



**GAINESVILLE-HALL**  
Metropolitan Planning Organization

# **Title VI Plan and Environmental Justice Analysis**

*Adopted: May 14, 2024*



*In accordance with Title VI of the Civil Rights Act of 1964 and other nondiscrimination laws, public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, familial, or in income status.*

*Prepared by the Gainesville-Hall Metropolitan Planning Organization in coordination with the City of Gainesville, City of Oakwood, City of Flowery Branch, Town of Braselton, City of Hoschton, Hall County, Jackson County, Hall Area Transit, Jackson County Transit, the Georgia Department of Transportation, the Federal Highway Administration, and the Federal Transit Administration.*



**A Resolution by the Gainesville-Hall Metropolitan Planning Organization  
Policy Committee Adopting the 2024 GHMPO Title VI Environmental Justice Analysis**

**WHEREAS**, the Gainesville-Hall Metropolitan Planning Organization (GHMPO) has been designated by the Governor of the State of Georgia as the body responsible for the transportation planning process for Hall County and a western portion of Jackson County; and

**WHEREAS**, the federal regulations, Infrastructure Investment and Jobs Act (IIJA), mandate that Metropolitan Planning Organizations develop a Title VI Program and Environmental Justice Analysis; and

**WHEREAS**, as a sub-recipient of federal funds from the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) via the Georgia Department of Transportation (GDOT), the GHMPO is required to comply with Title VI of the Civil Rights Act of 1964 which prohibits discrimination based on race, color and national origin; and


**WHEREAS**, the Policy Committee (PC) is the recognized decision making body for transportation planning with the Gainesville-Hall Metropolitan Planning Organization (GHMPO); and

**NOW, THERE, BE IT RESOLVED** that the Gainesville-Hall Metropolitan Planning Organization adopts the 2024 GHMPO Title VI Environmental Justice Analysis.

A motion was made by PC member Chairman Higgins and seconded by PC member Commissioner Stone and approved this the 14<sup>th</sup> of May, 2024.

  
\_\_\_\_\_  
Mayor Ed Asbridge, Chair  
Policy Committee

Subscribed and sworn to me this the 14<sup>th</sup> of May, 2024

  
\_\_\_\_\_  
Notary Public

My commission expires 1-21-2028  
**Anael Dominguez**  
**NOTARY PUBLIC**  
**HALL COUNTY, GEORGIA**  
**My Commission Expires 01/21/2028**

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## Title VI Plan Activity Log

Date	Activity [Review/Update/Addendum/Adoption/Distribution]	Concerned Person (Signature)	Remarks

## **Title VI / Nondiscrimination Policy Statement and Management Commitment to Title VI Plan**

*49 CFR Part 21.7(a): Every application for Federal financial assistance to which this part applies shall contain, or be accompanied by, an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed or pursuant to [49 CFR Part 21].*

The Gainesville-Hall Metropolitan Planning Organization (GHMPO) assures the Georgia Department of Transportation that no person shall on the basis of race, color, or national origin as provided by Title VI of the Civil Rights Act of 1964, Federal Transit Laws, 49 CFR Part 21 Unlawful Discrimination, Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation and as per written guidance under FTA Circular 4702.1B, dated October 2012, be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity undertaken by the agency.

The GHMPO further agrees to the following responsibilities with respect to its programs and activities:

1. Designate a Title VI Liaison that has a responsible position within the organization and access to the recipient's Chief Executive Officer or authorized representative.
2. Issue a policy statement signed by the Executive Director or authorized representative, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the Recipient's organization and to the general public. Such information shall be published where appropriate in language other than English.
3. Insert the clauses of Section 4.5 of this plan into every contract subject to the Acts and the Regulations.
4. Develop a complaint process and attempt to resolve complaints of discrimination against the Gainesville- Hall MPO.
5. Participate in training offered on the Title VI and other nondiscrimination requirements.
6. If reviewed by GDOT or any other state or federal regulatory agency, take affirmative actions to correct any deficiencies found within a reasonable time period, not to exceed ninety (90) days.
7. Have a process to collect racial and ethnic data on persons impacted by the agency's programs.
8. Submit the information required by FTA Circular 4702.1B to the GDOT. (refer to Appendix A of this plan)

**THIS ASSURANCE** is given in consideration of and for the purpose of obtaining any and all federal funds, grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and is binding. The person whose signature appears below is authorized to sign this assurance on behalf of the agency.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_  
Executive Director/Signatory Authority, Your Transit System, Date: Month/Day/Year

## **Introduction & Description of Services**

The Gainesville-Hall MPO submits this Title VI Plan in compliance with Title VI of the Civil Rights Act of 1964, 49 CFR Part 21, and the guidelines of FTA Circular 4702.1B, published October 1, 2012.

The Gainesville-Hall MPO is a sub-recipient of FTA funds and provides service in Hall and Jackson Counties. A description of the current Gainesville-Hall MPO system is included in Appendix B.

### **Title VI Liaison**

Joseph Boyd, AICP, Transportation Planning Director  
Employed by the Gainesville-Hall Metropolitan Planning Organization  
(770) 297-5541  
2875 Browns Bridge Road, Gainesville, GA 30504

### **Alternate Title VI Contact**

Michael Haire, Transportation Planning Manager  
Employed by the Gainesville-Hall Metropolitan Planning Organization  
(770) 297-2604  
2875 Browns Bridge Road, Gainesville, GA 30504

The Gainesville-Hall MPO must designate a liaison for Title VI issues and complaints within the organization. The liaison is the focal point for Title VI implementation and monitoring of activities receiving federal financial assistance. Key responsibilities of the Title VI Liaison include:

- Maintain knowledge of Title VI requirements.
- Attend training on Title VI and other nondiscrimination authorities when offered by GDOT or any other regulatory agency.
- Disseminate Title VI information to the public including in languages other than English, when necessary.
- Develop a process to collect data related to race, gender and national origin of service area population to ensure low income, minorities, and other underserved groups are included and not discriminated against.
- Implement procedures for the prompt processing of Title VI complaints.

## First Time Applicant Requirements

*FTA Circular 4702.1B, Chapter III, Paragraph 3: Entities applying for FTA funding for the first time shall provide information regarding their Title VI compliance history if they have previously received funding from another Federal agency.*

The Gainesville-Hall MPO is not a first time applicant for FTA/GDOT funding. The following is a summary of the Gainesville-Hall MPO's current and pending federal and state funding.

### Current and Pending FTA Funding

1. FY 2024 Section 5303 Funds, FTA, \$106,863.00, Current
2. FY 2025 Section 5303 Funds, FTA, \$109,098.00, Current

### Current and Pending GDOT Funding

1. FY 2024 Section 5303 Funds, GDOT, \$13,358.00, Current
2. FY 2025 Section 5303 Funds, GDOT, \$13,637.25, Current

### Current and Pending Federal Funding (non-FTA)

1. FY 2024 PL Funds, FHWA, \$263,718.30, Current
2. FY 2025 PL Funds, FHWA, \$269,178.59, Current

During the previous three years, the Georgia Department of Transportation did not complete a Title VI compliance review of the Gainesville-Hall MPO.

