



TITLE VI IMPLEMENTATION PLAN

Thomas Jefferson Planning District Commission

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Abstract

The Title VI Implementation Plan describes the measures the Thomas Jefferson Planning District Commission (TJPDC) adopts to ensure compliance with Title VI of the Civil Rights Act of 1964 which prohibit discrimination on the basis of race, color, or national origin. Any agency that receives federal financial assistance must comply with Title VI. TJPDC and the organizations and programs it staffs, or funds are subject to the Title VI Implementation Plan, this includes the Charlottesville Albemarle Metropolitan Planning Organization.

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Title VI Policy

TJPDC assures that no person shall, on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (Public Law 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. TJPDC 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 TJPDC distributes federal-aid funds to another governmental entity, it will include Title VI language in all written agreements and will monitor for compliance.

Acknowledgments

TJPDC would like to thank the Roanoke Valley-Alleghany Regional Commission, the Virginia Association of Metropolitan Planning Organizations and the Virginia Department of Transportation, Culpeper District Civil Rights Office for their guidance and assistance with producing this Title VI Implementation Plan.

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Overview

Title VI of the Civil Rights Act of 1964 prohibit discrimination on the basis of race, color, or national origin by agencies that receive federal financial assistance (see Appendix A: Title VI). As a recipient of federal financial assistance, the Thomas Jefferson Planning District Commission (TJPDC) and its programs do not discriminate on the basis of race, color, or national origin (see Appendix B: Non-Discrimination Statement). The Title VI Implementation Plan describes the measures TJPDC adopts to ensure compliance with Title VI in four sections:

- 1) Title VI Program,
- 2) Limited English Proficiency,
- 3) Coordinators, and
- 4) Discrimination Complaints.

Title VI Program describes how the TJPDC ensures nondiscrimination in communications and public participation, planning and programming, consultant contracts, and education and training. Limited English Proficiency (LEP) describes the statement of commitment to LEP persons, implementation of LEP activities, and monitoring and updating of LEP procedures. The relevant coordinators are Ruth Emerick, Chief Operating Officer and Lucinda Shannon, Senior Regional Planner/Title VI Manager and TJPDC program managers. Appendix F titled Discrimination Complaints describes the procedures for handling discrimination complaints.

This Title VI Implementation Plan describes how all programs and projects staffed or funded by the TJPDC will follow Title VI of the Civil Rights Act of 1964. The TJPDC is the contractual administrator of the Charlottesville Albemarle Metropolitan Planning Organization (CA-MPO) and Charlottesville Regional HOME Consortium, as well as having other grant-funded program areas. This plan applies to the following programs:

1. Charlottesville Albemarle Metropolitan Planning Organization (CA-MPO)
2. Rural Transportation Program
3. HOME Investment Partnership (Charlottesville Regional HOME Consortium)
4. Housing Preservation Grant
5. HOME Investment Partnership American Rescue Plan Act (HOME-ARP)
6. Chesapeake Bay Watershed Implementation Plan
7. Hazard Mitigation Plan
8. Virginia Telecommunication Initiative (VATI)

The chief operating officer is responsible for oversight of the program areas listed above. She will work with the Title VI manager to ensure that any TJPDC program or its projects are Title VI compliant through staff training, Title VI policies for the agency, and program reviews. To ensure that program areas comply, staff will have an introduction to Title VI training relevant to their program area and yearly agency Title VI training. Staff will be made aware of this Title VI Implementation Plan and its requirements and resources.

The HOME Investment Partnership, Housing Preservation Grant, and HOME Investment Partnership American Rescue Plan Act are TJPDC programs with sub-recipients. The planner responsible for these programs reviews the subrecipients annually following Housing and Urban Development guidance.

