



# Title VI & LEP/SI Plan

**SOUTHERN GEORGIA REGIONAL COMMISSION COUNCIL**

**A RESOLUTION TO Adopt the Title VI & Limited-English Proficiency/Sensory Impaired Compliance Plan**

WHEREAS, the Southern Georgia Regional Commission is a recipient of federal funding and as required in accordance with Title VI of the Civil Rights Act of 1964 and other related statutes, Executive Orders and regulations to develop a Title VI & Limited-English Proficiency/Sensory Impaired Compliance Plan; and

WHEREAS, the Southern Georgia Regional Commission conducts federally-required transportation planning activities that will improve the transportation systems, and help coordinate the area's future growth within the region bounded, and

WHEREAS, the Southern Georgia Regional Commission desires to provide transportation services to the Georgia Department of Human Services Region 11, which includes the counties of Atkinson, Bacon, Ben Hill, Berrien, Brantley, Brooks, Charlton, Clinch, Coffee, Cook, Echols, Irwin, Lanier, Lowndes, Pierce, Tift, Turner and Ware;

NOW, THEREFORE BE IT RESOLVED, that the Southern Georgia Regional Commission's Council adopts this Title VI & Limited-English Proficiency/Sensory Impaired Compliance Plan as required by Title 23 (U.S.C. 124 Section 450.308), Title VI of the Civil Rights Act of 1964, and Executive Order 12166; and other related statutes, Executive Orders and regulations..

**CERTIFICATE**

The undersigned duly qualified and acting as Chairman of the Southern Georgia Regional Commission Council certifies that the foregoing is a true and correct copy of a resolution, adopted at a legally convened meeting of the Southern Georgia Regional Commission Council held on December 10, 2015.

A handwritten signature in black ink, appearing to read "Michael Dinnerman", is written over a horizontal line.

Michael Dinnerman, Chair,  
Southern Georgia Regional Commission Council

## Introduction

The Southern Georgia Regional Commission is a regional governmental planning organization created and managed under Georgia law by their member local governments. Georgia's Regional Commissions (RCs) perform many functions, but essentially develop, promote, and provide comprehensive planning and development services that seek to make Georgia and its many local community's better places to live and work. They provide professional technical assistance to state and federal agencies. One of the services the SGRC provides in partnership with the Georgia Department of Human Services is the delivery of Coordinated Human Services Transportation in our 18-county region, for which this plan is being written. As a recipient of federal, state, and local funding, the SGRC is required to develop and maintain various policies, documents, and procedures in accordance with the aforementioned laws, statutes, Executive Orders, and regulations.

## Plan Statement

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance" (42 U.S.C. Section 2000d). This Act was later amended to include religion, gender, age, social status and those who are handicapped.

The Southern Georgia Regional Commission (SGRC) is committed to ensuring that no person is excluded from participation in, or denied the benefits of, its services on the basis of race, color, or national origin, religion, gender, age, social status and those who are handicapped as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.8. SGRC complies with the Title VI requirements, in conformity with Title 23 CFR Part 200 and Title 49 CFR 21. The existence of this program also offers the opportunity of receiving complaints from people that feel they have been subjected to discrimination. The principal program objective is to guarantee no discrimination against any person in the SGRC programs.

This plan was developed to guide the SGRC and its contractors in its administration and management of Title VI-related activities.

## Applies to:

This plan applies to the SGRC Coordinated Human Services Transportation (Coordinated Transportation) program, services and activities. For a comprehensive listing of services visit the SGRC main website at [www.sgrc.us](http://www.sgrc.us). The SGRC maintains other Title VI plans for other programs within the organization.

## Legal Authority

- Title VI of the Civil Rights Act of 1964 (Section 601), 42 U.S.C. Section 2000d. et. Seq
- Rehabilitation Act of 1973 (Section 504)
- Americans with Disabilities Act (ADA) of 1990 (Title II)
- DOT Regulation, 49 CFR Part 21
- FTA Circular 4702.1.B

## **TITLE VI Assurance Plan**

Title VI of the Civil Rights Act of 1964 (42 U.S.C 2000d) 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 otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.” The scope of Title VI was expanded by the Civil Rights Restoration Act of 1987 (P.L. 100-209) to include all of a recipient’s and contractor’s programs or activities, whether federally assisted or not.

