



## Introduction

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have a longstanding policy of actively ensuring nondiscrimination under Title VI of the 1964 Civil Rights Act in federally funded activities. In recent years, a renewed emphasis on Title VI issues and Environmental Justice (EJ) has become a more integral focus of the regional and transportation planning and programming process. This commitment to Title VI has, and continues to be, reflected in the Delaware Valley Regional Planning Commission's (DVRPC's) Work Program, publications, communications, public involvement efforts, and overall operations.

DVRPC is guided by federal Title VI and EJ mandates, and the Commission strives to not only meet these mandates, but to create an overall transparent, inclusive planning process. As the Metropolitan Planning Organization (MPO) for the nine-county region, DVRPC is committed to making Title VI and EJ a part of our planning process, integrated in all our programs and plans, and a guide for our public participation efforts. This document establishes a framework for DVRPC's efforts to ensure compliance with Title VI and related statutes regarding nondiscrimination and EJ.

## Mission Statement

DVRPC is dedicated to uniting the region's elected officials, planning professionals, and the public with a common vision of making a great region even greater. Shaping the way we live, work, and play, DVRPC builds consensus on improving transportation, promoting smart growth, protecting the environment, and enhancing the economy. We serve a diverse region of nine counties: Bucks, Chester, Delaware, Montgomery, and Philadelphia in Pennsylvania; and Burlington, Camden, Gloucester, and Mercer in New Jersey. DVRPC is the federally designated MPO for the Greater Philadelphia Region—leading the way to a better future.

## Governance and the Board

DVRPC's Board and Executive Committee govern the Commission. The Board is an 18-member body that has the authority and responsibility to make decisions affecting the entire organization, as well as the nine-county region; creates and defines the duties of the Office of the Executive Director and the various DVRPC committees; and approves and adopts the Annual Planning Work Program. In its capacity as the MPO for the region, DVRPC and its Board establish regional transportation policies, determine the allocation of available transportation funds, prioritize transportation projects for the region, and develop a long-range plan for the region. In addition to transportation planning for highways, transit, airports, and freight, the Commission develops plans and policies for other regional planning elements such as land use, air quality, housing, and the environment.

## Policy Statement and Authorities

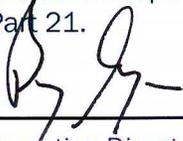
### Title VI Policy Statement

The Delaware Valley Regional Planning Commission (DVRPC) 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 (P.L. 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any agency-sponsored program or activity. Nor shall sex, age, or disability stand in the way of fair treatment of all individuals.

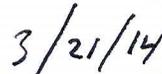
DVRPC further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

In the event that DVRPC distributes federal aid funds to another entity, DVRPC will include Title VI language in all written agreements and will monitor for compliance. Title VI compliance is a condition of the receipt of federal funds. DVRPC's Executive Director and Title VI Compliance Manager are authorized to ensure compliance with provisions of this policy and with the law, including the requirements of Title 23 Code of Federal Regulations (CFR) 200 and Title 49 CFR 21.

DVRPC acknowledges its responsibility for initiating and monitoring Title VI activities, preparing required reports and other responsibilities as required by Title 23 Code of Federal Regulations (CFR) 200 and by Title 49 CFR Part 21.



\_\_\_\_\_  
DVRPC Executive Director



\_\_\_\_\_  
Date

### Authorities

Title VI of the 1964 Civil Rights Act and subsequent nondiscrimination directives provide that no person in the United States shall, on the grounds of race, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance. The Civil Rights Restoration Act of 1987 broadened the scope of the Title VI coverage by expanding the definition of *programs or activities* to include all programs or activities of federal aid recipients, subrecipients, and contractors, whether such programs or activities are federally assisted or not.

### Additional Citations

Other nondiscrimination statutes include, but are not limited to:

- **C 4702.1 B: Title VI Requirements and Guidelines for Federal Transit Administration Recipients;**
- **Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324):** The purpose of this part relates to prohibition of discrimination on the basis of sex;
- **Age Discrimination Act of 1975;**
- **Section 504 of the Rehabilitation Act of 1973:** This section created and extended civil rights to people with disabilities. Section 504 has provided opportunities for children and adults with disabilities in education, employment, and various other settings;

- **Americans with Disabilities Act of 1990** and associated statutes;
- **Civil Rights Restoration Act of 1987**;
- **49 CFR Part 21**: Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964;
- **23 CFR Part 200**: This code provides guidelines for: (a) implementing the FHWA Title VI compliance program under Title VI of the Civil Rights Act of 1964 and related civil rights laws and regulations, and (b) conducting Title VI compliance reviews relative to the federal-aid highway program;
- **USDOT Order 1050.2**: This nondiscrimination directive refers to standard Title VI assurances to review the Commission’s Title VI program to assess if administrative procedures are effective and adequate resources are available to ensure compliance;
- **Executive Order (EO) #12898 (*Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*)**: This EO directs federal agencies to develop strategies to address disproportionately high and adverse human health or environmental effects of their programs on minority and low-income populations;
- **EO #12250 (*Coordination of Grant-Related Civil Rights Statutes*)**: This EO provides for the consistent and effective implementation of various laws prohibiting discriminatory practices on the basis of race, color, national origin, sex, disability, or religion in programs and activities receiving federal financial assistance. The responsibility for implementing this EO was placed with the Attorney General;
- **EO #13166 (*Improving Access to Services for Persons with Limited English Proficiency [LEP]*)**: This EO directs federal agencies to evaluate services provided and implement a system that ensures that LEP persons are able to meaningfully access the services provided consistent with and without unduly burdening the fundamental mission of each federal agency. Additionally, each federal agency shall ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and beneficiaries;
- **28 CFR 50.3**: This legislation sets forth guidelines for the enforcement of Title VI, Civil Rights Act of 1964: (a) Where the heads of agencies having responsibilities under Title VI of the Civil Rights Act of 1964 conclude there is noncompliance with regulations issued under that title, several alternative courses of action are open. In each case, the objective should be to secure prompt and full compliance so that needed federal assistance may commence or continue. (b) Primary responsibility for prompt and vigorous enforcement of Title VI rests with the head of each department and agency administering programs of federal financial assistance. Title VI itself and relevant presidential directives preserve in each agency the authority and the duty to select, from among the available sanctions, the methods best designed to secure compliance in individual cases. The decision to terminate or refuse assistance is to be made by the agency head or his designated representative. (c) This statement is intended to provide procedural guidance to the responsible department and agency officials in exercising their statutory discretion and in selecting, for each noncompliance situation, a course of action that fully conforms to the letter and spirit of Section 602 of the Act and to the implementing regulations promulgated thereunder;
- **28 CFR 42, Subpart C**: The purpose of this part is to effectuate the provisions of Title VI of the Civil Rights Act of 1964 to the end that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance. This subpart refers to nondiscrimination, equal employment opportunity, policies, and procedures; and
- **USC 4601 to 4655**: These sections refer to uniform relocation assistance and real property acquisition policies for federal and federally assisted programs.

