

Hampton Roads Transportation Accountability Commission

Title VI Implementation Plan

Adopted September 19, 2024

Hampton Roads Transportation Accountability Commission

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III

Title:

The Hampton Roads Transportation Accountability Commission (HRTAC) Title VI Implementation Plan

Report Date:

September 19, 2024

Hampton Roads Transportation Accountability Commission

723 Woodlake Drive
Chesapeake, Virginia 23320
Phone: (757) 420 – 8300
Website: www.hrtac.org

Staff Listing

Leadership

Kevin B. Page	Executive Director, HRTAC
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Title VI Liaison

LeeQuan McLaurin	Title VI Liaison (Shared Services through HRPDC)
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Finance

Sheila S. Wilson	Chief Financial Officer (Shared Services through HRPDC)
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Danetta Jankosky	
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Lynn Coen	Senior Accounting Manager
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Administrative Support

Jennifer Hodnett	Executive Assistant to the Director
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Introduction

The Hampton Roads Transportation Accountability Commission (HRTAC) is a recipient of federal financial assistance for certain purposes, discussed below. As a recipient, HRTAC is required to comply with Title VI of the Civil Rights Act of 1964 (Title VI), as amended, and other nondiscrimination laws and authorities. Title VI prohibits agencies receiving federal financial assistance from discriminating against anyone or any group in the United States on the ground of race, color or national origin. Specifically, 42 USC 2000d states that: *“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”*

“Program or activity” is broadly defined to include “all of the operations of a department, agency, special purpose district, or other instrumentality of a State or of a local government; or the entity of such State or local government that distributes such assistance and each such department or agency.” The federal assistance received by HRTAC is in the form of low interest loans for specific Interstate improvement projects and the proceeds are passed through to the Virginia Department of Transportation (VDOT) for the development and delivery of those projects.

The United States Department of Transportation (USDOT) Regulations, 49 Code of Federal Regulations (CFR), Part 21, and other applicable Executive Orders and authorities provide guidelines, actions, and responsibilities for implementation of this Title VI Implementation Plan to ensure that HRTAC complies with nondiscrimination requirements as outlined therein.

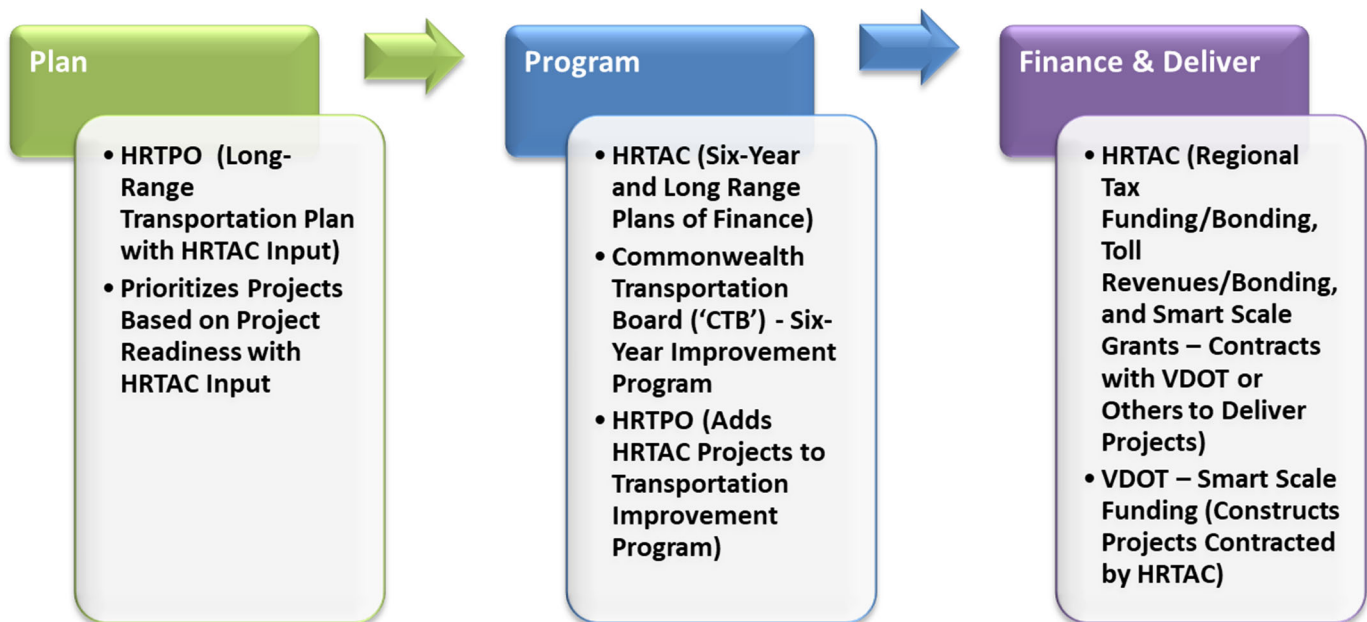
This Title IV Implementation Plan includes the structure of HRTAC’s Title VI Program as well as the policies, procedures and practices that will be followed to comply with nondiscrimination requirements.

