

# Danville MPO

Metropolitan  
Planning  
Organization



*Advancing transportation in Danville & Pittsylvania County*

## Title VI Plan

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TITLE VI, ENVIRONMENTAL JUSTICE & LIMITED ENGLISH PROFICIENCY



The Danville MPO ensures nondiscrimination and equal employment in all programs and activities in accordance with Title VI and Title VII of the Civil Rights Act of 1964 and provides special assistance for persons with disabilities or limited English proficiency.

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# Report Documentation

**Title:**

Danville Metropolitan Planning Organization  
Title VI Plan

**Report Date:**

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**Grant/Sponsoring Agency:**

FHWA/FTA/VDOT/DRPT/ Local Funds

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## **ABSTRACT**

It has been the Federal Highway Administration's (FHWA's) and the Federal Transit Administration's (FTA's) longstanding policy to actively ensure nondiscrimination under Title VI of the 1964 Civil Rights Act in federally funded activities. Title VI of the Civil Rights Act of 1964 states, "*No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.*" Subsequent laws and Presidential Executive Orders added handicap, sex, age, or income status to the criteria for which discrimination is prohibited. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients, sub-recipients, and contractors, whether those programs and activities are federally funded or not.

The Danville Metropolitan Planning Organization Title VI Plan was developed to ensure the Danville MPO is in compliance with nondiscrimination requirements as outlined in Title 23 CFR and 49 CFR and related laws, and provides specific information on how to file a nondiscrimination complaint.

This Plan also provides an overview of Environmental Justice and Limited English Proficiency (LEP) concepts, definitions of Title VI and associated nondiscrimination acts, and how Title VI, Environmental Justice and LEP are incorporated into the metropolitan transportation planning process. Environmental Justice guidelines and outreach strategies for minority, low-income, and LEP populations are included within the Danville MPO Public Participation Plan, adopted in August 2011.

## **ACKNOWLEDGEMENTS**

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

## Purpose

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

## Danville Metropolitan Planning Organization

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The Danville MPO, for which this Title VI Plan is applicable, is the metropolitan planning organization (MPO) for the Danville area. As such, it is a federally mandated transportation policy board comprised of representatives from local, state, and federal governments, transit agencies, and other stakeholders, and is responsible for transportation planning and programming for the Danville Metropolitan Planning Area (MPA). Any highway or transit project or program to be constructed or conducted within the MPA and to be paid for with Federal funds, must receive approval by the Danville MPO before any Federal funds can be expended. In addition, any highway or transit project deemed to be regionally-significant, regardless of the source(s) of funding, must receive Danville MPO approval to proceed. The Danville MPA includes the city of Danville and the urbanized area of Pittsylvania County.

## Policy Statement and Authorities

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The Danville MPO assures that no person shall, on the grounds of race, color, national origin, handicap, sex, age or income status, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (Public Law 100.259) and subsequent nondiscrimination laws and related authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Danville MPO further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. In the event the Danville MPO distributes federal-aid funds to another government entity, the Danville MPO will include Title VI language in all written agreements and will monitor for compliance. The Danville MPO Administrator is responsible for ensuring implementation of the organization's Title VI Plan, and is responsible for the overall administration of the Title VI Plan and assurances. The authorities that provide guidance on Title VI and related nondiscrimination laws, regulations, and executive orders can be found in the "Title VI and Other nondiscrimination Laws" section of this document.

# INTRODUCTION

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

In addition to nondiscrimination, this document provides information regarding two Presidential Executive Orders pertaining to fairness and inclusiveness. Executive Order 12898 mandates that federal agencies address equity and fairness, or Environmental Justice, toward low-income and minority persons and populations. Executive Order 13166 mandates that federal agencies ensure that people who have Limited English Proficiency (LEP) have meaningful access to federally-conducted and/or funded programs and activities. Detailed Environmental Justice guidelines and outreach strategies for minority, low-income, and LEP populations to comply with Executive Order 12898 and Executive Order 13166 are included within the Danville Metropolitan Planning Organization Public Participation Plan, adopted in August 2011.



# TITLE VI AND OTHER NONDISCRIMINATION AUTHORITIES

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

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

Title VI “declares it to be the policy of the United States that discrimination on the ground of race, color, or national origin shall not occur in connection with programs and activities receiving federal financial assistance and authorizes and directs the appropriate federal departments and agencies to take action to carry out this policy.” Any organization that receives Federal funds is bound to comply with Title VI.

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

- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970** prohibits unfair and inequitable treatment of persons displaced or whose property will be acquired as a result of federal and federal-aid programs and projects.
- **The Federal Aid Highway Act of 1973** states that no person shall, on the grounds of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.
- **Section 504 of the Rehabilitation Act of 1973** states that no qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance. This Act protects qualified individuals from discrimination based on their disability.
- **The Age Discrimination Act of 1975** states that no person shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. This act prohibits age discrimination in Federally Assisted Programs.
- **The Civil Rights Restoration Act of 1987, P.L.100-209** amends Title VI of the 1964 Civil Rights Act to make it clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal assistance.
- **The American with Disabilities Act (ADA) of 1990** prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities.
- **23 CFR Part 200-** Federal Highway Administration regulation: Title VI Program and Related Statutes-Implementation and Review Procedures.
- **49 CFR Part 21-** Nondiscrimination in Federally-Assisted Programs.
- **23 CFR Part 450-** Federal Highway Administration planning regulations.
- **23 CFR Part 771-** Federal Highway Administration regulations, Environmental Impact Procedures.