*FTA Circular 4702.1B, Chapter III, Paragraph 2: Every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with the Title VI regulations.*

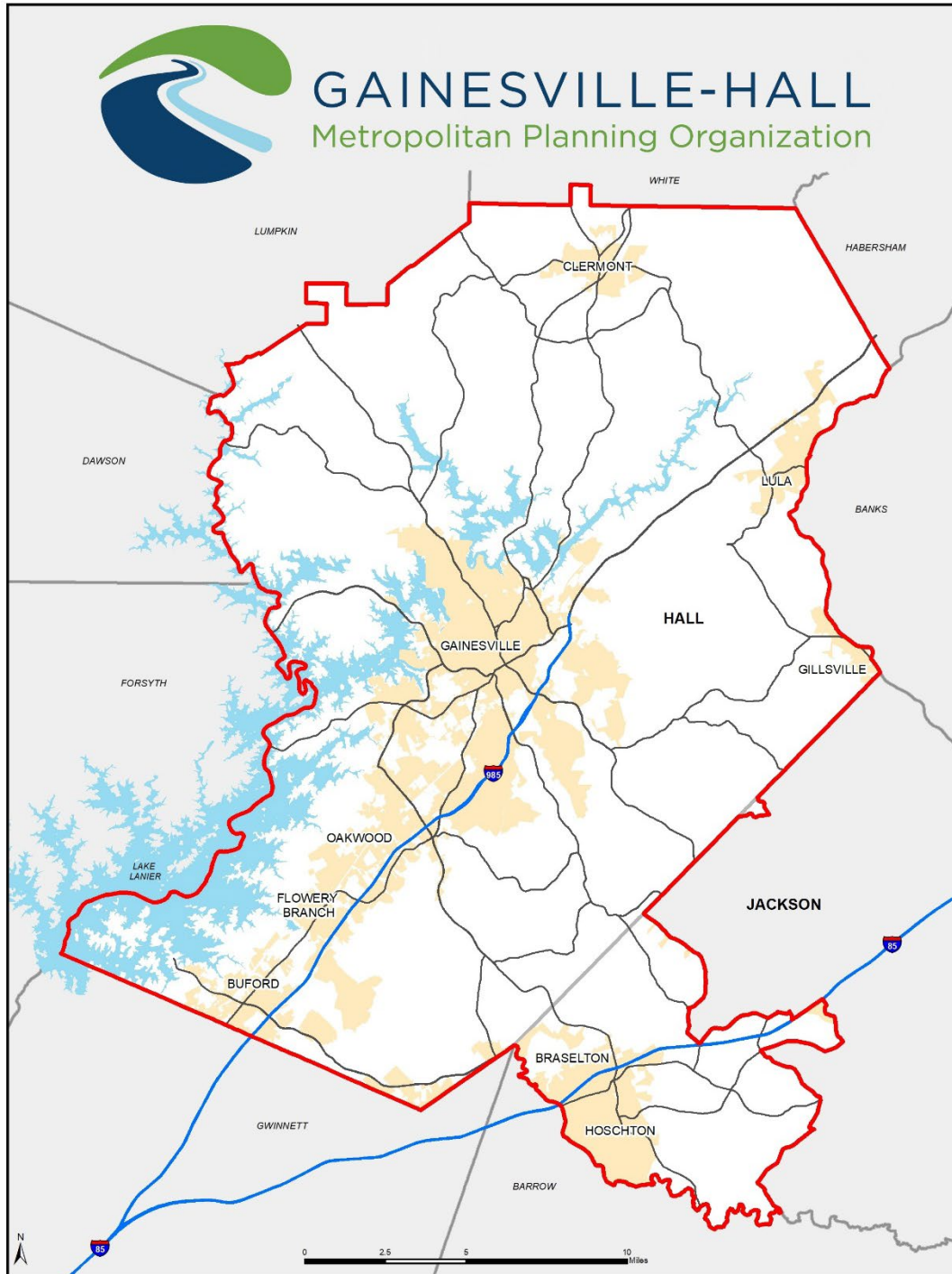
## Annual Certifications and Assurances

In accordance with 49 CFR Section 21.7(a), every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with Title VI regulations. This requirement shall be fulfilled when the applicant/recipient submits its annual certifications and assurances. Primary recipients will collect Title VI assurances from sub-recipients prior to passing through FTA funds.

The Gainesville-Hall MPO will remain in compliance with this requirement by annual submission of certifications and assurances as required by GDOT.

## Title VI Plan Concurrence and Adoption

This Plan is anticipated to be approved and adopted by the GHMPO Policy Committee during a meeting held on May 14, 2024. A copy of the meeting minutes will be included in Appendix C of this plan, and the concurrence letter from GDOT will be added once it is received.





## Title VI Notice to the Public

*FTA Circular 4702.1B, Chapter III, Paragraph 5: Title 49 CFR 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.*

### Notice to Public

Recipients must notify the public of its rights under Title VI and include the notice and where it is posted in the Title VI Plan. The notice must include:

- A statement that the agency operates programs without regard to race, color and national origin
- A description of the procedures members of the public should follow in order to request additional information on the grantee's nondiscrimination obligations
- A description of the procedure members of the public should follow in order to file a discrimination complaint against the grantee

The notice is included in Appendix D of this Plan. The notice will be translated into other languages, as necessary.

### Notice Posting Locations

The Notice to Public will be posted at many locations to apprise the public of The Gainesville-Hall MPO's obligations under Title VI and to inform them of the protections afforded them under Title VI. At a minimum, the notice will be posted in public areas of The Gainesville-Hall MPO's office(s) including the reception desk and meeting rooms, and on the Gainesville-Hall MPO's website at (<https://www.ghmpo.org/planning-documents/title-vi-program-environmental-justice-analysis>). Additionally, The Gainesville-Hall MPO will post the notice at stations, stops and on transit vehicles.

This notice is included in Appendix D of this Plan along with any translated versions of the notice, as necessary.

## **Title VI Procedures and Compliance**

*FTA Circular 4702.1B, Chapter III, Paragraph 6: All recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to member of the public.*

### **Complaint Procedure**

Any person who believes he or she has been discriminated against on the basis of race, color or national origin by the Gainesville-Hall MPO may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form (refer to Appendix E). The Gainesville-Hall MPO investigates complaints received no more than 180 days after the alleged incident. The Gainesville-Hall MPO will process complaints that are complete.

Once the complaint is received, the Gainesville-Hall MPO will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing him/her whether the complaint will be investigated by our office.

The Gainesville-Hall MPO has ninety (90) days to investigate the complaint. If more information is needed to resolve the case, The Gainesville-Hall MPO may contact the complainant. The complainant has ten (10) business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within ten (10) business days, The Gainesville-Hall MPO can administratively close the case. A case can also be administratively closed if the complainant no longer wishes to pursue their case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. A LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member or other action will occur. If the complainant wishes to appeal the decision, she/he has seven (7) days to do so from the time he/she receives the closure letter or the LOF.

The complaint procedure will be made available to the public at the Gainesville-Hall MPO's website (<https://www.ghmpo.org/planning-documents/title-vi-program-environmental-justice-analysis/>).

### **Complaint Form**

A copy of the complaint form in English and Spanish is provided in Appendix E and on the Gainesville-Hall MPO's website (<https://www.ghmpo.org/planning-documents/title-vi-program-environmental-justice-analysis/>).

### **Record Retention and Reporting Policy**

FTA requires that all direct and primary recipients (GDOT) document their compliance by submitting a Title VI Plan to their FTA regional civil rights officer once every three (3) years. The

Gainesville-Hall MPO will submit Title VI Plans to GDOT for concurrence on an annual basis or any time a major change in the Plan occurs.

Compliance records and all Title VI related documents will be retained for a minimum of three (3) years and reported to the primary recipient annually.

### Sub-recipient Assistance and Monitoring

The Gainesville-Hall MPO does not have any sub-recipients to provide monitoring and assistance to. As a sub-recipient to GDOT, the Gainesville-Hall MPO utilizes the sub-recipient assistance and monitoring provided by GDOT, as needed. In the future, if Your Transit System has sub-recipients, it will provide assistance and monitoring as required by FTA Circular 4702.1B.

### Sub recipients and Subcontractors

The Gainesville-Hall MPO is responsible for ensuring that subcontractors (TPOs) are in compliance with Title VI requirements. Sub recipients may not discriminate in the selection and retention of any subcontractors. Subcontractors also may not discriminate in the selection and retention of any subcontractors. The Gainesville-Hall MPO, subcontractors, and/or TPOs may not discriminate in their employment practices in connection with federally assisted projects. Subcontractors and TPOs are not required to prepare or submit a Title VI Plan. However, the following nondiscrimination clauses will be inserted into every contract with contractors and subcontractors subject to Title VI regulations.

### **Nondiscrimination Clauses**

During the performance of a contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the “Contractor”) must agree to the following clauses:

- **Compliance with Regulations:** The Contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter, “USDOT”) Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.
- **Nondiscrimination:** The Contractor, with regard to the work performed during the contract, shall not discriminate on the basis of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- **Solicitations for Subcontractors, including Procurements of Materials and Equipment:** In all solicitations made by the Contractor, either by competitive bidding or negotiation for work to be performed under a subcontract, including procurements of materials or leases of equipment; each potential subcontractor or supplier shall be notified by the Contractor of the subcontractor’s obligations under this contract and the Regulations relative to nondiscrimination on the basis of race, color, or national origin.
- **Information and Reports:** The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Georgia Department of Transportation and/or the Federal Transit Administration, to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information the Contractor shall so certify to the Georgia Department of Transportation, and/or the Federal Transit Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
- **Sanctions for Noncompliance:** In the event of the Contractor’s noncompliance with the nondiscrimination provisions of this contract, The Gainesville-Hall MPO shall impose contract sanctions as appropriate, including, but not limited to:
  - withholding of payments to the Contractor under the contract until the Contractor complies, and/or

- cancellation, termination or suspension of the contract, in whole or in part.
- **Incorporation of Provisions:** The Contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the Gainesville-Hall MPO, Georgia Department of Transportation, and/or the Federal Transit Administration, may direct as a means of enforcing such provisions including sanctions for noncompliance.

