

HAMPTON ROADS
TRANSPORTATION PLANNING ORGANIZATION

NONDISCRIMINATION PLAN

TITLE VI, ENVIRONMENTAL JUSTICE AND LIMITED ENGLISH PROFICIENCY



July 2009

HAMPTON ROADS TRANSPORTATION PLANNING ORGANIZATION

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To Be Appointed

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REPORT DOCUMENTATION

Title:

Hampton Roads Transportation Planning
Organization Nondiscrimination Plan

Report Date:

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ABSTRACT

Title VI of the Civil Rights Act of 1964 states, "*No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.*" Subsequent laws and Presidential Executive Orders added handicap, sex, age, or income status to the criteria for which discrimination is prohibited. The Hampton Roads Transportation Planning Organization (HRTPO) Nondiscrimination Plan was developed to ensure the HRTPO is in compliance with nondiscrimination requirements as outlined in Title 23 CFR and 49 CFR and related laws and provides specific information on how to file a nondiscrimination complaint

This Plan also provides an overview of Environmental Justice and Limited English Proficiency (LEP) concepts, definitions of Title VI and associated nondiscrimination acts, and how Title VI, Environmental Justice and LEP are incorporated into the metropolitan transportation planning process. Environmental Justice guidelines and outreach strategies for minority, low-income, and LEP populations will be included within the HRTPO Public Participation Plan, scheduled for completion in the Fall of 2009.

ACKNOWLEDGEMENTS

This report was prepared by the HRTPO in cooperation with the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Virginia Department of Transportation (VDOT), the Transportation District Commission of Hampton Roads (TDCHR) – known as the Hampton Roads Transit (HRT), and the Williamsburg Area Transit Authority (WATA). The contents of this report reflect the views of the HRTPO. The HRTPO staff is responsible for the facts and the accuracy of the data presented herein. The contents do not necessarily reflect the official views or policies of the FHWA, FTA, VDOT, DRPT, or Hampton Roads Planning District Commission. This report does not constitute a standard, specification, or regulation. FHWA, FTA or VDOT acceptance of this report as evidence of fulfillment of the objectives of this planning study does not constitute endorsement/approval of the need for any recommended improvements nor does it constitute approval of their location and design or a commitment to fund any such improvements. Additional project level environmental impact assessments and/or studies of alternatives may be necessary.

This report was included as a work element in the FY 2009 Unified Planning Work Program (UPWP), which was approved by the HRTPO at their March 19, 2008 meeting and in the FY 2010 UPWP, approved on June 17, 2009.

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TABLE OF CONTENTS

Report Documentation	<i>i</i>
Table of Contents	<i>iii</i>
Purpose	1
Hampton Roads Transportation Planning Organization.....	1
Policy Statement and Authorities	1
Introduction	2
Title VI and Other Nondiscrimination Authorities	3
Environmental Justice.....	5
Limited English Proficiency	7
HRTPO Title VI Coordinator	8
HRTPO Responsibilities	9
Communications and Public Participation.....	9
Planning and Programming.....	10
Environmental Justice.....	10
Consultant Contracts	10
Education and Training	11
Discrimination Complaint Procedures	12
Appendix 1: Discrimination Complaint Form.....	15
Appendix 2: Notice to the Public	17

PURPOSE

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

HAMPTON ROADS TRANSPORTATION PLANNING ORGANIZATION

The HRTPO, for which this Nondiscrimination Plan is applicable, is the metropolitan planning organization (MPO) for the Hampton Roads area. As such, it is a federally mandated transportation policy board comprised of representatives from local, state, and federal governments, transit agencies, and other stakeholders and is responsible for transportation planning and programming for the Hampton Roads Metropolitan Planning Area (MPA). Any highway or transit project or program to be constructed or conducted within the MPA and to be paid for with Federal funds, must receive approval by the HRTPO before any Federal funds can be expended. In addition, any highway or transit project deemed to be regionally-significant, regardless of the source(s) of funding, must receive HRTPO approval to proceed. The Hampton Roads MPA includes the cities of Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg; the counties of Isle of Wight, James City, and York; and a portion of Gloucester County.

