

Title VI Goals and Accomplishments

Seeking Inclusion



2023

Hampton Roads Planning District Commission
Hampton Roads Transportation Planning Organization



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Report Documentation

Report Title:

The Hampton Roads Planning District Commission (HRPDC) & The Hampton Roads Transportation Planning Organization (HRTPO) Title VI Goals and Accomplishments – Seeking Inclusion

Report Date:

October 2023

Hampton Roads Planning District Commission

Hampton Roads Transportation Planning Organization

The Regional Building

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“If one really wishes to know how justice is administered in a country, one does not question the policemen, the lawyers, the judges, or the protected members of the middle class. One goes to the unprotected — those, precisely, who need the law’s protection most! — and listens to their testimony.” – James Baldwin

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Christopher Hall, Hampton Roads District Engineer
Todd Halacy – Alternate

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Jennifer DeBruhl, Director
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FEDERAL HIGHWAY ADMINISTRATION

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FEDERAL TRANSIT ADMINISTRATION

Terry Garcia-Crews, Region 3 Administrator

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Jeffrey W. Breeden, Airport Planner, Washington Airports District Office

VIRGINIA DEPARTMENT OF AVIATION

Greg Campbell, Director

PENINSULA AIRPORT COMMISSION

John Borden, Interim Executive Director

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Mark Perryman, Executive Director/CEO

COMMUNITY ADVISORY COMMITTEE

Mark Geduldig-Yatrofsky, Chair

FREIGHT TRANSPORTATION ADVISORY COMMITTEE

Robert Eveleigh, Chair

MILITARY LIAISONS

Harry Hung, Colonel, U.S. Air Force/ U.S. Army

Jennifer Stockwell, Captain, U.S. Coast Guard

David Dees, Captain U.S. Navy

INVITED PARTICIPANTS

B. Wayne Coleman, CTB

Frederick T. Stant, III, CTB

Vacant

Staff Listing

OCTOBER 2023

Leadership

Robert A. Crum, Jr.	Executive Director, HRPDC/HRTPO
Kelli E. Arledge	Deputy Executive Director, Administration and Operations
Greg Grootendorst, AICP	Deputy Executive Director, HRPDC
Pavithra Parthasarathi, PE, PhD	Deputy Executive Director, HRTPO

DEI & Title VI/Civil Rights (HRPDC/HRTPO)

LeeQuan McLaurin	DEI & Title VI/Civil Rights Liaison
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Finance (HRPDC/HRTPO)

Sheila S. Wilson	Chief Financial Officer
Danetta Jankosky	Senior Accounting Manager
Tiffany Smith	Grants Accounting Manager
Jaquil Tatum	Accounting Manager II
Quanda Tynes	Staff Accountant

General Services (HRPDC/HRTPO)

Andrew Margason	General Services Manager
Christopher Vaigneur	Assistant General Services Manager

Administrative Support (HRPDC/HRTPO)

Cindy Mulkey	Senior Administrative Assistant
Simone Elmore	Administrative Assistant II
Felecia Williams	Receptionist

Communications (HRPDC/HRTPO)

Matt Klepeisz	Communications Administrator
Joseph E. Turner	Communications and Web Manager III
Robert Cofield	Web and Graphic Designer

Economics and Regional Planning (HRPDC)

Eric Walberg, AICP	Principal for Planning and Economics
Sara Kidd, GISP	Senior Regional Planner
Nikki Johnson	Regional Economist

Emergency Management (HRPDC)

John A. Sadler, III	Emergency Management Administrator
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Environmental Education (HRPDC)

Katie Cullipher
Rebekah Eastep

**Principal Environmental Education
Senior Environmental Education Planner**

Housing (HRPDC)

Shernita L. Bethea

Housing/Human Services Administrator

Water Resources (HRPDC)

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Ivy Ozmon

**Principal Water Resources Engineer
Senior Water Resources Planner
Senior Regional Planner
Senior Water Resources Planner
Water Resources Planner III**

Performance Management (HRTPO)

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Samuel S. Belfield
Theresa K. Brooks

**Principal Transportation Engineer
Senior Transportation Engineer
Transportation Engineer III**

**Long Range Transportation Planning
(HRTPO)**

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Kyle Gilmer
CJ Headley

**Principal Transportation Planner
Senior Transportation Planner
Transportation GIS Planner**

Multi-Modal Research and Analysis (HRTPO)

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Chief Transportation Engineer

**Transportation Programming and Funding
(HRTPO)**

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Jeffrey K. Raliski, AICP
Kathlene W. Grauberger
Matthew Harrington

**Principal Transportation Planner
Transportation Analyst III
Transportation Planner II
Transportation Planner**

An updated and full staff listing can be found on the [HRPDC staff page](#) and the [HRTPO staff page](#).

Acknowledgments

This report was prepared in cooperation with standards set forth by the U.S. Department of Transportation (USDOT), Federal Highway Administration (FHWA), and Virginia Department of Transportation (VDOT). The contents of this report reflect the views of the HRPDC and the HRTPO. The HRPDC/HRTPO 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 USDOT, FHWA, or VDOT. This report does not constitute a standard, specification, or regulation. FHWA 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 modifications. Additional project-level environmental impact assessments and studies of alternatives may be necessary.

This is the inaugural Title VI Goals and Accomplishments Report for the HRPDC/HRTPO.

Title VI Policy Statement of Commitment

The HRPDC/HRTPO is committed to complying with Title VI of the Civil Rights Act of 1964 and related federal and state laws and regulations. The HRPDC/HRTPO prohibits discrimination in all its programs and activities based on race, color, national origin, income, gender, age, or disability.

The HRPDC/HRTPO is committed to ensuring that all individuals have access to and benefit from its regional planning, programs, and services in a non-discriminatory manner. The HRPDC/HRTPO recognizes that historically, discriminatory practices such as redlining and other exclusionary policies have contributed to systemic racism and inequality in regional planning and programming. As such, the HRPDC/HRTPO is committed to addressing these past injustices and ensuring that our programs and services are equitable for all.

Equity

The HRPDC/HRTPO is committed to proactively identifying and eliminating barriers to access and participation in our programs and services. The HRPDC/HRTPO will work to ensure that all individuals, regardless of their race, color, national origin, income, gender, age, or disability, have an equal opportunity to access and benefit from our regional planning programs and services.