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

- **Executive Order 12898-** Environmental Justice (February 11, 1994), a presidential mandate to address equity and fairness toward low-income and minority persons/populations. Executive Order 12898 organized and explained the federal government’s commitment to promote Environmental Justice. Each federal agency was directed to review its procedures and make Environmental Justice part of its mission. U.S. DOT Order 5610.2 (April 15, 1997) expanded upon Executive Order 12898 requirements and describes the process for incorporating Environmental Justice principles into DOT programs, policies, and activities. FHWA Order 6640.23 (December 2, 1998)- FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.
- **DOT Order 5610.2** on Environmental Justice summarized and expanded upon the requirements of Executive Order 12898 to include all policies, programs, and other activities that are undertaken, funded, or approved by the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), or other U.S. DOT components.
- **Executive Order 13166-** Limited English Proficiency (August 11, 2000), a presidential directive to federal agencies to ensure people who have limited English proficiency have meaningful access to services. Executive Order 13166 requires federal agencies and their recipients to improve access for persons with Limited English Proficiency to federally-conducted and federally assisted programs and activities.
- **The National Environmental Policy Act (NEPA) of 1969** addresses both social and economic impacts of Environmental Justice. NEPA stresses the importance of providing for “all Americans, safe, healthful, productive and aesthetically pleasing surroundings,” and provides a requirement for taking a “systematically interdisciplinary approach” to aid in considering environmental and community factors in decision-making.
- **FHWA/FTA Memorandum Implementing Title VI Requirements in Metropolitan and Statewide Planning-** This memorandum provides clarification for field officers on how to ensure that Environmental Justice is considered during current and future planning certification reviews. The intent of this memorandum is for planning officials to understand that Environmental Justice is equally as important during the planning stages as it is during the project development stages.

# ENVIRONMENTAL JUSTICE

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

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

- Bodily impairment, infirmity, illness or death.
- Air, noise, and water pollution and soil contamination.
- Destruction or disruption of:
  - Man-made or natural resources
  - Aesthetic values
  - Community cohesion or a community's economic vitality
  - The availability of public and private facilities and services
- Adverse employment effects.
- Displacement of persons, businesses, farms, or non-profit organizations.
- Increased traffic congestions, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community.
- Denial of, or reduction in, or significant delay in the receipt of benefits of the Danville MPO programs, policies, or activities.

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

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

**Minority-** a person who is Black, Hispanic, American Indian and Alaskan Native, or Asian American.

**Minority Population-** any readily identifiable groups of minority persons who live in a geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed program, policy, or activity.

**Low-Income-** a person whose household income is at or below the United States Department of Health and Human Services poverty guidelines.

**Low-Income Population-** any readily identifiable group of low-income persons who live in a geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who would be similarly affected by a proposed program, policy, or activity.

It is the goal of the Danville MPO to have significant and ongoing public involvement with equal access to all citizens. Environmental Justice is incorporated through all phases of the transportation planning and programming process. Environmental Justice is discussed in the Danville MPO Public Participation Plan, adopted in August 2011. Specifically, the Public Participation Plan states that:

- Public meetings sponsored by the Danville MPO will be held at convenient and accessible locations and times.
- Outreach efforts seeking input on long-range transportation plans and transportation improvement programs from low-income and minority households traditionally underserved by existing transportation systems will be developed, continued, and documented (as well as those agencies representing under-represented persons in the Danville MPO area).
- The overall effectiveness of procedures and strategies contained in the Public Involvement Participation Plan to ensure a full and open participation process will be reviewed periodically by the Danville MPO Staff and Danville MPO Policy Board.
- Recognizing that certain members of the public who may be interested in transportation matters may have difficulty in attending the aforementioned MPO public meetings, MPO public hearings, and the open meetings of the MPO Policy Board to specifically address planning activities regarding transportation, arrangements shall be observed for such underserved persons. In providing public access to these persons, the primary assistance that can be offered to aid in participating in public meetings, public hearings, and MPO Board meetings is through utilization of the Danville Transit System. Advertisements for said meetings should include notice of availability of services from Danville Transit System, including contact/address information so that times, stops, and route information may be received by an under-served calling party.

## Demographic Analysis for Public Outreach and Involvement

U.S. Census data should be used to establish demographic profiles for the Danville MPO, to identify areas comprising socio-economic groups that Title VI legislation seeks to recognize and protect, including low-income, minority, LEP, and disabled populations. The MPO must make special efforts to include traditionally underserved populations in the transportation planning process, especially since planning activities have the potential to disproportionately affect such groups, both positively and negatively.

In addition, the Danville MPO will establish, to the greatest extent practical, working relationships with community entities which represent groups that Title VI legislation seeks to protect, in order to reach out to these groups. Such entities may include community organizations, libraries, churches, and other stakeholders. Furthermore, the MPO will conduct outreach by making presentations and/or provide notices at libraries, local government offices, Danville Regional Airport, and the West Piedmont Planning District Commission office.