### **Disadvantaged Business Enterprise (DBE) Policy**

As a condition of your agreement with GDOT, the Gainesville-Hall MPO and its contractors and subcontractors agree to ensure that Disadvantaged Business Enterprises as defined in 49 CFR Part 26, as amended, have the opportunity to participate in the performance of contracts. The Gainesville-Hall MPO and its contractor and subcontractors shall not discriminate on the basis of race, color, national origin, or sex in the performance of any contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of GDOT-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 the contract or such other remedy as the recipient deems appropriate.

### **E-Verify**

As a condition of your agreement with GDOT, vendors and contractors of the Gainesville-Hall MPO shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the vendor or contractor while contracted with the Gainesville-Hall MPO. Additionally, vendors and contractors shall expressly require any subcontractors performing work or providing services pursuant to work for the Gainesville-Hall MPO shall likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor while working for the Gainesville-Hall MPO.

The Gainesville-Hall Metropolitan Planning Organization (GHMPO), hosted by Hall County Planning & Development, is housed within the Hall County Government Center in Gainesville, Georgia. GHMPO staff administers the planning program, provides technical guidance and administrative support to the committees. GHMPO works with federal agencies such as the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) and at the state level with the Georgia Department of Transportation (GDOT). Local jurisdictions are represented within the GHMPO committees.

## Title VI Investigation, Complaints, and Lawsuits

*FTA Circular 4702.1B, Chapter III, Paragraph 7: In order to comply with the reporting requirements of 49 CFR 21.9(b), FTA requires all recipients to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin: active investigations.....; lawsuits, and complaints naming the recipient.*

In accordance with 49 CFR 21.9(b), The Gainesville-Hall MPO must record and report any investigations, complaints, or lawsuits involving allegations of discrimination. The records of these events shall include the date the investigation, lawsuit, or complaint was filed; a summary of the allegations; the status of the investigation, lawsuit, or complaint; and actions taken by the Gainesville-Hall MPO in response; and final findings related to the investigation, lawsuit, or complaint. The records for the previous three (3) years shall be included in the Title VI Plan when it is submitted to GDOT.

The Gainesville-Hall MPO has had no investigations, complaints, or lawsuits involving allegations of discrimination on the basis of race, color, or national origin over the past three (3) years. A summary of these incidents is recorded in Table 1.

	Data (Month, Day, Year)	Summary (Include Basis of Complaint: race, color, or national origin)	Status	Action(s) Taken
<b>Investigations</b>				
1.				
2.				
<b>Lawsuits</b>				
1.				
2.				
<b>Complaints</b>				
1.				
2.				

## Participation Plan

*FTA Circular 4702.1B, Chapter III, Paragraph 4.a.4: Every Title VI Plan shall include the following information: A public participation plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made since the last Title VI Plan submission. A recipient's targeted public participation plan of minority populations may be part of efforts that extend more broadly to include constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others.*

The GHMPO Participation Plan (PPP) was developed to ensure that all members of the public, including minorities and Limited English Proficient (LEP) populations, are encouraged to participate in the decision making process for The Gainesville-Hall MPO. Policy and service delivery decisions need to take into consideration community sentiment and public opinion based upon well- executed outreach efforts. The public outreach strategies described in the Participation Plan are designed to provide the public with effective access to information about The Gainesville-Hall MPO services and to provide a variety of efficient and convenient methods for receiving and considering public comment prior to implementing changes to services. The 2024 GHMPO Participation Plan is anticipated to be adopted concurrently with this plan on May 14, 2024.

### Current Outreach Efforts

The Gainesville-Hall MPO is required to submit a summary of public outreach efforts made over the last three (3) years. The following is a list and short description of the Gainesville-Hall MPO's recent, current, and planned outreached activities.

- Quarterly newsletter and other news posted on the GHMPO (<https://www.ghmpo.org/about-us/news/>).
- Public meetings with GHMPO jurisdictions and partners as necessary
- All GHMPO committee meetings are open to the public, and citizen attendance is encouraged, especially for the Citizen Advisory Committee.
- GHMPO mailing list

## Language Assistance Plan

*FTA Circular 4702.1B, Chapter III, Paragraph 9: Recipients shall take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited English proficient (LEP).*

The Gainesville-Hall MPO operates a transit system within Hall and Jackson Counties. The Language Assistance Plan (LAP) has been prepared to address the Gainesville-Hall MPO's responsibilities as they relate to the needs of individuals with Limited English Proficiency (LEP). Individuals who have a limited ability to read, write, speak or understand English are LEP. In the Gainesville-Hall MPO service area there are 24,225 residents over the age of 5 or 11.6% who describe themselves as speaking English less than "very well". (Source: US Census, 2021 American Community Survey). The Gainesville-Hall MPO is federally mandated (Executive Order 13166) to take responsible steps to ensure meaningful access to the benefits, services, information and other important portions of its programs and activities for individuals who are LEP. The Gainesville-Hall MPO has utilized the U.S. Department of Transportation (DOT) LEP Guidance Handbook and performed a four factor analysis to develop its LAP. The LAP is included in this Title VI Plan as Appendix G.

## Transit Planning and Advisory Bodies

*FTA Circular 4702.1B, Chapter III, Paragraph 10: Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees.*

The Gainesville-Hall MPO is overseen by the Technical Coordinating Committee (TCC), Citizen Advisory Committee (CAC), and Policy Committee (PC).

Body	Caucasian	Latino	African American	Asian American	Native American	Other
<b>Service Area Population</b>	<b>61.86%</b>	<b>25.48%</b>	<b>6.75%</b>	<b>2.25%</b>	<b>0.17%</b>	<b>0.35%</b>
<b>Technical Coordinating Committee</b>	<b>75%</b>	<b>5%</b>	<b>10%</b>	<b>10%</b>	<b>0%</b>	<b>0%</b>
<b>Citizens Advisory Committee</b>	<b>95%</b>	<b>0%</b>	<b>5%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>
<b>Policy Committee</b>	<b>100%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>

The Gainesville-Hall MPO will make efforts to encourage minority participation on the committee. These efforts are made by distributing information about the participation on the committee at public meetings and throughout the transit system. The Gainesville-Hall MPO will utilize the minority population demographic maps included in Appendix H in order to focus on the areas in which the committee participation information is distributed.



## Title VI Equity Analysis

*FTA Circular 4702.1B, Chapter III, Paragraph 4.a.8: If the recipient has constructed a facility, such as vehicle storage, maintenance facility, operation center, etc., the recipient shall include a copy of the Title VI equity analysis conducted during the planning stage with regard to the location of the facility.*

Title 49 CFR, Appendix C, Section (3)(iv) requires that “the location of projects requiring land acquisition and the displacement of persons from their residences and business may not be determined on the basis of race, color, or national origin.” For purposes of this requirement, “facilities” does not include bus shelters, as they are considered transit amenities. It also does not include transit stations, power substations, or any other project evaluated by the National Environmental Policy Act (NEPA) process. Facilities included in the provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. In order to comply with the regulations, the Gainesville-Hall MPO will ensure the following:

1. The Gainesville-Hall MPO will complete a Title VI equity analysis for any facility during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. The Gainesville-Hall MPO will engage in outreach to persons potentially impacted by the siting of the facility. The Title VI equity analysis must compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site.
2. When evaluating locations of facilities, The Gainesville-Hall MPO will give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. Analysis should be done at the Census tract or block group level where appropriate to ensure that proper perspective is given to localized impacts.
3. If the Gainesville-Hall MPO determines that the location of the project will result in a disparate impact on the basis of race, color, or national origin, The Gainesville-Hall MPO may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin. The Gainesville-Hall MPO must demonstrate and document how both tests are met. The Gainesville- Hall MPO will consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

The Gainesville-Hall MPO has not recently constructed any facilities nor does it currently have any facilities in the planning stage. Therefore, the Gainesville-Hall MPO does not have any Title VI Equity Analysis reports to submit with this Plan. The Gainesville-Hall MPO will utilize the demographic maps included in Appendix H for future Title VI analysis.

