

## Title VI Plan and Procedures

### Title VI of the Civil Rights Act of 1964

Roanoke County  
Department of Human Resources



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## **I. INTRODUCTION**

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides 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 subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. Section 2000d).

The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of Federal aid recipients, sub-recipients, and contractors even where those programs and activities are not federally funded. Recently, the Federal Transit Administration (FTA) has placed renewed emphasis on Title VI issues, including providing meaningful access to persons with Limited English Proficiency (LEP).

Roanoke County ("the County") receives federal funding from multiple federal agencies; such funding is both direct and indirect through pass-through grants. The County receives public transportation funding from FTA and the Virginia Department of Rail and Public Transportation (DRPT); the Department of Social Services administers federal funding from the U.S. Department of Agriculture and the Social Security Administration; the Departments of Planning and Development Services receive funding from the Federal Highway Administration (FHWA). As a recipient and/or sub-recipient of federal funds, the County has developed policies, programs, and practices that ensure that such funds are used in a manner that is nondiscriminatory as required under Title VI.

This Title VI Plan document ("the Plan") details how the County incorporates nondiscrimination and accessibility policies and procedures into the County's Title VI Plan and its appendices and attachments. In accord with the mandates of 49 CFR 21.7(a), the County will submit annual Certifications and Assurances to the Virginia Department of Transportation (VDOT) and FTA. The County also requires annual training for all Directors and Department heads on anti-discrimination policies, including Title VI, related federal regulations, and the Virginia Values Act. The Plan will be updated periodically as changes in law and circumstances warrant.

## II. AUTHORITIES

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, *et seq.*, provides 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 receiving federal financial assistance (refer to 49 CFR Part 21). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether or not such programs and activities are federally assisted.

Additional authorities and citations include: Federal Transit Laws, as amended (49 U.S.C. Chapter 53, *et seq.*); 23 CFR part 200, *et seq.*; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, *et seq.*); Department of Justice regulation, 28 CFR part 42, *et seq.*; U.S. DOT regulation, 49 CFR part 21, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964"; Joint FTA/Federal Highway Administration (FHWA) regulation, 23 CFR part 771, "Environmental Impact and Related Procedures" (August 28, 1987); Joint FTA/FHWA regulation, 23 CFR part 450 and 49 CFR part 613, "Planning Assistance and Standards," (October 28, 1993, unless otherwise noted); U.S. DOT Order 5610.2, "U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low- Income Populations," (April 15, 1997); U.S. DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons, (December 14, 2005), and Section 12 of FTA's Master Agreement, FTA MA 13 (October 1, 2006).

### III. NONDISCRIMINATION ASSURANCE

Roanoke County is committed to full compliance with Title VI of the Civil Rights Act of 1964 and related statutes, regulations, and applicable directives. As a recipient of federal-aid funding, the County strives to achieve equity and access and prohibit discrimination in all its programs, regardless of whether those programs receive federal funding.

In accordance with 49 CFR Section 21.7(a), every application for financial assistance from the Federal Transit Administration (FTA) must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT's Title VI regulations. This requirement is fulfilled when the Virginia Department of Rail and Public Transportation (DRPT) submits its annual certifications and assurances to FTA. DRPT shall collect Title VI assurances from sub-recipients prior to passing through FTA funds. Similar assurances of compliance are required when the County applies for funds from the Federal Highway Administration.

As part of the Certifications and Assurances submitted to with funding applications, the County will submit a Statement of Nondiscrimination Assurance which addresses compliance with Title VI as well as nondiscrimination in hiring EEO (Equal Employment Opportunities) and contracting DBE (Disadvantaged Business Enterprise) and nondiscrimination based on disability ADA (Americans with Disabilities Act).

Every employee and representative of the County shall perform all official duties and actions in full accord with Title VI of the Civil Rights Act of 1964, its applicable statutes, regulations, executive orders, and directives. In signing and submitting this assurance, Roanoke County affirms its commitment to nondiscrimination and compliance with federal and state requirements.

The Assistant Director of Human Resources has been designated as the County's Title VI Coordinator. Any person or entity affected by this Plan who has questions or complaints should contact Kristie B. Jordan, Assistant Director of Human Resources, at (540) 772-2018 or [kjordan@roanokecountyva.gov](mailto:kjordan@roanokecountyva.gov)

I hereby acknowledge the receipt of the 2021 Roanoke County Title VI Implementation Plan. I have reviewed and approve the Plan. I am committed to ensuring that no person is excluded from participation in, or denied the benefits of, County services based on race, color, or national origin, as protected by Title VI.

  
Richard L. Caywood, P.E., County Administrator  
Roanoke County

03-14-2022

Date

## **IV. ORGANIZATION AND TITLE VI PROGRAM RESPONSIBILITIES**

The County Administrator has designated a Title VI Coordinator (“Coordinator”) who shall report to the Director of Human Resources, who reports directly to the County Administrator. The Coordinator will coordinate Title VI compliance efforts with all departments and will consult with the Office of the County Attorney. The Coordinator shall be responsible for ensuring implementation of the Title VI program and on-going compliance. Title VI program elements are inter-related, and responsibilities may overlap. The specific areas of responsibility have been delineated below for purposes of clarity.

