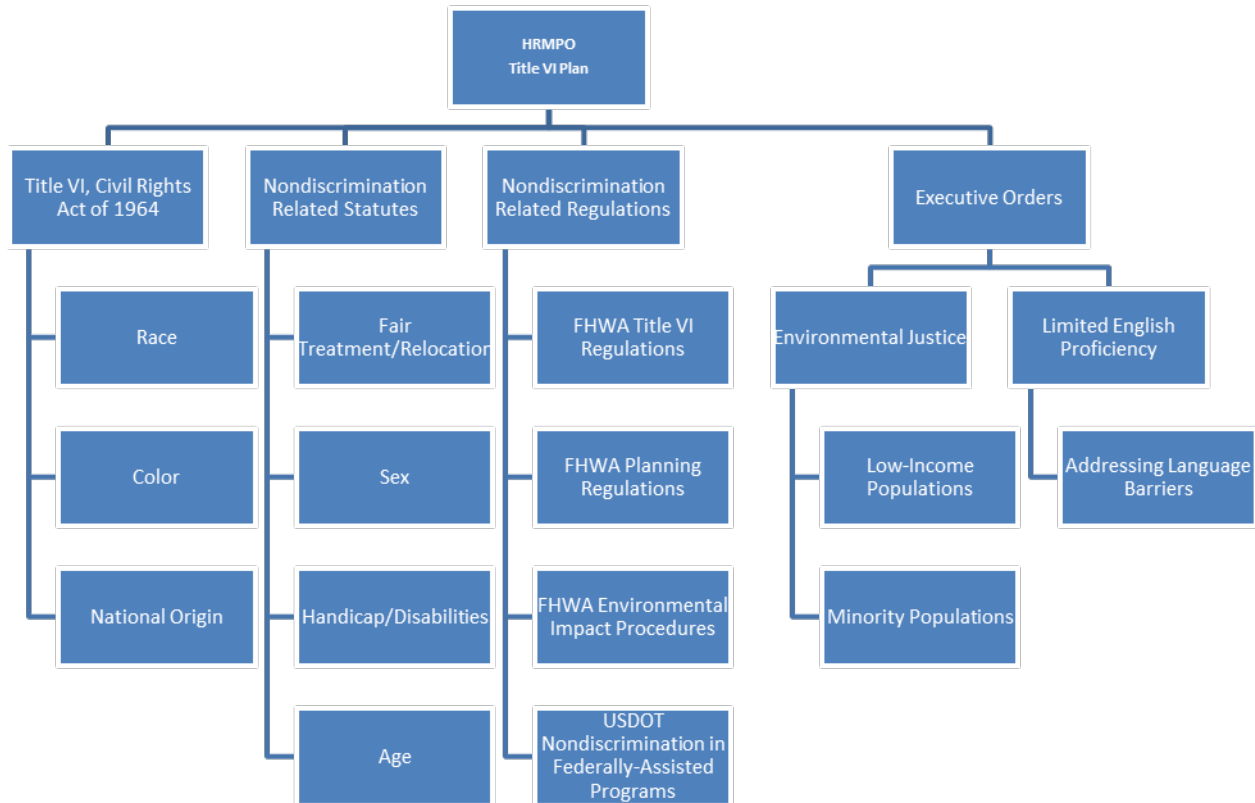
Title VI of the Civil Rights Act of 1964 prohibits federal agencies and sub-recipients of federal funds from discriminating, on the basis of race, color or national origin, against participants or clients of programs that receive Federal funding. Subsequent laws and Presidential Executive Orders added handicap, sex, age, or income status to the criteria for which discrimination is prohibited. This document addresses prohibition of discrimination as mandated by Title VI as well as by the authorities listed in the following section.

In addition to nondiscrimination, this document provides information regarding two Presidential Executive Orders pertaining to fairness and inclusiveness. Executive Order 12898 mandates that federal agencies address equity and fairness, or Environmental Justice, toward low-income and minority persons and populations. Executive Order 13166 mandates that federal agencies ensure that people who have LEP have meaningful access to federally-conducted and/or funded programs and activities. Public outreach strategies, which include minority, low-income, and LEP populations and comply with Executive Order 12898 and Executive Order 13166, are outlined in the HRMPO Public Participation Plan, amended on May 16, 2019.

Figure 1: HRMPO Metropolitan Planning Area



The chart below depicts the nondiscrimination authorities addressed in the HRMPO Title VI Plan.



Title VI Policy Statement

The HRMPO 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 HRMPO 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.

Appendix A contains the signed Title VI Non-discrimination Statement.

Title VI and Other Nondiscrimination Authorities

Title VI is usually referred to in the context of federal nondiscrimination laws. Title VI is one of eleven titles included in the Civil Rights Act of 1964. The following is a list of all of the Civil Rights Act titles:

- Voting Rights
- Public Accommodation
- Desegregation of Public Facilities
- Desegregation of Public Education
- Commission on Civil Rights
- Nondiscrimination in Federally Assisted Programs and Activities
- Equal Employment Opportunity
- Registration and Voting Statistics
- Intervention and Procedure after Removal in Civil Rights Cases
- Establishment of Community Relations Service
- Miscellaneous

Title VI “declares it to be the policy of the United States that discrimination on the ground 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.” Any organization that receives Federal funds is bound to comply with Title VI.

Since the Civil Rights Act of 1964, other nondiscrimination laws have been enacted to expand the range and scope of Title VI coverage and applicability:

- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970** prohibits unfair and inequitable treatment of persons displaced or whose property will be acquired as a result of federal and federal-aid programs and projects.
- **The Federal Aid Highway Act of 1973** states that no person shall, on the grounds of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.
- **Section 504 of the Rehabilitation Act of 1973** states that no qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance. This Act protects qualified individuals from discrimination based on their disability.
- **The Age Discrimination Act of 1975** states that no person shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. This act prohibits age discrimination in Federally Assisted Programs.
- **The Civil Rights Restoration Act of 1987, P.L.100-209** amends Title VI of the 1964 Civil Rights Act to make it clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal assistance.

- **The American Disabilities Act (ADA) of 1990** prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities.
- **23 CFR Part 200 – Federal Highway Administration regulations: Title VI Program and Related Statutes – Implementation and Review Procedures** provides guidelines for implementing the FHWA Title VI compliance program under Title VI of the Civil Rights Act of 1964 and related civil rights laws and regulations, and conducting Title VI program compliance reviews relative to the Federal-aid highway program.
- **49 CFR Part 21** – Nondiscrimination in Federally-Assisted Programs.
- **23 CFR Part 450** – Federal Highway Administration planning regulations.
- **23 CFR Part 771** – Federal Highway Administration regulations, Environmental Impact Procedures.
- **DOT Order 5610.2 on Environmental Justice** summarized and expanded upon the requirements of Executive Order 12898 to include all policies, programs, and other activities that are undertaken, funded, or approved by the FHWA, the FTA, or other United States Department of Transportation (USDOT) components.
- **The National Environmental Policy Act (NEPA) of 1969** addresses both social and economic impacts of environmental justice. NEPA stresses the importance of providing for “all Americans, safe, healthful, productive and aesthetically pleasing surroundings,” and provides a requirement for taking a “systematic interdisciplinary approach” to aid in considering environmental and community factors in decision-making.
- **FHWA/FTA Memorandum Implementing Title VI Requirements in Metropolitan and Statewide Planning** - This memorandum provides clarification for field officers on how to ensure that environmental justice is considered during current and future planning certification reviews. The intent of this memorandum was for planning officials to understand that environmental justice is equally as important during the planning stages as it is during the project development stages.

In addition to the laws listed above, two executive orders must be taken into account when ensuring compliance with federal nondiscrimination laws, directives, and mandates:

- **Executive Order 12898 – Environmental Justice (February 11, 1994)**, a presidential mandate to address equity and fairness toward low-income and minority persons/population. Executive Order 12898 organized and explained the federal government’s commitment to promote Environmental Justice. Each federal agency was directed to review its procedures and make environmental justice part of its mission.
- **U.S. DOT Order 5610.2 (April 15, 1997)** expanded upon Executive Order 12898 requirements and describes process for incorporating Environmental Justice principles into DOT programs, policies, and activities.
- **FHWA Order 6640.23 (December 2, 1998)** – FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

- **Executive Order 13166 – Limited English Proficiency (August 11, 2000)**, a presidential directive to federal agencies to ensure people who have limited English proficiency have meaningful access to services. Executive Order 13166 ensures federal agencies and their recipients to improve access for persons with LEP to federally-conducted and federally assisted programs and activities.

Organization and Title VI Program Responsibilities

The HRMPO Title VI Manager is generally responsible for overseeing compliance with applicable nondiscrimination authorities in each of the metropolitan transportation planning and programming areas. Other staff members are expected to provide information and support to assist this staff member in performing his or her tasks.

