

Central Virginia Planning District Planning Commission (CVPDC)  
and Central Virginia Transportation Planning Organization (CVTPO)

# Title VI Implementation Plan

Transportation Technical Committee (TTC) Recommendation:

CVPDC Policy Board Adoption:

CVTPO Policy Board Adoption:

## Abstract

The Central Virginia Planning District Commission (CVPDC) and Central Virginia Transportation Planning Organization (CVTPO) Title VI Implementation Plan articulates that adopted measures which are undertaken to ensure compliance with the Title VI of the Civil Rights Act of 1964 which prohibits discrimination on the basis of race, color, or national origin. As an agency which receives federal financial assistance, the CVPDC ~~is~~ and CVTPO are subject to and must comply with Title VI. The CVPDC and CVTPO, to include all organizations and programs it staffs or funds, ~~including the Central Virginia Transportation Planning Organization (CVTPO),~~ will utilize ~~the CVPDC~~ this Title VI Implementation Plan to guide program execution.

#### **CVPDC and CVTPO Title VI Policy**

As provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (Public Law 100.259), the CVPDC assures that no person 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. Further, the CVPDC commits to ~~taking~~making every effort to ensure nondiscrimination in the execution of all programs and activities, regardless of funding origin. The CVPDC and CVTPO, in the event of distribution of federal funds to other agencies, shall include Title VI language, to include compliance procedures, in all written agreements.

#### **Acknowledgments**

~~The CVPDC acknowledges and thanks the assistance from the Thomas Jefferson Planning District Commission and the Virginia Association of Metropolitan Planning Organization.~~ This document was prepared in cooperation with the Virginia Department of Transportation (VDOT), the Virginia Department of Rail and Public Transit (VDRPT), Greater Lynchburg Transit Company (GLTC), and the Federal Transit Administration (FTA). The contents do not necessarily reflect the official views or policies of the VDOT, VDRPT, GLTC, or FTA.

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## Overview

The Central Virginia Planning District Commission (CVPDC) is the contractual administrator of the Central Virginia Transportation Planning Organization (CVTPO). The CVTPO is a forum for cooperative, continuing and comprehensive planning. The CVTPO area encompasses the City of Lynchburg, as well as the urbanized sections of Bedford, Campbell and Amherst Counties. These areas also include sections that are likely to become urbanized in the foreseeable future. The CVTPO considers long-range regional projects, and combines public input, technical data and agency collaboration to develop innovative improvements for the region's transportation network.

For the purpose of this Title VI Implementation Plan, the CVTPO will have its own section for activities unique to the organization. For example, the Public Participation Plan is unique to the CVTPO. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin by agencies that receive federal financial assistance (see Appendix A: Title VI). The CVPDC, and all of its programs, as recipients of federal funding do not discriminate on the basis of race, color, or national origin (see Appendix B: Non-Discrimination Statement).

The CVPDC Title VI Implementation Plan articulates the adopted actions which will be enacted by CVPDC, to include all of its programs and projects, including the Central Virginia Transportation Planning Organization (CVTPO) to ensure compliance with Title VI in four sections:

1. Title VI Programs;
2. English Language Barrier ~~limited English Proficiency~~;
3. Coordinators; and
4. Discrimination Complaints.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin by agencies that receive federal financial assistance (see Appendix A: Title VI). The CVPDC, and all of its programs, as recipients of federal funding do not discriminate on the basis of race, color, or national origin (see Appendix B: Non-Discrimination Statement).

The Title VI Implementation Plan outlines the process by which the CVPDC and the CVTPO will ensure nondiscrimination in program communication, public participation, planning and programming, consultant contracts, and education and training. Limited English Proficiency (LEP) describes that statement of commitment to LEP persons, implementation of LEP activities, and monitoring and update of LEP procedures. The relevant agency staff that will guide and oversee the program are the Title VI Manager and the ADA Coordinator. Discrimination Complaints (see Section 4) describes the complaint procedures.

The CVPDC Title VI Implementation Plan serves as the CVPDC policy insurance that Title VI of the Civil Rights Act of 1964 nondiscrimination will be enacted in all programs and projects staffed or funded by the CVPDC. The CVPDC is the contractual administrator of the Central Virginia Transportation Planning Organization (CVTPO), the Central Virginia Radio and Communications Board (CVRCB). This Plan applies to the following programs, and the subsequent federal or state funding agency:

- Central Virginia Transportation Planning Organization (CVTPO)
- CVPDC Rural Transportation Program