## **System-Wide Service Standards and Service Policies**

*FTA Circular 4702.1B, Chapter III, Paragraph 10: All fixed route transit providers shall set service standards and policies for each specific fixed route mode of service they provide.*

The Gainesville-Hall MPO is not a fixed route service provider.

# **2024 GHMPO Title VI Environmental Justice Analysis**

## ***Appendix A: FTA Circular 4702.1B Reporting Requirements for Transit Providers***

Every three years, on a date determined by FTA, each recipient is required to submit the following information to the Federal Transit Administration (FTA) as part of their Title VI Program. Sub-recipients shall submit the information below to their primary recipient (the entity from whom the sub-recipient receives funds directly), on a schedule to be determined by the primary recipient.

### **General Requirements**

All recipients must submit:

- Title VI Notice to the Public, including a list of locations where the notice is posted
- Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)
- Title VI Complaint Form
- List of transit-related Title VI investigations, complaints, and lawsuits
- Public Participation Plan, including information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission
- Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance
- A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees
- Primary recipients shall include a description of how the agency monitors its sub-recipients for compliance with Title VI, and a schedule of sub-recipient Title VI Program submissions
- A Title VI equity analysis if the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.
- A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program. For State DOTs, the appropriate governing entity is the State's Secretary of Transportation or equivalent. The approval must occur prior to submission to FTA.
- Additional information as specified in Chapters IV, V, and VI, depending on whether the recipient is a transit provider, a State, or a planning entity (see below)

# **2024 GHMPO Title VI Environmental Justice Analysis**

## *Appendix B: Current System Description*

1. An overview of the organization including its mission, program goals and objectives.

The GHMPO conducts the federally mandated transportation planning process for the Gainesville Urbanized Area and portions of the Atlanta Urbanized Area, as identified in the 2010 U.S. Census.

2. Organizational structure, type of operation, number of employees, service hours, staffing plan and safety and security plan.

The GHMPO is a federally funded government organization working with local governments in the Gainesville Urbanized Area and beyond to prioritize and plan for future transportation needs. Our organization is made up of 2 full-time employees, and 1 part-time employee. Our Transportation Planning Director is responsible for all of the day-to-day operations of our organization and reports directly to our Director, who is also the Hall County Director of Planning and Development, as well as the three GHMPO committees. All employees are in the office and available to the public. Transportation services are provided by local jurisdictions and agencies, such as Hall Area Transit, and not directly by the GHMPO.

3. Indicate if your agency is a government authority.

The GHMPO is a metropolitan planning organization, which is a locally housed, federally funded government organization.

4. Who is responsible for insurance, training and management, and administration of the agency's transportation programs?

The GHMPO does not provide a transportation service, but the Transportation Planning Director and the Transportation Planner perform all planning and administrative activities.

5. Who provides vehicle maintenance and record keeping?

The GHMPO does not own, operate, or maintain any vehicles, nor operate a transit service to keep records for.

6. Number of current transportation related employees

The GHMPO does not have any employees that assist in operating a transportation service.

7. Who will drive the vehicle, number of drivers, CDL certifications, etc.?

The GHMPO does not provide transportation services, and thus does not have vehicles or drivers.

8. A detailed description of service routes and ridership numbers

The GHMPO does not provide transportation services, and thus does not have service routes or ridership numbers.

# **2024 GHMPO Title VI Environmental Justice Analysis**

*Appendix C: Title VI Plan Adoption Meeting  
Minutes and GDOT Concurrence Letter*



**Russell R. McMurry, P.E., Commissioner**  
One Georgia Center  
600 West Peachtree NW  
Atlanta, GA 30308  
(404) 631-1990 Main Office

August 23, 2021

Mr. Joseph Boyd, Transportation Planning Director  
Gainesville-Hall Metropolitan Planning Organization  
2875 Browns Bridge Rd.,  
Gainesville, GA 30504

Dear Mr. Boyd,

The Department has completed its review of your Title VI Plan and has determined that it meets the requirements established in the Federal Transit Administration's (FTA) Circular 4702.1B, "Title VI Program Guidelines for Federal Transit Administration Recipients," effective October 1, 2012.

Thank you for your ongoing cooperation and compliance of the FTA Civil Rights Program requirements. Should you need assistance or have any questions, please do not hesitate to contact Ashley Finch, Rail/Transit Planner directly at [afinch@dot.ga.gov](mailto:afinch@dot.ga.gov) or (470) 432-1751.

Sincerely,

  
Kaycee Mertz  
Division of Intermodal

Kaycee Mertz  
Transit Program Manager  
Division of Intermodal



## **Policy Committee**

**The Station Meeting Room, City of Gainesville Administrative Building  
Draft Minutes of August 10, 2021 Meeting**

### **Voting Members Present:**

Mayor Danny Dunagan, City of Gainesville, Chair  
Mayor Lamar Scroggs, City of Oakwood, Vice  
Chair  
Chairman Richard Higgins, Hall County  
Commissioner Jeff Stowe, Hall County  
Commissioner Kathy Cooper, Hall County  
Charles Robinson, GDOT

### **Voting Members Absent:**

Mayor Mike Miller, City of Flowery Branch  
Chairman Tom Crow, Jackson County

### **Others Present:**

Angela Sheppard, City of Gainesville  
Chris Rotalsky, City of Gainesville  
Jock Connell, Hall County  
Srikanth Yamala, Hall County  
Bill Nash, Hall County  
BR White, City of Oakwood  
Justin Lott, GDOT District 1  
Melodii Peoples, GDOT District 1

Beth Davis, GDOT  
Philippa Lewis Moss, Hall Area Transit  
Jeff Gill, Gainesville Times  
Sarah McQuade, GHMPO  
Joseph Boyd, GHMPO  
Michael Haire, GHMPO  
Laura Ogletree, GHMPO

## **AGENDA**

### **1. Welcome**

Mayor Dunagan opened the meeting at 10:00 AM.

### **2. Approval of May 11, 2021 Meeting Minutes**

**MOTION:** Mayor Scroggs made a motion to approve the draft meeting minutes of the May 11, 2021 Policy Committee meeting, with a second from Chairman Higgins, and the motion passed unanimously.

**3. Report from the Technical Coordinating Committee**

Mr. Boyd provided a brief overview of the Technical Coordinating Committee meeting that occurred on July 21, 2021.

**4. Report from the Citizens Advisory Committee**

Mr. Boyd provided a brief overview of the Citizens Advisory Committee meeting that occurred on July 29, 2021.

**5. Approval of Draft Title VI Program, Environmental Justice Analysis & Participation Plan**

Mr. Haire provided a brief overview of the Draft Title VI Program, Environmental Justice Analysis & Participation Plan. Mr. Haire explained that the primary function of this document is to ensure that all citizens within the GHMPO planning boundary are able to engage in the planning process and have fair access to transportation facilities. Additionally, Mr. Haire explained that the primary change in this routine update is the inclusion of the Public Participation Plan (PPP), which was previously adopted separately, as an appendix of the Title VI document.

**MOTION:** Chairman Higgins made a motion to approve the Draft Title VI Update, Environmental Justice Analysis & Participation Plan, with a second from Commissioner Stowe, and the motion passed unanimously.

**6. Approval of Draft PL Fund Application for the SR 53 Bypass Study**

Mr. Boyd informed the Policy Committee of efforts to apply for additional PL funds to conduct a State Route 53 Bypass Study, which would seek to evaluate options for alleviating congestion in the downtown areas of the Towns of Hoschton and Braselton. The application is requesting \$100,000 in PL funds with \$25,000 in local matching funds provided by Jackson County, Braselton, and Hoschton. Additionally, GDOT has had conversations with GHMPO about getting involved with the study and extending the study scope farther north along I-85 and farther south into Barrow County, which is located within the Atlanta Regional Commission planning area. While GDOT is still working through the details on the possible study scope, they have asked GHMPO committees to take action on the application as it currently stands.