## Organization

DVRPC's Executive Director is authorized to ensure compliance with provisions of DVRPC's policy of nondiscrimination and with the law.

### DVRPC Title VI Compliance Manager

DVRPC has created a position of Title VI Compliance Manager to oversee the day-to-day administration of the Commission's Title VI program, plan, and assurances. The Title VI Compliance Manager is responsible for supervising the implementation of Title VI activities in the Commission and reporting on DVRPC's compliance with Title VI regulations. In support of this, the Title VI Manager will:

- Meet with DVRPC staff as needed to monitor and discuss progress, implementation, and compliance issues;
- Periodically review the Commission's Title VI program to assess if administrative procedures are effective and adequate resources are available to ensure compliance;
- Work with DVRPC staff to develop and submit the Annual Title VI Report and Update to the state departments of transportation (DOTs) and prepare for any Title VI Audits;
- Review Title VI-related issues with the Director of Public Affairs and the Executive Director, as needed;
- Log and forward all Title VI Complaints received by DVRPC to the appropriate state and/or federal agency; and
- Assess communications and public involvement strategies to ensure adequate participation of impacted Title VI protected groups and address additional language needs, as necessary.

### Title VI Program Areas

While all of DVRPC's work is informed by nondiscrimination directives, for the purpose of this report four Program Areas have been identified to which Title VI is especially applicable. Within these Program Areas, the Commission's Title VI-related responsibilities fall into two main categories: "General Responsibilities," applicable to all Title VI Program Areas; and "Program Area Responsibilities" that are specific to each Title VI Program Area. The four Program Areas are:

- Communications and Public Involvement
- Planning and Programming
- Consultant Contracts
- Human Resources, Education, and Training.

## General Responsibilities

The following is a list of general Title VI Commission responsibilities that are applicable to all four Title VI Program Areas. The Title VI Compliance Manager, with involvement and assistance from DVRPC staff, is responsible for ensuring that these elements of the plan are appropriately implemented and maintained.

### 1. Data Collection

Statistical data on race, ethnicity, Limited English Proficiency (LEP), and other population groups will be collected on a regular basis. The process will be reviewed regularly to ensure sufficiency of the

data in meeting the requirements of the Title VI program, conducting EJ analyses, and guiding public participation efforts.

## 2. Annual Report and Update to State DOTs and Planning Partners

An Annual Report and Update is to be submitted each year to the state DOTs' Title VI coordinators and to DVRPC's other federal planning partners. The Title VI Compliance Manager is responsible for preparing the document. The document is to include a report on the previous year's Title VI, EJ, and public participation activities and efforts, including accomplishments and program changes, and an update on Title VI-related goals and objectives for the upcoming year.

## 3. Annual Review of Title VI Program

Each year, in preparing for the Annual Report and Update, the Title VI Compliance Manager will review the Commission's Title VI Program to ensure compliance. In addition, the Title VI Compliance Manager will review Commission operational guidelines and publications, including those for contractors, to ensure that Title VI language and provisions are incorporated, as appropriate.

## 4. Dissemination of Information Related to the Title VI Program

Information on the Commission's Title VI program is to be disseminated to staff, subrecipients, and beneficiaries, as well as to the public.

## 5. Procedures Manual

A procedures manual, or *Planner's Methodology*, for the Commission's Title VI, EJ, and public participation programming, will be maintained and updated as needed. The manual incorporates the day-to-day procedures necessary to inform DVRPC's Title VI compliance, EJ, and public outreach standards.

## 6. Audit by State DOTs and/or Federal Partners on Title VI Compliance

As required, DVRPC will participate in Title VI and EJ audits conducted by the state DOTs and/or federal planning partners.

## 7. Title VI Statement

This text will remain permanently on the Commission's website, [www.dvrpc.org](http://www.dvrpc.org), as well as in DVRPC publications and other public documents:

The Delaware Valley Regional Planning Commission (DVRPC) fully complies with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related nondiscrimination statutes and regulations in all programs and activities. DVRPC's website, [www.dvrpc.org](http://www.dvrpc.org), may be translated into multiple languages. Publications and other public documents can be made available in alternative languages and formats, if requested. DVRPC public meetings are always held in ADA-accessible facilities and in transit-accessible locations when possible. Auxiliary services can be provided to individuals who submit a

request at least seven days prior to a meeting. Requests made within seven days will be accommodated to the greatest extent possible. Any person who believes they have been aggrieved by an unlawful discriminatory practice by DVRPC under Title VI has a right to file a formal complaint. Any such complaint may be in writing and filed with DVRPC's Title VI Compliance Manager and/or the appropriate state or federal agency within 180 days of the alleged discriminatory occurrence. For more information on DVRPC's Title VI program, or to obtain a Title VI Complaint Form, please see call (215) 238-2871 or email [public\\_affairs@dvrpc.org](mailto:public_affairs@dvrpc.org).