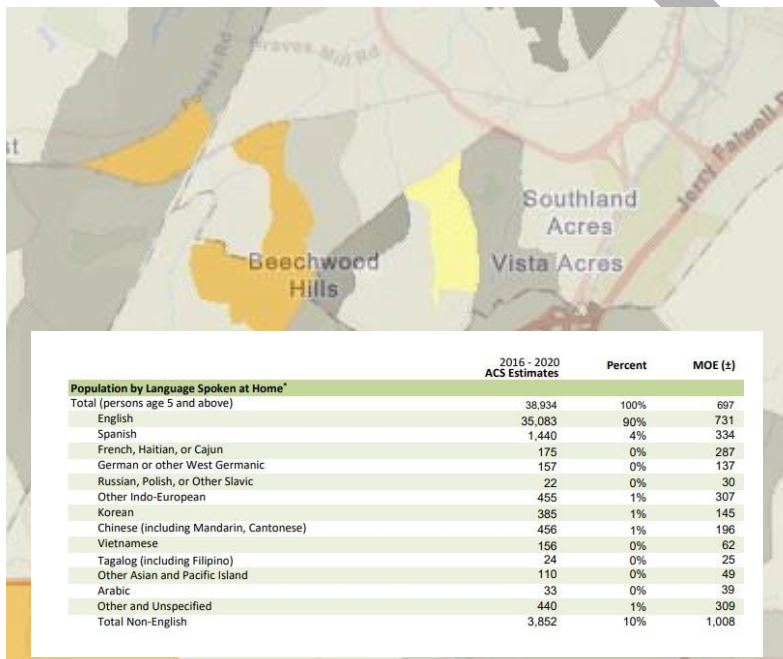
## CVPDC Title VI Implementation Plan

- [Chesapeake Bay Watershed Implementation Plan](#)
- [Comprehensive Economic Development Strategy](#)
- Hazard Mitigation Plan
- Central Virginia Radio and Communications Board (CVRCB)
- Virginia Housing Preservation Grant
- CVPDC Brownfields Program

Alec Brebner, Executive Director is responsible for oversight of the program areas listed above. Brebner will work with the Title VI Manager to ensure that all CVPDC [and CVTPO](#) programs and projects are Title VI compliant through staff training, Title VI policies for the agency, and program reviews. To ensure compliance, all agency staff will have access to Title VI relevant training and be made aware of the CVPDC [and CVTPO](#) Title VI Implementation Plan, its procedures and requirements.

The CVPDC [and CVTPO](#), in executing local or regional plans, coordinates with area jurisdictions, agencies, and other local stakeholders. In doing so, plans that may directly impact minority or low-income communities may be executed. The following procedures for conducting reviews of areas impacted are as follows. The Executive Director or Title VI Manager will review the CVPDC [and CVTPO](#) programs and staff activities each Fiscal

Year by meeting with agency staff to identify projects that need a Four Factor Analysis employed. Four Factor Analysis evaluations consist of data collection and subsequent analysis of that data. Evaluation tools include standard data collection and analysis methods. Guidance is provided by the US Department of Transportation (DOT) Federal Highway Administration Title VI Toolit (<https://highways.dot.gov/civil-rights/programs/title-vi/title-vi-toolkit-data-collection-and-analysis>). Each project manager will be instructed on how to complete the Four Factor Analysis and provided information of the Title VI evaluation tools. With analysis completion, the Title VI Coordinator will utilize the following steps to ensure compliance and non-discrimination on the basis of race, color, and national origin.



Source: EPA EJSscreen ACS Summary Report

## 1. Title VI Program

The CVPDC and CVTPO staff and the decision-makers of its organizations and programs, to comply with Title VI Compliance, will not discriminate on the basis of race, color, or national origin.

CVPDC staff will evaluate and monitor compliance with nondiscrimination authorities in its:

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

To comply with Title VI, the CVPDC and CVTPO:

- Maintains current Title VI Assurances (Appendix C: Certificate of Assurance).

### Limited English Proficiency- (LEP)English Language Barrier (ELB) Four Factor Analysis

Factors to ensure meaningful access to programs and activities by LEP-ELB persons. The following outline the four factors that ensure fact-dependent and independent evaluation that balances response are employed to ensure Title VI nondiscrimination compliance.

The four factors are:

1. Number or proportion of LEP-ELB persons served or encountered in the eligible service population ("served or encountered" include persons who would be served or encountered if those persons received adequate education and outreach, to include sufficient language services). Utilization of data tools (e.g. Census) must be employed to evaluate this factor.
2. The frequency with which LEP-ELB persons come into contact with the program.
3. The nature and importance of the program, activity, or service provided by the program.
4. The resources available and costs to the recipient, including income level.

