



Title VI Plan: Public Participation Plan

Non-Discrimination in Federally Assisted
Programs

Approved September 15, 2023

A handwritten signature in black ink that reads 'Peter G. Gregory'.

Peter G. Gregory, AICP, Executive Director

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I. Introduction

The Two Rivers-Ottawaquechee Regional Commission (TRORC) receives federal funding to support a number of planning programs, including transportation, brownfields, Vermont Community Development Program/CDBG, HUD Sustainable Communities, hazard mitigation planning and other projects. As a subrecipient of such funding, this organization is subject to State and Federal rules and regulations that prohibit discrimination in all activities, whether federally funded or not.

Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related Federal and State statutes and regulations, prohibit discrimination and provide that no person in the United States shall, on the grounds of race, color, national origin, gender, sex, age, low income status, limited English proficiency, or mental or physical disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of an entity receiving federal financial assistance.

A key element for addressing Title VI at the planning phase is having an effective public involvement process. That process must be proactive and provide complete information, timely public notice, full public access to key decisions and an opportunity for early and continuing involvement. A public involvement process should also include a process for seeking out and considering the needs of those who are traditionally ignored or underserved (e.g. by existing transportation systems).

The purpose of this document is to serve as a system of procedures and mechanisms to assure nondiscrimination in all of the TRORC's programs, activities and services, whether Federally-funded or not (49 CFR 21.7 & 23 CFR 200.5(p)).

II. Authorities

As a recipient of federal funding assistance, the following rules and regulations apply to the activities of this organization:

- *Title VI of The Civil Rights Act of 1964*: 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. § 2000d)
- *Civil Rights Restoration Act of 1987*: Restored original intent & scope of Title VI to include all programs & activities of Federal-aid recipients and contractors whether federally funded or not.
- *Executive Order 12250: DOJ Leadership & Coordination of Nondiscrimination Laws*: The U.S. Attorney General shall coordinate the implementation and enforcement by Executive agencies of various

nondiscrimination provisions of (a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); (b) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.); (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); (d) Any other provision of Federal statutory law which provides, in whole or in part, that no person in the United States shall, on the ground of race, color, national origin, handicap, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

- *Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*: Each Federal agency shall conduct its programs, policies, and activities [including those of recipients (see FHWA Order 6640.23(2)(h))] that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under, such, programs, policies, and activities, because of their race, color, or national origin. Each Federal agency shall make achieving environmental justice 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: Improving Access to Services for Persons with Limited English Proficiency (LEP)*: Presidential directive to federal agencies to ensure meaningful access to services for LEP people. An LEP person does not speak English as primary language and has limited ability to read, speak, write or understand English. Failure to provide LEP person services or meaningful access to services [may] constitute national origin discrimination.
- Section 504 of the 1973 Rehabilitation Act (29 USC 790) Handicap/Disability: No QUALIFIED HANDICAPPED PERSON shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance.
- 1973 Federal-aid Highway Act (23 USC 324) Sex: No person shall on the grounds of SEX be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried on under this title.
- 1975 Age Discrimination Act (42 USC 6101) Age: No person shall on the basis of AGE, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

- 49 CFR Part 21: Nondiscrimination in Federally-Assisted Programs of the Department of Transportation: 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 from the Department of Transportation.
- 23 CFR Part 200: Title VI Program and Related Statutes: To provide 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.
- 1970 Uniform Act (42 USC 4601): Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970: The Uniform Act, provides important protections and assistance for people affected by Federally funded projects. This law was enacted by Congress to ensure that people whose real property is acquired, or who move as a result of projects receiving Federal funds, will be treated fairly and equitably and will receive assistance in moving from the property they occupy.

This Plan is written for the TRORC's Transportation Planning Initiative (TPI) Program, which is funded using Federal Highway Administration (FHWA) funds made available through the Vermont Agency of Transportation (VTRANS). However, Title VI applies to all activities of this organization. As a result, a number of other authorities apply depending upon the activities involved. For example, 24 Code of Federal Regulation (CFR) Part 1 applies to all HUD related work, 40 CFR Part 7 applies to EPA-funded work, etc.

