

Southern Windsor County Regional Planning Commission
Approved: November 19, 2013

Title VI Plan

Non-Discrimination in Federally Assisted
Programs

I.	INTRODUCTION.....	3
II.	AUTHORITIES.....	3
III.	SWCRPC NONDISCRIMINATION POLICY	5
IV.	ORGANIZATIONAL STRUCTURE	6
V.	REQUIREMENTS	6
VI.	APPENDIX	13

I. Introduction

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

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

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

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

II. Authorities

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

- *Title VI of The Civil Rights Act of 1964*: No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. (42 U.S.C. § 2000d)
- *Civil Rights Restoration Act of 1987*: Restored original intent & scope of Title VI to include all programs & activities of Federal-aid recipients and contractors whether federally funded or not.
- *Executive Order 12250: DOJ Leadership & Coordination of Nondiscrimination Laws*: The U.S. Attorney General shall

coordinate the implementation and enforcement by Executive agencies of various nondiscrimination provisions of (a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); (b) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.); (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); (d) Any other provision of Federal statutory law which provides, in whole or in part, that no person in the United States shall, on the ground of race, color, national origin, handicap, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

- *Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*: Each Federal agency shall conduct its programs, policies, and activities [including those of recipients (see FHWA Order 6640.23(2)(h))] that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under, such, programs, policies, and activities, because of their race, color, or national origin.
- *Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency (LEP)*: Presidential directive to federal agencies to ensure meaningful access to services for LEP people. An LEP person does not speak English as primary language and has limited ability to read, speak, write or understand English. Failure to provide LEP person services or meaningful access to services [may] constitute national origin discrimination
- Section 504 of the 1973 Rehabilitation Act (29 USC 790) Handicap/Disability: No QUALIFIED HANDICAPPED PERSON shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance.
- 1973 Federal-aid Highway Act (23 USC 324) Sex: No person shall on the grounds of SEX be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried on under this title.
- 1975 Age Discrimination Act (42 USC 6101) Age: No person shall on the basis of AGE, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

- 49 CFR Part 21: Nondiscrimination in Federally-Assisted Programs of the Department of Transportation: No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Transportation.
- 23 CFR Part 200: Title VI Program and Related Statutes: To provide guidelines for: (a) Implementing the Federal Highway Administration (FHWA) Title VI compliance program under Title VI of the Civil Rights Act of 1964 and related civil rights laws and regulations, and (b) Conducting Title VI program compliance reviews relative to the Federal aid highway program.
- 1970 Uniform Act (42 USC 4601): Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970: The Uniform Act, provides important protections and assistance for people affected by Federally funded projects. This law was enacted by Congress to ensure that people whose real property is acquired, or who move as a result of projects receiving Federal funds, will be treated fairly and equitably and will receive assistance in moving from the property they occupy.

This Plan is written for the SWCRPC's Transportation Planning Initiative (TPI) Program, which is funded using Federal Highway Administration (FHWA) funds made available through the Vermont Agency of Transportation (VTRANS). However, Title VI applies to all activities of this organization. As a result a number of other authorities apply depending upon the activities involved. For example 24 Code of Federal Regulation (CFR) Part 1 applies to all HUD related work, 40 CFR Part 7 applies to EPA-funded work, etc.

III. SWCRPC Nondiscrimination Policy

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

IV. Organizational Structure

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

The SWCRPC is headed by Executive Director, Thomas Kennedy. Jason Rasmussen, Senior Planner, serves the role of Title VI Coordinator.

V. Requirements

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

1. Provide Title VI Assurances

The SWCRPC will submit its Title VI Assurance as part of its Certifications and Assurances submission to VTRANS and FHWA. While the SWCRPC does not currently have any subrecipients, should sub-recipients exist in the future, the SWCRPC will collect Title VI Assurances from sub-recipients prior to passing through FHWA funds.

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

2. Prepare and Submit a Title VI Plan

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

3. Notify Beneficiaries of Protection under Title VI

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

4. Develop Title VI Complaint Procedures and Complaint Form

The SWCRPC has developed procedures for investigating and tracking Title VI complaints that may be filed against the SWCRPC and for making these procedures available to members of the public upon

request. Should the SWCRPC have any sub-recipients in the future, sub-recipients shall be required to have such procedures and shall be encouraged to adopt the SWCRPC's complaint investigation and tracking procedures. A copy of the SWCRPC's Title VI Complaint Procedures is included in Appendix C. The Title VI complaint procedures were adopted by the SWCRPC Board.

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

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

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

6. Promote Inclusive Public Participation

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

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

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

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

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

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

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

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

The SWCRPC seeks to reduce or eliminate language, mobility, temporal, and other obstacles that may prevent minority, disability, low-income and other under-represented populations from fully participating in the metropolitan planning process. It is the policy of the SWCRPC to locate all public meetings in facilities that are structurally accessible or provide an opportunity for individuals to request special accommodations. Meetings of the SWCRPC Board are usually held in Martin Memorial Hall

at noon on the third Tuesday of each month – a facility that is ADA accessible.

