



MEMORANDUM

To: Members of the Rappahannock-Rapidan Regional Commission
From: Patrick L. Mauney, Executive Director
Date: November 29, 2021
Subject: RRRC Title VI Plan Update

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Under current grant contracts, both the Virginia Department of Transportation (VDOT) and Department of Rail and Public Transportation (DRPT) require the Commission to have an adopted Title VI Plan to ensure that federal and state transportation dollars are used in a manner that is nondiscriminatory as required under Title VI. Over the past 18 months, both state agencies have initiated reviews of the Commission's Title VI Plan and program.

The plan included here was reviewed by DRPT staff and its consultant and meets their requirements. DRPT has requested adoption of the plan as the final step of its review. The plan was also provided to VDOT Civil Rights Division in October for its review as part of its ongoing Title VI review that has been underway since September 2020.

Staff recommends adoption of the Title VI Plan, as revised, to ensure the Commission has identified processes in place to enable equal access to programs and in order to maintain eligibility for state and federal grant programs.

REQUESTED ACTION: Adoption of the 2022-2024 RRRC Title VI Plan

Title VI Plan and Procedures

Title VI of the Civil Rights Act of 1964

Rappahannock-Rapidan Regional Commission



Effective Dates: December 2021- December 2024

Adopted date

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I. INTRODUCTION

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. Section 2000d).

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

Recently, the Federal Transit Administration (FTA) and Federal Highways Administration (FHWA) have placed renewed emphasis on Title VI issues, including providing meaningful access to persons with Limited English Proficiency.

Recipients of public transportation funding from FTA and the Virginia Department of Rail and Public Transportation (DRPT) and from FHWA and the Virginia Department of Transportation (VDOT) are required to develop policies, programs, and practices that ensure that federal and state transit dollars are used in a manner that is nondiscriminatory as required under Title VI.

This document details how the **Rappahannock-Rapidan Regional Commission (RRRC)** incorporates nondiscrimination policies and practices in providing services to the public. **RRRC's** Title VI policies and procedures are documented in this plan and its appendices and attachments. This plan will be updated periodically (at least every three years) to incorporate changes and additional responsibilities that arise.

II. OVERVIEW OF SERVICES

The Rappahannock-Rapidan Regional Commission (RRRC) is a political subdivision of the Commonwealth of Virginia created jointly by the Counties of Culpeper, Fauquier, Madison, Orange, and Rappahannock, and the Towns of Culpeper, Gordonsville, Madison, Orange, Remington, The Plains, Warrenton, and Washington. RRRC facilitates a collaborative approach to regional cooperation, and serves as a convening forum for the interaction of appointed and elected local government officials, regional stakeholders and citizen members. The Regional Commission coordinates a broad range of regional planning activities – including multi-modal and human services transportation, environmental planning, homelessness and affordable housing coordination, regional tourism, agricultural, and economic development activities.

Through a grant provided via the Federal Transit Administration Section 5310 program administered by the Department of Rail and Public Transportation, State Paratransit funding, and local funds, RRRC is the recipient of Mobility Management funding in the region, which provides funding to support mobility management coordination activities for the Foothills Area Mobility System (FAMS) and the FAMS One-Call/One-Click Center, operated under contract with Rappahannock-Rapidan Community Services/Area Agency on Aging.

RRRC also receives State Planning and Research Funds (SPR) from the Virginia Department of Transportation (VDOT) for the Rural Transportation Planning Assistance Program. The purpose of this program is to provide transportation planning assistance to local jurisdictions within Planning District 9. The federal funds are used for specific activities as requested by VDOT and/or the Federal Highway Administration by means of a scope of work to assist them in the State Planning Process to address the transportation needs of non- metropolitan area. RRRC does not disburse any of the funding to sub-recipients.

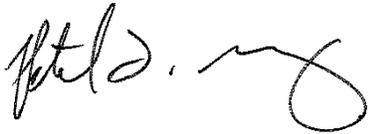
Due to RRRC being a recipient of this federal assistance, it is required to comply with Title VI and subsequent nondiscrimination laws, as well as to provide an overview of how RRRC addresses Executive Order 12898 on Environmental Justice and Executive Order 13166 on Limited English Proficiency (LEP). The purpose of this Title VI Plan is to describe the measures taken by the Commonwealth Regional Council to assure compliance with the rules and regulations associated with Title VI and subsequent nondiscrimination laws, Environmental Justice, and LEP requirements.

III. POLICY STATEMENT AND AUTHORITIES

Title VI Policy Statement

RRRC is committed to ensuring that no person shall, on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (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 **RRRC** 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.



Signature of Authorizing Official

November 9, 2021

Date

Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (refer to 49 CFR Part 21). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub recipients, and contractors, whether such programs and activities are federally assisted or not.