HRTAC 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, the Federal Highway Administration (FHWA), VDOT or the Hampton Roads Transportation Planning Organization (HRTPO). This Title VI Implementation Plan does not constitute a standard, specification, or regulation. This Plan describes how HRTAC will accomplish nondiscrimination in the delivery of its federally-assisted programs and activities in accordance with federal guidelines. Additional planning and project-level environmental impact assessments, studies, right-of-way purchases, and construction may be necessary from time to time and will be administered by agreement with VDOT and/or the Hampton Roads Transportation Planning Organization (HRTPO), in which case the Title VI plans of VDOT and HRTPO shall apply to their respective programs and activities.

HRTAC utilizes Hampton Roads Transportation Fund monies and tolls through its own adopted Program of Projects for construction projects on new or existing highways, bridges and tunnels and to support the repayment of bonds used to finance its Program of Projects.

HRTAC works closely with the HRTPO which determines Project Prioritization and programs federal funds for the region. The evolution of HRTAC Projects, including the High Priority Highway Congestion Relief Projects is demonstrated in the following graphics, including the responsible party for each phase of the Project:

HRTAC HRTF Project Evolution



HRTAC Title VI Policy Statement

HRTAC will effectuate the provisions of Title VI of the Civil Rights Act of 1964, 49 Code of Federal Regulations (CFR) Part 21, and other applicable directives. These authorities provide that no person 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 HRTAC receives federal assistance.

Further, as a recipient of federal-aid funding, HRTAC strives to achieve nondiscrimination in its programs and activities. HRTAC's commitment includes, but is not limited to:

Equity

HRTAC is committed to proactively identifying and eliminating barriers to access and participation in HRTAC's programs and activities. HRTAC will work to ensure that all individuals, regardless of their race, color or national origin, have an equal opportunity to access and benefit from HRTAC's programs and activities.

Public Engagement

HRTAC recognizes that community input and engagement are critical to achieving equity and inclusion goals. HRTAC will ensure that HRTAC's public involvement activities are accessible to all individuals, regardless of race, color or national origin.

Accessibility

HRTAC will monitor and evaluate its programs and activities to ensure that they are accessible to all individuals, regardless of their race, color or national origin. HRTAC will review and update the HRTAC Title VI Implementation Plan as necessary to ensure compliance with all applicable federal and state laws and regulations related to civil rights.

Accountability

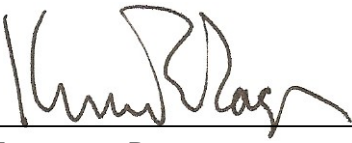
HRTAC is committed to addressing complaints of discrimination that may arise from HRTAC's programs or activities. HRTAC has established and publicized complaint procedures for individuals who believe they have been discriminated against based on race, color or national origin. HRTAC will investigate all complaints and take appropriate action to address any findings of discrimination.

Every employee and representative of HRTAC shall perform all official actions in full accord with applicable statutes, executive orders, regulations and policies enunciated thereunder to assure compliance with Title VI.

The HRTAC Executive Director is responsible for ensuring the implementation of HRTAC's Title VI Implementation Plan and Program. The Title VI Liaison, under the supervision of the Executive Director, is responsible for coordinating the overall administration of the Plan and the USDOT Standard Title VI/Non-Discrimination Assurances signed by HRTAC from time to time in accordance with DOT Order No. 1050.2A, which establish an agreement to assure

nondiscrimination in HRTAC's programs and activities. A copy of the Assurances signed by the Executive Director is attached as an Appendix to this Plan.