Title VI Implementation Plan

TJPDC works with local jurisdictions to enhance regional planning. Occasionally, TJPDC staff will develop small area plans that may affect minority or low-income communities. The procedures for conducting reviews of the program areas are as follows. The Chief Operating Officer or the Title VI manager will review TJPDC program workplans at the beginning of each Fiscal Year by meeting with the program managers to identify projects that need to have a four factor analysis. If any of the program area projects need a four-factor analysis, the program manager will be instructed on how to complete the four factor analysis and given Title VI resources. Once the analysis is complete the Title VI coordinator will help the program manager with the following steps to ensure compliance and non-discrimination on the basis of race, color or national origin.

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1 Title VI Program

To ensure Title VI Compliance, TJPDC staff and the decision-makers of its organizations and programs will not discriminate on the basis of race, color, or national origin.

TJPDC staff evaluate and monitor compliance with nondiscrimination authorities in its:

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

To comply with Title VI, TJPDC:

- Maintains current Title VI Assurances (Appendix C: Certificate of Assurance)
- Promptly corrects any deficiency identified
- Conducts regular reviews of program areas and contractors (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 TJPDC executive director designates a Title VI manager.

1.1 Communications and Public Participation

TJPDC endeavors to communicate with and provide opportunities for minority, low-income, and disabled persons to participate. The Charlottesville-Albemarle Metropolitan Planning Organization, which is staffed by TJPDC, maintains a public participation plan that describes the process by which it consults with interested and affected individuals, organizations, agencies, and government entities and includes them in the decision-making process. The public participation plan and all other public participation opportunities of TJPDC and the organizations and programs it staffs comply with Title VI requirements.

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

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

“TJPDC fully complies with Title VI of the Civil Rights Act of 1964 in all programs and activities. TJPDC provides reasonable accommodations for persons who require special assistance to participate in public involvement opportunities. For more information, or to obtain a Discrimination Complaint Form, contact (434) 979-7310 or www.TJPDC.org.”

- Provide reasonable accommodations for persons who require special assistance to participate in public involvement opportunities.
- Collect and monitor demographic data during public input opportunities, conducting additional target outreach if the data show a deficiency in public input from particular groups.
- Recruit diverse applicants, including minorities, low-income persons, and disabled, to opportunities for public participation and to serve on committees.

1.2 Planning and Programming

To ensure compliance in planning and programming processes, TJPDC staff will:

- Prepare and update publicly available demographic profiles of the region using the most current and appropriate statistical information.
- Consider a high-level overview of benefits and burdens of TJPDC transportation projects on minority and low-income populations, using maps and geographic demographic data to determine projects that could impact such populations. Lead agencies in individual projects are responsible for in-depth analyses of environmental justice as they move forward.
- Conduct an environmental justice analysis during the development of the Charlottesville-Albemarle Metropolitan Planning Organization Long-Range Transportation Plan.
- Review directives to determine if there are Title VI implications and interpret how directives impact Title VI program areas.
- Include environmental justice aspects of performance measures in transportation performance-based planning and programming, when relevant.

1.3 Consultant Contract

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

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

As part of the Certifications and Assurances submitted to the Virginia Department of Rail and Public Transportation (DRPT) with the Annual Grant Application and all Federal Transit Administration grants submitted to the DRPT, TJPDC 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, TJPDC confirms to DRPT the agency's commitment to nondiscrimination and compliance with federal and state requirements.

Disadvantaged Business Enterprise

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

TJPDC supports the objectives of the DBE Program:

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

1.4 Education and Training

To ensure compliance through education and training, the TJPDC Title VI manager will:

- Distribute information to staff, board and committee members, 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

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

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

2.1 Statement of Commitment

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

2.2 Implementation

Implementation guidelines describe what should be done when an LEP person is encountered or an LEP request is made as well as what activities should be done routinely to keep information and training up to date.

LEP Encounter

When staff encounter LEP persons or request for language assistance, they will use these guidelines to determine what assistance can be provided.