### **A. Overall Organization for Title VI**

The Coordinator is responsible for coordinating the overall administration of the Title VI program, plan, and assurances, including complaint handling, data collection from appropriate departments as required, annual review and updates, annual reporting, maintaining currency with statutes and regulations, and internal education.

### **B. Detailed Responsibilities of the Title VI Coordinator**

The Coordinator is charged with the responsibility for implementing, monitoring, and ensuring compliance with Title VI regulations. Title VI Plan responsibilities are as follows:

1. Identify and eliminate discrimination.
2. Identify barriers and resolve issues to ensure all citizens have full access to County programs.
3. Maintain collected statistical data (race, color, or national origin) of participants in and beneficiaries of County programs, (e.g., affected citizens and impacted communities) from appropriate Departments (See Appendix D).
4. Conduct annual Title VI reviews of the County to determine the effectiveness of program activities at all levels.
5. Conduct Title VI reviews of construction contractors, consultant contractors, suppliers, and other recipients of federal-aid fund contracts administered through County departments.
6. Conduct training programs on Title VI and other related statutes for County employees.
7. Prepare an annual report of Title VI accomplishments and goals, as required.
8. Develop Title VI information for dissemination to the public and, where appropriate, in languages other than English.
9. Establish procedures for promptly resolving any deficiencies and writing the remedial action necessary within a reasonable time period.
10. Process and resolve Title VI complaints received.

## **C. General Title VI Responsibilities of the County**

The Coordinator is responsible for substantiating that the following elements of the plan are appropriately implemented and maintained and for coordinating with those departments responsible for public outreach and involvement and service planning and delivery.

### **1. Data collection**

To ensure that Title VI reporting requirements are met, the County will maintain:

- A database of Title VI complaints received. The investigation of and response to each complaint is tracked within the database (see Appendix C).
- A log of the public outreach and involvement activities undertaken to ensure that citizens across the spectrum of race, national origin, and socio-economic status have been provided with meaningful access to these activities.

### **2. Annual Report and Updates**

As a sub-recipient of FTA and FHWA funds, the County will submit a Report to DRPT, VDOT, or other agencies as required, that documents Title VI complaints received during the preceding quarter and for each year. The County will also maintain and provide on an annual basis the log of public outreach and involvement activities undertaken to ensure that minority and low-income people have been provided with meaningful access to these activities.

The County will submit updates to any of the following items since the previous submission or a statement to the effect that these items have not been changed since the previous submission, indicating date:

- A copy of any compliance review report for reviews conducted in the last three years, along with the purpose or reason for the review, the name of the organization that performed the review, a summary of findings and recommendations, and a report on the status or disposition of the findings and recommendations
- Limited English Proficiency Plan (“LEP Plan”)
- Procedures for tracking and investigating Title VI complaints
- A list of Title VI investigations, complaints, or lawsuits filed with the County since the last submission
- A copy of County notices to the public that it complies with Title VI and instructions on how to file a discrimination complaint

### **3. Annual review of Title VI program**

Each year, in preparing for the Annual Report and Updates, the Coordinator will review the County's plan to ensure it is current. In addition, the Coordinator will review operational guidelines and publications, including those for contractors, to verify that Title VI language and provisions are incorporated, as appropriate.

**4. Dissemination of information related to the Title VI program**

Information on the County's Plan will be disseminated to employees, contractors, and beneficiaries, as well as to the public, as described in the "public outreach and involvement" section of this document, and in other languages when needed according to the LEP Plan as well as federal and State laws/regulations.

**5. Resolution of complaints**

Any individual may exercise their right to file a complaint if that person believes they have been subjected to unequal treatment or discrimination in the receipt of benefits/services or denied access to services in violation of nondiscrimination requirements (see Appendix B). The Coordinator will report the complaint to DRPT, VDOT or other agency, as appropriate, as soon as practicably possible under given circumstances, and make a concerted effort to resolve complaints locally, using the County's Title VI Complaint Procedures. All Title VI complaints and their resolution will be logged as described herein.

**6. Written policies and procedures**

The County Title VI policies and procedures are documented in this plan and its appendices and attachments. This plan will be updated periodically to incorporate changes and additional responsibilities that arise. During the annual Title VI Program Review, the Coordinator will determine whether an update is needed.

**7. Internal education**

County employees will receive training on Title VI policies and procedures. This training will include obligations under Title VI (LEP requirements included) and required data that must be gathered and maintained. In addition, training will be provided when any Title VI-related policies or procedures change (department-wide training) or when appropriate in resolving a complaint.

**8. Title VI clauses in contracts**

In all transportation procurements requiring a written contract or Purchase Order (PO), the County's contract/purchase order will include appropriate nondiscrimination clauses. The Coordinator will work with the Purchasing staff who is responsible for procurement contracts and PO's to ensure appropriate nondiscrimination clauses are included.

Sample non-discrimination language from the County's standard contracts is set forth below:

*1) The successful Offeror must comply with the nondiscrimination provisions of Virginia Code Section 2.2-4311, which are incorporated herein by reference.*

2) During the performance of this Contract, the Consultant agrees as follows:

*The Consultant will not discriminate against any subcontractor, employee, or applicant for employment because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by State law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the Consultant. The Consultant agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.*

## **9. Multidisciplinary Approach of the Plan**

The County strives to comply with Title VI of the Civil Rights Act of 1964 in addition to any other regulatory requirements as established by law. To this extent, the County will utilize a collaborative approach within specified County departments that receive federal grants to provide ongoing communication and interaction within the community for programs and activities in order to ensure nondiscriminatory practices. As recipients of federal grants for various programs and activities, the County has designated Title VI Specialists within applicable departments.