Additionally, the HRPDC/HRTPO continues to strive towards researching, evaluating, and adopting applicable equity frameworks into planning practices. The HRPDC/HRTPO staff commit to continual training and education related to the incorporation of equity into the agency's work. The HRPDC/HRTPO represents a diverse population of 1.7 million people who all have different backgrounds, needs, and concerns. As the federally recognized regional planning organization, the HRPDC/HRTPO understands the wholeness of that responsibility and is committed to better understanding how to plan with the future and interests of residents in mind.

Public Engagement

The HRPDC/HRTPO recognizes that community input and engagement are critical to achieving equity and inclusion goals. The HRPDC/HRTPO will work to engage underrepresented populations, including those who have been historically excluded or marginalized, in planning and decision-making processes. The HRPDC/HRTPO will also ensure that public involvement activities are accessible to all individuals, regardless of race, color, national origin, income, gender, age, or disability.

Accessibility

The HRPDC/HRTPO will monitor and evaluate our programs and services to ensure that they are accessible to all individuals, regardless of their race, color, national origin, income, gender, age, or disability. The HRPDC/HRTPO will review and update its Title VI Plan as necessary to ensure compliance with all applicable federal and state laws and regulations related to civil rights.

Accountability

The HRPDC/HRTPO is committed to addressing complaints of discrimination that may arise from our programs and services. The HRPDC/HRTPO has established and publicized complaint procedures for individuals who believe they have been discriminated against based on race, color, national origin, income, gender, age, or disability. The HRPDC/HRTPO will investigate all complaints and take appropriate action to address any findings of discrimination.



Robert A. Crum, Jr., Executive Director
HRPDC and HRTPO

Understanding Title VI

Title VI is a section of the Civil Rights Act of 1964 that prohibits discrimination based on race, color, or national origin in any program or activity that receives federal funding, regardless of the amount. If an organization, entity, or program receives federal money, it must ensure that everyone is treated fairly, regardless of race, color, or national origin. If they fail to do so, they may lose their federal funding. Title VI is an important law that helps protect people from discrimination in many areas, including education, housing, healthcare, and transportation. It ensures that everyone has equal access to federally funded programs and activities regardless of race, color, or national origin.

Before the Civil Rights Act of 1964 and the implementation of Title VI, discrimination based on race, color, or national origin was commonplace, particularly in the Southern United States. This discrimination had far-reaching and damaging effects, particularly on communities of color often excluded from essential programs and services. Title VI helps to ensure that this discrimination no longer occurs in any program or activity receiving federal funding. By prohibiting discrimination and ensuring equal access to these programs and services, Title VI helps to promote fairness, equality, and opportunity for all people, regardless of their background. It is an essential tool in the ongoing civil rights and social justice struggle.

Subsequent laws and Presidential Executive Orders added disability, sex, age, and income status to the criteria for which discrimination is prohibited.

Title VI and Hampton Roads

Hampton Roads is home to a diverse population of 1.7 million people, including many communities of color. Title VI protections are critical for ensuring these communities have equal access to essential resources and services, such as transportation, education, housing, and healthcare. Title VI protections can help ensure that transportation systems are accessible to all the region's residents, regardless of race or ethnicity. This means that public transportation services, such as buses and trains, must be operated in a way that does not discriminate against riders based on race or ethnicity.

Redlining was a discriminatory practice that started in the 1930s in the United States. The practice involved lenders drawing red lines on maps to designate areas where they would not provide mortgage loans or other financial services based on the racial and ethnic makeup of those neighborhoods. This resulted in many communities of color, particularly Black Americans, being excluded from homeownership and other financial opportunities, which had long-lasting effects on their economic and social well-being.

In the Hampton Roads region of Virginia, redlining practices were prevalent. Neighborhoods with large Black populations were often designated as high-risk areas by lenders, making it difficult or impossible for residents to obtain mortgages or loans to start businesses.

The effects of redlining are still felt in the region today, as many of these neighborhoods continue to face economic, social, and health challenges. A lack of access to quality healthcare, education, and job opportunities can perpetuate cycles of poverty and disadvantage. Additionally, many of these neighborhoods have lower property values, making it difficult for residents to build wealth through homeownership.

In recent years, efforts have been made to address the effects of redlining and promote more significant equity and inclusion in the Hampton Roads region. This includes initiatives to promote affordable housing, such as the HRPDC's Come Home program, partnerships with organizations focused on workforce development programs, and community development projects to improve the quality of life in historically

marginalized neighborhoods. However, much more work must be done to ensure that all regional residents can access the resources and opportunities they need to thrive.

Overall, Title VI protections are critical for ensuring that all Hampton Roads residents, regardless of race or ethnicity, have access to important resources and services. These protections are important for promoting equity and addressing historical injustices that have impacted communities of color in the region.

Understanding This Document

In accordance with Title VI of the Civil Rights Act of 1964 and associated requirements set forth by USDOT, FHWA, and VDOT, a Title VI Goals and Accomplishments report is to be created at the close of each year. The report serves as a broad overview of the organization's progress in implementing its Title VI plan and other associated compliance-related goals.

This document will give an overview of civil rights-related work and progress that the HRPDC/HRTPO has made during 2023. Additionally, this document provides Title VI-related goals for 2024.

Accomplishments 2023

Title VI/Civil Rights Liaison – In February 2023, the HRPDC/HRTPO hired a full-time staff member to coordinate Title VI and Civil Rights compliance needs.

Assurances FY 2024 – Assurances for the Fiscal Year (FY) 2024 have been signed for the HRPDC/HRTPO.

DEI Trainings – HRPDC/HRTPO staff attended trainings focused on Diversity, Equity, and Inclusion in March 2023 and July 2023.

Inclusion, Diversity, Equity, and Access (IDEA) Committee – Staff formed an internal working group to integrate IDEA-related concepts into the professional frameworks and organizational workplace culture.

Title VI and Limited English Proficiency Plan – On October 19, 2023, the HRPDC/HRTPO elected to approve and adopt the newly developed joint Title VI and Limited English Proficiency Plan.

Translation Services – In July 2023, the HRPDC/HRTPO procured translation services for the agency that can be utilized for any individuals who need translation or interpretive services to access HRPDC/HRTPO services.

Birthplace of America Trail (BoAT) – The Virginia Capital Trail is a 52-mile trail connecting downtown Richmond to Williamsburg. The HRPDC/HRTPO is working to extend this trail to Fort Monroe on the Peninsula and to the Virginia Beach Oceanfront on the Southside, which would create over 150 miles of continuous biking and walking trail network. This trail will be located near underserved communities and will provide zero/one automobile households a viable and safe option for commuting to work, school, shopping, or recreation by biking or walking.

