



Title VI Plan

Franklin County Metropolitan
Planning Organization

APRIL 2020

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Title VI Plan Franklin County Metropolitan Planning Organization

English

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العَرَبِيَّة

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Hmoob

LUS CEEV: Yog tias koj hais lus Hmoob, cov kev pab txog lus, muaj kev pab dawb rau koj. Hu rau (717) 261-3855 los yog tug planning@franklincountypa.gov.



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हिन्दी

ध्यान दें: यदि आप हिन्दी बोलते हैं तो आपके लिए मुफ्त में भाषा सहायता सेवाएं उपलब्ध हैं। (717) 261-3855 planning@franklincountypa.gov. फोन या ईमेल से हमसे संपर्क करें

ລາວ

ຄວນລະວັງ: ຖ້າຫາກວ່າທ່ານເວົ້າພາສາອື່ນ, ການບໍລິການການຊ່ວຍເຫຼືອພາສາ, ເສຍຄ່າໃຊ້ຈ່າຍ, ແມ່ນມີໃຫ້ທ່ານ. ໂທ (717) 261-3855 ຫຼືອີເມລ໌ planning@franklincountypa.gov.

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Title VI Plan Franklin County Metropolitan Planning Organization

Resolution of Adoption



Franklin County Metropolitan Planning Organization
218 N. 2nd Street, Chambersburg, PA 17201
Phone: (717) 261-3855 | Fax: (717) 264-8667
<https://www.franklincountypa.gov/>

RESOLUTION NUMBER 2020- 02

RESOLUTION BY THE FRANKLIN COUNTY

METROPOLITAN PLANNING ORGANIZATION (FCMPO)

ADOPTING THE TITLE VI PLAN

RECITALS

WHEREAS, the Franklin County Metropolitan Planning Organization (FCMPO) developed the Title VI Plan in accordance with federal and state legislative requirements; and

WHEREAS, the Title VI Plan was developed to address the FCMPO's compliance with the Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987; and

WHEREAS, the Title VI Plan was made available to the public for review and comment in accordance with U.S. Code of Federal Regulations §450.316(a)(3); and

WHEREAS, the Franklin County Planning Department has reviewed and recommended the FCMPO Policy Board's adoption of Resolution 2020- 02 approving the Title VI Plan; and

WHEREAS, the FCMPO Policy Board has completed its review and has determined that the final document has met the aforementioned items.

NOW, THEREFORE, BE IT RESOLVED that the FCMPO Policy Board formally adopts the Title VI Plan.

PASSED AND DULY ADOPTED THIS 20th day of May, 2020.

FRANKLIN COUNTY
METROPOLITAN PLANNING ORGANIZATION

By: _____

Attest: _____



Policy Statement

The Franklin County Metropolitan Planning Organization (FCMPO) assures that no person shall on the grounds of race, color, creed, national origin, sex, disability, age, income, or limited proficiency in English, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the PA Human Relations Act, and the Pennsylvania Department of Transportation (PennDOT) Title VI Program, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The FCMPO further assures every effort will be made to ensure non-discrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors/consultants, regardless of whether such programs and activities are themselves federally assisted (P.L. 100.259 [S.557] March 22, 1988). In the event the FCMPO as the recipient distributes federal aid funds to a sub-recipient, the FCMPO will include Title VI language in all written agreements and will monitor for compliance.

The Franklin County Planning Department is responsible for initiating and monitoring Title VI activities, preparing reports, and other responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 49 CFR 21.

Steven J. Thomas, AICP, Franklin County Planning Director

Date



Title VI Assurances

See Attachment A, USDOT Order No. 1050.2A, Standard Assurances

Introduction

Title VI of the Civil Rights Act of 1964 states:

[N]o person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance

The body of procedures to address this portion of the Civil Rights Act is encompassed by the Title VI Program. Subsequent laws, regulations, directives, and executive orders broadened the factors for which discrimination is prohibited to include sex, disability, age, income, and limited proficiency in English. A list of related authorities is provided in Appendix C. Two Presidential Executive Orders regarding non-discrimination requirements in particular have affected the Title VI Program include:

Executive Order 12898

Mandates that federal agencies address Environmental Justice (EJ) for low-income and minority persons and populations

Executive Order 13166

Mandates that federal agencies ensure that people who have limited English proficiency (LEP) have meaningful access to federally-conducted and/or funded programs and activities

The United States Department of Transportation (USDOT) Order 6640.23 specifies that both the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) are required to implement environmental justice (EJ) principles in all programs, policies, and activities. The three guiding principles of EJ as stated by USDOT are:

1

To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations

2

To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process

3

To prevent the denial of, reduction in, or significant delay in the receipt of benefits

The FCMPO, as a subrecipient of federal financial assistance, is required to comply with Title VI, the PA Human Relations Act, and subsequent nondiscrimination laws, as well as provide an overview of how the FCMPO addresses Executive Order 12898 on EJ and Executive Order 13166 on LEP. Franklin County provides a Nondiscrimination Statement on its website (see Appendix D) which outlines its commitment to complying with the ADA, Title VI, and Fair Housing Act.

This plan was developed to document and clarify the efforts that the FCMPO undertakes on a regular basis to ensure compliance with the rules and regulations associated with Title VI and related statutes regarding nondiscrimination and environmental justice.

PennDOT's 2017 Title VI Compliance and Implementation Plan can be found online at:

<https://www.penndot.gov/about-us/EqualEmployment/Documents/2017%20Title%20VI%20Implementation%20Plan.pdf>

Franklin County MPO Organization and Profile

The FCMPO is the transportation policy- and decision-making entity responsible for transportation planning and programming in the county. The FCMPO is comprised of community members representing transportation and business interests, and local and state governments.

In 2009, the Franklin County Rural Planning Organization (RPO) formed as the county's original planning organization with the goal of guiding decision-making for transportation planning and programming activities throughout Franklin County. As a result of the 2010 Census, the U.S. Census Bureau identified Chambersburg, Franklin County, as an Urbanized Area. This designation has led Franklin County to be defined as a metropolitan area and therefore the previous RPO was re-designated as a Metropolitan Planning Organization in early 2013.

The FCMPO is responsible for preparing a Long-Range Transportation Plan (LRTP), developing an annual Unified Planning Work Program (UPWP), and managing the Transportation Improvement Program (TIP). The FCMPO receives approximately \$11.8 million annually to advance transportation improvement projects throughout the region. The FCMPO serves Franklin County, which encompasses 773 square miles and approximately 155,000 residents as of 2018.

The FCMPO is staffed by the Franklin County Planning Department and District 8-0 of the Pennsylvania Department of Transportation (PennDOT). The FCMPO consists of a Policy Board to make transportation-related decisions for the region, with 13 voting members and 13 non-voting members, representing PennDOT, public transit operators, and local elected officials.