III. TRORC Nondiscrimination Policy

It is the policy of the Two Rivers-Ottawaquechee Regional Commission (TRORC) to uphold and assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related federal and state statutes and regulations. These authorities prohibit discrimination and require that no person in the United States of America shall, on the grounds of race, color, national origin, gender, sex, age, low income status, limited English proficiency, or mental or physical disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of an entity receiving federal assistance.

IV. Organizational Structure

The Executive Director of the TRORC is responsible for ensuring the implementation of this Title VI Plan. The Title VI Coordinator, on behalf of the Executive Director, is responsible for the overall management of the Title VI programs, and serves as the Title VI Liaison Officer, DBE Liaison Officer, LEP Coordinator, and ADA Coordinator. The day-to-day administration of the plan lies with the Title VI Coordinator (hereafter referred to as "Coordinator") under the direct supervision of the Executive Director of the TRORC.

TRORC is headed by Executive Director, Peter Gregory. Lori Kay, Finance Manager, serves the role of Title VI Coordinator.

V. Requirements

As part of this Title VI Program, the TRORC maintains certain reporting requirements and provides the Vermont Agency of Transportation (VTRANS), Federal Highway Administration (FHWA) or other applicable State or Federal agencies the following information regarding these reporting requirements.

1. Provide Title VI Assurances

TRORC will submit its Title VI Assurance as part of its Certifications and Assurances submission to VTRANS and FHWA. While the TRORC does not currently have any subrecipients, should sub-recipients exist in the future, the TRORC will collect Title VI Assurances from sub-recipients prior to passing through FHWA funds.

A copy of the Title VI Assurance included in the Annual Certifications and Assurances submission to VTRANS and FHWA is included in Appendix A.

2. Prepare and Submit a Title VI Plan

This document constitutes the Title VI Program Plan for the TRORC.

3. Notify Beneficiaries of Protection under Title VI

In order to notify the public regarding its Title VI obligations, the TRORC has developed this Plan and posted information on the organization's website, including how to get more information on non-discrimination obligations and procedures for filing a discrimination complaint against the TRORC. A Title VI Policy is included in Appendix B. This policy is posted at the TRORC offices, and is accessible on the TRORC website at www.trorc.org. TRORC uses a website maintenance service that ensures the site is accessible to those with disabilities.

4. Develop Title VI Complaint Procedures and Complaint Form

TRORC has developed procedures for investigating and tracking Title VI complaints that may be filed against the TRORC and for making these procedures available to members of the public upon request. Should the TRORC have any sub-recipients in the future, sub-recipients shall be required to

have such procedures and shall be encouraged to adopt the TRORC's complaint investigation and tracking procedures. A copy of the TRORC's Title VI Complaint Procedures is included in Appendix C. The Title VI complaint procedures were adopted by the TRORC Board.

5. Record and Report Title VI Investigations, Complaints, and Lawsuits

In compliance with 49 CFR Section 21.9(b), the TRORC (and any sub-recipient) shall prepare and maintain a list of any active investigations conducted by entities other than the FTA or FHWA, lawsuits, or complaints naming the TRORC (or sub-recipient) alleging discrimination on the basis of race, color, national origin, gender, sex, age, low income status, limited English proficiency, or mental or physical disability. This list shall include the date the investigation, lawsuit, or complaint was filed and received by the TRORC, a summary of the allegation(s), the status of the investigation, lawsuit or complaint, and actions taken by the TRORC (or sub-recipient) in response to the investigation, lawsuit, or complaint. The TRORC's form for recording this information is included in Appendix D. The list shall comprise all of the records of active investigations, lawsuits, and complaints recorded on these forms. During the processing of active investigations, lawsuits, or complaints, the Title VI Coordinator shall update the record form as necessary. Upon resolution and closure of an investigation, lawsuit or complaint, the Title VI Coordinator shall record such closure on this form.

To date, no Title VI complaints, investigations or lawsuits have been filed against the TRORC.

6. Promote Inclusive Public Participation

The content and considerations of Title VI, the Executive Order on LEP, and the VTRANS LEP Guidance are integrated into this Plan by reference.

Public participation is vital to the TRORC. It helps provide the TRORC the broadest spectrum of relevant information available prior to its decision-making and offers the public an opportunity to raise concerns that can be considered along with discussion of technical, political and economic merit.

Of particular importance in the pursuit of public participation is the identification of audiences which would be affected by the issues under consideration. All views should be heard and their participation likewise encouraged. In this context, minority views include not only ethnic groups but also others whose perspectives may not be fully reflected by larger segments of the public.