Southside Network Authority (SNA) – The SNA has been charged with the administration and planning of the high-speed fiber ring that is currently under construction in Hampton Roads. This high-speed fiber ring can potentially provide disadvantaged communities with more opportunities for upward economic mobility. The agreement between the contractor, that was assigned to execute and maintain the project, and the SNA stipulates that the newly built high-speed fiber ring must make considerations and allotment for underserved and disadvantaged communities.

Elizabeth River Crossing (ERC) Toll Relief – The HRTPO Board formed the ERC Task Force and assigned the Executive Director to work with the Task Force and State and ERC representatives to facilitate discussions about approaches to mitigate the impact of the Downtown and Midtown Tunnels tolls on the region's residents. This work resulted in a significant expansion of the ERC Low Income Toll Relief Program, which was implemented on November 1, 2023.

Environmental Education – The HRPDC has an Environmental Education Department embedded within the organization, which focuses on providing resources and information to localities, residents, and partner organizations. The Environmental Education Department supports askHRgreen.org, which focuses on providing help and support related to the following:

- Clean Communities
- Clean Water & Waterways
- Green Education
- Green Homes & Businesses
- Recycling & Reusing
- Yard & Landscapes

In fiscal year 2023, the Environmental Education Department was able to accomplish the following through the askHRgreen.org program:

- 3,572 students were impacted through environmental education mini grants in the amount of \$4,298. The mini grant program provides opportunities for Hampton Roads teachers, youth leaders, or organizations working with youth (k-12) to apply for grants of up to \$500 to fund environmentally-themed projects.
- 166,589 visits to the askHRgreen.org website.

- \$13,500 grant funding for special projects.
- 26 community outreach events with an attendance of over 205,154 people.
- 49 articles published with a total circulation of 3,494,344 people.
- 131 participants joined the Bay Star Homes program for a total of 3,824.
- 2,400 volunteers for the Great American Cleanup who cleared a combined 2,805 bags of litter and 429 tires from roadways, tree lines, neighborhoods, parks, and waterways.





Help To Others (H2O) Program – Help to Others (H2O) is a community-based program that assists people in crisis through the generosity of donations. Through H2O, families or individuals in danger of losing residential water service because of a family crisis can receive one-time financial assistance to pay their local public utility and/or HRSD bill. 100% percent of all donations are used to help Hampton Roads residents experiencing financial crisis. Online donations to the H2O Program are accepted year-round through HRSD's online utility bill pay system and through PayPal on the shareh2o.org website. Management and administration costs are absorbed by the participating social services agencies (The Salvation Army), local water and wastewater utilities, HRSD, and the HRPDC. In FY 2023, \$91,859 was given out to 265 local families to keep them connected to this essential service. Since 2011, over \$850,000 in H2O program assistance has helped more than 3,300 local families keep the water flowing.

FY 2023 H2O Program Assistance by Jurisdiction

Locality	# of Customers	Assistance	Average Assistance
Chesapeake	40	\$17,266.29	\$431.66
Franklin	21	\$1,201.44	\$57.21
Gloucester	6	\$1,801.22	\$300.20
Hampton	7	\$1,686.32	\$240.90
Isle of Wight	0	-	-
James City County	23	\$8,271.40	\$359.63
Newport News	4	\$1,027.87	\$256.97
Norfolk	50	\$20,550.65	\$411.01
Poquoson	0	-	-
Portsmouth	13	\$4,971.80	\$382.45
Smithfield	2	\$365.19	\$182.60
Southampton	1	\$200.00	\$200.00
Suffolk	21	\$4,332.27	\$206.30
Surry	0	-	-
Virginia Beach	65	\$26,351.59	\$405.41
Williamsburg	7	\$2,498.66	\$365.95
Windsor	0	-	-
York	5	\$1,334.94	\$266.99
	265	\$91,859.64	\$346.64

Housing and Human Services – The HRPDC collaborates with local government agencies and non-profit organizations to coordinate local initiatives on housing and human services issues to develop effective and efficient solutions to the region's housing and human service needs. HRPDC is involved in various housing and human service activities to improve the quality of life of the Hampton Roads region's residents, such as affordable housing, services, and programs for people with disabilities and seniors.

Additionally, the Housing and Human Services department assists some localities in administering first-time homebuyer funds. The department has focused on addressing historical gaps in wealth inequities that have long existed for minorities and marginalized

communities and structured programming and communications to serve those populations more effectively.

In 2023, the HRPDC was awarded \$4,000,000 to assist First-Time Homebuyers (FTHB) with their purchase. Through Sponsoring Partnerships & Revitalizing Communities (SPARC), Virginia Housing's approved lenders can provide a 1% mortgage interest rate reduction to eligible FTHBs, increasing their purchasing power and potentially saving them thousands of dollars over the life of the loan. The SPARC program is designed to help decrease the homeownership wealth gap for Black, Indigenous, and People of Color (BIPOC) home seekers. As of May 2023, the Housing and Human Services Department has assisted 40 FTHBs (FY 22-23).



The HRPDC Housing and Human Services Department won the *HRHC Across the Region Service Award* for the Regional Down Payment and Closing Cost Assistance Program at the Hampton Roads Housing Consortium (HRHC) 17th Annual Awards Ceremony.

Long Range Transportation Planning – The Hampton Roads Long Range Transportation Plan (LRTP) has been recognized in the [Federal Highway Administration's \(FHWA\) 2023 Model Long-Range Transportation Plans: A Guide for Performance-Based Planning](#) for the use of its Project Prioritization Tool to objectively evaluate the benefits of transportation projects, including equity considerations. Additionally, the LRTP incorporates the following nine indicators when evaluating projects for Environmental Justice, social equity, and Title VI.

