

Mount Ascutney Regional Commission

Title VI Plan

Non-Discrimination in Federally-Assisted Programs

Approved: October 19, 2020

Draft Amendment: May 13, 2024

Table of Contents

I. Introduction	3
II. Authorities	3
III. MARC Non-Discrimination Policy	5
IV. Organizational Structure	5
V. Requirements.....	5
VI. Appendices	12

DRAFT

I. Introduction

The Mount Ascutney Regional Commission (MARC) receives federal funding to support several 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, prohibits discrimination and provides that no person in the United States shall, on the grounds of race, color, national origin, gender, age, low income status, or mental or physical disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity 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 non-discrimination in all MARC'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 Non-discrimination Laws*: The U.S. Attorney General shall coordinate the implementation and enforcement by Executive agencies of various non-discrimination 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.
- *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: Non-discrimination 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 MARC'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, various 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. MARC Non-Discrimination Policy

It is the policy of the Mount Ascutney Regional Commission (MARC) 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. Title VI prohibits 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, age, 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. Furthermore, the MARC's non-discrimination policy extends to protected classes under other federal and state laws. As such, the MARC operates its programs without regard to race, color, national origin, sex, age, disability, low income, limited English proficiency, or reprisal or retaliation for prior civil rights activity.

IV. Organizational Structure

The Executive Director of the MARC 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 MARC.

The MARC is headed by Executive Director, Jason Rasmussen. Logan Nicoll, Planner, serves the role of Title VI Coordinator.

V. Requirements

As part of this Title VI Program, the MARC 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

MARC will submit its Title VI Assurance as part of its Certifications and Assurances submission to VTRANS and FHWA. While MARC does not currently have any subrecipients, should subrecipients exist in the future, MARC will collect Title VI Assurances from subrecipients 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 MARC.

3. Notify Beneficiaries of Protection under Title VI

In order to notify the public regarding its Title VI obligations, MARC has developed this Plan and will post information on the organization's website, including how to get more information on non-discrimination obligations and procedures for filing a discrimination complaint against MARC. A Title VI Policy is included in Appendix B. This policy is posted at the MARC offices and is accessible on the MARC website at <https://www.marcvt.org/>.

4. Develop Title VI Complaint Procedures and Complaint Form

The MARC has developed procedures for investigating and tracking Title VI complaints that may be filed against the MARC and for making these procedures available to members of the public upon request. Should the MARC have any subrecipients in the future, subrecipients shall be required to have such procedures and shall be encouraged to adopt the MARC's complaint investigation and tracking procedures. A copy of the MARC's Title VI Complaint Procedures is included in Appendix C. The Title VI complaint procedures were adopted by the MARC Board.

All complaints related to Title VI discrimination should be addressed to: Logan Nicoll, Title VI Coordinator at lnicoll@marcvt.org or 802-674-9201 ext. 117.

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

In compliance with 49 CFR Section 21.9(b), the MARC and any subrecipient shall prepare and maintain a list of any active investigations conducted by entities other than the FTA or FHWA, lawsuits, or complaints naming the MARC or subrecipient alleging discrimination on the basis of race, color, national origin, sex, creed, disability, or income status. This list shall include the date the investigation, lawsuit, or complaint was filed and received by the MARC, a summary of the allegation(s), the status of the investigation, lawsuit or complaint, and actions taken by the MARC or subrecipient in response to the investigation, lawsuit, or complaint. The MARC's form for recording this information is included in Appendix D. The list shall comprise all 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 MARC.

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 MARC. It helps provide the MARC with 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 or have a business or other affinity with 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.

In order to provide meaningful access to services for all members of the public, the MARC has prepared a Language Access Plan. This plan ensures that language will not prevent staff from communicating effectively with LEP individuals and that limited English proficiency will not prevent people from accessing services provided by MARC. A copy of the MARC's Title VI Language Access Plan is included in Appendix E.

Through the regional planning process, the MARC 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 decision-making process; and
- To prevent the denial of, reduction of, or significant delay in the receipt of benefits by minority and low-income populations.

The MARC actively seeks to solicit comments and engage the interests of the public through the participation process. It then is the responsibility of MARC and VTRANS to balance the public's needs and desires with resources available to address those needs and desires. MARC 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 MARC region in recent years include, though are not limited to, the following recent planning activities:

Table 1: Past Outreach Efforts

Task	Description
Hazard Mitigation Planning	Meetings with town hazard mitigation teams. Various outreach to towns, stakeholders, and vulnerable populations.
Ludlow Village Center Master Plan	Survey and pop-up demonstration projects
E&D Ridership Survey	Mail survey of riders utilizing SEVT E&D services
Active Transportation Plan	Planning assistance from a Steering Committee of cyclists. Various outreach to TAC, stakeholder groups.
Ride Windsor County Bike Route Map and Guide	Stakeholder group meetings
Regional Enhanced Energy Plan	Various outreach, such as State Agency review, reaching out to local energy committees.
Regional Plan Update	Meetings with an Ad Hoc Land Use Committee. Outreach to various stakeholder groups. Interviews with material matter experts, such as to tribal leaders to update the pre-European history of the region.
Annual Transportation Prioritization Process	Transportation Advisory Committee, town officials, stakeholders.

The MARC seeks to reduce or eliminate language, mobility, temporal, and other obstacles that may prevent minority, disability, low-income, and other under-represented populations from fully participating in the planning process. It is the policy of the MARC to locate all public meetings in facilities that are ADA accessible or provide an opportunity for individuals to request special accommodation, such as an interpreter, if needed. Meetings of the MARC Board are usually held in Martin Memorial Hall– a facility that is ADA accessible. A copy of the MARC’s Language Access Plan is included in Appendix E.

