



County of Mathews
TITLE VI PROGRAM PLAN

Agency Administrator

Ramona Wilson

Prepared by: **Ramona Wilson**
FISCAL YEAR: 2025

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THE MATHEWS COUNTY, VIRGINIA 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 FEDERAL-AID HIGHWAY PROGRAM. THIS ASSURANCE IS BINDING ON TLIE COMMONWEALTH OF VIRGINIA, OTHER RECIPIENTS, SUB-RECIPIENTS, SUBGRANTEES, CONTRACTORS, SUBCONTRACTORS AND THEIR SUBCONTRACTORS, TRANSFEREES, SUCCESSORS IN INTEREST, AND ANY OTHER PARTICIPANTS IN THE FEDERAL-AID HIGHWAY PROGRAM. THE PERSON(S) SIGNING BELOW IS AUTHORIZED TO SIGN THIS ASSURANCE ON BEHALF OF THE RECIPIENT	21
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TITLE VI STATEMENT OF COMMITMENT

The County of Mathews, hereinafter also referred to as the “LPA”, will effectuate the provisions of Title VI of the Civil Rights Act of 1964, 49 Code of Federal Regulation (CFR) Part 21, 23 CFR Part 200 and other applicable directives. These authorities provide that no person in the United States shall, on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which LPA receives federal assistance.

Further, as a recipient of federal-aid funding, County of Mathews strives to achieve nondiscrimination in all its programs and activities whether or not those programs and activities are federally funded. These efforts to prevent discrimination will address, but not be limited to, a program’s impact upon access, benefits, participation, treatment, services, contracting opportunities, training opportunities, investigation of complaints, allocation of funds, prioritization of projects, and the functions of right-of-way, research, planning, design, construction, and project development. The County of Mathews will ensure that every manager, supervisor, employee, and sub-recipient of federal-aid funds administered by the LPA is aware of and applies the intent and spirit of Title VI of the Civil Rights Act of 1964 and other nondiscrimination authorities in performing assigned duties.

Every employee and representative of the County of Mathews shall perform all official duties and actions in full accord with Title VI of the Civil Rights Act of 1964, applicable statutes, executive orders, regulations, and policies enunciated there under.

The Planning Director has been designated as the LPA’s Title VI Coordinator and is responsible for ensuring that all matters relating to nondiscrimination are administered effectively.

Employees of the LPA, contractors or applicants with questions, problems or complaints regarding this statement, and the implementation of the stated provisions, should contact the Planning Department, by phone at (804) 725-1624 or email at rwilson@mathewscountyva.gov

Ramona Wilson

Date: February 28, 2025

Ramona Wilson
County Administrator

I. ORGANIZATION AND STAFF RESPONSIBILITIES

A. Relationship with the County of Mathews personnel

County Administrator – The County Administrator is authorized to ensure compliance with provisions of the Agency’s policy of nondiscrimination and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. The Agency’s grants compliance function and Title VI coordination shall be performed under the authority of the Agency Administrator.

Title VI Coordinator – The Planning Director will perform the duties of the Title VI Coordinator and ensure implementation of the Agency’s Title VI Federally Funded Transportation Program. The Planning Director reports to the County Administrator (direct supervisor).

B. Statement of Responsibility and Authority of Title VI Coordinator

As authorized by the County of Mathews Administrator, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring LPA compliance with Title VI requirements as follows:

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 County of Mathews Administrator

Complaints

- Title VI complaints received by the County follow the FHWA prescribed procedures.

Data Collection.

- Review the statistical data gathering process periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration.

Training Programs

- Conduct or facilitate training programs on Title VI issues and regulations for the agency's employees; and facilitate Title VI training for appropriate staff, contractors, and sub-recipients. A log or summary of training conducted shall be kept.

Title VI Plan Update

- Review and update the County of Mathews' Title VI Implementation Plan annually.
- Present updated plan to the County of Mathews Administrator for approval.
- Publish/post the Title VI Implementation Plan.

Annual Accomplishment Report

- Prepare an annual report of Title VI accomplishments and changes to the program in the preceding Federal fiscal year
- Identify goals and objectives for the upcoming year as required; and submit them to VDOT.

Public Dissemination

- Work with Mathews County staff to develop and disseminate Title VI program information to employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public.
- 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
- Ensure written or verbal information in languages other than English is being provided, where appropriate.

