



TITLE VI IMPLEMENTATION PLAN

Agency Administrator

Richard “Pete” Peters, Acting Town Manager

Prepared by:

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TITLE VI STATEMENT OF COMMITMENT

The Town of Vinton, hereinafter also referred to as the Local Public Agency “LPA”, will effectuate the provisions of Title VI of the Civil Rights Act of 1964, 49 Code of Federal Regulation (CFR) Part 21, 23 CFR Part 200 and other applicable directives. These authorities provide 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 for which LPA receives federal assistance.

Further, as a recipient of federal-aid funding, Town of Vinton strives to achieve nondiscrimination in all its programs and activities whether or not those programs and activities are federally funded. These efforts to prevent discrimination will address, but not be limited to, a program’s impact upon access, benefits, participation, treatment, services, contracting opportunities, training opportunities, investigation of complaints, allocation of funds, prioritization of projects, and the functions of right-of-way, research, planning, design, construction, and project development. Town of Vinton will ensure that every manager, supervisor, employee, and sub-recipient of federal-aid funds administered by the LPA is aware of and applies the intent and spirit of Title VI of the Civil Rights Act of 1964 and other nondiscrimination authorities in performing assigned duties.

Every employee and representative of Town of Vinton shall perform all official duties and actions in full accord with Title VI of the Civil Rights Act of 1964, applicable statutes, executive orders, regulations, and policies enunciated there under.

The Human Resources/Risk Management Director has been designated as the LPA’s Title VI Coordinator and is responsible for ensuring that all matters relating to nondiscrimination are administered effectively.

Employees of the LPA, contractors or applicants with questions, problems or complaints regarding this statement, and the implementation of the stated provisions, should contact Donna Collins, Title VI Coordinator/Human Resources/Risk Management Director, at 311 S. Pollard Street, Vinton, VA 24179, 540-983-0604, dcollins@vintonva.gov.

Richard “Pete” Peters, Acting Town Manager/
Agency Administrator

8/19/2020

Date

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I. INTRODUCTION

The Town of Vinton's mission is to excel at providing quality services for the benefit of all residents while developing, maintaining, and enhancing the resources of the area. Title VI of the Civil Rights Act of 1964 (Title VI) is a federal law that requires no person in the United States on the grounds of race, color, or national origin, be excluded from, be denied the benefits or be subjected to discrimination under any program or activity receiving federal financial assistance. The Federal-Aid Highway Act of 1973 added the requirement that there be no discrimination on the basis of sex. Title VI applies to recipients and sub-recipients of federal financial assistance. The Civil Rights Restoration Act of 1987 makes clear that pursuant to Title VI discrimination is prohibited throughout any department of a local agency that accepts Federal financial assistance.

The Town periodically receives federal funding from the Federal Highway Administration (FHWA) and other federal program funding. As a recipient of such federal aid, the Town is required to comply with Title VI and the related Department of Transportation regulations (Title 49 CFR Part 21).

This Title VI Implementation Plan is a part of Town of Vinton's continual and ongoing effort to proactively meet the minimum compliance requirements established under title VI of the Civil Rights Act of 1964 (title VI), 49 CFR § 26, and the related anti-discrimination statutes and regulations. With this Implementation Plan, the Town of Vinton seeks to provide continued transparency, clarity and technical guide for internal and external constituents regarding its Title VI program.

II. TITLE VI AND RELATED AUTHORITIES

This section is a reference source of the applicable authorities related to Title VI of the Civil Rights Act of 1964 as amended.

Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq) states the following: "No person in the United States shall on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Section 162(a) of the Federal-Aid Highway Act of 1973 (Section 324, Title 23 U.S.C.) prohibits discrimination based on sex (gender).

The Civil Rights Restoration Act of 1987, P.L. 100-209, further clarified the intent of Title VI to include all programs and activities of entities whether those programs and activities are federally funded or not. Title IX of the Educational Amendments Act of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973.

49 CFR Part 21, the U.S. Department of Transportation's Implementing Regulations of Title VI of the Civil Rights Act of 1964.

23 Code of Federal Regulations (CFR) Part 200, the Federal Highway Administration Title VI Program Implementation and Review Procedures.

UDDOT Order 1050.2A

Executive Order 12898 (issued February 11, 1994) addresses Environmental Justice (EJ) regarding minority and low-income populations. Agencies must develop strategies to address disproportionately high and adverse human health or environmental effects of their programs on minority and low-income populations; promote nondiscrimination in federal programs substantially affecting human health and the environment; and provide minority and low-income communities' access to public information and an opportunity for public participation in matters relating to human health or the environment.

Executive Order 13166 (issued August 16, 2000) improves access to services for persons with limited English proficiency. Agencies are directed to evaluate services provided and implement a system that ensures that Limited English Proficiency (LEP) persons are able to meaningfully access the services provided, consistent with, and without unduly burdening the fundamental mission of the local agency. Agencies are directed to ensure that recipients of federal financial assistance provide meaningful access to programs, services and information to their LEP applicants and beneficiaries free of charge. Language barriers have the potential of prohibiting LEP persons from:

- Obtaining services and information relating to Town services, programs and projects.
- Taking advantage of Town programs and activities, which could affect their jobs and social opportunities.
- Understanding the benefits to which they are entitled when their home or business is acquired through eminent domain.

