

Harrisonburg-Rockingham Metropolitan Planning Organization

Serving the City of Harrisonburg and Rockingham County and the  
Towns of Bridgewater, Dayton, and Mt. Crawford, Virginia

HRMPO

# HARRISONBURG-ROCKINGHAM METROPOLITAN PLANNING ORGANIZATION TITLE VI PLAN

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*TITLE VI, ENVIRONMENTAL JUSTICE AND LIMITED ENGLISH PROFICIENCY*

*Adopted May 16, 2013*

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## Report Documentation

# Harrisonburg-Rockingham Metropolitan Planning Organization

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### **Title:**

Harrisonburg-Rockingham Metropolitan Planning Organization Title VI Plan

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### **Report Date:**

March 2013

### **Granting/Sponsoring Agencies:**

Federal Highways Administration

Federal Transit Administration

Virginia Department of Transportation

Virginia Department of Rail and Public Transit

Local Funds

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## Abstract

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

This Plan also provides an overview of Environmental Justice and Limited English Proficiency (LEP) concepts, definitions of Title VI and associated nondiscrimination acts, and how Title VI, Environmental Justice and LEP are incorporated into the metropolitan transportation planning process. Environmental Justice guidelines and outreach strategies for minority, low-income, and LEP populations are included within the HRMPO Public Participation Plan, adopted on July 19, 2007.

## Acknowledgements

This report was prepared by the HRMPO in cooperation with the United States Department of Transportation, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Virginia Department of Transportation (VDOT), and the Virginia Department of Rail and Public Transportation (DRPT). The contents of this report reflect the views of the HRMPO. The contents do not necessarily reflect the official views or policies of the FHWA, FTA, VDOT, DRPT, or Central Shenandoah Planning District Commission. This report does not constitute a standard, specification, or regulation. FHWA, FTA or VDOT acceptance of this report as evidence of fulfillment of the objectives of this planning study does not constitute endorsement/approval of the need for any recommended improvements nor does it constitute approval of their location and design or a commitment to fund any such improvements. Additional project level environmental impact assessments and/or studies of alternatives may be necessary.

This report will be included as a work element in the Fiscal Year 2013 Unified Planning Work Program (UPWP), which is scheduled to be released for public comment by the HRMPO at its May 17, 2012 meeting, approved in June, and its upkeep will be reflected in subsequent UPWP work plans.

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## Purpose

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

## Harrisonburg-Rockingham Metropolitan Planning Organization

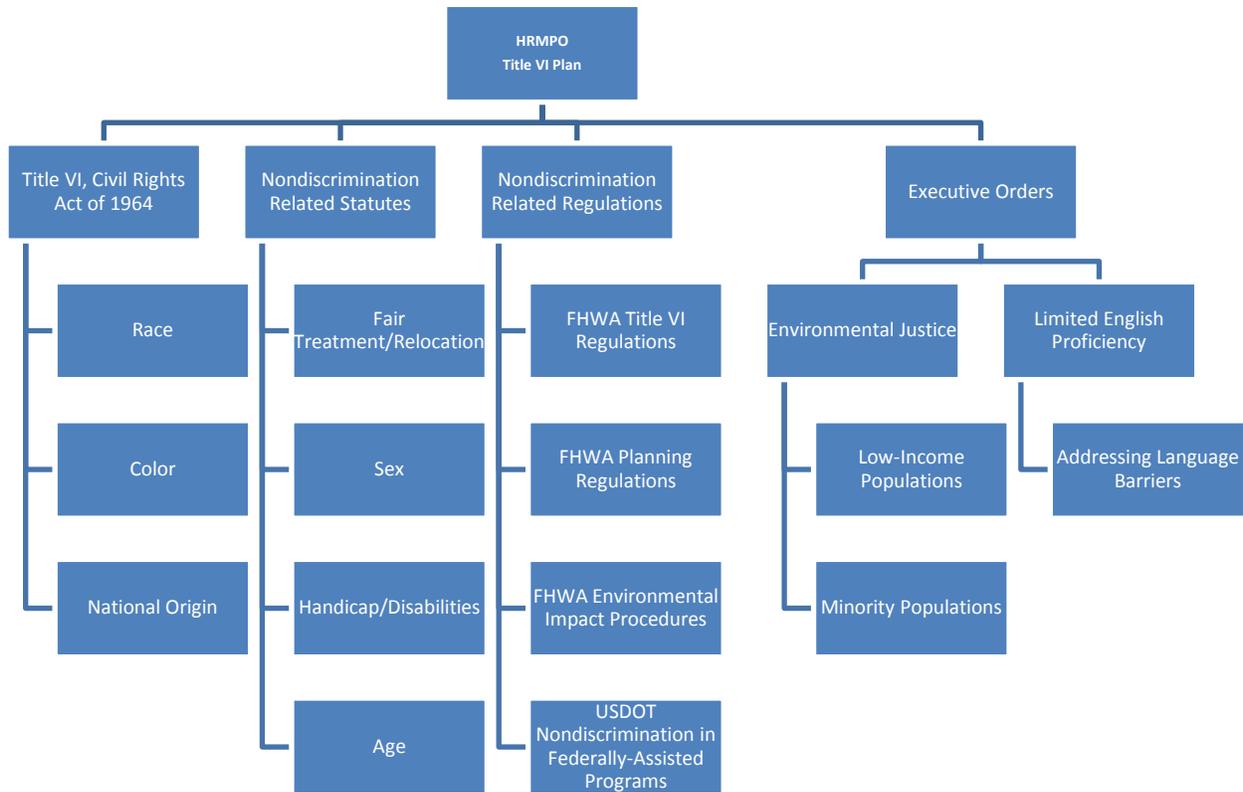
The HRMPO, for which this Title VI Plan is applicable, is the metropolitan planning organization for the Harrisonburg-Rockingham Metropolitan Planning Area (MPA). As such, it is a federally mandated transportation policy board comprised of representatives from local, state, and federal governments, transit agencies, and other stakeholders and is responsible for transportation planning and programming for the MPA. Any highway or transit project or program to be constructed or conducted within the MPA and to be paid for with Federal funds, must receive approval by the HRMPO before any Federal funds can be expended. The HRMPO includes the City of Harrisonburg, the County of Rockingham, and the towns of Bridgewater, Dayton and Mt. Crawford, Virginia.