Responsibilities of the Title VI Manager

The Title VI Manager is responsible for supervising staff activities pertaining to nondiscrimination regulations and procedures set forth in federal guidance and in accordance with the HRMPO Title VI Plan. In support of this, the Title VI Manager will:

- Identify, investigate, and work to eliminate discrimination when found to exist.
 - Process discrimination complaints received by the HRMPO. Any individual may exercise his or her right to file a complaint with the HRMPO, if that person believes that he or she or any other program beneficiaries have been subjected to discrimination, in their receipt of benefits/services or on the grounds of race, color, national origin, sex, handicap, age, or income status. The HRMPO will make a concerted effort to resolve complaints in accordance with Discrimination Complaint Procedures.
- Meet with appropriate staff members to monitor and discuss progress, implementation, and compliance issues related to the HRMPO Title VI Plan.
- Periodically review the HRMPO Title VI Plan to assess whether administrative procedures are effective, staffing is appropriate, and adequate resources are available to ensure compliance.
- Work with staff involved with Consultant Contracts and the sub-recipient found to not be noncompliant, to resolve the deficiency status and write a remedial action if necessary, as described in the Consultant Contracts section of this document.
- Review important issues related to nondiscrimination with the HRMPO Policy Board Chairperson, as needed.
- Maintain a list of Interpretation Service Providers.
- Assess communication strategies and address additional language needs when needed.
- Disseminate information related to the nondiscrimination authorities. The HRMPO Title VI Plan is to be disseminated to HRMPO employees, contractors, the general public, and any of the HRMPO services.
- Coordinate with appropriate federal, state, and regional entities to periodically provide HRMPO employees with training opportunities regarding nondiscrimination.

- Ensure that all new HRMPO employees receive education and training regarding nondiscrimination regulations and procedures as set forth in this plan and in accordance with federal guidance.

Questions

For questions on the HRMPO Title VI Plan and procedures, please contact the CSPDC at (540) 885-5174 or by email at cspdc@cspdc.org. For information on the HRMPO's work programs or publications, please see the HRMPO website at www.hrvampo.org.

Annual Nondiscrimination Assurance to the Virginia Department of Rail and Public Transportation (DRPT)

Each year, in preparing for the Annual Report and Updates, the Title VI 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.

Title VI Clauses in Contracts

In all procurements requiring a written contract, HRMPO's contract will include the federal non-discrimination clauses. The Title VI Compliance Officer will work with the Financial Compliance and Procurement Analyst.

Environmental Justice

On February 11, 1994, President William J. Clinton signed Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which directs federal agencies to develop strategies to help them identify and address disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations. The Executive Order was also intended to provide minority and low-income communities with access to public information and opportunities for public participation in matters relating to human health or the environment.

Adverse effects as described in Executive Order 12898 is the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to:

- Bodily impairment, infirmity, illness or death.
- Air, noise, and water pollution and soil contamination.
- Destruction or disruption of:

- man-made or natural resources
- aesthetic values
- community cohesion or a community's economic vitality
- the availability of public and private facilities and services
- Adverse employment effects.
- Displacement of persons, businesses, farms, or non-profit organizations.
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community.
- Denial of, reduction in, or significant delay in the receipt of benefits of the HRMPO programs, policies, or activities.

Environmental Justice joins social and environmental movements by addressing the unequal environmental burden often borne by minority and low-income populations. The right to a safe, healthy, productive, and sustainable environment for all, where "environment" is considered in its totality to include the ecological (biological), physical (natural and built), social, political, aesthetic, and economic environments.

Environmental Justice helps to ensure that programs, policies, and activities that have adverse effects on communities do not affect minority and low-income populations disproportionately. To prevent discrimination as described in Executive Order 12898, the Federal Highway Administration Order 6640.23 *Order to Address Environmental Justice in Minority Populations and Low-Income Populations* dated December 2, 1998 defines minority and low-income individuals and populations as follows:

- **Minority** – a person who is Black, Hispanic, American Indian and Alaskan Native, or Asian American:
 - **Black** – a person having origins in any of the black racial groups of Africa.
 - **Hispanic** – a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
 - **American Indian and Alaskan Native** – a person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.
 - **Asian American** – a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific islands.
- **Minority Population** – any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed program, policy or activity.

- **Low-Income** – a person whose household income is at or below the United States Department of Health and Human Services poverty guidelines.
- **Low-Income Population** – any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who would be similarly affected by a proposed program, policy or activity.

Environmental Justice is incorporated through all phases of the transportation planning and programming process. Environmental Justice is a main goal of the HRMPO Public Participation Plan and a key consideration in the HRMPO Long-Range Transportation Plan (LRTP). Chapter 7 of the LRTP includes analysis on the potential for positive or negative impact that a given transportation investment program could have on underserved population groups. The HRMPO Environmental Justice Guidelines include maps identifying underserved communities, outreach strategies, benefits/burdens methodologies, and an evaluation component.

The needs of environmental justice populations, as well as other special needs populations, were considered several ways in the development of the long range transportation plan. The Constrained Long Range Plan (CLRP) projects serve these areas through a variety of means including improvements along the major corridors of East Market Street and Port Republic Road, improvements on the north side of Harrisonburg, and improvements in Bridgewater and on the east side of Dayton near Route 42 and West Mosby Road.

The FTA also requires an analysis of how current transit service serves minority and low-income populations. Figures 2-5 depict current HDPT transit service in the HRMPO area with U.S. Census data by block group to indicate how transit routes directly serve these two populations.