Elimination of Discrimination

- Work with Mathews County's program areas to establish procedures for promptly resolving deficiencies, as needed
- Recommend procedures to identify and eliminate discrimination that may be discovered in any of Mathews County's processes

Maintain Legislative and Procedural Information.

- Keep informed about Federal laws, rules, and regulations, FHWA or VDOT guidelines that may affect the current Agency Title VI Plan and administration of the Agency's Title VI Program.
- Ensure information is made available to the public as requested or required.

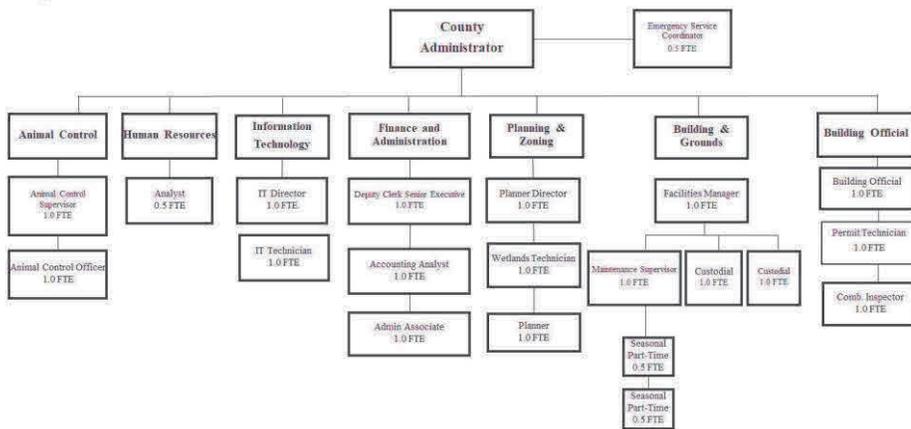
C. Program Administration

The Title VI Coordinator, to ensure nondiscrimination in all of the County's programs and activities.

D. Organizational Charts



Mathews County Administration



II. TITLE VI PROGRAM IMPLEMENTATION

A. Program Areas – Review and Monitoring Procedures

Planning

- Planning Process

The County of Mathews relies on the Planning Department to work in close connection with VDOT and the Middle Peninsula Planning District Commission staff to develop long-range planning, program development, and capital programming, six-year plan. Mathews County updates the Comprehensive Plan every 5 years. This Comprehensive Plan provides a written guide for investing in the future of Mathews County over the next twenty years. In Virginia, every governing body must adopt a comprehensive plan to identify community resources, needs and trends of growth to encourage orderly development. The adopted plan will be reviewed annually and Title VI assurances be signed annually and included in the Title VI plan.

- Public involvement in planning activities

- *The County of Mathews follows the advertisement requirements outlined in the Code of Virginia. Public Hearings are advertised in a paper with local circulation. Meetings are also posted on the County web page. The County of Mathews generally holds public hearings at the regularly scheduled Board of Supervisors Meetings, currently held the third Thursday of every month at 6 PM in the Mathews County Historic Courthouse located at 27 Court Street Mathews, VA 23109. Translation services, services for limited English proficiency and the hearing impaired are offered upon request.*

Location

- Public involvement

- Public Hearings are advertised in a paper of general circulation in the County of Mathews.
- The County of Mathews holds public hearings at the regularly scheduled Board of Supervisors Meetings, currently held the third Thursday of every month at 6 PM in the Mathews County Historic Courthouse located at 27 Court Street Mathews, VA 23109. Translation services, services for limited English proficiency and the hearing and vision impaired are available upon request.

Design/Project Development

Locally administered projects in the Mathews County originate from two sources. The first is the County Comprehensive Plan in which future projects are designated in line with the strategic vision for the County. The second source for County projects is as a response to ongoing issues that emerge in the County. Staff, at the direction of the

Mathews County Board of Supervisors identifies potential funding sources. Staff creates a request for proposal (RFP) using the County RFP template. RFPs are posted on the County website, eVA and advertised in local area publications. Contracts received in response to the RFP are reviewed and selected by a committee and then approved by the Board of Supervisors. Public hearings are conducted in order to inform Town residents and others in the local area of the proposed project.