Additional authorities and citations include: Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d); Federal Transit Laws, as amended (49 U.S.C. Chapter 53 et seq.); Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, et seq.); Department of Justice regulation, 28 CFR part 42, Subpart F, “Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs” (December 1, 1976, unless otherwise noted); U.S. DOT regulation, 49 CFR part 21, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964” (June 18, 1970, unless otherwise noted); Joint FTA/Federal Highway Administration (FHWA) regulation, 23 CFR part 771, “Environmental Impact and Related Procedures” (August 28, 1987); Joint FTA/FHWA regulation, 23 CFR part 450 and 49 CFR part 613, “Planning Assistance and Standards,” (October 28, 1993, unless otherwise noted); U.S. DOT Order 5610.2, “U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations,” (April 15, 1997); U.S. DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons, (December 14, 2005), and Section 12 of FTA’s Master Agreement, FTA MA 13 (October 1, 2006).

IV. NONDISCRIMINATION ASSURANCE TO DRPT AND VDOT

In accordance with 49 CFR Section 21.7(a), every application for financial assistance from the Federal Transit Administration (FTA) must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT's Title VI regulations. This requirement is fulfilled when the Virginia Department of Rail and Public Transportation (DRPT) submits its annual certifications and assurances to FTA. DRPT shall collect Title VI assurances from sub-recipients prior to passing through FTA funds.

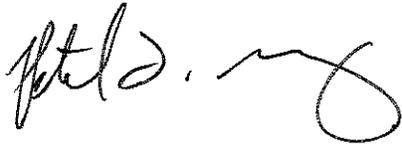
As part of the Certifications and Assurances submitted to DRPT with the Annual Grant Application and all Federal Transit Administration grants submitted to the DRPT, **RRRC** submits a Nondiscrimination Assurance which addresses compliance with Title VI as well as nondiscrimination in hiring (EEO) and contracting (DBE), and nondiscrimination on the basis of disability (ADA).

In signing and submitting this assurance, **RRRC** confirms to DRPT the agency's commitment to nondiscrimination and compliance with federal and state requirements.

In addition, Appendix F of this plan includes a signed, current copy of the Standard DOT Title VI Assurances with Appendices A, B, C, D, and E as required by the **Virginia Department of Transportation**.

V. PLAN APPROVAL DOCUMENT

I hereby acknowledge the receipt of the Rappahannock-Rapidan Regional Commission Title VI Implementation Plan 2021-2024. I have reviewed and approve the Plan. I am committed to ensuring that no person is excluded from participation in, or denied the benefits of transit services on the basis of race, color, or national origin, as protected by Title VI according to Federal Transit Administration (FTA) Circular 4702.1B Title VI requirements and guidelines for FTA sub-recipients.



Signature of Authorizing Official

November 9, 2021

DATE

Patrick L. Mauney, Executive Director

Rappahannock-Rapidan Regional Commission

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VI. ORGANIZATION AND TITLE VI PROGRAM RESPONSIBILITIES

RRRC's Executive Director is responsible for ensuring implementation of the agency's Title VI program. Title VI program elements are interrelated and responsibilities may overlap. The specific areas of responsibility have been delineated below for purposes of clarity.

An organizational chart is included as Appendix H to note the lack of separate divisions/program areas within RRRC's overall agency organization.

Overall Organization for Title VI

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

Detailed Responsibilities of the Title VI Manager

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

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

General Title VI responsibilities of the agency

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

1. Data collection

To ensure that Title VI reporting requirements are met, **RRRC** will maintain:

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

2. Annual Report and Updates

As a sub-recipient of FTA funds, **RRRC** is required to submit a Quarterly Report Form to DRPT that documents any Title VI complaints received during the preceding quarter and for each year. **RRRC** will also maintain and provide to DRPT an annual basis, the log of public outreach and involvement activities undertaken to ensure that minority and low-income people had a meaningful access to these activities.

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

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

3. Annual review of Title VI program

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.

4. Dissemination of information related to the Title VI program

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

5. Resolution of complaints

Any individual may exercise his or her right to file a complaint if that person believes that he, she or any other program beneficiaries have been subjected to unequal treatment or discrimination in the receipt of benefits/services or prohibited by non-discrimination requirements. **RRRC** will report the complaint to the cognizant oversight agency (DRPT or VDOT) within the timeframe specified by that agency, and make a concerted effort to resolve complaints locally, using the agency’s Title VI Complaint Procedures. All Title VI complaints and their resolution will be logged as described under Section 1. Data collection and reported annually (in addition to immediately) to DRPT and/or VDOT.

6. Written policies and procedures

Our Title VI policies and procedures are documented in this plan and its appendices and attachments. This plan will be updated periodically to incorporate changes and additional responsibilities that arise. During the course of the Annual Title VI Program Review (item 3 above), the Title VI Manager will determine whether or not an update is needed.

7. Internal education

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

Title VI training is the responsibility of RRRC’s Executive Director, but may be carried out by another employee as designated by the Executive Director.

8. Title VI clauses in contracts

In all federal procurements requiring a written contract or Purchase Order (PO), **RRRC’s** contract/PO will include appropriate non-discrimination clauses. The Title VI Manager will work with the **Executive Director and Grants Administrator/Fiscal Officer** who are responsible for procurement contracts and PO’s to ensure appropriate non-discrimination clauses are included. RRRC will also provide training resources to sub-contractors, as necessary and feasible based on existing resources.