Figure 2: Transit Service to Minority Populations

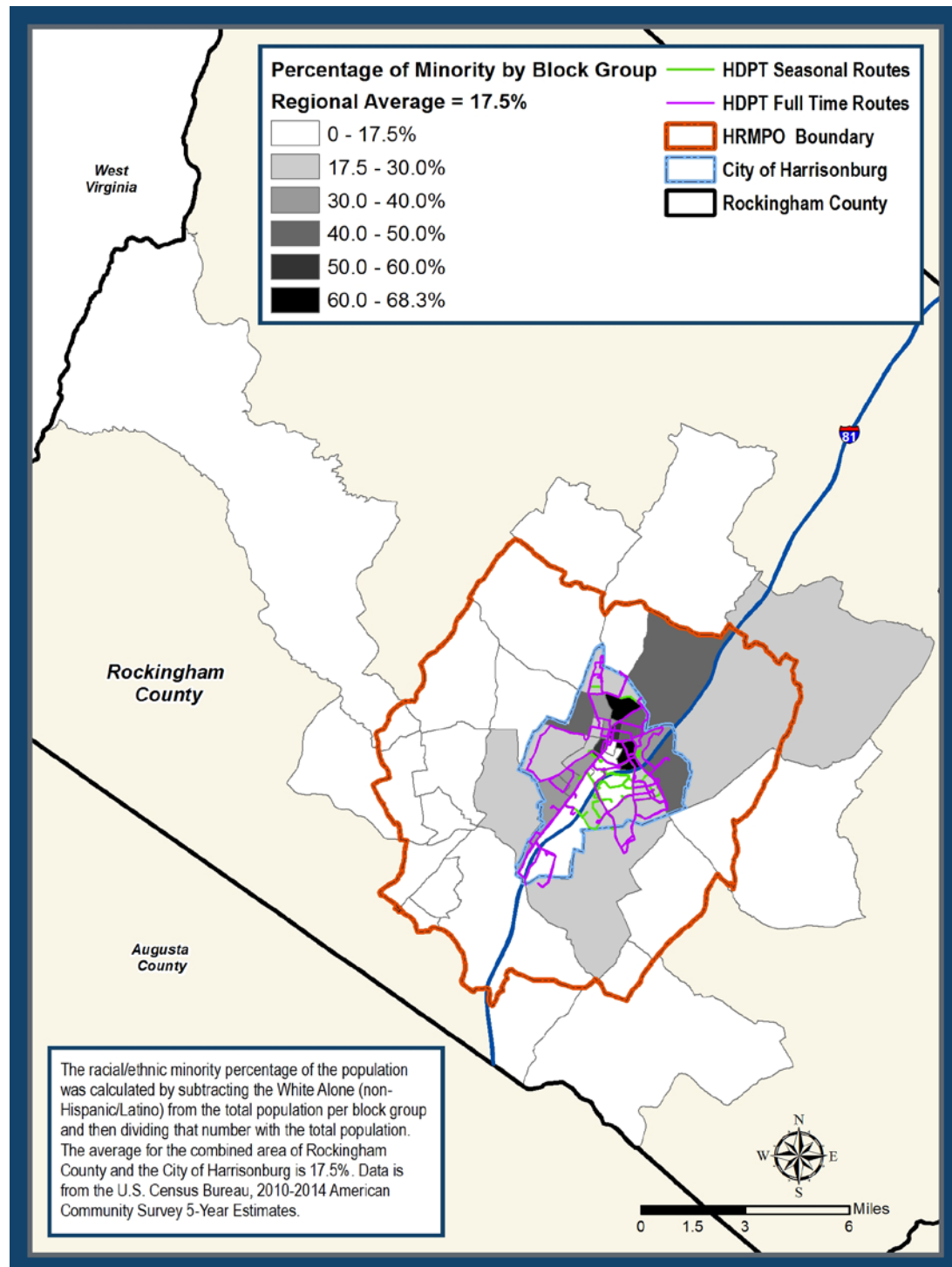


Figure 3: Transit Service to Minority Populations – Harrisonburg Detail

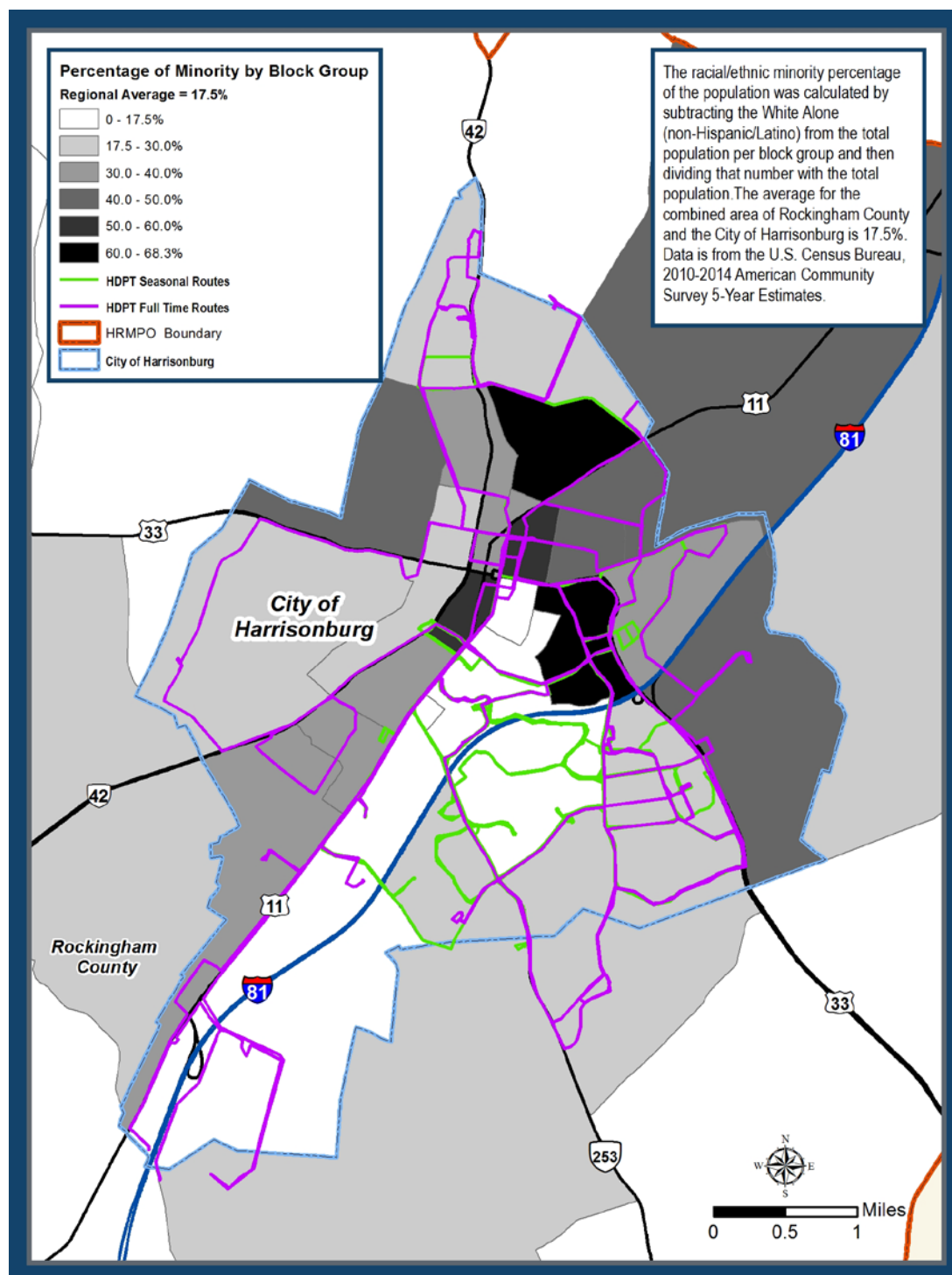


Figure 4: Transit Service to Low-Income Populations

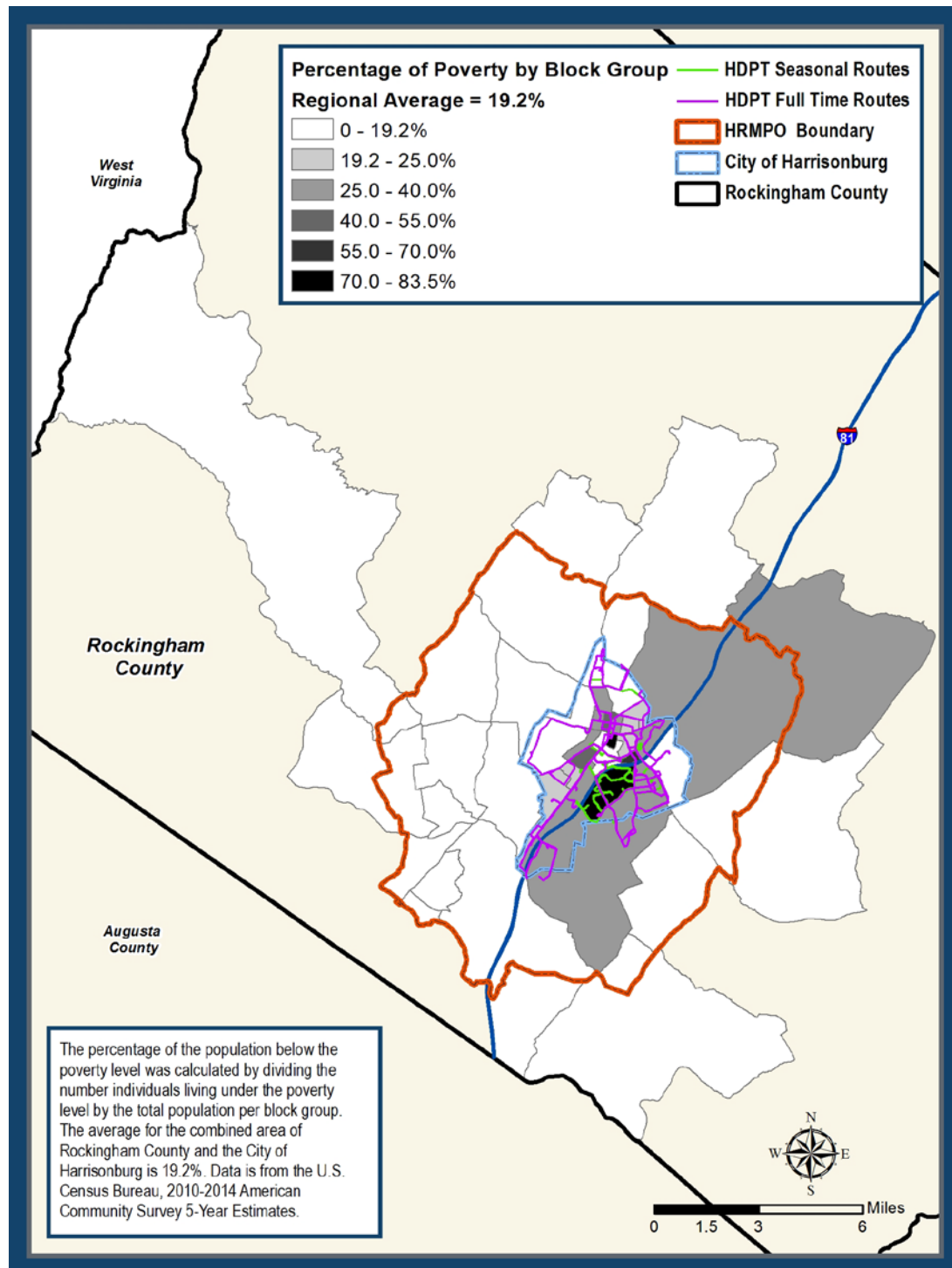
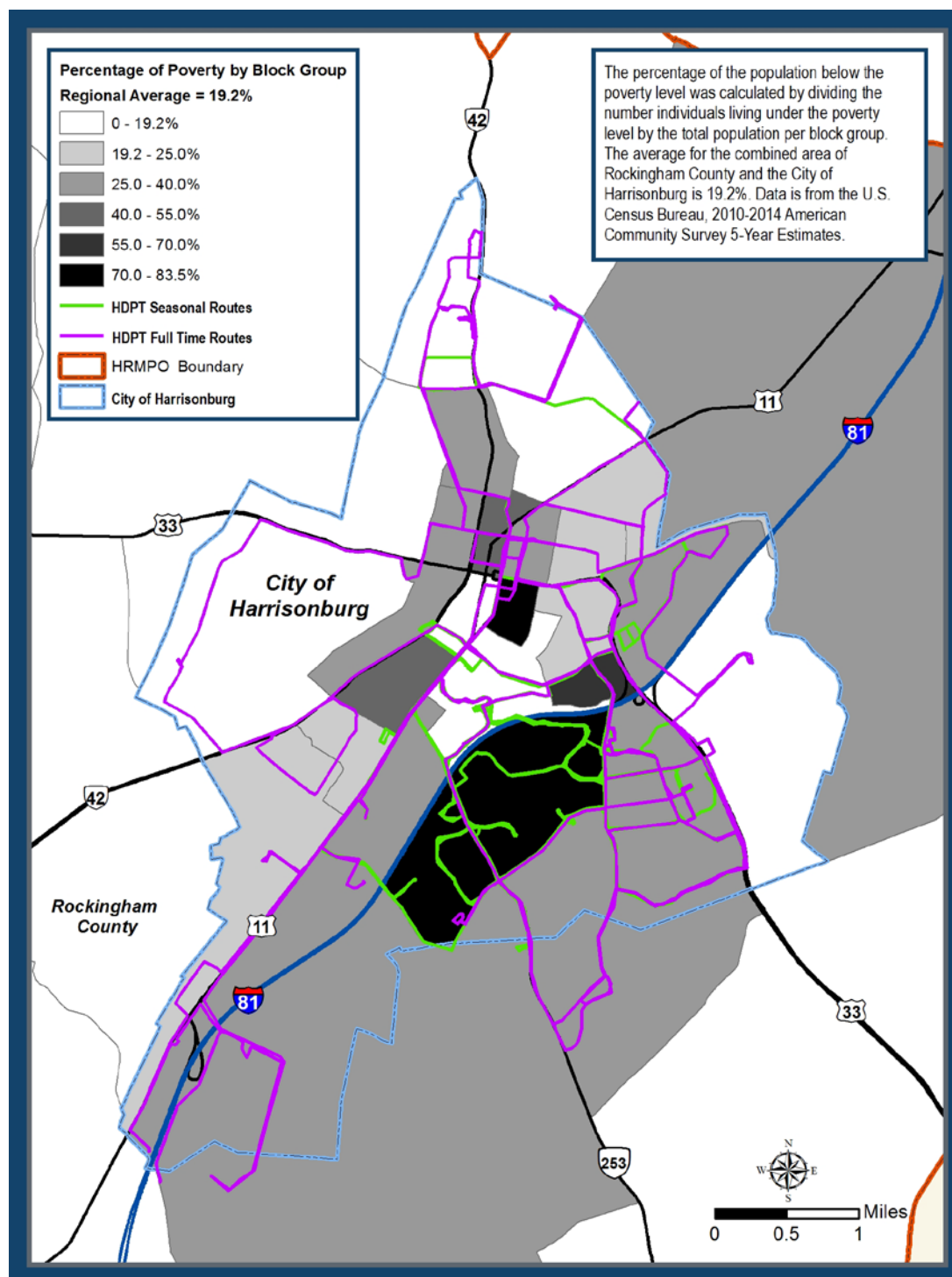