Right of Way

- **Right of Way Process**
Right of Way is contracted to a third party or completed by VDOT. The County would verify compliance with Title VI, when using a third party by following VDOT's LAP manual and a subsequent review from VDOT.
- **Right of Way Process and Title VI**
Locally administered projects in Mathews County follow processes and responsibilities associated with acquisition of rights of way as outlined in "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970," as amended, found in Title 42 chapter 61 of the United States Code and the implementing regulations found in 49 CFR Part 24. For federal-aid projects, federal requirements associated with relocation and property acquisition must be met and VDOT must certify that they have been met, even if federal-aid is not used for the actual acquisition of right of way for the project. The Virginia Department of Transportation has developed a Right of Way Manual of Instruction, which is approved by FHWA and provides processes and procedures for federal-aid projects. Mathews County will obtain an up-to-date copy of this manual and be cognizant of its contents. For federal-aid projects, County works with VDOT to certify the local government's compliance with the Uniform Act and retains final approval authority for relocation and property acquisition activities of the local government.

Construction/Maintenance

- **Construction/Maintenance Section**
During the Construction and Maintenance portion of a project, the County employs a third-party consultant to help manage the project and oversee compliance with programs such as Title VI and construction material use.
- **Construction/Maintenance Section activities and Title VI**
 - All IFB's include specific Title VI language, and no firm is selected based on their race, ethnicity, religion or gender.
 - Contractors are allowed to sign up on the Mathews County website for notifications about the release of RFP's and IFB's. Specific contractors are not selected to bid on projects.
 - Required Title VI non-discrimination required USDOT 1050.2A Appendix A and USDOT 1050.2A Appendix E is included in all contracts, subcontracts, and material supply agreements.

Education/Training

- Education/ Training Section
Education and Training of Title VI is led by the Title VI Coordinator
- Education / Training Section activities and Title VI

Title VI Training

The Title VI Coordinator will serve as Mathews County, Virginia trainer for staff, Board members, consultants, contractors, and subcontractors. The Title VI coordinator will conduct training for Board members after each election cycle and for staff upon hire to ensure new members are informed of Title VI policies and procedures. The training will include requirements of Title VI, our obligations under Title VI (Limited English Proficiency requirements included), and required data that must be gathered and maintained. In addition, training will be provided when any Title VI-related policies or procedures change, or when appropriate in resolving complaints. The current Title VI Coordinator will attend Title VI trainings when they become available. When the Title VI coordinator leaves employment, a replacement Title VI coordinator will be appointed. They will attend the necessary training to assume the role of Title VI coordinator and trainer.

Consultant Contracts Administration

- A. All contracts signed with consultants by the County of Mathews, Virginia must contain the required USDOT 1050.2A Appendix A and USDOT 1050.2A Appendix E.

All request for proposal (RFP) solicitations must include the required Title VI notification: *“The County of Mathews, Virginia in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”*

- B. Sub-recipients - Reviews and Monitoring Procedures

All requests for proposal (RFP) solicitations must include the required Title VI notification:

“The County of Mathews, Virginia in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

The County of Mathews will conduct Title VI compliance reviews and monitoring of its sub-recipients of Federal-aid highway or other Federal funds using the County of Mathews Title VI Check List. This is to ensure adherence to Title VI requirements. The County of Mathews' staff will periodically review operational guidelines provided to consultants, contractors, and sub-recipients, including Title VI language, provisions, and related requirements, as applicable. The County of Mathews will also conduct periodic post grant reviews of select recipients of Federal highway funds or other Federal funds, for roads, sidewalks, bridges, municipal construction, etc. to ensure adherence to Title VI requirements. When irregularities occur in the administration of Federal-aid highway programs at sub-recipient levels, corrective action will be taken to resolve identified Title VI issues. The County of Mathews will seek the cooperation of the consultant, contractor or other sub-recipient in correcting deficiencies found during periodic reviews. The County of Mathews will provide technical assistance and guidance, upon request, to support voluntary compliance by the sub-recipient.

Commented [AW1]: Include this and the meaning of "periodic" in the description previously mentioned.

When a sub-recipient fails or refuses to voluntarily comply with requirements, The County of Mathews will submit to VDOT's Civil Rights Administrator -Title VI Coordinator copies of the case file and a recommendation that the sub-recipient be found in noncompliance.

A follow-up review will be conducted 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, The County of Mathews and VDOT may, with FHWA's concurrence, initiate sanctions per 49 CFR 21.

C. Data Collection – Reporting – Analysis

Mathews County utilizes data from the Decennial Census and the American Community Survey to obtain the demographics of the population of the County and the local area who are impacted by projects within the County.

Additionally, a database or log of Title VI complaints received will be maintained including the investigation of and response to each complaint.