## Introduction

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

In addition to nondiscrimination, this document provides information regarding two Presidential Executive Orders pertaining to fairness and inclusiveness. Executive Order 12898 mandates that federal agencies address equity and fairness, or Environmental Justice, toward low-income and minority persons and populations. Executive Order 13166 mandates that federal agencies ensure that people who have LEP have meaningful access to federally-conducted and/or funded programs and activities. Detailed Environmental Justice guidelines and outreach strategies for minority, low-income, and LEP populations to comply with Executive Order 12898 and Executive Order 13166 are included within the HRMPO Public Participation Plan, completed in July 2007.

The chart below depicts the nondiscrimination authorities addressed in the HRMPO Title VI Plan.



### Title VI Policy Statement

The HRMPO is committed to ensuring that no person shall, on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, whether those programs and activities are federally funded or not.

The HRMPO Title VI Manager is responsible for initiating and monitoring Title VI activities, preparing required reports, and other responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.

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Signature of Authorizing Official

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Date

## Title VI and Other Nondiscrimination Authorities

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

- Voting Rights
- Public Accommodation
- Desegregation of Public Facilities
- Desegregation of Public Education
- Commission on Civil Rights
- Nondiscrimination in Federally Assisted Programs and Activities
- Equal Employment Opportunity
- Registration and Voting Statistics
- Intervention and Procedure after Removal in Civil Rights Cases
- Establishment of Community Relations Service
- Miscellaneous

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

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

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

- **23 CFR Part 200** – Federal Highway Administration regulations: Title VI Program and Related Statutes – Implementation and Review Procedures.
- **49 CFR Part 21** – Nondiscrimination in Federally-Assisted Programs.
- **23 CFR Part 450** – Federal Highway Administration planning regulations.
- **23 CFR Part 771** – Federal Highway Administration regulations, Environmental Impact Procedures.
- **DOT Order 5610.2 on Environmental Justice** summarized and expanded upon the requirements of Executive Order 12898 to include all policies, programs, and other activities that are undertaken, funded, or approved by the FHWA, the FTA, or other United States Department of Transportation (USDOT) components.
- **The National Environmental Policy Act (NEPA) of 1969** addresses both social and economic impacts of environmental justice. NEPA stresses the importance of providing for “all Americans, safe, healthful, productive and aesthetically pleasing surroundings,” and provides a requirement for taking a “systematic interdisciplinary approach” to aid in considering environmental and community factors in decision-making.
- **FHWA/FTA Memorandum Implementing Title VI Requirements in Metropolitan and Statewide Planning** - This memorandum provides clarification for field officers on how to ensure that environmental justice is considered during current and future planning certification reviews. The intent of this memorandum was for planning officials to understand that environmental justice is equally as important during the planning stages as it is during the project development stages.

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

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

## Organization and Title VI Program Responsibilities

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

### Responsibilities of the Title VI Coordinator

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

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

### Questions

For questions on the HRMPO Title VI Plan and procedures, please contact the CSPDC at (540) 885-5174 or by email at [cspdc@cspdc.org](mailto:cspdc@cspdc.org). For information on the HRMPO's work programs or publications, please see the HRMPO website at [www.hrvampo.org](http://www.hrvampo.org).

## **Annual Nondiscrimination Assurance to the Virginia Department of Rail and Public Transportation (DRPT)**

As part of the Certifications and Assurances submitted to the DRPT with the Annual Grant Application and all Federal Transit Administration grants submitted to the VDRPT, [Name of Agency] submits a Nondiscrimination Assurance which addresses compliance with Title VI as well as nondiscrimination in hiring (EEO) and contracting (DBE), and nondiscrimination on the basis of disability (ADA). In signing and submitting this assurance, [Name of Agency] confirms to VDRPT the agency's commitment to nondiscrimination and compliance with federal and state requirements.

## **Title VI Clauses in Contracts**

In all procurements requiring a written contract, HRMPO's contract will include the federal non-discrimination clauses. The Title VI Compliance Officer will work with the Financial Compliance and Procurement Analyst.

## **Environmental Justice**

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

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

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

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

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

- **Minority** – a person who is Black, Hispanic, American Indian and Alaskan Native, or Asian American:
  - **Black** – a person having origins in any of the black racial groups of Africa.
  - **Hispanic** – a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
  - **American Indian and Alaskan Native** – a person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.
  - **Asian American** – a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific islands.
- **Minority Population** – any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed program, policy or activity.
- **Low-Income** – a person whose household income is at or below the United States Department of Health and Human Services poverty guidelines.
- **Low-Income Population** – any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who would be similarly affected by a proposed program, policy or activity.