The broader application of nondiscrimination law that is found in other statutes, regulations and Executive Orders include: Section 324 of the Federal-Aid Highway Act of 1973 prohibits discrimination based on sex. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibits unfair and inequitable treatment of persons as a result of projects that are undertaken with Federal financial assistance. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability as does the Americans with Disabilities Act of 1990 (ADA). The ADA also prohibits discrimination in the provision of access to public buildings and requires that rest areas be accessible to persons with disabilities. The Age Discrimination Act of 1975 prohibits age discrimination.

This plan outlines the efforts the SGRC undertakes to ensure compliance with the Title VI of the Civil Rights Act of 1964 and other subsequent statutes, regulations and Executive Orders.

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## **Policy Statement and Authorities**

The SGRC assures that no person shall on the grounds of race, color, national origin, age disability/handicap 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) be excluded from participation in be denied the benefits of, or be otherwise subjected to discrimination under the Coordinated Transportation program regardless of the activity receiving Federal financial assistance. The SGRC further assures every effort will be made to ensure nondiscrimination in the Coordinated Transportation program, whether those programs and activities are federally funded or not. In the event the SGRC distributes Federal aid funds to another entity, the SGRC will include Title VI language in all written agreements and will monitor for compliance. The SGRC Title VI Coordinator, Corey Hull, is responsible for initiation and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 CFR 200 and 49 CFR 21.

### **Authorities**

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall on the grounds of race, color, national origin, or sex 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 Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are Federally assisted or not.

Other Title VI-related statutes include, but are not limited to: Title VI of the Civil Rights Act of 1964; 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; 28 CFR 50.3.

## **Agency Administrator**

The SGRC Executive Director is authorized to ensure compliance with provisions of the SGRC's policy of non-discrimination and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. The SGRC's grants compliance function and Title VI coordination shall be performed under the authority of the Executive Director.

## **Title VI Coordinator**

The SGRC has created a position of Title VI Coordinator to perform the duties of the Title VI Coordinator and ensure implementation of the SGRC's Title VI Federally Funded Transportation Program. The Title VI Coordinator has other duties and responsibilities in addition to Title VI. Although this position may report to the Director of Community and Economic Development (their direct supervisor) this position shall have an indirect reporting relationship and access to the SGRC Executive Director. The Title VI Coordinator can be contacted at 229-333-5277, by email at [chull@sgrc.us](mailto:chull@sgrc.us) or by mail at 327 W Savannah Ave., Valdosta, GA 31601.

## **Title VI Plan Implementation**

As authorized by the Executive Director, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring compliance with Title VI requirements as follows:

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- **Program Administration**

Administer the Title VI program and coordinate implementation of the plan. Ensure compliance with the assurances, policy, and program objectives. Perform Title VI program reviews to assess administrative procedures, staffing, and resources; provide recommendations as required to the SGRC Executive Director.

- **Complaints**

Review written Title VI complaints that may be received by the SGRC following the adopted procedural guidelines (see Complaint Procedures). Ensure every effort is made to resolve complaints informally at the local or regional level.

- **Data Collection**

Review the statistical data gathering process performed by other staff periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration.

- **Environmental Impact Statements**

Ensure that available census data are included as a part of all Environmental Impact Statements/Assessments (EIS/EIA) for projects receiving Federal assistance.

- **Training Programs**

Conduct or facilitate training programs on Title VI issues and regulations for SGRC employees and facilitate Title VI training for appropriate staff, contractors and sub-recipients. A summary of training conducted will be reported in the annual update.

- **Title VI Plan Update**

Review and update the SGRC Title VI Plan as needed or required. Present updated plan to the Executive Director for approval; submit amended Plan to GDOT, DHS, FHWA, and FTA.

- **Annual Accomplishment Report**

Prepare an annual report of Title VI accomplishments and changes to the program in the preceding fiscal year; identify goals and objectives for the upcoming year as required; and submit by July 31.