Through the regional planning process, the TRORC and partner agencies will thoroughly analyze the three Federally established fundamental environmental justice principles:

- To avoid, minimize or mitigate disproportionately high and adverse human health or environmental effects, including social and economic effects, of

programs, policies and activities on minority populations and low-income populations;

- To ensure full and fair participation by all potentially affected communities in the transportation decision-making process; and
- To prevent the denial of, reduction of, or significant delay in the receipt of transportation benefits by minority and low-income populations.

TRORC actively seeks to solicit the comments and engage the interests of the public through the participation process. It then is the responsibility of the TRORC and VTRANS to balance the public's needs and desires with resources available to address those needs and desires. TRORC Staff are directed to incorporate appropriate activities to make public communications and outreach a part of the agency's overall planning activities. In addition to required public hearings, such activities may include: representative task forces or advisory committees; public meetings and workshops, presentations and discussions with special interest organizations, forums or conferences that provide information about issues and processes and the opportunity for input from the public; opinion polls, surveys, focus groups and interviews to acquire information; and use of the media and reports to disseminate information.

Specific outreach efforts designed to gather input on the needs of underrepresented populations in the TRORC region in recent years include, though are not limited to, the following:

- Surveys or focus group meetings with health and human service agencies regarding the transportation needs of the client populations with whom they work.
- Surveys of riders of Stagecoach and Advance Transit, the regional public transit providers serving the TRORC region and beyond.
- Organizing and facilitating regular quarterly regional stakeholder meetings for administering funding dedicated to serving elders and persons with disabilities.

TRORC seeks to reduce or eliminate language, mobility, temporal, and other obstacles that may prevent minority, disability, low-income and other underrepresented populations from fully and meaningfully participating in the planning process. It is the policy of the TRORC to locate all public meetings in facilities that are ADA accessible and provide an opportunity for individuals to request special accommodations such as an interpreter if needed. Meetings of the TRORC Board are usually held at the Thompson Senior Center – a facility that is ADA accessible at 6:30pm on the third Wednesday of each month. We offer individuals requiring special accommodations to call us in advance to make appropriate arrangements.

During extenuating circumstances, such as the 2020 COVID-19 pandemic, we will continue to encourage public participation to the greatest extent possible, but may need to temporarily alter our standard procedures. In these situations when in-person interactions may be restricted for public health and safety

purposes, we will rely instead on virtual meetings and other forms of public outreach.

7. Demographic Profile

TRORC has prepared a demographic analysis of minority and low-income populations of the thirty (30) communities that currently make up the TRORC planning region. Demographic data used in this profile are drawn from the 2017-2021 American Community Survey (ACS) 5-year data compilation.

Note that there are significant concerns regarding the ACS data, which represent a much smaller survey sample, even with a 5-year compilation, than the Decennial Census. While the ACS data provide useful annual snapshots at the national, state and county levels, they contain very high margins of error for small towns, and especially for small sub-populations within towns. Race and ethnicity data are available from the Decennial Census and the ACS, but all of the other data required for this plan are only available from the ACS. It was decided to use only ACS data for this plan because mixed datasets hinder comparison across communities.

Minority Populations. There are generally very small minority populations in the Orange and Northern Windsor county region. Table 1 below shows minority populations in each town based on 2017-2021 ACS data. Vershire and Pittsfield have the highest proportion of non-white and/or Hispanic/Latine residents at 14% and 13% respectively, with Hartford at 11% and Thetford, Royalton, Fairlee, and Bethel all at 10%. All of these percentages are greater than those for the region and for the state as a whole.

Bridgewater and Corinth have the highest proportions of Black residents. Pittsfield, Royalton, and Fairlee have the highest proportions of Hispanic/Latine residents. Fairlee, Stockbridge, and Hartford have the highest proportions of Asian residents.