Environmental Justice is incorporated through all phases of the transportation planning and programming process. Environmental Justice Guidelines for the HRMPO have been developed and are included as a chapter within the HRMPO Public Participation Plan, completed in July 2007, and within the 2035 HRMPO Long-Range Transportation Plan adopted on March 15, 2012. The HRMPO Environmental Justice Guidelines include maps identifying underserved communities, outreach strategies, benefits/burdens methodologies, and an evaluation component.

## Limited English Proficiency

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

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

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

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

The four-factor analysis should be used to determine which language assistance services are appropriate to address the identified needs of the LEP population. More information regarding the identification of LEP individuals within the community as well as outreach strategies are included within the HRMPO Public Participation Plan.

## Assessment of Needs and Resources

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

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

The agency has reviewed Census data on the number of individuals in its service area that have LEP, as well as the languages they speak.

***U.S. Census Data – American Community Survey 5 Year Data 2007-2011***

Data from the U.S. Census Bureau’s American Community Survey (ACS) were obtained through www.census.gov for the MPA. Information from the 2007-2011 ACS also provides more detail on the specific languages that are spoken by those who report that they speak English less than very well. Languages spoken at home by those with LEP are presented below. These data indicate the extent to which translations into other language are needed to meet the needs of LEP persons.

This data will be used to determine how best to disseminate information that is accessible to persons with LEP. According to the U.S. Census 2007-2011 ACS, English was the only language spoken by 102,164 people, or 87.4% of the total population of the combined area of Harrisonburg and Rockingham as displayed in Table 1. The LEP four factor analysis shows 3,702 people, or 3.2% of the total population of Harrisonburg and Rockingham combined do not speak English “well” or “at all”. Based on the relatively low percent, the need to address the LEP population is somewhat limited.

***Table 1: HRMPO Language Use & English-Speaking Ability for the Population 5-years & Older***

|                      | Total Pop<br>5yrs+ | Speak<br>only<br>English at<br>Home (%) | Speak non-English at Home |                          |                         |                         |                       |                          | Speak<br>Spanish<br>(%*) | Speak<br>Other<br>(%*) |
|----------------------|--------------------|---|---------------------------|--------------------------|-------------------------|-------------------------|-----------------------|--------------------------|--------------------------|------------------------|
|                      |                    |   | Total Pop<br>(%)          | Ability to Speak English |                         |                         |                       |                          |                          |                        |
|                      |                    |   |                           | Very Well<br>(%)         | Well<br>(%)             | Not Well<br>(%)         | Not at All<br>(%)     |                          |                          |                        |
| Rockingham<br>County | 71,060             | 65,722<br>(92.5%)                       | 5,338<br>(7.5%)           | 3,436<br>(4.8%)          | 805<br>(1.1%)           | 909<br>(1.3%)           | 188<br>(0.3%)         | 3,350<br>(62.8%*)        | 1,988<br>(37.2%*)        |                        |
| Harrisonburg<br>City | 45,833             | 36,442<br>(79.5%)                       | 9,391<br>(20.5%)          | 5,059<br>(11.0%)         | 1,806<br>(3.9%)         | 1,936<br>(4.2%)         | 669<br>(1.5%)         | 5,925<br>(63.1%)         | 3,466<br>(36.9%)         |                        |
| <b>Total</b>         | <b>116,893</b>     | <b>102,164<br/>(87.4%)</b>              | <b>14,729<br/>(12.6%)</b> | <b>8,495<br/>(7.3%)</b>  | <b>2,611<br/>(2.2%)</b> | <b>2,845<br/>(2.4%)</b> | <b>857<br/>(0.7%)</b> | <b>9,275<br/>(63.0%)</b> | <b>5,454<br/>(37.0%)</b> |                        |