Employees of HRTAC, contractors or any member of the public with questions, problems or complaints regarding this Policy Statement, and the implementation of the stated provisions, should contact the Executive Director at 723 Woodlake Drive, Chesapeake, Virginia 23320; telephone: (757) 420 – 8300; or LeeQuan McLaurin, Title VI Liaison, at 723 Woodlake Drive, Chesapeake, Virginia 23320; telephone: (757) 420-8300.



Executive Director,
Hampton Roads Transportation Accountability Commission

9/19/2024

Date

Understanding this Document

The HRTAC Title VI Implementation Plan outlines the steps that HRTAC will take to ensure that its programs and activities receiving federal financial assistance are accessible to all residents, regardless of their race, color, or national origin. This includes identifying potential barriers to access and developing strategies to eliminate them.

The Plan also includes a complaint procedure, allowing individuals who believe that they have experienced discrimination in HRTAC's programs or activities to file a complaint. HRTAC will investigate complaints and appropriately address any identified discrimination.

By developing and implementing a Title VI Implementation Plan and Program, HRTAC is demonstrating its commitment to administering equitable programs and activities. Additional planning and project-level environmental impact assessments, studies, right-of-way purchases, and construction may be necessary from time to time and will be administered by agreement with VDOT and/or HRTPO, in which case the Title VI plans of VDOT and HRTPO shall apply to their respective programs and activities.

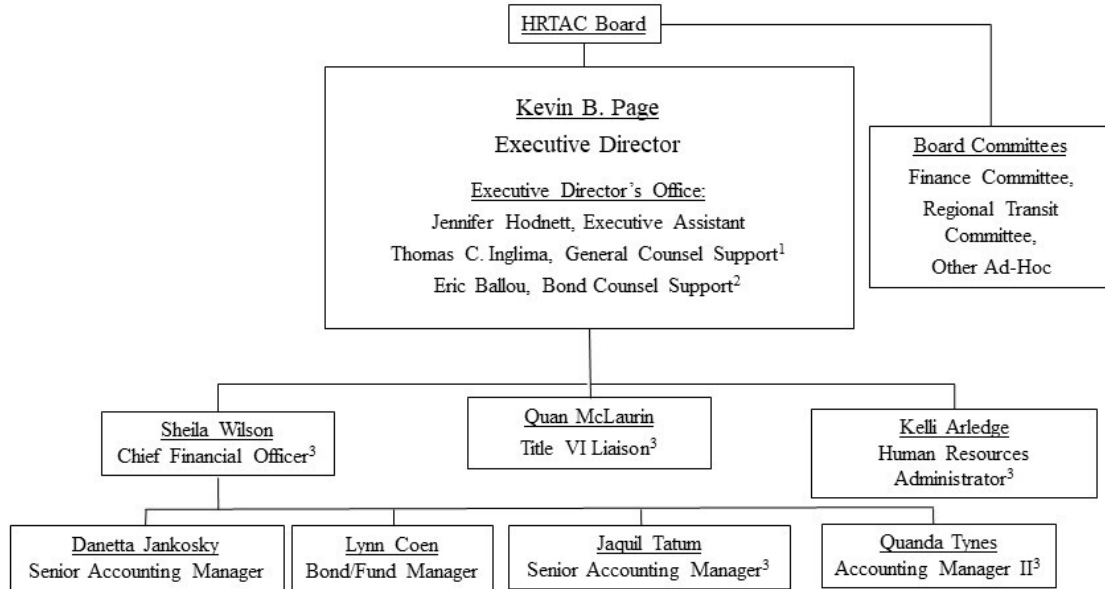
Organizational Structure

HRTAC (the Commission) consists of twenty-three (23) members as follows: (i) the chief elected officer of the governing body of each of the ten (10) cities embraced by the Commission; (ii) a current elected official of each of the four counties embraced by the Commission; (iii) three (3) members of the House of Delegates who reside in different counties or cities embraced by the Commission and two (2) members of the Senate who reside in different counties or cities embraced by the Commission; and (iv) the following four (4) persons serving as nonvoting ex officio members of the Commission – a member of the Commonwealth Transportation Board who resides in a locality embraced by the Commission, the Director of the Department of Rail and Public Transportation, the Commissioner of Highways, and the Executive Director of the Virginia Port Authority.