#### CVPDC Title VI Implementation Plan

- Promptly corrects any identified deficiency.
- Conducts regular review of program areas and contactors (Appendix D).
- Reviews sub-recipients Title VI procedures on a regular basis (Appendix E).
- Documents and prepares reports of Title VI efforts on a regular basis.
- The CVPDC Executive Director designates a Title VI Manager (Section 3).

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## 1.1 Communications and Public Participation

### CVPDC

The CVPDC endeavors to communicate with and provide opportunities for minority, low-income, and disabled person to participate. The Central Virginia Transportation Planning Organization (CVTPO), which is staffed by the CVPDC, maintains a Public Participation Plan that describes the process by which it consults with interested and affected individuals, organizations, agencies, and governmental entities and includes them in the decision-making process. The CVTPO Public Participation Plan and all other CVPDC public participation opportunities and organizations and programs its staffs comply with Title VI requirements.

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

- Include contact information for people needing accommodations in notifications for public participation opportunities.
- Post the Title VI Policy on CVPDC program website(s).
- Include the following statement in public notices:

*"CVPDC fully complies with Title VI of the Civil Rights Act of 1964 in all programs and activities. CVPDC provides reasonable accommodation for persons who require special assistance to participate in public involvement opportunities. For more information, or to obtain a Discrimination Compliant Form, contact (434) 845-3491 or [www.cvpdc.org](http://www.cvpdc.org)."*

### CVTPO

The CVTPO endeavors to communicate with and provide opportunities for minority, low-income, and disabled person to participate. The CVTPO, which is staffed by the CVPDC, maintains a Public Participation Plan that describes the process by which it consults with interested and affected individuals, organizations, agencies, and governmental entities and includes them in the decision-making process. The CVTPO Public Participation Plan and all other CVPDC public participation opportunities comply with Title VI requirements.

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

- Include contact information for people needing accommodations in notifications for public participation opportunities.
- Post the Title VI Policy and the Public Participation Plan on CVTPO program website(s).
- Include the following statement in public notices:

*"CVTPO fully complies with Title VI of the Civil Rights Act of 1964 in all programs and activities. CVTPO provides reasonable accommodation for persons who require special assistance to participate in public involvement opportunities. For more information, or to obtain a Discrimination Compliant Form, contact (434) 845-3491 or [www.cvtpo.org](http://www.cvtpo.org)."*

### The CVPDC and CVTOP will:

- Provide reasonable accommodations for persons who require special assistance to participate in public involvement opportunities.



#### CVPDC Title VI Implementation Plan

- Collect and monitor demographic data during public input opportunities, conduct additional target outreach if the data shows a deficiency in public input from particular groups.
- [Recruit-Be proactive in seeking](#) diverse applicants, including minorities, low-income persons, and disabled, for public participation opportunities, to include serving on program and project committees.



## 1.2 Planning and Programming

To ensure compliance in planning and programming, CVPDC and CVTPO staff will:

- ~~Prepare and update publicly available demographic profiles of the region using current and appropriate statistical information.~~
- Consider a high-level overview of benefits and burdens of CVPDC transportation project 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 community demographic and targeted outreach ~~environmental justice analyses~~ evaluations in executing programs and projects.
- ~~Conduct an environmental justice analysis during the development of the Central Virginia Transportation Planning Organization Long Range Transportation Plan, and other required transportation planning documents.~~
- Evaluate programs to determine if there are Title VI implications and interpret how agency or program directives impact Title VI program areas.
- Include, as relevant, environmental justice aspects targeted ~~of performance measures to evaluate success in~~ in transportation, and other programs as required, performance-based ~~the inclusion of representative citizen participation in~~ planning and programming activities. -

## 1.3 Consultant Contract

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

- Ensure inclusion of nondiscriminatory language in contracts and Request for Proposals.
- Ensure that all consultants verify their compliance with nondiscrimination authorities, procedures, and requirements.
- Assist any recipient or sub-recipient found to be not in nondiscrimination compliance to resolve deficiency status, to include writing remedial action plan.
- 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.

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

### Updated Guidance on Disadvantaged Business Enterprise

Disadvantaged Business Enterprises (DBE) are for-profit small business concerns where socially and economically disadvantaged individuals own at least 51% interest and 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 may qualify on a case-by-case basis. The U.S. Department of Transportation's DBE~~

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regulations require state and local transportation agencies that receive federal financial assistance to establish goals for the participation of DBEs. Effective October 3, 2025, DBE business owners and applicants must demonstrate on a case-by-case basis that they satisfy the race- and sex-neutral criteria in the newly revised 49 Code of Federal Regulations (CFR) parts 23 and 26.