Table 1: Minority Populations in Orange and Northern Windsor Counties

	Total Population	White	Black	Am. Indian/ Alaska Native	Asian	Hawaiian & Pacific Islander	Two or more races	Hispanic/ Latine	Some Other Race Alone
Barnard	1,043	1,019	6	2	0	0	16	4	0
Bethel	2,007	1,864	0	4	13	0	126	67	0
Bradford	2,789	2,679	7	13	4	0	81	80	5
Braintree	978	939	0	0	1	0	38	9	0
Bridgewater	980	933	24	0	6	0	17	8	0
Brookfield	1,383	1,302	20	16	0	0	16	4	29
Chelsea	1,272	1,223	5	7	2	1	34	16	0
Corinth	1,525	1,450	35	0	0	0	36	29	4
Fairlee	1,102	1,045	0	0	39	0	12	49	6
Granville	373	363	0	0	1	0	9	3	0
Hancock	479	449	0	0	4	0	23	5	3
Hartford	10,604	9,689	110	20	275	0	322	286	188
Hartland	3,438	3,330	6	6	21	0	75	0	0
Newbury	2,038	1,883	11	11	4	6	70	35	53
Norwich	3,584	3,385	0	0	57	0	142	87	0
Pittsfield	440	414	6	0	2	0	10	32	8
Plymouth	402	397	0	0	0	0	5	4	0
Pomfret	924	882	0	2	13	0	27	14	0
Randolph	4,777	4,638	0	4	0	0	135	9	0
Rochester	1,250	1,232	0	2	5	0	11	6	0
Royalton	2,755	2,607	40	0	0	0	92	140	16
Sharon	1,616	1,570	18	6	10	0	12	24	0
Stockbridge	733	705	0	2	20	0	6	0	0
Strafford	1,223	1,181	0	0	0	1	41	1	0
Thetford	2,765	2,565	0	25	34	0	123	67	18
Topsham	1,051	1,015	5	0	7	0	24	5	0
Tunbridge	1,328	1,295	1	10	0	0	22	11	0
Vershire	727	632	12	0	3	0	56	5	24
West Fairlee	762	740	0	3	4	0	15	5	0
Woodstock	3,011	2,938	46	0	0	0	17	44	10
TRORC Region	57,359	54,364	352	133	525	8	1,613	1,049	364
Vermont	641,637	596,282	8,166	1,520	10,759	165	21,622	13,368	3,123

Source: U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates

Poverty. According to 2017-2021 ACS data, poverty rates in Corinth, Topsham and Tunbridge are over 15%. In 12 of our towns, the proportion of below-poverty residents is greater than the statewide percentage. See Table 2 below for poverty figures for each town in the region.

Table 2: Population in Poverty in Towns

	Total Population for Whom Poverty Status is Determined	Population Below Poverty Level	% Population Below Poverty Level
Barnard	1,043	43	4.1%
Bethel	1,996	187	9.4%
Bradford	2,694	346	12.8%
Braintree	978	104	10.6%
Bridgewater	980	116	11.8%
Brookfield	1,380	178	12.9%
Chelsea	1,240	163	13.1%
Corinth	1,525	231	15.1%
Fairlee	1,102	111	10.1%
Granville	373	22	5.9%
Hancock	477	52	10.9%
Hartford	10,507	876	8.3%
Hartland	3,438	238	6.9%
Newbury	2,038	178	8.7%
Norwich	3,584	198	5.5%
Pittsfield	440	14	3.2%
Plymouth	402	37	9.2%
Pomfret	924	73	7.9%
Randolph	4,371	245	5.6%
Rochester	1,250	103	8.2%
Royalton	2,747	327	11.9%
Sharon	1,616	174	10.8%
Stockbridge	733	18	2.5%
Strafford	1,223	52	4.3%
Thetford	2,756	170	6.2%
Topsham	1,036	164	15.8%
Tunbridge	1,324	211	15.9%
Vershire	718	77	10.7%
West Fairlee	758	38	5.0%
Woodstock	2,981	104	3.5%
TRORC Region	56,634	4,850	8.6%
Vermont	617,101	64,962	10.5%

Source: U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates

Limited English Proficiency (LEP). According to 2017-2021 ACS data, there are very low numbers of residents who have limited English proficiency. Table 3 below summarizes 2017-2021 ACS data on populations that speak other languages and have limited ability to speak English. Hancock and West Fairlee have the highest proportion of LEP populations in the region, with each town's LEP population at 0.9% of their populations. The next highest proportion is found in Newbury (0.7%).