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

Requirement to Provide a Title VI Public Notice

Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI. At a minimum, **RRRC** shall disseminate this information to the public by posting a Title VI notice on the agency's website and in public areas of the agency's office(s), including the reception desk, meeting rooms, in federally-funded vehicles, etc.

Appendix A of this plan is RRRC's Title VI Notice to the Public.

Appendix B of this plan is a list of locations where RRRC's Title VI Notice to the Public is posted.

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VIII. TITLE VI COMPLAINT PROCEDURES

Requirement to Develop Title VI Complaint Procedures and Complaint Form.

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

Sample of Narrative

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

RRRC includes the following language on all printed information materials, on the agency's website, in press releases, in public notices, in published documents, and on posters on the interior of each vehicle operated in passenger service:

RRRC is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color or national origin, as protected by Title VI of the Civil Rights Act of 1964.

For additional information on RRRC's nondiscrimination policies and procedures, or to file a complaint, please visit the website at <http://www.rrregion.org> or contact

***Attn: ADA/Title VI Coordinator
Rappahannock-Rapidan Regional Commission
420 Southridge Parkway, Suite 106
Culpeper, VA 22701***

Instructions for filing Title VI complaints are posted on the agency's website and in agency's facilities, and are also included within **RRRC's Foothills Area Mobility System (FAMS) Title VI** brochure.

Appendix C of this plan is a copy of RRRC's Title VI Complaint Form.

Procedures for Handling and Reporting Investigations/Complaints and Lawsuits

Should any Title VI investigations be initiated by FTA, DRPT, FHWA or VDOT, or any Title VI lawsuits are filed against **RRRC** the agency will follow the procedures below:

Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination on the basis of race, color, or national origin may file a written complaint with the Title VI Manager. The complaint is to be filed in the following manner:
 - a. A formal complaint must be filed within 180 calendar days of the alleged occurrence.
 - b. The complaint shall be in writing and signed by the complainant(s). RRRC has developed a Title VI Complaint Form that may be used to submit a complaint. This form can be found in Appendix C of the plan.
 - c. The complaint should include:
 - The complainant's name, address, and contact information (i.e., telephone number, email address, etc.)
 - The date(s) of the alleged act of discrimination (if multiple days, include the date when the complainant(s) became aware of the alleged discrimination and the date on which the alleged discrimination was discontinued or the latest instance).
 - A description of the alleged act of discrimination
 - The location(s) of the alleged act of discrimination (include vehicle number if appropriate)
 - An explanation of why the complainant believes the act to have been discriminatory on the basis of race, color, and national origin
 - If known, the names and/or job titles of those individuals perceived as parties in the incident
 - Contact information for any witnesses
 - Indication of any related complaint activity (i.e., was the complaint also submitted to any other local, state or federal agency?)
 - d. The complaint shall be submitted to the **RRRC ADA/Title VI Manager at 420 Southridge Parkway, Suite 106, Culpeper, VA 22701 or planinfo@rrregion.org**.
 - e. Complaints received by any other employee of **RRRC** will be immediately forwarded to the Title VI Manager
 - f. In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the Title VI Manager. Under these circumstances, the complainant will be interviewed, and the **Executive Director or designee** will assist the complainant in converting the verbal allegations to writing.
2. Upon receipt of the complaint, the Title VI Manager will immediately:
 - a. notify the cognizant oversight agency (DRPT and/or VDOT) (no later than 10 business days from receipt, or within such other timeframe required by the oversight agency)
 - b. acknowledge receipt of the allegation in writing, inform the complainant of action taken or proposed action to process the allegation, advise the respondent of their

- rights under Title VI and related statutes, and advise the complainant of other avenues of redress available, such as the DRPT, FTA, VDOT or FHWA.
- c. ensure that the complaint is entered in the complaint database
 - d. In the case of a complaint against RRRC, the Title VI Manager will contact the cognizant oversight agency (DRPT and/or VDOT) so that the oversight agency may have the opportunity to prepare an investigative report and provide it to the complainant, respondent, the RRRC Title VI Manager, and other state or federal agencies, as necessary.
3. Within 10 business days of receipt of the complaint, the Title VI Manager will contact the complainant by telephone to set up an interview.
 4. The complainant will be informed that they have a right to have a witness or representative present during the interview and can submit any documentation he/she perceives as relevant to proving his/her complaint.
 5. If the cognizant oversight agency (DRPT and/or VDOT) has assigned staff to assist with the investigation, the Title VI Manager will offer an opportunity to participate in the interview.
 6. The alleged discriminatory service or program official will be given the opportunity to respond to all aspects of the complainant's allegations.
 7. The Title VI Manager will determine, based on relevancy or duplication of evidence, which witnesses will be contacted and questioned.
 8. The investigation may also include:
 - a. investigating contractor operating records, policies or procedures
 - b. reviewing routes, schedules, and fare policies
 - c. reviewing operating policies and procedures
 - d. reviewing scheduling and dispatch records
 - e. observing behavior of the individual whose actions were cited in the complaint
 9. All steps taken and findings in the investigation will be documented in writing and included in the complaint file.
 10. The Title VI Manager will contact the complainant at the conclusion of the investigation, but prior to writing the final report, and give the complainant an opportunity to give a rebuttal statement at the end of the investigation process.
 11. At the conclusion of the investigation and **within 60 days** of the interview with the complainant, the Title VI Manager will prepare a report that includes a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition. This report will be provided to the Executive Director, DRPT, VDOT, and, if appropriate, **RRRC's** legal counsel.
 12. Within 90 days of receipt of complaint, the Title VI Manager will send a letter to the complainant notifying them of the outcome of the investigation. If the complaint was substantiated, the letter will indicate the course of action that will be followed to correct the situation. If the complaint is determined to be unfounded, the letter will explain the reasoning, and refer the complainant to the cognizant oversight agency (DRPT and/or VDOT) in the event the complainant wishes to appeal the determination. This letter will be copied to DRPT and/or VDOT.
 13. A complaint may be dismissed for the following reasons:
 - a. The complainant requests the withdrawal of the complaint.
 - b. An interview cannot be scheduled with the complainant after reasonable attempts.