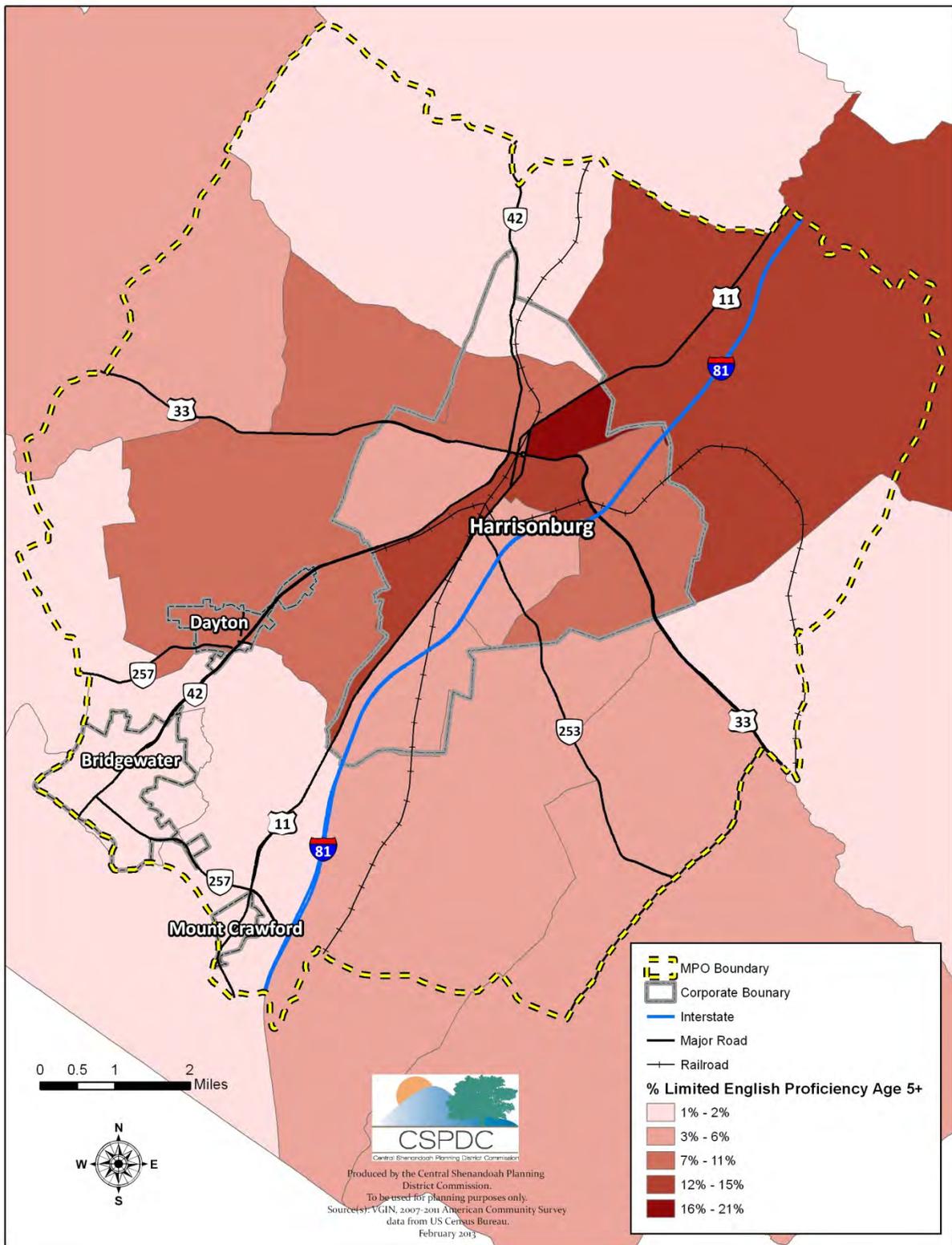
Source: US Census Bureau ACS 5-year Estimate; 2007-2011

Notes: All percentages based on total population 5 years + except \* based on population 5 years + that speak non-English at home

The Spanish speaking classification makes up approximately 63% of the population that speaks a language other than English at home, making it by far, the largest LEP group in the region. Therefore, the HRMPO’s focus will be on targeting this community. Language assistance will be made available to other limited English speaking individuals in the community as the need arises.

Figure 1 displays the LEP populations by US Census Tracts located within the Harrisonburg-Rockingham MPA. There are 21 Census Tracts either fully or partially contained within the Harrisonburg-Rockingham MPA. Of these, one Census Tract located in north-east Harrisonburg between US Routes 33 and 11 and the eastern Harrisonburg city line contains a LEP population concentration of greater than 16%. This area will be a focus of LEP language assistance programs as necessary.

**Figure 1: HRMPO English-Speaking Ability for the Population 5-years & Older**



## **Factor 2: Assessment of the Frequency with Which LEP Individuals Come Into Contact with the Transit Services or System**

The HRMPO reviewed the relevant benefits, services, and information provided by the agency and determined the extent to which LEP persons have come into contact with these functions through the following channels:

- Calls to the HRMPO's offices;
- Visits to the HRMPO's office;
- Access to the HRMPO's website;
- Attendance at community meetings or public hearings hosted by the HRMPO;
- Public involvement and public engagement meetings/hearings for projects affecting LEP communities or individuals
- Internet access: HRMPO Website must be accessible to LEP persons

The HRMPO has never been contacted by any LEP individuals regarding projects or programs the HRMPO administers. All public notices required for HRMPO activities are published in the local Spanish-language newspaper thereby providing information to the largest LEP community within the Harrisonburg-Rockingham MPA.

The HRMPO will continue to identify emerging populations as updated Census and American Community Survey data become available for our service area. In addition, when LEP persons contact our agency, we attempt to identify their language and keep records on contacts to accurately assess the frequency of contact. To assist in language identification, we use a language identification flashcard based on that which was developed by the U.S. Census. (<http://www.lep.gov/ISpeakCards2004.pdf>)

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

The HRMPO main function is to provide cooperative, comprehensive, and continuing transportation planning for the Harrisonburg-Rockingham MPA. To this end, the HRMPO develops the regional Transportation Improvement Program (TIP), the Long Range Transportation Plan, assists the member jurisdictions with development of their transportation planning documents, assist the local public transportation provider with planning needs, promote multi-modal transportation options for the region, and provides other services as needed.

Based on past experience serving and communicating with LEP persons and discussions with community agencies, we understand that our support of public transportation programs in the Harrisonburg-Rockingham MPA. These include those provided by the Harrisonburg Department of Public Transportation as well as the local Coordinated Human Services Mobility providers such as Friendship Industries, the ARC of Harrisonburg, and others. Additionally the HRMPO public involvement program including public information and planning meetings is extremely important to LEP persons. LEP persons, low-income populations, minority populations, the elderly, and the disabled must be considered in

these processes. The HRMPO will continue assessing this area by communicating with community organizations that serve LEP persons, as well as contact with LEP persons themselves.

#### **Factor 4: Assessment of the Resources Available to the Agency and Costs**

##### ***Costs***

The only language assistance measure currently being provided by the HRMPO includes the Spanish-language announcements of public involvement activities. Costs for these services are minimal \$500 - \$1,000 depending on the number of public involvement activities that occur in any given year. We do not expect these costs to increase in the future.

