



# **Title VI**

# **Implementation**

# **Plan**

*Approved October 24, 2019*

*Amended March 25, 2021*



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*RVARC fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. RVARC strives to provide reasonable accommodations and services for persons who require special assistance to participate in public involvement opportunities. For more information, or to obtain a Discrimination Complaint Form, contact the Title VI Manager or ADA Coordinator at (540) 343-4417 or see [www.rvarc.org](http://www.rvarc.org).*



Roanoke Valley-Alleghany

**REGIONAL**  
**commission**

[RVARC.ORG](http://RVARC.ORG)

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The 25<sup>th</sup> day of March 2021

## **Resolution**

### **by the Roanoke Valley-Alleghany Regional Commission to Adopt a Title VI Implementation Plan**

WHEREAS, the Title VI of the Civil Rights Act of 1964 provides that no person shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal Funds; and

WHEREAS, the Title VI responsibilities of the Roanoke Valley-Alleghany Regional Commission include providing methods of administration, described in the Roanoke Valley-Alleghany Regional Commission's Title VI Implementation Plan, that give reasonable guarantee of Title VI compliance; and

WHEREAS, the Roanoke Valley-Alleghany Regional Commission is the recipient of federal funds and uses those funds to support various regional organizations and programs; and

WHEREAS, the Roanoke Valley-Alleghany Regional Commission through its Commissioners, staff, and others who represent the Commission or are members of any of its committees are hereby obliged to adhere to the Title VI Implementation Plan, and

WHEREAS, the Virginia Department of Transportation has found deficiencies in the 2019 Title VI Implementation Plan to which RVARC staff have reviewed and corrected,

NOW, THEREFORE, BE IT RESOLVED, that the Roanoke Valley-Alleghany Regional Commission does hereby adopt the updated Title VI Implementation Plan.

A handwritten signature in black ink that reads "Bradley E. Grose".

Bradley E. Grose  
Chairman



## **Abstract**

The Title VI Implementation Plan describes the measures the Roanoke Valley-Alleghany Regional Commission (RVARC) adopts to ensure compliance with Title VI of the Civil Rights Act of 1964 which prohibit discrimination on the basis of race, color, or national origin. Any agency that receives federal financial assistance must comply with Title VI. RVARC and the organizations and programs it staffs are subject to the Title VI Implementation Plan.

### ***Title VI Policy***

**RVARC assures that no person shall, on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (Public Law 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. RVARC further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. In the event RVARC distributes federal-aid funds to another governmental entity, it will include Title VI language in all written agreements and will monitor for compliance.**

## Contents

Resolutions.....	4
Abstract .....	6
Contents .....	7
Overview.....	8
1. Title VI Program.....	8
1.1 Communications and Public Participation .....	8
1.2 Planning and Programming .....	9
1.3 Consultant Contract .....	10
1.4 Education and Training .....	11
2. Limited English Proficiency .....	11
2.1 Statement of Commitment.....	11
2.2 Implementation.....	12
LEP Encounter .....	12
Routine LEP Implementation Activities .....	12
2.3 Monitoring and Updating .....	13
3. Coordinator .....	14
4. Discrimination Complaints .....	14
4.1 Eligibility .....	14
4.2 Filing a complaint .....	14
4.3 Complaint processing.....	15
Appendix A: Title VI .....	16
Appendix B: Non-Discrimination Statement .....	17
Appendix C: Certificate of Assurance .....	18
Appendix D: Discrimination Complaint Form .....	27

## Overview

Title VI of the Civil Rights Act of 1964 prohibit discrimination on the basis of race, color, or national origin by agencies that receive federal financial assistance (see Appendix A: Title VI ). As a recipient of federal financial assistance, the Roanoke Valley-Alleghany Regional Commission (RVARC) and its programs do not discriminate on the basis of race, color, or national origin (see Appendix B: Non-Discrimination Statement).

The Title VI Implementation Plan describes the measures RVARC adopts to ensure compliance with Title VI in four sections: Title VI Program, Limited English Proficiency, Coordinators, and Discrimination Complaints. Title VI Program describes how RVARC ensures nondiscrimination in communications and public participation, planning and programming, consultant contracts, and education and training. Limited English Proficiency (LEP) describes the statement of commitment to LEP persons, implementation of LEP activities, and monitoring and updating of LEP procedures. The relevant coordinators are the Title VI Manager and the ADA Coordinator. Discrimination Complaints describes the procedures for handling discrimination complaints.