- c. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
14. The cognizant oversight agency (DRPT and/or VDOT), as identified by the Title VI Manager, will serve as the appealing forum to a complainant that is not satisfied with the outcome of an investigation conducted by **RRRC**. DRPT and/or VDOT will analyze the facts of the case and will issue its conclusion to the appellant according to their procedures.

A person may also file a complaint directly with the Federal Transit Administration, Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor – TCR, 1200 New Jersey Avenue SE, Washington, DC 20590.

A person may also file a complaint directly with the Federal Highway Administration, U.S. Department of Transportation Office of Civil Rights, 1200 New Jersey Avenue, SE, 8th Floor E81-105, Washington, DC 20590.

Transportation-Related Title VI Investigations, Complaints, and Lawsuits

Background

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

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

This list shall include the date that the transportation-related Title VI investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to the investigation, lawsuit, or complaint. This list shall be included in the Title VI Program submitted to DRPT every three years and information shall be provided to DRPT quarterly and annually.

As of September 24, 2021, RRRC has no knowledge of active investigations conducted by the FTA and entities other than the FTA, lawsuits, and/or complaints naming RRRC alleging discrimination on the basis of race, color, or national origin.

SEE APPENDIX D – Title VI Investigations, Complaints and Lawsuits

IX. PUBLIC OUTREACH AND INVOLVEMENT

PUBLIC PARTICIPATION PLAN

Introduction

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

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

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

RRRC established a public participation plan or process that will determine how, when, and how often specific public participation activities should take place, and which specific measures are most appropriate.

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

RRRC's strategies for public outreach and engagement include:

- Scheduling meetings at times and locations which are convenient and accessible for minority and LEP communities
- Employing different meeting sizes and formats

- Coordinating with community and faith-based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
- Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations.
- Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.
- Use of digital-based advertising and social media to engage non-traditional media consumers

Appendix E of this plan includes a summary of outreach efforts related to public engagement and participation.

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

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

Introduction and Legal Basis

LEP is a term that defines any individual not proficient in the use of the English language. The establishment and operation of an LEP program meets objectives set forth in Title VI of the Civil Rights Act and Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP). This Executive Order requires federal agencies receiving financial assistance to address the needs of non-English speaking persons. The Executive Order also establishes compliance standards to ensure that the programs and activities that are provided by a transportation provider in English are accessible to LEP communities. This includes providing meaningful access to individuals who are limited in their use of English. The following LEP language implementation plan, developed by **RRRC** is based on FTA guidelines.

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

LEP persons can be a significant market for public transit, and reaching out to these individuals can help increase their utilization of transit. Therefore, it also makes good business sense to translate vital information into languages that the larger LEP populations in the community can understand.

Assessment of Needs and Resources

The need and resources for 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 the Eligible Service Population

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

U.S. Census Data – American Community Survey (2015-2019)

Data from the U.S. Census Bureau’s American Community Survey (ACS) were obtained through www.census.gov by RRRC’s service area. The agency’s service area includes a total of 891 (1.41%) households with Limited English Proficiency (those households who indicated that they spoke English less than “very well,” in the 2015-2019 ACS Census).