The complaint form is included in this document and may also be accessed online at: [http://www.dvrpc.org/GetInvolved/TitleVI/pdf/DVRPC\\_Title\\_VI\\_Complaint\\_Procedure.pdf](http://www.dvrpc.org/GetInvolved/TitleVI/pdf/DVRPC_Title_VI_Complaint_Procedure.pdf).

## 8. Complaints

Any individual may exercise his or her right to file a complaint, or have a legal representative file a claim on his/her behalf, if that person believes that she or he or any other program beneficiaries have been subjected to unequal treatment or discrimination on the grounds of race, color, national origin, sex, or disability in any program administered by DVRPC and/or its sub-recipients, consultants, or contractors. Please see DVRPC's Title VI Complaint Procedure and Form, included in this document.

## Program Area Responsibilities

### Communications and Public Involvement

The goal of DVRPC's Communications and Public Involvement Program is to ensure early and continuous public notification about, and participation in, major actions and decisions by the Commission. In seeking public comment and review, DVRPC makes a concerted effort to reach all segments of the population, including minority and low-income communities, and organizations representing these and other traditionally underserved groups. DVRPC uses a broad range of public information and participation opportunities, including dissemination of proposals and alternatives, a process for submitting comments, public meetings, settings for open discussion, communication programs, information services, and consideration of and response to public comments.

### Operational Guidelines

DVRPC's guidelines for public involvement are comprehensive and include:

#### *DVRPC's Public Participation Plan: A Strategy for Citizen Involvement*

DVRPC initially adopted its *Public Participation Plan* in 2001 as a means of establishing guidance for our staff and Board on the important issue of citizen engagement. The Plan, last updated in 2012, establishes a Public Participation philosophy that states:

*DVRPC believes that effective public involvement is a dynamic and ongoing process that is essential to meeting the future needs of all citizens in the Delaware Valley. We assert that good government cannot be achieved without the consideration, cooperation, and consent of citizens throughout the region. We respect and promote the rich diversity that exists throughout this area. And further, we encourage opportunities to involve many and various audiences. Therefore, the Commission*

*commits to promote and sustain a responsive public participation program that supports citizen input and timely response at all levels of planning.*

### *DVRPC's Planner's Methodology*

The *Planner's Methodology* is provided as a means of directing staff in meeting Title VI and EJ mandates at the project or study level, as defined by the DVRPC Work Program. The *Planner's Methodology* offers background on Title VI and EJ, and provides a protocol for DVRPC staff to meet standards set by these federal mandates. Information on DVRPC's Indicators of Potential Disadvantage (IPD) method is also included.

In addition, the document offers suggestions for meeting the Commission's goals and objectives for public participation, as set forth in DVRPC's *Public Participation Plan: A Strategy for Citizen Involvement*. The *Planner's Methodology* establishes a framework for developing individualized public participation plans for Work Program projects and offers a "tool kit" of public participation strategies.

### *DVRPC's Policy for Engaging Individuals with Limited English Proficiency (LEP)*

Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964. Language barriers may prohibit people who are LEP from obtaining services or information relating to various services and programs, and may limit individuals' participation in public planning processes.

Federal guidelines require that recipients of federal financial assistance take reasonable steps to ensure meaningful access to federally funded programs, activities, and publications for LEP individuals. The "reasonable" standard is based on the following four guidelines, as set forth by the federal government:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee;
- The frequency with which LEP individuals come in contact with the program;
- The nature and importance of the program, activity, or service provided by the recipient to people's lives; and
- The resources available to the recipient and costs.

As indicated by the above guidelines, the intent of these guidelines is to find a balance that ensures meaningful access by LEP individuals to critical services and programs while not imposing undue burdens to recipients or subrecipients.

DVRPC translates Commission documents and the DVRPC website is also accessible to non-English speaking visitors who may translate [www.dvrpc.org](http://www.dvrpc.org) to 17 languages via GoogleTranslate. Information regarding planning and transportation issues in the region, public involvement and outreach (including notice of public meetings), and access to reports and studies are available in translation via the website. Documents may be translated into any language or format by request. DVRPC also maintains a list of interpreters and translators to be called on an as-needed basis, as well as a list of DVRPC staff that are conversational or fluent in foreign languages.

## DVRPC Policy for Meeting Americans with Disabilities Act (ADA) Requirements

Title II of the ADA of 1990, P.L. 101-336, provides “no qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district or other instrumentality of the state or local government.”

All of DVRPC’s public meetings are held in ADA-accessible facilities. Sign-language interpreters or other auxiliary aid requests can be accommodated if requested in advance. Upon request, planning materials can be provided in alternative formats.

## Elements of DVRPC's Communications and Public Involvement Program

### Public Participation Task Force

DVRPC's current ongoing forum for public involvement is the Public Participation Task Force (PPTF). The mission of the PPTF is to provide ongoing access to the regional planning and decision-making process, to review timely issues, to serve as a conduit for DVRPC information to organizations and communities across the region, and to assist the Commission in implementing public outreach strategies.

### Environmental Justice Work Group

The Environmental Justice Work Group provides planners, EJ advocates, and regional stakeholders the opportunity to discuss regional EJ issues, and also provides an opportunity for DVRPC to connect with organizations across the region. Members of DVRPC’s Environmental Justice Work Group act as a resource for DVRPC staff in identifying EJ concerns as they relate to transportation and regional planning.

### Regional Student Forum

The Regional Student Forum provides undergraduate and graduate university students the opportunity to discuss regional planning issues with planners, advocates, and government officials, as well as with other students from the Greater Philadelphia area.

### Website

DVRPC maintains an extensive website, [www.dvrpc.org](http://www.dvrpc.org), which is updated almost daily. The site includes information on the Commission’s responsibilities, programs, and publications; media releases; staff contact information; a calendar of events and meetings; the DVRPC newsletter; all materials related to EJ and Title VI; and a search function.