HRTAC employs an Executive Director who oversees the day-to-day operations of HRTAC as well as other staff to carry out the duties and responsibilities of HRTAC.

HRTAC Organizational Chart

Hampton Roads Transportation Accountability Commission Organization Chart



¹Willcox & Savage, P.C. Contracted Legal Support

²Kaufman and Canoles, P.C. Contracted Legal Support

³Hampton Roads Planning District Commission/Hampton Roads Transportation Planning Organization Contracted Staff Support

5/30/2024

HRTAC Title VI Responsibilities

HRTAC is empowered to procure, finance, build and operate highway, bridge and tunnel projects in Hampton Roads. HRTAC works closely with HRTPO which determines project prioritization and programs federal funds for the region. HRTAC contracts with VDOT to assist HRTAC in developing project readiness and to advertise and build certain projects through project development and construction agreements.

The following is a list of general Title VI responsibilities applicable to HRTAC's programs and activities. The Title VI Liaison is responsible for ensuring that these elements are appropriately implemented and maintained. Additional planning and project-level environmental impact assessments, studies, right-of-way purchases, and construction may be necessary from time to time and will be administered by agreement with VDOT and/or HRTPO, in which case the Title VI plans of VDOT and HRTPO shall apply to their respective programs and activities.

1. Data Collection

The statistical data gathering process will be reviewed regularly to ensure the sufficiency of the data in meeting the requirements of Title VI and guiding public participation efforts. Statistical data, including race, national origin, age or disability (where known) of participants in and beneficiaries of HRTAC's programs will be collected, analyzed and maintained to determine the transportation investment benefits and burdens to the eligible population, including minority and limited English proficiency (LEP) populations. HRTAC may from time to time for reference Title VI data collected, analyzed and reported by HRTPO and/or VDOT pertaining to their respective program areas and in subrecipient reviews of the Title VI Program.

2. Dissemination

Information on the Title VI Program will be disseminated to employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the public.

Internal communication materials and resources include distribution and evaluation of the Title VI related policies and procedures.

Community outreach and public education include making available, and where appropriate, distributing Title VI policy and procedures, posting HRTAC's Title VI Statement, outreaching to people with LEP, and using other forms of public distribution where applicable.

3. Audit by the Virginia Department of Transportation (VDOT) and Federal Partners on Title VI Compliance

As required, HRTAC will participate in Title VI audits conducted by VDOT or federal planning partners.

4. Title VI Statement

This text will remain permanently on the HRTAC websites, as well as in publications and other public documents:

HRTAC fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations as required. HRTAC will strive to provide reasonable accommodations and services for persons who require special assistance to participate in any public involvement opportunity. For more information on meeting accessibility or to obtain a Title VI Complaint Form, email TitleVI@HRTAC.org or call the HRTAC Title VI Liaison at (757) 420- 8300.

5. Complaints

Any individual may exercise their right to file a complaint or have a legal representative file a claim on their behalf if that person believes that they or any other program beneficiaries have been subjected to unequal treatment or discrimination on the grounds of race, color, or national origin in any program or activity administered by the HRTAC, or its sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries. Title VI complaints that may be received by HRTAC will be reviewed following the adopted procedural guidelines.

Title VI Liaison Responsibilities

The HRTAC Executive Director is responsible for ensuring the implementation of the HRTAC's Title VI Implementation Plan. The Title VI Liaison, under the supervision of the Executive Director, is generally responsible for administering HRTAC's Title VI Program and coordinating implementation of the Title VI Implementation Plan. In addition, the Title VI Liaison (i) ensures compliance with the assurances, policy and Program objectives, (ii) performs Title VI Program reviews to assess administrative procedures, staffing and resources, and (iii) provides recommendations, as required, to the Executive Director. Other staff assist the Title VI Liaison in conducting this work.