- **Public Outreach and Education**

Work with SGRC staff to develop and disseminate Title VI program information to SGRC employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public. Public dissemination may include postings of official statements, inclusion of Title VI language in contracts or other agreements and website postings. Ensure public service announcements or notices are posted of proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community. Ensure the full utilization of available minority publications or media; and, where appropriate, provide written or verbal information in languages other than English.

- **Elimination of Discrimination**

Work with GDOT, DHS, FHWA, and FTA to establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination that may be discovered in any SGRC processes.

- **Maintain Legislative and Procedural Information**

Ensure the current SGRC Title VI Plan, Annual Accomplishment Reports, and other resource information pertaining to the implementation and administration of the SGRC's Title VI program will be maintained and updated by the Coordinator. Information will be made available to the public as requested or required.

## **Complaint Procedures**

Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with the SGRC. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the SGRC's Title VI Coordinator for review and action.

In order to have the complaint considered under this procedure, the complainant must file the complaint no later than 180 days after:

- a) The date of alleged act of discrimination; or
- b) Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In either case, the SGRC Executive Director or their designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

Complaints shall be in writing, using the Title VI Complaint Form found in this document, and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the SGRC, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the SGRC's investigative procedures. Should the Title VI Coordinator be the individual charged the Executive Director or their designee will process the complaint to remove the Title VI Coordinator from any perceived conflict of interest.

Within 10 days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of procedures to be followed, and advise the complainant of other avenues of redress available, such as GDOT, USDOT, DHS.

The SGRC will advise GDOT, USDOT, DHS within 10 days of receipt of the allegations. Generally, the following information will be included in every notification to GDOT, USDOT, DHS:

- a) Name, address, and phone number of the complainant.
- b) Name(s) and address(es) of alleged discriminating official(s).
- c) Basis of complaint (i.e., race, color, national origin or sex)
- d) Date of alleged discriminatory act(s).
- e) Date of complaint received by the SGRC.
- f) A statement of the complaint.
- g) Other agencies (state, local or Federal) where the complaint has been filed.
- h) An explanation of the actions the SGRC has taken or proposed to resolve the issue raised in the complaint.

Within 60 days of receiving the complaint, the Title VI Coordinator will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the Executive Director of the SGRC. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

Within 90 days of receipt of the complaint, the Executive Director of the SGRC 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 GDOT, USDOT, or DHS, if they are dissatisfied with the final decision rendered by the SGRC. The Title VI Coordinator will also provide GDOT, USDOT, or DHS with a copy of this decision and summary of findings upon completion of the investigation.

### **Sub-Recipient Review and Remedial Action Procedures**

The Title VI Coordinator will assist GDOT, USDOT, or DHS to periodically conduct Title VI compliance reviews. SGRC staff will review select recipients of Federal funds, to ensure adherence to Title VI requirements. The SGRC will work cooperatively to periodically confirm operational guidelines provided

to consultants, contractors, and sub-recipients, including Title VI language, provisions, and related requirements, as applicable.

### **Post-Grant Reviews**

The Title VI Coordinator will collaborate with SGRC staff to conduct periodic post grant reviews of select recipients of Federal funds, to ensure adherence to Title VI requirements. Appropriate staff will periodically confirm that operational guidelines provided to consultants, contractors and sub-recipients include Title VI language and provisions and related requirements, where applicable.

### **Remedial Action**

When irregularities occur in the administration of Federally funded programs at either the SGRC or sub-recipient levels, corrective action will be taken to resolve identified Title VI issues. SGRC will seek the cooperation of the consultant, contractor or other sub-recipient in correcting deficiencies found during periodic reviews. SGRC will provide technical assistance and guidance, upon request, to support voluntarily compliance by the sub-recipient.

When conducting Title VI compliance reviews, the SGRC will reduce to writing any recommended remedial action agreed upon by the SGRC and sub-recipient, and provide a copy of the letter within a period not to exceed 45 days. Sub-recipients placed in a deficiency status will be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies. When a sub-recipient fails or refuses to voluntarily comply with requirements within the allotted time frame, SGRC will submit to GDOT, DHS and FHWA copies of the case file and a recommendation that the sub-recipient be found in noncompliance. A follow-up review will be conducted within 180 days of the initial review to ascertain if the sub-recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the sub-recipient refuses to comply, SGRC and GDOT, DHS may, with FHWA's concurrence, initiate sanctions per 49 CFR 21.