Based on the analysis of demographic data and contact with community organizations and LEP persons, the HRMPO has determined that there is no need to expand our services at this time. However, when projects are based in areas identified as high LEP populations additional outreach or accommodations may be necessary. These may include translation of project information into additional languages and/or additional oral language services (interpreters) provided at public meetings. These could increase the project budget by up to \$2,000 when necessary.

##### ***Resources***

The HRMPO provides flexibility in the Unified Planning and Work Program and could devote additional funds to language assistance expenses in certain cases that would provide meaningful benefit to LEP populations. As discussed this would be determined on an as needed basis related to projects that may impact those identified LEP populations.

In addition, assistance may be available through community organizations, city or county departments, or other agencies who may be able to partner for language assistance services. In the past the language department at James Madison University, located within the Harrisonburg-Rockingham MPA has provided translation services on an as needed basis at a reasonable cost. The HRMPO also has access to free language assistance products available through the web such as Google Translate™ that may be used to translate written phrases, documents, and websites for free.

#### **LEP Implementation Plan**

Considering the HRMPO's size and scope, LEP individuals in the Harrisonburg-Rockingham MPA, and financial resources, it is necessary to provide at least the most basic and cost-effective services available to ensure compliance with Executive Order 13166. Many options were discussed and considered by HRMPO staff and the following recommendations were adopted as measures to provide meaningful access to limited English speaking persons:

- With advance notice of seven calendar days, provide interpreter services at any meeting or public hearing. This will include foreign language and hearing impaired interpreter services.
- Place statements in notices and publications that interpreter services are available for meetings, with seven days advance notice.

- Place notices of HRMPO's non-discrimination policies and information on the local and federal complaint process on the website in English and other languages via Google Translate and make the notices available at public meetings.
- Translate vital documents in languages other than English when there is potential for impact to LEP communities.
- Provide training to HRMPO staff on the requirements for providing meaningful access to services for LEP persons.
- Monitor H to ensure LEP requirements are fulfilled and report annually on the accomplishments related to LEP activities.
- Include a LEP policy in the updates of the HRMPO Public Participation Plan through, 1) statements and notices that interpreters will be provided, upon prior request for language assistance as well as for sign language, and 2) maintenance of a contact list for interpretation and translation providers.
- Utilize the VDOT's LEP Guidelines and Public Participation Plan in conjunction with the DRPT's LEP Plan to identify low-income populations, minority populations, the elderly, and the disabled; who may be part of the LEP population.

## **Public Outreach and Involvement**

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

Note: The Communications and Public Participation area applies to and affects the HRMPO work program as a whole, particularly HRMPO efforts and responsibilities related to the Planning and Programming and Environmental Justice areas. The HRMPO Public Participation Plan includes specific information regarding outreach and communication strategies and Environmental Justice guidelines. Special emphasis is placed on outreach strategies for minority, low-income, and LEP populations.

## **Demographic Profile**

Data from the US Census was used to develop a demographic profile of the Harrisonburg-Rockingham MPA and identify the locations and needs of socioeconomic groups, including low-income, disabled, LEP, and minority populations.

The HRMPO believes that public input into its process is valuable and makes its products better. Transportation planning cannot, and should not, be based simply upon technical analysis. The qualitative information derived from citizen involvement is essential to good decision-making.

As a matter of HRMPO policy and a requirement of federal law, the transportation planning process must make special efforts to consider the concerns of traditionally underserved communities, including low-income and minority communities and people with disabilities. These communities are mapped for the Harrisonburg-Rockingham MPA in Figures 2 and 3.

To reach the largest number of minority and low-income communities throughout the Harrisonburg-Rockingham MPA, a geographically focused public participation program will achieve the outcomes described in this plan. In addition to traditional methods of communication, HRMPO will utilize strategies recommended by community members for a specific neighborhood or population group. By partnering with community groups, HRMPO can cost-effectively extend its reach and help partner organizations provide information that is of interest to groups they represent.