HRTAC Title VI Liaison
LeeQuan McLaurin
TitleVI@HRTAC.org
(757) 420-8300 (voice)
(757) 390-2578 (TTY)

Other responsibilities of the designated Title VI Liaison include:

- Identifying, investigating, and mitigating instances or patterns of discrimination when found to exist;
- Processing discrimination complaints received by HRTAC;
- Meeting with appropriate staff members to monitor and discuss progress, implementation, and compliance issues related to the HRTAC Title VI Implementation Plan;
- Periodically reviewing HRTAC's Title VI Implementation Plan to assess whether administrative procedures are effective, staffing is appropriate, and adequate resources are available to ensure compliance;
- Working with staff involved with consultant contracts to ensure contracts are solicited in accordance with federal and state laws and regulations and that contracts awarded include appropriate language on non-discrimination requirements;
- Working with staff to monitor consultants and investigate, resolve, and implement a remedial action plan in cases of Title VI deficiencies;
- Assessing communications and public involvement strategies to ensure adequate participation of impacted Title VI protected groups, as appropriate;
- Developing and maintaining a contact list of interpretation and translation service providers;
- Coordinating with appropriate federal, state, and regional entities to periodically provide HRTAC employees with training opportunities regarding nondiscrimination and Title VI; and
- Reviewing important nondiscrimination-related issues, as needed.

If this information is needed in another language or if there are questions about the information contained within this document, please contact LeeQuan McLaurin, Title VI Liaison TitleVI@HRTAC.org or (757) 420-8300.

Staff Training

HRTAC Title VI training consists of:

- Staff training and development opportunities throughout their employment;
- Wherever possible, HRTAC leverages the training and development resources of VDOT and FHWA on Title VI, including, without limitation VDOT Title VI Program Compliance Toolkit and various Title VI nondiscrimination document templates available on VDOT's website;
- Additional Title VI training opportunities available to staff, as provided by VDOT and FHWA – active participation in any available training opportunities is not just encouraged, but required;
- The Title VI Liaison is accessible to staff for any questions or concerns related to Title VI training and development; and

- Every staff member has access to the HRTAC Title VI Implementation Plan for continued reference throughout their employment.

Review and Reporting Processes

The designated Title VI Liaison employs the following processes to review the HRTAC Title VI Implementation Plan:

- The Title VI Liaison completes and submits reports to VDOT and FHWA, as required.
- The Title VI Liaison is included in the review process when the HRTAC directives are drafted and policies implemented. This allows the Title VI Liaison to review for any possible Title VI issues ahead of implementation.
- The Title VI Liaison advises staff working with HRTAC's decision-making committees to ensure directives are in accordance with the federal and state nondiscrimination laws, rules, and regulations.
- The Title VI Liaison reviews documents, materials, and public meeting transcripts, to ensure staff are aware of any potential Title VI issues.
- The Title VI Liaison works cooperatively with the VDOT and FHWA Division of Civil Rights staff to implement federal nondiscrimination directives applicable to HRTAC.

Sub-Recipient Review and Processes

HRTAC will conduct, or will cause to be conducted, Title VI compliance reviews and monitoring of its sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, of federal-aid highway or other federal funds, including consultants and contractors, to ensure adherence to Title VI requirements.

HRTAC is responsible for selecting, negotiating, and administering consultant contracts and operates under its internal contract procedures and all relevant federal and state laws. HRTAC will periodically review operational guidelines provided to sub-recipients (including contractors, subcontractors, consultants, and sub-consultants and beneficiaries), including Title VI language, provisions, and related requirements, as applicable.

The designated Title VI Liaison is responsible for evaluating and monitoring compliance with nondiscrimination authorities in all applicable aspects of HRTAC's consultant contracts process.

The Title VI Liaison will:

- Ensure inclusion of specific Title VI nondiscrimination language in applicable contracts and Requests for Proposals (RFPs);
- Review consultants to ensure that:
 - All consultants verify their compliance with nondiscrimination authorities, procedures, and requirements;
 - If a recipient or sub-recipient does not comply with nondiscrimination authorities, the Title VI Liaison and relevant staff will work with the recipient

or sub-recipient to resolve the deficiency status and write a remedial action if necessary; and

- Small, disadvantaged, minority, women, and veteran-owned businesses and people with disabilities can compete for consulting contracts.

If irregularities occur at sub-recipient levels, HRTAC will take corrective action to resolve the identified Title VI issues. HRTAC will seek the cooperation of the sub-recipient in correcting deficiencies found during periodic reviews and will provide technical assistance and guidance, upon request, to support voluntary compliance by the sub-recipient.

If a sub-recipient fails or refuses to comply with requirements voluntarily, HRTAC will submit copies of the case file and a recommendation that the sub-recipient be found in noncompliance to VDOT's Civil Rights Division.