The language assistance services available to TJPDC are:

- CyraCom: TJPDC has a Pay-As-You-Go account with CyraCom – On Demand Over-the-Phone Interpretation (www.cyacom.com). CyraCom maintains telephone assisted interpretation capability for over 100 languages (\$1.45/minute) and written translation services for a fee. Contact TJPDC's Title V manager for account information.
- Translation services available through CyraCom, contact TJPDC's CyraCom account manager Katriel Cooper by phone at (520) 745-9447 x2321827 or email: kcooper@cyacom.com for a quote.

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

- In-person Contact: Use the Language Identification Flashcard, posted in the TJPDC entrance, to attempt to identify the language spoken. Enlist the assistance of bilingual staff and/or Cyra-Com service to obtain the LEP person's name and contact information.
- Telephone Contact: Enlist the assistance of bilingual staff and/or Cyra-Com service as needed.

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- Written Contact or Documents: Engage translation service such as Cyra-Com.
- Request for translation at a meeting: Use Cyra-Com service or other 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 TJPDC.

- Requests for under \$100: Will be granted. For Spanish, a phone call that might last up to 30 minutes or a document that is 1 typed page in English is likely to fit this criterion.
- Requests for over \$100: Title VI Manager and the TJPDC Executive Director review based on the four-factor analysis (page 8) and grant if deemed vital.

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

2.3 Monitoring and Updating

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

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

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

Four-factor analysis

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

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

The TJPDC staff will:

- Regularly review demographic data based on the four-factor analysis. If a language other than English is the primary language of >5% of the population, the LEP guidelines may need

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to be modified to meet the new needs.

- Collect and maintain demographic statistics on persons who are affected in their projects and studies.
- Solicit feedback from locality social service departments and community-based organizations serving LEP persons to evaluate how well its practices meet their needs.

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

- Crescendo Juntos
- Region 10 Community Services Board
- Sin Barreras Charlottesville
- Virginia Department of Social Services

The feedback solicited from these departments and organizations may include:

- Nature and importance of projects, studies, and activities to LEP persons
- The effectiveness of current language assistance measures in meeting the needs of LEP persons
- The effectiveness of staff LEP trainings and agency-wide language assistance protocol
- Changes in the frequency of contact with LEP language groups
- Changes in the availability of resources, including technological advances or financial resources