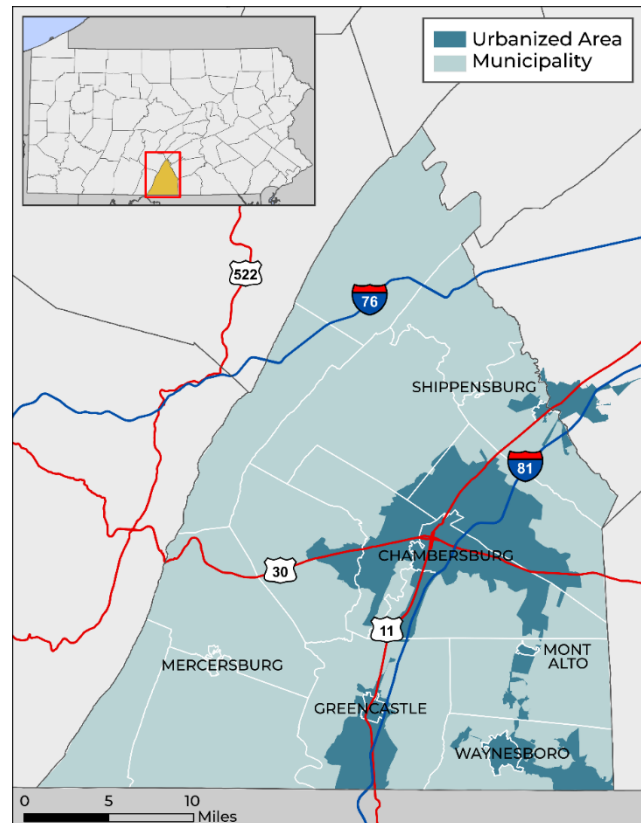


Figure 1 – Franklin County MPO and Chambersburg Urbanized Area

Title VI Compliance Officer

The Franklin County Risk Manager is responsible for Title VI coordination. The Risk Manager responds to any complaints submitted by county residents about discrimination in county proceedings, programs, services, or activities, when concerns cannot be resolved at the Franklin County Planning Department level. The Risk Manager works with the Franklin County Planning Department to ensure the implementation and overall management of the FCMPO's Title VI Plan.

Loretta McClure, Risk Manager

☎ (717) 261-3819

✉ ljmcclure@franklincountypa.gov

Specific responsibilities of the Title VI Coordinator include:

- Monitoring and reviewing agency programs, policies, and activities for Title VI compliance
- Collecting and reviewing statistical data (race, ethnicity, sex, age, disability, or national origin) to prevent or obviate potential disparate impacts or disparate treatment discrimination in coordination with the Planning Department
- Working with staff involved in procurement or consulting contracts to ensure that Title VI compliance is met, and mitigating any issue if it is not met
- Maintaining a list of interpretation service providers coordinated through the Planning Department
- Periodically reviewing and updating the FCMPO Title VI Plan in coordination with the Planning Department
- Attending trainings to keep aware of nondiscrimination procedures and developments
- Resolving Title VI complaints in a timely and thorough fashion

Title VI Components

Demographic Profile

Table 1 and **Figures 2, 3, and 4** below provide a brief statistical profile of Franklin County's population relative to racial and ethnic minorities, persons with limited English proficiency (LEP), low-income individuals, and persons with a disability. This information helps prevent or obviate potential disparate impacts or disparate treatment discrimination in coordination with the Planning Department.

Table 1 – Racial & Ethnic Minorities in Franklin County (ACS 5-Year 2017)

	Total	Percent
Black or African American	3,033	2.0%
Native American	360	0.4%
Asian	1,526	1.0%
Mixed-Race	1,914	1.3%
Hispanic (All Races)	8,063	5.3%



Figure 2 – Population of Protected Classes in Franklin County (ACS 5-Year 2017)

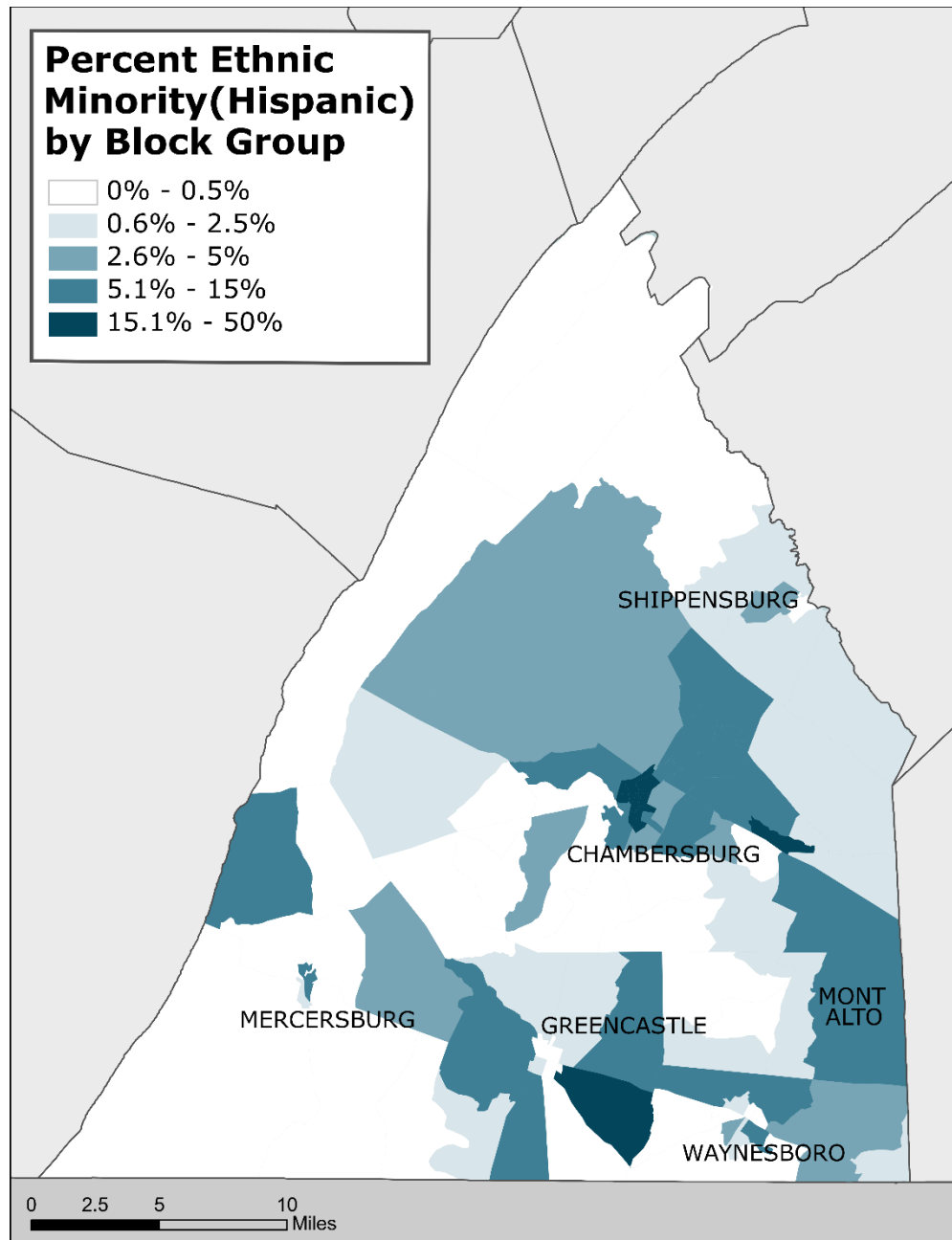


Figure 3 – Map of Ethnic Minorities (Hispanic) in Franklin County (ACS 5-Year 2017)

