



SUATS

Sumter Area Transportation Study

Metropolitan Planning Organization

TITLE VI PLAN

**To Ensure Nondiscrimination in
Transportation Programs and
Activities**



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This report was prepared by the Sumter City-County Planning Department, in cooperation with the Santee-Wateree Regional Transportation Authority, the South Carolina Department of Transportation, and the U.S. Department of Transportation - Federal Highway Administration and Federal Transit Administration.

ADOPTED: December 9, 2019

CONTENTS

INTRODUCTION	5
SUATS MAP	6
POLICY STATEMENT	7
TITLE VI ASSURANCES	8
ORGANIZATION & COMPLIANCE RESPONSIBILITIES	10
ROLE AND MEMBERS	10
STAFF RESPONSIBILITIES	10
RESPONSIBILITIES OF THE TITLE VI OFFICER	10
CONTRACTING AND POLICIES	11
CONSULTANT CONTRACTS	11
NONDISCRIMINATION CLAUSES	11
EDUCATION AND TRAINING	13
EMPLOYEE TRAINING	13
REASONABLE ACCOMMODATIONS POLICY	13
ENVIRONMENTAL JUSTICE	14
NONDISCRIMINATION COMPLAINT PROCEDURES	14
APPENDICES	
<u>APPENDIX A</u> : TITLE VI COMPLAINT FORM	17
<u>APPENDIX B</u> : TITLE VI COMPLAINTS FILED	18
<u>APPENDIX C</u> : REASONABLE ACCOMMODATIONS POLICY	19
<u>APPENDIX D</u> : CONTRACTOR COMPLIANCE CLAUSES FOR TRANSPORTATION PROJECTS	21
<u>APPENDIX E</u> : CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY	22

<u>APPENDIX F:</u> CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM	23
<u>APPENDIX G:</u> CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY, OR PROGRAM	24
<u>APPENDIX H:</u> CONTRACTOR NON-DISCRIMINATION CLAUSES	25

Alternative formats of this document can be made available. Please contact the Title VI Officer at 803.774.1612 or KKelly@sumtersc.gov. Electronic versions are available at: www.sumtersc.gov/planning/suats.



SUATS

Sumter Area Transportation Study

Metropolitan Planning Organization

RESOLUTION OF THE POLICY COMMITTEE

ADOPTION OF TITLE VI NONDISCRIMINATION PLAN

Whereas, a comprehensive, cooperative, and continuing transportation planning process is critical to the effective functioning of a community, and

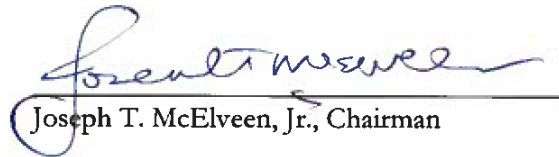
Whereas, federal regulations and the South Carolina Department of Transportation (SCDOT) require that Metropolitan Planning Organizations (MPOs) adopt a plan for compliance with Title VI in the transportation planning process, and

Whereas, SUATS is committed to assuring that no person shall, on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination for any transportation program or activity.

Whereas, the SUATS Technical Committee (Study Team) in coordination with the Federal Highways Administration (FHWA), Federal Transit Administration, (FTA), and South Carolina Department of Transportation (SCDOT) has developed a Title VI Plan for the SUATS MPO to document the efforts SUATS undertakes on a continual basis to ensure compliance with Title VI and related statutes regarding nondiscrimination and environmental justice, and

Whereas, the Study Team at its meeting on October 8, 2019 recommended that SUATS adopt the Title VI Plan.

Now, Therefore, Be It Resolved that the SUATS Policy Committee adopts the SUATS Title VI Plan on this 9th day of December, 2019.


Joseph T. McElveen, Jr., Chairman

CERTIFICATION

I hereby certify that the above is a true and correct copy of SUATS Resolution #2019-07 as adopted by vote in an open meeting of the SUATS Policy Committee.