Limited English Proficient persons refer to persons for whom English is not their primary language and who have a limited ability to read, write, speak or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well or not at all.

LEP persons are entitled to language assistance under Title VI of the Civil Rights Act of 1964, and federal assistance recipients shall take reasonable steps to ensure meaningful access to benefits, services, information and other important portions of their programs and activities.

III. ORGANIZATION AND STAFF RESPONSIBILITIES

A. Relationship of Civil Rights Coordinator/Town Manager of the Town of Vinton

Town Administrator – The Town Manager is authorized to ensure compliance with provisions of the Town's policy of nondiscrimination and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. The Town's grants compliance function and Title VI coordination shall be performed under the authority of the Town Administrator.

Title VI Coordinator – The Town of Vinton Human Resources/Risk Management Director will perform the duties of the Title VI Coordinator and ensure implementation of the Town's

Title VI Federally Funded Transportation Program. The Town's Title VI Coordinator has a direct reporting and access to the Town Manager, the Town's chief executive officer.

B. Statement of Responsibility and Authority of Title VI Coordinator

As authorized by the Town of Vinton Administrator, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring LPA compliance with Title VI requirements as follows:

Program Administration

- Administer the Title VI Program and coordinate implementation of the plan.
- Ensure compliance with the assurances, policy, and program objectives.
- Perform Title VI Program reviews to assess administrative procedures, staffing, and resources.
- Provide recommendations as required to the Town of Vinton Administrator.

Complaints

- Review written Title VI complaints that may be received by the Town Vinton following the adopted procedural guidelines.
- When a Title VI complaint is received, the Town will forward the complaint to VDOT, which will forward the complaint to the VDOT's FHWA Division Office, which will forward the complaint to Headquarters Office of Civil Rights (HCR). If a complaint is filed with VDOT, VDOT will forward the complaint to the VDOT's FHWA Division Office, which should forward the complaint to HCR.

Data Collection

- Review the statistical data gathering process periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration.

Training Programs

- Conduct or facilitate training programs on Title VI issues and regulations for the Town's employees; and facilitate Title VI training for appropriate personnel, board and committee members, contractors, and sub-recipients. A log or summary of training conducted shall be kept.

Title VI Plan Update

- Review and update the Town's Title VI Implementation Plan as needed or required.
- Present updated plan to the Town's Administrator for approval.
- Publish/post the Title VI Implementation Plan.

Annual Accomplishment Report

- Prepare an annual report of Title VI accomplishments and changes to the program in the preceding Federal fiscal year
- Identify goals and objectives for the upcoming year as required; and submit to VDOT.

Public Dissemination

- Work with Town's personnel to develop and disseminate Title VI program information to employees, board and committee members, council and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public.
- Ensure public service announcements or notices are posted of proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community.
- Ensure the full utilization of available minority publications or media.
- Ensure written or verbal information in languages other than English is being provided, where appropriate.

Elimination of Discrimination

- Work with the Town's program areas to establish procedures for promptly resolving deficiencies, as needed.
- Recommend procedures to identify and eliminate discrimination that may be discovered in any of the Town's processes.

Maintain Legislative and Procedural Information

- Keep informed about Federal laws, rules, and regulations, Federal Highway Administration (FHWA) or Virginia Department of Transportation (VDOT) guidelines that may affect the current Agency Title VI Plan and administration of the Agency's Title VI Program.
- Ensure information is made available to the public as requested or required.

C. Program Administration

Multidisciplinary Approach of Title VI

To ensure the Town complies with Title VI of the Civil Rights Act of 1964 and other related statutes, the Town will establish a Title VI Multidisciplinary Team. The Team will use the systematic approach, communication and continuous interaction to proactively ensure nondiscrimination in all of Town's programs and activities. The multidisciplinary approach focuses on team efforts to ensuring nondiscrimination in all of the Town's programs and activities. In implementing this approach, the Town will employ the guidance provided by the FHWA. The Town will designate specific staff from applicable departments that are administering federal grants and/or providing programs and activities funded from federal assistance or other types of transportation related funding as Title VI Specialist(s). The

members of the team consist of the Title VI Coordinator and Title VI Specialists. The Team’s focus is to:

- Foster awareness of nondiscrimination requirements
- Participate in the development and implementation of the Title VI Program
- Identify areas of need requiring mitigation measures
- Formulate and prioritize strategies to address areas of mitigation
- Recommend revisions to the Title VI Implementation Plan.
- Develop a Title VI Work Plan
- Implement Title VI Program Plan
- Continuously assess and recommend adjustments to the Title VI Implementation Plan as necessary for effectiveness.

Title VI Specialists – Additionally, the Town has designated Title VI Specialists in special emphasis program areas. The Specialists shall work in concert with the Title VI Coordinator. These key programs areas are subject to receiving federal assistance through grants or other types of transportation related funding. The Title VI Specialists will work with the Coordinator to ensure their respective departments and programs comply with Title VI regulations and assurances, meet the Title VI Method of Administration as laid out on this Title VI Plan, meet federal and state reporting requirements, and provide adequate training opportunities for applicable staff.