**MOTION:** Commissioner Stowe made a motion to approve the Draft PL Fund Application for the SR 53 Bypass Study, with a second from Commissioner Higgins, and the motion passed unanimously.

*GHMPO welcomes people with disabilities and their trained service animals. For questions about accessibility or to request reasonable accommodation to an event or facility, please contact Maria Tuck, Hall County Compliance Specialist at 770-531-6712 by 48 hours prior to the event or as soon as possible.*

#### 7. Approval of Draft Amendment #1 to the FY 2022 UPWP

Mr. Boyd introduced the first draft amendment to the FY 2022 UPWP. The purpose of Draft Amendment #1 is to transfer \$10,000 of funds from Work Element 1.1 – “Operations and Administration” to Work Element 4.5 – “Special Transportation Studies” in order to accommodate a potential Design Guide document for the Highlands to Islands Intergovernmental Agreement, which would cost approximately \$15,000.

**MOTION:** Commissioner Higgins made a motion to approve Draft Amendment #1 to the FY 2022 UPWP, with a second from Commissioner Stowe, and the motion passed unanimously.

#### 8. 2021 Crash Profiles – Hall County & Jackson County

Mr. Haire introduced new Crash Profile reports, which detail vehicular collisions throughout both Hall and Jackson Counties during the year of 2020. Using data retrieved from the Georgia Electronic Accident Reporting System (GEARS), these documents contain maps showing collision locations for regular collision, collisions with an injury, collisions with fatalities, as well as additional data for different conditions surrounding the collisions. Additionally, the Crash Profiles contain data pertaining to five-year trends in both counties. Mr. Haire explained that the pages in the meeting packet were excerpts from the full document, which is available on the GHMPO website. Mr. Haire added that he could provide a link to the full reports, as well as the crash data in a map package for local jurisdiction use, if any Policy Committee members were interested.

#### 9. Jurisdiction and Agency Reports

Representatives shared the status of projects being completed by their jurisdictions: Mr. Rotalsky for the City of Gainesville, Mr. White for the City of Oakwood, Ms. Moss for Hall Area Transit, Mr. Yamala for Hall County, and Mr. Lott for the Georgia Department of Transportation.

#### 10. Other

Mr. Boyd provided a brief update on the two TCC subcommittees: the Trails Subcommittee and the McEver Road Subcommittee. The Trails subcommittee is currently in the process of identifying and ranking trail segments by priority, with the two primary goals being the completion of the Atlanta Highway/UNG connector trail and the Gainesville Airport trail connecting the Midtown Greenway with the Chicopee Trail. The McEver Road Subcommittee is currently exploring options for alleviating congestion along the corridor with multiple potential improvements, including the possible installation of roundabouts. MPO staff will have additional information on both committees at the next Policy Committee meeting in November.

Additionally, Mr. Boyd gave a brief update on the Atlanta to Charlotte High Speed Rail, which has shifted the proposed route from going through Gainesville to going through Athens.

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**11. Public Comment**

There were no public comments.

**12. Upcoming Meeting Date: November 9, 2021**

Mayor Dunagan reminded the Policy Committee of their next meeting date on November 9, 2021. The location will be announced closer to the meeting date.

**13. Adjourn**

There being no other items of business, the meeting was adjourned at 10:30 AM.

---

Mayor Danny Dunagan, City of Gainesville, Chair

---

Laura Ogletree, Clerk

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# **2024 GHMPO Title VI Environmental Justice Analysis**

## *Appendix D: Title VI Notice to Public*

## **Notifying the Public of Rights Under Title VI**

### **GAINESVILLE-HALL METROPOLITAN PLANNING ORGANIZATION (GHMPO)**

operates its programs and services without regard to race, color, or national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the GHMPO.

For more information on the GHMPO's civil rights program, and the procedures to file a complaint, contact 770-297-5541; email [jboyd@hallcounty.org](mailto:jboyd@hallcounty.org) or visit our office at 2875 Browns Bridge Road, Gainesville, Georgia 30503. For more information, visit [www.ghmpo.org](http://www.ghmpo.org). Persons who require special accommodations under the American with Disabilities Act (ADA) should contact the GHMPO at least two days prior to meetings.

If information is needed in another language, contact 770-503-3330.

You may also file your complaint directly with the FTA at: Federal Transit Administration Office of Civil Rights Attention: Title VI Program Coordinator, East Building, 5th Floor – TCR 1200 New Jersey Ave., SE, Washington, DC 20590

## **Titulo VI Anuncio Publico**

### **GAINESVILLE-HALL ORGANIZACION DE PLANIFICACION METROPOLITANA (GHMPO)**

administra sus programas y servicios sin considerar raza, color, o origen nacional con el Titulo VI de la Ley de Derechos Civiles. Toda persona que cree que ha sido objeto o ha sido ofendido por alguna practica discriminatoria ilegal debajo del Titulo VI, puede presentar una queja con GHMPO.

Para mas informacion sobre el programa de derechos civiles de GHMPO, y el Procedimiento para presentar una queja, contacte 770-297-5541; correo electronico [jboyd@hallcounty.org](mailto:jboyd@hallcounty.org); o visite nuestra oficina en 2875 Browns Bridge Road, Gainesville, Georgia 30503. Para mas informacion, visite [www.ghmpo.org](http://www.ghmpo.org). Las personas que requieren alojamiento especial de acuerdo con el American with Disabilities Act (ADA), comunicarse con la GHMPO al menos dos días antes de reuniones.

Si necesita la informacion en otro idioma, contacte 770-503-3330.

Tambien puede presentar una queja directamente con la Administracion Federal de Transito en: Federal Transit Administration Office of Civil Rights Attention: Title VI Program Coordinator, East Building, 5th Floor – TCR 1200 New Jersey Ave., SE, Washington, DC 20590.

# **2024 GHMPO Title VI Environmental Justice Analysis**

## *Appendix E: Title VI Complaint Form*

# Gainesville-Hall Metropolitan Planning Organization

## Title VI Complaint Form

<b>Section I:</b>				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
<b>Section II:</b>				
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
<b>Section III:</b>				
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 <input type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> Family or Religious Status <input type="checkbox"/> Other (explain) _____				
Date of Alleged Discrimination (Month, Day, Year): _____				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.				
<b>Section IV</b>				
Have you previously filed a Title VI complaint with this agency?			Yes	No



<b>Section V</b>	
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?	
<input type="checkbox"/> Yes <span style="margin-left: 150px;"><input type="checkbox"/> No</span>	
If yes, check all that apply:	
<input type="checkbox"/> Federal Agency: _____	
<input type="checkbox"/> Federal Court _____	<input type="checkbox"/> State Agency _____
<input type="checkbox"/> State Court _____	<input type="checkbox"/> Local Agency _____
Please provide information about a contact person at the agency/court where the complaint was filed.	
Name:	
Title:	
Agency:	
Address:	
Telephone:	
<b>Section VI</b>	
Name of agency complaint is against:	
Contact person:	
Title:	
Telephone number:	

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

---

Signature Date

Please submit this form in person at the address below, or mail this form to:

Joseph Boyd  
 2875 Browns Bridge Road  
 Gainesville, GA,  
 30503

# Gainesville-Hall Organizacion de Planificacion Metropolitana (GHMPO)

## Formulario de Queja Titulo VI

<b>Seccion I:</b>				
Nombre:				
Direccion:				
Telefono (casa):		Telefono (trabajo):		
Correo Electronico:				
Requisitos de formato accesible?	Letras grandes		Audio	
	TDD		Otro	
<b>Seccion II:</b>				
¿Esta usted presentando esta queja en su nombre?		Si*	No	
*Si usted contesto "Si" a esta pregunta, ir a la Seccion III.				
Si no, por favor suministre el nombre y la relacion de la persona quien se queja:				
Por favor explique por que esta presentando por un tercero:				
Por favor confirme que ha obtenido el permiso de la persona discriminada si esta presentando por un tercero.		Si	No	
<b>Seccion III:</b>				
Creo que he sido objeto de discriminacion basada en (marque todas las que apliquen):				
<input type="checkbox"/> Raza <input type="checkbox"/> Color <input type="checkbox"/> Origen Nacional <input type="checkbox"/> Edad <input type="checkbox"/> Discapacidad <input type="checkbox"/> Situacion familiar o religiosa <input type="checkbox"/> Otro (explique) _____				
Fecha de la supuesta discriminacion (Mes, Dia, Ano): _____				
Explicar claramente lo que paso o por que usted cree que fue discriminando. Describa todas las personas que estuvieron involucrados. Incluya el nombre e informacion de la persona/personas que fueron discriminados (si lo sabe) asi como los nombres e informacion de testigos. Si necesita mas espacio, por favor utilice el reverso de este formulario.				
<b>Seccion IV</b>				
¿Anteriormente ha presentado una queja del Titulo VI con esta agencia?		Si	No	