### **SGRC Title VI Notice to the Public**

The SGRC hereby gives public notice that it is the SGRC's policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI requires that no person shall, on the grounds of race, color, sex, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Federally funded program or other activity for which SGRC receives Federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with SGRC. Any such complaint must be in writing and filed with the SGRC Title VI Coordinator within 180 days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint (sample in appendix). Forms may be obtained from the Southern Georgia Regional Commission office.

This statement below is added to any Coordinated Transportation program meeting announcement to which the public and/or outside agencies or organizations may attend (such as public meetings and open houses both on-site and off-site, seminars, as well as SGRC committee meetings).

"SGRC fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. SGRC 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."



The statement below should be added to all SGRC Coordinated Transportation program public documents and publications. For publications, the statement can be added at the bottom of the title page.

“SGRC fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. SGRC’s website ([www.sgrc.us](http://www.sgrc.us)) may be translated into multiple languages. Publications and other public documents can be made available in alternative languages or formats, if requested.”

## SGRC Title VI Assurances

The Southern Georgia Regional Commission (herein after referred to as SGRC), HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d--42 USC 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, sex, 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 SGRC receives Federal financial assistance through the Department of Transportation, including the U.S. Department of Transportation and Federal Highway Administration, 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 SGRC hereby gives the following specific assurances to its Federal Aid Highway Program:

1. That the SGRC 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 SGRC shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal Aid Highway Program, and in adapted form in all proposals for negotiated agreements: SGRC in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d---42 and 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 issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that 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, sex, or national origin in consideration for an award.
3. That the SGRC shall insert the clauses of Appendix 1 of this Assurance in every contract subject to the Act and the Regulations.
4. That the SGRC shall insert the clauses of Appendix 2 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 SGRC 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 SGRC receives Federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over or under such property.

7. That the SGRC shall include the appropriate clauses set forth in Appendix 3 of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the SGRC with other parties:

- a. for the subsequent transfer or 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 SGRC for the period during which Federal financial assistance is extended to the program, or is in the form of, personal property, or real property or interest therein or structures or improvements there on, in which case the Assurance obligates the SGRC 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 SGRC retains ownership or possession of the property

9. The SGRC shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom s/he delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, 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 SGRC agrees that the United States has the right to seek judicial endorsement 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 SGRC by the U.S. Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, sub-recipients, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person whose signature appears below is authorized to sign this Assurance on behalf of the SGRC.

A signed version of this document appears in the Appendix

Signature of SGRC Executive Director

## **Title VI Assurances Appendix 1**

The text below, in its entirety, is in all contracts entered into by SGRC. All of the text except the final section, entitled "Incorporation of Provisions," should be included in any contract entered into by any SGRC contractor.

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

### **1. Compliance with Regulations**

The Contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter referred to as DOT), or of the Department of Human Services (hereinafter referred to as DHS), 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.

### **2. Nondiscrimination**

The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in discrimination.

### **3. Solicitations for Subcontracts, Including Procurement of Materials and Equipment**

In all solicitations either by competitive bidding or negotiations made by the Contractor for work to be performed under a subcontract, including procurement 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 to nondiscrimination on the ground of race, color, sex, or national origin.

### **4. Information & 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 the Southern Georgia Regional Commission, the Department of Human Services, Georgia Department of Transportation, or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. 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 the Southern Georgia Regional Commission, the Department of Human Services, Georgia Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

### **5. Sanctions for Noncompliance**

In the event of the Contractor's noncompliance with the nondiscrimination provisions of the contract, SGRC, with state and federal agency concurrence, would initiate sanctions per 49 CFR 21.

### **6. Incorporation of Provisions**

The Contractor shall include the provisions of paragraphs (1) through (5) in every subcontract, including procurement 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 subcontractor or procurement as the Southern Georgia Regional Commission or, the Department of Human Services, Georgia Department of Transportation, or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. 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 Southern Georgia Regional Commission enter into such litigation to protect the interests of the state and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the U.S.