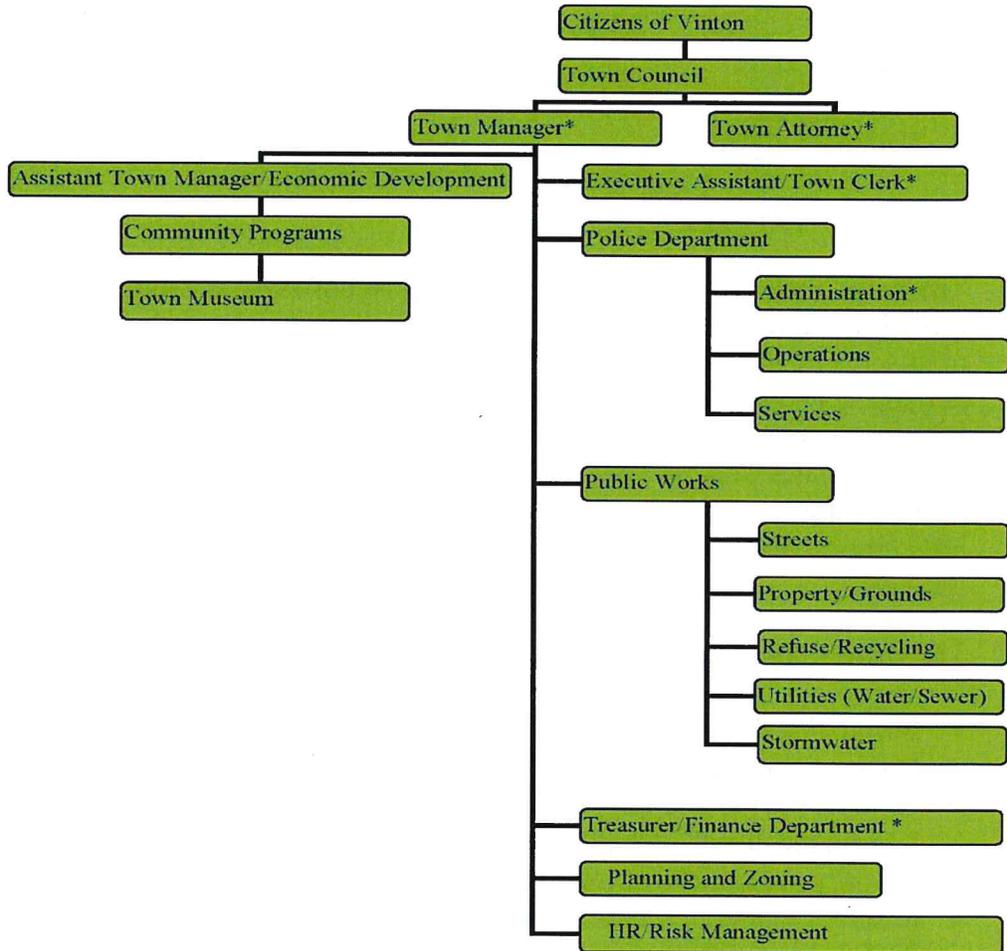
Title VI Specialists will also work with the Title VI Coordinator to ascertain Title VI compliance by contractors, subcontractors, consultants, suppliers and other sub-recipients under federally funded projects or programs. Specialists will ensure applicable Title VI provisions and requirements are included in contractual agreements to prime contractors and sub-recipients. Title VI Specialists will work with the Coordinator to obtain statistical data on race, color, national origin, handicap/disability, age and sex of participants in, and beneficiaries of the Town’s federally funded transportation programs. Each of the Specialists will maintain data relative to their respective special emphasis program area, designated below. The Coordinator shall use the data to complete annual Title VI reports and for other administrative needs.

TITLE VI SPECIALISTS DESIGNEES

<u>Program Area</u>	<u>Official Job Title</u>
Economic Development	Assistant Town Manager/Economic Dev. Director
Finance/Purchasing	Financial Services Analyst
Planning and Zoning	Planning and Zoning Director
Public Works	Public Works Director or Administrative Manager
Police/Law Enforcement	Executive Assistant to the Chief of Police
Community Programs	Community Programs and Facilities Director

D. Organizational Chart

Organizational Chart



* Town Manager, Town Attorney, Executive Assistant/Town Clerk, Chief of Police, and the Treasurer are positions within the department appointed by Town Council bi-annually.

IV. TITLE VI PROGRAM IMPLEMENTATION

A. Town of Vinton Title VI Nondiscrimination Policy

The Town will ensure that all employees, applicants, residents, customers, and persons doing business with the Town may participate in, enjoy the benefits of, and be free from discrimination under any program or activity it administers without regard to any protected status, including:

- Race
- Color
- National Origin

B. Title VI Statement

The Town, under Title VI of the Civil Rights Act of 1964, is committed to operating its programs, activities, and services in such a way that no person shall be excluded from the equal distribution of its services and amenities based on their race, color, or national origin. The Town has developed a notice to the public informing them of their rights under Title VI. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the Town of Vinton and/or Federal Highway Administration. The Town's complaint process and complaint forms are included in **Appendix G** and the Town's website: <https://www.vintonva.gov/requesttracker.aspx> or <https://www.vintonva.gov/18/Human-Resources>.