Figure 5: Transit Service to Low-Income Populations – Harrisonburg Detail



Limited English Proficiency

On August 11, 2000, President William J. Clinton signed Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency. The Executive Order requires federal agencies to examine the services they provide, identify any need for services to those with LEP, and develop and implement a system to provide those services so LEP persons can have meaningful access to them. The Executive Order also requires that federal agencies work to ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English can be considered LEP. For an LEP individual, 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. These individuals may be entitled to language assistance at no cost to them with respect to a particular type of service, benefit, or encounter.

The USDOT guidelines require that recipients of federal financial assistance provide “meaningful access to programs and activities” by giving LEP persons adequate and understandable information and allowing them to participate in programs and activities, where appropriate. Recipients of federal funds must take reasonable steps to remove barriers for LEP individuals. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors:

1. Demography: number and/or 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 four-factor analysis should be used to determine which language assistance services are appropriate to address the identified needs of the LEP population. Public outreach strategies and language assistance pertaining to LEP individuals are included in the HRMPO Public Participation Plan.

Assessment of Needs and Resources

The need and resources for the LEP language assistance were determined through a four-factor analysis as recommended by FTA guidance.

Factor 1: Assessment of the Number and Proportion of LEP Persons Likely to be Served or Encountered in Eligible Service Population

The agency has reviewed Census data on the number of individuals in its service area that have LEP, as well as the languages they speak.

U.S. Census Data – American Community Survey 5 Year Data 2010-2014

Data from the U.S. Census Bureau's American Community Survey (ACS) were obtained through www.census.gov for the MPA. Information from the 2010-2014 ACS also provides more detail on the specific languages that are spoken by those who report that they speak English less than very well. Languages spoken at home by those with LEP are presented below. These data indicate the extent to which translations into other language are needed to meet the needs of LEP persons.

This data will be used to determine how best to disseminate information that is accessible to persons with LEP. According to the U.S. Census 2010-2014 ACS, English was the only language spoken by 103,889 people, or 85.8% of the total population of the combined area of Harrisonburg and Rockingham as displayed in Table 1. The LEP four factor analysis shows 8,023 people, or 6.6% of the total population of Harrisonburg and Rockingham combined speak English "less than very well". Based on the relatively low percent, the need to address the LEP population is somewhat limited.

Table 1: HRMPO Language Use & English-Speaking Ability for the Population 5-years & Older

	Total Pop 5yrs+	Speak only English at Home (%)	Speak non-English at Home				
			Total Pop (%)	Ability to Speak English		Speak Spanish (%)	Speak Other (%)
				Very Well (%)	Less than Very Well (%)		
Rockingham County	72,819	66,654 (91.5%)	6,165 (8.5%)	3,724 (60.4%)	2,441 (39.6%)	3,870 (62.8%)	2,295 (37.2%)
Harrisonburg City	48,310	37,235 (77.1%)	11,075 (22.9%)	5,493 (49.6%)	5,582 (50.4%)	7,308 (66.0%)	3,767 (34.0%)
Total	121,129	103,889 (85.8%)	17,240 (14.2%)	9,217 (53.5%)	8,023 (46.5%)	11,178 (64.8%)	6,062 (35.2%)

Source: US Census Bureau ACS 5-year Estimate; 2010-2014

The Spanish speaking classification makes up approximately 65% of the population that speaks a language other than English at home, making it by far, the largest LEP group in the region. Therefore, the HRMPO's focus will be on targeting this community. Language assistance will be made available to other limited English speaking individuals in the community as the need arises.

Figures 6 and 7 display the LEP populations by US Census Tracts located within the Harrisonburg-Rockingham MPA. There are 21 Census Tracts either fully or partially contained within the Harrisonburg-Rockingham MPA. Of these, two Census Tracts located in the eastern portion of Harrisonburg between US Route 33 and Interstate 81 and southwestern portion of Harrisonburg between Routes 42 and 11 contain a LEP population concentration of greater than 30%. These areas will be a focus of LEP language assistance programs.

Figure 6: HR LEP Population and Transit Service

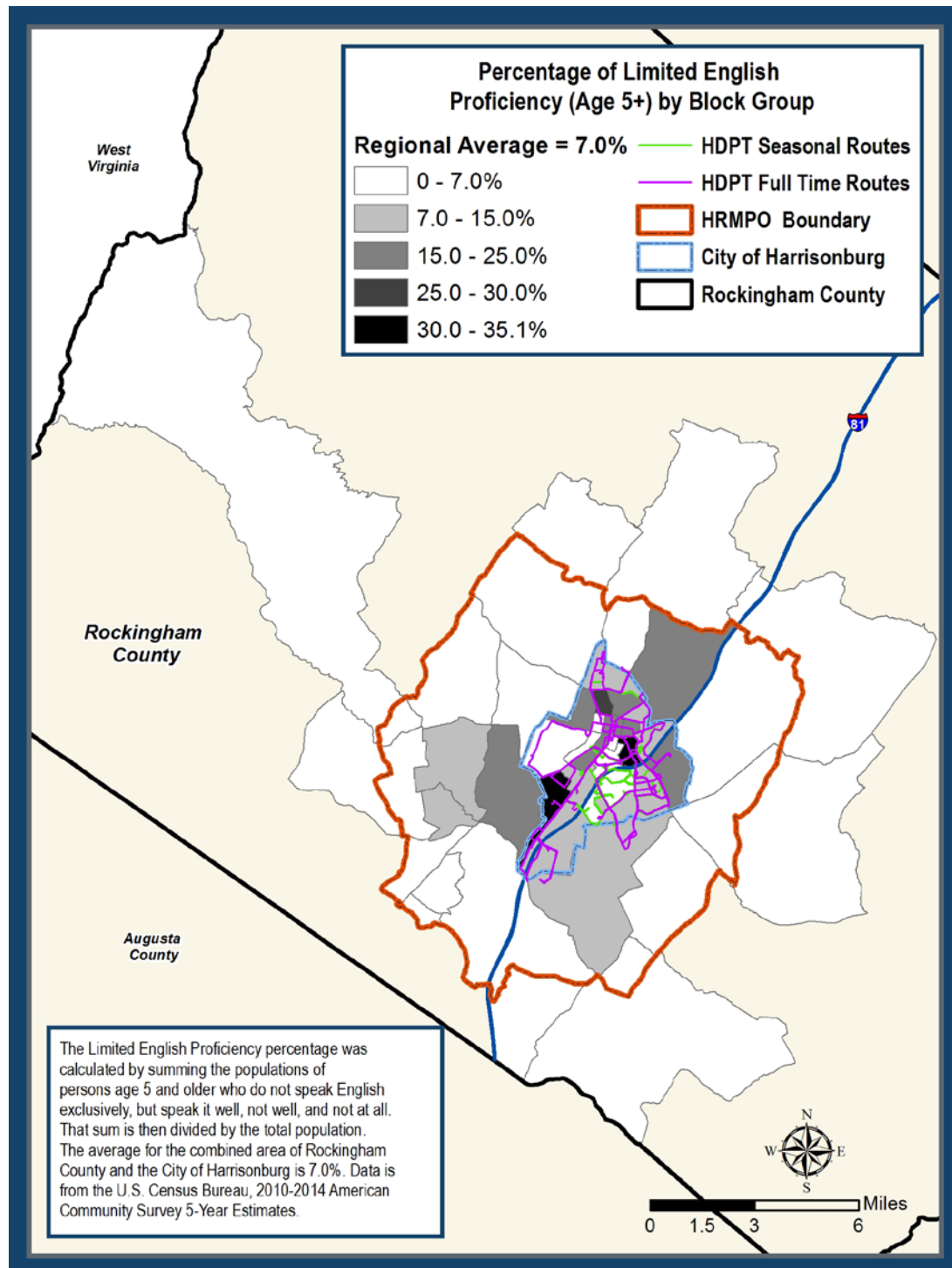
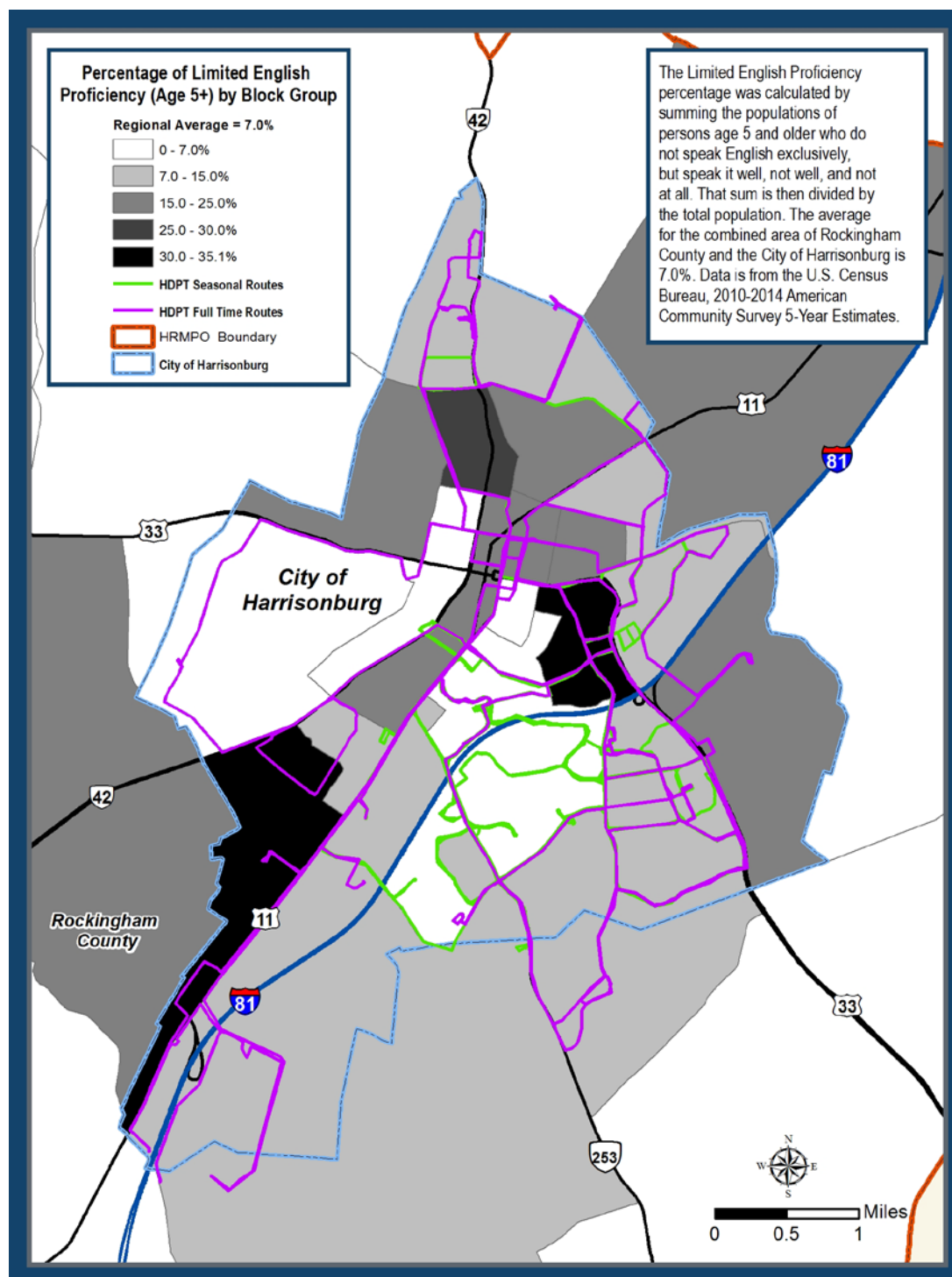