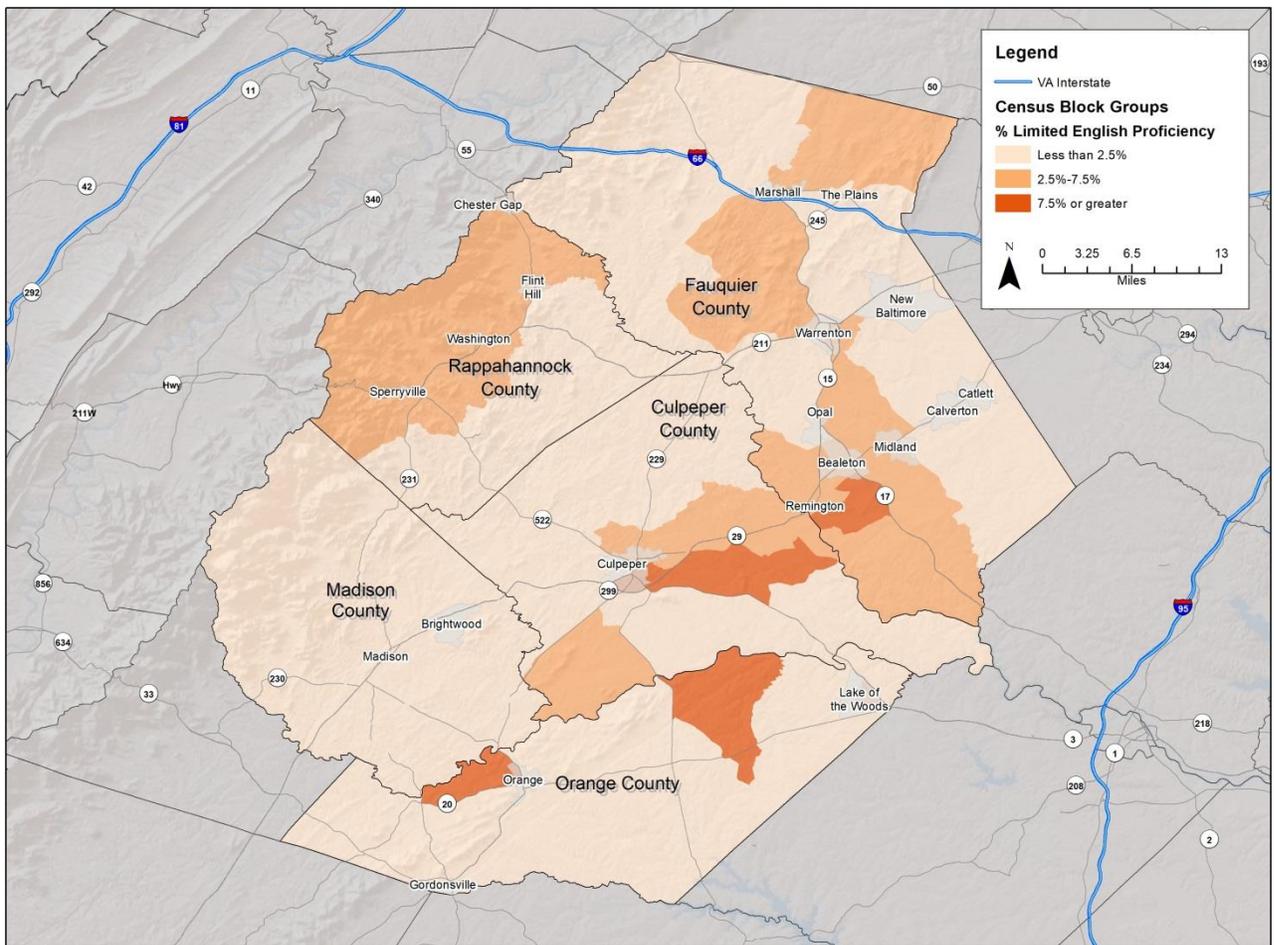
Table 1 - LEP Households by Language Spoken (American Community Survey 2015-2019, Table S1602)

RRRC Service Area			
Language	Number of LEP Households	Percent of Region Households Speaking Language	Percent of LEP Households Speaking Language
Spanish	703	1.11%	78.9%
Other Indo-European languages	143	0.23%	16.0%
Asian and Pacific Island languages	45	0.07%	5.1%
Other and unspecified languages	0	0.0%	0.0%
Total LEP Population	891	1.41%	
Total Service Area Households	63,174		

There are an estimated 703 Spanish-speaking LEP households in the service area, 1.11% of the total population and 78.9% of the LEP population. Based on the Safe Harbor provision, Spanish is the only language group that needs vital documents translated into Spanish. Figure 1 maps the percentage of LEP individuals by Census Block Group. Larger percentages of LEP persons are found near Remington, VA and East of Culpeper, VA.

It is generally noted that there are relatively low numbers of LEP persons within the RRRC service area.

Figure 1 – % LEP by Census Block Group



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

RRRC 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 RRRC's telephone line;
- Calls to the Foothills Area Mobility System (FAMS) One-Call Center;
- Visits to the agency's headquarters;
- Access to the agency's website;
- Attendance at community meetings or public hearings hosted by **RRRC**;

RRRC's sub-contracted human transportation service providers have occasionally had Spanish speaking persons with inquiries related to transit services. To address their needs, the sub-contracted vendors have either had Spanish speaking staff on hand to translate, or have utilized a phone line to access a translator. Printed materials of bus schedules, travel training, and additional resource and educational material have been provided in both the English and Spanish languages by RRRC staff. RRRC will utilize available technologies such as Google Translate to assist LEP persons when needed.

We 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>]

Information from Community Organizations that Serve LEP Persons

To supplement the Census, education, and labor department data, **RRRC and the Foothills Area Mobility System (FAMS) committee** periodically conduct community outreach to the following organizations that work with LEP populations.