### Resource Center

DVRPC maintains a comprehensive Regional Information Resource Center that is open to the public five days a week. The Resource Center staff can be reached by phone or email, and their contact information is included in every publication produced by DVRPC. The Resource Center staff regularly answers questions and responds to requests for information from citizens, private-sector businesses, and staff from other communities and agencies throughout the Delaware Valley region.

## Publications

Each year, DVRPC issues a multitude of publications, reports, and maps as part of the Commission's Work Program, and processes a large number of data requests. The information is used by planning departments and public agencies throughout the region, and can be accessed by the public through DVRPC's website and the Resource Center.

## Media Releases

Media releases are routinely sent to more than 100 media outlets, which include daily and weekly newspapers, TV stations, and radio stations. They are often directly emailed or faxed to about 50 individual reporters and other contacts throughout the Delaware Valley region. These include numerous Title VI-protected groups. All media releases include the abbreviated Title VI Notice to the Public and contact information for agency staff.

## Meetings and Events Open to the Public

All DVRPC Board and committee meetings are open to the public to attend. Events such as workshops, open houses, and forums are held regularly, as needed. Notification is provided well in advance via the DVRPC website, mailings, and other means. Such events are often coordinated with partner agencies throughout the region, which greatly enhances DVRPC's ability to spread the word to as many groups, organizations, and citizens as possible.

## Staff

Staff is accessible in person or by phone, U.S. mail, fax, and email. Contact information for all staff is provided on the agency's website and in its publications.

## Mailings

DVRPC routinely uses direct mail to keep the public informed of the agency's programs, public comment periods, meetings, and publications.

## Communicating with the Public

DVRPC maintains a comprehensive mailing list to keep the public informed about the Commission and its ongoing activities. DVRPC is continually adding to and updating the mailing list and makes a concerted effort to include groups representing Title VI-relevant populations. Anyone can request to be added to the mailing list to receive emails or mailings on upcoming DVRPC events.

DVRPC's electronic newsletter is distributed monthly to the general public, organizations, citizen groups, and businesses throughout the Delaware Valley region. The newsletter announces public comment and review periods, lists dates and times for upcoming meetings, covers major work being done by DVRPC, and highlights reports, publications, and other topics that may be of interest to the public. Back issues of the newsletter are available on the Commission's website, and visitors can search for past articles.

## Opportunities for Public Comment

DVRPC routinely offers several different ways for people to comment on activities, programs, and decisions made at the Commission. Comments are accepted at any time via phone, fax, email, U.S. mail, via [www.dvrpc.org](http://www.dvrpc.org), and in person at any Board or committee meeting. All DVRPC Board and committee meetings are open to the public to attend. Board meeting dates are listed in legal notices that run each January and are available on DVRPC's website. DVRPC also maintains a "Send Us Your Comments" link at [www.dvrpc.org](http://www.dvrpc.org).

Formal public comment and review periods are used to solicit comments on major planning and programming such as updates to the Transportation Improvement Program (TIP) and the Long-Range Plan (LRP), and changes to important DVRPC policies. The comment period is highlighted in the DVRPC newsletter, in other Commission publications, and on the homepage of the website, and media releases are distributed throughout the region. In addition, legal notices announce comment periods, and direct mailings are sent to interested parties by U.S. mail and email. Efforts may be made to have these documents translated into other languages, and the traditionally underserved are identified, as much as possible, and included in notification. Comments can be made in person at the corresponding DVRPC meeting, by email, by U.S. mail, fax, via [www.dvrpc.org](http://www.dvrpc.org), or by telephone. DVRPC responds to all comments received and forwards comments to other agencies for a response when appropriate.

## Communications and Public Involvement Title VI Responsibilities

The Office of Public Affairs is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the agency's public involvement process:

- Ensure that all communications and public involvement efforts comply with Title VI;
- Develop and distribute information on Title VI and agency programs to the general public;
- Provide information in languages other than English, as needed;
- Disseminate information to minority media and ethnic/gender-related organizations, to help ensure all social, economic, and ethnic interest groups in the region are represented in the planning process;
- Include the Title VI Notice to the Public in all media releases, public meeting notices, and on the agency website;
- Notify affected, protected groups of public meetings regarding proposed actions, and make the hearings accessible to all residents. This includes the use of interpreters when requested, or when a strong need for their use has been identified;
- Collect statistical information on attendees of public meetings, in order to track how well different segments of the population are represented; and
- Encourage that any DVRPC-created public advisory committee has representation from Title VI-relevant populations.

## Planning and Programming

DVRPC is responsible for developing long- and short-range plans to provide efficient transportation services, smart growth practices, and sustainable environmental practices to the Delaware Valley region. A comprehensive planning process is used that entails the monitoring and collection of varied data pertaining to transportation, land use, and environmental issues. DVRPC coordinates with the appropriate federal agencies, the State of New Jersey and the Commonwealth of Pennsylvania, member counties, and municipal governments, and seeks citizen input through public participation.

### Operational Guidelines

Primary guidance is provided by:

- MPO Regulations, 23 CFR 450
- Delaware Valley Urban Area Compact
- Moving Ahead for Progress in the 21st Century (MAP-21)
- state and federal Clean Air Act Amendments
- the ADA
- DVRPC Annual Planning Work Program.

### Major Programs

Federal laws and regulations require the formation of an MPO for each urbanized area with a population of more than 50,000 to facilitate a comprehensive, coordinated, and continuing transportation planning program. Listed below are some of the major areas that reflect Title VI and EJ issues most clearly.

#### Annual Planning Work Program

A complete listing of all DVRPC projects and programs can be found in the Commission's Annual Planning Work Program, which incorporates the planning programs and support activities of DVRPC and its member governments within the nine-county DVRPC region. The Work Program is developed annually by the DVRPC Board with its planning partners to reflect the region's short-range planning needs.