George K. McGregor 12/16/19
SUATS Director Date

INTRODUCTION

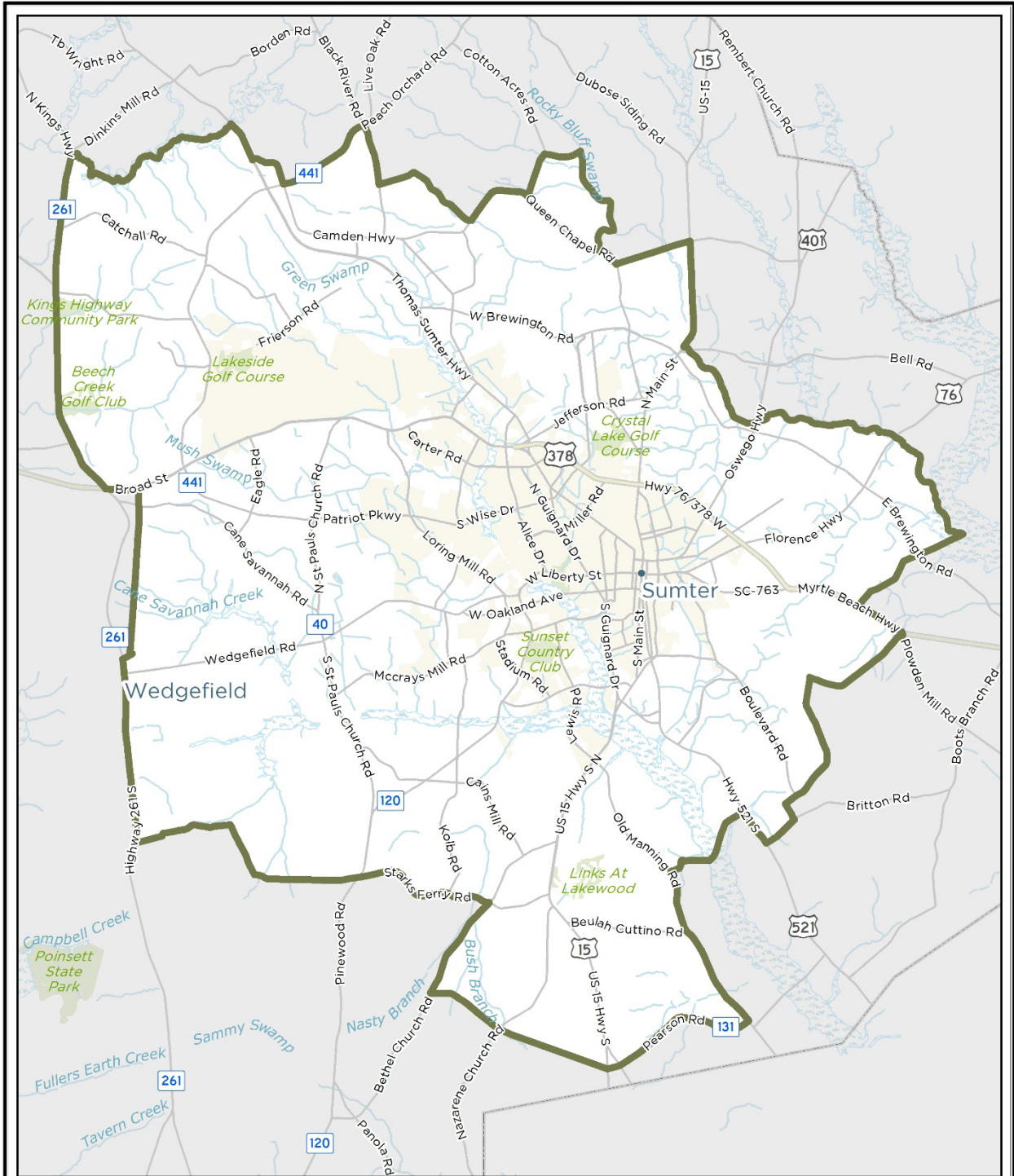
Federal law requires all metropolitan areas with populations greater than 50,000 people to designate a Metropolitan Planning Organization (MPO) to develop transportation plans for that region. For the Sumter Metropolitan Area, the Sumter Area Transportation Study (SUATS) has been designated to fulfill this function.

SUATS is committed to assuring that no person shall, on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination for any transportation program or activity. This plan was developed to document the efforts SUATS undertakes on a continual basis to ensure compliance with Title VI and related statutes regarding nondiscrimination and environmental justice.