The Interim Final Rule removes race- and sex-based presumptions from the definitions of “socially and economically disadvantaged individual,” and provides that the DBE must demonstrate on a case-by-case basis that the individual meets the criteria described in 49 CFR § 26.67.8  
Section 26.67 provides, in turn, that an owner must:

- (1) demonstrate that the owner is socially and economically disadvantaged based on his or her own experiences and circumstances that occurred within American society, and without regard to race or sex;
- (2) submit to the certifier a personal narrative establishing the existence of disadvantage by a preponderance of the evidence based on individualized proof regarding specific instances of economic hardship, systemic barriers, and denied opportunities that impeded the owner’s progress or success in education, employment, or business, including obtaining financing on terms available to similarly situated, non-disadvantaged persons;
- (3) state how and to what extent the impediments caused the owner economic harm, including a full description of type and magnitude, and establish the owner is economically disadvantaged in fact relative to similarly situated non-disadvantaged individuals; and
- (4) state how and to what extent the impediments caused the owner economic harm, including a full description of type and magnitude; and
- (5) attach to the Personal Narrative a current personal net worth statement and any other financial information the owner considers relevant

The CVPDC supports DBE program objectives:

See US DOT Office of Civil Rights Guidance, September 30, 2025

(<https://www.transportation.gov/sites/dot.gov/files/2025-09/DBE%20IFR%20Guidance.9-30-2025.pdf>)

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, and other federal agencies as required, 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 federally assisted contracts, to include the Federal Highway Administration.

To assist the development of firms that can successfully compete in the marketplace outside of the DBE Program.

To provide appropriate flexibility to recipients of federal financial assistance in establishing and providing DBE participation opportunities.

## 1.4 Education and Training

To ensure nondiscrimination integration within ~~the CVPDC~~ programs, Title VI education and training will be integrated within the CVPDC and CVTPO staff education and training. ~~The CVPDC~~ Title VI Manager

CVPDC Title VI Implementation Plan  
will:

- Distribute information to staff, board and committee manager, and other stakeholders on training programs regarding Title VI and related nondiscrimination authorities.
- Train staff in Title VI nondiscrimination and implementation annually and with new employee orientation.
- Track Title VI nondiscrimination training of staff and board and committee members.

## 2. ~~Limited English Proficiency (LEP)~~ Special Accommodations

~~Special accommodations will be made for communication, outreach, and other efforts for all persons that may need special outreach, accommodation services, and to include those with English language barriers (ELB). Individuals who do not speak English as their primary language and who may have a limited ability to read, speak, write, or understand English are, for the purpose of CVPDC and CVTPO planning and outreach purposes, defined as persons with~~ are Limited English Proficient (LEP) Language Barrier (ELB). Language, understanding or using, for a LEP person, 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~~ The CVPDC and CVTPO, to advance the commitment of equal access to all persons, shall, as necessary provide ELB persons may be entitled to language assistance at no cost to them with respect to a service, benefit, or encounter.

CVPDC and CVTPO provides ~~LEP~~ ELB persons meaningful access to programs and activities by providing adequate and understandable information and executing reasonable steps to remove participation barriers.

### 2.1 Statement of Commitment

Meaningful access to ~~LEP~~ persons needing special accommodations means ensuring ~~the LEP ELB persons can they can~~ effectively communicate, such that they can adequately be provided the tools to interpret program communication and that any comments and actions provided can be equally understood and responded in the same quality, and level as those speaking English and that comments and actions can be appropriately responded based on provided communication. ~~CVPDC and CVTPO staff and program consultants~~ will take reasonable steps to ensure ~~LEP~~ persons needing special accommodations 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 prohibiting of discrimination against national origin per Title VI of the Civil Rights Act of 1964.~~

## 2.2 Implementation

The following Implementation guidelines describe the process that should be taken when an ~~LEP person is encountered or an LEP person accommodations~~ request is made. Routine activities to maintain ~~LEP~~ program information and training ~~is are~~ also included.

### ~~LEPELB~~ Encounter

When CVPDC, or program consultants, encounter ~~LEPELB~~ persons or request for language assistance, the guidelines will be used to determine what assistance can be provided.

The language assistance services available to the CVPDC are:

- CyraCom: CVPDC has a Pay-As-You-Go account with Cyra-COM-On Demand Over-the-Phone Interpretation ([www.cyacom.com](http://www.cyacom.com)) service. CyraCom maintains telephone assisted interpretation capability for over 100 languages, costs on a per minute rate, and additional service-for-free written translation services.
- Translation services available through CVPDC's CyraCom may be utilized. Access and cost information inquiries are directed to ~~Hannah Mitchell, Office Manager Kirsten Trautman, Executive Assistant~~, by phone at 434- 845-3491 or [hannah.mitchell@cvpdc.org](mailto:hannah.mitchell@cvpdc.org). [kirsten.trautman@cvpdc.org](mailto:kirsten.trautman@cvpdc.org).