The Danville MPO will establish working relationships with local media outlets in order to articulate relevant information to MPO sub-recipients and the public. While implementing community-based public involvement

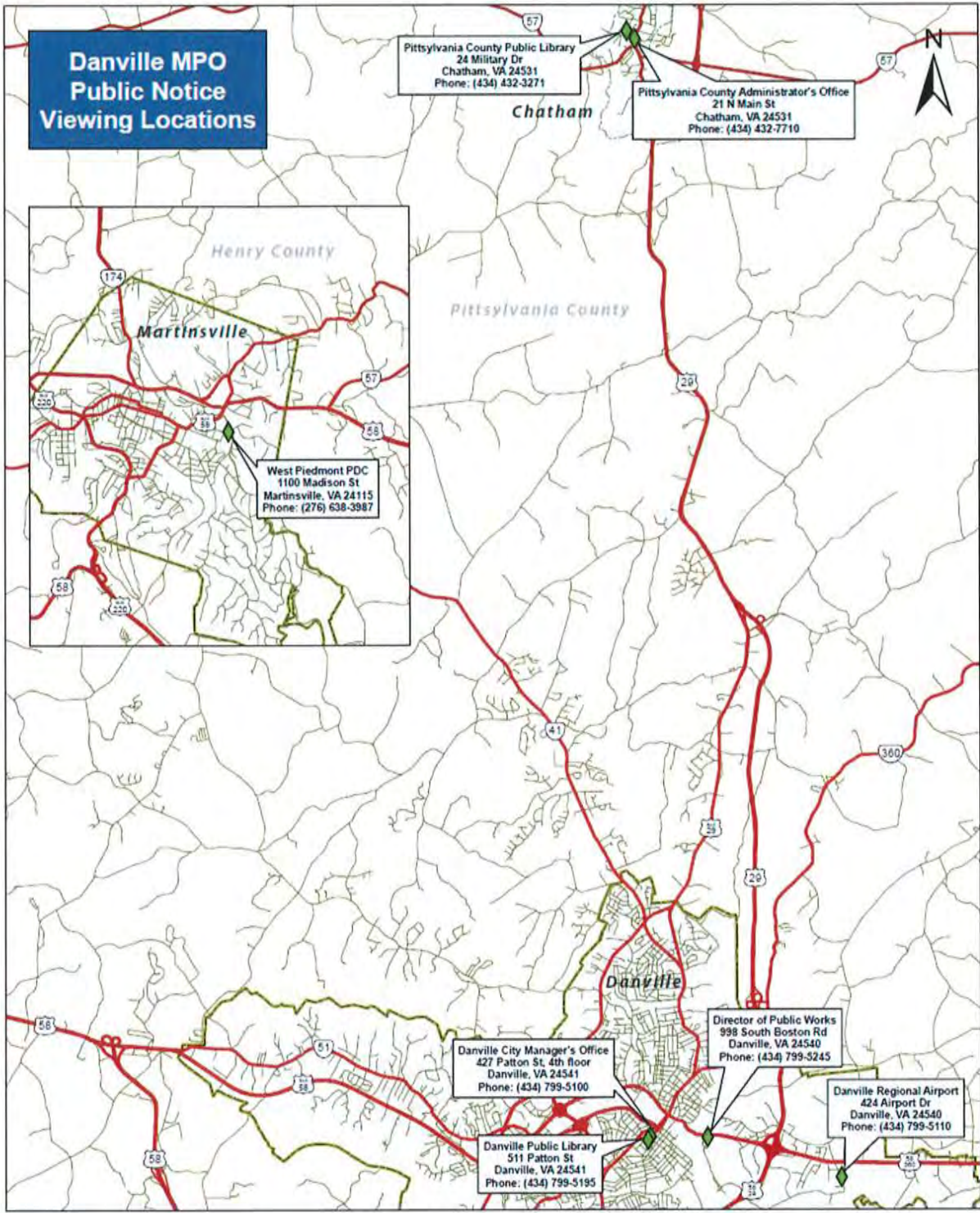
strategies, the MPO will coordinate with institutions and organizations in its outreach efforts to communities comprising low-income and minority populations.

In addition to meetings and written communication as part of its efforts to reach out to low-income and minority communities, the MPO will utilize alternative methods of outreach, such as personal interviews, audio/video recording, and other feasible forms of communication.

Danville MPO sub-recipients must establish FTA-compliant procedures to involve minority, low-income, and LEP populations in their public outreach efforts.

Outreach efforts employed by the Danville MPO include the following:

- Collaborating with community-based organizations, libraries, and other community stakeholders to make LEP populations aware of recipients' services, which include language assistance services.



Prepared by West Piedmont PDC, July 2012. DWR

# LIMITED ENGLISH PROFICIENCY

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

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English can be limited English proficient, or “LEP.” For an LEP individual language can present a barrier to accessing benefits and services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. These individuals may be entitled to language assistance at no cost to them with respect to a particular type of service, benefit, or encounter.

The United States Department of Transportation guidelines require that recipients of federal financial assistance provide “meaningful access to programs and activities” by giving LEP persons adequate and understandable information and allowing them to participate in programs and activities, where appropriate. Recipients of federal funds must take reasonable steps to remove barriers for LEP individuals.

Individuals who are limited English Proficient have the potential to be a significant market for public transit, and outreach to this group can enhance their utilization of public transit. It is wise, from a business standpoint, therefore, to translate important information into the most common languages spoken by LEP individuals in the MPO.

In order to determine LEP language-assistance needs, the MPO will analyze three factors:

1. **Demography: number and/or proportion of LEP persons served and languages spoken in service area.** The 2018 American Community Survey Supplemental Estimates Detailed Tables notes approximately 4% of persons in the Danville MPO area speak a language other than English at home, with Spanish being the most used non-English language at 1.8%. The Danville MPO will continue to monitor the percentage of LEP persons, and which languages, other than English, are most commonly spoken.
2. **Importance: nature and importance of program/service to people’s lives.** Based on interviews with community agencies and past experience serving and communicating with LEP persons, the Danville MPO will determine the most important service/routes/programs to the LEP community by Danville Transit. The MPO will map LEP concentrations in the community against the current Danville Transit bus lines, in an effort to extend services to the LEP community.
3. **Resources: available resources, including language assistance services.** The Danville MPO employs internet-generated translation, as well as visual aids including charts, tables, and drawings as may be needed. The costs associated with these products are negligible, but other resources may be explored and adopted in the future, based on availability and cost. Demographics change annually, and the LEP population in Danville may increase over the course of time.