The Town's objective is to:

- Ensure that the level of quality of programs, projects and services are provided without regard to race, color, and national origin.
- Promote the full and fair participation of all affected populations in decision making;
- Prevent the denial, reduction, or delay in benefits related programs and activities that benefit minority populations or low-income populations; and
- Ensure meaningful access to programs and activities for persons with Limited English Proficiency (LEP).

The Town is committed to complying with Title VI requirements for all programs and services delivered to the public. The Title VI Program (Program) serves as a guide and reflection of the Town's commitment to preserving the civil rights for all individual and group benefactors of Town's program and services. The Town's Title VI Assurances, executed pursuant to Department of Transportation (DOT) Order No. 1050.2A, are included.

C. Town Governance

The Town is governed by an elected Council of five members. The Town provides main services with over 75 full and part-time employees and seven departments. Other services and programs are also provided by Roanoke County.

D. Title VI Coordinator

The Town's Title VI Coordinator, the Human Resources/Risk Management Director, is responsible for the overall Title VI Program. The Title VI Coordinator provides guidance and technical assistance on Title VI matters and has overall program responsibility for preparing reports and developing program procedures. Additional assistance is provided by the Planning and Zoning Director (e.g., transportation and greenway projects). The Title VI Coordinator responsibilities include:

- a. Promptly processing and resolving Title VI complaints;
- b. Collecting demographic data (race, color, national origin) of participants in and beneficiaries of the Town's Federal-aid programs, activities, and services;
- c. Promptly resolving areas of deficiency;
- d. Conducting periodic Title VI audits;
- e. Ensuring that Title VI requirements are included in policy directives and that the procedures used have built-in safeguards to prevent discrimination;
- f. Coordinating the development and implementation of staff training regarding the Town's Title VI program; and
- g. Developing and coordinating Title VI information for public dissemination, including where appropriate in languages other than English.

E. Education and Training

To ensure compliance through education and training, the Town's Title VI Coordinator will:

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

F. Communications and Public Participation Plan

The Town is committed to ensuring that projects, programs, and services delivered by the Town are sensitive to the various demographic backgrounds within the Town. The Town Public Participation Plan (PPP) is for use by the Town to promote public involvement in the planning and decision-making process of projects, programs, and services.

As a recipient of Federal funding, the Town is required to adhere to Title VI of the Civil Rights Act of 1964 and to integrate the PPP into its Title VI Program. The PPP provides guidelines for involving the public to ensure that all groups are represented and their needs considered. The Town is committed to ensuring it serves the residents and businesses of the Town fairly, consistently, and in the most cost-efficient and appropriate manner within available resources.

The Town endeavors to communicate with and provide opportunities for minority, low-income, and disabled persons to participate. To ensure Title VI compliance in communications and public participation, the Town will:

- Include the following statement in public notices and on the website:
“The Town of Vinton fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, or to obtain a Title VI Discrimination Complaint Form, contact (540) 983-0604 or Town’s website: <https://www.vintonva.gov/requesttracker.aspx> or <https://www.vintonva.gov/18/Human-Resources>.”
- Collect and monitor demographic data during public input opportunities, conducting additional target outreach if the data show a deficiency in public input from particular groups.
- Recruit diverse applicants, including minorities, low-income persons, and disabled, to opportunities for public participation and to serve on committees.

The Town is committed to document and analyze the impacts of transportation projects on minority and low-income populations as a normal part of analysis efforts. A key aspect of the analysis is to ensure the involvement of affected communities in the project development process. The Town has developed Guidelines to provide Environmental, Planning, Right-of-Way, Location and Design, Civil Rights and any other applicable with a consistent framework for developing an effective public involvement strategy. They contain only principles and general procedures, which means that the specific approach must be tailored to the unique circumstances of each project and those communities affected by it. If the procedures do not seem appropriate for a particular project, then the team will develop a more suitable approach.

Goals and Objectives

The goal of the Town’s PPP is to offer a variety of opportunities for the public to engage in planning and decision-making activities. To meet this goal, the objectives of the PPP are as follows:

- To determine what non-English languages and/or other barriers may exist to public participation within the Town service area.
- To provide a general notification of meetings for public input, in a manner that is understandable to all populations in the service area.
- To hold meetings at times and in locations that are accessible and reasonably welcoming to all area residents, including, but not limited to minority, Limited English Proficiency (LEP), and low-income members of the public.
- To utilize a variety of communication methods to capture public input from populations that are not likely to attend or engage in public meetings.

Public Comment Process Offered by the Town Council

The public has a right to express their opinion during the regular Council meetings held the first and third Tuesday of every month at 7:00 p.m. in the Council chambers at 311 S. Pollard Street, Vinton, VA. The public also has the right to express their opinion at the meetings of the Town's committees and commissions. Information about Town Council as well as the Town's committees and commissions is available on the Town website at: <https://www.vintonva.gov/243/Public-Hearings-Special-Meetings>

Forms will be available to attendees to register their presence and desire to speak. Public hearings will begin with a reading of the public notice, purpose and proposed action which necessitated the public hearing. After an explanation of the proposed action is completed, the public will be invited to offer their comment. If and when requested, translators should be present, as appropriate, to help communicate information and attain feedback. Limitations may be established on the length of oral presentations in order to afford all members of the public a reasonable opportunity to speak. After all registered persons have commented, a final opportunity will be offered for any additional public comment. This offering will precede the close of the public hearing.