<b>Seccion V</b>	
¿Ha presentado esta queja con otra agencia federal, estatal o local, o con la corte federal o estatal?	
<input type="checkbox"/> Si	<input type="checkbox"/> No
Si es si, marque todas las que apliquen:	
<input type="checkbox"/> Agencia Federal: _____	
<input type="checkbox"/> Corte Federal _____	<input type="checkbox"/> Agencia Estatal _____
<input type="checkbox"/> Corte Estatal _____	<input type="checkbox"/> Agencia Local _____
Por favor provee la informacion de la persona de contacto en la agencia/corte donde presento la queja.	
Nombre:	
Titulo:	
Agencia:	
Direccion:	
Telefono:	
<b>Seccion VI</b>	
Nombre de la agencia que la queja es contra:	
Persona de contacto:	
Titulo:	
Telefono:	

Usted puede adjuntar cualquier material escrito o otra informacion pertinente a su queja.

Firma y fecha son necesarias a continuacion

\_\_\_\_\_

Firma

\_\_\_\_\_

Fecha

Por favor presente este formulario en persona a esta direccion ,o envie por correo a:

Gainesville-Hall Organizacion de Planificacion Metropolitana (GHMPO)  
 Joseph Boyd  
 2875 Browns Bridge Road  
 Gainesville, GA 30503

# **2024 GHMPO Title VI Environmental Justice Analysis**

## *Appendix F: Language Assistance Plan (LAP)*

## Introduction

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

## Title VI and Executive Order 13166

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

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

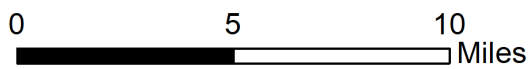
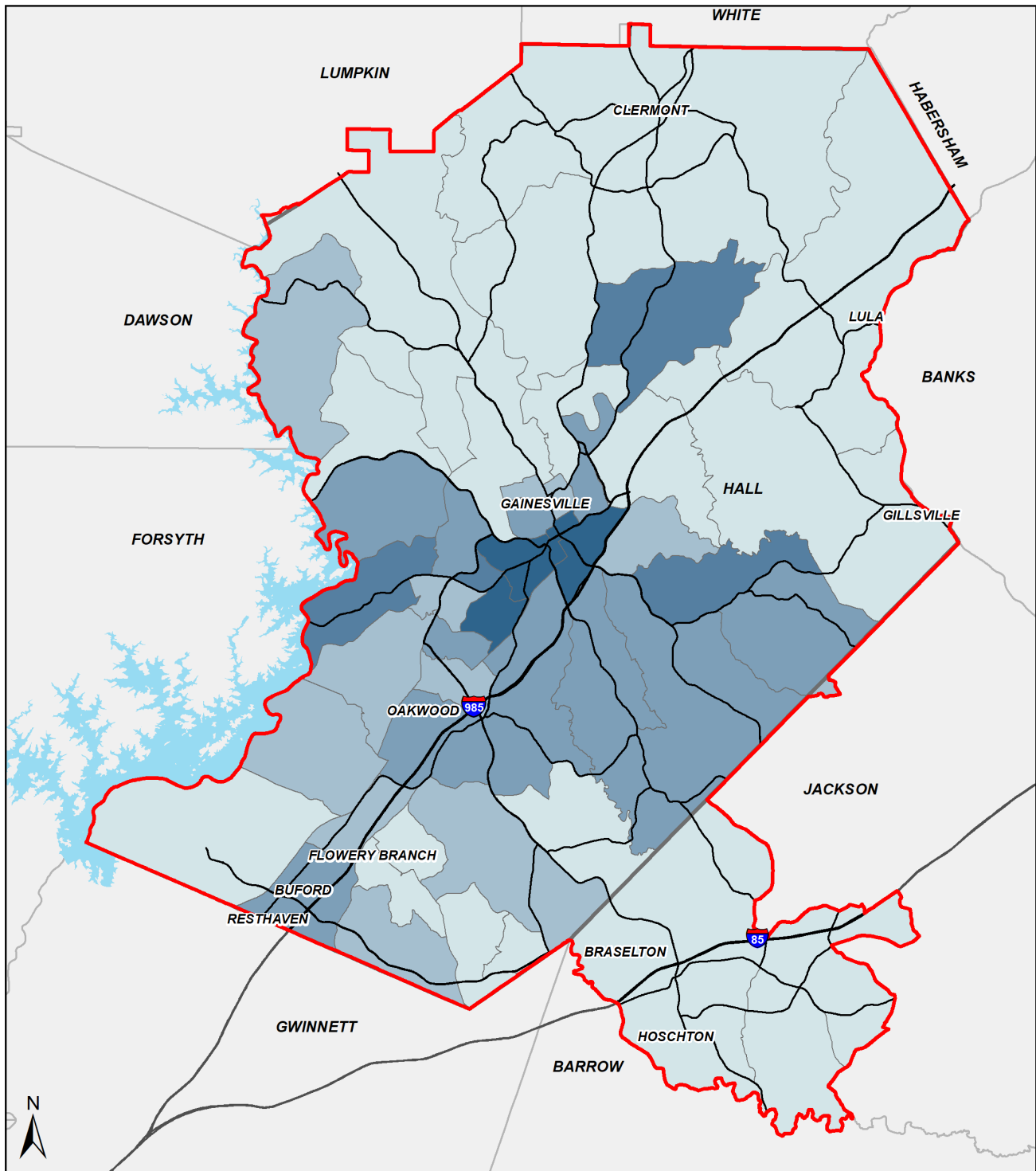
## USDOT Guidance on Establishing an LEP Plan

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

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

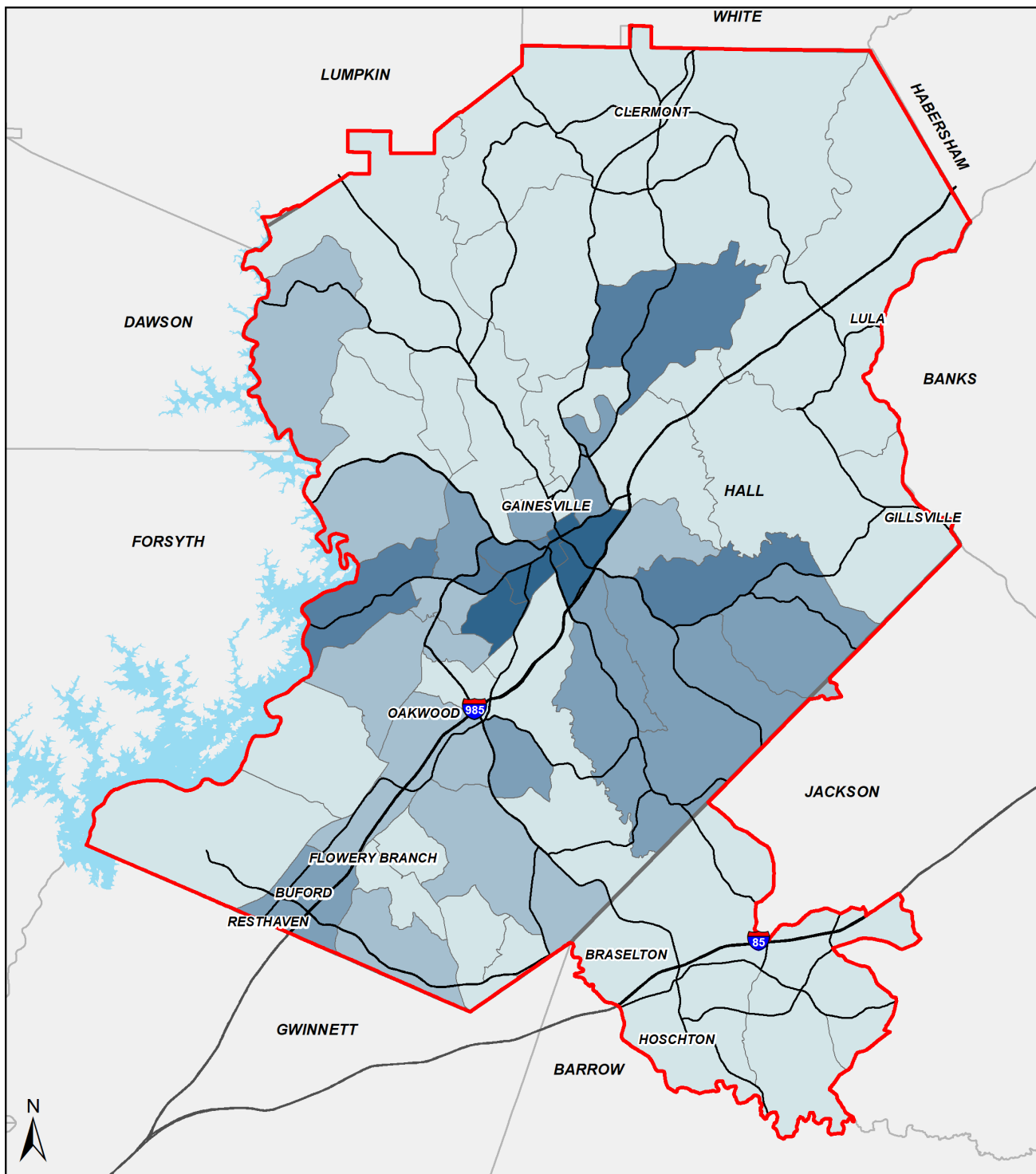
The greater the number or proportion of eligible LEP persons; the greater the frequency with which they have contact with a program, activity, or service; and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. Smaller recipients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