Table 3: Population in Region with Limited English Proficiency for Population 5 Years and Older

	Total Population 5 years and older	Speak Only English	Speak Spanish	LEP Spanish	Speak Other Indo-European	LEP Indo-European	Speak Asian/Pacific Island	LEP Asian/Pacific Island	Speak Other	LEP Other	All LEP % of Total
Barnard	999	952	11	0	36	0	0	0	0	0	0.0%
Bethel	1,928	1,832	37	0	54	0	5	0	0	0	0.0%
Bradford	2,637	2,603	9	0	25	8	0	0	0	0	0.3%
Braintree	950	906	4	0	40	0	0	0	0	0	0.0%
Bridgewater	933	922	0	0	11	0	0	0	0	0	0.0%
Brookfield	1,316	1,275	4	0	37	0	0	0	0	0	0.0%
Chelsea	1,239	1,182	18	0	37	0	2	0	0	0	0.0%
Corinth	1,405	1,393	4	0	8	0	0	0	0	0	0.0%
Fairlee	1,041	874	124	0	18	0	25	0	0	0	0.0%
Granville	347	344	0	0	3	0	0	0	0	0	0.0%
Hancock	453	446	2	0	1	0	4	4	0	0	0.9%
Hartford	10,219	9,589	62	0	299	0	187	41	82	0	0.4%
Hartland	3,303	3,289	14	0	0	0	0	0	0	0	0.0%
Newbury	1,871	1,830	4	0	15	13	22	0	0	0	0.7%
Norwich	3,313	3,070	35	0	178	0	0	0	30	0	0.0%
Pittsfield	426	369	28	0	23	0	6	0	0	0	0.0%
Plymouth	393	381	2	0	10	0	0	0	0	0	0.0%
Pomfret	877	813	6	0	58	0	0	0	0	0	0.0%
Randolph	4,493	4,393	27	0	73	0	0	0	0	0	0.0%
Rochester	1,246	1,171	12	0	46	3	17	0	0	0	0.2%
Royalton	2,470	2,411	24	0	35	0	0	0	0	0	0.0%
Sharon	1,529	1,461	11	0	42	4	10	0	5	0	0.3%
Stockbridge	695	667	0	0	14	0	14	0	0	0	0.0%
Strafford	1,204	1,145	25	0	31	0	3	0	0	0	0.0%
Thetford	2,674	2,567	36	0	66	0	0	0	5	0	0.0%
Topsham	1,008	977	9	0	20	0	2	0	0	0	0.0%
Tunbridge	1,297	1,241	2	0	51	0	0	0	3	0	0.0%
Vershire	703	682	14	0	7	0	0	0	0	0	0.0%
West Fairlee	744	737	0	0	7	7	0	0	0	0	0.9%
Woodstock	2,902	2,741	10	0	136	0	10	0	5	0	0.0%
TRORC Region	54,615	52,263	534	0	1,381	35	307	45	130	0	0.1%
Vermont	612,469	578,734	7,122	212	19,177	1,865	5,101	900	2,335	377	0.5%

Source: U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates

8. Annual Work Plan

TRORC's Executive Director and Title VI Coordinator will monitor and review all Title VI activities. Over the next year, these activities will include:

- Review TRORC office policies and procedures to identify necessary changes required to comply with this Title VI Nondiscrimination Plan.
- Review and update procurement documents (RFP, RFQ) and contract provisions to comply with Title VI Nondiscrimination requirements.
- Provide Title VI training for staff.
- Monitor and evaluate the effectiveness of the Title VI Plan annually.

9. Required Title VI Contract Provisions

Procedures to ensure Title VI provisions are included in all Federally-funded contracts regardless of tier (Appendix A and Appendix E of USDOT Order 1050.2). Nondiscrimination is required in the selection and retention of all subcontractors, as well as with the procurement of materials and leases of equipment. Notification of Title VI/nondiscrimination obligations will be provided to each potential subcontractor or supplier in all applicable Requests for Proposal, Requests for Qualifications and/or contracts. There will be no discrimination in the TRORC's employment practices in accordance with Personnel Policies.

10. Providing Assistance to Subrecipients

TRORC is itself a sub-recipient of Federal assistance, with VTRANS serving as the primary recipient and passing through FHWA SPR funding to the region.

TRORC does enter into contracts with municipalities and private consulting firms involving Federal funding and currently manages sub-recipients. In all cases these contracts incorporate standard Certifications and Assurances related to Title VI Civil Rights responsibilities.