At the close of the public hearing, it will be announced where the item will next be heard, either before a committee or the Council. Where appropriate, the Town Manager, or designee, will provide a report summarizing and responding to key comments made by the public at a subsequent committee or Council meeting.

All relevant comments received verbally or in writing at a public hearing, or as otherwise conveyed to the Town prior to the established deadline, will be entered into the public record of the comment process.

Outreach Efforts

The Town will use multiple techniques to actively solicit policy input in the planning process for a project. The Town will engage the community through the Town's website, social media, and brochures placed at the library, community center, greenways, and recreation areas within the communities. Appropriate techniques among the following will be used to inform, educate, and gain input from the public about the Town's projects, services, or activities:

- Surveys or questionnaires - mail-in, online, telephone, personal interview
- Articles or press releases in the appropriate publications
- Time consultation with advisory committees
- Distribution of informal reports, flyers, or brochures
- Collaboration with community-based organizations
- Informal presentations at community forums
- Publication of information about meetings, public hearings, and special events on the Town's website
- Direct mailings to those expressing interest in or commenting about certain topics
- General mailings with posters and flyers to area post offices and appropriate agencies, offices, and organizations for distribution to citizens

Low-income, minority, and limited English proficient (LEP) individuals often face additional barriers to participating in public decision-making processes. To promote reasonable opportunities for participation by low-income, minority, and LEP individuals to provide input on plans and programs, the Town will identify low-income, minority, and LEP populations within the service area and engage in targeted outreach to such populations where appropriate. The low-income threshold will be defined as households with a per capita income of 80 percent or less of the national average.

G. Planning and Programming

To ensure compliance in planning and programming processes, Town personnel will:

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

H. Limited English Proficiency (LEP)

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

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

Statement of Commitment

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

Implementation

Implementation guidelines describe as what should be done when an LEP person is encountered or an LEP request is made as well as what activities should be done routinely to keep information and training up to date. When staff encounter LEP persons or request for language assistance, the guidelines described below will be used to determine what assistance can be provided.

The language assistance services available to the Town are:

- Translation services available through Roanoke Spanish (\$0.15/word or \$85/page)
- The Town bilingual employees fluent in Spanish: As of 2020, Town's employees, Fabricio Drumond is fluent in Spanish and Portuguese; Samuel Mitchell is fluent in Spanish; and Lydia Verdillo, is fluent in Tagalog.
- Future contract with CyraCom: A Pay-As-You-Go account with CyraCom – On Demand Over-the-Phone Interpretation (www.cyracom.com). CyraCom maintains telephone assisted interpretation capability for over 100 languages (\$2.98/minute) and written translation services for a fee.

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

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

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

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

Routine LEP Implementation Activities

The Title VI Coordinator will:

- Post written notices on the website and/or in a public area regarding the right to free language assistance for persons conducting business with the Town in the most likely to be encountered languages (as determined using the four-factor analysis).
- Ensure that public notices and publications include statements that the Town provides reasonable accommodations for persons who require special assistance to participate in public involvement opportunities.
- Maintain the language assistance resource list, updating with current resources.
- Ensure staff understand:
 - The right to free language assistance for LEP persons.
 - How to use language assistance resources.
 - To include statements in public notices and publications that the Town provides reasonable accommodations.

Monitoring and Updating

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

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

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

Four-factor analysis

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

- a. Demography – number and proportion of LEP persons served and languages spoken in service area.
- b. Frequency – rate of contact with service or program.
- c. Importance – nature and importance of program/service to people's lives.
- d. Resources – available resources, including language assistance services.

The Title VI Coordinator will:

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

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

- Roanoke Refugee Partnership
- Roanoke Spanish
- Roanoke County Department of Social Services
- Virginia Department of Social Services
- Council of Community Services

The feedback solicited from these departments and organizations may include:

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

- Changes in the availability of resources, including technological advances or financial resources

I. Environmental Justice

In accordance with Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations), the Town will identify and address the disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations. The Town will consider demographic data into their project design and involve the public in the planning and development process to assess the environmental impacts of projects on the community. The public's input and data analysis enable the Town to develop measures to mitigate any potential adverse effects on minority and low-income populations. The Town is not required to conduct environmental justice analyses of projects where NEPA documentation is not required.

J. Contracts and Agreements

The Town reviews its federally assisted contracts for inclusion of applicable forms and provisions.

Consultant Contracts Administration

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

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

Disadvantaged Business Enterprise

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

The Town supports the objectives of the DBE Program:

- To ensure nondiscrimination in the award and administration of Federal Highway Administration assisted contracts.
- To create a level playing field on which DBEs can compete fairly for Federal Highway Administration-assisted contracts.
- To ensure the DBE Program is narrowly tailored in accordance with applicable law.
- To ensure that only firms that fully meet 49 CFR, Part 26 eligibility standards are permitted to participate as DBEs.
- To help remove barriers to the participation of DBEs in Federal Highway Administration-assisted contracts.
- To assist the development of firms that can compete successfully in the marketplace outside of the DBE Program.
- To provide appropriate flexibility to recipients of federal financial assistance in establishing and providing opportunities for DBEs.