Title VI Specialists shall work with the Title VI Coordinator to ensure compliance by contractors, subcontractors, consultants, suppliers and other sub-recipients involved with any projects, programs or activities of the County utilizing federal funds. Title VI Specialists will work with the Coordinator to collect the required demographic data of community participants and beneficiaries of the County's federally funded transportation programs. The Specialists shall be responsible for maintaining this data as it pertains to their specific programs or activities. Annually, the Coordinator is charged with utilizing the data collected by the Specialists to complete Title VI reporting as required.

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

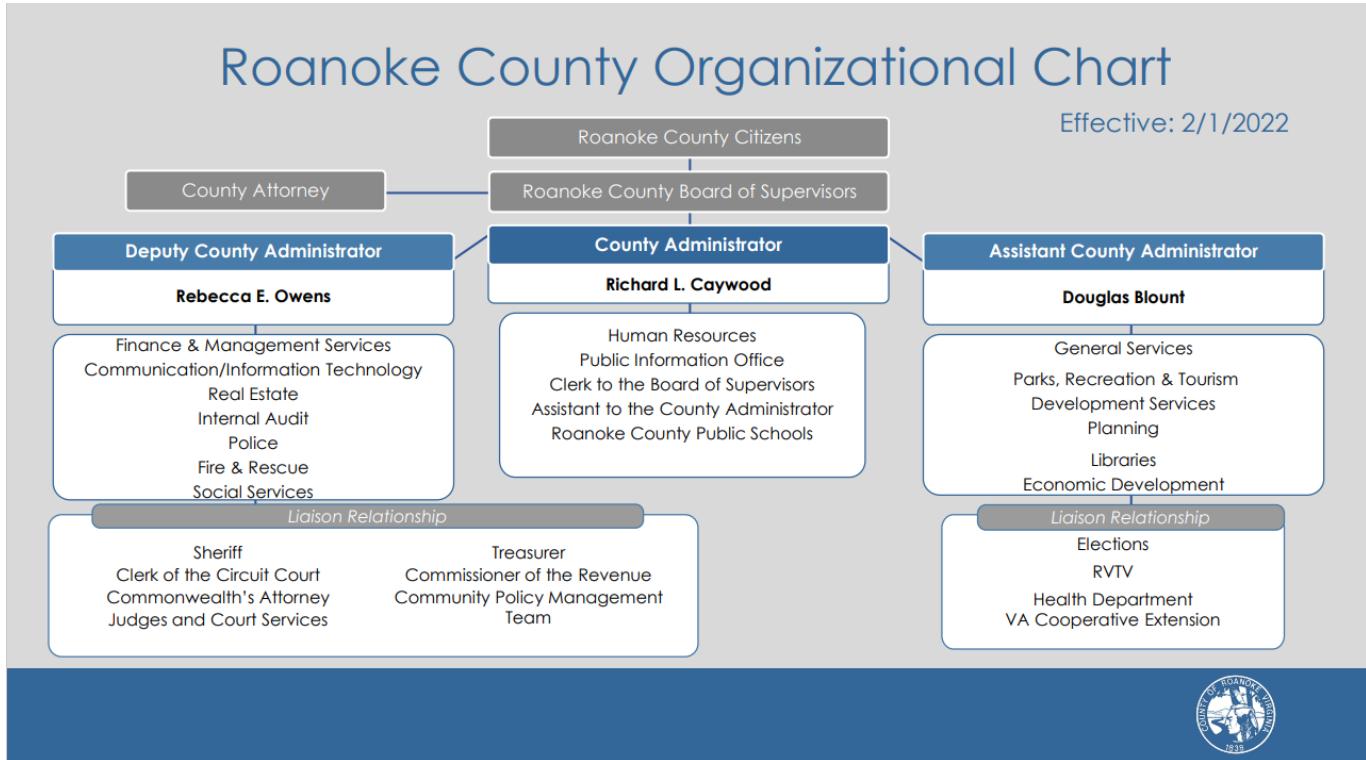
Title VI Specialists will also work with the Coordinator to ascertain Title VI compliance by contractors, subcontractors, consultants, suppliers and other sub-recipients under federally funded projects or programs. Specialists will ensure applicable Title VI provisions and requirements are included in contractual agreements to prime contractors and sub-recipients. Title VI Specialists will work with the Coordinator to obtain statistical data on race, color, national origin, handicap/disability, age and sex of participants in, and beneficiaries of the

Agency's federally funded transportation programs. Each of the Specialists will maintain data relative to their respective special emphasis program area, designated below. The Coordinator shall use the data to complete annual Title VI reports and for other administrative needs.

