



Northwest Regional Planning Commission

Adopted: May 29, 2014

Title VI Plan: Public Participation Plan

Non-Discrimination in Federally Assisted Programs

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I. Introduction

The Northwest Regional Planning Commission (NRPC) receives federal funding to support a number of planning programs, including transportation, brownfields, Vermont Community Development Program/CDBG, HUD Sustainable Communities, hazard mitigation planning and other projects. As a subrecipient of such funding, this organization is subject to State and Federal rules and regulations that prohibit discrimination in all activities, whether federally funded or not.

Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related Federal and State statutes and regulations, prohibits discrimination and provides that no person in the United States shall, on the grounds of race, color, national origin, gender, age, low income status, or mental or physical disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

A key element for addressing Title VI at the planning phase is having an effective public involvement process. That process must be proactive and provides complete information, timely public notice, full public access to key decisions and an opportunity for early and continuing involvement. A public involvement process should also include a process for seeking out and considering the needs of those who are traditionally ignored or underserved (e.g. by existing transportation systems).

The purpose of this document is to serve as a system of procedures and mechanisms to assure nondiscrimination in all of the NRPC's programs, activities and services, whether Federally-funded or not (49 CFR 21.7 & 23 CFR 200.5(p)).

II. Authorities

As a recipient of federal funding assistance, the following rules and regulations apply to the activities of this organization:

- *Title VI of The Civil Rights Act of 1964*: No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. (42 U.S.C. § 2000d)
- *Civil Rights Restoration Act of 1987*: Restored original intent & scope of Title VI to include all programs & activities of Federal-aid recipients and contractors whether federally funded or not.
- *Executive Order 12250: DOJ Leadership & Coordination of Nondiscrimination Laws*: The U.S. Attorney General shall coordinate the implementation and enforcement by Executive agencies of various nondiscrimination provisions of (a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); (b) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.); (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); (d) Any other provision of Federal statutory law which provides, in whole or in part, that no person in the United States shall, on the ground of race, color, national origin, handicap,

religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

- *Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*: Each Federal agency shall conduct its programs, policies, and activities [including those of recipients (see FHWA Order 6640.23(2)(h))] that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under, such, programs, policies, and activities, because of their race, color, or national origin.
- *Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency (LEP)*: Presidential directive to federal agencies to ensure meaningful access to services for LEP people. An LEP person does not speak English as primary language and has limited ability to read, speak, write or understand English. Failure to provide LEP person services or meaningful access to services [may] constitute national origin discrimination
- Section 504 of the 1973 Rehabilitation Act (29 USC 790) Handicap/Disability: 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.
- 1973 Federal-aid Highway Act (23 USC 324) Sex: 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.
- 1975 Age Discrimination Act (42 USC 6101) Age: 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.
- 49 CFR Part 21: Nondiscrimination in Federally-Assisted Programs of the Department of Transportation: No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Transportation.
- 23 CFR Part 200: Title VI Program and Related Statutes: To provide guidelines for: (a) Implementing the Federal Highway Administration (FHWA) Title VI compliance program under Title VI of the Civil Rights Act of 1964 and related civil rights laws and regulations, and (b) Conducting Title VI program compliance reviews relative to the Federal aid highway program.
- 1970 Uniform Act (42 USC 4601): Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970: The Uniform Act, provides important protections and assistance for people affected by Federally funded projects. This law was

enacted by Congress to ensure that people whose real property is acquired, or who move as a result of projects receiving Federal funds, will be treated fairly and equitably and will receive assistance in moving from the property they occupy.

This Plan as written applies to all activities of this organization. As a result, a number of other authorities could apply depending upon the activities involved. For example 24 Code of Federal Regulation (CFR) Part 1 applies to all HUD related work, 40 CFR Part 7 applies to EPA-funded work, etc.

III. NRPC Nondiscrimination Policy

It is the policy of the Northwest Regional Planning Commission (NRPC) to uphold and assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related federal and state statutes and regulations. Title VI prohibits discrimination in federally assisted programs and requires that no person in the United States of America shall, on the grounds of race, color, national origin, gender, age, or mental or physical disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance.