## **Title VI Assurances Appendix 2**

### ***Code of Federal Regulations***

All Code of Federal Regulations may be found at:

[www.access.gpo.gov/nara/cfr/cfr-table-search.html#page1](http://www.access.gpo.gov/nara/cfr/cfr-table-search.html#page1)

### **Title 23 CFR 200**

Title 23 CFR 200 provides guidelines for: (a) Implementing the Federal Highway Administration (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 program compliance reviews relative to the Federal-aid highway program.

### **Title 23 CFR 1235**

The purpose of this part is to provide guidelines to States for the establishment of a uniform system for handicapped parking for persons with disabilities to enhance access and the safety of persons with disabilities that limit or impair the ability to walk.

### **Title 28 CFR 35**

The purpose of this part is to effectuate subtitle A of title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131), which prohibits discrimination on the basis of disability by public entities.

### **Title 28 CFR 36**

The purpose of this part is to implement title III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181), which prohibits discrimination on the basis of disability by public accommodations and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with the accessibility standards established by this part.

### **Title 28 CFR 41**

The purpose of this part is to implement Executive Order 12250, non-discrimination on the basis of handicap in federally assisted programs, which requires the Department of Justice to coordinate the implementation of section 504 of the Rehabilitation Act of 1973. This part applies to each Federal department and agency that is empowered to extend Federal financial assistance.

### **Title 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. This subpart applies to any program for which Federal financial assistance is authorized under a law administered by the Department. It applies to money paid, property transferred, or other Federal financial assistance

extended after the date of this subpart pursuant to an application whether approved before or after such date.

### **Title 28 CFR 50.3**

Title 28 CFR 50.3 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.

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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 there under.

### ***United States Codes***

All USC codes may be found at: [www.gpoaccess.gov/US Code/browse.html](http://www.gpoaccess.gov/US Code/browse.html)

### **23 USC 324**

The purpose of this part relates to prohibition of discrimination on the basis of sex.

### **42 USC 4601-4655**

These sections refer to uniform relocation assistance and real property acquisition policies for federal and federally assisted programs.

### **DOT Order 1050.2**

This nondiscrimination directive refers to standard Title VI assurances.

### ***Executive Orders***

#### **Executive Order 12250**

Executive Order 12250, issued in 1979, provided 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 Executive Order was placed with the Attorney General. This responsibility, except for the authority to approve regulations, was redelegated to the Assistant Attorney General for Civil Rights. The Coordination and Review Section carries out this responsibility on a day to day basis.

#### **Executive Order 12898**

Executive Order 12898, issued in 1994, amplifies Title VI provisions. It states that each Federal agency shall make achieving environmental justice (EJ) part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.

#### **Executive Order 13166**

Executive Order 13166, Improving Access for Persons with Limited English Proficiency, was issued in 2000 to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP). It requires Federal agencies to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

## **Limited English Proficient /Sensory Impaired Plan Introduction**

The Southern Georgia Regional Commissions Limited English Proficient-Sensory Plan (LEP/SI) is designed to provide meaningful language access to limited English proficient and or sensory impaired customers to all programs and activities conducted or supported by the SGRC.

## **Limited English Proficiency Plan**

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP." Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities.

## **Title VI and Executive Order 13166**

In certain circumstances, a failure to ensure that LEP persons can effectively participate in or benefit from federally assisted programs and activities may violate the prohibition against national origin discrimination under Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the U.S. Department of Transportation's (DOT) Title VI regulations at 49 CFR Part 21.

To clarify existing requirements for LEP persons under Title VI, on August 11, 2000, President Bush issued Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." The Executive Order requires each Federal agency to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each Federal agency is also directed to work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries. To this end, each agency must prepare a plan to improve access to its federally conducted programs and activities (i.e., the services it provides directly to the public) by eligible LEP persons.

As a federal funding recipient, the SGRC will comply with Executive Order 13166 by establishing an LEP using the framework provided by the U.S. Department of Transportation (USDOT ) and the Federal Transit Administration's (FTA) publication, Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons (April 13, 2007). The USDOT guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the SGRC, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the SGRC.
3. The nature and importance of the SGRC, activity, or service provided by the SGRC to the LEP community.
4. The resources available to the SGRC and costs.