POLICY STATEMENT AND AUTHORITIES

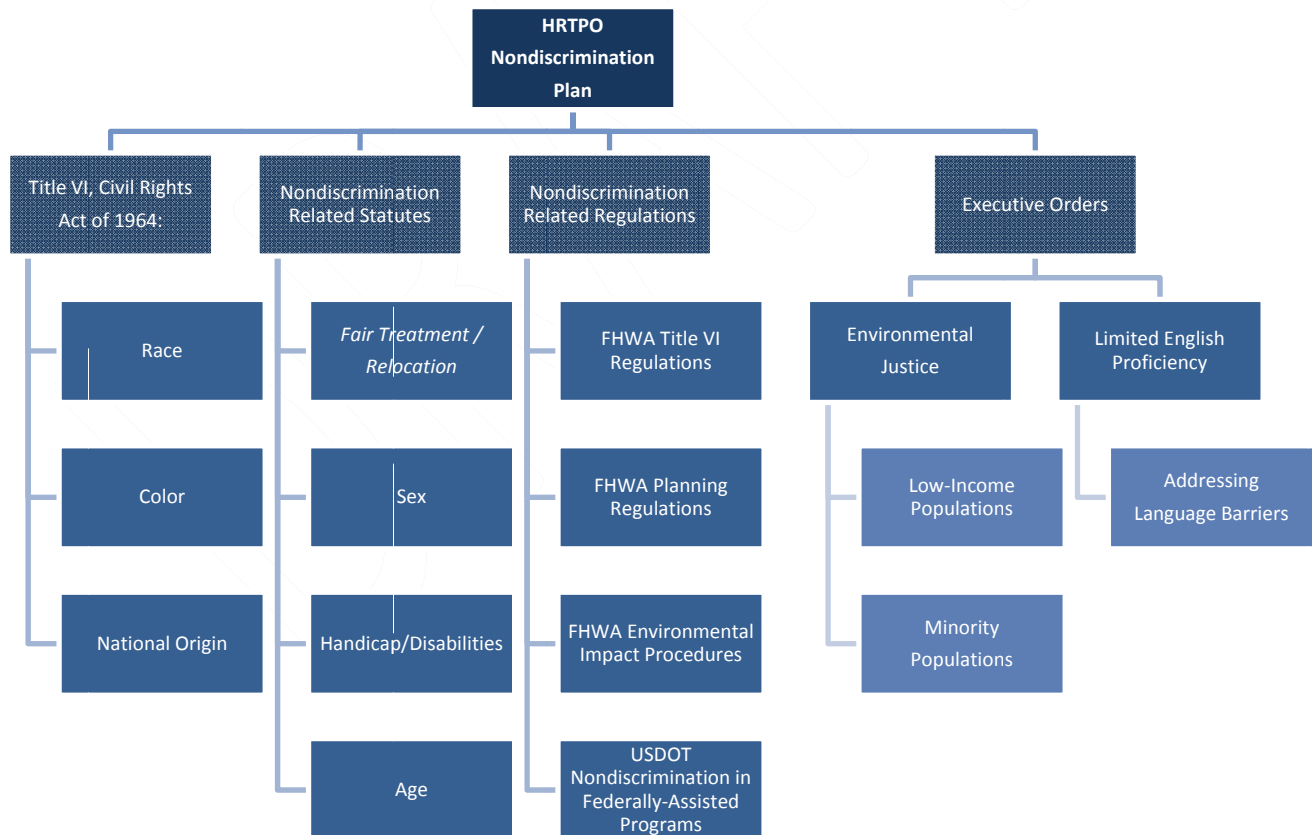
The HRTPO assures that no person shall, on the grounds of race, color, national origin, handicap, sex, age or income status, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (Public Law 100.259) and subsequent nondiscrimination laws and related authorities,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

INTRODUCTION

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

In addition to nondiscrimination, this document provides information about two Presidential Executive Orders regarding fairness and inclusiveness. Executive Order 12898 mandates that federal agencies address equity and fairness, or Environmental Justice, toward low-income and minority persons and populations. Executive Order 13166 mandates that federal agencies ensure that people who have Limited English Proficiency (LEP) have meaningful access to federally-conducted and/or funded programs and activities. Detailed Environmental Justice guidelines and outreach strategies for minority, low-income, and LEP populations to comply with Executive Order 12898 and Executive Order 13166 will be included each as a separate chapter within the HRTPO Public Participation Plan, scheduled for completion in the Fall of 2009.