IV. Organizational Structure

The Executive Director of the NRPC is responsible for ensuring the implementation of this Title VI Plan. The Title VI Coordinator, on behalf of the Executive Director, is responsible for the overall management of the Title VI programs, and serves as the Title VI Liaison Officer, DBE Liaison Officer, LEP Coordinator and ADA Coordinator. The day-to-day administration of the plan lies with the Title VI Coordinator (hereafter referred to as "Coordinator") under the direct supervision of the Executive Director of the NRPC. The Office Administrator serves the role of Title VI Coordinator.

V. Requirements

As part of this Title VI Program, the NRPC maintains certain reporting requirements and provides the Vermont Agency of Transportation (VTRANS), Federal Highway Administration (FHWA) or other applicable State or Federal agencies the following information regarding these reporting requirements.

1. Provide Title VI Assurances

The NRPC will submit its Title VI Assurance as part of its Certifications and Assurances submission to all applicable state and federal agencies. NRPC will collect Title VI Assurances from sub-recipients prior to passing through federal funds.

A copy of the Title VI Assurance included in the Annual Certifications and Assurances submission to VTRANS and FHWA is included in Appendix A.

2. Prepare and Submit a Title VI Plan

This document constitutes the Title VI Program Plan for the NRPC.

3. Notify Beneficiaries of Protection under Title VI

In order to notify the public regarding its Title VI obligations, the NRPC has developed this Plan and posted information on the organization's website, including how to get more information on non-discrimination obligations and procedures for filing a discrimination complaint against the NRPC. A Title VI Policy is included in Appendix B. This policy is posted at the NRPC offices, and is accessible on the NRPC website at www.nrpcvt.com/AboutUs.html.

4. Develop Title VI Complaint Procedures and Complaint Form

The NRPC has developed procedures for investigating and tracking Title VI complaints that may be filed against the NRPC and for making these procedures available to members of the public upon request. Should the NRPC have any sub-recipients in the future, sub-recipients shall be required to have such procedures and shall be encouraged to adopt the NRPC's complaint investigation and tracking procedures. A copy of the NRPC's Title VI Complaint Procedures is included in Appendix C.

5. Record and Report Title VI Investigations, Complaints, and Lawsuits

In compliance with 49 CFR Section 21.9(b), the NRPC (and any sub-recipient) shall prepare and maintain a list of any active investigations conducted by entities other than the FTA or FHWA, lawsuits, or complaints naming the NRPC (or sub-recipient) alleging discrimination on the basis of race, color, national origin, sex, creed, disability or income status. This list shall include the date the investigation, lawsuit, or complaint was filed and received by the NRPC, a summary of the allegation(s), the status of the investigation, lawsuit or complaint, and actions taken by the NRPC (or sub-recipient) in response to the investigation, lawsuit, or complaint. The NRPC's form for recording this information is included in Appendix D. The list shall comprise all of the records of active investigations, lawsuits, and complaints recorded on these forms. During the processing of active investigations, lawsuits, or complaints, the Title VI Coordinator shall update the record form as necessary. Upon resolution and closure of an investigation, lawsuit or complaint, the Title VI Coordinator shall record such closure on this form.

To date, no Title VI complaints, investigations or lawsuits have been filed against the NRPC.

6. Promote Inclusive Public Participation

The content and considerations of Title VI, the Executive Order on LEP, and the VTRANS LEP Guidance are integrated into this Plan by reference.

Public participation is vital to the NRPC. It helps provide the NRPC the broadest spectrum of relevant information available prior to its decision-making and offers the public an opportunity to raise concerns that can be considered along with discussion of technical, political and economic merit.

Of particular importance in the pursuit of public participation is the identification of audiences which would be affected by or have a business or other affinity with the issues under consideration. All views should be heard and their participation likewise encouraged. In this context, minority views include not only ethnic groups but also others whose perspectives may not be fully reflected by larger segments of the public.

Through the regional planning process, the NRPC and partner agencies will thoroughly analyze the three Federally established fundamental environmental justice principles:

- To avoid, minimize or mitigate disproportionately high and adverse human health or environmental effects, including social and economic effects, of programs, policies and activities on minority populations and low-income populations;
- To ensure full and fair participation by all potentially affected communities in the transportation decision-making process; and
- To prevent the denial of, reduction of, or significant delay in the receipt of transportation benefits by minority and low-income populations.