#### **TITLE VI SPECIALISTS DESIGNEES**

<b><u>Program Area</u></b>	<b><u>Official Job Title</u></b>
Clerk of the Courts Commissioner of Revenue Commonwealth Attorney CommIT Court Services Development Services Economic Development Finance/Budget Fire & Rescue General Services Library Parks, Recreation Tourism Planning Police Public Information Office Real Estate RCACP RVTV Sheriff's Office Social Services Treasurer	Assistant Director of the Library

## D. Organizational Chart



## V. PROCEDURES FOR NOTIFYING THE PUBLIC OF TITLE VI RIGHTS AND HOW TO FILE A COMPLAINT

### Requirement to Provide a Title VI Public Notice

Title 49 CFR Section 21.9(d) requires recipients of federal funding to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and to apprise citizens of the protections against discrimination afforded to them by Title VI. At a minimum, the County shall disseminate this information to the public by posting a Title VI notice on the County's website homepage and in public areas of County buildings, including conspicuous office spaces, meeting rooms, in federally-funded vehicles, etc. An example of the County's Notice is attached hereto as Appendix A.

## VI. TITLE VI COMPLAINT PROCEDURES

Any individual may exercise his or her right to file a complaint with the Coordinator if that person believes they have been subjected to unequal treatment or discrimination in the receipt of benefits or services. Complaints may be filed with the County, VDOT, DRPT, FHWA Office of Civil Rights, or FTA office of Civil Rights. If the Complaint is filed with the County, the Coordinator will report the complaint to DRPT, VDOT or other applicable agency within the required time frame; thereafter, DRPT or VDOT will forward the complaint to the appropriate federal agency. The County will not investigate complaints filed against it; the County will follow guidance and

directives from applicable state and federal agencies. All Title VI complaints and their resolution will be logged and reported to DRPT, VDOT or other agencies as required. The County's Title VI Complaint Form is attached hereto as Appendix C.

The County includes the following language on all printed information materials, the County's website, in press releases, in public notices, in published documents, and on documents provided to customers of CORTTRAN and to members of the public:

*Roanoke County is committed to ensuring that no person is excluded from participation in programs and activities or is denied the benefits of its transit services based on race, color or national origin, as protected by Title VI of the Civil Rights Act of 1964.*

*For additional information on the County's nondiscrimination policies and procedures, or to file a complaint, please visit our website at [www.roanokecountyva.gov](http://www.roanokecountyva.gov), or contact the Assistant Director of Human Resources, Title VI Coordinator for Roanoke County.*

*Instructions for filing Title VI complaints are posted on the County's website and are also included in all information disseminated to riders of the CORTTRAN program, contractors, and members of the public as needed.*

## **A. Procedures for Filing a Title VI Complaint<sup>1</sup>**

1. Any individual, group, or entity that believes they have been subjected to discrimination based on race, color, or national origin may file a written complaint with the Title VI Coordinator. The complaint is to be filed in the following manner:
  - a. A formal complaint must be filed within 180 calendar days of the alleged occurrence.
  - b. The complaint shall be in writing and signed by the complainant(s).
  - c. The complaint should include:
    - the complainant's name, address, and contact information (i.e., telephone number, email address, etc.)
    - the date(s) of the alleged act of discrimination (if multiple days, include the date when the complainant(s) became aware of the alleged discrimination and the date on which the alleged discrimination was discontinued or the latest instance)
    - a description of the alleged act of discrimination
    - the location(s) of the alleged act of discrimination
    - explanation of why the complainant believes the act to have been discriminatory based on race, color, or national origin

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<sup>1</sup> A copy of the County's Complaint Form is attached hereto as Appendix B.

- if known, the names and/or job titles of those individuals involved in the incident
- names and contact information for any witnesses
- indication of any related complaint activity (i.e., was the complaint also submitted to DRPT or FTA?)

- d. The complaint shall be submitted to Kristie B. Jordan, Roanoke County's Assistant Director of Human Resources, Title VI Coordinator, 5204 Bernard Drive, Suite 300-A, Roanoke VA 24018, (540) 772-2018 or via email at [kjordan@roanokecountyva.gov](mailto:kjordan@roanokecountyva.gov).
- e. Complaints received by any other County employee will be promptly forwarded to the Coordinator.
- f. In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the Coordinator. Under these circumstances, the complainant will be interviewed, and the Coordinator will record or memorialize the interview.

2. Upon receipt of a complaint, the Coordinator will promptly:
  - a. notify DRPT, VDOT or other appropriate state or federal agency;
  - b. notify the County Administrator;
  - c. ensure that the complaint is entered in the complaint database.

## **B. How Are Complaints Routed?**

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

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

1. All complaints will be routed to the FHWA Headquarters Office of Civil Rights (HCR) for processing. HCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints filed against the County (a sub-recipient of Federal financial assistance).
2. Complaints should be forwarded from the initial receiving agency through the Federal aid highway oversight hierarchy until the complaint reaches HCR. For example, if a complaint is filed with the County, the County will forward the complaint to VDOT, which will forward the complaint to the VDOT's FHWA Division Office, which will forward the complaint to HCR. If a complaint is filed with VDOT, VDOT will forward the complaint to the VDOT's FHWA Division Office, which should forward the complaint to HCR.
3. VDOT and County will log all complaints received.