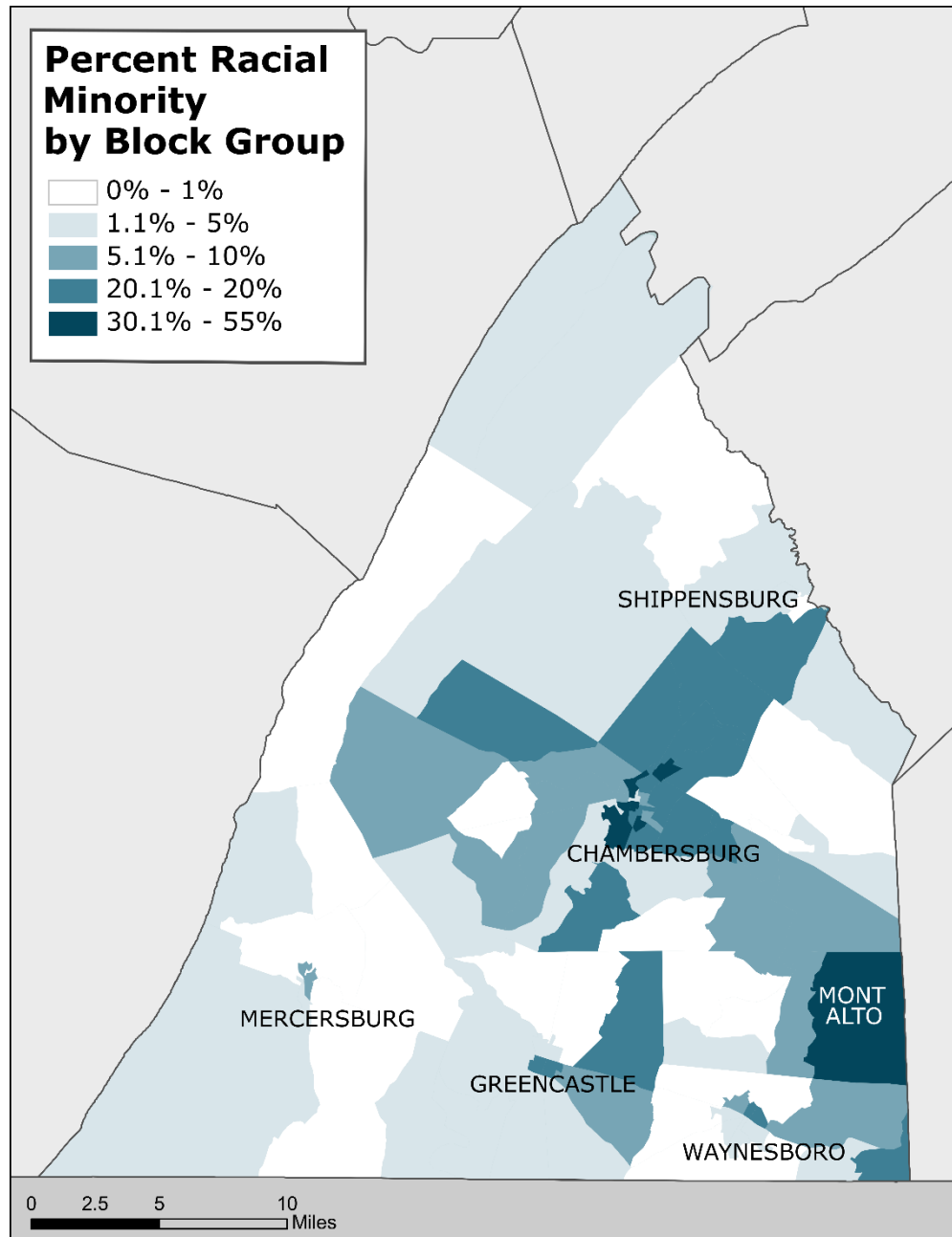


Figure 4 – Map of Racial Minorities (Non-White) in Franklin County (ACS 5-Year 2017)

Public Participation

A major component of Title VI compliance is providing avenues for public participation. FCMPO seeks to encourage public participation by engaging all people and organizations early and often in the transportation planning process. Its Public Participation Plan (PPP) provides a framework for effective public education and outreach centered on openness, transparency, and flexibility.

The PPP outlines efforts to identify the mobility needs of all populations impacted by transportation decision-making by:

- Consulting and engaging organizations representing minority, low-income, and disabled groups to gain a diversity of input
- Encouraging participations from diverse communities by tailoring outreach efforts to their needs
- Holding meetings at convenient and accessible locations and times
- Utilizing web content, local media outlets, and social media to keep the public informed and involved

The FCMPO's approach to public participation adheres to Pennsylvania's Sunshine Law of 1986 (amended in 1993, 1996, and 1998) to make certain meetings and hearings open to the public and to keep written minutes of all open meetings.

LEP Four-Factor Analysis

In accordance with Title VI of the Civil Rights Act and USDOT's Circular FTA C 4702.1B "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," recipients of federal transportation funds are required to take "reasonable steps to ensure meaningful access to their programs and activities by LEP persons." The guidance recommends that the following four-factor analysis be employed to help determine how best to ensure reasonable and meaningful access to FCMPO activities:

1. The number and proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.
2. The frequency with which LEP persons come into contact with the program.
3. The nature and importance of the program, activity, or service provided by the program to people's lives.
4. The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.

NUMBER AND PROPORTION

The 2013-2017 American Community Survey (ACS) 5-year data was used to understand the proportion of LEP individuals in Franklin County. Individuals who speak English less than "very well" are considered to be LEP individuals. As shown in the above Demographic Profile, the LEP population of Franklin County was estimated to be over 3,500 (2.4% of county residents over 5 years of age) as of 2017. In the future, updated or site-specific data (to census block group) can be found under the US Census Bureau's S1601 table.

2011-2015 ACS 5-year data was used to identify which languages are most commonly spoken by LEP individuals. As shown in **Figure 5**, over 70% of LEP individuals speak Spanish at home, with Germanic languages, Chinese languages, French languages, and Southeast Asian languages being the next most prevalent languages. In the future, comparable updated or site-specific data (to census tract) can be found under the US Census Bureau’s B16001 table.

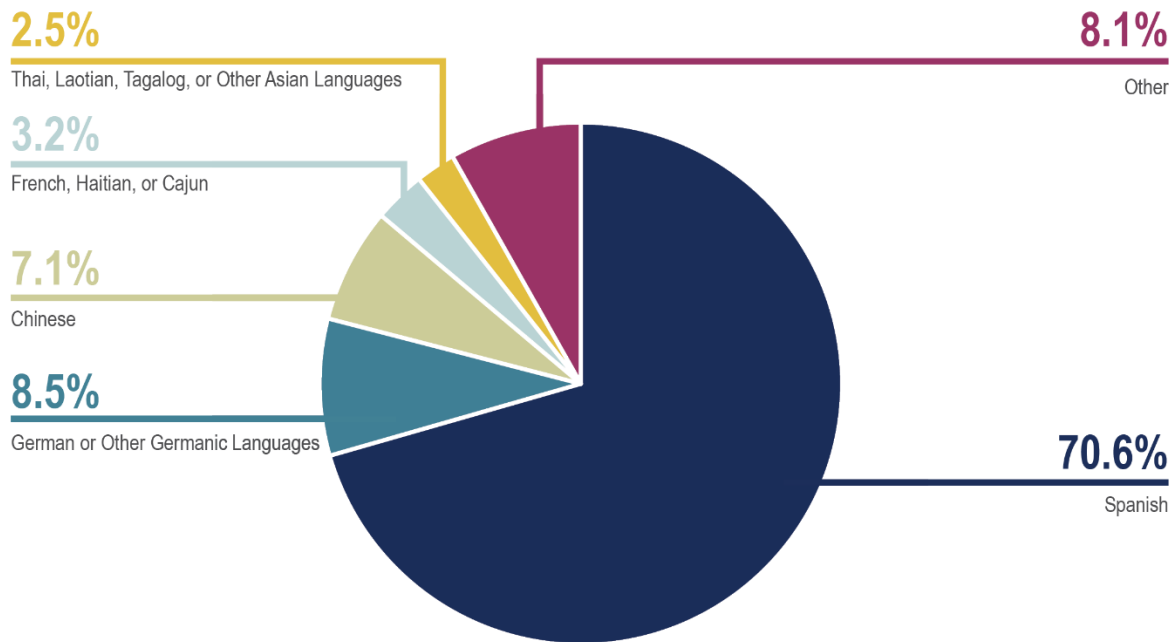


Figure 5 – Percent of LEP Individuals in Franklin County by Primary Language (ACS 5-Year 2015)