- *Local Governments*
- *Community Organizations such as Goodwill*
- *Religious organizations;*
- *Legal aid entities.*

In the past two years, staff held transportation focus groups in Culpeper County, Fauquier County, and Orange County with community organizations to discuss transportation issues related to employment needs in each community. Information is utilized to determine gaps in existing transportation systems and/or opportunities for new or expanded programs and projects.

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

RRRC provides the following programs, activities and services:

- *The Foothills Area Mobility System (FAMS) One-Call/One-Click Transportation Center, operated under contract by Rappahannock-Rapidan Community Services/Area Agency on Aging, provides free information and referral services on all available public, private and volunteer transportation options in the Rappahannock-Rapidan Region. In addition, a transportation resource guide is updated and maintained and travel training and trip planning are provided to interested persons.*

Based on past experience serving and communicating with LEP persons and discussions with partner community agencies, we learned that the following services/routes/programs are currently of particular importance LEP persons in the community.

- FAMS One-Call/One-Click Center services

The following are the most critical services provided by **RRRC and its subcontractors** for all customers, including LEP persons.

- FAMS One-Call/One-Click Center services
- Volunteer driver coordination and information
- Services targeted at low income persons

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

Costs

The following language assistance measures currently being provided by **RRRC**

- **Subcontracted vendor staff and services**
- **RRRC bilingual staff**
- **Translation functionality on RRRC and FAMS websites**
- **Translators at partner community organizations and local governments**
- **On-demand translation and interpretation service agreement with Volatia Language Network**

We anticipate that these activities and costs will increase gradually based on the need of programs operated by RRRC.

Resources

The available budget that could currently be devoted to additional language assistance expenses is *less than \$500 annually*. This amount is likely to *be stable* over time.

In addition, in-kind assistance in the form of translation services is, and may continue to be available through partner organizations such as Rappahannock-Rapidan Community Services, PATH Foundation/PATH Resource Center, Virginia Regional Transit, and other local government or community partners.

RRRC also has limited staff. While staff currently includes one (1) bilingual Spanish speaker, the potential for staff turnover may necessitate increased use of resources to ensure continuity of language assistance to consumers.

Feasible and Appropriate Language Assistance Measures

Based on the available resources, the following language assistance measures are feasible and appropriate for our agency at this time:

- **Subcontracted vendor staff and services**
- **RRRC bilingual staff**
- **Translation functionality on RRRC and FAMS websites**
- **Translators at partner community organizations and local governments**

LEP Implementation Plan

Through the four-factor analysis, **RRRC** has determined that the following types of language assistance are most needed and feasible:

- ***Translation of vital documents into Spanish. These documents include:***
 - *Foothills Area Mobility System informational documents*
 - *All printed travel training materials*
 - *Transportation Resource Guide*
 - *Emergency preparedness brochure*
- ***Attempt to hire and/or retain bilingual staff with competency in spoken and written Spanish***
- ***Translation functionality on RRRC and FAMS websites***
- ***Language Line Translation Services for telephone contacts.***

Staff Access to Language Assistance Services

Agency staff who come into contact with LEP persons can access language services by ***transferring a call to bilingual staff or by utilizing RRRC's translation and interpretation service agreement with Volatia Language Network.*** All staff will be provided with a list of available language assistance services and additional information and referral resources (such as community organizations which can assist LEP persons). This list will be updated at least annually.

Responding to LEP Callers

Staff who answer calls from the public respond to LEP customers as follows: ***Calls are transferred internally to bilingual staff for general information, or may utilize RRRC's on-call translation and interpretation service agreement with Volatia Language Network. Subcontracted vendors have bilingual staff available and a language option line on the answer service.***

Responding to Written Communications from LEP Persons

The following procedures are followed when responding to written communications from LEP persons: ***Staff will utilize bilingual staff, volunteer/in-kind community resources and RRRC's on-call translation and interpretation service agreement with Volatia Language Network.***

Responding to LEP Individuals in Person

The following procedures are followed when an LEP person visits our customer service and administrative office: ***Spanish-speaking customers will be connected with bilingual staff for assistance. Non-Spanish speaking customers will be assisted via RRRC's on-call translation and interpretation service agreement with Volatia Language Network.***

The following procedures are followed by operators when an LEP person has a question on board a **RRRC's subcontracted vendor** vehicle: ***RRRC will require that subcontracted vendors have in place a procedure for operators to follow when an LEP person has a question on board a vehicle.*****Staff Training**

As noted previously, all **RRRC** staff are provided with a list of available language assistance services and additional information and referral resources, updated annually.

All new hires receive training on assisting LEP persons as part of their sensitivity and customer service training. This includes:

- A summary of the transit agency's responsibilities under the DOT LEP Guidance;
- A summary of the agency's language assistance plan;
- A summary of the number and proportion of LEP persons in the agency's service area, the frequency of contact between the LEP population and the agency's programs and activities, and the importance of the programs and activities to the population;
- A description of the type of language assistance that the agency is currently providing and instructions on how agency staff can access these products and services; and
- A description of the agency's cultural sensitivity policies and practices.