To accomplish this process for the Sumter Metropolitan Area in South Carolina, an agreement was made in 1966 between the City of Sumter, Sumter County and the South Carolina Department of Transportation (then called the South Carolina Department of Highways and Public Transportation) that established the Sumter Area Transportation Study (SUATS). With this agreement, Sumter became the 5th MPO in South Carolina. The purpose of SUATS is to establish and maintain a continuing, comprehensive, and cooperative transportation planning process. This process promotes the development of a safe, effective, efficient and environmentally sensitive multimodal transportation system for moving people and goods.

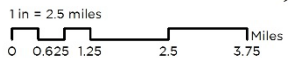
The SUATS “study area” is a 200 square mile area in the center of Sumter County, South Carolina. This study area represents a 20-year growth projection of the urban area as defined by the 2010 U.S. Census.

The day-to-day functions and responsibilities of administering the SUATS MPO are carried out by the staff of the Sumter City-County Planning Department.



DISCLAIMER:
 While the data of this map has been tested for accuracy, the Sumter-City County Planning Department disclaims any or all responsibility for the exact accuracy or correctness of the map. The Sumter City-County Planning Department shall not become liable to the user(s) of this map for any reason(s).
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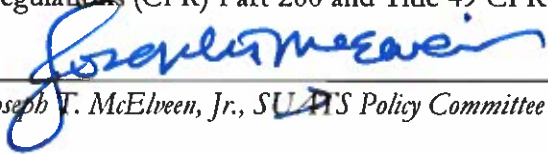


SUATS MPO Area



POLICY STATEMENT

The Sumter Area Transportation Study (SUATS) assures that no person shall, on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination under any transportation program or activity. SUATS further assures that every effort will be made to ensure nondiscrimination in all its programs and activities, whether those programs and activities are federally funded or not. In the event SUATS distributes Federal aid transportation funds to another *governmental entity*, SUATS will include Title VI language in all written agreements and will monitor for compliance. The SUATS Title VI Officer is responsible for initiating and monitoring Title VI activities, overseeing the preparation of required reports, and overseeing other SUATS' responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200 and Title 49 CFR Part 21.



Joseph T. McElveen, Jr., SUATS Policy Committee ChairmanDate

TITLE VI ASSURANCES

The Sumter Area Transportation Study (SUATS), HEREBY AGREES THAT as a condition to receiving any federal financial assistance, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d, et seq. (“Act”), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement.

More specifically and without limiting the above general assurance, SUATS hereby gives the following specific assurances regarding its federal aid assisted programs:

1. That SUATS agrees that each “program” and each “facility”, as defined in the Regulations, will be (with regard to a “program”) conducted or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That SUATS shall insert the following notification in all solicitations for work or material subject to the Regulations made in connection with federal-aid assisted transportation programs, and in adapted form in all proposals for negotiated agreements:

“The Sumter Area Transportation Study (SUATS), in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d, et seq., and Title 49, Code of Federal Regulations hereby notifies all bidders that it will affirmatively ensure that any contract entered pursuant to this advertisement will afford minority business enterprises full opportunity to submit bids in response to this invitation, and will not discriminate on the grounds of race, color, sex or national origin in consideration for an award.”

3. That where SUATS receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.
4. That where SUATS receives federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over, or under such property.
5. That SUATS shall include the appropriate clauses regarding a covenant running with the land, in any future deeds, leases, permits, licenses and similar agreements entered into by SUATS with other parties: (a) for the subsequent transfer of real property acquired or improved under federal aid-assisted transportation programs; and (b) for the construction or use of, or access to space on, over, or under real property acquired or improved under federal aid-assisted transportation programs.
6. That this Assurance obligates SUATS for the period during which federal financial assistance is extended to the program, or is in the form of personal property, or real property or interest

therein or structures or improvements thereon, in which case the Assurance obligates SUATS 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.

7. SUATS shall provide for such methods of administration for the program, as are found by the official to whom s/he delegates specific authority, to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
8. SUATS agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of, and for the purpose of obtaining, any and all federal grants, loans, contracts, property, discounts or other federal transportation-related financial assistance extended after the date hereof to SUATS and is binding on it, other recipients, contractors, subcontractors, transferees, successors in interest, and other participants in the Federal Aid Highway Program. The person whose signatures appear below is authorized to sign this Assurance on behalf of SUATS.