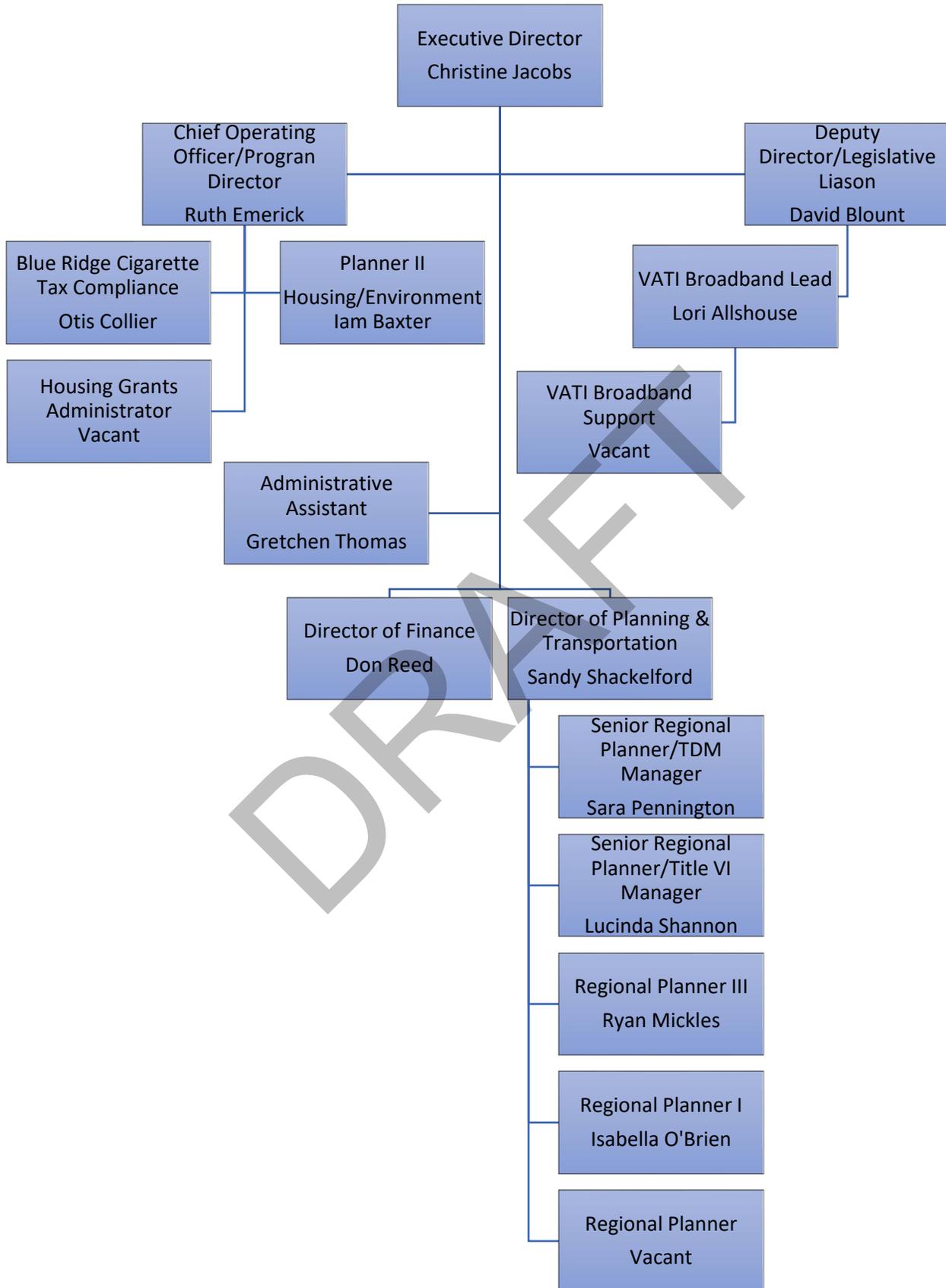
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3 Coordinators

The Chief Operating Officer is Ruth Emerick, (434) 422-4821, remerick@tjpd.org and the Title VI Manager is Lucinda Shannon, (434) 979-0654, lshannon@tjpd.org. The secondary contact for Title VI issues is Gretchen Thomas, (434) 422-4080, gthomas@tjpd.org. The Thomas Jefferson Planning District's organization chart on the next page demonstrates that the Title VI Manager and secondary contact have easy access to the Executive Director.

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Thomas Jefferson Planning District Organizational Chart October 2022



4 Discrimination Complaints

Any person who believes that TJPDC has unlawfully discriminated against them may file a complaint with TJPDC. The following steps/procedures are written for TJPDC staff to follow. A person who believes there has been discrimination may use the information below and forms in Appendix F to file a 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 receives federal financial assistance through a 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 Appendix](#) found at the bottom of the CA-MPO website. A paper copy can be obtained at 401 East Water Street, Charlottesville, Virginia or requested by mail, and a copy is provided in Appendix F: Discrimination Complaint Form. The complaint form can be submitted online, by mail, or in person at 401 East Water Street, Charlottesville, Virginia. The Title VI Manager can assist the person in filing a complaint if needed.

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

4.3 Complaint processing

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.

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 TJPDC, TJPDC 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. TJPDC will log all complaints received.

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 TJPDC.

Appendix A: Title VI

The eleven titles of the Civil Rights Act of 1964 are:

- I. Voting Rights
- II. Public Accommodation
- III. Desegregation of Public Facilities
- IV. Desegregation of Public Education
- V. Commission on Civil Rights
- VI. **Nondiscrimination in Federally Assisted Programs 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. Title VI declares it to be the policy of the United States that discrimination on the grounds 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 Thomas Jefferson Planning District Commission (TJPDC) gives public notice of its policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (PL 100.259), and all related statutes. TJPDC is committed to ensuring that no person in the United States of America shall, on the grounds of race, color, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which TJPDC receives Federal financial assistance as required by Title VI.