**Figure 1: Percent of LEP Households by Census Tract**



Legend	
Percent LEP Households	
	0.00% - 2.00%
	2.01% - 5.00%
	5.01% - 10.00%
	10.01% - 15.00%
	15.01% - 32.58%

**Figure 2: Percentage of Spanish-Speaking LEP Households by Census Tract**



0 5 10 Miles

Legend	
Percent LEP Households	
	0.00% - 2.00%
	2.01% - 5.00%
	5.01% - 10.00%
	10.01% - 15.00%
	15.01% - 31.71%

**Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the MPO, activity, or service of the recipient or grantee.**

The planning area of the GHMPO consists of entire of Hall County and western Jackson County. According to the U.S. Census Bureau 2017-2021 American Community Survey 5-Year Estimates, the primary language for GHMPO area is English and the second most common language spoken is Spanish at 24.08%. Hall County has a higher concentration of Spanish speakers with 26.58% identifying Spanish as their first language, and Jackson County has a much lower concentration of Spanish speakers with 6.09%.

LEP persons are usually defined as those who self-identify as speaking English less than “very well” on the U.S. Census. Table 8 indicates 11.6% of the population in the GHMPO area is not proficient in English. The bulk of those who cannot speak English very well primarily speak Spanish as their first language.

**Table 8: Language Spoken at Home for the Population 5 Years and Over**

Population Type	Hall County	Jackson County	GHMPO area
English Only	70.42%	91.44%	76.30%
Language other than English	29.68%	8.56%	23.7%
Speak English less than “very well”	12.82%	2.98%	11.6%
Spanish	26.58%	6.09%	24.08%

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

**Factor 2: The frequency with which LEP individuals come in contact with the MPO.**

The GHMPO has not received any formal requests by LEP individuals for language translation of any documents nor for an interpreter at any public meetings since first being designated as an MPO in 2003. The GHMPO has unilaterally provided Spanish speakers and funds for interpreters and provided public notices in both English and Spanish at all public meetings such as the development of the Regional Transportation Plan: 2020 Update (RTP 2050 Update), 2024-2027 Transportation Improvement Program (TIP) and assisted Hall Area Transit’s (HAT) Transit Development Plan (TDP) and Human Services Transportation Plan (HSTP).

**Factor 3: The nature and importance of the MPO, activity, or service provided by the MPO to the LEP community.**

The MPO uses Federal funds to plan for transportation projects and therefore does not include any direct service or program that requires vital, immediate or emergency assistance, such as medical treatment or services for basic needs (like food or shelter). The MPO does not conduct activities which require residents to fill out applications or submit to interviews prior to attending public functions.

The MPO is mandated by the Federal government to create and maintain three key documents: an annual Unified Planning Work Program (UPWP) outlining MPO activities, a short-term four-year Transportation Improvement Program (TIP), and a Metropolitan Transportation Plan (MTP) which covers 20 plus years. GHMPO has a Participation Plan which seeks to garner the input of all residents who can shape the planning process or wish to know more about the direction of transportation planning and how it will affect them.



Although the GHMPO does not directly provide transportation services, it has aided HAT in transit planning. HAT has some Spanish speaking staff members and prints a brochure detailing services, route maps and bus schedules in both English and Spanish.

#### **Factor 4: The resources available to the MPO and overall costs.**

The final factor weighs the previous factors to assess the needs of LEP individuals against the resources available to the MPO providing assistance in a language other than English. The GHMPO does have a significant number of LEP residents within Hall County but historically the frequency of contact with the MPO has been low. GHMPO staff provides translations of minor documents, including Title VI complaint forms and executive summaries of all major planning documents. Full translation of major MPO documents would be prohibitively expensive. For example, another MPO reported that a professional translation of its regional transportation plan would cost around \$24,000. The GHMPO has been committed to the principle of inclusivity and used more cost-effective means of outreach, particularly with the Spanish speaking segment of the community, at important junctures of the planning process.

### LEP Implementation Plan

#### **Safe Harbor Stipulation and the GHMPO**

Federal law provides a “safe harbor” which means that if an MPO provides written translations under certain circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI. The MPO service area's population over the age of 5 that identifies as speaking English less than “very well” does qualify for the Safe Harbor Provision.

The failure to provide written translations under the circumstances does not mean there is non-compliance, but rather provides a guide for MPOs that would like greater certainty of compliance than can be provided by a fact-intensive, four-factor analysis. For example, even if a safe harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances. Strong evidence of compliance with the recipient's written-translation obligations under ‘safe harbor’ includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally. This safe harbor provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

The GHMPO uses vital documents for LEP purposes as defined by USDOT. “A document will be considered vital if it contains information that is critical for obtaining federal services and/or benefits, or is required by law.” Federal Register: January 22, 2001 (Volume 66, Number 14). This includes our Title VI complaint forms and the Title VI Notice of Rights. The GHMPO recognizes that outreach efforts may require the MPO to survey/assess the needs of the LEP population to determine whether other critical outreach materials should be translated into other languages.

In developing a Language Assistance Plan, FTA guidance recommends the analysis of the following five elements:

1. Identifying LEP individuals who need language assistance
2. Providing language assistance measures
3. Training staff
4. Providing notice to LEP persons
5. Monitoring and updating the plan

The five elements are addressed below.

### **Element 1: Identifying Persons Who May Need Language Assistance**

- When the MPO sponsors a public function with a sign-in sheet table, a staff member or designate will greet and briefly speak to each attendee. To informally gauge the attendee's ability to speak and understand English, he or she will ask a question that requires a full sentence reply.
- The MPO can use Census Bureau's "I Speak Cards" at the sign-in table for those who speak a language other than English. While staff may not be able to provide translation assistance at this meeting, the cards can be an excellent tool to identify language needs for future meetings.

### **Element 2: Language Assistance Measures**

In the event that the MPO should receive a request for assistance in a foreign language, staff members will take the name and contact information of the person. We can contact an individual who speaks Spanish but for other languages we will use a free online written translator website or we could contact a local community volunteer if available. If the required language is not available or if a formal interpretation is required, staff shall use the telephone interpreter service, Language Line, at 1-800-752- 6096.