Joseph T. McElveen, Jr., SUATS Policy Committee ChairmanDate

ORGANIZATION AND COMPLIANCE RESPONSIBILITIES

ROLE AND MEMBERS

The Sumter Area Transportation Study (SUATS) is the Metropolitan Planning Organization (MPO) responsible for executing transportation planning for the Urbanized Area of Sumter County. The purpose of SUATS as MPO for the Sumter area is to establish and maintain a continuing, comprehensive, and cooperative transportation planning process. This process promotes the development of a safe, effective, efficient and environmentally sensitive multi-modal transportation system for moving people and goods.

SUATS is governed by a 10-member Policy Committee representing governmental and transportation planning organizations active in the Sumter Urbanized Area. As the area's MPO, SUATS provides a forum for cooperative decision-making for area transportation programs. The current SUATS Policy Committee members are listed in Appendix A.

The SUATS "study area" includes a 200 square mile portion of Sumter County, South Carolina. This study area represents a 20-year growth projection of the urban area as defined by the 2010 U.S. Census.

STAFF RESPONSIBILITIES

To ensure the implementation of the Title VI Plan, the following responsibilities have been identified for the Title VI Officer.

RESPONSIBILITIES OF TITLE VI OFFICER

The Title VI Officer is generally responsible for overseeing compliance with applicable nondiscrimination authorities, and is responsible for:

- Meeting with appropriate staff members to monitor and discuss progress, implementation, and compliance issues related to the Title VI Plan;
- Periodically reviewing the Title VI Plan to assess whether administrative procedures are effective, staffing is appropriate, and adequate resources are available to ensure compliance; and;
- Determining if any revisions or updates are needed to the Title VI Plan.

CONTRACTING AND POLICIES

CONSULTANT CONTRACTS

SUATS is responsible for the selection, negotiation and administration of consultant contracts and manages these functions under internal contract procedures as well as all relevant federal and state laws. SUATS staff is responsible for:

- Ensuring nondiscrimination language is included in contracts and Requests for Proposals (RFPs);
- Reviewing consultant compliance.

SUATS ensures that consultants are monitoring and verifying compliance with nondiscrimination authorities, procedures and requirements within the workplace and in the conduct of grant-funded activities.

If a recipient or subrecipient is found to be not in compliance with the nondiscrimination authorities, the Title VI Officer and appropriate staff will work with the recipient or sub-recipient to resolve the deficiency and prepare remedial actions as necessary.

Reviewing outreach activities to ensure small, disadvantaged, minority, women and disabled veteran owned businesses are not excluded from opportunities to compete for consulting contracts.

NONDISCRIMINATION CLAUSES

The following nondiscrimination clauses are included in all SUATS Transportation program-related Requests for Proposals and Requests for Bid

Disadvantaged Business Enterprises (DBE) – The Sumter Area Transportation Study (SUATS), in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000 d – 42 and Title 49, Code of Federal Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement will afford minority business enterprises full opportunity to submit bids in response to this invitation.

Nondiscrimination – The Sumter Area Transportation Study (SUATS), is an equal opportunity provider and employer, and does not discriminate on the grounds of age, race, color, disability, sex, national origin, or creed in consideration for an award. No proposer/bidder on this request may in any way, directly or indirectly, discriminate against any person because of age, race, color, disability, sex, national origin, or creed.

The following nondiscrimination clauses are included in all SUATS contracts and sub-grant agreements:

Civil Rights Requirements – 29 U.S.C. §62, 42 U.S.C. §2000, 42 U.S.C. §602, 42 U.S.C. §12112, 42 U.S.C. §12132, 49 U.S.C. §5332

DBE Assurance – Contractors or subcontractors shall not discriminate on the basis of race, color, national origin, or sex in the 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 the recipient deems appropriate.

Nondiscrimination – In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. §2000d, section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. §6102, section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. §12132, and all other provisions of Federal law, the Contractor agrees that it will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age or disability. In addition, the Contractor agrees to comply with applicable Federal implementing regulations.