The need for ~~LEPELB~~ services depends on the type of contract.

- In-person Contract: Use the Language Identification Flashcard, posted in the CVPDC entrance, to attempt to identify the language spoken. Enlist the assistance of staff and/or Cyra-COM service to obtain the ~~LEPELB~~ person's name and contact information.
- Telephone Contact: Enlist the assistance of staff and/or Cyra-Com service as needed.
- Written Contract or Documents: Engage translation service such as Cyra-Com.
- Requests for meeting translation: Use Cyra-Com service or employ another 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 CVPDC ~~or CVTPO~~.

- Request for under \$100: Will be granted. For Spanish, a phone call that might last up to 30 minutes or a document that includes one-typed page in English, exemplifies this likely funding criterion.
- Requests for over \$100: Title VI Coordinator, and if needed the CVPDC Executive Director, review based on the Four-factor Analysis (see pages 2 and 8) and grant if deemed necessary.

### Routine ~~LEPELB~~ Implementation Activities

The Title VI Manager will:

- Post written notices on the website and/or in a public area regarding the right to free language assistance for persons conducting business with the CVPDC ~~or CVTPO~~ in the most likely to be encountered languages (as determined by the Four-Factor Analysis).
- Ensure that public notices and publications include statements that CVPDC ~~and CVTPO~~ provides reasonable accommodations for persons who require special assistance to participate in public

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- Maintain that language assistance resource list, updating with current resources.
- Ensure CVPDC and CVTPO staff and program consultants understand:
  - The right to free LEPELB person language assistance.
  - How to use the language assistance resources.
  - To include information in public notices and publications that CVPDC provides reasonable LEPELB accommodations.

## 2.3 Monitoring and Updating

CVPDC and CVTPO will monitor, review through the Four-factor Analysis process, and as needed, update its LEPELB policies and practices. Monitoring by the Title VI Coordinator will include:

- Review the CVPDC and CVTPO activities on a regular basis.
- Document requests for translation services and encounters with LEPELB persons and provide reports when requested.

### Four-Factor Analysis

The Four-factor Analysis is used to assess the need for language assistance services:

1. Demography: Refers to the number and proportion of LEPELB persons served and language spoken in a project service area.
2. Frequency: Refers to the rate of contact with service or program.
3. Importance: Refers to the nature and importance of program/service to persons' lives.
4. Resources: Refers to available resources, including language assistance services.

The CVPDC and CVTPO staff will:

- Regularly review demographic data based on the Four-factor Analysis. If a language other than English represents the primary language for greater than five percent (> 5%) of the population, the LEPELB guidelines may need to be modified to accommodate communication needs.
- Collect and maintain demographic statistics on persons who are affected in their projects and studies.
- Solicit feedback from local social services departments and community-based organizations serving LEPELB persons to evaluate how well its practices meet their needs.

Locality social services departments and community-based organizations serving LEPELB persons include:

- Lynchburg Community Action Group
- Locality Social Service Departments
- Virginia Department of Social Services

The feedback solicited from these departments and organization<sup>s</sup> may include:

- Nature and importance of projects, studies, and activities to LEPELB persons and/or populations.
- The effectiveness of current language assistance measures in meeting the needs of LEPELB persons and/or populations.
- Changes in the frequency of contact with LEPELB language groups.
- Changes in the availability of resources, including technological advances or financial resources.



### 3. Coordinators

The following presents the CPVDC and CVTPO Title VI Implementation Plan staff structure for the execution of program actions to ensure enactment of initiatives to ensure nondiscrimination as stated in Title VI of the Civil Rights Act of 1964.

The ~~CVPDC~~ Title VI Coordinator has access to the CVPDC Executive Director, the final arbitrator on ~~all~~ of all the CVPDC and CVTPO program and contract activities.

Title VI Coordinator

**TDB**

Central Virginia Planning District Commission  
and Central Virginia Transportation Planning  
Organization

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(434) 818 –

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Central Virginia Planning District Commission  
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Lynchburg, Virginia 24504  
(434) 845-3491  
alec.brebner@cvpdc.org

## 4. Discrimination Complaints

Any person who believes the CVPDC, ~~the CVTPO~~, or its consultants, has unlawfully discriminated against them may file a complaint. The following complaint steps are presented to publicly present the procedures that the CVPDC ~~and CVTPO~~ staff will follow. Included are the actions that a person who believes there has been discrimination may use, to include the ~~CVPDC~~ Title VI Discrimination Complaint Form (Appendix F), to register a complaint and ensure response to said complaint.