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

The TJPDC Chief Operating Officer is responsible for initiating and monitoring Title VI activities, preparing required reports, and other responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.

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

For complainants who may be unable to file a written complaint, verbal information will be accepted by TJPDC at 434-979-7310 or in person.

To submit a formal complaint or to request additional information on Title VI obligations, contact Lucinda Shannon, TJPDC Title VI Manager, 401 East Water Street, Charlottesville, VA 22902; phone 434-979-7310; email lshannon@tjpd.org.

[Appendix C: Certificate of Assurance](#)

This Certificate of Assurance has Appendices A through E.

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Thomas Jefferson Planning District Commission
TITLE VI / NONDISCRIMINATION ASSURANCE
(DOT Order No.1050.2A)

The **Thomas Jefferson 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*, is subject to and will comply with the following:

Statutory/Regulatory Authorities

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

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

General Assurance

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

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

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

Specific Assurances

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

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

conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

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

*"The **Thomas Jefferson 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 **Thomas Jefferson 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* access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by *FHWA*. You must keep records, reports, and submit the material for review upon request to *FHWA*, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The **Thomas Jefferson Planning District Commission** [Click here to enter name of Local Public Agency](#) 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*.

Thomas Jefferson Planning District Commission

by 

Christine Jacobs, Interim Executive Director

DATED 9/16/2021

APPENDIX A
U.S. DOT 1050.2A -- Appendix A

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

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

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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.

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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 **Thomas Jefferson 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 **Thomas Jefferson 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 **Thomas Jefferson 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 **Thomas Jefferson Planning District Commission**, its successors and assigns.

The **Thomas Jefferson 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 **Thomas Jefferson 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.)

B

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 **Thomas Jefferson 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 **Thomas Jefferson 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 **Thomas Jefferson 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 **Thomas Jefferson 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 **Thomas Jefferson 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 **Thomas Jefferson 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 **Thomas Jefferson Planning District Commission** will there upon revert to and vest in and become the absolute property of the **Thomas Jefferson 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
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.*)

E

Appendix D: Procedures for Conducting Title VI Reviews of TJPDC Program Areas

Procedures For Conducting Title VI Reviews of TJPDC Program Areas

Reviews are the cornerstone of TJPDC’s Title VI Implementation Plan and will be completed for all programs and projects receiving federal funding on an annual basis. Federal regulations state the following.

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)

TJPDC receives direct federal funding for the following programs:

1. HOME Investment Partnership
2. Housing Preservation Grant
3. HOME Investment Partnership American Rescue Plan Act

And indirectly receives federal funding for the following programs:

1. Metropolitan Planning Organization
2. Rural Transportation
3. RideShare
4. Regional Transit Partnership
5. Hazard Mitigation Plan
6. Virginia Telecommunication Initiative

The TJPDC is committed to ensuring that all people are afforded equal opportunities to participate in all the TJPDC’s activities regardless of their 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. This review procedure intends to ensure that all TJPDC programs and projects do not discriminate based on both race and ability. The TJPDC staff will use a Title VI Implementation Plan, accompanying memos and statements, interpreter services, and annual program reviews to ensure that people are not discriminated against based on race, color, ability, or national origin.

TJPDC’s programs operate on a fiscal year basis using annual workplans that start on July 1st. The Title VI Manager will review TJPDC program workplans at the beginning of each Fiscal Year (July) by meeting with the program managers to identify projects that need a 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;

Title VI Implementation Plan Appendices

- 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; and
- instructions for accommodating a person with limited English proficiency and Limited English Proficient requests.

The Title VI Manger will help the program manager identify program areas or projects that need a four-factor analysis, the program manager will be instructed on how to complete the four factor analysis and given Title VI resources.

The Title VI manager will collect a report of the program or project review for analysis and reporting on race, color, and national origin.