The greater the number or proportion of eligible LEP persons; the greater the frequency with which they have contact with a program, activity, or service; and the greater the importance of that program,



activity, or service, the more likely enhanced language services will be needed. Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets. The intent of DOT's guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

## LEP Assessment

In developing this plan, the SGRC assessed each of these four factors, mentioned previously, as they relate to the 18 counties within the region.

### Factor 1:

***The number or proportion of LEP persons eligible to be served or likely to be encountered by the SGRC, activity, or service of the recipient or grantee.***

The planning area of the SGRC consists of 18 counties and their cities. According to the U.S. Census Bureau (2008-2012 American Community Survey), the primary language for the SGRC's service area is English, but 7% of people speak a language other than English at home. Spanish is the most common other language spoken at home in the region.

Table 1 Language Other than English Spoken at Home by County.

	Total Households	English Households	Non-English Households	Margin of Error	% Non-English
Atkinson	2,719	2,280	439	80	16%
Bacon	4,001	3,739	262	97	7%
Ben Hill	6,383	6,143	240	112	4%
Berrien	7,175	6,763	412	103	6%
Brantley	6,551	6,423	128	162	2%
Brooks	6,445	5,969	476	100	7%
Charlton	3,755	3,700	55	138	1%
Clinch	2,592	2,501	91	86	4%
Coffee	14,764	13,557	1,207	123	8%
Cook	6,430	6,013	417	100	6%
Echols	1,333	1,054	279	78	21%
Irwin	3,185	3,100	85	111	3%
Lanier	3,627	3,503	124	121	3%
Lowndes	39,369	36,417	2,952	106	7%
Pierce	7,068	6,779	289	111	4%
Tift	13,759	12,363	1,396	99	10%
Turner	3,081	2,986	95	92	3%
Ware	13,248	12,474	774	102	6%
<b>TOTALS</b>	<b>145,485</b>	<b>135,764</b>	<b>9,721</b>	<b>1,921</b>	<b>7%</b>

### Factor 2:

***The frequency with which LEP individuals come in contact with the SGRC.***

The SGRC has not received any formal requests by LEP individuals for language translation of any document nor for an interpreter at any public meeting. The SGRC does provide a Google translator on its Webpage to help facilitate document translation.

### **Factor 3:**

***The nature and importance of the SGRC, activity, or service provided by the SGRC to the LEP community.***

The SGRC uses Federal funds to plan for and deliver transportation projects.

The SGRC is mandated by the Federal government to create and maintain numerous documents with varying scopes and outlook ranges.

### **Factor 4:**

***The resources available to the SGRC and overall costs.***

The final factor weighs the previous factors to assess the needs of LEP individuals against the resources available to the SGRC providing assistance in a language other than English. The SGRC does have a significant number of LEP residents within the region, but historically the frequency of contact with the SGRC has been low. Full translation of major SGRC documents would be prohibitively expensive. The SGRC has been committed to the principle of inclusivity and used more cost-effective means of outreach, such as the Google translator as mentioned earlier. Should translation services be required in the future, the SGRC will seek out translation and interpretation services and exhaust all reasonable resources to accommodate the needs of the LEP populations.

## **LEP Implementation Plan**

The SGRC does not produce vital documents requiring LEP compliance as defined by the US Department of Transportation: "A document will be considered vital if it contains information that is critical for obtaining federal services and/or benefits, or is required by law." (Federal Register, January 22, 2001) It is recognized, however, that outreach efforts may require the SGRC to survey/assess the needs of the LEP population to determine whether certain critical outreach materials should be translated into other languages as the need arises in the future.

There are various tools and strategies the SGRC can use to help ensure that the needs of an LEP population are addressed. The following strategies and tools outline the efforts the SGRC will undertake to ensure compliance with Title VI of the Civil Rights Act.

### **Identifying Persons who may need Language Assistance**

When the SGRC sponsors a public function, a staff member or designee will greet and briefly speak to each attendee, informally gauging the attendee's ability to speak and understand English, he or she will ask a question that requires a full sentence reply.