#### Transportation Improvement Program (TIP)

The TIP, the agreed-upon list of priority projects for the region, manages funding for the reconstruction, improvement, and expansion of the region's transportation system. The TIP lists all capital projects that are federally and state funded. It includes traditional highway and public transit projects, as well as bicycle-, pedestrian-, and freight-related projects. Required by federal law, the TIP is the culmination of a transportation planning process that represents a consensus among state and regional officials as to what improvements to pursue. The TIP shows estimated costs and schedule by project phase, including preliminary engineering, final design, right-of-way acquisition, and construction, and may be changed monthly after it is adopted. In Pennsylvania, the TIP covers a four-year period and is updated every other year. The TIP also covers four years for the New Jersey portion of the region and is updated every other year.

## Long-Range Plan (LRP)

One of the most important documents prepared by DVRPC is the LRP for the region. The LRP provides a vision of the region's future growth and development; determines regional plan consistency in order to locate and implement future transportation facilities and services; provides guidance and direction for municipal, county, and state agencies to make infrastructure and conservation protection investments; and serves as the foundation for developing the region's TIP. The LRP must maintain at least a 20-year planning horizon.

The LRP sets the framework and priorities for distribution of federal funds and ensures that recommended projects are consistent with defined long-term goals for the transportation system. The plan addresses land use, environmental, economic competitiveness, and transportation policies, and includes a set of fiscally constrained transportation projects. The LRP is developed through a public outreach effort and coordination among other agencies.

## Air Quality

DVRPC recognizes its responsibility to preserve the quality of the air in the region. The Clean Air Act Amendments of 1990 require that federally supported highway and transit project activities must "conform to" state air quality goals. The DVRPC transportation conformity process examines the region's transportation investments and subsequent activities, and determines consequential air quality impacts as a whole. It is a region-wide analysis and does not in any way encourage, entrench, subsidize, or result in discrimination on the basis of race, color, or national origin. In practice, the analysis is achieved by testing the set of projects found in the LRP and the TIPs with computer models to confirm that the associated vehicle emissions are equal to or less than budgets established by the states.

Air quality impacts and mitigation, as well as any EJ-related issues generated by regional transportation projects, are investigated via the Environmental Impact Statement process. DVRPC coordinates with the state DOTs to provide support as required by federal mandates. DVRPC also administers the Air Quality Partnership (AQP), a public/private coalition dedicated to improving air quality in the Greater Philadelphia Region by providing air quality advisories and educating the public about air quality issues.

## Transportation and Community Development Initiative (TCDI)

TCDI is an opportunity for DVRPC to support smart growth and revitalization in the individual municipalities of the Delaware Valley through initiatives that implement the goals and objectives of the LRP. Central to this effort is to ensure greater quality of life choices by providing and maintaining essential infrastructure, supporting local and regional economic development, and linking land use and transportation planning. TCDI provides a mechanism for local governments to undertake locally-directed actions to improve their communities by providing funding to undertake planning, analysis, or design initiatives which implement the LRP and enhance or improve the efficiency of the regional transportation system.

## Coordinated Human Services Transportation Planning (CHSTP)

CHSTP seeks to organize and prioritize goals and strategies for community and nontraditional transportation services throughout the region, including efforts to better serve low-income, elderly,

and disabled residents. DVRPC helps coordinate CHSTP for the region and maintains a regional plan to prioritize needs and help our planning partners better coordinate investments.

### *Environmental Justice at DVRPC Annual Report*

DVRPC annually prepares a report titled *Environmental Justice at DVRPC* that is intended to provide background information about EJ issues; summarize pertinent agency plans, programs, and projects; describe DVRPC's EJ technical assessment method; and define recommended policies and action strategies to achieve EJ compliance.

### *Technical Assessment of Environmental Justice*

In 2001, DVRPC developed the initial “...and Justice for All” EJ report to introduce the Degrees of Disadvantage (DOD) method, now known as the Indicators of Potential Disadvantage (IPD). Neither Title VI of the Civil Rights Act nor Executive Order #12898 provides specific guidance to evaluate EJ within a region's transportation planning process. Therefore, MPOs must devise their own methods for ensuring that EJ population groups and issues are represented in transportation decision making. It should be noted that while DVRPC employs the IPD method to ascertain population data, the IPD method is one tool that is part of a larger strategy that includes public participation, stakeholder outreach, data sources, and other research utilized by DVRPC staff to plan for all residents in the Delaware Valley region.

The regional technical analysis developed by DVRPC is a people- and place-based approach that locates selected population groups in the region and determines how the regional transportation system and DVRPC's programs, policies, and investments impact these groups. While minority and low-income populations must be investigated, DVRPC expanded its list to additional population groups—careless households, persons with physical disabilities, female head of household with child, elderly over age 75, Hispanic persons, and LEP—that may have specific planning-related issues or challenges.

Starting in Fiscal Year 2012, IPD information is derived from the American Community Survey (ACS) five-year estimates data set from the U.S. Census. The current data update is taken from the ACS 2006–2009 five-year estimates. The ACS is conducted every year to provide up-to-date information about the social and economic needs of the country. ACS data is in one-year, three-year, and five-year estimates. The five-year estimates set was chosen because it provides the largest sample size, data for all areas, and information at the census-tract level.

For more information, please see *Environmental Justice at DVRPC*.

### *Congestion Management Process (CMP)*

The CMP is a systematic process for managing congestion that provides information on transportation system performance. It recommends a range of strategies to minimize congestion and enhance the mobility of people and goods. These multimodal strategies include, but are not limited to, operational improvements, travel demand management, policy approaches, and additions to capacity. The CMP advances the goals of the DVRPC LRP and strengthens the connection between the Plan and the TIP.

DVRPC's CMP defines congested corridors and subcorridors, and then recommends “appropriate” and “secondary” congestion management strategies for each subcorridor. Census tracts containing

higher EJ concentrations are considered when developing corridors and defining strategies for congested subcorridors. Virtually all *EJ-significant tracts*, defined in this process as census tracts with five to eight IPD, are targeted for appropriate multimodal transportation investments.