As future projects are proposed, the following additional data may be collected and analyzed for Title VI compliance:

- Where relocation is involved, the requirements and steps used or proposed to guard against unnecessary impact on people on the basis of race, color or national origin
- Allocated funds/other financial assistance, when & to whom.
- Owners of property [to be] taken, and persons or businesses to be relocated or adversely affected by race, color, national origin

D. Dissemination of Title VI Information

Community Outreach and Public Education

Information on our Title VI program will be disseminated to County employees, contractors and beneficiaries, as well as to the public, via the County website.

Public Involvement

Public Hearings are advertised in a paper of general circulation in the County of Mathews. The County of Mathews holds public hearings at the regularly scheduled Board of Supervisors Meetings, currently held the third Thursday of every month at 6 PM in the Mathews County Historic Courthouse located at 27 Court Street Mathews, VA 23109. Translation services for LEP, hearing and vision impaired available upon request. The County of Mathews is committed to document and analyze the impacts of transportation projects on minority and low-income populations as a normal part of analysis efforts. A key aspect of the analysis is to ensure the involvement of affected communities in the project development process. They contain only principles and general procedures, which means that the specific approach must be tailored to the unique circumstances of each project and those communities affected by it. If the procedures do not seem appropriate for a particular project, then the team will develop a more suitable approach.

E. Limited English Proficiency

Mathews County, Virginia is committed to meeting the needs of persons with Limited English Proficiency (LEP) to ensure access to County services, programs, and activities. The County approach to providing LEP language assistance is determined by the scope of individual project(s) and demographics of the affected area. Mathews will use Google translate to handle limited English proficiency. In the event a translator or interpreter is requested, Mathews County will use a remote access service using Zoom or TEAMS platforms where face to face communication can be heard and translated.

Factor 1. Assessment of the Number and Proportion of LEP Individuals Likely to be Served or Encountered in the Eligible Service Population

Mathews County, Virginia has reviewed census data on the number of individuals in its service area that have LEP, as well as the languages they speak. U.S. Census Data - American Community Survey (ACS) (Most recent 5-year Estimates Data). Data from the U.S. Census Bureau's American Community Survey (ACS) was obtained through www.data.census.gov. Mathews County has a total estimated population over the age of 5 of 8,266, among which it is estimated that 222 (or 3.1%) speak a language other than English at home. Of those, 62 speak English less than "very well" or not at all (i.e., have limited English proficiency). This means .7% of all County residents and 29.7% of County residents who speak a language other than English at home have Limited English Proficiency.

Factor 2. Assessment of Frequency with Which LEP Individuals Come into Contact with County Staff.

County staff will continue to identify emerging populations as updated Census and American Community Survey data become available. In addition, when LEP individuals contact Mathews County, Virginia, and request language translation services, the Title VI Manager will work to confirm their language and keep records of contacts to accurately assess the frequency of contact.

County staff come into contact with LEP individuals through the following channels:

- Calls to Mathews County Departments
- Visits to Mathews County Government buildings and other County facilities.
- Attendance at community meetings or public hearings hosted by County staff, project applicants or members of the Board of Supervisors.

Factor 3. Assessment of the Nature and Importance of Services to the LEP Population

Mathews County, Virginia provides the following services to individuals with LEP:

- Language translation services through Google Translation or existing staff.
- Webpage accessibility
- Fair Employment Contracting Act Language

Factor 4. Assessment of the Resources Available to the Agency and Costs

The costs associated with these services are expected to vary during the duration of this plan due to demand, request for services, and future service changes which will require outreach. The cost of conducting outreach to LEP individuals may increase as additional meetings, briefings, training, etc. may be necessary. The cost of staff time is anticipated to be approximately \$50 per hour, and the cost of materials should not exceed \$5,000 per year.

Identified Costs:

- Translation of vital documents into other languages, as appropriate.
- Reasonable interpretation of vital documents into other languages as staff competent in other languages are available.
- Use of Google Translate as needed.
- Use of website translation tools on www.mathewscountyva.gov.
- Use of Spanish or other non-English language-speaking staff members to assist individuals, as available.

III. DISCRIMINATION COMPLAINT PROCEDURES

Requirement to Provide Title VI Public Notice

Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI.

Individuals alleging discrimination under Title VI of the Civil Rights Act of 1964 may file a written complaint with Mathews County's Title VI Coordinator.

A copy of Mathews County's Title VI Program is available through the website or a printed copy may be requested through the Title VI Coordinator.

Title VI Complaint Form and Procedures

To comply with the requirements established in 49 CFR Section 21.9(b), all recipients shall develop a complaint form and procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public. Recipients must also develop a Title VI complaint form. The form and procedure for filing a complaint shall be available on the recipient's website.