Figure 7: HR LEP Population and Transit Service – Harrisonburg Detail

Factor 2: Assessment of the Frequency with Which LEP Individuals Come Into Contact with the Transit Services or System

The HRMPO reviewed the relevant benefits, services, and information provided by the agency and determined the extent to which LEP persons have come into contact with these functions through the following channels:

- Calls to the HRMPO's offices;
- Visits to the HRMPO's office;
- Access to the HRMPO's website;
- Attendance at community meetings or public hearings hosted by the HRMPO;
- Public involvement and public engagement meetings/hearings for projects affecting LEP communities or individuals
- Internet access: HRMPO Website must be accessible to LEP persons

The HRMPO, at the time of this document, has never been contacted by any LEP individuals regarding projects or programs the HRMPO administers. All public notices required for HRMPO activities are published in the local Spanish-language newspaper thereby providing information to the largest LEP community within the Harrisonburg-Rockingham MPA.

The HRMPO 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 attempt to identify their language and keep records on contacts to accurately assess the frequency of contact. To assist in language identification, we use a language identification flashcard based on that which was developed by the U.S. Census. (<http://www.lep.gov/ISpeakCards2004.pdf>)

Factor 3: Assessment of the Nature and Importance of the Transit Services to the LEP Population

The HRMPO main function is to provide cooperative, comprehensive, and continuing transportation planning for the Harrisonburg-Rockingham MPA. To this end, the HRMPO develops the regional Transportation Improvement Program (TIP), the Long Range Transportation Plan, assists the member jurisdictions with development of their transportation planning documents, assist the local public transportation provider with planning needs, promote multi-modal transportation options for the region, and provides other services as needed. Figures 6 and 7 also depict how current HDPT transit service serves LEP populations in the HRMPO area. These maps illustrated that current transit service in the City of Harrisonburg provides adequate service to current LEP populations. The HRMPO will

continue to monitor which areas of the MPO host the largest concentrations of LEP persons to ensure that they continue to be served by transit.

Based on past experience serving and communicating with LEP persons and discussions with community agencies, we understand that our support of public transportation programs in the Harrisonburg-Rockingham MPA is critical. These include those provided by the Harrisonburg Department of Public Transportation as well as the local Coordinated Human Services Mobility providers such as Friendship Industries, the ARC of Harrisonburg, and others. Additionally, the HRMPO public involvement program including public information and planning meetings is extremely important to LEP persons. LEP persons, low-income populations, minority populations, the elderly, and the disabled must be considered in these processes. The HRMPO will continue assessing this area by communicating with community organizations that serve LEP persons, as well as contact with LEP persons themselves.

Factor 4: Assessment of the Resources Available to the Agency and Costs

Costs

The only language assistance measure currently being provided by the HRMPO includes the Spanish-language announcements of public involvement activities. Costs for these services are minimal \$500 - \$1,000 depending on the number of public involvement activities that occur in any given year. We do not expect these costs to increase in the future.

Based on the analysis of demographic data and contact with community organizations and LEP persons, the HRMPO has determined that there is no need to expand our services at this time. However, when projects are based in areas identified as high LEP populations additional outreach or accommodations may be necessary. These may include translation of project information into additional languages and/or additional oral language services (interpreters) provided at public meetings. These could increase the project budget by up to \$2,000 when necessary.

Resources

The HRMPO provides flexibility in the Unified Planning and Work Program and could devote additional funds to language assistance expenses in certain cases that would provide meaningful benefit to LEP populations. As discussed this would be determined on an as needed basis related to projects that may impact those identified LEP populations.

In addition, assistance may be available through community organizations, city or county departments, or other agencies who may be able to partner for language assistance services. In the past the language department at James Madison University, located within the Harrisonburg-Rockingham MPA, has provided translation services on an as needed basis at a reasonable cost. The HRMPO also has access to free language assistance products available through the web such as Google Translate™ that may be used to translate written phrases, documents, and websites for free.

LEP Implementation Plan

Considering the HRMPO's size and scope, LEP individuals in the Harrisonburg-Rockingham MPA, and financial resources, it is necessary to provide at least the most basic and cost-effective services available to ensure compliance with Executive Order 13166. Many options were discussed and considered by HRMPO staff and the following recommendations were adopted as measures to provide meaningful access to LEP persons:

- Provide, if requested within seven calendar days, interpreter services at any meeting or public hearing. This will include foreign language and hearing impaired interpreter services.
- Include with 14 calendar days in advance, statements in notices and publications that interpreter services are available for meetings.
- Place notices of HRMPO's non-discrimination policies and information on the local and federal complaint process on the website in English and other languages via Google Translate and make the notices available at public meetings.
- Translate vital documents in languages other than English when there is potential for impact to LEP communities.
- Provide training to HRMPO staff on the requirements for providing meaningful access to services for LEP persons.
- Monitor HDPT to ensure LEP requirements are fulfilled and report annually on the accomplishments related to LEP activities.
- Include an LEP policy in the updates of the HRMPO Public Participation Plan that details, 1) statements and notices that interpreters will be provided, upon prior request for language assistance as well as for sign language, and 2) maintenance of a contact list for interpretation and translation providers.
- Utilize the VDOT's LEP Guidelines and Public Participation Plan in conjunction with the DRPT's LEP Plan to identify low-income populations, minority populations, the elderly, and the disabled; who may be part of the LEP population.

Public Outreach and Involvement

As described in the HRMPO's Public Participation Plan, since transportation has a direct and personal impact on the population of a region and is of critical importance to economic vitality and quality of life, the HRMPO continually endeavors to provide citizens, affected public agencies, and other interested parties with reasonable opportunities to be involved in the transportation planning process.

The Communications and Public Participation area applies to and affects the HRMPO work program; particularly HRMPO efforts and responsibilities related to the Planning, Programming, and Environmental Justice areas. The HRMPO Public Participation Plan includes specific information regarding outreach and communication strategies, with emphasis on outreach to minority, low-income, and LEP populations.

Demographic Profile

Data from the US Census was used to develop a demographic profile of the Harrisonburg-Rockingham MPA and identify the locations and needs of socioeconomic groups, including low-income, disabled, LEP, and minority populations. The HRMPO believes that public input into its process is valuable and makes its products better. Transportation planning cannot, and should not, be based simply upon technical analysis. The qualitative information derived from citizen involvement is essential to good decision-making. As a matter of HRMPO policy and a requirement of federal law, the transportation planning process must make special efforts to consider the concerns of traditionally underserved communities, including low-income and minority communities and people with disabilities. These communities are mapped for the Harrisonburg-Rockingham MPA in Figures 2-7.