The CMP also includes outreach steps to engage diverse audiences. In addition to an Overview report, DVRPC uses an introductory newsletter about the CMP for the whole region and prepares two corridor-specific newsletters each year (one in each state) oriented to participants in nonprofit organizations, interested members of the public, and municipal officials.

### Technical and Data Services

Translating the meaning of demographic and economic information into a useable form that can be interpreted for many purposes is a major function of DVRPC. The Commission takes assorted collections and analyses of demographic and economic data from various sources, including the U.S. Census Bureau and the Pennsylvania and New Jersey state data centers, and then provides a wealth of data for the nine counties and 352 municipalities in the DVRPC region. DVRPC's Regional Information Resource Center also provides data for a 28-county extended data service region.

In addition, DVRPC produces data bulletins on a regular basis. A periodic series of free data bulletins and complementary analytical reports are also available. DVRPC also issues publications that are available for purchase in the following areas of interest: Regional Population and Employment Data, Regional Transportation Data, Housing Data and Policy, Land Use Data and Policy, Environmental Management, Regional Policy Analysis, Land Use Planning Studies, Transportation Policy and Plans, Transportation Research, Travel Demand Studies, and Traffic Counts and Surveys.

### Planning and Programming Title VI Responsibilities

DVRPC staff, in conjunction with the Title VI Compliance Manager, will work to evaluate and monitor compliance with Title VI requirements in all aspects of the agency's planning and programming activities:

- Ensure all aspects of the planning and programming process operation comply with Title VI requirements;
- Prepare and update a demographic profile of the region using the most current and appropriate statistical information available on race, income, and other pertinent data, and make the data available to the public and member agencies on DVRPC's website and in the Resource Center;
- Develop a process for assessing the distributional effects of transportation investments in the region as part of actions on plan and programming documents; and
- Continue to ensure that staff works to help guarantee that all residents in the region are represented in the planning process.

### Consultant Contracts

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

### Operational Guidelines

Primary guidance is provided by:

- Civil Rights Requirements
- Nondiscrimination in Federal Public Transportation Programs
- Nondiscrimination—Title VI of the Civil Rights Act
- Equal Employment Opportunity
- Equal Employment Opportunity Requirements for Construction Activities
- Disadvantaged Business Enterprise (DBE)
- Nondiscrimination on the Basis of Sex
- Nondiscrimination on the Basis of Age
- Access for Individuals with Disabilities
- Access to Services for Persons with Limited English Proficiency
- Environmental Justice.

### Contract Procedures

DVRPC’s contract procedures comply with all state and federal laws.

### DBE Program

DVRPC maintains a DBE Program that is updated as needed.

### Contracts Title VI Responsibilities

Contracts staff is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the agency’s consultant contracts process. Contracts staff will:

Include Title VI language in contracts and Requests for Proposals (RFP) as described below:

- Ensure inclusion of Title VI language in contracts and RFPs; and
- Review recipients for Title VI compliance as described below:
  - Ensure that all recipients and subrecipients verify their compliance with Title VI procedures and requirements; and
  - If a recipient or subrecipient is found to be not in compliance with Title VI, the Title VI Compliance Manager and relevant DVRPC staff will work with the subrecipient to resolve the deficiency status and will write a remedial action if necessary, as described in the next section.
- Maintain the DBE Program as described below:
  - Monitor, update, and maintain the DVRPC DBE Program;
  - Submit reports on DBE participation in the Title VI Annual Report and Update;
  - Establish and adjust DBE participation goals, as appropriate; and
  - Annually review and evaluate DBE participation in relation to DBE goals, and continue efforts to “create a level playing field” for DBE and non-DBE consultants when DVRPC does not meet the established goals.

## Remedial Action Related to Consultant Reviews

DVRPC will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with this Title VI program, both within DVRPC and with DVRPC's contractors. In conducting reviews of subrecipients, if a subrecipient is found to not be in compliance with Title VI, the Title VI Compliance Manager and appropriate DVRPC staff will work with the subrecipient to resolve the identified issues. The Commission will develop a remedial action plan that outlines steps to be taken for Title VI compliance, in cooperation with the state DOTs.

## Human Resources, Education, and Training

The mission of the Office of Human Resources is to support DVRPC's goals and meet its challenges by providing services that promote a work environment characterized by fair and equitable treatment of staff, open communications, teamwork, personal accountability, trust, and mutual respect. It is the responsibility of the Office of Human Resources to ensure a diverse workforce in a safe and discrimination/harassment-free environment by maintaining compliance with employment laws and government regulations, providing management and employee training, and developing policies and procedures. Minorities, women, veterans, individuals with a disability, and other individuals protected by Title VI and federal and state nondiscrimination laws are provided with equal opportunity and fair treatment in all employment-related decisions, including opportunities for education and training.

### Operational Guidelines

- DVRPC Employee Policy and Procedures Manual
- DVRPC Affirmative Action Policy and Objectives
- Equal Employment Complaint Procedures.

All DVRPC employees are encouraged to participate in professional development and training. All materials received by the agency on training and education opportunities are made available to all employees, including all information on federally funded training, such as courses provided by the National Highway Institute and the National Transit Institute.

### Human Resources Title VI Responsibilities

The Office of Human Resources is responsible for evaluating and monitoring compliance with Title VI requirements as they relate to human resources programming, as well as education and training:

- Assist in the distribution of information to Commission staff on training programs regarding Title VI and related statutes.
- Ensure equal access to, and participation in, applicable training courses for qualified employees.
- Establish, maintain, and update an Employee Policy and Procedures Manual containing all day-to-day administration of the Title VI Program.

## Additional Information

For questions on DVRPC's Title VI Plan or procedures, please contact Jane Meconi at 215-238-2871 or [jmeconi@dvrpc.org](mailto:jmeconi@dvrpc.org). For information on DVRPC's Work Program or publications, including reports, data

forecasting, maps, or other information, please contact the Regional Information Resource Center, at 215-238-2880.