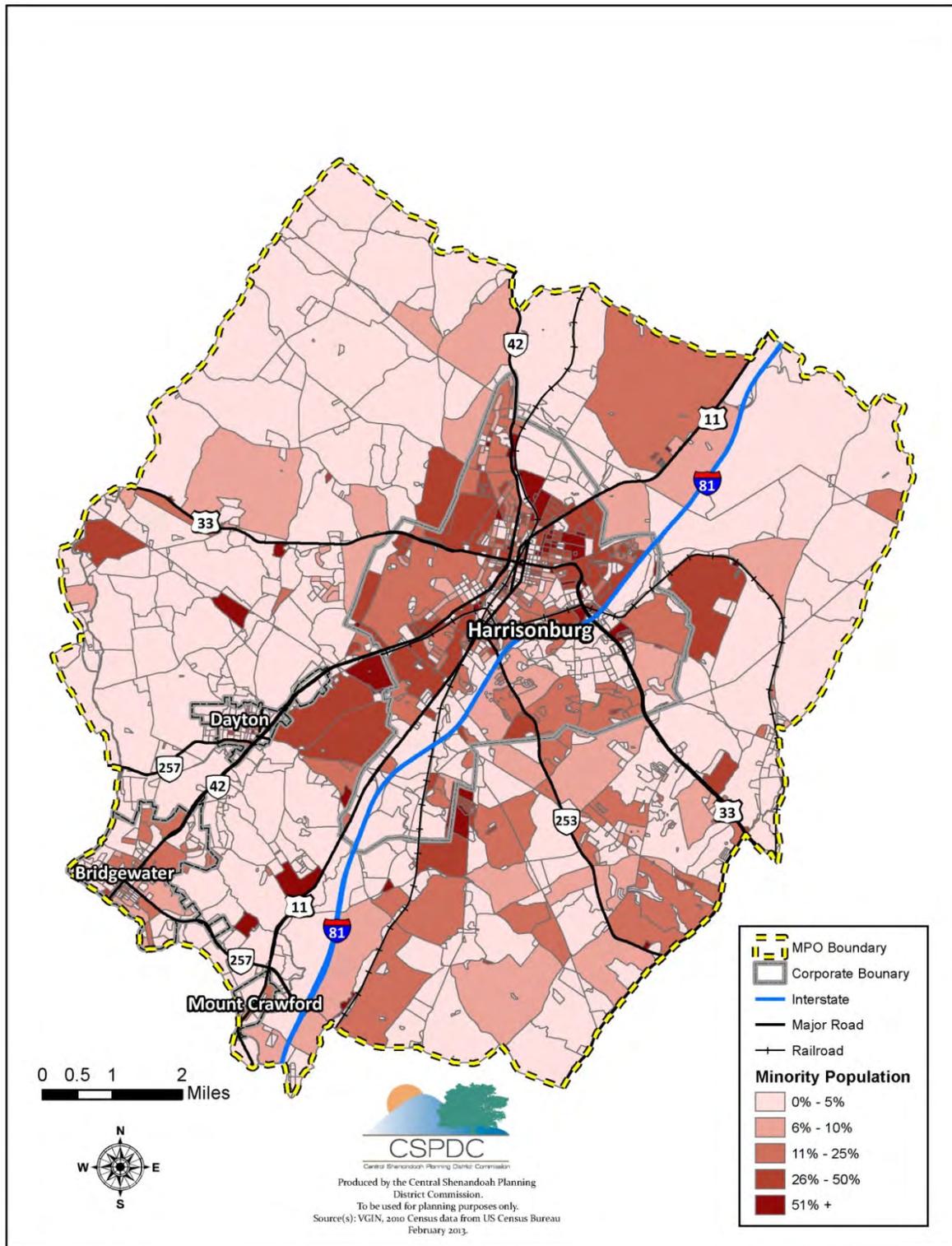
HRMPO will establish and maintain active work relationships with all relevant local media, including minority-based media in order to communicate pertinent information to the public. HRMPO will coordinate with individual institutions and organizations while implementing community-based public involvement strategies to reach out to members in affected minority and/or low income communities. HRMPO shall also provide opportunities for public participation through alternative means other than public meetings or written communication; i.e., personal interviews or use of audio or video recording to capture comments as needed for particular projects.

### **HRMPO Responsibilities**

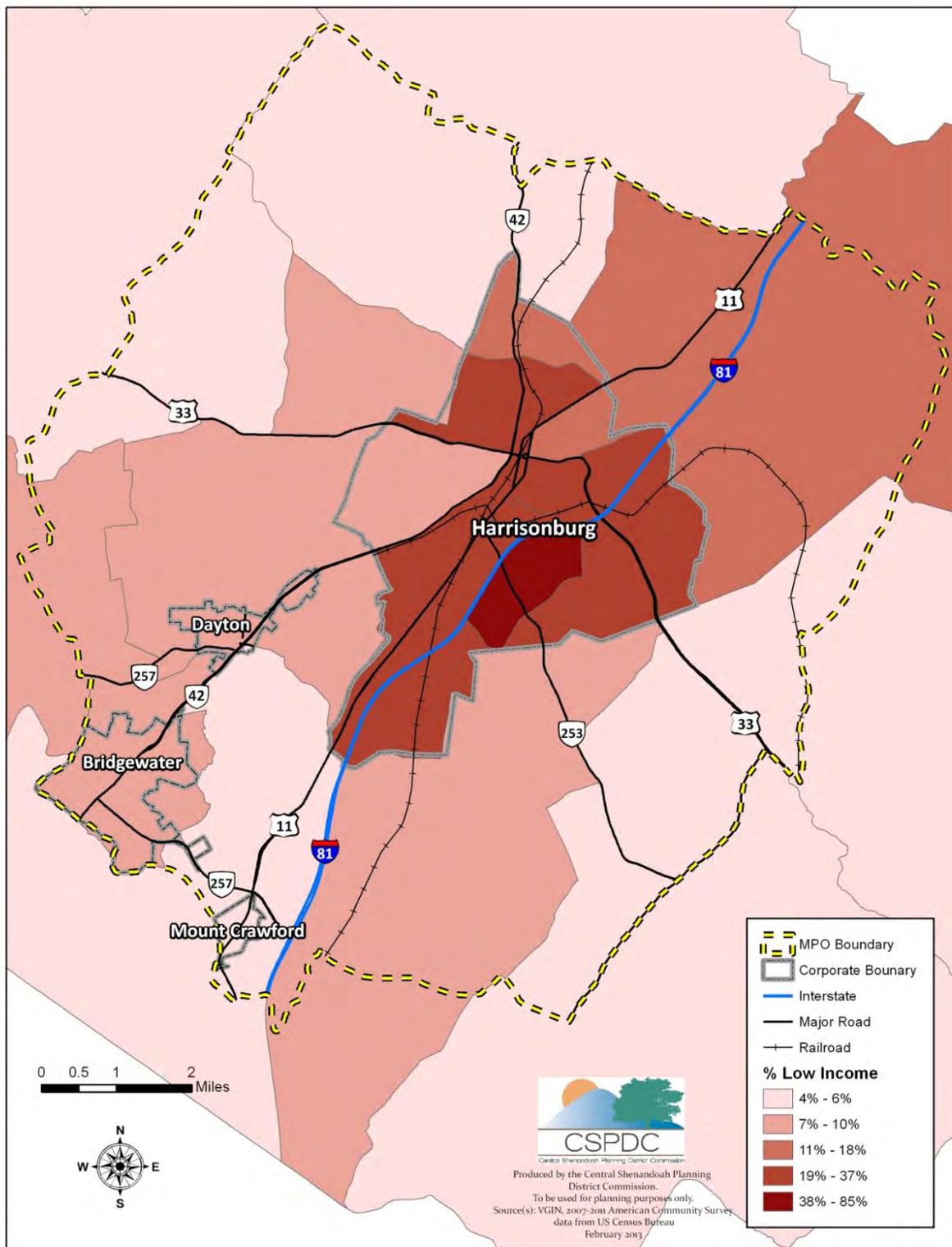
HRMPO staff is responsible for evaluating and monitoring compliance with applicable nondiscrimination authorities in all aspects of the HRMPO public participation process. HRMPO staff members will:

- Ensure that all communications and public participation efforts comply with nondiscrimination authorities.
- Develop and distribute information on nondiscrimination and HRMPO programs to the general public.
- Provide services for individuals with special needs – Upon advance notice, deaf interpreters, translators, and Braille documents can be provided for public meetings. Notifications of opportunities for public participation will include contact information for people needing these or other special accommodations.
- Include the following statement in all of the HRMPO public notices:
  - “The HRMPO ensures nondiscrimination and equal employment in all programs and activities in accordance with Title VI and Title VII of the Civil Rights Act of 1964. If you have questions or concerns about your civil rights in regards to this project or special assistance for persons with disabilities or limited English proficiency, please contact the HRMPO. Sign language or non-English language interpreters will be provided if needed and requested in advance of this meeting. Please contact the HRMPO at 540-885-5174 to request an interpreter no later than <enter date at least 14 days prior to meeting>.”
- Include the above Title VI Statement in press releases and on the HRMPO website.

Figure 2: HRMPO Percentage of Minority Populations



**Figure 3: HRMPO Percentage of Below Poverty Populations**



## HRMPO Title VI Program

### Procedures for Ensuring Equity in Service Provision

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

### HRMPO Responsibilities

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

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

### Consultant Contracts

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

### HRMPO Responsibilities

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

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

## Education and Training

In an effort to continuously improve the HRMPO's overall compliance posture, nondiscrimination training will be coordinated with FHWA, VDOT, DRPT, and Harrisonburg Transit (HDPT), and made available to HRMPO staff on an ongoing basis to ensure up-to-date knowledge of Title VI and other nondiscrimination statutes.

### HRMPO Responsibilities

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

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

## Discrimination Complaint Procedures

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

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

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

3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints should set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of

discrimination to an officer or employee of the recipient, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in putting the complaint in writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled in the usual manner.

4. Within 10 days, the HRMPO Title VI Coordinator will acknowledge receipt of the allegation in writing, inform the complainant of action taken or proposed action to process the allegation, advise the respondent of their rights under Title VI and related statutes, and advise the complainant of other avenues of redress available, such as the Virginia Department of Transportation (VDOT), the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA).
5. Within 10 days, a letter will be sent to the VDOT Central Office, Civil Rights Division, and a copy to the FHWA Virginia Division Office. This letter will list the names of the parties involved, the basis of the complaint, and the assigned investigator.
6. In the case of a complaint against the HRMPO, a VDOT investigator will prepare a final investigative report and send it to the complainant, respondent (HRMPO person listed), the HRMPO Title VI Coordinator, and FHWA Virginia Division.
7. Generally, the following information will be included in every notification to the VDOT Office of Civil Rights:
  - a. Name, address, and phone number of the complainant.
  - b. Name(s) and address(es) of alleged discriminating official(s).
  - c. Basis of complaint (i.e., race, color, national origin, sex, age, handicap/disability, income status, limited English proficiency).
  - d. Date of alleged discriminatory act(s).
  - e. Date of complaint received by the recipient.
  - f. A statement of the complaint.
  - g. Other agencies (state, local or federal) where the complaint has been filed.
  - h. An explanation of the actions the recipient has taken or proposed to resolve the issue that was raised in the complaint.
8. Within 60 days, the HRMPO Title VI Coordinator will conduct and complete an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the Executive Director of the recipient of federal assistance. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.
9. Within 90 days of receipt of the complaint, the HRMPO Title VI Coordinator will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with the Virginia Department of Transportation, the Federal Highway Administration (FHWA), or the Federal Transit Administration (FTA), if they are dissatisfied with the final decision rendered by the HRMPO. The HRMPO's Title VI Coordinator will also provide the VDOT Civil Rights Central Office with a copy of the determination and report findings.