## 1. Title VI Program

**To ensure Title VI Compliance, RVARC staff and the decision-makers of its organizations and programs will not discriminate on the basis of race, color, or national origin.**

RVARC staff evaluate and monitor compliance with nondiscrimination authorities in its:

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

To comply with Title VI, RVARC:

- Maintains current Title VI Assurances (Appendix C: Certificate of Assurance)
- Promptly corrects any deficiency identified
- Conducts regular reviews of program areas and contractors
- Documents and prepares reports of Title VI efforts on a regular basis
- The RVARC executive director designates a Title VI Manager.

### 1.1 Communications and Public Participation

RVARC endeavors to communicate with and provide opportunities for minority, low-income, and disabled persons to participate. The Roanoke Valley Transportation Planning Organization, which is staffed by RVARC, maintains a Public Participation Plan that



describes the process by which it consults with interested and affected individuals, organizations, agencies, and government entities and includes them in the decision-making process. The Public Participation Plan and all other public participation opportunities of RVARC and the organizations and programs it staffs comply with Title VI requirements.

To ensure Title VI compliance in communications and public participation, RVARC staff will:

- Include contact information for people needing accommodations in notifications of opportunities for public participation.
- Post the Title VI Policy on the website.
- Include the following statement in public notices:  
*“RVARC fully complies with Title VI of the Civil Rights Act of 1964 in all programs and activities. RVARC provides reasonable accommodations for persons who require special assistance to participate in public involvement opportunities. For more information, or to obtain a Discrimination Complaint Form, contact (540) 343-4417 or [www.rvarc.org](http://www.rvarc.org).”*
- Provide reasonable accommodations for persons who require special assistance to participate in public involvement opportunities.
- Collect and monitor demographic data during public input opportunities, conducting additional target outreach if the data show a deficiency in public input from particular groups.
- Recruit diverse applicants, including minorities, low-income persons, and disabled, to opportunities for public participation and to serve on committees.

## 1.2 Planning and Programming

To ensure compliance in planning and programming processes, RVARC staff will:

- Prepare and update publicly available demographic profiles of the region using the most current and appropriate statistical information.
- Consider a high-level overview of benefits and burdens of transportation projects on minority and low-income populations, using maps and geographic demographic data to determine projects that could impact such populations. Lead agencies in individual projects are responsible for in-depth analyses of environmental justice as they move forward.
- Conduct an environmental justice analysis during the development of the Roanoke Valley Transportation Planning Organization Long-Range Transportation Plan, analyzing the relative distribution of costs and benefits from transportation investment strategies and policies on minority or low-income populations.
- Review directives to determine if there are Title VI implications and interpret how directives impact Title VI program areas.
- Include environmental justice aspects of performance measures in transportation performance-based planning and programming, when relevant.

### 1.3 Consultant Contract

RVARC is responsible for selection, negotiation, and administration of its consultant contracts. RVARC complies with all relevant federal and state laws in contract selection. RVARC staff evaluate and monitor consultant contracts for compliance with nondiscrimination authorities. RVARC staff will:

- Ensure inclusion of nondiscrimination language in contracts and Requests for Proposals.
- Ensure that all consultants verify their compliance with nondiscrimination authorities, procedures, and requirements.
- Work with the recipient or sub-recipient, if found to be not in compliance with nondiscrimination authorities, 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.

As part of the Certifications and Assurances submitted to the Virginia Department of Rail and Public Transportation (DRPT) with the Annual Grant Application and all Federal Transit Administration grants submitted to the DRPT, RVARC submits a Nondiscrimination Assurance which addresses compliance with Title VI, nondiscrimination in hiring (Equal Employment Opportunity) and contracting (Disadvantaged Business Enterprise), and nondiscrimination on the basis of disability. In signing and submitting this assurance, RVARC confirms to DRPT the agency's commitment to nondiscrimination and compliance with federal and state requirements.

#### **Disadvantaged Business Enterprise**

Disadvantaged Business Enterprises (DBE) are for-profit small business concerns where socially and economically disadvantaged individuals own at least a 51% interest and also control management and daily business operations. African Americans, Hispanics, Native Americans, Asian-Pacific and Subcontinent Asian Americans, and women are presumed to be socially and economically disadvantaged. Other individuals can also qualify as socially and economically disadvantaged on a case-by-case basis. The U.S. Department of Transportation's DBE regulations require state and local transportation agencies that receive federal financial assistance to establish goals for the participation of DBEs.

RVARC supports the objectives of the DBE Program:

- To ensure nondiscrimination in the award and administration of Federal Highway Administration assisted contracts
- To create a level playing field on which DBEs can compete fairly for Federal Highway Administration-assisted contracts
- To ensure the DBE Program is narrowly tailored in accordance with applicable law

- To ensure that only firms that fully meet 49 CFR, Part 26 eligibility standards are permitted to participate as DBEs
- To help remove barriers to the participation of DBEs in Federal Highway Administration-assisted contracts
- To assist the development of firms that can compete successfully in the marketplace outside of the DBE Program
- To provide appropriate flexibility to recipients of federal financial assistance in establishing and providing opportunities for DBEs

#### 1.4 Education and Training

To ensure compliance through education and training, the RVARC Title VI Manager will:

- Distribute information to staff, board and committee members, and other stakeholders on training programs regarding Title VI and related nondiscrimination authorities.
- Offer training to staff in Title VI nondiscrimination and implementation.
- Track Title VI nondiscrimination training of staff and board and committee members.
- Develop Title VI educational information for dissemination to the general public.