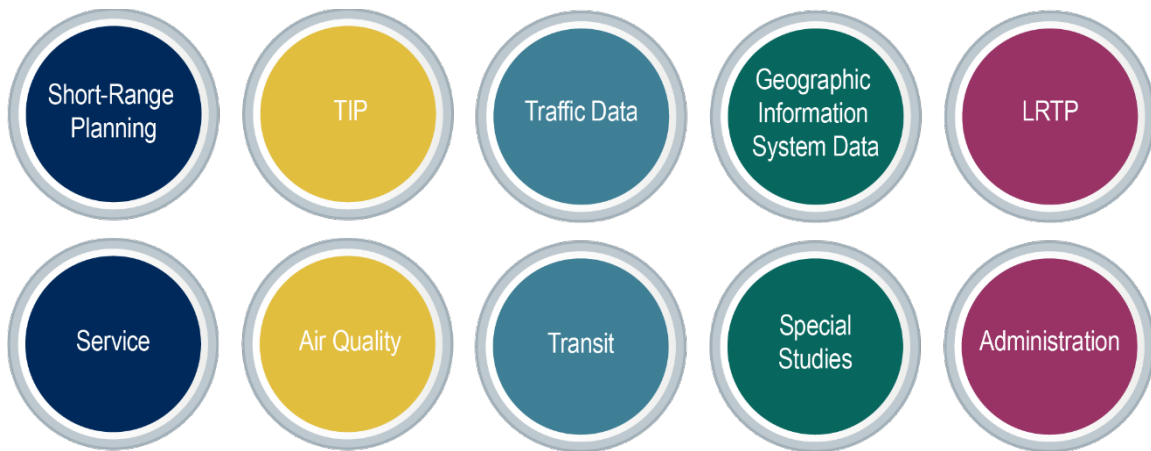
FREQUENCY

FCMPO will keep logs, surveys, and other applicable records to frequently determine the needs of the LEP community.

IMPORTANCE

FCMPO approves the use of federal funds for the improvement of the Urbanized Area’s transportation system, which is used to transport goods and services including transportation for emergency medical treatment or services for basic needs (food, housing, education, etc.).

The FCMPO provides opportunities for the public to comment on the following key activities that receive funding from any federally funded entities:



Impacts of transportation improvements that arise from these activities have an impact on all residents and the FCMPO makes efforts to encourage an understanding of the process and to provide opportunities to comment. As a result, FCMPO is concerned with input from all stakeholders and every effort is made to make the planning process as inclusive as possible.

Through the regional transportation planning process, selected projects receive approval for federal funding and move towards project planning and construction under the responsibility of local jurisdictions or PennDOT. These state and local organizations are required to have their own policies in place to ensure opportunities for LEP individuals to participate in the process that shapes where, how, and when a specific project is implemented.

RESOURCES

The FCMPO values diversity in the region and strives towards the full and fair participation of traditionally underserved populations in the transportation decision-making process.

Various FCMPO stakeholders advertise jobs and local services in the regional Spanish-language media platform *La Voz* multiple times per year. This resource is especially helpful when advertising events and services in the Chambersburg urban area, since a major share of LEP individuals in the county is concentrated in that area.

LEP Assistance Strategies

The FCMPO has developed the following strategies to address language assistance within the region.

Translation of Select Materials

Because the number and proportion of LEP individuals in the region are low, and because the costs of translation services are high (usually between \$0.15 and \$0.20 per word), translation of all FCMPO written materials is cost prohibitive. However, should the need for oral or written translation of any other document arise, the FCMPO will make a reasonable attempt to provide

translation services. The FCMPO will also consider printing taglines in any of the major languages spoken among LEP individuals on public materials to provide directions about the translation services.

Translation Services

To make information more accessible for people with limited English proficiency, the Franklin County website uses Google Translate to translate its English content into more than 100 languages including Chinese (simplified and traditional), French, Italian, Portuguese, Russian, and Spanish. In addition, “vital” FCMPO documents are professionally translated into Spanish, which is the most frequently spoken languages other than English in the FCMPO region and these translated versions are posted to the FCMPO’s webpage. Franklin County Planning Department staff reevaluates annually whether additional MPO documents should be identified as “vital documents,” to be translated into the languages of policy.

Documents currently defined as vital include the following:

FCMPO complaint procedures and form

Summaries of key materials:
a description of the FCMPO
transportation-planning process and the
certification documents, LRTP, TIP, and UPWP

Meeting notices:
generally prepared for FCMPO meetings, and
all FCMPO-sponsored meetings, workshops,
forums, and other similar input-sessions

Language Identification Cards

Designated staff members at the FCMPO office are prepared to use “I-Speak” language identification cards when first encountering an individual with limited English proficiency. Once the language is known, interpretive services may be arranged by phone. After the initial interaction, interpretive services can be planned for at the next outreach event.

Communication and Public Involvement

The FCMPO believes that public input into the transportation planning process is essential to good decision-making.

Public Participation Plan

The Public Participation Plan (PPP) identifies the processes and procedures used by the FCMPO to provide an effective public education and outreach program. The PPP document provides an overall framework for participation in the FCMPO's processes, including outreach for the LRTP, TIP, and UPWP.

The PPP is a living document and will be evaluated and updated periodically. The most recent version is available on Franklin County's website:

https://franklincountypa.gov/ckeditorfiles/files/Planning/FCMPO/fcmo_public_participation.pdf

Federal regulations require that MPOs define a process for providing interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process. The regulations define these constituencies as citizens, affected public agencies, representatives of public transportation agencies, representatives of users of public transportation, private providers of transportation, freight shippers, providers of freight transportation services, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties.

The PPP identifies specific strategies that the FCMPO will utilize to fully inform the public throughout the decision-making process. These strategies include:

- Providing multiple opportunities for public involvement and comment
- Clearly communicating the transportation planning process to ensure that the process is apparent and understandable
- Identifying broad list of stakeholders and minority and low-income populations for public participation opportunities
- Encouraging participation from EJ communities by tailoring outreach efforts to their needs
- Providing timely notices and easy access to information
- Holding meetings at convenient and accessible locations and times
- Encouraging participation by promoting respect for different opinions
- Presenting information clearly and effectively through visualization and other proven techniques
- Incorporating public views and preferences into the decision-making process and document the consideration of comments
- Evaluating the effectiveness of the public outreach and involvement efforts periodically to identify necessary adjustments

These strategies aim to increase public interest in local transportation issues and provide an accessible environment for public engagement where all citizens feel comfortable and able to participate.

In addition to these overall strategies, the PPP identifies 18 techniques to educate and involve the public so that the public can help develop solutions for the community. The techniques can be grouped into three main categories:

- **In-Person Meetings** – charrettes, Citizen Advisory Committees, focus groups, direct outreach to local community groups, group reconciliation as a neutral facilitator, stakeholder interviews, public meetings, interpretation tools and partnerships
- **Media Connections** – printed communication materials (posters, newsletters, etc.), emails/listserv distribution, press conferences, media releases, social networking, Franklin County website, legal notices and advertisements in conjunction with local newspapers and websites
- **Information Visualization** – exhibits and displays of planning materials, graphics/maps/diagrams developed to visualize data

These techniques can be used in various combination to simplify the access of various transportation-related documents and increase public awareness of the metropolitan transportation planning process.