## **LEP Implementation Plan**

The Danville MPO will utilize the results of the three factors analyzed above to serve as the foundation for the LEP Implementation Plan. Elements of this plan will include the most commonly spoken LEP languages and percentage of LEP persons in the MPO area, and a summary of how existing resources will be used to reach and engage the LEP community.

Other steps which may be taken to comply with Executive Order 13166 include the following:

- Publish the LEP Plan and other documents as necessary on the WPPDC website in languages other than English, as needed.
- Distribute the LEP Plan to relevant community organizations, government agencies, and other interested parties, in both English and non-English.
- Include notices of the Danville MPO's non-discrimination policies and information on the local and federal complaint process on its website in English and other languages via Google Translate and make the notices available at public meetings.
- Provide training to staff of Danville MPO regarding the requirements for providing meaningful access to services for LEP persons.
- The Danville MPO will monitor sub-recipients to ensure LEP requirements are met and report annually on LEP-related accomplishments.
- Adhering to the Danville MPO Title VI policy statement included on our vital documents.
- Employ ongoing outreach efforts to community organizations, schools, and religious organizations.
- LEP persons will be included in community outreach efforts pertaining to service and fare changes.
- Utilize the VDRPT LEP Guidelines and Public Participation Plan in conjunction with the Danville MPO's LEP Plan in identifying low-income populations, minority populations, the elderly, and the disabled; who may be part of the LEP population.

In addition, strategies for engaging Limited English Proficiency persons are discussed in the Danville MPO Public Participation Plan, adopted in August 2011. Specifically, the Public Participation Plan states that:

- MPO staff will attempt to employ visuals, visualization means to aid in communications with residents for whom English is a second language in order for them to have a better opportunity to participate in MPO sponsored planning efforts. Means to accomplish this may include: producing display maps, charts, tables, and drawings. In addition, staff may employ Internet translator programs to produce principal items in a foreign language (principally Spanish).



# DANVILLE MPO TITLE VI COORDINATOR

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

## **Responsibilities of the Title VI Coordinator**

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

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

## **Questions**

For questions on the Danville MPO Title VI Plan and procedures, please contact Michael Armbrister, MPO Administrator and Title VI Coordinator, at (276) 638-3987 or by email [marmbrister@wppdc.org](mailto:marmbrister@wppdc.org). For information on the Danville MPO's work programs or publications, please see the Danville MPO website at [www.danvillempo.org](http://www.danvillempo.org).

# DANVILLE MPO RESPONSIBILITIES

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The Danville MPO ensures compliance with all applicable nondiscrimination authorities, and with regard to the following:

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

In addition to the responsibilities listed in this section, the Danville MPO's Title VI Coordinator's responsibilities include reviewing the Title VI guidelines and procedures for the Danville MPO Title VI Plan, and incorporating Title VI-related language and provisions into Danville MPO documents, as appropriate.

## Communications and Public Participation

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

Note: The Communications and Public Participation area applies to and affects the Danville MPO work program as a whole, particularly Danville MPO efforts and responsibilities related to the Planning and Programming and Environmental Justice areas. The updated Danville MPO Public Participation Plan includes specific information regarding outreach, communication strategies, and detailed guidelines. Special emphasis is placed on outreach strategies for minority, low-income, and LEP populations.

The Danville MPO's Title VI Coordinator is responsible for evaluating and monitoring compliance with applicable nondiscrimination authorities in all aspects of the Danville MPO public participation process. As such, the Coordinator will:

- Ensure that all communications and public participation efforts comply with nondiscrimination authorities.
- Develop and distribute information on nondiscrimination and Danville MPO programs to the general public.
- Provide services for individuals with special needs-Upon advance notice, interpreters for the deaf, translators, and Braille documents can be provided for public meetings. Notifications of opportunities for public participation will include contact information for people needing special accommodations.
- Include a statement that reasonable accommodations will be made for persons who require special assistance in all Danville MPO public notices.
- Include the Title VI Notice to the Public (see Appendix 2) in relevant press releases and on the West Piedmont Planning District Commission website.

# Planning and Programming

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The Danville MPO is responsible for developing long- and short-range transportation plans and programs to provide efficient transportation services for the Danville Metropolitan Area. A comprehensive transportation process is used which entails the monitoring and collection of various data pertaining to transportation issues. The Danville MPO coordinates with VDOT, DRPT, the City of Danville, Pittsylvania County, and area transit providers; seeks public participation; and provides technical support when needed. An outreach plan for long-range transportation plan updates is included within the Public Participation Plan.

## **Danville MPO Responsibilities**

The Danville MPO's Title VI Coordinator is responsible for evaluating and monitoring compliance with applicable nondiscrimination authorities in all aspects of the Danville MPO public participation process. As such, the Coordinator will:

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

# Environmental Justice

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The concept of Environmental Justice includes the identification and assessment of disproportionately high and adverse effects of programs, policies, or activities on minority and low-income population groups. Within the context of regional transportation planning, Environmental Justice considers the relative distribution of costs and benefits from transportation investment strategies and policies among different segments of society.