10. In the case of a nondiscrimination complaint that was originated at the HRMPO and is turned over to and investigated by VDOT, FHWA or another agency, the HRMPO Title VI Coordinator will monitor the investigation and notify the complainant of updates, in accordance with applicable regulations and VDOT policies and procedures.
11. In accordance with federal law, the HRMPO will require that applicants of federal assistance notify the HRMPO of any lawsuits filed against the applicant or sub-recipients of federal assistance or alleging discrimination; and a statement as to whether the applicant has been found in noncompliance with any relevant civil rights requirements.
12. The HRMPO will submit Title VI accomplishment reports to the Virginia Department of Rail and Public Transportation (DRPT) and the VDOT Central Office, Civil Rights Division, in compliance with VDOT's established processes.
13. The HRMPO will collect demographic data on staff, committees, and program areas in accordance with 23 CFR, 49 CFR and VDOT's established procedures and guidelines.
14. Pursuant to the Virginia Public Records Act (VPRA) § 42.1-76 et seq., the HRMPO will retain Discrimination Complaint Forms and a log of all complaints filed with or investigated by the HRMPO.
15. Records of complaints and related data will be made available by request in accordance with the Virginia Freedom of Information Act (FOIA).

## Appendix 1: Discrimination Complaint Form

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

Harrisonburg-Rockingham Metropolitan Planning Organization,  
Title VI Coordinator,  
112 MacTanly Place, Staunton, VA 24401.

You can reach our office Monday-Friday from 8:30am to 5:00pm at (540) 885-5174, or you can email the HRMPO Title VI Coordinator at [cspdc@cspdc.org](mailto:cspdc@cspdc.org).

---

Complainant's Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone (Home): \_\_\_\_\_ (Business): \_\_\_\_\_

Email Address: \_\_\_\_\_

Person discriminated against (if other than complainant):

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

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_

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

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

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_

Date of incident resulting in discrimination: \_\_\_\_\_

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

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

Where did the incident take place?

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

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

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_

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

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_

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

Yes  No

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

Federal Agency

State Court

Federal Court

Local Agency

State Agency

Other

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

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

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Date Filed: \_\_\_\_\_

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

Complainant's Signature:

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

For Internal Use Only:

Log #:

## Anexo 1: Formulario De Denuncia La Discriminación

Por favor, provea la siguiente información con el fin de procesar su queja. La ayuda está disponible bajo petición. Complete este formulario y envíelo por correo o entregar a:

Harrisonburg-Rockingham Organización de Planificación Metropolitana,  
Coordinador del Título VI,  
112 MacTanly Place, Staunton, VA 24401.

Puede llegar a nuestra oficina de lunes a viernes de 8:30 am a 5:00 pm al (540) 885 a 5174, o puede enviar el HRMPO Coordinador del Título VI a [cspdc@cspdc.org](mailto:cspdc@cspdc.org).

---

Nombre del querellante: \_\_\_\_\_

Dirección: \_\_\_\_\_

Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_ Código postal: \_\_\_\_\_

Teléfono (Casa): \_\_\_\_\_ (Negocios): \_\_\_\_\_

Dirección de correo electrónico: \_\_\_\_\_

Persona de discriminación (si no es demandante):

Nombre: \_\_\_\_\_

Dirección: \_\_\_\_\_

Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_ Código postal: \_\_\_\_\_

Teléfono (Casa): \_\_\_\_\_

El nombre y la dirección de la agencia, institución o departamento que usted cree que discriminó en su contra.

Nombre: \_\_\_\_\_

Dirección: \_\_\_\_\_

Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_ Código postal: \_\_\_\_\_

Teléfono (Casa): \_\_\_\_\_

Fecha del incidente que resulta en la discriminación: \_\_\_\_\_

Describa cómo fue discriminado. ¿Qué pasó y quién fue el responsable? Si se necesita espacio adicional, por favor, o bien utilizar el reverso del formulario o adjuntar hojas adicionales a la forma.

Esta denuncia implica a un individuo específico (s) asociado con el HRMPO? En caso afirmativo, indique el nombre (s) de la persona (s), si se conoce.

¿Dónde se llevará a cabo el incidente?

¿Hay testigos? Si es así, por favor proporcione su información de contacto:

Nombre: \_\_\_\_\_

Dirección: \_\_\_\_\_

Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_ Código postal: \_\_\_\_\_

Teléfono (Casa): \_\_\_\_\_

Nombre: \_\_\_\_\_

Dirección: \_\_\_\_\_

Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_ Código postal: \_\_\_\_\_

Teléfono (Casa): \_\_\_\_\_

¿Presentó esta queja con otra agencia federal, estatal o local, o ante un tribunal federal o estatal?

Sí     Not

Si la respuesta es Sí, marque cada queja se presentó ante la agencia:

Agencia Federal para el

Corte del Estado de

Tribunal Federal

Agencia Local

Agencia Estatal de

Otro

Sírvanse proporcionar información la persona de contacto para la agencia también se presentó la queja con:

Nombre: \_\_\_\_\_

Dirección: \_\_\_\_\_

Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_ Código postal: \_\_\_\_\_

Fecha de presentación: \_\_\_\_\_

Firme la queja en el espacio de abajo. Adjunte cualquier documento que considere apropiado para respaldar su queja..

Firma del Demandante:

\_\_\_\_\_

Firma

\_\_\_\_\_

Fecha

Sólo para uso interno:

Entrar #:

## **Appendix 2: Notice to the Public**

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

“The HRMPO ensures nondiscrimination and equal employment in all programs and activities in accordance with Title VI and Title VII of the Civil Rights Act of 1964. If you have questions or concerns about your civil rights in regards to this project or special assistance for persons with disabilities or limited English proficiency, please contact the HRMPO. Sign language or non-English language interpreters will be provided if needed and requested in advance of this meeting. Please contact the HRMPO at 540-885-5174 to request an interpreter no later than <enter date at least 14 days prior to meeting>.”