- Carless Households
- Disabled Populations
- Elderly Populations
- Female Head of Households
- Households Receiving SNAP (Food Stamps)
- Households Receiving Cash Public Assistance
- Limited English Proficiency Populations
- Low-Income Households
- Minority Populations

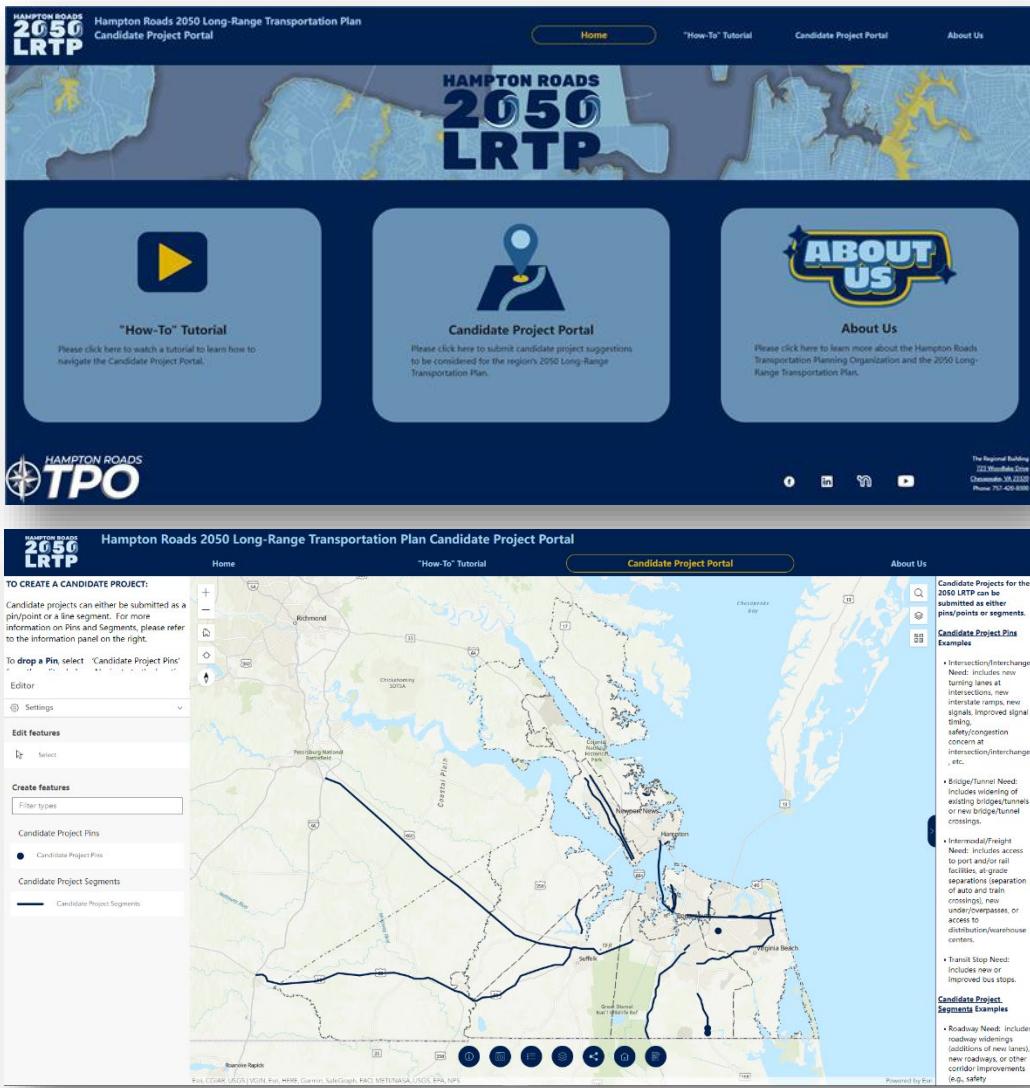
For the region's current 2045 LRTP, approximately 300 candidate projects totaling \$70 billion were submitted by regional stakeholders and the public. These candidate projects included suggestions for new or widened roadways, expanded bridges and tunnels, better-flowing interchanges/intersections, improved public transportation options, more bike and pedestrian trails, and the enhanced movement of freight throughout the region. With only approximately \$13 billion identified for roadway construction, the HRTPO Project Prioritization Tool was utilized to evaluate and prioritize the most robust and resilient projects to include in the 2045 LRTP.

In addition to using the Project Prioritization Tool, the HRTPO applies its Title VI/Environmental Justice framework to help evaluate the potential impacts of projects on vulnerable communities. The Hampton Roads 2045 LRTP: [Title VI/Environmental Justice Candidate Project Evaluation report](#) describes the methodology process in detail.

To ensure the 2045 LRTP included diverse modes, a consideration especially important for vulnerable communities, Guiding Principles for Fiscal Constraint were established to make the project selection process more effective and transparent. The Guiding

Principles established funding splits between highway, transit, and active transportation (bike/pedestrian) projects.

Using these Guiding Principles scores produced by the HRTPO Project Prioritization Tool, and input from regional stakeholders and the public, high-ranking projects were selected for inclusion in the 2045 LRTP. The HRTPO staff created a [Project Information Guide](#) that provides a resource the public and stakeholders can use to learn about and monitor the implementation of the 2045 LRTP. The guide includes project information such as the description, summary, scoring, total project cost, and status.



The screenshot displays the homepage of the Hampton Roads 2050 Long-Range Transportation Plan Candidate Project Portal. The top navigation bar includes links for Home, "How-To" Tutorial, Candidate Project Portal, and About Us. The main content area features three large buttons: "How-To" Tutorial (with a play icon), Candidate Project Portal (with a location pin icon), and About Us (with a yellow starburst icon). Below these buttons is a map of the Hampton Roads region showing major roads and water bodies. A sidebar on the left provides instructions for creating candidate projects, including "To create a candidate project:" and "To drop a Pin, select 'Candidate Project Pins'." A map editor interface is shown with various tools and a legend for "Candidate Project Pins" and "Candidate Project Segments". A sidebar on the right lists "Candidate Project Examples" for different needs: Intersection/Interchange Need, Bridge/Tunnel Need, Intermodal/Freight Need, Transit Stop Need, and Roadway Need. The bottom of the page includes a footer with the HRTPO logo and contact information.

As part of the development of the 2050 LRTP, two public surveys have been conducted to ensure community priorities and concerns are reflected in the LRTP process. A robust communication campaign was utilized to help ensure diverse input was received, including outreach to community partners representing vulnerable populations. HRTPO staff is also implementing new virtual public involvement opportunities, including developing an interactive mapping platform for the public to submit candidate project ideas directly, as well as a virtual information meeting space.

Looking ahead, HRTPO staff will continue to evaluate opportunities for improvement, especially in terms of enhancing equity and resiliency considerations in the planning process.