11. Monitoring Subrecipients

TRORC recognizes the obligation to ensure those subrecipients are in compliance with Title VI requirements, and would undertake the following activities to ensure that compliance:

- a) Document the process for ensuring that all subrecipients are complying with the general reporting requirements of this circular, as well as other requirements that apply to the subrecipient based on the type of entity and the number of fixed route vehicles it operates in peak service if a transit provider.
- b) Collect Title VI Programs from subrecipients and review programs for compliance.

12. Opportunity for Disadvantaged Business Enterprises (DBE's)

It shall be the policy of the TRORC to ensure nondiscriminatory opportunity for Disadvantaged Business Enterprises (DBEs), as defined in 49 CFR Part 26, shall have the maximum opportunity to participate in the performance of contracts

financed in whole or in part with Federal funds. Consequently, the DBE requirements of 49 CFR Part 26 and 23 CFR, Chapter 1, Part 230, Subpart b apply to all contracts. Contracts should include the following assurance:

"The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, gender, sex, age, low income status, limited English proficiency, or mental or physical disability in the award and performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as TRORC deems appropriate."

13. Participation by Small Business Enterprises

It is the TRORC's policy to promote small business participation on all contracts and procurement opportunities. The rules set forth in Code of Federal Regulations, Title 13, Sections 121.401 through 121.413, apply to all Federal procurement programs for which status as a small business is required or advantageous.

14. Requirement to Provide Additional Information upon Request

TRORC will provide information other than that required by Circular 4702.1B to FTA upon request, should it be necessary to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI.

Adopted September 15, 2023

VI. Appendices

- A. Title VI Annual Certifications and Assurances
- B. TRORC Title VI Policy
- C. TRORC Title VI Complaint Procedures
- D. TRORC Title VI Discrimination Complaint Form

APPENDIX A - TITLE VI ASSURANCES

The United States Department of Transportation (USDOT)
Standard Title VI/Non-Discrimination Assurances DOT
Order No. 1050.2A

The Two Rivers-Ottawaquechee Regional Commission (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration (FHWA) and Vermont Agency of Transportation (VTTrans), 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);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 et seq.), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (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);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), (prohibits discrimination on the basis of disability);
- 49 C.F.R. Part 21 (entitled Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 49 C.F.R. Part 27 (entitled Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance);
- 49 C.F.R. Part 28 (entitled Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation);
- 49 C.F.R. Part 37 (entitled Transportation Services For Individuals With Disabilities (ADA));
- 49 C.F.R. Part 303 (FMCSA's Title VI/Nondiscrimination Regulation);
- 28 C.F.R. Part 35 (entitled Discrimination On The Basis Of Disability In State And Local Government Services);
- 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.

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities, Executive Order 12898 3 C.F.R. 859 (1995), entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI, to ensure nondiscrimination against minority populations, Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FHWA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement

Environmental Justice considerations. See the following FHWA website for more information and facts about Environmental Justice:

http://www.fhwa.dot.gov/environment/environmental_justice/index.cfm

Additionally, Executive Order 13166, 3 C.F.R. 289 (2001) on limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the "application of Title VI's prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency." When receiving Federal funds Recipients are expected to conduct a Four-Factor Analysis to prevent discrimination based on National Origin. (See also U.S. DOT's "Policy Guidance Concerning Recipients' Responsibilities Limited English Proficient (LEP) Persons," dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

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, national origin, sex, age, disability, low-income, or limited English proficiency be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from DOT."

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 Assurances, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted programs:

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

"The TRORC, 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 for any contract entered into pursuant to this advertisement, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner's race, color, national origin, sex, age, disability, income-level, or limited English proficiency 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, TRORC also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FHWA. You must keep records, reports, and submit the material for review upon request to FHWA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

TRORC 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 VTrans Transportation Planning Initiative. This ASSURANCE is binding on Vermont, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the VTrans Transportation Planning Initiative. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

TRORC

by _____

Peter G. Gregory, AICP, Executive Director

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, FHWA and VTrans, 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, national origin, sex, age, disability, income level, or limited English proficiency 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 as set forth in Appendix E, 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, national origin, sex, age, disability, income level, or limited English proficiency.
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 FHWA or VTrans 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 FHWA or VTrans, 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 FHWA or VTrans 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 FHWA or VTrans 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 TRORC will accept title to the lands and maintain the project constructed thereon in accordance with laws of Vermont, the Regulations for the Administration of FHWA and VTrans, and the policies and procedures prescribed by the FHWA 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 TRORC 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 TRORC 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 TRORC, its successors and assigns.