The chart below depicts the nondiscrimination authorities addressed in the HRTPO Nondiscrimination Plan.



TITLE VI AND OTHER NONDISCRIMINATION AUTHORITIES

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

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

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

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

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

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

- **Executive Order 12898** – Environmental Justice (February 11, 1994), a presidential mandate to address equity and fairness toward low-income and minority persons/population. Executive Order 12898 organized and explained the federal government’s commitment to promote Environmental Justice. Each federal agency was directed to review its procedures and make environmental justice part of its mission. U.S. DOT Order 5610.2 (April 15, 1997) expanded upon Executive Order 12898 requirements and describes process for incorporating Environmental Justice principles into DOT programs, policies, and activities. FHWA Order 6640.23 (December 2, 1998) – FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.
- **Executive Order 13166** – Limited English Proficiency (August 11, 2000), a presidential directive to federal agencies to ensure people who have limited English proficiency have meaningful access to services. Executive Order 13166 ensures federal agencies and their recipients to improve access for persons with Limited English Proficiency to federally-conducted and federally assisted programs and activities.

ENVIRONMENTAL JUSTICE

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

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

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

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

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

Minority – a person who is Black, Hispanic, American Indian and Alaskan Native or Asian American:

- **Black** – a person having origins in any of the black racial groups of Africa.
- **Hispanic** – a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- **American Indian and Alaskan Native** – a person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.
- **Asian American** – a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific islands.

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

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

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

Environmental Justice is incorporated through all phases of the transportation planning and programming process. Environmental Justice Guidelines for the HRTPO are currently being developed and will be included as a chapter within the updated HRTPO Public Participation Plan, scheduled for completion in the Fall of 2009 and within the 2034 Hampton Roads Long Range Transportation Plan. The HRTPO Environmental Justice Guidelines will include maps identifying underserved communities, outreach strategies, benefits/burdens methodologies, and an evaluation component.

LIMITED ENGLISH PROFICIENCY

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

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

The United States Department of Transportation guidelines require that recipients of federal financial assistance provide “meaningful access to programs and activities” by giving LEP persons adequate and understandable information and allowing them to participate in programs and activities, where appropriate. Recipients of federal funds must take reasonable steps to remove barriers for LEP individuals. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors:

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

The four-factor analysis should be used to determine which language assistance services are appropriate to address the identified needs of the LEP population. More information regarding the identification of LEP individuals within the community as well as outreach strategies will be included within the HRTPO Public Participation Plan, scheduled for completion in the Fall of 2009.

HRTPO TITLE VI COORDINATOR

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

Responsibilities of the Title VI Coordinator

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

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

Questions

For questions on the HRTPO Nondiscrimination Plan and procedures, please contact the Title VI Coordinator at (757) 420-8300 or by email at TitleVI-Coordinator@hrpdca.gov. For information on the HRTPO's work programs or publications, please see the HRTPO website at www.hrtpo.org.

HRTPO RESPONSIBILITIES

The HRTPO ensures compliance with all applicable nondiscrimination authorities and with regard to the following:

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

In addition to the responsibilities listed in this section, HRTPO staff responsibilities may include reviewing Title VI guidelines and procedures for the HRTPO Nondiscrimination Plan, and incorporating Title VI-related language and provisions into HRTPO documents, as appropriate.

COMMUNICATIONS AND PUBLIC PARTICIPATION

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

Note: The Communications and Public Participation area applies to and affects the HRTPO work program as a whole, particularly HRTPO efforts and responsibilities related to the Planning and Programming and Environmental Justice areas. The updated HRTPO Public Participation Plan will include specific information regarding outreach and communication strategies and detailed Environmental Justice guidelines. Special emphasis will be placed on outreach strategies for minority, low-income, and LEP populations. The updated Public Participation Plan is scheduled for completion in the Fall of 2009.

HRTPO Responsibilities

HRTPO staff is responsible for evaluating and monitoring compliance with applicable nondiscrimination authorities in all aspects of the HRTPO public participation process. HRTPO staff members will:

- Ensure that all communications and public participation efforts comply with nondiscrimination authorities.
- Develop and distribute information on nondiscrimination and HRTPO programs to the general public.
- Provide services for individuals with special needs – Upon advance notice, deaf interpreters, translators, and Braille documents can be provided for public meetings. Notifications of opportunities for public participation will include contact information for people needing these or other special accommodations.
- Include the following statement in all of the HRTPO public notices:

“The HRTPO will strive to provide reasonable accommodations and services for persons who require special assistance to participate in this public involvement opportunity. Contact the Communications Manager at (757) 420-8300 for more information. Para información en español, llame al (757) 366-4375.”