Equal Employment Opportunity – The following equal employment opportunity requirements apply to the underlying contract:

Race, Color, Creed, National Origin, Sex – In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. §2000e, the Contractor agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor,” 41 CFR Parts 60 et seq., (which implement Executive Order No. 11246, “Equal Employment Opportunity”, as amended by Executive Order No. 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” as amended by Executive Order No. 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” 42 U.S.C. §2000e note), and with any applicable Federal Statutes, executive orders, regulations, and Federal policies that may in the future affect activities undertaken in the course of this Project. The Contractor agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, creed, national origin, sex, or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the Contractor agrees to comply with any implementing requirements the funding federal agency may issue.

Age – In accordance with section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §623 and other applicable law, the Contractor agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Contractor agrees to comply with any implementing requirements the funding federal agency may issue.

Disabilities – In accordance with section 102 of the Americans with Disabilities Act, as amended, 42 U.S.C. §12112, the Contractor agrees that it will comply with the requirements of U.S. Equal Employment Opportunity Commission, “Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act”,

29 CFR Part 1630, pertaining to employment of persons with disabilities. In addition, the Contractor agrees to comply with any implementing requirements the funding federal agency may issue.

The Contractor also agrees to include these requirements in each subcontract financed in whole or in part with Federal Assistance, modified only if necessary to identify the affected parties.

EDUCATION AND TRAINING

The Title VI Officer shall be responsible for advising staff about available training in support of Title VI. Lists of related training such as diversity and EEO/Affirmative Action shall be made well known through email, flyers and brochure.

It is the responsibility of the Title VI Officer to schedule training in such a way that appropriate notices and announcements are posted in a timely fashion. Consistent with SUATS policy, reasonable accommodation for persons with disabilities shall be provided.

EMPLOYEE TRAINING

All employees are encouraged to participate in professional development and training within and outside of SUATS.

SPECIFIC TITLE VI TRANSPORTATION PLANNING RELATED TRAINING

In an effort to continuously improve SUATS' overall compliance posture, nondiscrimination training will be coordinated with the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the South Carolina Department of Transportation (SCDOT), and made available to staff on an ongoing basis to ensure up to date knowledge of Title VI and other nondiscrimination statutes.

REASONABLE ACCOMMODATIONS POLICY

It is SUATS policy to provide equal access for individuals with disabilities and those with limited English proficiency to programs, meetings, publications, and activities. Reasonable accommodations will be provided by SUATS upon request. Reasonable accommodations may include modifications or adjustments to a program, publication, activity, or the way things usually are done, to enable an individual with a disability or with limited English skills to participate. Appendix C includes the Reasonable Accommodations policy.

ENVIRONMENTAL JUSTICE

As stated in the SUATS Public Participation Plan, it is the policy of the Sumter Area Transportation Study to support and encourage public participation and adhere to the principles of the transportation planning process. This policy is designed to ensure opportunities for the public to express its views on transportation issues and to become active in the decision-making process.

SUATS staff will take reasonable steps to ensure that all people, including minority and low-income populations, have meaningful opportunities to participate in the transportation planning and programming process, and will strive to address environmental justice issues at all stages of the planning process. This includes implementing the strategies stated in the SUATS Public Participation Plan to reduce participation barriers for underserved groups and engage them in the decision-making process.

NONDISCRIMINATION COMPLAINT PROCEDURES

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 (including its Disadvantaged Business Enterprises (DBE) and Equal Employment Opportunity (EEO) components), Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by SUATS or its sub-recipients, consultants, and/or contractors, intimidation or retaliation of any kind is prohibited by law. They do not apply to complaints related to employment conditions, actions, or decisions reflecting SUATS' status as an employer. Such complaints should be initiated under policies administered by SUATS' Title VI Officer.

These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Officer may be utilized for resolution, at any stage of the process. The Title VI Officer will make every effort to pursue a resolution to the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

PROCEDURES

1. Any individual, group of individuals, or entity that believes he/she, they, or it have been subjected to discrimination prohibited by Title VI nondiscrimination procedures may file a written complaint with the SUATS Title VI Officer. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complaint must meet the following requirements:
 - a) Complaint shall be in writing and signed by the complainant(s).