To comply with the requirements established in 49 CFR Section 21.9(b), Mathews County, Virginia has placed the Title VI complaint form listed here. It is also posted as a separate document on the County website. Any individual may exercise their right to file a complaint with Mathews County if that person believes they have been subjected to unequal treatment or discrimination in the receipt of benefits or services or participation in Mathews County's services.

Complaints filed against Mathews County, Virginia, will be forwarded in the following order: VDOT the FHWA Division Office, the FHWA Headquarters Office of Civil Rights (HCR), The FHWA HQ will determine the proper party to conduct the investigation.

Complaints can be filed by using Mathews County's Title VI Complaint Form available online at www.mathewscountyva.gov. All complaints will be received by and assigned to the Title VI Coordinator for tracking purposes. All complaints must be accepted **in** writing.

Complaints may also be sent to HCR directly at:

Postal Mail	Federal Highway Administration U.S. Department of Transportation Office of Civil Rights 1200 New Jersey Avenue, SE 8th Floor E81-105 Washington, DC 20590
Email	CivilRights.FHWA@dot.gov
Fax	202-366-1599
Questions?	202-366-0693

Record of Title VI Investigations, Complaints and Lawsuits

Mathews County, Virginia will prepare and maintain a record of any of the following that alleged discrimination based on race, color, or national origin:

- Active investigations conducted by FHWA and entities other than FTA;
- Lawsuits; and
- Complaints naming Mathews County, Virginia

This list shall include the date that the transportation-related Title VI investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken in response, or final findings related to the investigation, lawsuit, or complaint.

The complaint and related documents will be held in a confidential manner.

IV. REVIEW OF AGENCY DIRECTIVES

The Title VI Staff employs the following process (or several processes) to review the Agency directives, policies and practices:

- The Title VI Staff works collaboratively with a Title VI Advisory Committee - a group consisting of division directors or their appointees, who help to make and implement policies. The committee works to ensure the Agency directives are in keeping with Title VI of the Civil Rights Act of 1964 and other federal nondiscrimination mandates.
- The Title VI Staff works cooperatively with FHWA Division Civil Rights staff to implement federal nondiscrimination directives.

V. COMPLIANCE AND ENFORCEMENT PROCEDURES

Remedial Action

The goal for Title VI and regulatory enforcement is to achieve voluntary compliance. If deficiencies are found during a Title VI review, the Compliance Review Report will include a draft corrective action plan (CAP) with projected due dates. The program area staff/Title VI Liaison or the Subrecipient will be able to propose remedial actions to correct the deficiencies. Program areas and Subrecipients are expected to correct all deficiencies according to their CAP and provide periodic updates to the Title VI Officer/ Coordinator/ Specialist assigned to the review. The Title VI Officer/Coordinator/Specialist will provide technical assistance, as needed, and work with the (program area's) Title VI Liaison or Subrecipient's Title VI Coordinator to ensure implementation of the CAP. When the Title VI Officer/Coordinator/Specialist has determined that a sub- recipient's deficiencies are sufficiently corrected, the program area Title VI Liaison or the Subrecipient will be notified that the review process is complete and no further progress reporting is needed. The Subrecipient will receive an official Closeout Letter signed by the Agency's Title VI Coordinator.

Affecting Compliance

When an internal program area refuses to cooperate or comply with Title VI, the Title VI Specialist will elevate the matter to the Director, after which, the matter may be referred to the State DOT Civil Rights Manager or responsible USDOT Operating Administration (OA).

When a Subrecipient fails to take appropriate corrective action in response to the findings of deficiencies in the compliance report, the Subrecipient moves from a "deficiency status" to noncompliance; Mathews County will submit two copies of the case file to the State DOT or FHWA with a recommendation that the sub- recipient be found in noncompliance; and/or, may, with the concurrence of the State DOT or FHWA (or other USDOT OA), initiate proceedings to impose sanctions for noncompliance.

Sanctions

In the event that a Subrecipient or contractor ("recipient") fails or refuses to comply with Title VI, the first step taken by the internal program area with oversight of the recipient will be Mathews County attempts the resolve the issue using the program area's normal administrative solutions. However, Mathews County may take any or all of the following steps, with the concurrence of VDOT or USDOT (i.e., FHWA), if the recipient is uncooperative or nonresponsive during attempts by Mathews County to voluntarily resolve the compliance issue:

- a. Cancel, terminate, or suspend the contract or agreement in whole or in part;
- b. Refrain from extending any further assistance to the recipient under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the recipient;

- c. Take such other actions that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the recipient; and/or,
- d. Refer the case to the appropriate federal agency for appropriate administrative or legal proceedings. Other means authorized by law.