- Include the Nondiscrimination Notice to the Public (see Appendix 2) in relevant press releases and on the HRTPO website.

PLANNING AND PROGRAMMING

The HRTPO is responsible for developing long- and short-range transportation plans and programs to provide efficient transportation services for the Hampton Roads metropolitan area. A comprehensive transportation process is used, which entails the monitoring and collection of various data pertaining to transportation issues. The HRTPO coordinates with VDOT, cities, counties, and area transit agencies; seeks public participation; and provides technical support when needed. An outreach plan for long-range transportation plan updates will be included within the Public Participation Plan.

HRTPO Responsibilities

HRTPO staff is responsible for evaluating and monitoring compliance with applicable nondiscrimination authorities in all aspects of the HRTPO planning and programming processes. HRTPO staff will:

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

ENVIRONMENTAL JUSTICE

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

HRTPO Responsibilities

HRTPO staff is responsible for evaluating and monitoring compliance with applicable nondiscrimination authorities in all aspects of the HRTPO efforts to address Environmental Justice. HRTPO staff will:

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

CONSULTANT CONTRACTS

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

HRTPO Responsibilities

HRTPO is responsible for evaluating and monitoring consultant contracts for compliance with nondiscrimination authorities. HRTPO staff will:

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

EDUCATION AND TRAINING

In an effort to continuously improve the HRTPO's overall compliance posture, nondiscrimination training will be coordinated with FHWA, VDOT, HRT, and WATA, and made available to HRTPO staff on an ongoing basis to ensure up-to-date knowledge of Title VI and other nondiscrimination statutes.

HRTPO Responsibilities

Under the category of education and training, nondiscrimination responsibilities include:

- Distribution of information to HRTPO staff on training programs regarding Title VI and related statutes.
- Tracing staff participation in nondiscrimination training.
- Maintain and update nondiscrimination training as necessary.
- Maintain and update the HRTPO Nondiscrimination Plan as necessary.

DISCRIMINATION COMPLAINT PROCEDURES

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

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

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

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

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

13. The HRTPO will collect demographic data on staff, committees, and program areas in accordance with 23 CFR, 49 CFR and VDOT's established procedures and guidelines.
14. Pursuant to the Virginia Public Records Act (VPRA) § 42.1-76 et seq., the HRTPO will retain Discrimination Complaint Forms and a log of all complaints filed with or investigated by the HRTPO.
15. Records of complaints and related data will be made available by request in accordance with the Virginia Freedom of Information Act.

DRAFT

APPENDIX 1: DISCRIMINATION COMPLAINT FORM

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

Hampton Roads Transportation Planning Organization, Title VI Coordinator, 723 Woodlake Drive, Chesapeake, VA 23320.

You can reach our office Monday-Friday from 8:00am to 4:30pm at (757) 420-8300, or you can email the HRTPO Title VI Coordinator at TitleVI-Coordinator@hrpdcva.gov.

Complainant's Name: _____

Street Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Telephone No. (Home): _____ **(Business):** _____

Email Address: _____

Person discriminated against (if other than complainant):
Name: _____

Street Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Telephone No.: _____

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

Street Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Date of incident resulting in discrimination: _____

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

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

Where did the incident take place?

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

Name: _____
Street Address: _____
City: _____ State: _____ Zip Code: _____
Telephone No.: _____

Name: _____
Street Address: _____
City: _____ State: _____ Zip Code: _____
Telephone No.: _____

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

Yes No

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

Federal Agency Federal Court State Agency
 State Court Local Agency Other

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

Name: _____
Street Address: _____
City: _____ State: _____ Zip Code: _____
Date Filed: _____

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

Complainant's Signature

Signature Date

For Internal Use Only:

Log #: _____

APPENDIX 2: NOTICE TO THE PUBLIC

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

“The Hampton Roads Transportation Planning Organization (HRTPO) fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, or to obtain a Discrimination Complaint Form, see www.hrtpo.org or call (757) 420-8300. Para información en español, llame al (757) 366-4375.”