To reach the largest number of minority and low-income communities throughout the Harrisonburg-Rockingham MPA, a geographically focused public participation program will achieve the outcomes described in this plan. In addition to traditional methods of communication, HRMPO will utilize strategies recommended by community members for a specific neighborhood or population group. By partnering with community groups, HRMPO can cost-effectively extend its reach and help partner organizations provide information that is of interest to groups they represent.

HRMPO will establish and maintain active work relationships with all relevant local media, including minority-based media in order to communicate pertinent information to the public. HRMPO will coordinate with individual institutions and organizations while implementing community-based public involvement strategies to reach out to members in affected minority and/or low income communities. HRMPO shall also provide opportunities for public participation through alternative means other than public meetings or written communication; i.e., personal interviews or use of audio or video recording to capture comments as needed for particular projects.

Figure 8: HRMPO Percentage of Minority Populations

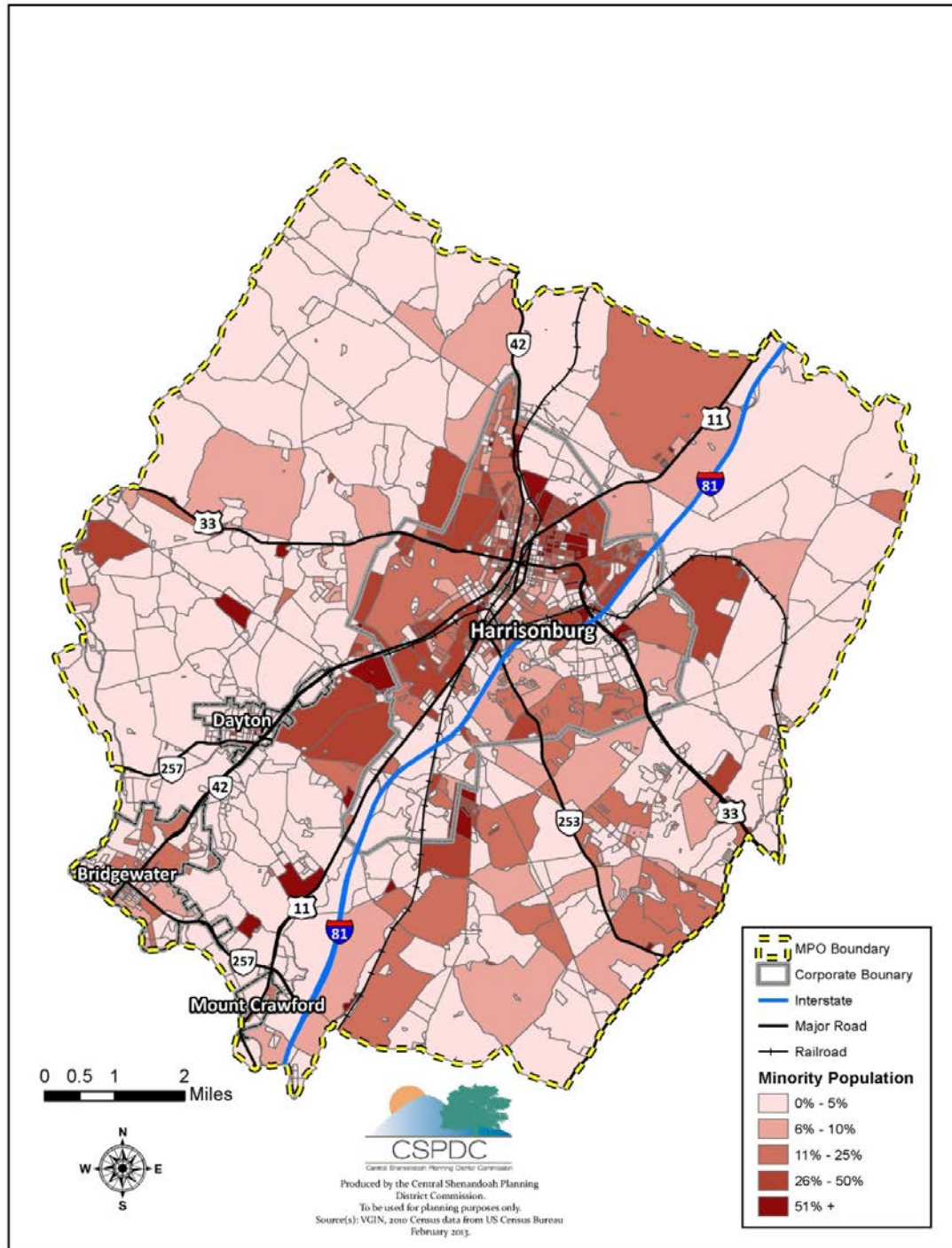
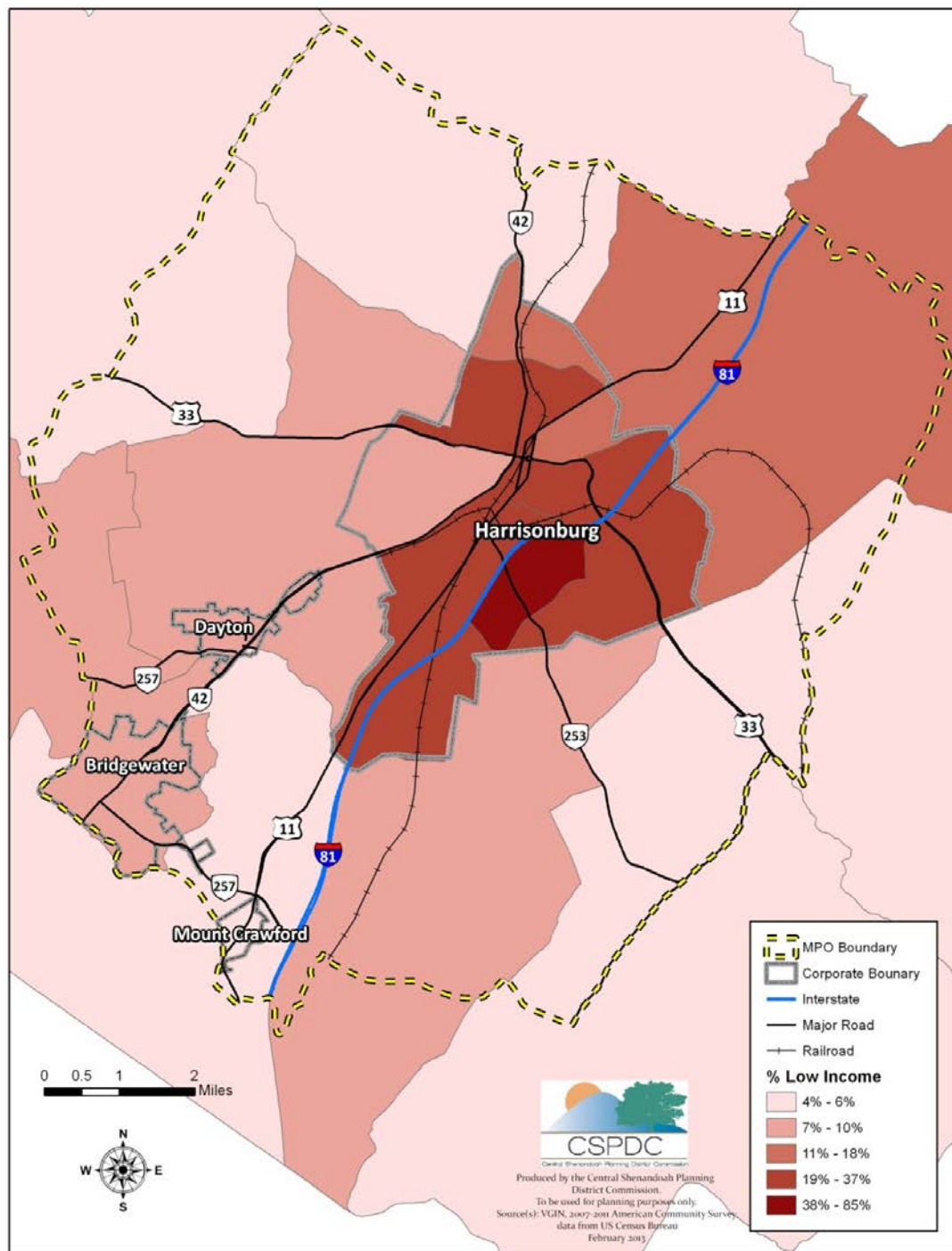


Figure 9: HRMPO Percentage of Below Poverty Populations



HRMPO Responsibilities

HRMPO staff is responsible for evaluating and monitoring compliance with applicable nondiscrimination authorities in all aspects of the HRMPO public participation process. HRMPO staff members will:

- Ensure that all communications and public participation efforts comply with nondiscrimination authorities.
- Develop and distribute information on nondiscrimination and HRMPO programs to the general public.
- Provide services for individuals with special needs – Upon advance notice, deaf interpreters, translators, and Braille documents can be provided for public meetings. Notifications of opportunities for public participation will include contact information for people needing these or other special accommodations.
- Include the following statement in all of the HRMPO public notices:
 - “The HRMPO ensures nondiscrimination and equal employment in all programs and activities in accordance with Title VI and Title VII of the Civil Rights Act of 1964. If you have questions or concerns about your civil rights in regards to this project or special assistance for persons with disabilities or limited English proficiency, please contact the HRMPO. Sign language or non-English language interpreters will be provided if needed and requested in advance of this meeting. Please contact the HRMPO at 540-885-5174 to request an interpreter no later than <enter date at least seven calendar days prior to meeting>.”
 - Include the above Title VI Statement, and location where public notices can be reviewed in press releases and on the HRMPO website.