VI. AUTHORITIES

This section is a reference source of the applicable authorities related to Title VI of the Civil Rights Act of 1964 as amended.

Title VI of the 1964 Civil Rights Act (42 USC 2000d et seq) requires 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.”

The Civil Rights Restoration Act of 1987, P.L. 100-209 further clarified the intent of Title VI to include all programs and activities of entities whether those programs and activities are federally funded or not.

49 CFR Part 21, the U.S. Department of Transportation’s Implementing Regulations of Title VI of the Civil Rights Act of 1964.

23 Code of Federal Regulations (CFR) Part 200, the Federal Highway Administration’s Title VI Program Implementation and Review Procedures.

USDOT Order 1050.2A

Section 162(a) of the Federal-Aid Highway Act of 1973 (Section 324, Title 23 U.S.C.) prohibits discrimination based on sex (gender).

Executive Order 12898 (issued February 11, 1994) addresses disproportionate adverse environmental, social, and economic impacts that may exist in communities, specifically minority and low-income populations.

Executive Order 13166 (issued August 16, 2000) addresses access to services for persons whose primary language is not English and who have limited ability to read, write, speak or understand English.

VII. TITLE VI ASSURANCES (STANDARD DOT TITLE VI ASSURANCES -USDOT 1050.2A)

Mathews County, Virginia

TITLE VI/NONDISCRIMINATION ASSURANCES

DOT Order No.1050.2A

Mathews County, Virginia, (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*, is subject to and will comply with the following:

Statutory/Regulatory Authorities

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

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

General Assurances

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

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Nondiscrimination 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 nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

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

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be

(with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The Mathews County, Virginia in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be **discriminated against on the grounds of race, color, or national origin in consideration for an award.**"*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, **structures, use, or improvements thereon or interest therein to a Recipient.**
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, **as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:**
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, **project, or program; and**
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.**
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or **benefits; or**
 - b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, *Mathews County, Virginia* 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 *USDOT* 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 *USDOT*. You must keep records, reports, and submit the material for review upon request to *USDOT*, 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.

The *Mathews County, Virginia* 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 *Federal-Aid Highway Program*. This ASSURANCE is binding on the *Commonwealth of Virginia*, other **recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in the *Federal-Aid Highway Program***. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient

Mathews County, Virginia

by *Ramona Wilson*
Ramona Wilson, Mathews County Administrator
Click here to enter printed name of Authorized Official

DATED 05/22/25

VIII. APPENDICES

APPENDIX A

Contractor/ Consultant/Supplier Agreement: U.S. DOT 1050.2A --

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

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

APPENDIX B

Clauses for Deeds Transferring United States Property

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that *Mathews County, Virginia* will accept title to the lands and maintain the project constructed thereon in accordance with the Virginia General Assembly, the Regulations for the Administration of the Federal-Aid Highway Program and the policies and procedures prescribed by the *Federal Highway Administration* of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto *Mathews County, Virginia* 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 *Mathews County, Virginia* 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 *Mathews County, Virginia*, its successors and assigns.

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

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

APPENDIX 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 Mathews County, Virginia pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Nondiscrimination covenants, the Mathews County, Virginia 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 Nondiscrimination covenants, Mathews County, Virginia 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 Mathews County, Virginia 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 Mathews County, Virginia pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, the Mathews County, Virginia 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, Mathews County, Virginia will there upon revert to and vest in and become the absolute property of Mathews County, Virginia.*

(*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

Contractor/ Consultant/Supplier Agreements: U.S. DOT 1050.2A -- Appendix E

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

Pertinent Nondiscrimination Authorities:

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

APPENDIX F
Title VI Complaint Form

Title VI Complaint Form

Section I:				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
Section II:				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party: _____				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
Section III:				
I believe the discrimination I experienced was based on (check all that apply):				
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin				
Date of Alleged Discrimination (Month, Day, Year): _____				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all people who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as the names and contact information of any witnesses. If more space is needed, please use the back of this form.				

Section IV				
Have you previously filed a Title VI complaint with this agency?			Yes	No
Section V				
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?				

APPENDIX G
County of Mathews Title VI Evaluation Form