### 4.1 Eligibility

Any person who believes they – or a specific class of persons – were subjected to discrimination on the basis of race, color, or national origin in the programs and activities of a Subrecipient that received federal financial assistance through the CVPDC ~~or CVTPO~~ program primary recipient may file a Title VI complaint.

### 4.2 Filing a Complaint

A discrimination complaint form is available in the Title VI Implementation Plan as Appendix F, or directly at <https://cvpdc.org/resources/TitleVIPlan>. A paper copy can be obtained at 828 Main Street, 12<sup>th</sup> Floor, Lynchburg, Virginia or requested by mail. Assistance in filing the Discrimination Complaint Form may be requested through a direct request ~~to Hannah Mithcell at hannah.mitchell@cvpdc.org to Kirsten Trautman at kirsten.trautman@cvpdc~~ or at (434) 845-3491.

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

### 4.3 Complaint Processing

Complaints, depending on the CVPDC program to which the complaint is directed, will be routed to the program's corresponding State or Federal agency. All incidents will be tracked to ensure a direct Complainant response is determined.

All CVPDC and CVPTO transportation program complaints will be routed to the FHWA Headquarters Office of Civil Rights (OCR) for processing. OCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints filed against State DOTs or subrecipients of Federal Financial ~~assistance~~ Assistance.

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

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

## Appendix A: Title VI

The Civil Rights Act of 1964, which ended segregation in public places and banned employment discrimination on the basis of race, color, religion, sex or national origin. The eleven titles with the Civil Rights Act are:

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

Title VI of the Civil Rights Act of 1964 addresses nondiscrimination in federally assisted programs and activities. The CVPDC [and CVIPO](#) Title VI Implementation Plan addresses the program actions to adhere to Title VI requirements, as required by any agency receiving Federal funding.

Title VI states “no person” shall be subject to discrimination because of race, color, or national origin. Title VI further declares it to be the policy of the United States that discrimination on the ground of race, color, or national origin shall not occur in connection with programs and activities receiving federal financial assistance and authorizes and directs the appropriate federal departments and agencies to take action to carry out this policy.” Subsequent nondiscrimination laws expanded the range and scope of Title VI coverage and applicability. Executive orders and federal agency orders and memos clarify implementation of nondiscrimination policy.

## Appendix B: Non-Discrimination Statement

The Central Virginia Planning District Commission (CVPDC), to include all programs therein, give public notice of its policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (PL 100.259), and ~~all~~ related statutes. The CVPDC is committed to ensuring that no person shall, on the grounds of race, color, or national origin be excluded from ~~the participation~~participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the CVPDC receives Federal financial assistance.

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

The CVPDC ~~Deputy Director of Planning~~Senior Transportation Planner 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 CFP Part 21.

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

For complainants who may be unable to file a written complaint, verbal information may be accepted by CVPDC at 434-818-7704 or in person,

To submit a formal complaint or to request additional information on Title VI obligations, contact ~~Kelly Hitchcock~~Bruce Vlk, CVPDC ~~and CVTPO~~ Title VI Coordinator, 828 Main Street, 12<sup>th</sup> Floor, Lynchburg, VA 24504; phone 434- 818-~~7604~~7603; email ~~kelly.hitchcock@cvpdc.org~~bruce.vlk@cvpdc.org.

## Appendix C: Certificate of Assurance

The CVPDC Certificate of Assurance provides the confirmation of Title VI actions and procedures.  
The CVPDC Certificate of Assurance, which includes Appendices A through E, begins on the next page.

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**Central Virginia Planning District Commission  
Title VI Nondiscrimination Assurance  
(DOT Order No.1050.2A)**

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

Statutory/Regulatory Authorities

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

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

General Assurance

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

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

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

Specific Assurances

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

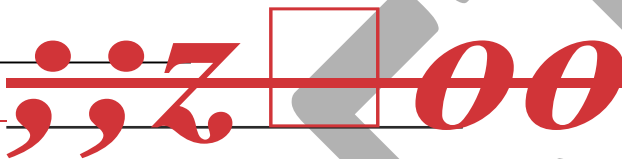
1. ~~The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (c) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with 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 Central Virginia Planning District Commission in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."~~

- ~~3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.~~
- ~~4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.~~
- ~~5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.~~
- ~~6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.~~
- ~~7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:~~
  - ~~a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and~~
  - ~~b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.~~
- ~~8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:~~
  - ~~a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or~~
  - ~~b. the period during which the Recipient retains ownership or possession of the property.~~
- ~~9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.~~
- ~~10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.~~