Low-Income Household Water Assistance Program (LIHWAP) – On April 20, 2023, the HRPDC took unanimous action, asking Congress to Support the LIHWAP in the Federal FY 2024 budget and to consider establishing a permanent federal low-income assistance program. Congress created the LIHWAP to provide funding to help households maintain access to drinking water and sewer services. In Virginia, the assistance program became available in October 2022 and will remain available until funds are depleted or September 2023. This is the first time Congress has provided funding to address the burden of rising water and sewer bills on lower-income households. Following the HRPDC's action, the Executive Director sent correspondence to the entire Hampton Roads federal delegation requesting their support for this critical program.

Metropolitan Planning Organization (MPO) Equity Working Group – National working group for MPO staff to share and gather equity best practices, discuss issues/roadblocks/challenges and ideas to resolve them, learn from experts in the field, and dive deep into technical approaches on various equity topics and practices. HRTPO staff regularly attend these workgroup sessions to learn about peer best practices and explore opportunities to enhance equity work conducted by staff.

Performance Management – The Performance Management department is responsible for transportation planning activities in several areas, including roadway safety, congestion management, freight, Intelligence Transportation Systems (ITS) and

Operations, military transportation planning, and special studies. Over the last year, the department has further incorporated equity considerations into these work areas, including the ongoing Regional Safety Study update and the Hampton Roads Rail Crossing Study.

Roadway safety is a priority in the metropolitan transportation planning process due to the impacts of crashes on families, friends, and society. Because of the importance of safety, HRTPO updates the Hampton Roads Regional Safety Study on a recurring basis to analyze regional safety trends, determine the characteristics of crashes in the region, summarize the locations of crashes, highlight efforts to improve roadway safety, and prepare an in-depth analysis of high crash locations.

HRTPO staff are incorporating equity considerations into the Hampton Roads Regional Safety Study for the first time. For all 1,000+ intersections analyzed in the study, HRTPO staff determined whether the locations were within a USDOT Disadvantaged Community and provided a summary of the nine HRTPO Environmental Justice (EJ) indicators described in the Long-Range Transportation Planning section. In addition, for each of the high crash locations, HRTPO staff conducted analyses through Streetlight Insight to evaluate the origins and destinations of traffic entering the intersection. Equity-related metrics from the Origin-Destination analyses, including race, disability status, income, and auto ownership, were collected and evaluated for these high crash locations.

Due to the impacts that intermodal conflict points, such as rail crossings have on congestion and safety, and new federal funding sources, that are available through the Infrastructure Investment and Jobs Act (IIJA), the HRTPO is analyzing railroad crossings throughout the region in the Hampton Roads Rail Crossing Study. The ongoing study will include an in-depth inventory of rail crossings in the region, prioritization of crossings for improvement, and an evaluation of candidate projects for prioritized locations.

Equity considerations are also being incorporated into the Hampton Roads Rail Crossing Study. Information on USDOT Disadvantaged Communities and the nine HRTPO EJ indicators are provided for all 600+ roadway-rail crossings in the region. In addition, Streetlight Insight will be used to evaluate the origins and destinations of traffic at

prioritized crossings. Similar to the Regional Safety Study, equity-related metrics, including race, disability status, income, and auto ownership, will be analyzed for the prioritized crossings.

Regional Connectors Study (RCS) Symposium – The HRTPO RCS explored options to better connect the Peninsula and the Southside and to improve the economic vitality, resiliency, accessibility, and quality of life in the region. The study findings provide a long-term vision for connectivity between the Peninsula and Southside, with recommendations for segment tiering and further evaluation in the HRTPO 2050 LRTP process.

The project team developed a regional symposium to ensure an equitable engagement process with communities regarding EJ concerns and approached regional organizations with connections to special interest groups. Invited organizations represented communities with people with disabilities, people who are Black, people of color, organizations representing youth and students, organizations representing older adults, people who use English as a second language, and people who are LGBTQIA+. The project team invited 86 organizations to attend, and 16 organizations participated in the half-day conversation focused on diversity, equity, and inclusion in the planning process. Attendees provided insight on how segments may impact the communities they represent.

Regional Solid Waste Management Plan (RSWMP) for Southeastern Virginia – The RSWMP outlines the solid waste management system for the localities of Southside Hampton Roads, a region with an aggregate population of 1,203,918. The RSWMP amendment process included holding public hearings in each of the Southeastern Public Service Authority's eight-member localities. The hearings were advertised in the Virginian Pilot, New Journal and Guide newspapers, and the HRPDC website. The hearings were held in June, July, and August of 2023.

Regional Transit Advisory Panel (RTAP) – RTAP is composed of representatives of major business and industry groups, employers, shopping destinations, institutions of higher education, military installations, hospitals, healthcare centers, public transit entities,

and any other groups identified as necessary to provide ongoing advice to the regional planning process required pursuant to §33.2-286 of the Code of Virginia on the long-term vision for a multimodal regional public transit network in Hampton Roads.

The HRPDC/HRTPO chairs the RTAP and played an important role in advocating for the region's first dedicated source of public transit funding. This funding, will support the 13 regional backbone transit routes, which comprise the 757 Express. The RTAP continues to serve as a strong advocate for transit in the Hampton Roads region and continues to encourage increased investment in an effective regional transit network.

In May 2023, RTAP partnered with Hampton Roads Transit (HRT) for a Regional Transit Advocacy Day. Members of the public, elected officials, transportation officials, nonprofits, business partners, and more all gathered at the Norfolk Tide Facility to ride the transit system together. During this time, attendees discussed the current transportation status and had the opportunity to hear feedback from daily riders and operators.

Resiliency and Equity Pilot Projects

US DOT Volpe Resiliency and Disaster Recovery (RDR) Tool

For the past several years, HRTPO staff has collaborated with US DOT Volpe staff on a pilot effort to develop and enhance the RDR Tool that transportation agencies can use to estimate the return on investment of resilient infrastructure across a range of uncertain future hazards. In FY 2023, HRTPO staff applied the RDR Tool to investigate the potential impacts of inland flooding in the development of the Hampton Roads 2045 Rural LRTP. Staff also reviewed and tested transit and equity enhancements of the RDR Tool.

Fernleaf/RISE Urban Coastal Community Resilience Challenge Effort

HRTPO staff continued participation in a pilot project with Fernleaf, a climate resilience firm, to add an equity lens to resilience transportation planning for incorporation in the LRTP and project prioritization process. This effort evaluated ways to assess flooding impacts on roadways and transit for the region's most vulnerable communities.

Water Resources – The HRPDC's Water Resources department was recognized at the 2023 Virginia Association of Planning District Commission's (VAPDC) annual conference in Norfolk for their Floodwater Sensor project and integration with Waze. The HRPDC Water Resources Department was awarded the *Robert M. deVoursney Best Practices Award* in recognition for initiating innovative activities that have contributed significantly to the advancement of regional planning and multi-jurisdictional cooperation within the Commonwealth of Virginia.