## 2. Limited English Proficiency

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English are Limited English Proficient (LEP). For a LEP person, 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. LEP persons may be entitled to language assistance at no cost to them with respect to a service, benefit, or encounter.

RVARC provides meaningful access to programs and activities by giving LEP persons adequate and understandable information to participate in programs and activities and by taking reasonable steps to remove barriers for LEP persons.

### 2.1 Statement of Commitment

Meaningful access to LEP persons means ensuring that LEP persons can communicate effectively and act appropriately based on that communication. RVARC will take reasonable steps to ensure LEP persons have meaningful access to programs, activities, services, and information that are normally provided in English. Failure to ensure that LEP persons can effectively participate in federally assisted programs and activities may violate the prohibition against national origin discrimination under Title VI of the Civil Rights Act of 1964.

## 2.2 Implementation

Implementation guidelines describe what should be done when an LEP person is encountered or an LEP request is made as well as what activities should be done routinely to keep information and training up to date.

### LEP Encounter

When staff encounter LEP persons or request for language assistance, use these guidelines to determine what assistance can be provided.

The language assistance services available to RVARC are:

- CyraCom: RVARC has a Pay-As-You-Go account with CyraCom – On Demand Over-the-Phone Interpretation ([www.cyracom.com](http://www.cyracom.com)). CyraCom maintains telephone assisted interpretation capability for over 100 languages (\$2.98/minute) and written translation services for a fee.
- Translation services available through Roanoke Spanish (\$0.15/word or \$85/page)
- RVARC bilingual employees fluent in Spanish: As of 2019, two RVARC bilingual employees, Cristina Finch and Amanda McGee, are fluent in Spanish.

The need for LEP services depends on the type of contact.

- In-person Contact: Use the Language Identification Flashcard, posted in the RVARC entrance, to attempt to identify the language spoken. Enlist the assistance of bilingual staff and/or Cyra-Com service to obtain the LEP person's name and contact information.
- Telephone Contact: Enlist the assistance of bilingual staff and/or Cyra-Com service as needed.
- Written Contact or Documents: Engage translation service such as Roanoke Spanish or Cyra-Com.
- Request for translation at a meeting: Use Cyra-Com service or other translation service.

Cost alone will not determine whether a request is granted. Language assistance services deemed appropriate will be made available at the expense of RVARC.

- Requests for under \$100: Will be granted. For Spanish, a phone call that might last up to 30 minutes or a document that is 1 typed page in English is likely to fit this criterion.
- Requests for over \$100: Title VI Manager and the RVARC Executive Director review based on the four-factor analysis (page 13) and grant if deemed vital.

### Routine LEP Implementation Activities

The Title VI Manager will:

- Post written notices on the website and/or in a public area regarding the right to free language assistance for persons conducting business with RVARC in the most likely to be encountered languages (as determined using the four-factor analysis).

- Ensure that public notices and publications include statements that RVARC provides reasonable accommodations for persons who require special assistance to participate in public involvement opportunities.
- Maintain the language assistance resource list, updating with current resources.
- Ensure staff understand:
  - The right to free language assistance for LEP persons.
  - How to use language assistance resources.
  - To include statements in public notices and publications that RVARC provides reasonable accommodations.

### 2.3 Monitoring and Updating

RVARC will monitor its LEP policies and practices, review them regularly with the four-factor analysis, and update as needed.

To monitor LEP policies and practices, the Title VI Manager will:

- Review RVARC activities on a regular basis for providing meaningful access to LEP persons.
- Document requests for translation services and encounters with LEP persons and provide reports when requested.

#### **Four-factor analysis**

The four-factor analysis is used to assess the need for language assistance services:

1. Demography – number and 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 Title VI Manager will:

- Regularly review demographic data based on the four-factor analysis. If a language other than English is the primary language of >5% of the population, the LEP guidelines may need to be modified to meet the new needs.
- Collect and maintain demographic statistics on persons who participate in their programs and services.
- Solicit feedback from locality social service departments and community-based organizations serving LEP persons to evaluate how well its practices meet their needs.