4. When HCR decides on whether to accept, dismiss, or transfer the complaint, HCR will notify the Complainant, the FHWA Division Office, VDOT, and the County.
5. Complaints may also be sent to HCR directly at:

Postal Mail	Federal Highway Administration U.S. Department of Transportation Office of Civil Rights 1200 New Jersey Avenue, SE 8th Floor E81-105 Washington, DC 20590
Email	CivilRights.FHWA@dot.gov
Fax	(202) 366-1599
Questions?	(202) 366-0693

### **C. What are the potential outcomes for processing a complaint?**

There are four (4) potential outcomes for processing complaints:

1. Accept: if a complaint is timely filed, contains sufficient information to support a claim under Title VI, and concerns matters under FHWA's jurisdiction, then HCR will send to the complainant, the respondent agency, and the FHWA Division Office a written notice that it has accepted the complaint for investigation.
2. Preliminary review: if it is unclear whether the complaint allegations are sufficient to support a claim under Title VI, then HCR may (1) dismiss it or (2) engage in a preliminary review to acquire additional information from the complainant and/or respondent before deciding whether to accept, dismiss, or refer the complaint.
3. Procedural Dismissal: if a complaint is not timely filed, is not in writing and signed, or features other procedural/practical defects, then HCR will send the complainant, respondent, and FHWA Division Office a written notice that it is dismissing the complaint.
4. Referral/Dismissal: if the complaint is procedurally sufficient but FHWA (1) lacks jurisdiction over the subject matter or (2) lacks jurisdiction over the respondent entity, then HCR will either dismiss the complaint or refer it to another agency that does have jurisdiction. If HCR dismisses the complaint, it will send the complainant, respondent, and FHWA Division Office a copy of the written dismissal notice. For referrals, FHWA will send a written referral notice with a copy of the complaint to the proper Federal agency and a copy to the USDOT Departmental Office of Civil Rights.

The HCR is responsible for conducting all investigations of State DOTs and other primary Recipients. In the case of a complaint filed against a sub-recipient, HCR may either conduct the investigation itself, or it may delegate the investigation to VDOT. If HCR chooses to delegate the investigation of a sub-recipient, HCR will communicate its acceptance of the complaint to the complainant and respondent, but VDOT will conduct all data requests, interviews, and analysis.

VDOT will then create a Report of Investigation (ROI), which it will send to HCR. Finally, HCR will review the ROI and compose a Letter of Finding based on the ROI.

## **VII. PUBLIC OUTREACH AND INVOLVEMENT**

### **Overview of Services**

Roanoke County provides numerous federally-funded services to its citizens through the Department of Social Services and through its Planning and Development Services Departments. This document focuses primarily on the County's projects and services that receive funds, directly or indirectly, for transportation and transportation-related projects. Among the services administered by the County Department of Social Services is the CORTRAN program. The service is a shared-ride transportation service for Roanoke County residents that aims to improve transportation options for adults over the age of 70 and persons with disabilities. Riders utilize CORTRAN for trips to medical providers, places of employment, and grocery stores, among other destinations. CORTRAN service may be funded in whole or in part by funding from the FTA and/or DRPT. The County currently contracts with Via, a third-party vendor, to provide this service. Contracts for the CORTRAN service are secured through a competitive RFP process.

Customers are required to schedule their rides with the service provider in advance. Reservations may be made as early as 14 days in advance. Scheduling priority is given to medical appointments and work trips. The CORTRAN program provides curb-to-curb service in wheelchair accessible vehicles. It is anticipated that the County will continue to provide this service through a third-party vendor. Such third-party vendor shall comply with all applicable Title VI requirements.

## **VIII. PUBLIC PARTICIPATION PLAN**

### **Introduction**

The Public Participation Plan (PPP) is a guide for ongoing public participation endeavors. Its purpose is to ensure that the County utilizes effective means of providing information and receiving public input on transportation decisions from low income, minority and Limited English Proficiency (LEP) populations, as required by Title VI of the Civil Rights Act of 1964 and its implementing regulations. A summary of outreach efforts is attached hereto as Appendix E.

Under federal regulations, transit operators must take reasonable steps to ensure that LEP persons have meaningful access to their programs and activities. This means that public participation opportunities, normally provided in English, should be accessible to persons who have a limited ability to speak, read, write, or understand English.

In addition to language access measures, other major components of the PPP include: public participation design factors; a range of public participation methods to provide information, to invite participation, and/or to seek input; examples to demonstrate how population-appropriate outreach methods can be and were identified and utilized; and, performance measures and objectives to ensure accountability and a means for improving over time.

The County has established a public participation plan or process that will determine how, when, and how often specific public participation activities should take place, and which specific measures are most appropriate.

The Coordinator will make these determinations based on a demographic analysis of the population(s) affected, the type of plan, program, and/or service under consideration, and the resources available. Efforts to involve minority and LEP populations in public participation activities may include both comprehensive measures, such as placing public notices at all transit stations, stops, and vehicles, as well as targeted measures to address linguistic, institutional, cultural, economic, historical, or other barriers that may prevent minority and LEP persons from effectively participating in our decision-making process.

## **PUBLIC OUTREACH PRACTICES INCLUDE:**

- Scheduling meetings at times and locations that are convenient and accessible for minority and LEP communities.
- Employing different meeting sizes and formats.
- Coordinating with community and faith-based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
- Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP populations could also include audio programming available on podcasts.
- Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.

## **IX. LANGUAGE ASSISTANCE PLAN FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)**

### **A. Introduction and Legal Basis**

LEP is a term that defines any individual not proficient in the use of the English language. The establishment and operation of an LEP program meets objectives set forth in Title VI of the Civil Rights Act and Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP). This Executive Order requires federal agencies receiving financial assistance to address the needs of non-English speaking persons. The Executive Order also establishes compliance standards to ensure that the programs and activities that are provided by a transportation provider in English are accessible to LEP communities. This includes providing meaningful access to individuals who are limited in their use of English. The following LEP language implementation plan, developed by the Coordinator in consultation with the County Attorney, is based on FTA guidelines.