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

The MARC has prepared a demographic analysis of minority and low-income populations of the ten (10) communities that currently make up the MARC planning region. Demographic

data used in this profile are drawn from the 2018-2022 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 old Census Long Form, from which information on income and poverty has previously been drawn. While the ACS data provides useful annual snapshots at the national, state and county levels, it contains remarkably high margins of error for small towns, and especially for small subpopulations within towns. That said, they represent the best data available for these measures.

Minority Populations: There are generally small minority populations in the Mount Ascutney region. Table 2 below shows minority populations in each town based on 2022 ACS data. Ludlow exhibits the highest proportion of non-white residents and Ludlow also exhibits the highest proportion of Hispanic/Latino residents.

Table 2: Minority Populations in the Mount Ascutney Region

	Total Population	White	Black	Am. Indian/ Alaska Native	Asian	Hawaiian & Pacific Islander	Two More Races	Hispanic/ Latino
Andover	612	586	0	0	0	0	26	0
Baltimore	347	337	0	0	0	0	8	2
Cavendish	1,380	1,283	7	0	0	0	71	64
Chester	3,017	2,918	66	0	0	0	25	0
Ludlow	2,003	1,768	1	4	0	0	138	172
Reading	628	604	0	0	2	0	22	0
Springfield	9,097	8,614	43	8	74	0	253	159
Weathersfield	2,844	2,551	12	0	0	0	277	4
West Windsor	1,058	1,024	0	0	8	0	24	2
Windsor	3,548	3,286	0	0	14	0	206	56
MARC region	24,534	22,971	129	12	98	0	1,050	459
Vermont	647,064	583,546	8,000	1,336	11,711	148	34,485	14,770

Source: ACS 2022 5-Year Estimates

Poverty: According to 2022 ACS data, poverty rates are high, notably in Baltimore and Ludlow where they are substantially higher than the state and county averages. See Table 3 below for poverty figures for each town in the region.

Table 3: Poverty Status in the Past 12 Months of People in Housing Units in the Mount Ascutney Region

	Population	Below Poverty Level	Percent Below Poverty Level
Andover	612	43	7.0%
Baltimore	338	100	29.6%
Cavendish	1,364	81	5.9%
Chester	3,017	161	5.3%
Ludlow	1,951	281	14.4%
Reading	625	50	8.0%
Springfield	8,700	1,104	12.7%
Weathersfield	2,832	298	10.5%
West Windsor	1,044	32	3.1%
Windsor	3,434	218	6.3%
MARC region	23,917	2,368	9.9%
Vermont	624,770	65,162	10.4%

Source: ACS 2022 5-Year Estimates

Limited English Proficiency (LEP): According to 2022 ACS data, there are a low number of households with limited English. Table 4 below summarizes 2022 ACS data on households that speak other languages and have limited ability to speak English. Most towns have some number of Limited-English households, with Cavendish, Reading, and Windsor having the highest percentages of Limited-English households.

Table 4: Limited-English Households in the Mount Ascutney Region

	Only English	Spanish	Limited-English Spanish	Other Indo-European	Limited-English Indo-European	Asian/Pacific Island	Limited-English Asian/Pacific Island	Other	Limited-English Other	All Limited-English % of Total
Andover	589	9	9	2	2	0	0	0	0	1.8%
Baltimore	334	0	0	3	2	0	0	0	0	0.6%
Cavendish	1,190	65	15	37	29	0	0	0	0	3.4%
Chester	2,804	12	12	86	48	0	0	0	0	2.1%
Ludlow	1,892	0	0	30	28	0	0	4	4	1.7%
Reading	591	0	0	24	15	0	0	0	0	2.4%
Springfield	8,618	82	27	95	76	49	8	22	22	1.5%
Weathersfield	2,721	28	24	10	10	0	0	0	0	1.2%
West Windsor	991	0	0	23	17	0	0	0	0	1.7%
Windsor	3,245	78	33	46	43	6	9	0	0	2.5%
MARC region	22,975	1274	120	356	270	55	17	26	26	1.8%
Vermont	582,351	7,144	4,163	18,563	11,667	5,095	2,489	2,388	1245	3.2%

Source: ACS 2022 5-Year Estimates

8. Annual Work Plan

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

- Provide Title VI training for all 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 (Appendices A and E of USDOT Order 1050.2). Non-discrimination 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/non-discrimination 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 MARC’s employment practices in accordance with Personnel Policies.

10. Providing Assistance to Subrecipients

The MARC is often a subrecipient of Federal assistance, with VTRANS generally serving as the primary recipient and passing through FHWA SPR funding.

The MARC does not have subrecipients per se. The MARC does enter into contracts with municipalities and private consulting firms involving Federal funding. In all cases these contracts incorporate standard Certifications and Assurances related to Title VI Civil Rights responsibilities.

11. Monitoring Subrecipients

Should the MARC at some point in the future have formal subrecipients of Federal funding, the MARC recognizes the obligation to ensure those subrecipients adhere to 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 MARC to ensure nondiscriminatory opportunity for Disadvantaged Business Enterprises (DBEs), as defined in 49 CFR Part 26, and 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, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex 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 MARC deems appropriate.”

13. Participation by Small Business Enterprises

It is MARC's policy to promote small business participation in 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

The MARC 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 noncompliance with Title VI.

VI. Appendices

- A. Title VI Non-Discrimination Assurances
- B. Title VI Non-Discrimination Policy
- C. Title VI Complaint Procedures
- D. Title VI Discrimination Complaint Form
- E. Title VI Language Access Plan

DRAFT