The NRPC actively seeks to solicit the comments and engage the interests of the public through the participation process. It then is the responsibility of the NRPC to balance the public's needs and desires with resources available to address those needs and desires. NRPC Staff are directed to incorporate appropriate activities to make public communications and outreach a part of the agency's overall planning activities. In addition to required public hearings, such activities may include: representative task forces or advisory committees; public meetings and workshops, presentations and discussions with special interest organizations, forums or conferences that provide information about issues and processes and the opportunity for input from the public; opinion polls, surveys, focus groups and interviews to acquire information; and use of the media and reports to disseminate information.

Specific outreach efforts designed to gather input on the needs of underrepresented populations in the NRPC region in recent years include, though are not limited to, the following:

- Surveys or focus group meetings with health and human service agencies regarding the transportation needs of the client populations with whom they work.
- Surveys of riders of GMTA, the regional public transit provider serving the NRPC region and beyond.
- Organizing and facilitating regular monthly regional stakeholder meetings for administering funding dedicated to serving elders and persons with disabilities.

The NRPC seeks to reduce or eliminate language, mobility, temporal, and other obstacles that may prevent minority, disability, low-income and other under-represented populations from fully participating in the metropolitan planning process. It is the policy of the NRPC to locate all public meetings in facilities that are structurally accessible or provide an opportunity for individuals to request special accommodations. Meetings of the NRPC Board of Commissioners are usually held at 7 pm on the last Wednesday of each month at the Franklin-Grand Isle WIB Training Center in Swanton. The facility is ADA accessible.

7. Demographic Profile

The NRPC has prepared a demographic analysis of minority and low income populations of the twenty-three (23) communities that make up the NRPC planning region. Demographic data used in this profile are drawn from the 2010 U.S. Census or 2008-2012 American Community Survey (ACS) 5-year data compilation. Village data is incorporated into its respective town.

Minority Populations. There are generally very small minority populations in Franklin County and Grand Isle County. Table 1 below shows minority populations in each town based on 2008-2012 ACS data. Swanton Town and Village have the highest percentage of individuals who identify as American Indian or Alaska Native (7.9%) while Berkshire had the highest percentage of individuals who identify as Hispanic or Latino (5.5%).

Table 1: Minority Population in Northwest Vermont

	Total Population	% of Population by Race					% Hispanic or Latino	
		White	Black or African American	American Indian or Alaska Native	Asian or Pacific Islander	Some Other Race	Hispanic or Latino	Not Hispanic or Latino
Bakersfield	1,428	97.8%	0.6%	4.8%	0.8%	1.6%	2.1%	97.90%
Berkshire	1,570	99.4%	0.4%	1.9%	0.0%	0.4%	5.5%	94.50%
Enosburgh/ Enosburg Falls	2,788	95.9%	3.3%	1.9%	0.6%	0.0%	0.3%	99.70%
Fairfax	4,303	99.8%	0.0%	0.0%	0.2%	0.0%	0.5%	99.50%
Fairfield	2,082	99.0%	0.3%	0.9%	0.3%	0.0%	1.3%	98.70%
Fletcher	1,265	96.7%	0.0%	3.7%	0.9%	0.0%	0.0%	100.00%
Franklin	1,241	98.6%	0.0%	1.7%	0.0%	0.0%	1.3%	98.70%
Georgia	4,528	99.0%	0.6%	0.5%	0.1%	0.9%	1.4%	98.60%
Highgate	3,539	98.1%	0.5%	2.0%	0.3%	0.0%	0.0%	100.00%
Montgomery	921	98.4%	1.6%	0.0%	0.0%	0.0%	1.1%	98.90%
Richford	2,408	96.8%	0.4%	4.5%	0.1%	2.7%	1.8%	98.20%
St. Albans City	6,944	96.5%	3.1%	1.9%	3.0%	1.0%	0.8%	99.20%
St. Albans Town	6,045	98.5%	0.9%	1.9%	0.5%	0.0%	1.1%	98.90%
Sheldon	2,370	96.4%	1.0%	1.9%	0.7%	1.6%	2.7%	97.30%
Swanton/ Swanton Village	6,421	96.2%	0.3%	7.9%	0.0%	0.6%	1.4%	98.60%
Franklin County Total	47,853	97.7%	1.03%	2.59%	0.68%	0.59%	1.22%	98.78%
Alburgh/ Alburgh Village	1,785	98.5%	0.6%	2.1%	0.3%	0.0%	0.6%	99.40%
Grand Isle	2,239	99.1%	0.4%	3.7%	0.9%	0.0%	1.1%	98.90%
Isle La Motte	510	98.6%	0.0%	8.8%	0.8%	0.2%	2.4%	97.60%
North Hero	871	98.4%	0.0%	0.5%	0.3%	2.2%	3.1%	96.90%
South Hero	1,627	99.0%	0.2%	4.5%	0.4%	0.0%	1.0%	99.00%
Grand Isle Total	7,032	98.78%	0.31%	3.46%	0.61%	0.28%	1.28%	98.45%
Northwest Regional Total	54,885	97.82%	0.94%	2.70%	0.67%	0.55%	1.22%	98.78%
Vermont	625,498	95.3%	0.9%	0.3%	1.3%	0.3%	1.5%	98.5 %