By signing this ASSURANCE, the ~~Central Virginia Planning District Commission~~ also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the ~~FHWA or the Virginia Department of Transportation (VDOT)~~ access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by ~~FHWA or VDOT~~. You must keep records, reports, and submit the material for review upon request to ~~FHWA or VDOT~~, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The ~~Central Virginia Planning District Commission~~ gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the ~~Federal Aid Highway Program~~. This ASSURANCE is binding on the ~~Commonwealth of Virginia~~, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in the ~~Federal Aid Highway Program~~.

by 

Alexander W. Brebner, Executive Director

DATED April 6, 2023



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

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

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

**APPENDIX B**  
**CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY**

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the **Central Virginia Planning District 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 **Central Virginia Planning District 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 **Central Virginia Planning District Commission** and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the **Central Virginia Planning District Commission**, its successors and assigns.

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

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

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

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the ***Central Virginia Planning District Commission*** pursuant to the provisions of Assurance 7(a):

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

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

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

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

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, the ***Central Virginia Planning District Commission*** will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the ***Central Virginia Planning District Commission*** will there upon revert to and vest in and become the absolute property of the ***Central Virginia Planning District Commission*** and its assigns.\*

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

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

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

**Pertinent Nondiscrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

## Appendix D: Procedures for Conducting CVPDC and CVTPO Title VI Program Review

Evaluation and procedural review are the foundation of the CVPDC and CVTPO Title VI Implementation Plan. Program review will be completed for all programs and projects receiving federal funds. Per Federal regulations which state:

*All entities that receive federal financial assistance are required to create establish and maintain effective internal control over the Federal award that provides reasonable assurance that the entity is managing the award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. 2 C.F.R. §200.303(a)*

*Entities may not directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin. 49 C.F.R. §21.5(b); 28 C.F.R. §42.104(b)*

The CVPDC directly or indirectly receives federal funding through the following programs:

- Central Virginia Transportation Planning Organization (CVTPO)
- Rural Transportation Program
- Transit Service Program
- RIDE Solutions
- Hazard Mitigation Plan
- Central Virginia Radio and Communications Board (CVRCB)
- Virginia Housing Preservation Grant
- CVPDC Brownfields Program
- Chesapeake Bay Watershed Implementation Program
- Region 2000 Services Authority

The CVPDC and CVTPO are committed to the assurance that all persons are provided equal opportunities to participate in CVPDC program activities regardless of race, color, ability or national origin. Title VI requires non-discrimination based on race, color or national origin and the Americans with Disabilities Act requires entities open to the public to reasonably accommodate people with disabilities.

The CVPDC and CVTPO program review procedure endeavors to ensure that all CVPDC programs and projects do not discriminate based on race, color, national origin or ability. The CVPDC and CVTPO staff will use the Title VI Implementation Plan, to include accompanying statements, interpretation services as needed, and regular program reviews to meet this non-discrimination and accommodation mission.

CVPDC and CVTPO programs operate on a July 1 to June 30 fiscal basis following a work program. The Executive Director will review the CVPDC and CVTPO, to include all partners, work plans at the beginning of each Fiscal Year by meeting each project manager to identify projects that need the *Four Factor Analysis*. During the annual program review, the Title VI Coordinator will review the Title VI Implementation Plan which includes:

- Instructions to ensure non-discrimination in communications and public participation;
- Instructions to ensure non-discrimination in planning and programming;
- Instructions to evaluate and monitor consultant contracts for compliance with nondiscrimination authorities and disadvantaged business enterprise goals;

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- Instructions for accommodating a person with ~~limited~~ English ~~proficiency~~ language barriers and limited English Proficient requests.

The Title VI Coordinator will help the program manager identify program areas or project that need a *Four Factor Analysis*, the program manager will be instructed on how to complete the *Four Factor Analysis* and give Title VI resources.

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## Appendix E: Procedures for Conducting Title VI Reviews of Sub-recipients

Evaluation and procedural review are the foundation of the CVPDC and CVTPO Title VI Implementation Plan. Program review will be completed for all programs and projects receiving federal funds. Per Federal regulations which state:

*All entities that receive federal financial assistance are required to create establish and maintain effective internal control over the Federal award that provides reasonable assurance that the entity is managing the award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. 2 C.F.R. §200.303(a)*

*Entities may not directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin. 49 C.F.R. §21.5(b); 28 C.F.R. §42.104(b)*

The CVPDC directly or indirectly receives federal funding through the following programs:

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- Central Virginia Radio and Communications Board (CVRCB)
- Virginia Housing Preservation Grant
- CVPDC Brownfields Program
- Chesapeake Bay Watershed Implementation Program
- Region 2000 Services Authority

The CVPDC and CVTPO is committed to the assurance that all persons are provided equal opportunities to participate in CVPDC program activities regardless of race, color, ability or national origin. The CVPDC ~~is and CVTPO are~~ responsible for the selection, negotiation, and administration of consultant contracts and grant sub-recipients. This review procedure endeavors to ensure that ~~CVPDC the~~ program and project sub-recipients do not discriminate.