7. Demographic Profile

The SWCRPC has prepared a demographic analysis of minority and low income populations of the ten (10) communities that currently make up the SWCRPC planning region. Demographic data used in this profile are drawn from the 2010 U.S. Census or 2007-2011 American Community Survey (ACS) 5-year data compilation.

Note that there are significant concerns regarding the ACS data, which represent a much smaller survey sample, even with a 5-year compilation, than the old Census Long Form, from which information on income and poverty have previously been drawn. While the ACS data provide useful annual snapshots at the national, state and county levels, they contain very high margins of error for small towns, and especially for small sub-populations within towns. That said, they represent the best data available for these measures since the 2000 Census.

Minority Populations. There are generally very small minority populations in the southern Windsor County region. Table 1 below shows minority populations in each town based on 2007-2011 ACS data. Springfield exhibits the highest proportion of both non-white residents and Hispanic/Latino residents.

Table 1: Minority Population in Southern Windsor County

	Total Population	White	Black	Am. Indian/ Alaskan	Asian & Pacific Islander	Two or More Races	Hispanic Latino
Andover	460	460	0	0	0	0	0
Baltimore	227	225	0	0	0	0	2
Cavendish	1,430	1,369	0	0	13	35	77
Chester	3,140	3,093	0	26	21	9	9
Ludlow	2,156	2,106	1	6	12	27	36
Reading	688	688	0	0	0	0	0
Springfield	9,343	8,858	38	52	32	253	321
Weathersfield	2,829	2,802	26	0	0	1	14
West Windsor	1,130	1,121	0	0	6	3	0
Windsor	3,575	3,496	17	24	0	19	55
S Windsor County	24,978	24,218	82	108	84	347	514
Vermont	626,431	596,253	5,194	2,140	7,733	13,639	9,134

Source: ACS 2011 5-year data compilation

Poverty. According to 2007-2011 ACS data, poverty rates are relatively high, notably in Springfield, Windsor, Chester, Ludlow and Cavendish. See Table 2 below for poverty figures for each town in the region.

Table 2: Population in Poverty by Town

	Total Population	Population in Poverty	% of Population in Poverty
Andover	460	35	7.6%
Baltimore	227	18	7.9%
Cavendish	1,430	160	11.2%
Chester	3,140	411	13.1%
Ludlow	2,156	258	12.0%
Reading	688	22	3.2%
Springfield	9,343	1,485	15.9%
Weathersfield	2,829	144	5.1%
West Windsor	1,130	37	3.3%
Windsor	3,575	536	15.0%
Windsor County	24,978	3,106	12.4%
State of VT	626,431	72,039	11.5%

Source: ACS 2011 5-year data compilation

Limited English Proficiency (LEP). According to 2007-2011 ACS data, there are very low numbers of residents who have limited English proficiency. Table 3 below summarizes 2007-2011 ACS data on populations that speak other languages and have limited ability to speak English. Springfield, West Windsor and Weathersfield have the highest proportion of LEP populations in the region, with each town's LEP population just under 1% of the total population.

Table 3: Population in Region with Limited English Proficiency for Population 5 years or older

	Speak Only English	Speak Spanish	LEP Spanish	Speak Other Indo-Europe	LEP Indo-Europe	Speak Asian-Pac	LEP Asian-Pac	Speak Other Lang	LEP Other Lang	Total LEP	All LEP % of Total
Andover	426	0	0	0	0	0	0	2	0	0	0.0%
Baltimore	219	0	0	3	0	0	0	0	0	0	0.0%
Cavendish	1,243	67	2	16	0	6	4	0	0	6	0.4%
Chester	3,027	0	0	14	0	0	0	10	0	0	0.0%
Ludlow	1,967	34	0	6	0	5	5	0	0	5	0.2%
Reading	647	0	0	0	0	0	0	0	0	0	0.0%
Springfield	8,380	316	63	101	8	0	0	1	0	71	0.8%
Weathersfield	2,677	12	9	57	10	0	0	0	0	19	0.7%
West Windsor	1,022	5	0	31	8	0	0	0	0	8	0.8%
Windsor	3,272	17	2	60	10	0	0	0	0	12	0.4%
S Windsor County	22,880	451	76	288	36	11	9	13	0	121	0.5%
Vermont	562,399	6,333	1,706	410	121	323	226	173	10	2,063	0.4%

Source: ACS 2011 5-year data compilation

8. Annual Work Plan

The SWCRPC's Executive Director and Title VI Coordinator will monitor and review all Title VI activities. Over the next year, these activities will include:

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

9. Required Title VI Contract Provisions

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

10. Providing Assistance to Subrecipients

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

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

11. Monitoring Subrecipients

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

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

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

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

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

13. Participation by Small Business Enterprises

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

14. Requirement to Provide Additional Information upon Request

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

VI. Appendix

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