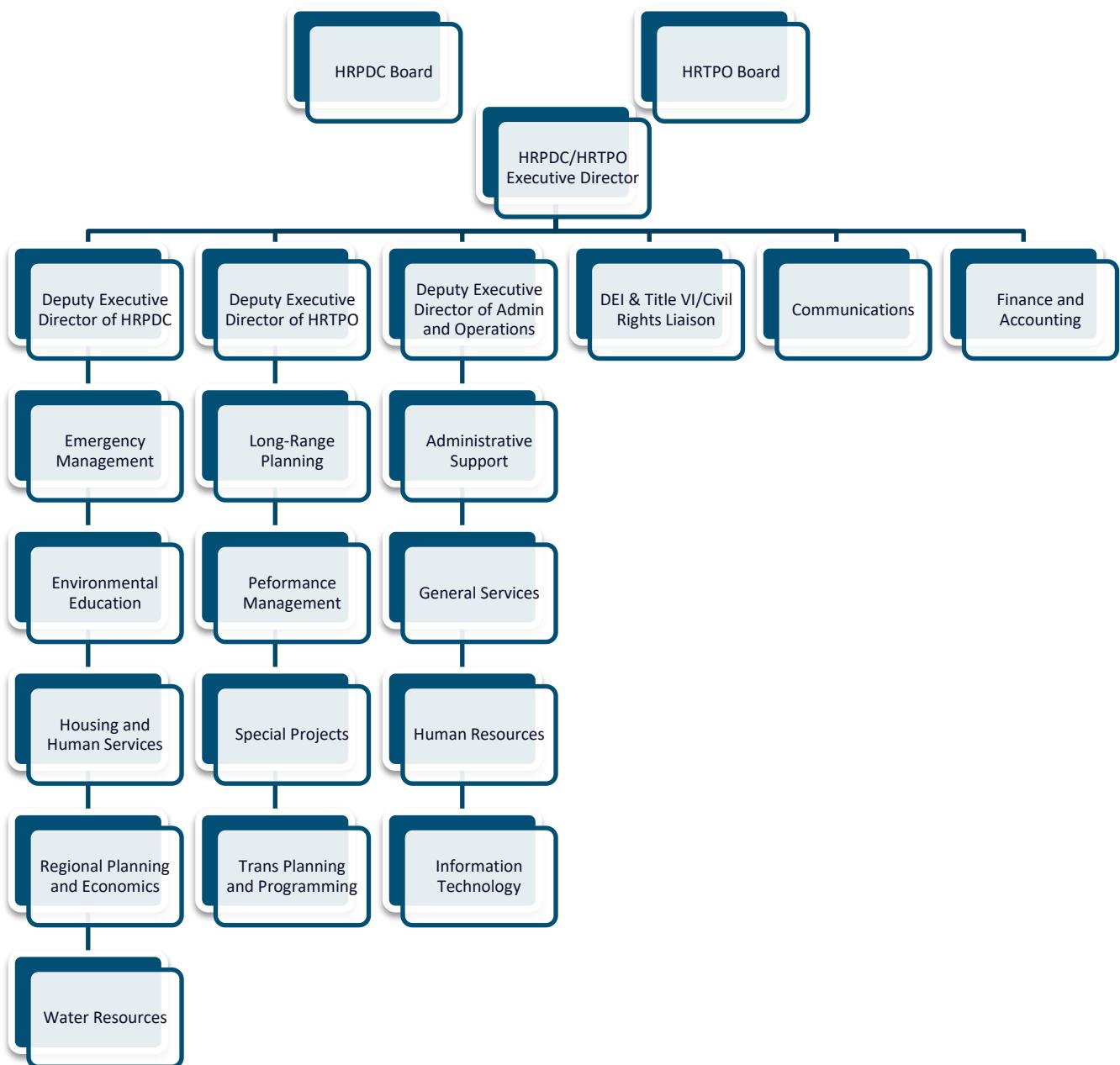
The Water Resources Department also collaborates with localities, Hampton Roads Sanitation District (HRSD), and The Salvation Army to administer the regional water/wastewater utility assistance program, Help to Others (H2O). H2O provides individuals and families with financial assistance to avoid any disruption in their water service. In FY 2023, \$91,859 was given out to 265 local families to keep them connected to this essential service.



Virginia Telecommunications Initiative (VATI) – This project is bringing high-speed fiber optic broadband to rural areas of the City of Suffolk, Isle of Wight County, and Southampton County. These rural areas include several EJ communities based on poverty levels and Supplemental Nutrition Assistance Program (SNAP) assistance. Recent data from project partner Charter Communications shows that 1283 homes in the project area now have broadband access, and 80% of those households have subscribed.

Overview

Organization, Staffing, and Structure



Title VI Complaints 2023

During the year 2023, the HRPDC/HRTPO received zero Title VI or Civil Rights complaints.

Requests for Language Assistance

The HRPDC/HRTPO received zero requests for translation or interpretive services in 2023.

Education and Training

In August 2022, leadership from the HRPDC/HRTPO attended a Diversity, Equity, and Inclusion workshop hosted by the Hampton Roads Chamber of Commerce.

In December 2022, staff members attended Title VI Training hosted by the Virginia Association of Metropolitan Planning Organizations (VAMPO) in Charlottesville, VA. The following staff were in attendance:

Pavithra Parthasarathi	Deputy Executive Director, HRTPO
Kelli Arledge	Deputy Executive Director Admin and Operations, HRPDC/HRTPO
Kyle Gilmer	Senior Transportation Planner, HRTPO
Theresa Brooks	Transportation Engineer III, HRTPO
Matthew Harrington	Transportation Planner, HRTPO
Deidre Garrett	Housing Program Specialist, HRPDC

On March 3, 2023, and July 14, 2023, all staff from the HRPDC and HRTPO participated in trainings focused on Diversity, Equity, Inclusion, and Access. During the July 14, 2023, training, there was an intentional focus placed on incorporating equity considerations into planning.

Additionally, several HRTPO staff are actively engaged in a national MPO equity working group where transportation officials focus on sharing equity best practices, discussing obstacles and how to resolve them, hearing from experts in the field, and reviewing technical approaches on various equity topics and practices.