Sub-recipients - Reviews and Monitoring Procedures

The Town will conduct Title VI compliance reviews and monitoring of its sub-recipients of Federal-aid highway or other Federal funds, to ensure adherence to Title VI requirements. The Town's staff will periodically review operational guidelines provided to consultants, contractors, and sub-recipients, including Title VI language, provisions, and related requirements, as applicable.

The Town will also conduct periodic post grant reviews of select recipients of Federal highway funds or other Federal funds, for roads, sidewalks, bridges, municipal construction, etc. to ensure adherence to Title VI requirements.

When irregularities occur in the administration of Federal-aid highway programs at sub-recipient levels, corrective action will be taken to resolve identified Title VI issues. The Town will seek the cooperation of the consultant, contractor or other sub-recipient in correcting deficiencies found during periodic reviews. The Town will provide technical assistance and guidance, upon request, to support voluntary compliance by the sub-recipient.

When a sub-recipient fails or refuses to voluntarily comply with requirements, The Town will submit to VDOT's Civil Rights Administrator -Title VI Coordinator copies of the case file and a recommendation that the sub-recipient be found in noncompliance.

A follow-up review will be conducted to ascertain if the sub-recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the sub-recipient refuses to comply, The Town and VDOT may, with FHWA's concurrence, initiate sanctions per 49 CFR 21.

V. DISCRIMINATION COMPLAINT PROCEDURES

Any person who believes she or he has been discriminated against on the basis of race, color, and national origin by the Town of Vinton (hereinafter referred to as "the Town") may file a Title VI

complaint by completing and submitting the agency's Title VI Complaint Form. The Town will investigate the complaint according to the procedures detailed in **Appendix G**.

Where can one file?

Complaints related to the Federal-aid highway program may be filed with the Town, VDOT, 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?

Complaints should be in writing and signed and may be filed by mail, fax, in person, or e-mail. However, 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. A complaint should contain the following information:

- A written explanation of the alleged discriminatory actions;
- The complainant's contact information, including, if available: full name, postal address, phone number, and email address;
- The basis of the complaint (e.g., race, color, national origin);
- The names of specific persons and respondents (e.g., agencies/organizations) alleged to have discriminated;
- Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal financial assistance; and
- The date(s) of the alleged discriminatory act(s) and whether the alleged discrimination is on-going.

How are complaints routed?

FHWA Division Offices do not investigate Title VI complaints. Likewise, State DOTs and its Subrecipients do not investigate complaints filed against themselves. Finally, FHWA is responsible for all decisions regarding whether a complaint should be accepted, dismissed, or referred to another agency.

With this understanding, complaints should be routed in the following ways:

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

- 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 the Town, the Town will forward the complaint to VDOT, which will forward the complaint to the VDOT’s FHWA Division Office, which will forward the complaint to HCR. If a complaint is filed with VDOT, VDOT will forward the complaint to the VDOT’s FHWA Division Office, which should forward the complaint to HCR.
- VDOT and the Town will log all complaints received.
- When HCR decides on whether to accept, dismiss, or transfer the complaint, HCR will notify the Complainant, the FHWA Division Office, VDOT, and the Town.

Complaints 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

What are the potential outcomes for processing a complaint?

There are four potential outcomes for processing complaints:

- Accept: if a complaint is timely filed, 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, 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 State DOTs and other primary Recipients. In the case of a complaint filed against a Subrecipient, HCR may either conduct the investigation itself, or it may delegate the investigation to VDOT. If HCR chooses to delegate the investigation of a Subrecipient, 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 investigation?

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 is delegated an investigation from FHWA, VDOT must complete the investigation within 60 days of receipt (meaning the date it receives the delegated complaint from FHWA) as stipulated in 23 CFR §200.9(b)(3)

How does the Investigating Agency gather information?

There are no regulatory requirements for how information is gathered, but VDOT and the Town 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 (RFI) and Position Statement 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?

First, 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 an investigator for 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:

- a. 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.
- b. 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.
- c. 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.
- d. 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.
- e. 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.

VI. REVIEW OF TOWN DIRECTIVES

The Title VI Staff employs the following process to review the Town directives, policies and practices:

- The Title VI Coordinator works collaboratively with a Title VI Specialists - a group consisting of department directors or their appointees, who help to make and implement policies. The committee works to ensure the Town directives are in keeping with Title VI of the Civil Rights Act of 1964 and other federal nondiscrimination mandates;
- The Title VI Coordinator is included in the review process when Town directives are drafted and polices implemented. This process affords the Title VI Coordinator an opportunity to review for any possible Title VI issues.
- The Title VI Coordinator reviews all environmental documents, public meeting and hearing transcripts to ensure staff is aware of any potential Title VI issues.
- The Title VI Coordinator serves on decision-making committees as a Civil Rights Advisor to ensure the Town directives are in accordance with the federal and state nondiscrimination laws, rules, and regulations; and,
- The Title VI Coordinator works cooperatively with FHWA Division Civil Rights staff to implement federal nondiscrimination directives.