Also, all staff who routinely come into contact with customers, as well as their supervisors and all management staff, receive annual refresher training on policies and procedures related to assisting LEP persons.

Providing Notice to LEP Persons

LEP persons are notified of the availability of language assistance through the following approaches:

- ***Following our Title VI policy statement included on our vital documents.***

- *On our website, with links to translations of vital documents in other languages.*
- *Through signs posted in our administrative offices.*
- *Through ongoing outreach efforts with and to partner community organizations*
- *Staffing a table with bilingual staff at community service events of interest to LEP groups, as possible.*

LEP persons will also be included in all community outreach efforts related to service and fare changes.

Monitoring/Updating the plan

This plan will be reviewed and updated on a periodic basis (at least every three years), based on feedback, updated demographic data, and resource availability.

As part of ongoing outreach to community organizations, **RRRC** will solicit feedback on the effectiveness of language assistance provided and unmet needs. In addition, we will conduct periodic reviews of updated Census data, internal meetings of staff who assist LEP persons, and community meetings to assess the adequacy and quality of the language assistance provided, and determine changes to LEP needs.

In preparing the triennial update of this plan, **RRRC** will conduct an internal assessment using the Language Assistance Monitoring Checklist provided in the FTA’s “Implementing the Department of Transportation’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons: A Handbook for Public Transportation Providers.” *[This checklist attached at the end of this sample plan.]*

Based on the feedback received from community members and agency employees, **RRRC** will make incremental changes to the type of written and oral language assistance provided as well as to their staff training and community outreach programs. The cost of proposed changes and the available resources will affect the enhancements that can be made, and therefore **RRRC** will attempt to identify the most cost-effective approaches.

As the community grows and new LEP groups emerge, **RRRC** will strive to address the needs for additional language assistance.

XI. MINORITY REPRESENTATION ON PLANNING AND ADVISORY BODIES

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

RRRC coordinates with its Regional Transportation Collaborative (RTC) partnership, which provides input to RRRC staff and the RRRC Board related to programs and grant requests. Membership on such committees is voluntary and not by appointment by RRRC nor any of its member local governments.

RRRC regularly conducts outreach and awareness regarding the Regional Transportation Collaborative to local and regional organizations, and encourages its existing partner network to likewise grow the collaboration by recruiting additional members and to increase the diversity of those individuals and organizations actively participating and partnering within the RTC.

XII. MONITORING TITLE VI COMPLAINTS

As part of the complaint handling procedure, the Title VI Manager investigates possible inequities in service delivery for the route(s) or service(s) about which the complaint was filed. Depending on the nature of the complaint, the review examines span of service (days and hours), frequency, routing directness, interconnectivity with other routes and/or fare policy. If inequities are discovered during this review, options for reducing the disparity are explored, and service or fare changes are planned if needed.

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

APPENDIX A - TITLE VI NOTICE TO THE PUBLIC

APPENDIX B - TITLE VI NOTICE TO THE PUBLIC LIST OF LOCATIONS

APPENDIX C - TITLE VI COMPLAINT FORM

APPENDIX D - INVESTIGATIONS, LAWSUITS AND COMPLAINTS DOCUMENT

APPENDIX E - SUMMARY OF OUTREACH EFFORTS

APPENDIX F – MINORITY REPRESENTATION ON COMMITTEES BY RACE

APPENDIX G – FHWA/VDOT STANDARD TITLE VI ASSURANCES (SIGNED)

APPENDIX H – RRRRC ORGANIZATIONAL CHART

DRAFT

OFFICERS

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MEAGHAN TAYLOR

VICE-CHAIR
PAUL S. MCCULLA

TREASURER
GREG WOODS

SECRETARY &
EXECUTIVE DIRECTOR
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COMMISSIONERS

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GARREY W. CURRY, JR.
DEBBIE DONEHEY

TOWN OF WASHINGTON
FREDERIC CATLIN

As of June 2021

Appendix A – Title VI Notice to the Public

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

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

Patrick Mauney
Executive Director
Rappahannock-Rapidan Regional Commission
420 Southridge Parkway, Suite 106
Culpeper, VA 22701
(540) 829-7450
planinfo@rrregion.org

OFFICERS

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MEAGHAN TAYLOR

VICE-CHAIR
PAUL S. MCCULLA

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GREG WOODS

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Appendix B – Title VI Notice to the Public List of Locations

The Rappahannock-Rapidan Regional Commission (RRRC) has posted its Title VI Notice to the Public in the following locations, as of September 24, 2021:

Rappahannock-Rapidan Regional Commission Offices & Board Room
420 Southridge Parkway, Suite 106
Culpeper, VA 22701

RRRC Agency website: <https://www.rrregion.org>

OFFICERS

CHAIRMAN
MEAGHAN TAYLOR

VICE-CHAIRMAN
PAUL S. MCCULLA

TREASURER
GREG WOODS

SECRETARY &
EXECUTIVE DIRECTOR
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As of June 2021