List of Projects and Studies

A complete listing of current projects and studies, planned public involvement efforts, and equity-related tasks can be found in the [HRPDC Work Program](#) and [HRTPO UPWP](#).

Staffing and Recruitment

The HRPDC/HRTPO Title VI Administrator and Human Resources Manager will continue to collaborate on methods for attracting a diverse pool of applicants for positions within the HRPDC/HRTPO and curating an inclusive space within the agency for all staff.

Race Ethnicity	TPO Staff (12)		PDC Staff (15)		Admin Staff (16)		Gender All Staff				% All Staff by Race	
	Total #	%	Total #	%	Total	%	Female	Male	Total #	% Female	% Male	
White (Not Hispanic or Latino)	7	58.3%	11	73.3%	9	56.3%	12	15	27	44.4%	55.6%	62.8%
Black or African American (Not Hispanic or Latino)	0	0.0%	2	13.3%	6	37.5%	6	2	8	75.0%	25.0%	18.6%
American Indian/Alaska Native (Not Hispanic or Latino)	0	0.0 %	0	0.0%	0	0.0%	0	0	0	0.0%	0.0%	0.0%
Asian (Not Hispanic or Latino)	2	16.7%	0	0.0%	0	0.0%	2	0	2	100.0%	0.0%	4.7%
Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino)	0	0.0%	0	0.0%	0	0.0%	0	0	0	0.0%	0.0%	0.0%
Two or More Races	3	25.0%	2	13.3%	1	6.3%	3	3	6	50.0%	50.0%	14.0%
Hispanic or Latino	0	0.0%	0	0.0%	0	0.0%	0	0	0	0.0%	0.0%	0%
Generation			Male			Female			Total			
Boomer (1946 - 1964)			5			3			8			
Gen X (1965 - 1980)			11			5			16			
Millennial			9			10			19			

The above demographics data represents responses from a voluntary survey administered July 1, 2023.

Public Involvement

Effective and meaningful public engagement practices are integral to the success of regional planning. The HRPDC/HRTPO employs several different methods to engage the public with regional planning processes.

Community Engagement

The HRPDC/HRTPO partners with various community organizations, nonprofits, private businesses, higher education institutions, and community members to encourage engagement in regional planning. An intentional effort was made to include perspectives from various backgrounds.

These efforts have resulted in a wide range of representation on integral planning bodies led and supported by the HRPDC/HRTPO, RTAP, Community Advisory Committee (CAC), Hampton Roads Housing Consortium (HRHC), RCS, Mayors Violence and Crime Prevention Roundtable, and SNA.

Social Media

The HRPDC/HRTPO engages the public via social media and digital communication platforms, including Facebook, LinkedIn, Nextdoor, and YouTube.

HRPDC Facebook

Followers	1,102
Reach	26,657
Page Visits	12,422

HRPDC LinkedIn

Followers	345
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HRPDC Nextdoor

Members	553,056
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HRTPO Facebook

Followers	2,994
Reach	69,568
Page Visits	5,898

HRTPO LinkedIn

Followers	54
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HRTPO Nextdoor

Members	553,032
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HRPDC/HRTPO YouTube

Subscribers	132
Views	7,500

HRPDC/HRTPO Newsletter

Distribution	31,948
Open-Rate	36%
Click-Rate	5%

News and Informational Media Outlets

The HRPDC/HRTPO distributes information related to ongoing and upcoming projects, public notices, involvement opportunities, and surveys to local media news and informational outlets such as the Virginia Pilot, WavyNews10, WTKR, and others.

Surveys

The HRTPO conducted surveys related to ongoing studies and projects to solicit feedback from Hampton Roads residents. The HRTPO utilized MetroQuest to administer the Long-Range Transportation Survey Scenario Planning Survey and the Hampton Roads Regional Safety Study Survey. The surveys were provided in English, Spanish, and Tagalog and received over 3,000 responses combined. Additionally, the HRTPO employed a contractor to administer surveys related to the RCS.

To better engage with Hampton Roads residents, surveys were distributed to various stakeholders, including local higher education institutions, civic leagues, community groups, libraries, locality Public Information Officers (PIOs), and local media for press releases.



HRTPO staff also distributed surveys in person at the Chesapeake Farmer's Market and at numerous regional libraries.

Public Outreach Meetings

The HRPDC/HRTPO management team and staff complete public outreach and involvement on an ongoing basis to inform community groups and stakeholders about current activities and to request input. These public presentations and community conversations occur on a weekly basis and serve as an important mechanism for providing public information on regional initiatives and receiving input from community members.

Other Public Outreach Tools

The HRPDC/HRTPO utilizes a variety of approaches to inform the general public on regional meetings and efforts, including live streaming of HRPDC Commission and HRTPO Board meetings, posting of videos on the Regional Connection YouTube channel, press releases to all media outlets in the region, social media such as Facebook, Next Door and Twitter, public notices, website notices, and meeting after action reports referred to as “Meeting in a Minute.”

On The Horizon

The HRPDC/HRTPO is currently piloting virtual reality software that will allow the public to engage in meetings, trainings, informational sessions, surveys, and resources the agencies offer from anywhere. The new digital platform allows users to immerse themselves in the public engagement experience without being physically present at the HRPDC/HRTPO. This new engagement avenue will assist in removing some of the barriers to meaningful public engagement.



Goals 2024

Title VI Training – The HRPDC/HRTPO aims to provide additional Title VI training resources to all staff and board members via public resources published by FHWA and USDOT. Additionally, the HRPDC/HRTPO is in the process of procuring Title VI Training services.

IDEA Committee – The HRPDC/HRTPO plans to continue the staff-led IDEA Committee and integrate feedback and recommendations from the committee into the organizational functions.

Joint Public Participation Plan (PPP) – Create a joint PPP for the HRPDC/HRTPO that focuses on eliciting meaningful input from Hampton Roads residents, intentionally focusing on disadvantaged communities.

Increased Public Engagement – Engaging the public is integral and necessary to equitable regional planning. To better connect members of the public with regional planning practices, the HRPDC/HRTPO aims to accomplish the following:

- The HRPDC/HRTPO plans to strengthen and support advisory bodies such as the CAC and RTAP to advance the bidirectional exchange of information.
- The HRPDC/HRTPO plans to explore additional ways to leverage digital media platforms to connect the public with regional planning processes.
- The HRPDC/HRTPO plans to explore additional methods of tracking and reporting public engagement methods.