VII. COMPLIANCE AND ENFORCEMENT PROCEDURES

Remedial Action

The goal for Title VI and regulatory enforcement is to achieve voluntary compliance. If deficiencies are found during a Title VI review, the Compliance Review Report will include a draft corrective action plan (CAP) with projected due dates. The program area staff/Title VI Liaison or the Subrecipient will be able to propose remedial actions to correct the deficiencies. Program areas and Subrecipients are expected to correct all deficiencies according to their CAP and provide periodic updates to the Title VI Coordinator assigned to the review. The Title VI Coordinator will provide technical assistance, as needed, and work with the (program area's) Title VI Liaison or Subrecipient's Title VI Coordinator to ensure implementation of the CAP. When the Title VI Coordinator has determined that a sub-recipient's deficiencies are sufficiently corrected, the program area Title VI Liaison or the Subrecipient will be notified that the review process is complete and no further progress reporting is needed. The Subrecipient will receive an official Closeout Letter signed by the Town's Title VI Coordinator.

Affecting Compliance

When an internal program area refuses to cooperate or comply with Title VI, the Title VI Specialist will elevate the matter to the Coordinator, after which, the matter may be referred to the State DOT Civil Rights Manager or responsible USDOT Operating Administration (OA).

When a Subrecipient fails to take appropriate corrective action in response to the findings of deficiencies in the compliance report, the Subrecipient moves from a "deficiency status" to noncompliance; the Town will submit two copies of the case file to the State DOT or FHWA with a recommendation that the sub-recipient be found in noncompliance; and/or, may, with the concurrence of the State DOT or FHWA (or other USDOT OA), initiate proceedings to impose sanctions for noncompliance.

Sanctions

In the event that a Subrecipient or contractor ("recipient") fails or refuses to comply with Title VI, the first step taken by the internal program area with oversight of the recipient will be the Town attempts to resolve the issue using the program area's normal administrative solutions. However, the Town may take any or all of the following steps, with the concurrence of VDOT or USDOT (i.e., FHWA), if the recipient is uncooperative or nonresponsive during attempts by the Town to voluntarily resolve the compliance issue:

- a. Cancel, terminate, or suspend the contract or agreement in whole or in part;
- b. Refrain from extending any further assistance to the recipient under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the recipient;
- c. Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the recipient; and/or,
- d. Refer the case to the appropriate federal agency for appropriate administrative or legal proceedings. Other means authorized by law.

VIII. TITLE VI ASSURANCES (STANDARD DOT TITLE VI ASSURANCES – US DOT 1050.2A)

TITLE VI/NONDISCRIMINATION ASSURANCES

DOT Order No. 1050.2A

The Town of Vinton, (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 Assurances

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 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," 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 Town of Vinton 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 the 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 Town of Vinton 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 *USDOT* 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 the *USDOT*. You must keep records, reports, and submit the material for review upon request to *USDOT*, 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 Town of Vinton 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*. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Town of Vinton

By: 

Richard "Pete" Peters, Acting Town Manager

Dated: 8/19/2020

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 Town of Vinton 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 Town of Vinton 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 Town of Vinton 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 Town of Vinton, its successors and assigns.

The Town of Vinton 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 Town of Vinton 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 Town of Vinton 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 Town of Vinton 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 Town of Vinton 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 Town of Vinton 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 Town of Vinton 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 Town of Vinton 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 Town of Vinton will there upon revert to and vest in and become the absolute property of the Town of Vinton 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

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 nondiscrimination 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 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 F

Town of Vinton Departments List

DEPARTMENT/POSITION	NAME	TELEPHONE NUMBER
Title VI Coordinator/Human Resources/Risk Management Director	Donna Collins	540-983-0604
Town Manager	Barry Thompson	540-983-0607
Assistant Town Manager/Economic Development	Richard "Pete" Peters	540-343-1508
Community Programs & Vinton War Memorial	Chasity Barbour	540-983-0613
Town Council	Bradley Grose, Mayor Sabrina McCarty, Vice Mayor Keith Liles Laurie Mullins Michael Stovall	540-983-0607
Executive Assistant/Town Clerk/FIOA	Susan Johnson	540-983-0607
Treasurer/Finance Director	Anne Cantrell	540-983-0608
Planning and Zoning	Anita McMillan	540-983-0605
Police	Fabricio Drumond	540-983-0617
Public Works	Joey Hiner	540-983-0646
Town Attorney	Jeremy Carroll	540-444-0482

APPENDIX G

**Title VI Discrimination Complaint Form
and Complaint Log**

TOWN OF VINTON TITLE VI DISCRIMINATION COMPLAINT FORM

Instructions: Please fill out this form completely in blue or black ink or type. Sign and submit to the Title VI Coordinator, 311 S. Pollard Street, Vinton, VA 24179. For assistance please call 540-983-0604.
THIS FORM IS OPTIONAL AND IS PROVIDED FOR YOUR CONVENIENCE.