## **Danville MPO Responsibilities**

The Danville MPO's Title VI Coordinator is responsible for evaluating and monitoring compliance with applicable nondiscrimination authorities in all aspects of the Danville MPO public participation process. As such, the Coordinator will:

- Ensure that all aspects of efforts to address Environmental Justice comply with nondiscrimination authorities.
- Ensure that Danville MPO staff conduct an Environmental Justice analysis during the development of the Long-Range Transportation Plan.
- Ensure the Danville MPO staff will prepare and update a demographic profile of the region using the most current and appropriate statistical information available on race, income, and other pertinent data.
- Continually update the Danville MPO Public Participation Plan including Environmental Justice guidelines, which outlines outreach strategies for minority, low-income, and LEP populations during the development and implementation of Danville MPO plans and programs.
- Disseminate information to the public on the processes used and findings of any analysis, in accordance with Danville MPO public participation procedures.

## Consultant Contracts

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

### **Danville MPO Responsibilities**

Danville MPO staff is responsible for evaluating and monitoring consultant contracts for compliance with nondiscrimination authorities. In conjunction with the Title VI Coordinator, staff will:

- Ensure inclusion of nondiscrimination language in contracts and Requests for Proposals (RFPs).
- Review consultants for compliance as described below:
  - Ensure that all consultants verify their compliance with nondiscrimination authorities, procedures, and requirements.
  - If a recipient or sub-recipient is found to be not in compliance with nondiscrimination authorities, the Title VI Coordinator and relevant staff will work with that recipient or sub-recipient to resolve the deficiency status and write a remedial action if necessary.
- Review outreach activities to ensure small, disadvantaged, minority, women, and disabled veteran businesses are not excluded with regard to participation in opportunities to compete for consulting contracts.

## Education and Training

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In an effort to continually improve the Danville MPO's overall compliance posture, the Danville MPO Coordinator will coordinate nondiscrimination procedures with FHWA, VDOT, FTA, DRPT, and Danville Transit System, and make such procedures available to Danville MPO staff on an ongoing basis to ensure up-to-date knowledge of Title VI and other nondiscrimination statutes.

Under the category of education and training, the Title VI Coordinator's nondiscrimination responsibilities include:

- Distribution of information to Danville MPO staff on training programs regarding Title VI and related statutes.
- Monitoring staff participation in nondiscrimination training.
- Maintaining and updating nondiscrimination training as necessary.
- Maintaining and updating the Danville MPO Title VI Plan as necessary.

# DISCRIMINATION COMPLAINT PROCEDURES

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Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, or national origin. Subsequent laws and Presidential Executive Orders added handicap, sex, age, income status, and limited English proficiency to the criteria for which discrimination is prohibited, in programs and activities receiving federal financial assistance. As a sub-recipient of federal assistance, the Danville MPO has adopted a Discrimination Complaint Procedure as part of its Title VI Plan to comply with Title VI and associated statutes.

1. Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, as amended, or by any nondiscrimination authority, may file a complaint with the Danville MPO. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the Danville MPO Title VI Coordinator for review and action.
2. In order for the complaint to be considered under this procedure, the complainant must file the complaint no later than 180 days after:
  - a. The date of the alleged act of discrimination; or
  - b. Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

The recipient or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for doing so.

3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints should set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in putting the complaint in writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled in the usual manner.
4. Within 10 days of receipt of the allegation in writing, the Danville MPO Title VI Coordinator will inform the complainant of action taken or proposed action to process the allegation, advise the respondent of their rights under Title VI and related statutes, and advise the complainant of other avenues of redress available, such as the Virginia Department of Transportation (VDOT) and the Federal Highway Administration (FHWA).
5. Within 10 days, a letter will be sent to the VDOT Central Office, Civil Rights Division, and a copy to the FHWA Virginia Division Office. This letter will list the names of the parties invoked, the basis of the complaint, and the assigned investigator.
6. In the case of a complaint against the Danville MPO, a VDOT investigator will prepare a final investigative report and send it to the complainant, respondent (Danville MPO person listed), the Danville MPO Title VI Coordinator, and FHWA Virginia Division.

7. Generally, the following information will be included in every notification to the VDOT Office of Civil Rights:
  - a. Name, address, and phone number of the complainant.
  - b. Name(s) and address(es) of alleged discriminating official(s).
  - c. Basis of complaint (i.e., race, color, national origin, sex, age, handicap/disability, income status, limited English proficiency).
  - d. Date of alleged discriminatory act(s).
  - e. Date of complaint received by the recipient.
  - f. A statement of the complaint.
  - g. Other agencies (state, local or federal) where the complaint has been filed.
  - h. An explanation of the actions the recipient has taken or proposed to resolve the issue raised in the complaint.
8. Within 60 days, the Danville MPO Title VI Coordinator will conduct and complete an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings of the recipient of federal assistance. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.
9. Within 90 days of receipt of the complaint, the Danville MPO Title VI Coordinator will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with the Virginia Department of Transportation or the Federal Highway Administration, if they are dissatisfied with the final decision rendered by the Danville MPO. The Danville MPO's Title VI Coordinator will also provide the VDOT Civil Rights Central Office with a copy of the determination and report findings.
10. In the case that a nondiscrimination complaint that was originated at the Danville MPO is turned over to and investigated by VDOT, FHWA or another agency, the Danville MPO Title VI Coordinator will monitor the investigation and notify the complainant of updates, in accordance with applicable regulations and VDOT policies and procedures.
11. In accordance with federal law, the Danville MPO will require that applicants of federal assistance notify the Danville MPO of any law suits filed against the applicant or sub-recipients of federal assistance or alleging discrimination; and a statement as to whether the applicant has been found in noncompliance with any relevant civil rights requirements.
12. The Danville MPO will submit Title VI accomplishment reports to the VDOT Central Office, Civil Rights Division, in compliance with VDOT's established processes.
13. The Danville MPO will collect demographic data on staff, committees, and program areas in accordance with 23 CFR, 49 CFR and VDOT's established procedures and guidelines.
14. Pursuant to the Virginia Public Records Act (VPR) 42.1-76 et. seq., the Danville MPO will retain Discrimination Complaint Forms and a log of all complaints filed with or investigated by the Danville MPO.
15. Records of complaints and related data will be made available by request in accordance with the Virginia Freedom of Information Act.