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

Procedures For Conducting Title VI Reviews of TJPDC Sub-recipients

Reviews are the cornerstone of TJPDC’s Title VI Implementation Plan and will be completed for all programs and sub-recipients on a regular basis. Federal regulations state the following.

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)

TJPDC receives direct federal funding for the following programs:

4. HOME Investment Partnership
5. Housing Preservation Grant
6. HOME Investment Partnership American Rescue Plan Act

And indirectly receives federal funding for the following programs:

7. Metropolitan Planning Organization
8. Rural Transportation
9. RideShare
10. Regional Transit Partnership
11. Hazard Mitigation Plan
12. Virginia Telecommunication Initiative

The HOME Investment Partnership, Housing Preservation Grant, and Home Investment Partnership American Rescue Plan Act programs pass through funds to sub-recipients.

The TJPDC is committed to ensuring that all people are afforded equal opportunities to participate in all the TJPDC’s activities regardless of their 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. This review procedure intends to ensure that all TJPDC programs and sub-recipients do not discriminate based on both race and ability. The TJPDC staff will review each appropriate program’s sub-recipients on a rotating basis to ensure that people are not discriminated against based on race, color, ability, or national origin. One program receiving federal funds with sub-recipients will be reviewed each year to ensure that the sub-recipients are complying with Title VI requirements. For example:

Title VI Implementation Plan Appendices

Year 1 - HOME Investment Partnership sub-recipients will be reviewed;

Year 2 - Housing Preservation Grant sub-recipients will be reviewed; and

Year 3 - HOME Investment Partnership American Rescue Plan Act sub-recipients will be reviewed and then the reviews will start over again.

TJPDC's programs operate on a fiscal year basis using annual workplans that start on July 1st. The Title VI Manager will review TJPDC programs at the beginning of each Fiscal Year (July) to determine programs with sub-recipients and the schedule for their review. Project managers will be responsible for conducting the sub-recipient reviews.

Project managers will review the following documents from each sub-recipient agency:

- 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; and
- instructions for accommodating a person with limited English proficiency and Limited English Proficient requests.

If the sub-recipient does not have the required documentation, the program manager will assist them in generating the required documents and training procedures to ensure implementation.

The Title VI manager will collect a report of the sub-recipient reviews for analysis and reporting on race, color, national origin.

Appendix F Discrimination Complaint Form

The discrimination complaint form is available below and [online](#) at the bottom left hand corner of the CAMPO website. The complaint form can be submitted by email, by mail, or in person at 401 East Water Street, Charlottesville, Virginia. The Title VI Manager can assist the person in filing a complaint if needed. . You can reach our office Monday-Friday from 8:00am to 5:00pm at (434) 979-7310, or by email at info@tjpd.org.
See next page for the form.

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Title VI Discrimination Complaint Form



Use this form if you have a complaint alleging discrimination under Title VI of the Civil Rights Act of 1964 against the Thomas Jefferson Planning District Commission, Charlottesville Albemarle Metropolitan Organization, or any of its programs, projects, or sub-contractors.

Please provide the following information in order to process your Title VI complaint. Assistance is available upon request. You can reach our office Monday-Friday from 8:00am to 5:00pm at (434) 979-7310, or by email at info@tjpd.org.

Mail or deliver your completed and signed form to:

Thomas Jefferson Planning District Commission, Title VI Manager, 401 E Water Street,
Charlottesville, VA 22902

Complainant Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone (Home): _____ (Cell): _____

Email: _____

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

Representative's Name: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____

Email: _____

Relationship to the complainant: _____

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

Specify: _____

Date of incident resulting in discrimination: _____

Time of incident: _____

Location (address) of incident: _____

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.

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

If the incident involved a representative of the Thomas Jefferson Planning District Commission, its programs, or its consultants, please list his/her name: _____

Names and contact information of witnesses: _____

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

Complainant Signature: _____

Date: _____

Authorized Representative Signature (if applicable): _____

Date: _____