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

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

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

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

Date of Incident: _____ Time of Incident: _____

Location or Address of Incident: _____

Describe your complaint: _____

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

If the incident involved a Town of Vinton employee, please list his/her name: _____

Names and contact information of witnesses: _____

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

Complainant Signature: _____ Date: _____

Authorized Representative Signature: _____ Date: _____

APPENDIX H

Demographic and LEP Encounter Log Form

TOWN OF VINTON DEMOGRAPHICS

2010 CENSUS POPULATION

Total Population	8,098	
One Race	7,934	98%
White	7,285	90%
Black or African American	452	5.6%
American Indian and Alaska Native	9	0.1%
Asian	78	1.0%
Native Hawaiian and Other Pacific Islander	4	0.0%
Some other race	118	1.5%
Two or More Races	164	2.0%
Hispanic or Latino (of any race)	230	2.8%

2017 American County Survey (ACS) DEMOGRAPHIC ESTIMATES

Total Population	8,069	
One Race	7,886	97.7%
White	7,007	86.8%
Black or African American	475	5.9%
American Indian and Alaska Native	0	0.0%
Asian	351	4.3%
Native Hawaiian and Other Pacific Islander	0	0.0%
Some other race	53	0.7%
Two or More Races	183	2.3%
Hispanic or Latino (of any race)	221	2.7%

2017 American Community Survey (ACS) LANGUAGE SPOKEN AT HOME

Population 5 years and over	7,721	
English Only	7,284	94.3%
Language other than English	437	5.7%
Speak English less than "very well"	99	1.3%
Spanish	174	2.3%
Speak English less than "very well"	8	4.6%
Other Indo-European languages	122	1.6%
Speak English less than "very well"	18	14.8%
Asian and Pacific Islander languages	120	1.6%
Speak English less than "very well"	520	43.3%

LIMITED ENGLISH PROFICIENCY (LEP) ENCOUNTER LOG FORM

Date of Encounter: _____

Encounter was: In-person By-phone Other: _____

Reason person was in your department: _____

Describe how (if) communication as accomplished: _____

Department Head's Signature: _____

LIMITED ENGLISH PROFICIENCY (LEP) ENCOUNTER LOG FORM

Date of Encounter: _____

Encounter was: In-person By-phone Other: _____

Reason person was in your department: _____

Describe how (if) communication as accomplished: _____

Department Head's Signature: _____

APPENDIX I

I Speak Cards

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

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

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

APPENDIX J

Employee Acknowledgement



An Equal Opportunity Employer

Town of Vinton values each individual's civil rights and intends to provide equal opportunity and equitable service for the citizens of this Town. As a recipient of federal funds, Town of Vinton will conform to Title VI of the Civil Rights Act of 1964 as amended, and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination on the grounds of race, color, and national origin. Town of Vinton further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, regardless of whether those programs and activities are federally funded.

All Town of Vinton employees are expected to consider, respect and observe nondiscrimination laws and Town of Vinton's Nondiscrimination policies in their daily work responsibilities and interactions with other employees and the public. Town of Vinton employees should work to prevent and alleviate any barriers to service or public use that would restrict public access or usage and take prompt and reasonable action to avoid or minimize discrimination incidences. If another employee or citizen approaches with a question, concern or complaint regarding discrimination, please refer them to Town of Vinton's Title VI Coordinator:

Donna Collins
Title VI Coordinator
Human Resources/Risk Management Director
311 S. Pollard Street
Vinton, VA 24179
Office: (540) 983-0604
Fax: (540) 283-6727
E-mail: dcollins@vintonva.gov

Employee Name: _____ Date: _____
(Please Print)

Employee Signature: _____ Dept: _____

Employee signature confirms receipt and understanding of Town of Vinton's Title VI policy.

APPENDIX K

Public Involvement Survey



VOLUNTARY TITLE VI PUBLIC INVOLVEMENT SURVEY

Town of Vinton, Virginia

Completing this form is voluntary but encouraged. You are not required to provide the information requested in order to participate in this meeting.

Title VI of the Civil Rights Act of 1964 states that “no person in the United States shall on the ground of race, color, or national origin be excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination under any program, service, or activity receiving federal financial assistance.” As a recipient of federal funds, Town of Vinton must provide opportunity for the public to comment on programs, projects and activities that may affect them and the Town. By completing this form, you are helping Town of Vinton to collect statistical data to aid in assessing the Town’s outreach efforts to those who are affected and/or interested in Town programs, projects and activities.

If you have any questions or concerns regarding this form, please contact Town of Vinton’s Title VI Coordinator, Donna Collins, 311 S. Pollard St., Vinton, VA 24179; Office (540) 983-0604; E-mail dcollins@vintonva.gov; Fax (540) 283-6727.

Please fold and place the completed survey in the box provided or you may mail, E-mail, or fax to the Title VI Coordinator. Thank you for your participation!

Date (month, day, year):	
Meeting attended: <input type="checkbox"/> Council Meeting <input type="checkbox"/> Commission Meeting <input type="checkbox"/> Other: _____	
Meeting purpose (name of program, project, service or activity):	
Gender: <input type="checkbox"/> Female <input type="checkbox"/> Male	Ethnicity: <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino National Origin: <input type="checkbox"/> USA <input type="checkbox"/> Other _____
Race: <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African-American <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input type="checkbox"/> White <input type="checkbox"/> Multiracial	
Age: <input type="checkbox"/> 1-21 <input type="checkbox"/> 22-40 <input type="checkbox"/> 41-65 <input type="checkbox"/> 65+	Disability: <input type="checkbox"/> Yes <input type="checkbox"/> No
Household income: <input type="checkbox"/> 0 - \$12,000 <input type="checkbox"/> \$12,001 - \$24,000 <input type="checkbox"/> \$24,001 - \$36,000 <input type="checkbox"/> \$36,001 - \$48,000 <input type="checkbox"/> \$48,001 - \$60,000 <input type="checkbox"/> \$60,001 +	

Comments: _____

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