# APPENDIX 1: DISCRIMINATION COMPLAINT FORM

Please provide the following information in order to process your complaint. Assistance is available upon request. Complete this form and mail or deliver to:

Danville Metropolitan Planning Organization, Title VI Coordinator, PO Box 5268, Martinsville, VA 24115.

You can reach our office Monday-Friday 8:30 am to 5:00 pm at (276) 638-3987, or you can email the Danville MPO Title VI Coordinator at [marmbrister@wppdc.org](mailto:marmbrister@wppdc.org)

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**Complainant's Name:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Telephone No. (Home):** \_\_\_\_\_ **(Business):** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**Person discriminated against (if other than complainant):**

**Name:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Telephone No. :** \_\_\_\_\_

**The name and address of the agency, institution, or department you believe discriminated against you.**

**Name:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Date of incident resulting in discrimination:** \_\_\_\_\_

**Describe how you were discriminated against. What happened and who was responsible? If additional space is required, please either use back of form or attach extra sheets to form.**

Does this complaint involve a specific individual(s) associated with the Danville MPO? If yes, please provide the name(s) of the individual(s), if known.

Where did the incident take place?

Are there any witnesses? If so, please provide their contact information:

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone No. : \_\_\_\_\_

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone No. : \_\_\_\_\_

Did you file this complaint with another federal, state or local agency; or with a federal or state court?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If answer is Yes, mark each agency complaint was filed with:

\_\_\_\_\_ Federal Agency \_\_\_\_\_ Federal Court \_\_\_\_\_ State Agency

\_\_\_\_\_ State Court \_\_\_\_\_ Local Agency \_\_\_\_\_ Other

Please provide contact person information for the agency you also filed the complaint with:

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Sign the complaint in the space below. Attach any documents you believe support you complaint.

\_\_\_\_\_  
Complainant's Signature

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

For Internal Use Only:

Log #: \_\_\_\_\_



# APÉNDICE 1: FORMULARIO DE RECLAMACIÓN DE DISCRIMINACIÓN

Proporcione la siguiente información para procesar su queja. La asistencia está disponible a pedido. Complete este formulario y envíelo o envíelo a:

Organización de Planificación Metropolitana de Danville, Coordinador del Título VI, PO Box 5268, Martinsville, VA 24115.

Puede comunicarse con nuestra oficina de lunes a viernes de 8:30 a.m. a 5:00 p.m. al (276) 638-3987, o puede enviar un correo electrónico al Coordinador de Título VI de Danville MPO a [marmbrister@wppdc.org](mailto:marmbrister@wppdc.org)

Nombre del demandante: \_\_\_\_\_

Dirección: \_\_\_\_\_

Ciudad (\*): Estado (\*): Código postal: \_\_\_\_\_

Número de teléfono (hogar): \_\_\_\_\_ (Negocio): \_\_\_\_\_

Dirección de correo electrónico: \_\_\_\_\_

Persona discriminada (si no es el demandante):

Nombre: \_\_\_\_\_

Dirección: \_\_\_\_\_

Ciudad (\*): Estado (\*): Código postal: \_\_\_\_\_

Teléfono no. : \_\_\_\_\_

El nombre y la dirección de la agencia, institución o departamento que cree que lo discriminó.

Nombre: \_\_\_\_\_

Dirección: \_\_\_\_\_

Ciudad (\*): Estado (\*): Código postal: \_\_\_\_\_

Fecha del incidente que resultó en discriminación: \_\_\_\_\_

Describe cómo fuiste discriminado. ¿Qué pasó y quién fue el responsable? Si se requiere espacio adicional, utilice el reverso del formulario o adjunte hojas adicionales al formulario.

## APPENDIX 2: NOTICE TO THE PUBLIC

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In order to comply with 49 CFR Section 21.9(d), the Danville MPO shall provide information to the public regarding their Title VI obligations and apprise members of the public for the protections against discrimination afforded to them by Title VI. The paragraph below will be inserted into all significant publications that are distributed to the public, such as future versions, and updates of the Long-Range Transportation Plan, Transportation Improvement Program, and Unified Planning Work Program. The text will be placed permanently on the Danville MPO's website ([www.danvillempo.org](http://www.danvillempo.org)).

"The Danville Metropolitan Planning Organization 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 Discrimination Complaint Form, see [www.danvillempo.org](http://www.danvillempo.org) or call (276) 638-3987."

## APÉNDICE 2: AVISO AL PÚBLICO

Con el fin de cumplir con 49 CFR Sección 21.9 (d), la MPO de Danville proporcionará información al público sobre sus obligaciones del Título VI e informará a los miembros del público sobre las protecciones contra la discriminación que les brinda el Título VI. El párrafo siguiente se insertará en todas las publicaciones importantes que se distribuyan al público, como versiones futuras y actualizaciones del Plan de transporte a largo plazo, el Programa de mejora del transporte y el Programa de trabajo de planificación unificada. El texto se colocará permanentemente en el sitio web de la MPO de Danville ([www.danvillempo.org](http://www.danvillempo.org)).