The SGRC may use the Census Bureau's "I Speak Cards" at a sign-in table for those who speak a language other than English. While staff may not be able to provide translation assistance at this meeting, the cards can be an excellent tool to identify language needs for future meetings.

### **Language Assistance Measures**

In the event that the SGRC should receive a request for assistance in a foreign language, staff members will take the name and contact information of the person. Staff will determine the language spoken and seek out a local translator/interpreter. If the required language translator/interpreter is not available

locally, staff shall use other professional services like the Language Line or the Atlanta Association of Interpreters and Translators.

### **SGRC Staff Training**

Incoming staff members will be briefed on the SGRCs LEP Plan and how to assist LEP residents. They will be told to keep a record of language assistance requests to assess future LEP population needs.

### **Providing Notice to LEP Persons**

Notice of 'Free Interpretation Services' wall posters are located in the SGRC offices. This poster informs the public of the SGRC's Language Access policy to provide free interpretation services in the major languages spoken in Georgia, Sign Language and Braille. Please see Appendix 6.

### **LEP/SI Interpreting Strategies**

Telephone Language Assistance is coordinated for passengers at their request. The telephone number for the language line is 1-866-874-3972.

- In-Person Spoken Language Assistance can be found in the Master List of Vendors provided by the DHS LEP/SI Office.
- In-Person Sign Language Assistance and Language Assistance Technology are available.

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### **Non-English Speaking Communities**

Upon request, the SGRC may make arrangements to have a translator available for communications in another language and to have written materials distributed at the meeting in the requested language.

### **Monitoring and Updating the LEP Plan**

The SGRC and its contractors are required to have a Title VI LEP/SI plan. Compliance is monitored during site visits to contractors as well as via desk reviews. Plans are also submitted to DHS and kept in the contractor's file. The Title VI LEP/SI plan will be reviewed periodically to account for changes in demographics throughout the region.

### **Monitoring of Contractors and Sub-contractors**

The SGRC staff conducts site visits and desk monitoring of its contractors and sub-contractors for compliance of the Title VI program. They provide technical direction within the scope of the contract compliance and conduct performance monitoring to ensure that the contractor is performing in accordance with the contract and meeting the FTA requirements. The Title VI monitoring takes place during site visits and desk reviews. The various monitoring activities ensures compliance with the contract agreement, service goals and objectives, types of service provided and compliance with our Title VI program.

During site visits, the Notice of Free Interpretations Services Wall Poster, as well as the 'I Speak' flashcard poster must be visibly posted in the office intake areas. All drivers must have available the same information. SGRC staff has the responsibility of program monitoring. They conduct interviews with employees of the contractors and sub-contractors. Written reports are an integral part of the monitoring process. Each individual operating agency will submit monthly reports which include data as passenger trip cost associated with purchase of service contract, mileage, ridership (inclusive of LEP clients), operating revenues and expenses, and days in service.

### **SGRC LEP/SI Office – Contact Information:**

327 W. Savannah Ave

Valdosta, GA 31601  
Telephone 229-333-5277  
E-mail [chull@sgrc.us](mailto:chull@sgrc.us)

**Dissemination of the LEP/SI Plan**

The SGRC will post the LEP/SI Plan on its website at: [www.sgrc.us](http://www.sgrc.us). Copies of the Title VI and LEP/SI Plan will be provided to the Georgia Department of Transportation (GDOT), Georgia Department of Human Services (DHS), Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and any person or agency requesting a copy.