The TRORC, 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, national origin, sex, age, disability, income-level, or limited English proficiency, 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 TRORC 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.)

B

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 TRORC 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, national origin, sex, age, disability, income-level, or limited English proficiency, 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, TRORC 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 TRORC 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 TRORC 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 TRORC 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, national origin, sex, age, disability, income-level, or limited English proficiency 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, national origin, sex, age, disability, income-level, or limited English proficiency, 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, TRORC 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, TRORC will there upon revert to and vest in and become the absolute property of TRORC 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:

- 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), as implemented by 49 C.F.R. § 21.1 et seq. and 49 C.F.R. § 303;
- 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, (102 Stat. 28.), (' ... which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.");
- 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 Justice regulations at 28 C.F.R. parts 35 and 36, and 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), as implemented by 49 C.F.R. § 25.1 et seq.



APPENDIX B - Title VI Nondiscrimination Policy

It is the policy of the Two Rivers-Ottauquechee Regional Commission (TRORC) to uphold and assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related federal and state statutes and regulations. These authorities prohibit discrimination in federally-assisted programs and requires that no person in the United States of America shall, on the grounds of race, color, national origin, gender, sex, age, low income status, limited English proficiency, or mental or physical disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance.

The TRORC has designated Lori Kay, Finance Manager as the Title VI Coordinator. For more information about your Title VI rights or to file a formal complaint of discrimination, contact:

Lori Kay, Title VI Coordinator
Two Rivers-Ottauquechee Regional Commission
128 King Farm Rd
Woodstock, VT 05091
(802) 457-3188 / lkay@trorc.org

In an effort to ensure nondiscrimination in all of its federal-aid programs, services and activities, the TRORC maintains a written Title VI Complaint Procedure to investigate, respond to, and resolve, Title VI complaints. In addition, all instances of alleged discrimination submitted in writing in the form of a Title VI Complaint, will be recorded and tracked and include the following information: date complaint filed, a summary of allegations, investigative status, further actions and follow-up, and final resolution. Individuals who feel they have been discriminated against in violation of Title VI must file a completed complaint form within 180 days with the TRORC Title VI Coordinator.

Complaint Procedures: (Appendix C)
Complaint Form: (Appendix D)

The TRORC strives to ensure nondiscriminatory access to all programs, services, and activities by all interested stakeholders and to ensure that no person is excluded from participating in, denied the benefits of, or subjected to either intentional or unintentional discrimination under any program, service, or activity receiving federal assistance or funding.

For more information, visit VTrans' Title VI Program website at:
<https://vtrans.vermont.gov/civil-rights/compliance/titlevi>

Translations of this and other key documents are provided at no cost when requested.

Peter G. Gregory, AICP
Executive Director

Date



APPENDIX C - Title VI Complaint Procedures

Any person who believes that he or she, individually, or as a member of any specific class of persons, has been subjected to discrimination on the basis of race, color, national origin, gender, sex, age, low income status, limited English proficiency, or mental or physical disability, may file a complaint with the Two Rivers-Ottauquechee Regional Commission (TRORC).

The mailing address for written complaints is as follows:

Lori Kay, Title VI Coordinator
Two Rivers-Ottauquechee Regional Commission
128 King Farm Rd
Woodstock, VT 05091

Complaints may also be submitted by telephone or fax. Contact numbers are as follows:

Phone: (802) 457-3188
Fax: (802) 457-4728

Electronic submission of complaints is also permitted. All complaints related to Title VI discrimination should be addressed to Lori Kay, Title VI Coordinator, at the following address:
lkay@trorc.org.

Written or faxed complaints must be signed by the complainant. Complaints submitted by telephone or e-mail, or unsigned written or faxed complaints, must be followed by a complaint in writing, signed by the complainant or his/her representative within 10 business days of the initial verbal/electronic/unsigned complaint. If the complainant requires assistance to submit a written document, TRORC staff will interview the complainant and assist the person in converting verbal complaints to writing. This document must be signed by the complainant or his/her representative. Federal and state law require that the complaint be filed within 180 days of the alleged incident of discrimination.