"La Organización de Planificación Metropolitana de Danville cumple totalmente con el Título VI de la Ley de Derechos Civiles de 1964 y los estatutos y reglamentos relacionados en todos los programas y actividades. Para obtener más información o para obtener un Formulario de queja por discriminación, visite [www.danvillempo.org](http://www.danvillempo.org) o llame al (276) 638-3987 ".

## APPENDIX 3: Household Language in MPO Region

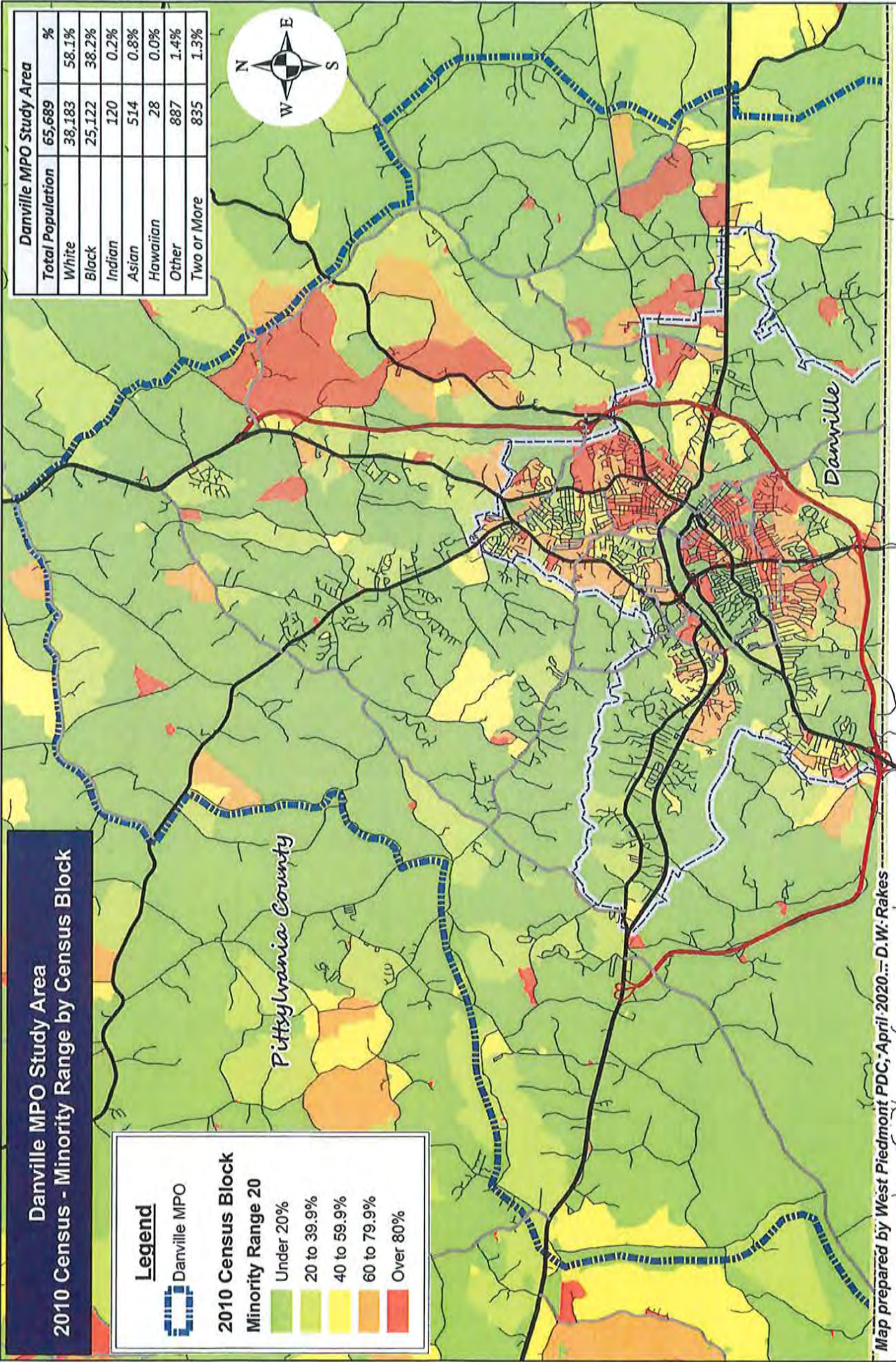
HOUSEHOLD LANGUAGE						
Table ID: K201601	Pittsylvania County, VA		Danville City, VA		Danville, VA Micro Area	
	Estimate	%	Estimate	%	Estimate	%
Total:	24,935	100%	18,325	100%	43,260	100%
English only	23,957	96%	17,474	95%	41,431	96%
Spanish:	382	2%	415	2%	797	1.8%
Limited English speaking household	39	0%	0	0%	39	0.1%
Not a limited English speaking household	343	1%	415	2%	758	1.8%
Other languages:	596	2%	436	2%	1,032	2.4%
Limited English speaking household	0	0%	0	0%	0	0.0%
Not a limited English speaking household	596	2%	436	2%	1,032	2.4%

2018: ACS Supplemental Estimates Detailed Tables

## APPENDIX 4: Minority Population Distribution MPO Map

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**See Next Page**



**Danville MPO Study Area**  
**2010 Census - Minority Range by Census Block**

**Legend**

Danville MPO

**2010 Census Block Minority Range 20**

- Under 20%
- 20 to 39.9%
- 40 to 59.9%
- 60 to 79.9%
- Over 80%

Danville MPO Study Area		
Total Population	65,689	%
White	38,183	58.1%
Black	25,122	38.2%
Indian	120	0.2%
Asian	514	0.8%
Hawaiian	28	0.0%
Other	887	1.4%
Two or More	835	1.3%



Map prepared by West Piedmont PDC; April 2020. -- D.W. Rakes

Source: U.S. Census Bureau. TIGER Products; Virginia Geographic Information Network (VGIN).  
 Disclaimer: This map is for general illustrative reference and planning purposes only. The data utilized herein is derived from public records that are constantly undergoing change. Information shown does not replace a site survey and is not warranted for legal content or accuracy. The West Piedmont PDC cannot guarantee the accuracy or completeness of the data and does not assume any responsibility for its uses.