Activities and Outreach to Minority Groups

To increase the public's involvement in the planning process and encourage participation from all people, including those considered to be traditionally underserved, the FCMPO will use a variety of public outreach activities. Outreach activities will include, but may not be limited to, attending other organizations' meetings, conducting public surveys, and giving presentations to the public. The FCMPO will make a concerted effort to proactively engage minority groups within the MPO's region.

Past Meeting Locations

All FCMPO meetings are publicly advertised pursuant to the Pennsylvania Sunshine Act and are held in various, ADA-accessible facilities located conspicuously throughout the FCMPO region. All meeting advertisements encourage interested participants to contact the Franklin County Planning Department staff in advance of the meeting to confirm accessibility needs or accommodations. The meeting location is dependent upon the meeting type and purpose, and opportunity to engage diverse populations. **Table 2** provides a list of such facilities that the FCMPO has used and will continue to use for meetings.

Table 2 – FCMPO Meeting Facilities

FACILITY NAME	PHYSICAL ADDRESS
Franklin County Administrative Annex	218 North Second Street Chambersburg, PA 17201
Coyle Free Library	102 N. Main Street Chambersburg, PA 17201
Chambersburg Borough Office	100 S. 2nd St. Chambersburg, PA 17201
Greencastle-Antrim High School	300 S. Ridge Ave. Greencastle, PA 17225
Mercersburg Borough Office	113 S. Main Street Mercersburg, PA 17236
Shippensburg Borough Office	111 N. Fayette Street Shippensburg, PA 17257

Analysis of Benefits and Burdens

Regional Disparate Impact Analysis

According to the FTA’s Circular 4702.1B: “Disparate impact refers to a facially neutral policy or practice that disproportionately affects members of a group identified by race, color, or national origin, where the recipient’s policy or practice lacks a substantial legitimate justification and where there exists one or more alternatives that would serve the same legitimate objectives but with less disproportionate effect on the basis of race, color, or national origin.”

The FCMPO works to avoid discrimination when evaluating and prioritizing transportation projects. In the development of the TIP, the FCMPO conducts an analysis of the benefits and burdens associated with both TIP and LRTP projects and assesses the potential impacts that these projects are anticipated to have on the communities within the region. The FCMPO examines the location of future projects in relation to the geographic location of underserved communities to improve transportation accessibility and mobility for all impacted populations. As listed below, methods used to identify potential inequities in transportation improvements and studies include:

- Developing maps using GIS to analyze the most current U.S. Census data and identify low-income and minority populations within the project’s study area;

- Evaluating pavement, bridge, safety and transit conditions and needs in relation to planned projects;
- Using mapping and data analysis to strengthen outreach efforts in the communities most directly impacted by transportation projects.

Project-Specific Equity Analysis

The FCMPO coordinates with rabbittransit in addressing fixed-route and demand-response services within the region. For other instances in which a project is anticipated to have a negative impact(s) on a community or area, the process outlined in the National Environmental Policy Act (NEPA) provides the community with the projected impacts of the project and the legal documentation verifying that no other alternatives offer fewer adverse impacts while still addressing the project's needs.

In accordance with FTA regulations, the FCMPO completes an equity analysis for each project to ensure that decisions about project location are made without regard to race, color, sex/gender or national origin.

Per guidance in the FTA Circular, the equity analysis must:

- Include outreach to persons potentially impacted by the siting of the project;
- Compare impacts of various siting alternatives;
- Determine if cumulative adverse impacts might result due to the presence of other projects with similar impacts in the areas; and
- Occur before the selection of the preferred alternative.

If there would be any disparate impacts on such groups, the FCMPO would then determine whether there is a substantial, legitimate justification for the project decision that resulted in the disparate impact, and whether there are viable alternatives that could be employed that would have a less discriminatory impact.

Monitoring Process and Complaint Procedures

Any person who believes that he or she has been discriminated against by the FCMPO on the basis of race, color, national, origin, sex/gender, age, creed, or other applicable distinction enumerated in the Title VI and PA Human Relations Act laws and was unable to resolve the concern through the FCMPO or Franklin County Planning Department may file a Title VI complaint by writing a letter of complaint to the County Risk Manager at:



Risk Manager

Franklin County Risk Management Department
Franklin County Administration Annex
218 North Second Street
Chambersburg, PA 17201

A formal complaint must be submitted in writing within 180 days of the alleged occurrence or when the alleged discrimination became known to the complainant. As of 2019, no complaints were issued within the past three years.

Instructions for this process can be found in Appendix E and on the county's website at:

<https://franklincountypa.gov/ckeditorfiles/files/FCCC%20Grievance%20Process.pdf>



Complaint Procedure

If the complainant is dissatisfied with the FCMPO's resolution of the complaint, he or she may also submit a complaint to PennDOT for fact-finding. In accordance with Chapter VII, Title VI / Non-Discrimination Complaints, of FTA Circular 4702.1A, and the PA Human Relations Act, such a complaint must be submitted within 180 calendar days after the date of the alleged discrimination. PennDOT's Discrimination Complaint Form (see Appendix F) can be found at the Pennsylvania Department of Transportation Bureau of Equal Opportunity's webpage at: <https://www.penndot.gov/about-us/EqualEmployment/Pages/default.aspx>

A person may also file a complaint directly with the FTA at its Office of Civil Rights (1200 New Jersey Ave., SE, Washington, D.C. 20590); or with the FHWA at its Office of Civil Rights, Chief Investigations and Adjunction (400 7th St., SW, Room 4132, Washington, D.C. 20590). Chapter IX of FTA Circular 4702.1A, which outlines the complaint process to USDOT, may be found online at www.fta.dot.gov. Paper copies of the circular may also be obtained by calling FTA's Administrative Services Help Desk at (202) 366-4865.

Initiatives for Increased Accessibility and Transparency

The FCMPO Policy Board has worked diligently to provide all county residents with opportunities to participate in the transportation planning process and it continues to seek new ways to enhance public access to Title VI materials. Several additional initiatives have been identified that would increase accessibility and transparency of the FCMPO's Title VI procedure and the Policy Board with support from Franklin County will strive to make measurable progress with implementing such initiatives.

These initiatives include:

- Making the Grievance Procedure Statement available as a page on Franklin County's website in addition to the pdf currently available. This will allow the Google Translate feature on the website to be applied to the grievance procedure.
- Make an online Title VI Complaint Form available on the county website as both an editable form and as a printable (English) pdf. A sample complaint form can be found in Appendix G.
- Add an abbreviated Nondiscrimination Statement (see Appendix D) to all announcements for public meetings, seminars, and FCMPO meetings, as well as on all official FCMPO documents. Such a statement could read as follows:

The Franklin County Metropolitan Planning Organization (FCMPO) assures that no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination on the grounds of race, color, national origin, religion, or sex, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (P.L. 100.259). With advance notification, accommodations may be provided at any meeting open to the public for those with special needs related to language, speech, sight, or hearing. If you have a request for a special need, wish to file a complaint, or desire additional information, please contact the FCMPO at the Franklin County Planning Department (717) 261-3855 or planning@franklincountypa.gov. Concerns or complaints not addressed by the FCMPO or Planning Department can be referred to (717) 261-3819 or ljmcclure@franklincountypa.gov.