Once the complaint has been submitted in writing, the TRORC will pursue the following steps in addressing the complaint:

1. TRORC staff will initiate a Title VI Complaint Form (see below).
2. Essential information on the form includes the following:
 - a. Date of the incident that is the subject of the complaint;
 - b. Time of the incident;
 - c. Location of the incident; and,

- d. Circumstances of the incident in as much detail as is available, including description of the issues, and the names and job titles of those individuals perceived as parties in the complaint.
3. The completed form, along with the initial complaint letter and a summary of any other communication, will be submitted to the Executive Director of the TRORC for review. The Executive Director will determine the jurisdiction and acceptability of the complaint and any need for additional information. After any additional information is procured, the Director will determine whether to accept or reject the complaint.
4. The complainant will be provided with a written notification that the TRORC has either accepted or rejected the complaint.
5. A complaint may be rejected for one or more of the following reasons:
 - a. More than 180 days passed between the alleged incident and the filing of the initial complaint;
 - b. The allegation does not involve a basis covered under Title VI, such as race, color, or national origin;
 - c. The allegation does not involve TRORC or one of its subrecipients of federal funds;
 - d. The complainant fails to respond to repeated requests for additional information needed to process the complaint; or,
 - e. The complainant cannot be located after reasonable attempts.
6. An accepted complaint will be assigned a case number and be logged in a database maintained by the TRORC identifying the complainant's name, date of incident, alleged harm, and the race, color, national origin, gender, age or disability of the complainant.
7. The Title VI Coordinator will initiate an investigation of the complaint, assisted by other members of the TRORC as necessary, and complete a report within 90 days of the acceptance of the complaint. The report shall include a narrative description of the incident, identification of the persons interviewed, findings, and recommendations for disposition.
8. The report will be reviewed by the Executive Director of the TRORC and referred to legal representation, if deemed appropriate. The Executive Director will accept or reject the recommendation for disposition, in consultation with legal representation, and if the individuals involved are found to be in noncompliance with Title VI, remedial actions will be determined.
9. The results of the investigation and the Executive Director's determination will be mailed to the complainant. Notice shall include information regarding appeal rights of the complainant and instructions for initiating such an appeal. Notice of appeals are as follows:
 - a. TRORC will reconsider the determination if new facts come to light.

- b. If the complainant is dissatisfied with the determination and/or resolution set forth by TRORC, the same complaint may be submitted to the Vermont Agency of Transportation (VTrans) for investigation. Complainant will be advised to contact the

Vermont Agency of Transportation
Office of Civil Rights & Labor Compliance
One National Life Drive
Montpelier, VT 05633-5001.

10. A copy of the complaint and TRORC's investigation report, letter of finding and remedial action plan will be submitted to VTrans within 120 days of the initial receipt of the complaint.
11. A summary of the complaint resolution will be added to the database at TRORC and this information will be included as part of the next Title VI update to VTrans.



For Office Use
Date Received: _____
Case #: _____

APPENDIX D
Title VI Discrimination Complaint Form

Name: _____ Phone #: _____ Email: _____

Address (Street No., PO Box, etc.): _____ Town, State, Zip Code: _____

Date and time of incident: _____ Location of Incident: _____

Summary of the Complaint (Explain as briefly and clearly as possible how you were discriminated against, who was involved, including names and titles, and other relevant information.):

Name of witness(es): _____ Witness contact information: _____

Attach any additional written information

Signature: _____ Date: _____

Please return this form to: **Lori Kay, Title VI Coordinator**
Two Rivers-Ottawaquechee Regional Commission
128 King Farm Rd
Woodstock, VT 05091

Telephone #: (802) 457-3188
 Fax #: (802) 457-4728
 Email: lkay@trorc.org

For Office Use

Discussions with complainant: Name: _____ Date: _____

Details of discussions: _____

Person taking report information: _____

Additional information required: Yes No Date requested: _____ Received: _____

Jurisdiction: TRORC Other (specify): _____

Complaint accepted: Yes No Date: _____

Report completed within 90 days: Yes No

Findings: _____

Actions taken: _____

Signature of Executive Director: _____ Date: _____