Source: ACS 2012 5-year data compilation

Poverty. According to 2008-2012 ACS data, poverty rates are relatively high, with Enosburgh Town/Enosburg Falls, Montgomery, Richford, Sheldon and Isle La Motte having more than 15% of their population in poverty. See Table 2 below for poverty figures for each town in the region.

Table 2: Population in Poverty by Town

	Total Population	Population in Poverty	% of Population in Poverty
Bakersfield	1,428	141	9.9%
Berkshire	1,570	148	9.4%
Enosburgh/ Enosburg Falls	2,788	541	19.4%
Fairfax	4,303	146	3.4%
Fairfield	2,082	139	6.7%
Fletcher	1,265	99	7.8%
Franklin	1,241	55	4.4%
Georgia	4,528	122	2.7%
Highgate	3,539	471	13.3%
Montgomery	921	183	19.9%
Richford	2,408	390	16.2%
St. Albans City	6,944	1,097	15.8%
St. Albans Town	6,045	351	5.8%
Sheldon	2,370	204	8.6%
Swanton/ Swanton Village	6,421	790	12.3%
Franklin County Total	47,853	4,877	10.2%
Alburgh/ Alburgh Village	1,785	148	8.3%
Grand Isle	2,239	134	6.0%
Isle La Motte	510	106	20.8%
North Hero	871	34	3.9%
South Hero	1,627	114	7.0%
Grand Isle Total	7,032	536	7.6%
Northwest Regional Total	54,885	5,413	9.9%
Vermont	625,498		11.6%

Source: ACS 2012 5-year data compilation

Limited English Proficiency (LEP). According to 2008-2012 ACS data, there are very low numbers of residents who have limited English proficiency. Table 3 below summarizes 2008-2012 ACS data on populations that speak other languages and have limited ability to speak English. Berkshire, Fairfield, Highgate, Sheldon and Saint Albans Town have the highest proportion of LEP populations in the region, with rates ranging from 1.6% to 3.0%.

Table 3: Population in Region with Limited English Proficiency for Population 5 Years or Older

	Total Pop.	Speak Only English	Speak Spanish	LEP Spanish	Speak Other Indo-Europe	LEP Indo-Europe	Speak Asian-Pac	LEP Asian-Pac	Speak Other Lang	LEP Other Lang	Total LEP	All LEP % of Total
Bakersfield	1,330	1,294	17	3	19	0	0	0	0	0	3	0.2%
Berkshire	1,453	1,368	25	17	57	7	0	0	3	0	24	1.7%
Enosburgh/ Enosburg Falls	2,653	2,560	17	0	71	11	5	0	0	0	11	0.4%
Fairfax	4,033	3,975	13	13	45	11	0	0	0	0	24	0.6%
Fairfield	1,945	1,857	22	3	66	28	0	0	0	0	31	1.6%
Fletcher	1,192	1,166	0	0	26	0	0	0	0	0	0	0.0%
Franklin	1,175	1,114	15	3	46	4	0	0	0	0	7	0.6%
Georgia	4,328	4,119	41	7	157	24	0	0	11	0	31	0.7%
Highgate	3,249	3,007	0	0	149	10	93	76	0	0	86	2.6%
Montgomery	872	844	5	5	23	0	0	0	0	0	5	0.6%
Richford	2,295	2,219	12	0	64	15	0	0	0	0	15	0.7%
St. Albans City	6,320	6,069	15	0	140	17	96	87	0	0	104	1.6%
St. Albans Town	5,668	5,465	54	17	149	19	0	0	0	0	36	0.6%
Sheldon	2,277	2,102	39	39	132	29	0	0	4	0	68	3.0%
Swanton/ Swanton Village	6,092	5,812	84	48	196	17	0	0	0	0	65	1.1%
Franklin County Total	44,882	42,971	359	155	1,340	192	194	163	18	0	510	1.1%
Alburgh/ Alburgh Village	1,692	1,655	0	0	37	17	0	0	0	0	17	1.0%
Grand Isle	2,132	2,071	5	0	47	1	9	0	0	0	1	0.0%
Isle La Motte	470	454	3	0	11	1	2	0	0	0	1	0.2%
North Hero	858	800	1	0	54	9	0	0	3	0	9	1.0%
South Hero	1,538	1,470	17	0	27	4	0	0	24	0	4	0.3%
Grand Isle Total	6,690	6,450	26	0	176	32	11	0	27	0	32	0.5%
Northwest Regional Total	51,572	49,421	385	155	1,516	224	205	163	45	0	542	1.1%
Vermont	625,498	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	1.3%