Appendix A: USDOT Order No. 1050.2A, Standard Assurances

The United States Department of Transportation (USDOT)

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The Franklin County Metropolitan Planning Organization (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the Pennsylvania Department of Transportation (PennDOT), through the **Federal Highway Administration (FHWA)**, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination in Federally Assisted Programs of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the 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, "for which the Recipient receives Federal financial assistance from PennDOT, including the Federal Highway Administration.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Highway Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with the Federally-assisted Highway Program. And in adapted form, in all proposals for negotiated agreements regardless of funding source:

" The Franklin County Metropolitan Planning Organization, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."
3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or

structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the Recipient, also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Federal Highway Administration's access to records, accounts, documents, information, facilities, and staff. The Recipient also recognizes that it must comply with any program or compliance reviews, and/or complaint investigations conducted by the Federal Highway Administration. The Recipient must keep records, reports, and submit the material for review upon request to the Federal Highway Administration, or its designee in a timely, complete, and accurate way. Additionally, The Recipient must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Recipient gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federally-assisted Highway Program. This ASSURANCE is binding on the Recipient other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federally assisted Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Franklin County Metropolitan Planning Organization

by _____
(*Signature of Authorized Official*)

DATED _____

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Recipient will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code, the Regulations for the Administration of Federally-assisted Highway Program and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Recipient all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto 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 will be binding on the 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 will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the Recipient will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Commonwealth of Pennsylvania, Department of Transportation pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, Commonwealth of Pennsylvania, Department of Transportation will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Commonwealth of Pennsylvania, Department of Transportation will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Recipient and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by Recipient pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, Recipient will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the Recipient will there upon revert to and vest in and become the absolute property of the Recipient and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

Appendix B: Contractor Agreement

DURING THE PERFORMANCE OF THIS CONTRACT, THE CONTRACTOR FOR ITSELF, ITS ASSIGNEES, AND ITS SUCCESSORS IN INTEREST (HEREINAFTER REFERRED TO AS THE “CONTRACTOR”) AGREES TO THE FOLLOWING:

Compliance with Regulations

The contractor (herein including consultants) will comply with the Acts and the Regulations relative to nondiscrimination in federally assisted programs of the U.S. Department of Transportation and the Federal Highway Administration, as they may be amended from time to time subsequently, 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, will not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

Solicitations for Subcontracts, Including Procurements of Materials and Equipment

In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

Information and Reports

The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.

Sanctions for Noncompliance

In the event of a contractor's noncompliance with the Non- discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

1. withholding payments to the contractor under the contract until the contractor complies; and/or
2. cancelling, terminating, or suspending a contract, in whole or in part.

Incorporation of Provisions

The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

The contractor also agrees to comply with the following nondiscrimination statutes and authorities, including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), and 49 CFR Part 21
 - prohibits discrimination on the basis of race, color, national origin;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. §4601)
 - prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects;
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.)
 - prohibits discrimination on the basis of sex;
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended; and 49 CFR Part 27
 - prohibits discrimination on the basis of disability;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.)
 - prohibits discrimination on the basis of age;
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended
 - prohibits discrimination based on race, creed, color, national origin, or sex;
- The Civil Rights Restoration Act of 1987, (PL 100-209)
 - Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973 by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not;
- Titles II and III of the Americans with Disabilities Act
 - prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and

certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;

- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123)
 - prohibits discrimination on the basis of race, color, national origin, and sex;
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency;
- Resulting agency guidance, national origin discrimination includes discrimination because of Limited English Proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);

Appendix C: Clauses for Deeds Transferring Property

Clauses for Deeds Transferring Property

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Franklin County Metropolitan Planning Organization will accept title to the lands and maintain the project constructed thereon in accordance the Regulations for the Administration of the Federal-Aid Highway Program and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Franklin County Metropolitan Planning Organization all the right, title and interest of the U.S. Department of Transportation in and to said lands [described](#) in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the Franklin County Metropolitan Planning Organization and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the Franklin County Metropolitan Planning Organization, its successors and assigns.

The Franklin County Metropolitan Planning Organization in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the Franklin County Metropolitan Planning Organization will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and] (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

Appendix D: Authorities and Regulations

Federal Statutes

Title VI of the Civil Rights Act of 1964, Pub. L. No. 88-352, 78 Stat. 252 (1964) (42 U.S.C. §§ 2000d-2000d-7)

Provides 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 subjected to discrimination under any program or activity receiving Federal financial assistance.

The Age Discrimination Act of 1975 (42 U.S.C §§ 6101-6107)

Prohibits age discrimination in Federally Assisted Programs.

The Federal-Aid Highway Act, (49 U.S.C. § 306)

Outlines responsibilities of the U.S. DOT and the Secretary's authority to determine compliance with applicable Civil Rights statutes.

The Federal-Aid Highway Act, Pub. L. No. 97-449, 96 Stat. 2421 (1983) (codified as amended at 49 U.S.C. § 306)

Added the requirement that there be no discrimination on the grounds of sex in U.S. DOT financial assistance programs.

The 1973 Federal-Aid Highway Act, Pub. L. No. 93-87, 87 Stat. 250 (1973) (23 U.S.C. § 324)

Added the requirement that there be no discrimination on the grounds of sex in Title 23 programs.

The Civil Rights Restoration Act of 1987, Pub L. No 100-259, 102 Stat. 28 (1988)

Restored the broad, institution-wide scope and coverage of the nondiscrimination statutes to include all programs and activities of Federal-aid recipients, sub-recipients and contractors, whether such programs and activities are federally assisted or not.

The Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, Pub. L. No. 91-646, 84 Stat. 1894 (1971) (codified as amended at 42 U.S.C. §§ 4601-4638)

Provides for fair treatment of persons displaced by Federal and Federal-aid programs and projects.

The Uniform Relocation Act Amendments of 1987, Pub. L. No. 101- 246

Updated the 1970 Act and clarified the intent of Congress in programs and projects which cause displacement.

Rehabilitation Act Amendments of 1986, Pub L. No. 99-506, 100 Stat. 1807 (1986) (42 U.S.C. § 2000d-7)

Abrogated recipient state sovereign immunity from suit under Title VI.

The American with Disabilities Act, Pub. L. 101-336

Provides enforceable standards to address discrimination against individuals with disabilities.

The American with Disabilities Act, Pub. L. No. 101-336, 104 Stat. 327 (1990) (codified as amended at 42 U.S.C. § 12101 et seq.)

Added the requirement that there be no discrimination on the grounds of disability, abrogated sovereign immunity, and provided enforceable standards to address discrimination against individuals with disabilities.

The Civil Rights Act of 1991, Pub. L. No. 102–166, 105 Stat. 1071 (1991) (codified in part at 42 U.S.C. § 1981)

In part, amended Section 1981 of 42 U.S.C. to provide a definition for the term “make and enforce contracts”, and to provide protection of the rights protected by this section against impairment by nongovernmental discrimination under color of State law.

Title VIII of the 1968 Civil Rights Act, Pub. L. No. 90-284, 82 Stat. 81 (1968) (codified as amended at 42 U.S.C. § 3601 et seq)

Requires fair housing practices in the sale or rental of housing, and zoning and planning by localities.

The National Environmental Policy Act of 1969, Pub. L. No. 91-190, 83 Stat. 852 (1969) (42 U.S.C. § 4321)

Requires the preparation of environmental impact statements for major federal agency actions affecting the human environment. Under NEPA, federal agencies and federal aid recipients are required to consider several alternative actions, including the “no-action” alternative, and to consider social, environmental and economic impacts, public involvement.