HRMPO Title VI Program

Procedures for Ensuring Equity in Service Provision

The HRMPO is responsible for developing long- and short-range transportation plans and programs to provide efficient transportation services for the Harrisonburg-Rockingham MPA. A comprehensive transportation process is used which entails the monitoring and collection of various data pertaining to transportation issues. The HRMPO coordinates with VDOT, DRPT, cities, counties, and area transit agencies; seeks public participation; and provides technical support when needed.

HRMPO Responsibilities

HRMPO staff is responsible for evaluating and monitoring compliance with applicable nondiscrimination authorities in all aspects of the HRMPO planning and programming processes. HRMPO staff will:

- Ensure that all aspects of the planning and programming process operation comply with nondiscrimination authorities.
- Prepare and update a demographic profile of the region using the most current and appropriate statistical information available on race, income, and other pertinent data.
- Make the document available to the public and member agencies on the HRMPO website or in hard copy format, if requested.
- Continue to ensure that staff makes concerted efforts to involve members of all social, economic, and ethnic groups in the planning process.

Consultant Contracts

The HRMPO is responsible for selection, negotiation, and administration of its consultant contracts. The HRMPO operates under its internal contract procedures and all relevant federal and state laws.

HRMPO Responsibilities

HRMPO staff is responsible for evaluating and monitoring consultant contracts for compliance with nondiscrimination authorities. HRMPO staff will:

- Ensure inclusion of nondiscrimination language in contracts and Requests for Proposals (RFPs).
- Review consultants for compliance as described below:
 - Ensure that all consultants verify their compliance with nondiscrimination authorities, procedures, and requirements.

- If a recipient or sub-recipients is found to be not in compliance with nondiscrimination authorities, the Title VI Manager and relevant staff will work with the recipient or sub-recipient 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.

Education and Training

In an effort to continuously improve the HRMPO's overall compliance posture, nondiscrimination training will be coordinated with FHWA, VDOT, DRPT, and Harrisonburg Transit (HDPT), and made available to HRMPO staff on an ongoing basis to ensure up-to-date knowledge of Title VI and other nondiscrimination statutes.

HRMPO Responsibilities

Under the category of education and training, nondiscrimination responsibilities include:

- Distribution of information to HRMPO staff on training programs regarding Title VI and related statutes.
- Tracing staff participation in nondiscrimination training.
- Maintain and update nondiscrimination training as necessary.
- Maintain and update the HRMPO Title VI Plan as necessary.

Appendix A: HRMPO Title VI Non-Discrimination Statement

Title VI Non-Discrimination Statement

The Harrisonburg-Rockingham Metropolitan Planning Organization (HRMPO) 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. The HRMPO 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 the HRMPO receives Federal financial assistance as required by Title VI.

Please contact the HRMPO to request a copy of the department's Title VI Plan.

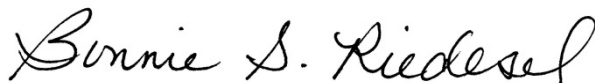
Any person who believes that he or she has, individually, or as a member of any specific class of persons, been excluded from the participation in, been denied the benefits of, or been otherwise subjected to discrimination under any program or activity for which the HRMPO provides assistance, and believes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

The HRMPO 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. A complaint must be submitted within 180 days of the alleged discriminatory act. Complaints may also be filed with the US Federal Transit Administration. If a complaint addresses DRPT, you may file the complaint thru email via the link below, by phone, or in writing.

For complainants who may be unable to file a written complaint, verbal information will be accepted by the HRMPO at 540-885-5174, email bonnie@cspdc.org, as well as by the individual service providers.

To submit a formal complaint or to request additional information on Title VI obligations, contact Bonnie S. Riedesel, Title VI Manager, HRMPO, 112 MacTanly Place, Staunton, Virginia, 24401; phone 540-885-5174; email bonnie@cspdc.org.



10-7-2015

Signature of Authorizing Official

Date



Appendix B: Notice Under the Americans with Disabilities Act

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the Harrisonburg-Rockingham Metropolitan Planning Organization (HRMPO) will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities.

Employment: the Harrisonburg-Rockingham Metropolitan Planning Organization (HRMPO) does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: the Harrisonburg-Rockingham Metropolitan Planning Organization (HRMPO) will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in HRMPO's programs, services and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing or vision impairments.

Modifications to Policies and Procedures: the Harrisonburg-Rockingham Metropolitan Planning Organization (HRMPO) will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services and activities.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a Harrisonburg-Rockingham Metropolitan Planning Organization (HRMPO) program, service or activity, should contact Bonnie S. Riedesel, Title VI Manager, 112 MacTanly Place, Staunton, Virginia, 24401; phone 540-885-5174; email bonnie@cspdc.org as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Harrisonburg-Rockingham Metropolitan Planning Organization (HRMPO) to take any action that would fundamentally alter the nature of its programs or services, or impose any undue financial or administrative burden.

Complaints that a Harrisonburg-Rockingham Metropolitan Planning Organization (HRMPO) program, service or activity is not accessible to persons with disabilities should be directed to Bonnie S. Riedesel, T, 112 MacTanly Place, Staunton, Virginia, 24401; phone 540-885-5174; email bonnie@cspdc.org.

The Harrisonburg-Rockingham Metropolitan Planning Organization (HRMPO) will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy.

Appendix C: Title VI Certifications and Assurances

HARRISONBURG-ROCKINGHAM METROPOLITAN PLANNING ORGANIZATION (HRMPO) TITLE VI / NONDISCRIMINATION ASSURANCE (DOT Order No.1050.2A)

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

Statutory/Regulatory Authorities

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

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

General Assurance

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

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

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

Specific Assurances

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

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

facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

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

"The HRMPO, 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 **HRMPO** 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 **HRMPO** 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**.

HRMPO

by Bonnie S. Riedesel

Bonnie S. Riedesel

DATED 10/29/19

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

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

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

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

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the HRMPO 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 HRMPO 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 *HRMPO* 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, HRMPO, its successors and assigns.

The HRMPO 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 HRMPO 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 HRMPO 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 HRMPO 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 HRMPO 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 HRMPO 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 HRMPO 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 HRMPO 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 HRMPO will there upon revert to and vest in and become the absolute property of the HRMPO 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 Procedures

DISCRIMINATION COMPLAINT PROCEDURES – HANDLING, TRACKING, RESOLVING, AND REPORTING INVESTIGATIONS/COMPLAINTS

Title VI Complaint Procedures

Any individual may exercise his or her right to file a complaint with the Harrisonburg-Rockingham Metropolitan Planning Organization (HRMPO) if that person believes that s/he 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.

The HRMPO will follow the Nondiscrimination Complaint Procedures, as described below:

1. All written complaints received by the MPO shall be referred immediately by the MPO's Title VI Coordinator, to the VDOT's Central Office: Civil Rights Division and FHWA District Office.
2. These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, and the Civil Rights Restoration Act of 1987, relating to any program or activity administered by the HRMPO, as well as to subrecipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law.
3. These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant. Every effort will be made to obtain early resolution of complaints by the FHWA.
4. In accordance with federal law, FHWA will require that recipients of federal assistance notify FHWA of any law suits filed against the recipient or sub-recipients of federal assistance or alleging discrimination; and a statement as to whether the recipient or sub-recipient has been found in noncompliance with any relevant civil rights requirements.
5. Pursuant to the Virginia Public Records Act (VPRA) § 42.1-76 et seq., the MPO will retain Discrimination Complaint Forms and a log of all complaints filed with or investigated by the MPO.
6. Records of complaints and related data will be made available by request in accordance with the Virginia Freedom of Information Act

Procedures

Who can file?

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 primary Recipient of Federal financial assistance (e.g. VDOT), Subrecipient (e.g., the HRMPO), or a HRMPO Subrecipient such as an MPO contractor or consultant, may file a Title VI complaint.

Where can one file?

Complaints related to the Federal-aid highway program may be filed with the HRMPO, VDOT, a FHWA Division Office, the FHWA Headquarters Office of Civil Rights (HCR), the USDOT Departmental Office of Civil Rights, or the USDOJ.

When must one file?

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.

What should a complaint look like?

The complaint must be submitted using the appropriate Title VI form, which is included as an appendix to this document, and posted on the HRMPO website. Complaints should be signed, and may be filed by mail, fax, in person, or e-mail.

The complainant may request a complaint form by contacting the HRMPO at 540-885-5174, or Bonnie Riedesel, HRMPO Title VI Manager at bonnie@cspdc.org.

The complainant may call the receiving agency and provide the allegations by telephone, and the agency should transcribe the allegations of the complaint as provided over the telephone and send a written complaint to the complainant for correction and signature.

How are complaints routed?

FHWA is responsible for all decisions regarding whether a complaint should be accepted, dismissed, or referred to another agency. FHWA notes that FHWA Division Offices do not investigate Title VI complaints, and Recipients such as VDOT; Subrecipients such as HRMPO; and HRMPO Subrecipients, such as MPO contractors and consultants do not investigate complaints filed against themselves.

Complaints should be routed in the following ways:

- All complaints should 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 VDOT, HRMPO, and HRMPO subrecipients, contractors, and consultants.
- Complaints should 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 HRMPO, the MPO should forward the complaint to VDOT, which should forward the complaint to the State's FHWA Division Office, which should forward the complaint to HCR. If a complaint is filed with a HRMPO subrecipient, contractor, or consultant, then HRMPO should forward the complaint to VDOT, which should forward the complaint to the State's FHWA Division Office, which should forward the complaint to HCR.
- VDOT and the HRMPO must 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, VDOT, and HRMPO (where applicable).