Source: ACS 2012 5-year data compilation

8. Annual Work Plan

The NRPC's Executive Director and Title VI Coordinator will monitor and review all Title VI activities. These activities will include:

- Review NRPC office policies and procedures to identify necessary changes required to comply with this Title VI Nondiscrimination Plan.
- Review procurement documents (RFP, RFQ) and contract provisions and update as needed to comply with Title VI Nondiscrimination requirements.
- Provide Title VI training for staff.
- Monitor and evaluate the effectiveness of the Title VI Plan annually.

9. Required Title VI Contract Provisions

Procedures to ensure Title VI provisions are included in all Federally-funded contracts regardless of tier (Appendix A of USDOT Order 1050.2). Nondiscrimination is required in the selection and retention of all subcontractors, as well as with the procurement of materials and leases of equipment. Notification of Title VI/nondiscrimination obligations will be provided to each potential subcontractor or supplier in all applicable Requests for Proposal, Requests for Qualifications and/or contracts. There will be no discrimination in the NRPC's employment practices in accordance with Personnel Policies.

10. Providing Assistance to Subrecipients

The NRPC is itself a sub-recipient of Federal assistance, with VTRANS serving as the primary recipient and passing through FHWA SPR funding to the region.

The NRPC does not have sub-recipients per se. The NRPC does enter into contracts with municipalities and private consulting firms involving Federal funding. In all cases these contracts incorporate standard Certifications and Assurances related to Title VI Civil Rights responsibilities.

11. Monitoring Subrecipients

Should the NRPC at some point in the future have formal subrecipients of Federal funding, the NRPC recognizes the obligation to ensure those subrecipients are in compliance with Title VI requirements, and would undertake the following activities to ensure that compliance:

- a) Document the process for ensuring that all subrecipients are complying with the general reporting requirements of this circular, as well as other requirements that apply to the subrecipient based on the type of entity and the number of fixed route vehicles it operates in peak service if a transit provider.
- b) Collect Title VI Programs from subrecipients and review programs for compliance.

12. Opportunity for Disadvantaged Business Enterprises (DBE's)

It shall be the policy of the NRPC to ensure nondiscriminatory opportunity for Disadvantaged Business Enterprises (DBEs), as defined in 49 CFR Part 26, shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds. Consequently, the DBE requirements of 49 CFR Part 26 and 23 CFR, Chapter 1, Part 230, Subpart b apply to all contracts. Contracts should include the following assurance:

"The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as NRPC deems appropriate."

13. Participation by Small Business Enterprises

It is the NRPC's policy to promote small business participation on all contracts and procurement opportunities. The rules set forth in Code of Federal Regulations, Title 13, Sections 121.401 through 121.413, apply to all Federal procurement programs for which status as a small business is required or advantageous.

14. Requirement to Provide Additional Information upon Request

The NRPC will provide information other than that required by Circular 4702.1B to FTA upon request, should it be necessary to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI.

VI. Appendix

- A. Title VI Annual Certifications and Assurances
- B. NRPC Title VI Policy
- C. NRPC Title VI Complaint Procedures
- D. NRPC Title VI Discrimination Complaint Form

APPENDIX A

The United States Department of Transportation (USDOT) Standard Title

VI/Non-Discrimination Assurances DOT Order No.1050.2A

The Northwest Regional Planning Commission (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration (FHWA) and Vermont Agency of Transportation (VTrans), 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 FHWA.