Title IX of the Education Amendments of 1972, Pub. L. No. 92-318, 86 Stat. 374 (1972) (20 U.S.C.A. § 1682)

Makes financial assistance available to institutions of higher education.

Transportation Equity Act for the 21st Century, Pub. L. No. 105–178, 112 Stat. 107 (1999) (codified in part at 23 U.S.C. § 101)

Mandates expenditures in federally assisted transportation programs through Disadvantaged Business Enterprises.

Executive Orders

E.O. 12250, 28 C.F.R. Pt. 41, App. A (1980)

Orders DOJ leadership and coordination of nondiscrimination laws.

E.O. 12259, 46 Fed. Reg. 1253 (1980)

Orders US Department of Housing and Development leadership and coordination of federal fair housing programs.

E.O. 12898, 59 Fed. Reg. 7629 (1994)

Orders federal actions to address Environmental Justice in minority populations and low-income populations.

E.O. 13160, 65 Fed. Reg. 39775 (2000)

Orders nondiscrimination on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent in federally conducted education and training programs.

E.O. 13166, 65 Fed. Reg. 50121 (2000)

Orders federal agencies and their recipients to improve access to federally sponsored programs for persons with Limited English Proficiency.

E.O. 13175, 65 Fed. Reg. 218 (2000)

Orders Consultation and Coordination with Indian Tribal Governments.

Federal Regulations

23 C.F.R. §200

FHWA's Title VI Program implementation and review procedures.

23 C.F.R. Part 420.121(h)

Part of FHWA's planning regulations that specify the applicability of Title VI of the 1964 Civil Rights Act and Restoration Act of 1987 to FHWA funded planning and research activities.

23 C.F.R. Part 450

Federal Highway Administration's Statewide and Metropolitan Planning Regulations.

23 C.F.R. Part 450.316(b) (2) & (3)

Requires that the metropolitan planning process be consistent with Title VI of the 1964 Civil Rights Act and the recipient's Title VI Assurances.

23 C.F.R. Part 633, Subpart A

Specifies required contract provisions to be included in all Federal-aid construction contracts under Title VI and other federal provisions.

23 C.F.R. Part 633, Subpart B, Appendix A

Specifies the types of contracts to which Title VI of the 1964 Civil Rights Act applies.

23 C.F.R. Part 771.105(f)

FHWA's Policy on Title VI – expands on 23 C.F.R. 200.7 and names categories covered with wording similar to Title VI of the Civil Rights Act of 1964 – race, color, national origin, age, sex, handicap.

28 C.F.R. Part 35

DOJ regulations governing nondiscrimination on the basis of disability in State and local government services.

28 C.F.R. Part 41

Requires DOJ to coordinate the implementation of Section 504 of the Rehabilitation Act and provides guidelines for determining discretionary practices.

28 C.F.R. Part 42, Subpart C

DOJ's implementation of Title VI of the Civil Rights Act of 1964.

28 C.F.R. Part 42.200, Subpart D

"Nondiscrimination in Federally assisted Programs – Implementation of Section 815 (c) (1) of the Justice System Improvement Act of 1979." Implements E.O. 12138.

28 C.F.R. Part 50.3

DOJ's guidelines for the enforcement of Title VI, Civil Rights Act of 1964.

49 C.F.R. Part 21

U.S. DOT's implementation of Title VI of the Civil Rights Act of 1964.

49 C.F.R. Part 24

USDOT's implementation of the Uniform Relocation and Real Property Acquisition Act for Federal and federally assisted programs requiring compliance with Nondiscrimination Statutes and Executive Orders.

49 C.F.R. Part 25

USDOT's implementation of Title IX of the Education Amendments Act of 1972.

49 C.F.R. Part 26

USDOT's implementation of Participation by Disadvantaged Business Enterprises in DOT Financial Assistance Programs.

49 C.F.R. Part 27

USDOT's implementation of Section 504 of the Rehabilitation Act of 1973 as amended.

49 C.F.R. Part 28

Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation.

49 C.F.R. Part 37

Transportation Services for Individuals with Disabilities, implementing the transportation and related provisions of Title II and III of the ADA proscriptions included in Form FHWA 1273.

Administrative Guidance

DOT Order 1000.12

Implementation of the Department of Transportation Title VI Program.

DOT Order 1050.2

Standard Title VI Assurances.

DOT Order 5610.2

U.S. Department of Transportation Order to Address Environmental Justice in Minority Populations and Low-Income Populations.

FHWA Order 4710.1

Right-of-Way Title VI Review Program.

FHWA Order 4710.2

Civil Rights Compliance Reviews of Location Procedures.

FHWA Order 4720.6

Civil Rights Restoration Act of 1987 in FHWA Programs.

FHWA Order 6640.23

Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

Joint FHWA/FTA Memorandum dated October 7, 1999

Guidance on Implementing Title VI in Metropolitan and Statewide Planning.

DOJ Policy Guidance Document dated January 11, 2002

Memo re: E.O. 13166, Improving Access to Services for persons with Limited English Proficiency.

DOJ Policy Guidance Document dated January 18, 2002

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons.

USDOT Policy Guidance Document dated December 14, 2005

Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) persons.

FTA C 4702.1B (October 1, 2012)

"Title VI Requirements and Guidelines for Federal Transit Administration Recipients." Provides FTA financial assistance recipients with guidance on implementing Title VI regulations.

Pennsylvania Statutes

PA Human Relations Act, Act of 1955, P.L. 744, No. 222, as amended Act 34 OF 1997, 43 P.S. §§ 951-963

Prohibiting certain practices of discrimination because of race, color, religious creed, ancestry, age or national origin by employers, employment agencies, labor organizations and others as herein defined; creating the Pennsylvania Human Relations Commission in the Governor's Office; defining its functions, powers and duties; providing for procedure and enforcement; providing for formulation of an educational program to prevent prejudice; providing for judicial review and enforcement and imposing penalties defining "advertisement" and "advertiser"; and providing for certain forms of advertisement, for limitations and for civil penalties.

Appendix E: Title VI Nondiscrimination Statement



NOTICE UNDER THE FEDERAL & STATE NON-DISCRIMINATION REGULATIONS

In accordance with the requirements of federal and state non-discrimination laws and regulations, Franklin County will not discriminate against qualified individuals on the basis of age, race, color, national origin, disability, sex (gender), or religion in county proceedings, services, programs, or activities.

AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 (ADA), Franklin County will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

In accordance with the requirements of Title VI of the Civil Rights Act of 1964, as amended, Franklin County will not discriminate against qualified individuals on the basis of race, color, or national origin.

FAIR HOUSING ACT

In accordance with the requirements of federal Housing & Urban Development Fair Housing Act, Franklin County will not discriminate against qualified individuals on the basis of race, color, national origin, religion, sex (gender), disability and the presence of children; when renting, buying, or securing financing for any housing.

Effective Communication: Franklin County will generally, upon request, provide appropriate aids and services leading to effective communications for qualified persons on the basis of age, race, color, national origin, disability, sex (gender), or religion; so they can participate equally in Franklin County proceedings, programs, services, and activities.

Modifications to Policies and Procedures: Franklin County will make all reasonable modifications to policies and programs to ensure that qualified individuals on the basis of age, race, color, national origin, disability, sex (gender), or religion have an equal opportunity to enjoy all County proceedings, programs, services, and activities.