A follow-up review will be conducted to ascertain if the sub-recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the sub-recipient refuses to comply, HRTAC and VDOT may, with FHWA's concurrence, initiate sanctions per 49 CFR 21.

Filing a Title VI Complaint

Any person who believes they—or a specific class of persons—were subjected to discrimination based on race, color, or national origin in the programs or activities of a recipient of federal financial assistance through HRTAC may file a Title VI complaint.

HRTAC refers to the person who submitted the discrimination complaint as the “complainant” and to the person/agency the complaint is about as the “respondent”.

According to USDOT regulations, 49 CFR § 21.11(b), the complainant must file the discrimination complaint within 180 days after the date of the alleged act of discrimination, subject to the following:

- Where there has been a continued course of conduct, the 180-day timeframe begins after the date on which that conduct ceased.
- In either case, the respondent or their designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for doing so.

Title VI Complaint Process

Anyone filing a complaint can do so in the following ways:

In Writing

1. On Paper:

- a. To download the Complaint form from the HRTAC website, please click on the following link(s) or copy and paste it into your web browser: www.HRTAC.org.
- b. To obtain a paper copy of the Complaint form, you can:
 - i. Request a copy and postage-paid envelope by mail by emailing TitleVI@HRTAC.org
 - ii. Go to the HRTAC offices located at:

The Regional Building
723 Woodlake Drive
Chesapeake, VA 23320

2. Mail or deliver the completed form to:

Title VI Administrator
HRTAC
The Regional Building
723 Woodlake Drive
Chesapeake, VA 23320

Completed complaint forms can also be faxed to (757) 523-4881

Electronically

1. Through email attachment to: TitleVI@HRTAC.org
2. The online form does not automatically file a formal complaint. The completed form must be emailed as an attachment if submitted electronically. Upon receipt of your completed form, HRTAC's Title VI Liaison will review your form and contact you to initiate the process.

Verbally

1. If a person makes a verbal complaint of discrimination to an officer or employee of the respondent, the person shall be interviewed by the Title VI Liaison.
2. If necessary, the Title VI Liaison will assist the person in putting the complaint in writing and submitting the written version to the person for signature. The complaint shall then be handled in the manner described herein.

What happens when a Title VI Complaint is filed?

As part of HRTAC's commitment to ensuring adherence to Title VI and other nondiscrimination authorities, HRTAC follows a detailed Discrimination Complaint Procedure.

1. **WITHIN 10 DAYS** of HRTAC's receipt of a complaint, the Title VI Liaison shall:

- a. Acknowledge receipt of the allegation in writing;
 - b. Determine, if applicable, the responsible sub-entity (VDOT or HRTPO) and forward the complaint to either or both parties, as appropriate (*In the engagement with VDOT and the HRTPO for their responsible areas as described, the respective agency Title VI plans will be used by the entities to provide the compliance activities in the discharge of HRTAC engaged program activities.*);
 - c. Inform the complainant of action taken or proposed action to process the allegation;
 - d. Advise the respondent of their rights under Title VI and related statutes;
 - e. Advise the complainant of other avenues of redress, if available; and
 - f. Send a letter to the appropriate state and federal transportation organizations, listing the parties' names, the complaint's basis, and the assigned investigator.
2. **WITHIN 60 DAYS** of HRTAC's receipt of a complaint, the Title VI Liaison will conduct and complete an investigation of the allegation(s), and based on the information obtained, render a recommendation for action in a report of findings to the Executive Director.

Note: The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

3. **WITHIN 90 DAYS** of HRTAC's receipt of a complaint, the Title VI Liaison will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter.
- a. **What happens if the complainant is dissatisfied with the decision?**
The Title VI Liaison will notify the complainant of their appeal rights with the state and federal transportation organizations. These appeal rights will be included with the correspondence on the final decision.
 - b. **Who else is notified of the final decision?**
The Title VI Liaison will also provide the appropriate state transportation department with a copy of the determination and report findings.
 - c. **What if it is a complaint against HRTAC?**
A state or federal transportation department investigator will investigate and prepare a final investigative report and send it to the complainant, the respondent (HRTAC person listed), the HRTAC Title VI Liaison, and the appropriate federal agency.

Note: If a complaint is routed to and managed by a state or federal agency, the processing timeframe may differ from the one described here.

d. What happens if the decision is escalated to a state or federal organization for further investigation?