CVPDC and CVTPO staff, with guidance from the Title VI Coordinator, will evaluate and review consultant contracts and sub-recipient agreements for compliance with nondiscrimination authorities and will:

- Ensure inclusion of nondiscriminatory language in contacts and Request for Proposals (RFPs).
- Ensure that all consultants verify their compliance with nondiscrimination authorities, procedures, and requirements.
- If a recipient or sub-recipient is found not to be in compliance, will execute a plan in coordination with the recipient or sub-recipient to resolve the deficiency status. This includes setting a timeline and course of action to resolve the matter.
- Review outreach activities to ensure accommodation to meet the needs of all persons regardless of race, color, ability or national origin.

## Appendix F: Discrimination Complaint Form

The ~~CVPDC~~ Discrimination Complaint Form, available in print form and online on the CVPDC website at: <https://cvpdc.org/resources/TitleVI>, and on the CVPTPO website at: <https://cvtrpo.org/title-vi.html>.

The ~~CVPDC~~ Discrimination Complaint Form can be submitted by email, by mail, or in person at 828 Main Street, Lynchburg, Virginia. The Title VI Coordinator can assist the person in filing a complaint. The CVPDC office can be reached Monday – Friday from 8:30 a.m. to 5:00 p.m. at (434) 845-3491, or by email at [info@cvpdc.org](mailto:info@cvpdc.org).

The ~~CVPDC~~ Discrimination Complaint Form begins on the next page.



# Title VI Discrimination Complaint Form

Please use this form if you have a complaint alleging discrimination under Title VI of the Civil Rights Act of 1964 against the Central Virginia Planning District Commission (CVPDC), Central Virginia Transportation Planning Organization (CVTPO), or any of its programs, projects or sub-contractors.

In order to process your Title VI complaint, please provide the following information. Assistance is available upon request at the CVPDC office, Monday – Friday, 8:30 a.m. to 5:00 p.m., or by calling (434) 845-3491, or by email at [info@cvpdc.org](mailto:info@cvpdc.org).

Mail or deliver this completed form to:  
Central Virginia Planning District Commission  
C/O Title VI Coordinator  
828 Main Street, 12<sup>th</sup> Floor  
Lynchburg, VA 24503

## Central Virginia's Metropolitan Planning Organization (CVMPO) Title VI Complaint Form

<b>Section I:</b>				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Email:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
<b>Section II:</b>				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If an authorized representative is filling out this complaint form on behalf of another person, his/her personal information must also be included.				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	

Email: _____		
Relationship to the complainant: _____		
Please explain why you have filed for a third party: _____		
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.	Yes	No
<b>Section III:</b>		
<p>I believe the discrimination I experienced was based on (check all that apply):</p> <p><input type="checkbox"/> Race                      <input type="checkbox"/> Color                      <input type="checkbox"/> National Origin</p> <p>Date of Alleged Discrimination (Month, Day, Year): _____</p> <p>Time of incident (approximately): _____ Location (address) of incident: _____</p> <p>As clearly as possible explain what happened and why you believe you were discriminated <u>against</u>. Describe all persons involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.</p> <p>_____</p> <p>_____</p>		
<b>Section IV</b>		
Have you previously filed a Title VI complaint with this agency?	Yes	No
<b>Section V</b>		
<p>Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?</p> <p><input type="checkbox"/> Yes                      <input type="checkbox"/> No</p> <p>If yes, check all that apply:</p> <p><input type="checkbox"/> Federal Agency: _____</p> <p><input type="checkbox"/> Federal Court _____                      <input type="checkbox"/> State Agency _____</p> <p><input type="checkbox"/> State Court _____                      <input type="checkbox"/> Local Agency _____</p>		

Please provide information about a contact person at the agency/court where the complaint was filed.
Name:
Title:
Agency:
Address:
Telephone:
<b>Section VI</b>
Name of agency complaint is against:
Contact person:
Title:
Telephone number:

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

Signature and date required below

\_\_\_\_\_  
Signature Date

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

TBD, Title VI Compliance Officer  
Central Virginia Planning District Commission  
828 Main Street, 12th Floor Lynchburg, Virginia 24504  
(434) 845 - 3491 [TBD](#)

Appendix G: Resolutions of Adoption

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