Title VI Complaint Form

Title VI of the 1964 Civil Rights Act requires that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

The following information is necessary to assist us in processing your complaint. Should you require any assistance in completing this form, please contact the Regional Commission and assistance can be provided. Please complete and return this form to:

ADA/Title VI Coordinator
Rappahannock-Rapidan Regional Commission
420 Southridge Parkway, Suite 106
Culpeper, VA 22701

1. Complainant's Name: _____

2. Address: _____

3. City, State, Zip: _____

4. Telephone Number: _____

5. Email address: _____

6. If the Person(s) discriminated against are someone other than the complainant, please provide the following for the person(s) discriminated against:

Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Email address: _____

Please explain your relationship to this person(s):

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

Race _____ Color _____ National Origin _____ Other _____

8. What date did the alleged discrimination take place? _____



9. Is the discrimination ongoing?

10. Please provide the following information regarding the specific persons and/or agency/organization whom you believe discriminated against you.

Name: _____

Address: _____

City, State, and Zip Code: _____

Telephone Number: _____

If the complaint involves a specific individual associated with the Rappahannock-Rapidan Regional Commission, please provide the name of the individual: _____

11. In your own words, describe the alleged discrimination. Explain what happened and whom you believe was responsible.

12. Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court?

Yes ____ No ____

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



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

Name: _____

Address: _____

City, State, and Zip Code: _____

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

Complainant's Signature

Date

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MEAGHAN TAYLOR

VICE-CHAIR
PAUL S. MCCULLA

TREASURER
GREG WOODS

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Appendix D – Investigations, Lawsuits, and Complaints Document

As of September 24, 2021, RRRC has no knowledge of active investigations conducted by the FTA, FHWA, DRPT or VDOT, and entities other than the FTA, FHWA, DRPT or VDOT, lawsuits, and/or complaints naming RRRC alleging discrimination on the basis of race, color, or national origin.

As of June 2021

APPENDIX E: SUMMARY OF OUTREACH EFFORTS

Strategy

Scheduling meetings at times and locations which are convenient and accessible for minority and LEP communities

- **RRRC Staff regularly participate in community events during regular working and non-working hours in each of the five counties in the region in order to share information related to organizational programs and planning processes**

Strategy

Employing different meeting sizes and formats

- **RRRC and Foothills Area Mobility System committee members hold quarterly committee meetings and have held focus group meetings in Culpeper, Fauquier, and Orange counties to gather data related to transportation needs of LEP, low-income, elderly, and disabled populations**

Strategy

Coordinating with community and faith-based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.

- **RRRC coordinates the Foothills Area Mobility System (FAMS) committee, which is open to the public and includes partner organizations with specific relationships with minority and LEP communities**

Strategy

Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations.

- **RRRC and FAMS worked with Culpeper Media Network to develop a video highlighting the work of the FAMS One-Call Center**

Strategy

Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.

- **RRRC and FAMS worked with Culpeper Media Network to develop a video highlighting the work of the FAMS One-Call Center**

Strategy

Use of digital-based advertising and social media to engage non-traditional media consumers

- **RRRC maintains active accounts on Facebook (@RRRCVA) and Twitter (@RRRegion) that regularly share information on transportation and transit in the Rappahannock-Rapidan region. The FAMS committee also maintains accounts on Facebook (@famscommittee) and Twitter (@famsride)**
- **The FAMS website (<http://www.fams.org>) maintains updated information on transit and transportation options within and outside the region**

Rappahannock-Rapidan Regional Commission
TITLE VI / NONDISCRIMINATION ASSURANCE
(DOT Order No.1050.2A)

The **Rappahannock-Rapidan Regional Commission**, (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the *Federal Highway Administration*, 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 **Rappahannock-Rapidan Regional Commission**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."*

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

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

By signing this ASSURANCE, the **Rappahannock-Rapidan Regional Commission** also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the *FHWA* 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*. You must keep records, reports, and submit the material for review upon request to *FHWA*, 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 **Rappahannock-Rapidan Regional Commission** gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the *Federal-Aid Highway 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*.

Rappahannock-Rapidan Regional Commission

by

Patrick L. Mauney

DATED September 23, 2021

APPENDIX A
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 **Rappahannock-Rapidan Regional Commission** will accept title to the lands and maintain the project constructed thereon in accordance with the Virginia General Assembly, the Regulations for the Administration of the Federal-Aid Highway Program and the policies and procedures prescribed by the *Federal Highway Administration* 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 **Rappahannock-Rapidan Regional Commission** all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

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

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

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

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

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the **Rappahannock-Rapidan Regional Commission** pursuant to the provisions of Assurance 7(a):

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

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

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

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

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, the **Rappahannock-Rapidan Regional Commission** will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the **Rappahannock-Rapidan Regional Commission** will there upon revert to and vest in and become the absolute property of the **Rappahannock-Rapidan Regional Commission** and its assigns.*

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

APPENDIX E
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 H: RRRRC ORGANIZATIONAL CHART



Rappahannock-Rapidan Regional Commission
Organizational Chart
Effective: July 1, 2021