The Title VI Liaison will monitor the investigation and notify the complainant of updates per applicable regulations, policies, and procedures of state transportation departments. At any time during the investigation, the complainant may communicate with the Title VI Liaison.

For any questions or concerns about the Title VI Complaint process, please email the Title VI Liaison at: TitleVI@HRTAC.org.

Title VI Complaint Form

Title VI Liaison –
Hampton Roads Transportation Accountability Commission
The Regional Building
723 Woodlake Drive
Chesapeake, VA 23320

Please provide the following information to process your complaint. Assistance is available upon request by contacting the Title VI Liaison Monday – Friday from 8:00 a.m. to 4:30 p.m. by phone at (757) 420-8300 or by email at TitleVI@HRTAC.org.

Section 1:			
Full Name:			
Address:			
Phone (Home):		Phone (Mobile):	
Phone (Work):		Email:	
Accessible Format Requirements? (check all that apply):			
Large Print	Audio	TDD	Other
Section 2:			
Are you filing this complaint on your behalf?		Yes*	No
*If you answered “yes,” go to section 3.			
If you answered “no,” please supply the name and relationship of the person you are filing a complaint with.		Name:	Relationship:
Please explain why you have filed for a third party:			
Please confirm that you have obtained the permission of the third party.		Yes	No
Section 3:			
I believe the discrimination I experienced was based on (circle all that apply):			
Race	Color	National Origin	Limited English Proficiency
Age	Income Status	Sex	Disability
Date of Alleged Discrimination (MM/DD/YYYY):			

Explain what happened and why you believe you were discriminated against as clearly as possible. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) and any witnesses names and contact information. If more space is needed, please attach pages.

Section 4:

Have you previously filed a Title VI complaint with this agency?	Yes	No
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Section 5:

Have you filed this complaint with any other agency or court?	Yes	No
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If yes, check all that apply.

Federal Agency:	Federal Court:
State Agency:	State Court:
Local Agency:	Other:

Please provide a point of contact at the agency or court where the complaint was filed.

Agency/Court:

Address:

Contact Name:

Title:

Phone:

Email:

Are you represented by legal counsel for this matter?	Yes	No
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If yes, please provide name and contact information:
Section 6:
Agency the complaint is against:
Contact Name:
Title:
Phone:
Email:

You may attach any written materials or other information relevant to your complaint.

Signature *(required)*

Date *(required)*



Access

The Title VI Complaint form can be accessed via the HRTAC website, email, mail, or in person.



Accommodation

Should individuals require accommodation support, including language translation services, during the complaint process, they can receive that support via our website, email, mail, or in person.



Website

WWW.HRTAC.ORG



Email

TitleVI@HRTAC.org



Phone

(757) 420-8300



Mail

Hampton Roads Transportation Accountability Commission
C/O Title VI Administrator
The Regional Building
723 Woodlake Drive
Chesapeake, VA 23320

**In Person**

The Regional Building
723 Woodlake Drive
Chesapeake, VA 23320

Other Nondiscrimination Authorities

In addition to Title VI, there are other nondiscrimination authorities that afford legal protection. These include the Americans with Disabilities Act and Executive Order 13166, each described in further detail below.

Americans with Disabilities Act (ADA)

Titles II and III of the Americans with Disabilities Act, as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38, 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).

In accordance with the Americans with Disabilities Act (ADA), HRTAC strives to provide reasonable accommodations and services for persons who require special assistance to participate in HRTAC's public involvement efforts. Services for persons with hearing or speech loss are available through the Virginia Relay System at 7-1-1, 1-866-894-4116 (voice), or 1-866-246-9300 (TTY).

HRTAC, in coordination with the Virginia Disabilities Services Council, will assist with the Virginia Relay System services for persons with a physical, visual, or reading disability. HRTAC may be contacted at (757) 420-8300 or TitleVI@HRTAC.org.

If you suffer from hearing or speech loss, contact the HRTAC at (757) 390-2578 (TTY).

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act of 1990 (ADA), HRTAC will not discriminate against individuals with disabilities in its programs or activities.

Employment

HRTAC does not discriminate based on disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Accommodations

HRTAC will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in HRTAC's programs and activities, including qualified sign language interpreters, documents in braille, and other ways of making information and communications accessible to people who have speech, hearing or vision impairments.