# **Appendices**

Org Chart

Title VI Policy Statement

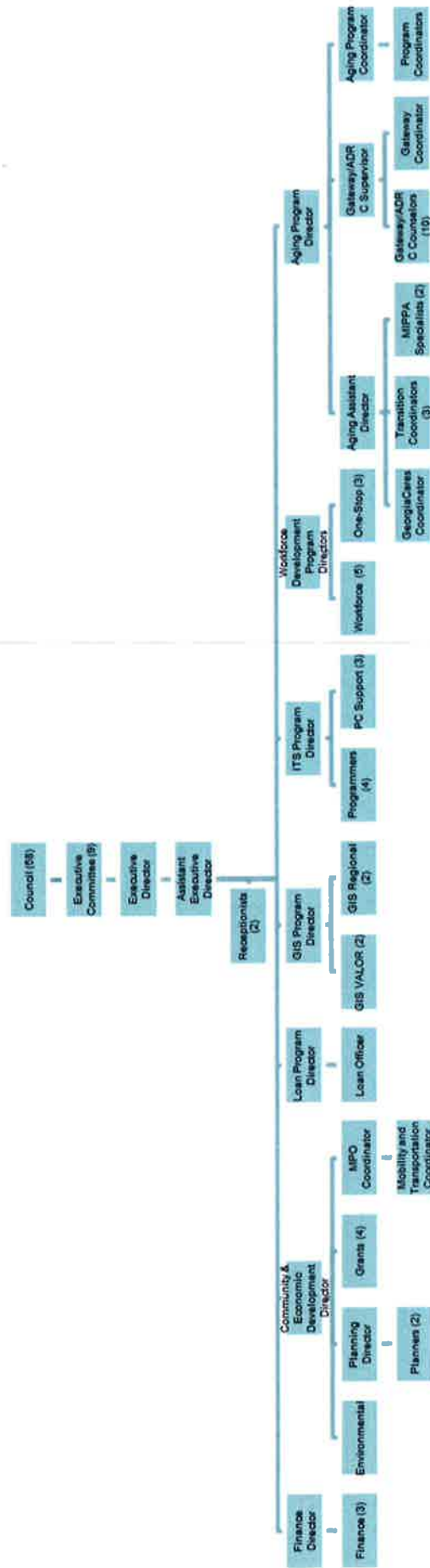
Title VI Assurances Signed

Sample Complaint Form

Title VI posters to be displayed


Free Interpretation Wall Poster Sample

# Southern Georgia Regional Commission Organizational Chart



### Title VI Policy Statement

The Southern Georgia Regional Commission (hereinafter referred to as SGRC) assures that no person shall on the grounds of race, color, national origin, age disability/handicap 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) 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 SGRC further assures 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 the SGRC distributes Federal aid funds to another entity, the SGRC will include Title VI language in all written agreements and will monitor for compliance. The SGRC Title VI Coordinator, Corey Hull, is responsible for initiation and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 CFR 200 and 49 CFR 21.

  
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SGRC Executive Director, Lisa Cribb

## SGRC Title VI Assurances

The Southern Georgia Regional Commission (herein after referred to as SGRC), HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d--42 USC 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, sex, 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 SGRC receives Federal financial assistance through the Department of Transportation, including the U.S. Department of Transportation and Federal Highway Administration, 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 SGRC hereby gives the following specific assurances to its Federal Aid Highway Program:

1. That the SGRC 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 SGRC shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal Aid Highway Program, and in adapted form in all proposals for negotiated agreements: SGRC in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d---42 and 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 issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that 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, sex, or national origin in consideration for an award.
3. That the SGRC shall insert the clauses of Appendix 1 of this Assurance in every contract subject to the Act and the Regulations.
4. That the SGRC shall insert the clauses of Appendix 2 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 SGRC 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 SGRC receives Federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over or under such property.



7. That the SGRC shall include the appropriate clauses set forth in Appendix 3 of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the SGRC with other parties:

- a. for the subsequent transfer or 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 SGRC for the period during which Federal financial assistance is extended to the program, or is in the form of, personal property, or real property or interest therein or structures or improvements there on, in which case the Assurance obligates the SGRC 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 SGRC retains ownership or possession of the property

9. The SGRC shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom s/he delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, 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 SGRC agrees that the United States has the right to seek judicial endorsement 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 SGRC by the U.S. Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, sub-recipients, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person whose signature appears below is authorized to sign this Assurance on behalf of the SGRC.



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Lisa Cribb, Executive Director



**Posters to be Displayed in Vehicles and Facilities:**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance” (42 U.S.C. Section 2000d).

SGRC is committed to ensuring that no person is excluded from participation in, or denied the benefits of its services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.A. If you feel you are being denied participation in or being denied benefits of the services provided by SGRC, or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, you may contact our office at: 327 W. Savannah Ave., Valdosta, GA 31601.

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