Appendix

Acronyms and Terms

BIPOC	Black, Indigenous, People of Color
CAC	Community Advisory Committee
EJ	Environmental Justice
ERC	Elizabeth River Crossing
FHWA	Federal Highway Administration
FTHB	First Time Homebuyers
H2O	Help 2 Others
HRHC	Hampton Roads Housing Consortium
HRPDC	Hampton Roads Planning District Commission
HRSD	Hampton Roads Sanitation District
HRT	Hampton Roads Transit
HRTPO	Hampton Roads Transportation Planning Organization
IDEA	Inclusion, Diversity, Equity, and Access
IIJA	Infrastructure, Investment, and Jobs Act
ITS	Intelligent Transportation Systems
LEP	Limited English Proficiency
LIHWAP	Low-Income Household Water Assistance Program
LRTP	Long-Range Transportation Plan
MPO	Metropolitan Planning Organization
PIOs	Public Information Officers
PPP	Public Participation Plan
RCS	Regional Connectors Study
RDR	Resiliency and Disaster Recovery
RTAP	Regional Transportation Advisory Panel
RSWMP	Regional Solid Waste Management Plan
SNA	Southside Network Authority
SNAP	Supplemental Nutrition Assistance Program
SPARC	Sponsoring Partnerships & Revitalizing Communities
UPWP	Unified Planning Work Program
USDOT	United States Department of Transportation
VAPDC	Virginia Association of Planning District Commissions
VAMPO	Virginia Association of Metropolitan Planning Organizations

VATI

Virginia Telecommunications Initiative

VDOT

Virginia Department of Transportation

Glossary of Terms

Adverse effects – The totality of significant individual or cumulative human health or environmental impacts, including interrelated social and economic outcomes, 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 manufactured or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or nonprofit organizations; increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community; and the denial of, reduction in, or significant delay in the receipt of, benefits of US DOT programs, policies, or activities.

Environmental Justice (EJ) is the fair treatment and meaningful involvement of all people, regardless of race, ethnicity, or socioeconomic status, in developing, implementing, and enforcing environmental laws, policies, and regulations. EJ ensures that no particular group bears a disproportionate burden of environmental harm or pollution and that everyone has equal access to environmental benefits, such as clean air and water and a healthy environment.

Low-Income Household – Households with income 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.

Minority – A person who is Black, Hispanic/Latine, American Indian, Alaskan Native, or Asian American:

- **Black** – A person having origins in any of the black racial groups of Africa.
- **Hispanic, Latino, Latine** – A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Latin 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, or the Indian subcontinent.
- **Native Hawaiian and Other Pacific Islander** – People originating from any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Minority Population – Any readily identifiable groups of minorities 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.

ATTACHMENT 5

The United States Department of Transportation (USDOT)

Standard Title VI/Non-Discrimination Assurances

DOT Order No.1050.2A

The Hampton Roads PDC (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through *the Federal Highway Administration and/or Federal Transit Administration*, is subject to and will comply with the following:

Statutory/Regulatory Authorities

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

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

General Assurances

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

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

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

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted *Federal-aid Highways and/or Public Transportation Programs*:

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

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"facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

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

"The Hampton Roads PDC , in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded 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

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under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, *the* Hampton Roads PDC *also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Federal Highway Administration and/or Federal Transit Administration access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Federal Highway Administration and/or Federal Transit Administration. You must keep records, reports, and submit the material for review upon request to the Federal Highway Administration and/or Federal Transit Administration, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.*

The Hampton Roads PDC *gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal-aid Highways and/or Public Transportation Programs. This ASSURANCE is binding on the Commonwealth of Virginia, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal-aid Highways and/or Public Transportation Programs. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.*

Hampton Roads PDC

*(Name of
Recipient)*

by *Robert Crum*

*(Signature of Authorized
Official)*

6/29/2023

(Date)

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1050.2A

APPENDIX A

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

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

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1050.2A APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Hampton Roads PDC will accept title to the lands and maintain the project constructed thereon in accordance with the *Virginia General Assembly*, the Regulations for the Administration of *Federal-aid Highways and/or Public Transportation Programs*, and the policies and procedures prescribed by the *Federal Highway Administration and/or Federal Transit Administration* of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Hampton Roads PDC all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the Hampton Roads PDC and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the Hampton Roads PDC, its successors and assigns.

The Hampton Roads PDC, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the Hampton Roads PDC will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*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.)

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1050.2A APPENDIX C

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

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Hampton Roads PDC pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the Hampton Roads PDC will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Hampton Roads PDC will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Hampton Roads PDC and its assigns.*

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

ATTACHMENT 5

1050.2A APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the Hampton Roads PDC pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, the Hampton Roads PDC will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the Hampton Roads PDC will there upon revert to and vest in and become the absolute property of the Hampton Roads PDC and its assigns.*

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

ATTACHMENT 5

1050.2A APPENDIX E

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

Pertinent Non-Discrimination Authorities:

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

Hampton Roads Transportation Planning Organization
TITLE VI / NONDISCRIMINATION ASSURANCE
(DOT Order No.1050.2A)

The **Hampton Roads Transportation Planning Organization (HRTPO)**, (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the *Federal Highway Administration*, is subject to and will comply with the following:

Statutory/Regulatory Authorities

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

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

General Assurance

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

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

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

Specific Assurances

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

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

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

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

"The HRTPO in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the **HRTPO** also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the *FHWA* access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by *FHWA*. You must keep records, reports, and submit the material for review upon request to *FHWA*, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The **HRTPO** 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*.

Hampton Roads Transportation Planning Organization (HRTPO)

by 

Robert A. Crum, Jr., Executive Director HRTPO

DATED 10/02/2023

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

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

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

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 the **HRTPO** will accept title to the lands and maintain the project constructed thereon in accordance with the Virginia General Assembly, the Regulations for the Administration of the Federal-Aid Highway Program and the policies and procedures prescribed by the *Federal Highway Administration* of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the **HRTPO** all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the **HRTPO** and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the **HRTPO**, its successors and assigns.

The **HRTPO** in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the **HRTPO** 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 the **HRTPO** pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Nondiscrimination covenants, the **HRTPO** will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Nondiscrimination covenants, the **HRTPO** will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the **HRTPO** and its assigns.*

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

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the **HRTPO** pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, the **HRTPO** will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the **HRTPO** will there upon revert to and vest in and become the absolute property of the **HRTPO** and its assigns.*

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

APPENDIX E

U.S. DOT 1050.2A -- Appendix E

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

Pertinent Nondiscrimination Authorities:

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