Complaints against HRMPO may also be sent to HCR directly at:

Postal Mail	Federal Highway Administration U.S. Department of Transportation Office of Civil Rights 1200 New Jersey Avenue, SE 8th Floor E81-105 Washington, DC 20590
Email	CivilRights.FHWA@dot.gov
Fax	202-366-1599
Questions?	202-366-0693

Complaints against HRMPO Subrecipients, such as contractors and consultants, may be sent to HRMPO at:

Postal Mail	Harrisonburg-Rockingham Metropolitan Planning Organization 112 MacTanly Place Staunton, VA 24401
Email	bonnie@cspdc.org
Fax	540-885-2687
Questions	540-885-5174

What are the potential outcomes for processing a complaint?

There are four potential outcomes for processing complaints:

- Accept: if a complaint is timely filed (see Question 2c, above), contains sufficient information to support a claim under Title VI, and concerns matters under FHWA's jurisdiction, then HCR will send to the complainant, the respondent agency, and the FHWA Division Office a written notice that it has accepted the complaint for investigation.

- Preliminary review: if it is unclear whether the complaint allegations are sufficient to support a claim under Title VI, then HCR may (1) dismiss it or (2) engage in a preliminary review to acquire additional information from the complainant and/or respondent before deciding whether to accept, dismiss, or refer the complaint.
- Procedural Dismissal: if a complaint is not timely filed (see Question 2c, above), is not in writing and signed, or features other procedural/practical defects, then HCR will send the complainant, respondent, and FHWA Division Office a written notice that it is dismissing the complaint.
- Referral\Dismissal: if the complaint is procedurally sufficient but FHWA (1) lacks jurisdiction over the subject matter or (2) lacks jurisdiction over the respondent entity, then HCR will either dismiss the complaint or refer it to another agency that does have jurisdiction. If HCR dismisses the complaint, it will send the complainant, respondent, and FHWA Division Office a copy of the written dismissal notice. For referrals, FHWA will send a written referral notice with a copy of the complaint to the proper Federal agency and a copy to the USDOT Departmental Office of Civil Rights.

The HCR is responsible for conducting all investigations of VDOT and other primary Recipients. In the case of a complaint filed against HRMPO, HCR may either conduct the investigation itself, or it may delegate the investigation to VDOT. If HCR chooses to delegate the investigation of HRMPO, HCR will communicate its acceptance of the complaint to the complainant and respondent, but VDOT will conduct all data requests, interviews, and analysis.

VDOT will then create a Report of Investigation (ROI), which it will send to HCR. Finally, HCR will review the ROI and compose a Letter of Finding based on the ROI.

What are the timeframes for investigations?

For FHWA, there is no regulatory timeframe for completing investigations. However, FHWA strives to complete all tasks within 180 days from the date of acceptance.

If VDOT has been delegated an investigation from FHWA, 23 CFR §200.9(b)(3) provides that State DOTs must complete investigations within 60 days of receipt (meaning the date it receives the delegated complaint from FHWA).

How do Investigating Agencies gather information?

There are no regulatory requirements for how information is gathered, but VDOT and HRMPO are required to keep detailed records on how they comply with Title VI and to provide USDOT with access to documents and persons with relevant information. 49 CFR §21.9. Typically, the respondent will receive at least one Request for Information and Position Statement (RFI) to gather documents, and additional requests if necessary. Concurrently, the HCR or VDOT investigator will schedule interviews with relevant parties and conduct site visits as necessary.

Once FHWA starts an investigation, what are the potential outcomes?

At any time during the investigation, either FHWA or the respondent may initiate informal negotiations to resolve the issues. The FHWA always strives to resolve Title VI complaints informally if possible.

In the absence of such negotiations, HCR (or VDOT) will draft a Report of Investigation, which should contain all relevant data and findings, with legal conclusions and potentially include recommendations for action. FHWA is responsible for the final disposition of all complaints, including initiation and conduct of informal negotiations and the issuance of Letters of Finding (LOFs).

There are five potential outcomes for concluding an investigation:

1. The FHWA makes a finding of no violation and the case will be closed with no further action. The FHWA will issue an LOF stating in sufficient detail the reasons for the determination of no violation.
2. If, by a preponderance of the evidence, FHWA determines the respondent has failed to comply with its Title VI requirements or threatens to fail to comply by action or inaction, then FHWA will inform the respondent and the matter will be resolved by informal means whenever possible.
 - If FHWA informally resolves the matter with the respondent by agreement, then FHWA will hold the complaint in abeyance until the respondent completes its corrective actions. If the corrective actions are completed to the FHWA's satisfaction, then the complaint will be dismissed with no further action.
 - If FHWA cannot informally resolve the matter or the respondent does not complete agreed upon corrective actions, then FHWA may issue a LOF stating that the Recipient is in noncompliance with its Title VI obligations.
3. If FHWA issues a LOF of noncompliance to the respondent, the LOF will request that the respondent provide to FHWA, within 90 days, an action plan that implements the recommendations in the LOF.
4. If FHWA approves the action plan, then the respondent will be given a reasonable amount of time to implement the plan. At the end of the implementation period, FHWA will assess whether the respondent has sufficiently corrected the deficiencies.
5. If FHWA does not approve the action plan, or the respondent is nonresponsive/uncooperative, then FHWA may seek administrative sanctions, including, but not limited to, suspension or termination of Federal funds or any other means authorized by law such as referral to USDOJ for enforcement.
 - If USDOT seeks to suspend or terminate funds, it must provide the respondent with an opportunity for a hearing on the record. If the Secretary of Transportation determines that the respondent has not complied with Title VI and voluntary compliance cannot be secured, USDOT must notify Congress before that finding goes into effect. 49 CFR

Appendix E: Discrimination Complaint Form

Title VI Discrimination Complaint Form

Harrisonburg-Rockingham Metropolitan Planning Organization (HRMPO)

Section I:				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Requirements?	Format	Large Print		Audio Tape
		TDD		Other
Section II:				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party:				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
Section III:				
I believe the discrimination I experienced was based on (check all that apply):				
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin				
Date of Alleged Discrimination (Month, Day, Year): _____				

Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.

Section IV

Have you previously filed a Title VI complaint with this agency?	Yes	No
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Section V

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?

☐ Yes ☐ No

If yes, check all that apply:

☐ Federal Agency: _____

☐ Federal Court _____

☐ State Agency _____

☐ State Court _____

☐ Local Agency _____

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

Name:

Title:

Agency:

Address:

Telephone:

Section VI
Name of agency complaint is against:
Contact person:
Title:
Telephone number:

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

Signature	Date
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Please submit this form in person at the address below, or mail this form to:

Bonnie S. Riedesel, Title VI Manager
112 MacTanly Place, Staunton, Virginia, 24401
Phone 540-885-5174; Email bonnie@cspdc.org

Anexo F: Formulario de Queja Título VI Discriminación

Formulario de Queja Título VI Discriminación

Organización de Planificación Metropolitana (HRMPO)

Sección I:				
Nombre:				
Dirección:				
Teléfono (Casa):			Teléfono (Trabajo):	
Dirección de Correo Electrónico:				
Requisitos formato accesible?	Letra Grande		Audio Tape	
	TDD		Otros	
Sección II:				
¿Está presentando esta queja en su propio nombre?			Si*	No
* Si su respuesta es "sí" a esta pregunta, vaya a la Sección III.				
Si no es así, sírvase proporcionar el nombre y la relación de la persona para quien se queja:				
Por favor, explique por qué usted ha presentado para un tercero:				
Por favor, confirma que ha obtenido el permiso de la parte perjudicada, si usted está presentando en nombre de un tercero.			Si	No
Sección III:				
Creo que la discriminación que experimenté fue basado en (marque todo lo que corresponda):				
<input type="checkbox"/> Carrera <input type="checkbox"/> Color <input type="checkbox"/> Origen Nacional				
Fecha de la Discriminación Presunta (mes, día, año): _____				

Explique lo más claramente posible lo que pasó y por qué cree que fue discriminado. Describir todas las personas que estuvieron involucradas. Incluya el nombre y la información de contacto de la persona (s) que lo discriminó (si se conoce), así como los nombres y la información de los testigos en contacto. Si se necesita más espacio, por favor use la parte de atrás de este formulario.

Sección IV

¿Ha presentado previamente una queja del Título VI con esta agencia?

Si

No

Sección V

¿Ha presentado esta queja con cualquier otro, estatal o agencia local Federal, o con cualquier corte federal o estatal?

☐ Si

☐ No

En caso afirmativo, marque todo lo que corresponda:

☐ Agencia Federal _____

☐ Tribunal Federal _____ ☐ Agencia Estatal _____

☐ Tribunal Estatal _____ ☐ Agencia Local _____

Sírvanse proporcionar información sobre una persona de contacto en la agencia / tribunal donde se presentó la denuncia.

Nombre:

Título:

Agencia:

Dirección:

Teléfono:

Sección VI
Nombre de la agencia de queja es en contra:
Persona de contacto:
Título:
Número de teléfono:

Puede adjuntar cualquier material escrito o cualquier otra información que usted piensa que es relevante para su queja.

Firma y fecha requerida a continuación

Firma

Fecha

Por favor, envíe este formulario en persona en la dirección indicada más abajo, o envíe este formulario a:

Bonnie S. Riedesel, Título VI Oficial de Cumplimiento
112 MacTanly Place, Staunton, Virginia, 24401
Teléfono: 540-885-5174; Email: bonnie@cspdc.org