- b) Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
 - c) Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complained-of incident.
 - d) Allegations received by fax or e-mail will be acknowledged and processed, once the identity(s) of the complainant(s) and the intent to proceed with the complaint have been established. The complainant is required to provide an original signed copy of the fax or e-mail transmittal for SUATS to process the complaint.
 - e) Complaints received by telephone will be entered into a log listing time, date, and complainant. Complainants will be informed of the requirement to file a complaint in writing and will be directed to the website or other templates suggesting complaint form.
2. Upon receipt of the complaint, the Title VI Officer will refer the matter to SUATS Legal Counsel, who will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. In cases where the complaint is against one of SUATS' subrecipients of federal funds, SUATS will assume jurisdiction and will investigate and adjudicate the case. Complaints against SUATS will be referred to the appropriate state or federal agencies for proper disposition pursuant to their procedures. In special cases warranting intervention to ensure equity, these agencies may assume jurisdiction and either complete or obtain services to review or investigate matters.
3. To be accepted, a complaint must meet the following criteria:
 - a. Filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
 - b. Allegation(s) must involve a covered basis such as race, color, natural origin, gender, disability, or retaliation.
 - c. Allegation(s) must involve a program or activity of a Federal-aid recipient, sub-recipient, or contractor, or, in the case of ADA allegations, an entity open to the public.
 - d. Complainant(s) must accept reasonable resolution based on SUATS administrative authority (reasonability to be determined by SUATS).
4. A complaint may be dismissed for the following reasons:
 - a. The complainant requests the withdrawal of the complaint.
 - b. The complainant fails to respond to requests for additional information needed to process the complaint.
 - c. The complainant cannot be located after reasonable attempts.
5. Once SUATS or a state or federal agency decides to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within five calendar days. The complaint will receive a case number and will then be logged in SUATS records identifying its basis and alleged harm, and the race, color, national origin, and gender of the complainant.
6. In cases where SUATS assumes the investigation of the complaint, SUATS will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will

have 10 calendar days from the date of SUATS written notification of acceptance of the complaint to furnish his/her response to the allegations.

7. In cases where SUATS assumes the investigation of the complaint, within 40 calendar days of the acceptance of the complaint, the Legal Counsel, with assistance from the Title VI Officer, will prepare an investigative report for review by the Executive Director. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition.
8. The Legal Counsel and Title VI Officer will discuss the report and recommendations with the Executive Director within 10 calendar days. The report will be modified as needed and made final for its release.
9. SUATS final investigative report and a copy of the complaint will be forwarded to the appropriate state agency within 60 calendar days of the acceptance of the complaint.
10. SUATS will notify the parties of its preliminary findings, which may be subject to concurrence from the appropriate state agency.
11. Once a state agency issues its final decision, SUATS will notify all parties involved about such determination. State determinations are not subject to an appeal.

APPENDIX A

Title VI Complaint Form

Name		
Address		
Home Phone	Work Phone	Mobile Phone
Description of Incident		
Basis of Complaint: (i.e., Race, Disability, Income Status, Retaliation, Color, National Origin, Sex, or Age)		
Date(s) on which alleged Incident occurred		
Name(s) and contact information of individuals who may have knowledge of the alleged discrimination		
Additional Comments		

Submit completed form via email to KKelly@sumtersc.gov or mail or deliver to “SUATS Title VI Coordinator, PO Box 1449, Sumter, SC 29151”

APPENDIX B TITLE VI COMPLAINTS FILED

There have been no Title VI complaints filed with the Santee-Lynches Regional Council of Governments to date

APPENDIX C

REASONABLE ACCOMMODATIONS POLICY

The Sumter Area Transportation Study will provide reasonable accommodations to individuals under Title VI.

SUATS must provide reasonable accommodations to individuals as required under Title VI of the Civil Rights Act. A reasonable accommodation is any reasonable change in the way SUATS does something for a person with a disability or that allows that person to participate. All staff will be trained and have authority to make reasonable accommodations as appropriate.