The County has developed a written LEP Plan (below). Using the most recent American Community Survey (ACS) Census information, found at [www.census.gov](http://www.census.gov). the County has evaluated data to determine the extent of need for translation services of its vital documents and materials.

### **B. Assessment of Needs and Resources**

The need and resources for LEP language assistance were determined through a four-factor analysis as recommended by FTA guidance.

#### **Factor 1: Assessment of the Number and Proportion of LEP Persons Likely to Be Served or Encountered in the Eligible Service Population**

The department has reviewed census data on the number of individuals in its service area that have limited English Proficiency, as well as the languages they speak.

##### **U.S. Census Data – American Community Survey (*Most recent 5-Year Estimates Data*)**

Data from the U.S. Census Bureau's American Community Survey (ACS) was obtained through [www.census.gov](http://www.census.gov). The County's service area includes a total of 2056 or 2.3% of the total population of persons with Limited English Proficiency (those persons who indicated that they spoke English "less than very well" in the most recent US Census Bureau's ACS information).

Information from the US Census Bureau's ACS also provides more detail on the specific languages that are spoken by those who report that they speak English less than very well. Languages spoken at home by those with LEP are presented below. These data

indicate the extent to which translations into other language are needed to meet the needs of LEP persons.

LANGUAGE	ESTIMATE	PERCENT
Spanish	743	.8%
Indo-European	524	.6%
Asian and Pacific Island Languages	691	.8%
Other Languages	98	.1%

It is noted that there are relatively < 2.5% of LEP persons in the service area that speak Spanish, Indo-European or Asian and Pacific Island languages. While most of our material is translated and readily available in Spanish the County has on demand access to translators as needed.

**Factor 2: Assessment of Frequency with Which LEP Individuals Come into Contact with the Transit Services or County Planning or Development Services Staff**

The Coordinator has reviewed the relevant benefits, services, and information provided by the department and determined the extent to which LEP persons have encountered these functions through the following channels:

- Contact with transit service provider;
- Calls to the Coordinator's line;
- Visits to the County offices.

CORTTRAN currently has 199 active passengers (have used CORTTRAN at least once since 2/1/2021). Of these active passengers, 10 persons have self-identified as African American individuals, and 1 have self-identified as American Indian. Of those, we have had no requests to date for the Spanish translation of the CORTTRAN application, which is currently available.

The Coordinator will continue to identify emerging populations as updated Census data becomes available for our service area. In addition, when LEP persons contact our department, we attempt to identify their language and keep records on contacts to accurately assess the frequency of contact. To assist in language identification, we use a language identification flashcard based on that which was developed by the U.S. Census.

**Factor 3: Assessment of the Nature and Importance of CORTTRAN Services to the LEP Population**

The County provides the following programs, activities and services: DSS utilizes the services of Volatia, a private company, for translation services for DSS programs. In

calendar year 2019, the County used this service an average of 23 times per month, at a cost of approximately \$508 per month for other DSS programs. The primary language translation requests were Spanish, Arabic, and Vietnamese.

#### **Factor 4: Assessment of the Resources Available to the Department**

The following language assistance and outreach efforts are currently being provided by the Coordinator and County departments:

- Multilingual technology - there is a translation link from Google prominently displayed on [www.roanokecountyva.gov](http://www.roanokecountyva.gov).
- Mailings to all CORTTRAN riders and community members affected by zoning and planning changes.
- Volatia – Translations Services

The multicultural population is growing faster. For example, Latinos in Roanoke County represents approximately 0.08% of the County population. Other diverse populations are coming to live in Roanoke County, based on the growth of the medical fields and biomedical research at the Carilion-Virginia Tech facilities. The County recognizes the need to hire not only bilingual but bicultural employees who are able and willing to serve, interact, and assist citizens.

Based on the analysis of demographic data and contact with community organizations and LEP persons, the County has determined that the following additional services are ideally needed to provide meaningful access:

- Educate those populations about County and partnering department services and programs, while assisting those individuals and communities to become more self-sufficient through acquired English language and other necessary skills.
- Build and maintain trust in Roanoke County within these communities, including trust in police, fire/emergency medical services, and other agencies.
- Actively promote and maintain harmonious relationships between the County's culturally and linguistically diverse communities.
- Assist other departments and partners in planning activities and events to outreach all the communities living in the County.
- Make sure that all the information is disseminated among those communities who don't have easy access to County resources using media outlets, local/residential bulletins, County magazines, libraries, businesses, networks, etc.
- Work closely with County departments and partners to provide excellent customer service and let the community know about all the programs, benefits, services, and opportunities the County has for its residents, visitors, and surrounding areas.
- Translate County documents such as fliers, posters, press releases, etc. into several languages to outreach as many immigrant communities as possible.

- Multicultural job fairs.

Usually, participating and attending community events and activities are important ways to interact, meet, and build relationships with our diverse populations. The County shall make every effort to participate in regional community activities and events.

### Resources

Information, relationships, and trust can make a tremendous difference, such as in the willingness by these populations to report crimes in their communities, the success of youths in school and in subsequent employment, and other matters. Also, minority businesses have been growing in the County, and many of the owners don't speak English and need guidance to navigate the County system, such as business license, incentives, taxes, requirements, etc.