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 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 "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 programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The NRPC, 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-1 and A-5 of this Assurance in every contract or agreement subject to the Acts and the Regulations.

4. The Recipient will insert the clauses of Appendix A-2 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 A-3 and Appendix A-4 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, NRPC 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. NRPC also recognizes that it must comply with any program or compliance reviews, and/or complaint investigations conducted by the FHWA. NRPC 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, NRPC must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

NRPC 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 VTrans Transportation Planning Initiative. This ASSURANCE is binding on Vermont, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the VTrans Transportation Planning Initiative. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Signed: _____
Executive Director, Northwest Regional Planning Commission

Dated: _____

APPENDIX A-1

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, FHWA and VTrans, 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 FHWA or VTrans 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 FHWA or VTrans, 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 FHWA or VTrans 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 FHWA or VTrans 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 A-2

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 NRPC will accept title to the lands and maintain the project constructed thereon in accordance with (Name of Appropriate Legislative Authority), the Regulations for the Administration of FHWA and VTrans, and the policies and procedures prescribed by the FHWA 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 (Title o(Recipient) 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 NRPC 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 NRPC, its successors and assigns.

The NRPC, 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 NRPC 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].*

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

APPENDIX A-3

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 NRPC 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 Non-discrimination covenants, NRPC 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 NRPC 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 NRPC 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 A-4

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 NRPC 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, NRPC 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, NRPC will there upon revert to and vest in and become the absolute property of NRPC 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 A-5

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. 1681et seq).

Title VI Nondiscrimination Policy

It is the policy of the Northwest Regional Planning Commission (NRPC) to uphold and assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related federal and state statutes and regulations. Title VI prohibits discrimination in federally assisted programs and requires that no person in the United States of America shall, on the grounds of race, color, national origin, gender, age, or mental or physical disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance.

The NRPC has designated the Office Administrator as the Title VI Coordinator. For more information about your Title VI rights or to file a formal complaint of discrimination, contact:

Title VI Coordinator
Northwest Regional Planning Commission
75 Fairfield Street
Saint Albans, VT 05478
802.524.5958, www.nrpcvt.com

In an effort to ensure nondiscrimination in all of its federal- aid programs, services and activities, the NRPC maintains a written Title VI Complaint Procedure to investigate, respond to, and resolve, Title VI complaints. In addition, all instances of alleged discrimination submitted in writing in the form of a Title VI Complaint, will be recorded and tracked and include the following information: date complaint filed, a summary of allegations, investigative status, further actions and follow-up, and final resolution. Individuals who feel they have been discriminated against in violation of Title VI must file a completed complaint form within 180 days with the NRPC Title VI Coordinator.

Complaint Procedures: (see attached) Complaint Form: (see attached)

The NRPC strives to ensure nondiscriminatory access to all programs, services, and activities by all interested stakeholders and to ensure that no person is excluded from participating in, denied the benefits of, or subjected to either intentional or unintentional discrimination under any program, service, or activity receiving federal assistance or funding.

For more information, visit VTrans' Title VI Program website at <http://www.aot.state.vt.us/civilrights/VTransTitleVI.htm>.

Translations of this and other key documents are provided at no cost when requested.

Executive Director

Date

Title VI Complaint Procedures

Any person who believes that he or she, individually, or as a member of any specific class of persons, has been subjected to discrimination on the basis of race, color, national origin, gender, age, or mental or physical disability, may file a complaint with the Northwest Regional Planning Commission (NRPC).

The mailing address for written complaints is as follows:

Title VI Coordinator
Northwest Regional Planning Commission
75 Fairfield Street
Saint Albans, VT 05478
802-524-5958, www.nrpcvt.com

Complaints may also be submitted by telephone or fax. Contact numbers are as follows:

Phone: 802-524-5958
Fax: 802-527-2948

Electronic submission of complaints is also permitted. All complaints related to Title VI discrimination should be addressed to the Title VI Coordinator, at the following address: aadams@nrpcvt.com

Written or faxed complaints must be signed by the complainant. Complaints submitted by telephone or e-mail, or unsigned written or faxed complaints, must be followed by a complaint in writing, signed by the complainant or his/her representative within 10 business days of the initial verbal/electronic/unsigned complaint. If the complainant requires assistance to submit a written document, NRPC staff will interview the complainant and assist the person in converting verbal complaints to writing. This document must be signed by the complainant or his/her representative. Federal and state law require that the complaint be filed within 180 days of the alleged incident of discrimination.