Examples of accommodations that may be provided:

- Accommodations in appointments, including scheduling appointments at certain times of day to avoid long waits; scheduling appointments so they do not conflict with doctor's appointments, rehab, or therapy; combining appointments to reduce travel; home visits for individuals who have difficulty traveling to SUATS offices or attending appointments at SUATS for disability-related reasons; allowing people who interact with SUATS to reschedule appointments when a disability prevents attendance.
- Giving a person more time to submit documents or complete other tasks;
- Providing additional explanations of forms and program rules;
- Allowing an individual to bring a friend, relative, neighbor, or advocate with them to appointments and during the process;
- With the consent of a disabled person who interacts with SUATS, sending copies of notices to the person's friend, relative or neighbor who can remind the person of appointments and/or help the individual with a disability attend an appointment;
- Reading notices and other program materials to a person who interacts with SUATS;
- Providing notices, applications, and other program materials in alternative formats (e.g., large print, Braille, audiotape, etc.);
- Modifying policies for people with disabilities when necessary to avoid discrimination (e.g., appointment policies, no-animal policies, policies governing how a task must be performed);
- Allowing people who interact with SUATS who have disabilities to communicate with a staff member by email or other means of communication when needed for a disability-related reason;
- Allowing people who interact with SUATS to submit documents by fax or by email when needed for a disability-related reason;

Accommodations in program rules: Rules must be modified for people with disabilities when reasonable. For example, rules requiring staff to see people who interact with SUATS in the order in which they arrive at SUATS locations, rules requiring people who interact with the organization to come to SUATS sites for appointments, and rules requiring people who interact with SUATS applying for benefits to come to SUATS sites on particular days of the week or times of day, must all be modified for people with disabilities when necessary to provide an equal and meaningful opportunity to participate.

Accommodations needed on an ongoing basis: Many accommodations are needed on an ongoing basis. Once a staff member determines that an accommodation is necessary, s/he should indicate the need for this accommodation (though not the person's diagnosis) prominently in any program record maintained on a regular basis regarding that person's case or account, so that other staff who interact with the individual are aware of it. In addition, the staff person should take the steps needed to make sure that the accommodation is provided without request in the future (until the individual's condition changes or the accommodation is no longer needed), so the person does not have to ask for it each time. For example, a person who is unable to travel for appointments should not receive routine appointment notices requiring the individual must go to appointments at SUATS.

Using information already known to accommodate people who interact with SUATS: The organization shall use information it already has about any person who interacts with SUATS (e.g., from past visits, communications, applications

or receipt of benefits or services) to offer accommodations to people who interact with SUATS even if the person hasn't requested an accommodation.

Accommodations for those with mental health problems and/or cognitive disabilities: Some individuals who interact with SUATS need accommodation due to mental disabilities (such as help filling out paperwork and getting documents supporting eligibility, help reading documents and notices, additional explanations of program rules, reminder calls about appointments, etc.). Some who interact with SUATS have a relative, friend, advocate, or service provider who can assist them, but many do not. Again, it is important to remember that communications with a person's companion with a disability must also be as clear as our communications with others. SUATS staff members cannot assume that all persons with whom we communicate with a cognitive disability or mental health problem has someone to assist them.

Accommodating people who interact with SUATS based on behavior: Some individuals who interact with SUATS may not be aware of or recognize that they have a disability (e.g., mental disabilities) and are therefore unlikely to request reasonable accommodations, even though they need and are entitled to them. Some who interact with SUATS may behave in a hostile or disruptive manner because of a disability (e.g., a mental disability).

Individuals who interact with SUATS should not be referred to other agencies as an accommodation. However, individuals with disabilities may require other services (e.g., mental health care) that SUATS does not provide. Referring people to other agencies and services may be appropriate in such instances, but it is not a substitute for providing accommodations at SUATS so the visitor, applicant or recipient can obtain services or any person who interacts with SUATS can receive effective communications.

Who is responsible for providing reasonable accommodations at SUATS?

Every staff member has a responsibility to provide reasonable accommodations. If the staff member is not sure if an accommodation is reasonable, the staff member should consult with a supervisor, program administrator and/or the Title VI Officer. However, many accommodations needed by people who interact with SUATS are routine and should be provided as a matter of course.

Time frame for providing accommodations: Many accommodations (such as help with completing an application) are provided on the same day they are requested. Other accommodations should be provided in time to prevent a denial of equal and meaningful access to programs and services.