Cultural sensitivity is important. Errors in judgment in relationships with the multicultural individuals, families, and communities could alienate those populations and make ongoing relationships with County agencies and partners more difficult. Respect for other cultures, beliefs, traditions, thoughts, feelings, etc. is a crucial and vital part of the development of a trusting and lasting relationship with other communities. Respecting and accepting our similarities and differences also play an important role.

## **C. LEP Implementation Plan**

Through the four-factor analysis, the County has determined that the following types of language assistance are most needed and feasible:

- Translation of vital documents into Spanish. These documents include:
  - System Map and Ride Guide
  - All printed materials on brochure, eligibility application package, and Riders Guide
- Attempt to hire bilingual staff with competency in other languages.
- Language Line Translation Services for telephone contacts.
- In-person translation
- Google translate feature on Roanoke County webpage

### **1. Staff Access to Language Assistance Services**

County staff who meet LEP persons can access language services by offering the individual a language identification flashcard, having a supply of translated documents on hand, or transferring a call to bilingual staff. All staff will be provided with a list of available language assistance services and additional information and referral resources to include the list of bilingual employees, their phone numbers and email addresses. This list will be updated at least annually.

## **2. Responding to LEP Callers**

Staff who answer calls from the public, respond to LEP customers as follows: Reach out to the appropriate bilingual staff or translators to assist with interpretation.

## **3. Responding to Written Communications from LEP Persons**

The following procedures are followed when responding to written communications from LEP persons: Reach out to the appropriate bilingual staff or translators for translation.

## **4. Responding to LEP Individuals in Person**

The following procedures are followed when an LEP person visits our customer service and administrative office: Contact appropriate bilingual staff or translators to provide interpretation services.

## **5. Staff Training**

As noted previously, County staff are provided with a list of available language assistance staff and their contact information, updated annually.

All new hires receive training on assisting LEP persons as part of their diversity and customer service training. All E-team members received training from local employment law attorneys on the Virginia Values Act in October 2020.

Also, all staff who routinely work with customers, as well as their supervisors and all management staff, receive annual refresher training on policies and procedures related to assisting LEP persons.

## **6. Providing Notice to LEP Persons**

LEP persons are notified of the availability of language assistance through the following approaches:

- following our Title VI policy statement included on vital County documents.
- County website utilizes Google translation feature.
- through signs posted in County buildings and facilities.
- through ongoing outreach efforts to community organizations, schools, and religious organizations.

LEP persons will also be included in all community outreach efforts related to CORTTRAN service and fare changes.

## **7. Monitoring/updating the plan**

This plan will be updated on a periodic basis (at least every three years), based on feedback, updated demographic data, and changes in applicable law.

As part of ongoing outreach to community organizations, the County will solicit feedback on the effectiveness of language assistance provided, unmet needs, and any other challenges or barriers citizens may face when trying to access County services.

Among other steps to update of this plan, the County will conduct an internal assessment using the Language Assistance Monitoring Checklist provided in the FTA's "Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons: A Handbook for Public Transportation Providers."

Based on the feedback received from community members and department employees, the Title VI Coordinator will work with the Title VI Specialists to make changes as warranted and feasible to the resources provided as well as to their staff training and community outreach programs. The cost of proposed changes and the available resources will affect the enhancements that can be made, and therefore the County will attempt to identify the most cost-effective approaches.

## **X. MINORITY REPRESENTATION ON PLANNING AND ADVISORY BODIES**

Title 49 CFR Section 21.5(b)(l)(vii) states that a recipient may not, on the grounds of race, color, or national origin, "deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program."

The County will make reasonable efforts to ensure that appointed, non-elected planning boards, advisory councils or committees reflect the demographic makeup of the County population.

## **XI. TITLE VI ASSURANCES (STANDARD DOT TITLE VI ASSURANCES – USDOT 1050.2A**

### **ROANOKE COUNTY, VIRGINIA TITLE VI / NONDISCRIMINATION ASSURANCE (DOT Order No.1050.2A)**

Roanoke County, (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 grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.*

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

#### **Specific Assurances**

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

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

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

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

*"Roanoke County, 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, Roanoke County 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 VDOT/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 *VDOT/FHWA*. You must keep records, reports, and submit the material for review upon request to *VDOT/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.

Roanoke County 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*.

Roanoke County, Virginia

by

Richard L. Caywood, P.E., County Administrator

DATED

03-14-2022

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

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

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

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

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that Roanoke County 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 Roanoke County 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 Roanoke County 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 Roanoke County, its successors and assigns.

Roanoke County, 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 Roanoke County will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\*

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

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

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by Roanoke County 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, Roanoke County 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, Roanoke County 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 Roanoke County 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 Roanoke County 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, Roanoke County 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, Roanoke County will there upon revert to and vest in and become the absolute property of Roanoke County and its assigns.\*

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

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

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

**Pertinent Nondiscrimination Authorities:**

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

## Appendix A – Title VI Notice to the Public



### **TITLE VI NOTICE TO THE PUBLIC**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides 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 subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

Roanoke County, is committed to ensuring that no person is excluded from participation in or denied the benefits of its transportation services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.IB. If you feel you are being denied participation in or being denied benefits of the transit services provided by Roanoke County, or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, our contact information is:

Roanoke County Department of Human Resources  
Attn: Kristie B. Jordan, Assistant Director/Title VI Coordinator  
5204 Bernard Drive, Suite 300-A  
Roanoke, VA 24018

Phone: 540-772-2018  
Email: [kjordan@roanokecountyva.gov](mailto:kjordan@roanokecountyva.gov)

## Appendix B – Title VI Complaint Form

### ROANOKE COUNTY TITLE VI DISCRIMINATION COMPLAINT FORM

Instructions: Please fill out this form completely in blue or black ink or type. Sign and submit to the Title VI Coordinator, Human Resources Department, 5204 Bernard Dr., Roanoke, VA 24018. For assistance please call (540) 777-\_\_\_\_\_..