Modifications to Policies and Procedures

HRTAC will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all its programs and activities.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in an agency program or activity, should contact the HRTAC Title VI Liaison as soon as possible, but no later than 48 hours before the scheduled event.

The ADA does not require HRTAC to take any action that would fundamentally alter the nature of its programs or activities or impose any undue financial or administrative burden.

Complaints that an agency program or activity is not accessible to persons with disabilities should be directed to the HRTAC Title VI Liaison at TitleVI@HRTAC.org.

HRTAC will not place a surcharge on a particular individual with a disability or any group with disabilities to cover the cost of providing auxiliary aids/services or reasonable policy modifications.

Accessibility Policy

Accessibility concerns, including those related to the website, can be communicated to the HRTAC Title VI Liaison at TitleVI@HRTAC.org.

Limited English Proficiency (LEP)

On August 11, 2000, President Clinton signed Executive Order 13166 to improve access to federally conducted and assisted programs and activities for persons who as a result of national origin have limited English proficiency (LEP). The Executive Order was titled, "Improving Access to Services for Persons with Limited English Proficiency". The USDOT issued its "Policy Guidance Concerning Recipients Responsibilities to Limited English Proficient (LEP) Persons" to effectuate Executive Order 13166. The policy guidance requires recipients of federal financial assistance to develop and implement guidance on how they will provide meaningful access to LEP persons, to comply with Title VI.

A Limited English Proficient person does not speak English as their primary language and/or has a limited ability to read, speak, write, or understand English very well. HRTAC endeavors to provide language assistance for LEP persons seeking meaningful access to HRTAC programs and activities, as required by Executive Order 13166.

HRTAC's identification of the LEP population is done in coordination with VDOT and/or HRTPO. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors outlined by USDOT to determine what translations are appropriate:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by HRTAC programs or activities;

2. The frequency with which LEP individuals come in contact with the HRTAC programs or activities;
3. The nature and importance of the program or activity provided by HRTAC to the LEP population; and
4. The resources available to HRTAC and the overall cost to provide LEP assistance.

To ensure that LEP persons have access to important information, the following tools are available:

- **Interpretation Services** – HRTAC provides language interpreters for public meetings if given at least 48 hours' notice. HRTAC will endeavor to provide translators for other languages upon request.
- **Material Translation** – Documents and materials are translated depending on project needs and the impacted populations. Additional documents can be translated upon request. HRTAC aims to complete document translation within a reasonable time frame.
- **TDD/TTY capabilities** – Deaf and hearing impaired people can call the Virginia Relay Center at 7-1-1, 1-866-894-4116 (voice), or 1-866-246-9300 (TTY). HRPDC may be contacted at 757-420-8300 (voice) or (757) 390-2578 (TTY). This information is also listed on the HRTAC website.

HRTAC will ensure that organizational staff understands the following:

- How to handle verbal and written requests for interpretation or translation services; and
- Staff responsibility to notify the Title VI Liaison about any LEP persons' unmet needs.

Appendix

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

The **Hampton Roads Transportation Accountability Commission ("HRTAC")**, (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 **HRTAC** 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 **HRTAC** 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 **HRTAC** 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 ACCOUNTABILITY COMMISSION

by  _____

Kevin B. Page, Executive Director

DATED 9/19/2024

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 **HRTAC** 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 **HRTAC** 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 **HRTAC** 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 **HRTAC**, its successors and assigns.

The **HRTAC** 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 **HRTAC** 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 **HRTAC** 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 **HRTAC** 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 **HRTAC** 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 **HRTAC** 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 **HRTAC** 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 **HRTAC** 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 **HRTAC** will there upon revert to and vest in and become the absolute property of the **HRTAC** 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.*).

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

The **Hampton Roads Transportation Accountability Commission ("HRTAC")**, (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 **HRTAC** 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 **HRTAC** 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 **HRTAC** 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 ACCOUNTABILITY COMMISSION

by  _____

Kevin B. Page, Executive Director

DATED 5/3/2023

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 **HRTAC** 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 **HRTAC** 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 **HRTAC** 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 **HRTAC**, its successors and assigns.

The **HRTAC** 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 **HRTAC** 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 **HRTAC** 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 **HRTAC** 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 **HRTAC** 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 **HRTAC** 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 **HRTAC** 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 **HRTAC** 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 **HRTAC** will there upon revert to and vest in and become the absolute property of the **HRTAC** 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.*).