## APPENDIX 5 Poverty Status in MPO Region

POVERTY STATUS IN THE PAST 12 MONTHS			
TableID: S1701	Danville, Virginia Micro Area		
	Total	Below poverty level	Percent below poverty level
	Estimate	Estimate	Estimate
	Population for whom poverty status is determined	100,287	18,174
<b>AGE</b>			
Under 18 years	20,769	5,827	28.10%
Under 5 years	5,089	1,525	30.00%
5 to 17 years	15,680	4,302	27.40%
Related children of householder less 18 years	20,522	5,642	27.50%
18 to 64 years	58,952	10,250	17.40%
18 to 34 years	18,753	4,236	22.60%
35 to 64 years	40,199	6,014	15.00%
60 years and over	28,463	3,189	11.20%
65 years and over	20,566	2,097	10.20%
<b>RACE AND HISPANIC OR LATINO ORIGIN</b>			
White alone	63,430	8,557	13.50%
Black or African American alone	31,664	7,925	25.00%
American Indian/Alaska Native	64	9	14.10%
Asian alone	698	23	3.30%
Native Hawaiian/Other Pacific Islander	40	32	80.00%
Some other race alone	1,403	226	16.10%
Two or more races	2,988	1,402	46.90%
Hispanic or Latino origin (of any race)	3,124	691	22.10%
White alone, not Hispanic or Latino	62,124	8,300	13.40%

2018: ACS 5-Year Estimates Subject Tables

## APPENDIX 6

### The United States Department of Transportation (USDOT)

#### Standard Title VI/Non-Discrimination Assurances

##### DOT Order No.1050.2A

The Danville MPO/West Piedmont PDC (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 and/or Federal Transit 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.P.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI of The Civil Rights Act Of 1964*);
- 28 C.P.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 and/or Federal Transit Administration.*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination 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 non-discrimination 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 *Federal-aid Highways and/or Public Transportation Programs*:

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



## APPENDIX 6

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

*"The Danville MPO/West Piedmont PDC, 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/1 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**

APPENDIX 6

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 Danville MPO/ *West Piedmont 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 *Federal Highway Administration and/or Federal Transit Administration* 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 *Federal Highway Administration and/or Federal transit Administration*. You must keep records, reports, and submit the material for review upon request to the *Federal Highway Administration and/or Federal Transit Administration*, 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 Danville MPO/West Piedmont PDC* 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 Highways and/or Public Transportation Programs*. This **ASSURANCE is binding on the Commonwealth of Virginia, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal-aid Highways and/or Public Transportation Programs.** The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Danville MPO/West Piedmont PDC

---

*(Name of Recipient)*

by



*(Signature of Authorized Official)*

August 12, 2021

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*(Date)*

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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 Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, and *the Federal Highway Administration and/or Federal Transit Administration*, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. Non-discrimination: 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 Non-discrimination on the grounds of race, **color, or national origin.**
4. Information and Reports: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or *the Federal Highway Administration and/or Federal Transit Administration* to be pertinent to ascertain **compliance with such Acts, Regulations, and instructions. Where any information required of a contractor** is in the exclusive possession of another who fails or refuses to furnish the information, the contractor **will** so certify to the Recipient or *the Federal Highway Administration and/or Federal Transit Administration*, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the** *Federal Highway Administration and/or Federal Transit Administration* may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. **cancelling, terminating, or suspending a contract, in whole or in part.**
6. Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the *Federal Highway Administration and/or Federal Transit Administration* may direct as a means of enforcing such provisions including sanctions for noncompliance, Provided, that if the contractor becomes involved in, or is threatened with litigation by **a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter** into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

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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 Danville *MPO!West Piedmont PDC* 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 *Federal-aid Highways and/or Public Transportation Programs*, and the policies and procedures prescribed by the *Federal Highway Administration and/or Federal Transit Administration* of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination 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 Danville *MPO!West Piedmont PDC* 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 Danville *MPO!West Piedmont PDC* **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 Danville *MPO!West Piedmont PDC*, its successors and assigns.

The Danville *MPO!West Piedmont PDC*, 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 Danville *MPO!West PDC* 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, Non-discrimination 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].\***

(\*Reverted 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 6

1050.2A

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 Danville *MPO/West Piedmont PDC* 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:
- I. 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 Non-discrimination covenants, the Danville *MPO/West Piedmont PDC* 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 Non-discrimination covenants, the Danville *MPO/West Piedmont PDC* 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 Danville *MPO/West Piedmont PDC*\*

(\*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 6

1050.2A

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 Danville *MPO!West Piedmont PDC* 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 Non-discrimination covenants, the Danville *MPO!West Piedmont PDC* 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 Danville *MPO!West Piedmont PDC* will there upon revert to and vest in and become the absolute property of the Danville *MPO!West Piedmont PDC* 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 6

### 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 Non-Discrimination 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 7

### 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
- b. complies; and/or
- c. 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 E

### Contractor/ Consultant/Supplier Agreements: U.S. DOT 1050.IA • 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 49CFR 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 D and M 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.*).