**THIS FORM IS OPTIONAL AND IS PROVIDED FOR YOUR CONVENIENCE.**

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

Address: \_\_\_\_\_ E-mail: \_\_\_\_\_

Home Telephone: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_

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

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

Address: \_\_\_\_\_ E-mail: \_\_\_\_\_

Home Telephone: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_

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

Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_

Location or Address of Incident: \_\_\_\_\_

Describe your complaint: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

If the incident involved a Roanoke County employee, please list his/her name: \_\_\_\_\_

Names and contact information of witnesses: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Complainant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Authorized Representative Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix C – Discrimination Complaint Log

### DISCRIMINATION COMPLAINT LOG

Case No.	Investigator	Complainant	Sub-recipient	Protected Category	Date Filed	Date of Final Report	Disposition

## Appendix D – Summary of Outreach Efforts

### DEMOGRAPHIC SURVEY

Pursuant to Title VI of the Civil Rights Act of 1964 and related nondiscrimination authorities, Roanoke County collects responses to the questions below in order to evaluate access to public meetings for ALL persons in the community.

1. Is English your primary language?

Yes  No

2. Please check the block for the racial group and the ethnicity with which you identify:

White

German  Irish  
 English  Italian  
 Polish  French

Other - Please indicate below:

Black / African American

African American  Jamaican  
 Haitian  Nigerian  
 Ethiopian  Somali

Other - Please indicate below:

Hispanic / Latino or Spanish

Mexican or Mexican American  Cuban  
 Puerto Rican  Cuban  
 Dominican  Salvadoran

Other - Please indicate below:

Middle Eastern or North African

Lebanese  Iranian  
 Egyptian  Syrian  
 Moroccan  Algerian

Other - Please indicate below:

American Indian / Alaskan Native

Asian

Chinese  Filipino  
 Asian Indian  Vietnamese  
 Korean  Japanese

Other - Please indicate below:

Native Hawaiian or other Pacific Islander

Native Hawaiian  Samoan  
 Fijian  Chamorro  
 Tongan  Marshallese

Other - Please indicate below:

Some other Race or Ethnicity: \_\_\_\_\_

3. Please indicate your age group:

Under 18  18-25  
 26-39  40-65  
 Over 65

4. Do you speak a language other than English?

Spanish  Other

If other, please specify:

5. Were special accommodations requested to access the meeting facility?

Yes  No

If yes, were the accommodations provided?

Yes  No

6. Were special accommodations such as language translation, sign language, Braille or large print documents, etc. requested for participation in this public meeting?

Yes  No

If yes, were the accommodations provided?

Yes  No

7. Please indicate how you found out about this public meeting:

Mailing  Newspaper  
 Flyer  Internet/Social Media  
 Television  Other

If other, please specify:

If you have any questions or need assistance, please contact the Roanoke County Department of Planning at: (540) 772-2065 or [planning@roanokecountyva.gov](mailto:planning@roanokecountyva.gov)



FOR OFFICE USE ONLY

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

Project Location: \_\_\_\_\_

Type of Meeting: \_\_\_\_\_

Date of Meeting: \_\_\_\_\_

## Appendix E – Language Identification Flashcards

2004 Census Test		United States Census 2010	LANGUAGE IDENTIFICATION FLASHCARD
<input type="checkbox"/>	ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.	1.	Arabic
<input type="checkbox"/>	Խոսում ենք նշում կատարեք այս քառակուսում, եթե խոսում կամ կարդում եք հայերեն:	2.	Armenian
<input type="checkbox"/>	যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।	3.	Bengali
<input type="checkbox"/>	លើមបញ្ជាក់ក្នុងប្រអប់ទេ: លើអក្សរ បុនិយាយភាសា នេះ ។	4.	Cambodian
<input type="checkbox"/>	Motka i kahhon ya yangin üntüngnu' manaitai pat üntüngnu' kumentos Chamorro.	5.	Chamorro
<input type="checkbox"/>	如果你能读中文或讲中文, 请选择此框。	6.	Simplified Chinese
<input type="checkbox"/>	如果你能讀中文或講中文, 請選擇此框。	7.	Traditional Chinese
<input type="checkbox"/>	Označite ovaj kvadratič ako čitate ili govorite hrvatski jezik.	8.	Croatian
<input type="checkbox"/>	Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.	9.	Czech
<input type="checkbox"/>	Kruis dit vakje aan als u Nederlands kunt lezen of spreken.	10.	Dutch
<input type="checkbox"/>	Mark this box if you read or speak English.	11.	English
<input type="checkbox"/>	اگر خواندن و نوشتی فارسی بلد هستید، این مربع را علامت بزنید.	12.	Farsi

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

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