Requesting Accommodation: Franklin County Operations are available to assist in making their programs, services, and activities available to qualified individuals. Should you require an auxiliary aid or service for effective communication; a modification of policies or procedures to participate; or assistance in accessing a proceedings, program, service or activity; please contact the responsible County Department or Operation to make your need known. If they are unable to make the program, service or activity available in a reasonable manner, you may contact the **Franklin County Risk Manager, Loretta McClure, at (717) 261-3819 or lmcclure@franklincountypa.gov** to request further assistance and/or file a complaint. The County typically needs to receive the request at least five (5) business days before the accommodation is needed. Requests coming in with less than five (5) business days' notice, will be granted, if they are possible.

Please note, Franklin County is not required to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden. Also, Franklin County will not charge an individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy in order to provide proceedings, programs, services, or activities.

ljm:10.3.16

Appendix F: Grievance Procedure Statement

Franklin County Compliance Program

Grievance Process for Discrimination Based Program/Service Complaints

Age, race, color, national origin, disability, sex/gender, or religion related complaints arising from Franklin County proceedings, programs, services, and activities should be in writing and contain information about the issue; to include **name, address, phone number and/or email address of contact, along with location, date, and description of the concern**. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint are acceptable alternatives for qualified individuals, when requested.

The complaint should be submitted as soon as possible, but no later than 180 calendar days after the concern is identified to:

Risk Manager
Franklin County Risk Management Department
Franklin County Administration Annex
218 North Second Street Chambersburg, PA 17201
(717)-261-3819, or by email to riskmgt@franklincountypa.gov

Within 30 calendar days, from receipt of the complaint, the Risk Manager will meet with the person filing the complaint to discuss the concern and their suggestions to reasonably resolve the issue. Within 15 calendar days of the meeting, the Risk Manager will respond in writing, and where appropriate, in a format convenient for the individual (i.e., large print or audio tape). The response will explain the position of the county and offer options for resolution of the complaint.

If the response by the Risk Manager does not satisfactorily resolve the concern, the person filing the complaint and/or their designee may appeal the decision within 15 calendar days, after receipt of the response from the Risk Manager, to the County Commissioners or their designee.

Within 15 calendar days after receipt of the request to appeal, the County Commissioners or their designee will meet with the person filing the appeal to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the County Commissioners or their designee will respond in writing, and where appropriate, in a format accessible to the individual, with a final resolution of the complaint.

All written complaints received by the Risk Manager, appeals to the County Commissioners or their designee, and responses from these two offices will be retained by the county for at least three (3) years.

ljm:4.10.18

Appendix G: PennDOT Discrimination Complaint Form



DISCRIMINATION COMPLAINT FORM

Name	Phone	Name of Person(s) That Discriminated Against You
Address (Street No., P.O. Box, Etc.)		Location and Position of Person (If Known)
City, State, Zip		City, State, Zip
Discrimination Because of: <input type="checkbox"/> Race/Color* <input type="checkbox"/> Sex <input type="checkbox"/> Disability** <input type="checkbox"/> Age <input type="checkbox"/> National Origin* <input type="checkbox"/> Retaliation <input type="checkbox"/> Religion		Date of Alleged Incident
Explain as briefly and clearly as possible what happened and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently than you. Also, attach any written material pertaining to your case.		
Signature		Date

Please submit this form to one of the following agencies:

Pennsylvania Department of Transportation <i>Bureau of Equal Opportunity</i> P.O. Box 3251 Harrisburg, PA 17105-3251 Phone: (800) 468-4201 Email: penndoteoreports@pa.gov	Federal Highway Administration <i>U.S. Department of Transportation Equal Opportunity Specialist</i> Pennsylvania Division Office 228 Walnut Street, Room 508 Harrisburg, PA 17101-1720 Phone: (717) 221-3705	Federal Motor Carrier Safety Administration <i>U.S. Department of Transportation</i> FMCSA Office of Civil Rights 1200 New Jersey Avenue, SE Washington DC, 20590 ATTN: Room W65-312 Phone: (202) 366-8810	U.S. Department of Justice <i>Office of Justice Programs</i> Office for Civil Rights 810 7th Street, NW Washington, DC 20531 Phone: (202) 307-0690 Phone (TDD): 202-307-2027
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Appendix H: Franklin County Example Discrimination Complaint Form

Title VI Statement

The Franklin County Metropolitan Planning Organization (MPO) assures that no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination on the grounds of race, color, national origin, religion, sex, or Limited English Proficiency as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (P.L. 100.259).

Any person who believes that they have been subjected to discrimination on the grounds of race, color, national origin, religion, sex, or Limited English Proficiency may file a complaint with the Franklin County MPO within 180 calendar days of the occurrence, when the discrimination became known to the Complainant, or for ongoing discrimination the latest occurrence.

Title VI Complaint Form

(A PDF version of this form is also available in English to be printed, filled out, and mailed)

Complainant Name: _____

Name of Individual Assisting Complainant: _____

Phone Number: _____

Assisting Individual Phone Number: _____

Email Address: _____

Mailing Address

Basis of Complaint (Check All that Apply):

☐ Race

☐ Age

☐ Color

☐ Disability

☐ National Origin

☐ Retaliation

☐ Sex

☐ Other: _____

Date(s) of the alleged discrimination: _____



Please provide a detailed description of the circumstances of the incident(s), including any additional information supporting your complaint.

Please provide the name(s), title, and address of the person who discriminated against you.

Please provide, if applicable, names and contact information of people who may have knowledge of the alleged incident(s) or are perceived as parties in the complained-of incidents

Please list any other agency where you have filed a complaint about this.



E-Signature: _____

(By retyping your name (or the name of the person you are filling out this form for) you attest that the above information is true and accurate to the best of your knowledge.)

Date of Complaint: _____

If you prefer, you may download the above form as a pdf in English, print it, fill it out, and mail it to:

Risk Manager
Franklin County Risk Management Department
Franklin County Administration Annex
218 North Second Street
Chambersburg, PA 17201



RESOLUTION NUMBER 2020- 07

**RESOLUTION BY THE BOARD OF COMMISSIONERS
OF FRANKLIN COUNTY, PENNSYLVANIA**

**ADOPTING THE TITLE VI PLAN OF THE
FRANKLIN COUNTY METROPOLITAN PLANNING ORGANIZATION**

RECITALS

WHEREAS, the Franklin County Metropolitan Planning Organization (FCMPO) developed the Title VI Plan in accordance with FAST Act requirements; and

WHEREAS, the Title VI Plan was developed to address the FCMPO's compliance with Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987; and

WHEREAS, the Title VI Plan was made available to the public for review and comment in accordance with U.S. Code of Federal Regulations §450.316(a)(3); and

WHEREAS, the Franklin County Planning Department has reviewed and recommended the FCMPO Policy Board's adoption of Resolution 2020-2 approving the Title VI Plan; and

WHEREAS, the FCMPO Policy Board has completed its review and has determined that the final document has met the aforementioned items thereby adopting the Title VI Plan at their May 20, 2020 Policy Board Meeting; and

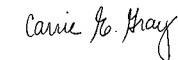
WHEREAS, the FCMPO Policy Board recommends approval of the FCMPO Title VI Plan by the Board of Commissioners of Franklin County,

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Franklin County formally adopt the FCMPO Title VI Plan.

PASSED AND DULY ADOPTED THIS 27th day of May, 2020.

FRANKLIN COUNTY COMMISSIONERS

Attest:



Carrie E. Gray, County Administrator/
Chief Clerk



David S. Keller, Chairman



John T. Flannery



Robert G. Ziobrowski