SUATS cannot require someone to accept an accommodation. Individuals have a right to refuse accommodations. If an individual refuses an offered accommodation and as a result, cannot comply with a program requirement, SUATS staff may initiate an adverse action against that person. Before doing so, however, staff should re-offer the accommodation and inform the person who interacts with SUATS that an adverse action may be taken if the person is unable to comply with a requirement as a result of refusing the accommodation

APPENDIX D

CONTRACTOR COMPLIANCE CLAUSES FOR TRANSPORTATION PROJECTS

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, Federal Highway Administration (FHWA), and Federal Transit Administration (FTA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
- (2) **Non-discrimination:** The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by 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. This includes FHWA or FTA specific program requirement.
- (3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin. This includes FHWA or FTA specific program requirements.
- (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 SUMTER AREA TRANSPORTATION STUDY (hereinafter SUATS), the FEDERAL HIGHWAY ADMINISTRATION (FHWA), or the FEDERAL TRANSIT ADMINISTRATION (FTA) to be pertinent to ascertain compliance with such Acts, Regulations, 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 SUATS, FHWA or the FTA, as appropriate, and will set forth what efforts it has made to obtain the information.
- (5) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the Non-discrimination provisions of this contract, SUATS will impose such contract sanctions as it or the FEDERAL HIGHWAY ADMINISTRATION (FHWA), or the FEDERAL TRANSIT ADMINISTRATION (FTA) may determine to be appropriate, including, but not limited to:
 - (a) withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (b) cancellation, termination or suspension of the contract, in whole or in part.

Incorporation of Provisions: The contractor will include the provisions of paragraphs one (1) through six (6) 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 subcontractor procurement as SUATS, the FEDERAL HIGHWAY ADMINISTRATION (FHWA), or the FEDERAL TRANSIT ADMINISTRATION (FTA) 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 with a subcontractor, or supplier because of such direction, the contractor may request SUATS to enter into any litigation to protect the interests of SUATS. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX E

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 SUMTER URBA AREA TRANSPORTATION STUDY (hereinafter SUATS) will accept Title to the lands and maintain the project constructed thereon, in accordance with the appropriate legislative authority, the Regulations for the Administration of its programs and activities, and the policies and procedures prescribed by the FEDERAL HIGHWAY ADMINISTRATION or the FEDERAL TRANSIT ADMINISTRATION of the U.S. Department of Transportation in accordance with and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in federally assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the SCDOT 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 SUATS 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 SUATS, its successors and assigns.

SUATS, in consideration or 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 SUATS will use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally assisted programs of the 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 the above described land and facilities will thereon revert to 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 purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX F

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

The following clauses will be included in all deeds, licenses, leases, permits, or similar instruments entered into by SUMTER AREA TRANSPORTATION STUDY (hereinafter SUATS) pursuant to the provisions of Assurance 7(a):

- A. The (grantee, licensee, 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 said 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 other 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 a breach of any of the above Non-discrimination covenants, SUATS will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, 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, SUATS will have the right to enter or reenter said lands and facilities thereon, and the above described lands and facilities will thereupon revert to and vest in and become the absolute property of SUATS and its assigns.*

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX G

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

The following clauses will be included in all deeds, licenses, leases, permits, or similar instruments entered into by SUMTER AREA TRANSPORTATION STUDY (hereinafter SUATS) pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, 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) 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,
 - (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, 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, and
 - (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, SUATS will have the right to terminate the (license, permit, etc., as appropriate) and 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, SUATS will have the right to enter or reenter said lands and facilities thereon, and the above described lands and facilities will thereupon revert to and vest in and become the absolute property of SUATS and its assigns.*

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI.

APPENDIX H

CONTRACTOR NON-DISCRIMINATION CLAUSES

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

Pertinent Non-Discrimination Authorities:

- Title VI of the 1964 Civil Rights Act (42 U.S.C. 2§000 *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;
- The 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, (42 U.S.C. §47123), as amended, (prohibits discrimination on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (P.L. 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 CFR 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 nondiscrimination 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, recipients must take reasonable steps to ensure that LEP persons have meaningful access to programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendment of 1972, as amended, which prohibits discrimination on the basis of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

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**Questions regarding SUATS and the Title VI Plan
and any associated projects may be directed to:**

**SUATS MPO
Sumter City-County Planning Department
PO Box 1449 (12 West Liberty St.)
Sumter, South Carolina 29151
Tel: 803.774.1612**