For information on all of the above, including current public comment periods and meetings open to the public, visit the DVRPC website at [www.dvrpc.org](http://www.dvrpc.org).

## DVRPC COMPLAINT PROCEDURE AND COMPLAINT FORM

### Purpose

The DVRPC Title VI Complaint Procedure is written to specify the process employed by DVRPC to investigate complaints, while ensuring due process for Complainants and respondents. The process does not preclude DVRPC from attempting to informally resolve complaints. This procedure applies to all external complaints relating to any program or activity administered by DVRPC and/or its subrecipients, consultants, and contractors, filed under Title VI of the Civil Rights Act of 1964 (including its DBE and Equal Employment Opportunity components), as well as other related laws that prohibit discrimination on the basis of race, color, disability, sex, age, or national origin. Additional statutes include, but are not limited to, Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the ADA of 1990. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the Complainant. Intimidation or retaliation of any kind is prohibited by law.

### Process

An individual, or his or her representative, who believes that he or she has been subject to discrimination or retaliation prohibited by Title VI and other nondiscrimination provisions, has a right to file a complaint. Complaints need to be filed within 180 calendar days of the alleged occurrence, when the alleged discrimination became known to the Complainant, or when there has been a continuing course of conduct, the date on which the conduct was discontinued or the latest instance of the conduct.

Complaints shall be in writing and signed by the Complainant or the Complainant's representative. If complaints are received by telephone or in person, the DVRPC Title VI Compliance Manager or other authorized representative shall formally interview the person to provide the basis for the written complaint. If necessary, an authorized person will assist the Complainant in writing the complaint. The complaint form can be made available in alternative languages or formats, if requested. Please call 215-238-2871 for more information.

Generally, the written complaint includes the following information:

- name, address, telephone number, and e-mail of the Complainant;
- basis of the complaint, (e.g. race, color, national origin, sex, age, disability, retaliation);
- a detailed description of the circumstances of the incident that led the Complainant to believe discrimination occurred;
- name(s), title(s), and address(es) of the person(s) who discriminated against the Complainant;
- names, addresses, and phone numbers of people who may have knowledge of the alleged incident or are perceived as parties in the complained-of incident; and
- date or dates on which the alleged discrimination occurred.

As an investigation moves forward, additional information may be required. Although this process does not preclude DVRPC from attempting to informally resolve complaints, the decision to resolve informally always rests with the Complainant, who may withdraw from the informal process at any time.

If a complaint is filed against DVRPC, the Commission will acknowledge receipt of the complaint by notifying the Complainant and immediately transmitting the complaint to the proper state and federal agency (e.g. Federal Highway Administration, Federal Transit Administration, Pennsylvania Department of Transportation, New Jersey Department of Transportation) for investigation and disposition pursuant to that agency's Title VI complaint procedure. Complaints against DVRPC may also be sent directly to a federal agency. If a complaint is filed with an agency that does not have jurisdiction over the particular reason for discrimination, the complaint will be forwarded to an agency that does.

Complaints against DVRPC subrecipients, consultants, and contractors will be investigated directly by the Commission as follows:

- Within 10 days, the DVRPC Manager of Title VI Compliance will acknowledge receipt of the complaint to the Complainant, and notify the appropriate state and/or federal agency that a Title VI complaint has been received by the Commission;
- Within 60 days, the DVRPC Manager of Title VI Compliance will conduct and complete an investigation and, based on the information obtained, will render a recommendation for action in a report of findings to the DVRPC Executive Director. This report will include the nature of the complaint, remedy sought, and a summary of the investigative findings and activities. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report findings;
- Within 90 days of receipt of the complaint, the DVRPC Title VI Compliance Manager will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with state and federal agencies, if they are dissatisfied with the final decision rendered by DVRPC.

The DVRPC Title VI Compliance Manager will maintain a log of all complaints received by the Commission.

**DELAWARE VALLEY REGIONAL PLANNING COMMISSION  
TITLE VI DISCRIMINATION COMPLAINT FORM**

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

Basis of Complaint (e.g., race, disability, sex) \_\_\_\_\_

Date(s) of alleged discrimination \_\_\_\_\_

Name and position (if known) of Person(s) that discriminated against you :

\_\_\_\_\_

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

Please provide a detailed description of the circumstances of the incident(s) and how you were discriminated against. Please provide, if applicable, names and contact information of individuals who may have knowledge of the incident or are perceived as parties in the complained of incident Include any additional information supporting your complaint (please use additional pages as necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

(over)

The Title VI Complaint form may be submitted directly to the following agencies:

Civil Rights Specialist  
U.S. Department of Transportation  
Federal Highway Administration  
New Jersey Division  
840 Bear Tavern Road, Suite 202  
West Trenton, NJ 08628

(609) 637-4200

Title VI Manager  
Division of Civil Rights/Affirmative Action  
New Jersey Department of Transportation  
P.O. Box 600  
1035 Parkway Avenue  
Trenton, NJ 08625-0600

(609)530-2336

Title VI Manager  
Bureau of Equal Opportunity  
DBE / Title VI Division  
Pennsylvania Department of Transportation  
PO Box 3251  
Harrisburg, PA 17105-3251

(717) 783-0301

Civil Rights Specialist  
U.S. Department of Transportation  
Federal Highway Administration  
Pennsylvania Division  
228 Walnut Street, Room 508  
Harrisburg, PA 17101-1720

(717) 221-3461

Title VI Program Coordinator  
Federal Transit Administration Office of Civil Rights  
East Building, 5th Floor - TCR  
1200 New Jersey Ave., SE  
Washington, DC 20590

(202) 366-4043

Title VI Coordinator  
Federal Transit Administration- Region 3  
U.S. Department of Transportation  
1760 Market Street, Suite 500  
Philadelphia, PA 19103-4124