Locality social service departments and community-based organizations serving LEP persons include:

- Roanoke Refugee Partnership
- Roanoke Spanish
- City of Roanoke Division of Human Services
- Roanoke County Department of Social Services

- Virginia Department of Social Services
- Council of Community Services

The feedback solicited from these departments and organizations may include:

- Nature and importance of programs, services, and activities to LEP persons
- The effectiveness of current language assistance measures in meeting the needs of LEP persons
- The effectiveness of staff LEP trainings and agency-wide language assistance protocol
- Changes in the frequency of contact with LEP language groups
- Changes in the availability of resources, including technological advances or financial resources

### **3. Coordinator**

The Title VI Manager is Rachel Ruhlen, (540) 343-4417, email [rrehlen@rvarc.org](mailto:rrehlen@rvarc.org). The secondary contact for Title VI issues is Wayne Strickland, (540) 343-4417, email [wstrickland@rvarc.org](mailto:wstrickland@rvarc.org).

### **4. Discrimination Complaints**

Any person who believes that RVARC has unlawfully discriminated against them may file a complaint with RVARC. These procedures are written for RVARC staff to follow. A person who believes there has been discrimination may not be aware of the requirements of the complaint procedures.

#### **4.1 Eligibility**

Any person who believes they—or a specific class of persons—were subjected to discrimination on the basis of race, color, or national origin in the programs and activities of a Subrecipient that receives Federal financial assistance through a primary Recipient may file a Title VI complaint.

#### **4.2 Filing a complaint**

A discrimination complaint form is available online (link: <https://rvarc.org/wp-content/uploads/2021/03/Amended-Title-VI-Complaint-Form.pdf>). A paper copy can be obtained at 313 Luck Ave SW, Roanoke VA or requested by mail, and a copy is provided in Appendix D: Discrimination Complaint Form. The complaint form can be submitted online, by mail, or in person at 313 Luck Ave SW, Roanoke VA. The Title VI Manager can assist the person in filing a complaint if needed.

According to USDOT regulations, 49 CFR §21.11(b), a complaint must be filed not later than 180 days after the date of the last instance of alleged discrimination, unless the time for filing is extended by the processing agency.

### 4.3 Complaint processing

Complaints will be routed to the FHWA Headquarters Office of Civil Rights (HCR) for processing. HCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints filed against State DOTs or Subrecipients of Federal financial assistance.

Complaints will be forwarded from the initial receiving agency through the Federal-aid highway oversight hierarchy until the complaint reaches HCR. For example, if a complaint is filed with RVARC, RVARC will forward the complaint to the Virginia Department of Transportation, which should forward the complaint to Virginia's FHWA Division Office, which should forward the complaint to HCR.

RVARC will log all complaints received.

When HCR decides on whether to accept, dismiss, or transfer the complaint, HCR will notify the Complainant, the FHWA Division Office, the Virginia Department of Transportation, and RVARC.

## Appendix A: Title VI

The eleven titles of the Civil Rights Act of 1964 are:

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

Title VI of the Civil Rights Act of 1964 addresses nondiscrimination in federally assisted programs and activities. Title VI declares it to be the policy of the United States that discrimination on the grounds 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. Subsequent nondiscrimination laws expanded the range and scope of Title VI coverage and applicability. Executive orders and federal agency orders and memos clarify implementation of nondiscrimination policy.



## **Appendix B: Non-Discrimination Statement**

The Roanoke Valley-Alleghany Regional Commission (RVARC) gives public notice of its policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (PL 100.259), and all related statutes. RVARC is committed to ensuring that no person in the United States of America shall, on the grounds of race, color, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which RVARC receives Federal financial assistance as required by Title VI.

Any person who believes that he or she has, individually, or as a member of any specific class of persons, been excluded from the participation in, been denied the benefits of, or been otherwise subjected to discrimination under any program or activity for which RVARC provides assistance, and believes the discrimination is based upon race, color, or national origin has the right to file a formal complaint.

The RVARC 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.

If a complaint addresses a particular service provider, the complaint should be lodged with that provider.

For complainants who may be unable to file a written complaint, verbal information will be accepted by RVARC at 540-343-4417 or in person.

To submit a formal complaint or to request additional information on Title VI obligations, contact Rachel Ruhlen, RVARC Title VI Manager, 313 Luck Avenue, SW, Roanoke, Virginia, 24016; phone 540-343-4417; email [rruhlen@rvarc.org](mailto:rruhlen@rvarc.org).

## **Appendix C: Certificate of Assurance**

This Certificate of Assurance has Appendices A through E.

## **Appendix D: Discrimination Complaint Form**

The discrimination complaint form is available below and online (link: <https://rvarc.org/transportation/title-vi-and-ada-notices/>). The complaint form can be submitted by email, by mail, or in person at 313 Luck Ave SW, Roanoke VA. The Title VI Manager can assist the person in filing a complaint if needed.