Once the complaint has been submitted in writing, the NRPC will pursue the following steps in addressing the complaint:

1. NRPC staff will initiate a Title VI Complaint Form (see below).
2. Essential information on the form includes the following:
 - a. Date of the incident that is the subject of the complaint;
 - b. Time of the incident;
 - c. Location of the incident; and,
 - d. Circumstances of the incident in as much detail as is available, including description of the issues, and the names and job titles of those individuals perceived as parties in the complaint.
3. The completed form, along with the initial complaint letter and a summary of any other communication, will be submitted to the Executive Director of the NRPC for review. The Executive Director will determine the jurisdiction and acceptability of the complaint and any need for additional information. After any additional information is procured, the Director will determine whether to accept or reject the complaint.

4. The complainant will be provided with a written notification that the NRPC has either accepted or rejected the complaint.
5. A complaint may be rejected for one or more of the following reasons:
 - a. More than 180 days passed between the alleged incident and the filing of the initial complaint;
 - b. The allegation does not involve a basis covered under Title VI, such as race, color, or national origin;
 - c. The allegation does not involve NRPC or one of its subrecipients of federal funds;
 - d. The complainant fails to respond to repeated requests for additional information needed to process the complaint; or,
 - e. The complainant cannot be located after reasonable attempts.
6. An accepted complaint will be assigned a case number and be logged in a database maintained by the NRPC identifying the complainant's name, date of incident, alleged harm, and the race, color, national origin, gender, age or disability of the complainant.
7. The Title VI Coordinator will initiate an investigation of the complaint, assisted by other members of the NRPC as necessary, and complete a report within 90 days of the acceptance of the complaint. The report shall include a narrative description of the incident, identification of the persons interviewed, findings, and recommendations for disposition.
8. The report will be reviewed by the Executive Director of the NRPC and referred to legal representation, if deemed appropriate. The Executive Director will accept or reject the recommendation for disposition, in consultation with legal representation, and if the individuals involved are found to be in noncompliance with Title VI, remedial actions will be determined.
9. The results of the investigation and the Executive Director's determination will be mailed to the complainant. Notice shall include information regarding appeal rights of the complainant and instructions for initiating such an appeal. Notice of appeals are as follows:
 - a. NRPC will reconsider the determination if new facts come to light.
 - b. If the complainant is dissatisfied with the determination and/or resolution set forth by NRPC, the same complaint may be submitted to the Vermont Agency of Transportation (VTrans) for investigation. Complainant will be advised to contact the:
Vermont Agency of Transportation
Office of Civil Rights & Labor Compliance
One National Life Drive
Montpelier, VT 05633-5001
10. A copy of the complaint and NRPC's investigation report, letter of finding and remedial action plan will be submitted to VTrans within 120 days of the initial receipt of the complaint.
11. A summary of the complaint resolution will be added to the database at NRPC and this information will be included as part of the next Title VI update to VTrans.

Title VI Discrimination Complaint Form

For Office Use

Date Received: _____

Case #: _____

Name: _____ Phone #: _____

Email: _____

Address (Street No., PO Box, etc.): _____

Town, State, Zip Code: _____

Date and time of incident: _____

Location of Incident: _____

Summary of the Complaint (Explain as briefly and clearly as possible how you were discriminated against, who was involved, including names and titles, and other relevant information.):

Name of witness(es): _____

Witness contact information: _____

Attach any additional written information

Signature: _____ Date: _____

Please return this form to: **Title VI Coordinator**
Northwest Regional Planning Commission
75 Fairfield Street
Saint Albans, VT 05478
Telephone #: (802) 524-5958
Fax #: (802) 527-2948
Email: aadams@nrpcvt.com

For Office Use

Discussions with complainant:

Name: _____ Date: _____

Details of discussions: _____

Person taking report information:

Additional information required: ☐ Yes ☐ No Date requested: _____

Received: _____

Jurisdiction: ☐ NRPC ☐ Other (specify): _____

Complaint accepted: ☐ Yes ☐ No Date: _____

Report completed within 90 days: ☐ Yes ☐ No

Findings: _____

Actions taken: _____