(215) 656-7100

Title VI Program Coordinator  
Federal Highway Administration  
U.S. Department of Transportation  
Office of Civil Rights  
1200 New Jersey Avenue, SE  
8th Floor E81-314  
Washington, DC 20590

(202) 366-0693

U.S. Department of Justice  
Office of Justice Programs  
Office for Civil Rights  
810 7th Street, NW  
Washington, DC 20531

(202) 307-0690

Title VI Compliance Manager  
Delaware Valley Regional Planning Commission  
190 N. Independence Mall West, 8<sup>th</sup> Fl.  
Philadelphia, PA 19106

(215) 238-2871



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# Appendix A

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## U.S. Department of Transportation Standard Title VI Assurances

The Delaware Valley Regional Planning Commission (DVRPC) (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, SubTitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race color, or national origin, be excluded from participation in, he denied the benefits of, or he otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, and HEREBY GIVES ASSURANCE that it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) (1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its programming:

1. That the Recipient agrees that each "program" and each "facility as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all programs and, in adapted form in all proposals for negotiated agreements:

The Delaware Valley Regional Planning Commission (DVRPC), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full 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. That the Recipient shall insert the clauses of Part A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Part B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall 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 shall extend to rights to space on, over or under such

property.

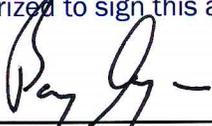
7. That the Recipient shall include the appropriate clauses set forth in Part C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal-Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal-Aid Highway 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 shall provide for such methods of administration for the program as are found by the Executive Director or the official to whom s/he delegates specific authority, to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, 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 Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient Department of Transportation under the (Name of Appropriate Program) and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the (Name of Appropriate Program). The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient



\_\_\_\_\_  
DVRPC Executive Director

3/21/14

\_\_\_\_\_  
Date

## Part 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:

**Compliance with Regulations:** The Contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

**Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall 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 shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Part B of the Regulations.

**Solicitations for Subcontractors, 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 shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative nondiscrimination on grounds of race, color, or national origin.

**Information and Reports:** The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by DVRPC or the Department of Transportation to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to DVRPC or the state Department of Transportation, as appropriate, and shall set forth what efforts it has made to obtain the information.

**Sanctions for Noncompliance:** In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, DVRPC shall impose such contract sanctions as it or the U.S. Department of Transportation may determine to be appropriate, including, but not limited to: (a) withholding of payments to the Contractor under the contract until the contractor complies, and/or (b) cancellation, termination, or suspension of the contract, in whole or in part.

**Incorporation of Provisions:** The contractor shall include the provisions of paragraph (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract or procurement as DVRPC or the U.S. Department of Transportation may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Recipient to enter into such litigation to protect the interests of the Recipient, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## Part B

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

### (GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Recipient will accept Title to the lands and maintain the project constructed thereon, in accordance with (Name of Appropriate Legislative Authority), the Regulations for the Administration of (Name of Appropriate Program) and the policies and procedures prescribed by (Name of Appropriate Administration) of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations) 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 (Name of Recipient) all the right, Title and interest of the 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 Recipient 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 shall be binding on the (Name of Recipient), its successors and assigns.

The Recipient, 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 shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed, (2) that the Recipient shall 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, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department of Transportation shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this deed.\*

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

## Part C

The following clauses shall be included in all deeds, licenses, leases, permits or similar instruments entered into by the Recipient pursuant to the provisions of Assurance 6(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his 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 in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the Recipient shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

That in the event of breach of any of the above nondiscrimination covenants, the Recipient shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Recipient and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Recipient pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his 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, sex, age, color, disability, or national origin shall 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, sex, age, color, disability, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964), and as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the Recipient shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

That in the event of breach of any of the above nondiscrimination covenants, the Recipient shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Recipient and its assigns.





*The Delaware Valley Regional Planning Commission is dedicated to uniting the region's elected officials, planning professionals, and the public with a common vision of making a great region even greater. Shaping the way we live, work, and play, DVRPC builds consensus on improving transportation, promoting smart growth, protecting the environment, and enhancing the economy.*

*We serve a diverse region of nine counties: Bucks, Chester, Delaware, Montgomery, and Philadelphia in Pennsylvania; and Burlington, Camden, Gloucester, and Mercer in New Jersey. DVRPC is the federally designated Metropolitan Planning Organization for the Greater Philadelphia Region — leading the way to a better future.*



The symbol in our logo is adapted from the official DVRPC seal and is designed as a stylized image of the Delaware Valley. The outer ring symbolizes the region as a whole while the diagonal bar signifies the Delaware River. The two adjoining crescents represent the Commonwealth of Pennsylvania and the State of New Jersey.

DVRPC is funded by a variety of funding sources including federal grants from the U.S. Department of Transportation's Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), the Pennsylvania and New Jersey departments of transportation, as well as by DVRPC's state and local member governments. The authors, however, are solely responsible for the findings and conclusions herein, which may not represent the official views or policies of the funding agencies.

The Delaware Valley Regional Planning Commission (DVRPC) fully complies with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related nondiscrimination statutes and regulations in all programs and activities. DVRPC's website, [www.dvrpc.org](http://www.dvrpc.org), may be translated into multiple languages. Publications and other public documents can be made available in alternative languages and formats, if requested. DVRPC public meetings are always held in ADA-accessible facilities and in transit-accessible locations when possible. Auxiliary services can be provided to individuals who submit a request at least seven days prior to a meeting. Requests made within seven days will be accommodated to the greatest extent possible. Any person who believes they have been aggrieved by an unlawful discriminatory practice by DVRPC under Title VI has a right to file a formal complaint. Any such complaint may be in writing and filed with DVRPC's Title VI Compliance Manager and/or the appropriate state or federal agency within 180 days of the alleged discriminatory occurrence. For more information on DVRPC's Title VI program, or to obtain a Title VI Complaint Form, please call (215) 238-2871 or email [public\\_affairs@dvrpc.org](mailto:public_affairs@dvrpc.org).

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