### **Element 3: MPO Staff Training**

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

### **Element 4: Providing Notice to LEP Persons**

The GHMPO has provided notice in both English and Spanish for all public meetings in accordance with its Participation Plan:

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

For major GHMPO planning efforts such as the Long Range Transportation Plan and the Transportation Improvement Program, staff will coordinate with local media resources to gain access to these communities and garner their input. As appropriate, outreach meetings will be conducted to reach these communities. Translators will be made available to serve the non- English speaking communities at public information meetings. Additionally, the Title VI Notice of Rights and Complaint Form are both available in Spanish on the GHMPO website (<https://www.ghmpo.org/planning-documents/title-vi-program-environmental-justice-analysis/>). GHMPO will utilize outreach meetings with the Spanish speaking community to reach the non-English speaking communities:

The MPO also mails notices of important upcoming public meetings in both English and Spanish to those in the GHMPO database of organizations and individuals who have expressed an interest in following MPO activities.

### **Element 5: Monitoring and Updating the LEP Plan**

MPOs are required to update key planning documents (see Factor 3) and monitoring the success of the LEP Plan will be an ongoing process. The answers reflect conditions since adoption of the original LEP in November 2010-present. USDOT guidance recommends updates should consider the following elements:

1. How many LEP persons were encountered?  
*No one self-identified as an LEP person requested language assistance.*
2. Were their needs met?  
*No additional requests for language assistance were received.*
3. What is the current LEP population in the GHMPO area?  
*12.82% of Hall County, 2.98% of Jackson County, and 11.6% of the GHMPO area are LEP.*
4. Has there been a change in the types of languages where translation services are needed?  
*None.*
5. Is there still a need for continued language assistance for previously identified MPO programs? Are there other programs that should be included?  
*Yes, but no other new programs have been added requiring language assistance.*
6. Have the MPO's available resources, such as technology, staff, and financial costs changed?  
*As of July 2010, GDOT no longer provides half of the local match (10%) for MPO transportation planning. The GHMPO now relies on an in-kind match as a substitute for the loss of direct financial assistance.*
7. Has the MPO fulfilled the goals of the LEP Plan?  
*Yes.*
8. Were any complaints received?  
*No.*

### **Dissemination of the MPO Limited English Proficiency Plan**

The MPO has posted the LEP Plan on its website at: (<https://www.ghmpo.org/planning-documents/title-vi-program-environmental-justice-analysis/>). Copies of the LEP Plan have been provided to the Georgia Department of Transportation (GDOT), Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and any person or agency requesting a copy. Each MPO sub-recipient has been provided a copy and educated on the importance of providing language assistance.

Any questions or comments regarding this plan should be directed to:

Joseph Boyd  
Gainesville-Hall MPO  
P.O. Box 1435  
Gainesville, GA 30503  
Phone: (770) 297-4401  
jboyd@hallcounty.org

# **2024 GHMPO Title VI Environmental Justice Analysis**

## *Appendix G: Operating Area Language Data: Gainesville-Hall MPO Service Area*

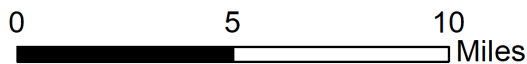
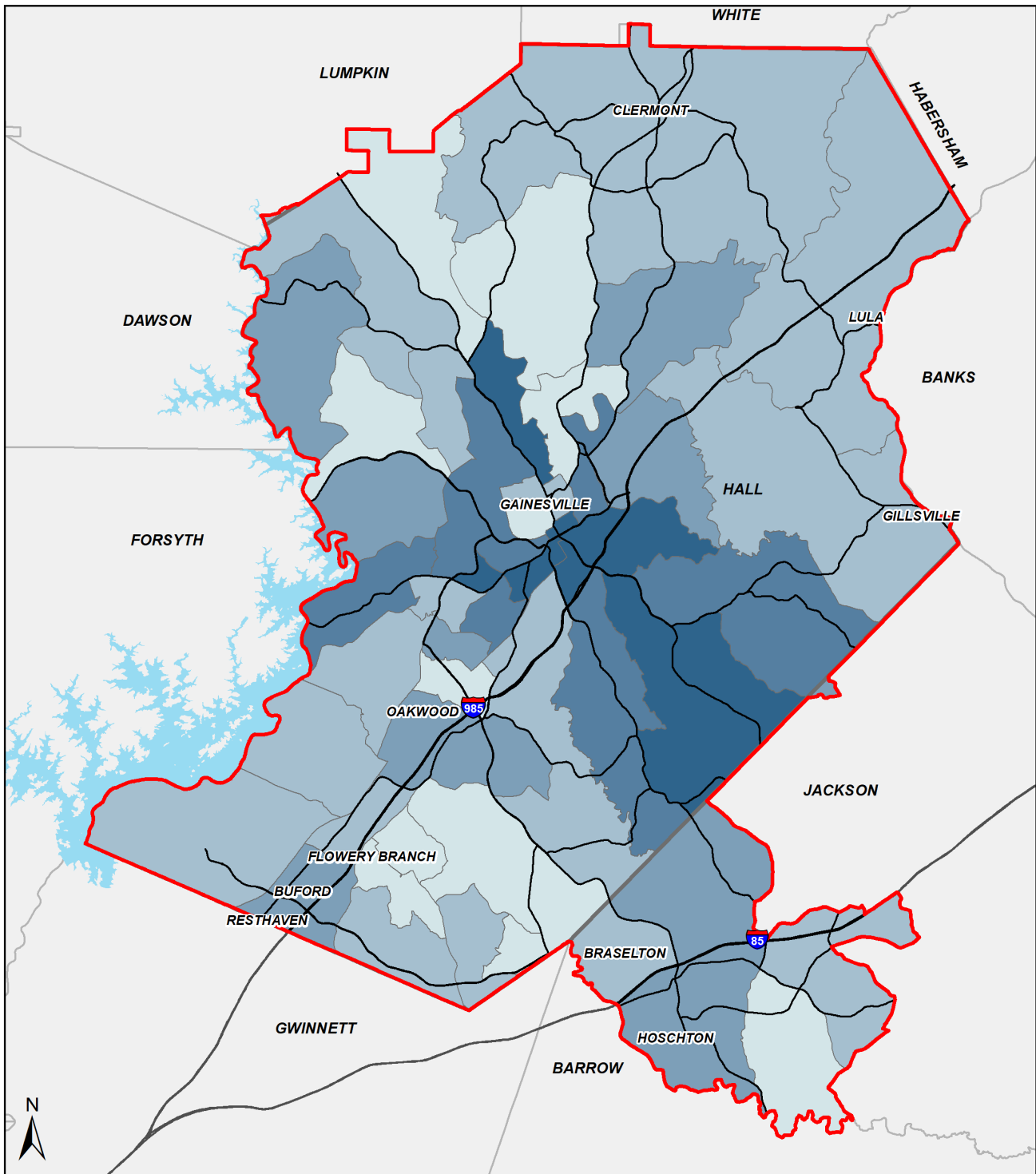
Source: US Census Bureau American Community Survey (ACS) 2017-2021 Five-Year Estimates

<u>Language</u>	<u>County</u>	<u>Percent of Population</u>
Total	Hall	100%
Speak only English	Hall	70.42%
Spanish or Spanish Creole	Hall	26.58%
Speak English “very well”	Hall	14.79%
Speak English less than “very well”	Hall	11.79%
Other Indo-European Languages	Hall	1.65%
Speak English “very well”	Hall	1.17%
Speak English less than “very well”	Hall	0.50%
Asian and Pacific Island Languages	Hall	1.25%
Speak English “very well”	Hall	0.76%
Speak English less than “very well”	Hall	0.49%
Other Languages	Hall	0.10%
Speak English “very well”	Hall	0.06%
Speak English less than “very well”	Hall	0.03%
Total	Jackson	100%
Speak only English	Jackson	91.44%
Spanish or Spanish Creole	Jackson	6.09%
Speak English “very well”	Jackson	4.01%
Speak English less than “very well”	Jackson	2.08%
Other Indo-European Languages	Jackson	1.09%
Speak English “very well”	Jackson	0.64%
Speak English less than “very well”	Jackson	0.45%
Asian and Pacific Island Languages	Jackson	1.29%
Speak English “very well”	Jackson	0.85%
Speak English less than “very well”	Jackson	0.44%
Other Languages	Jackson	0.09%
Speak English “very well”	Jackson	0.09%
Speak English less than “very well”	Jackson	0.00%

# **2024 GHMPO Title VI Environmental Justice Analysis**

## *Appendix H: Demographic Maps*

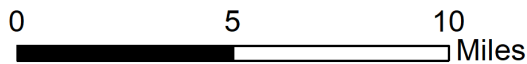
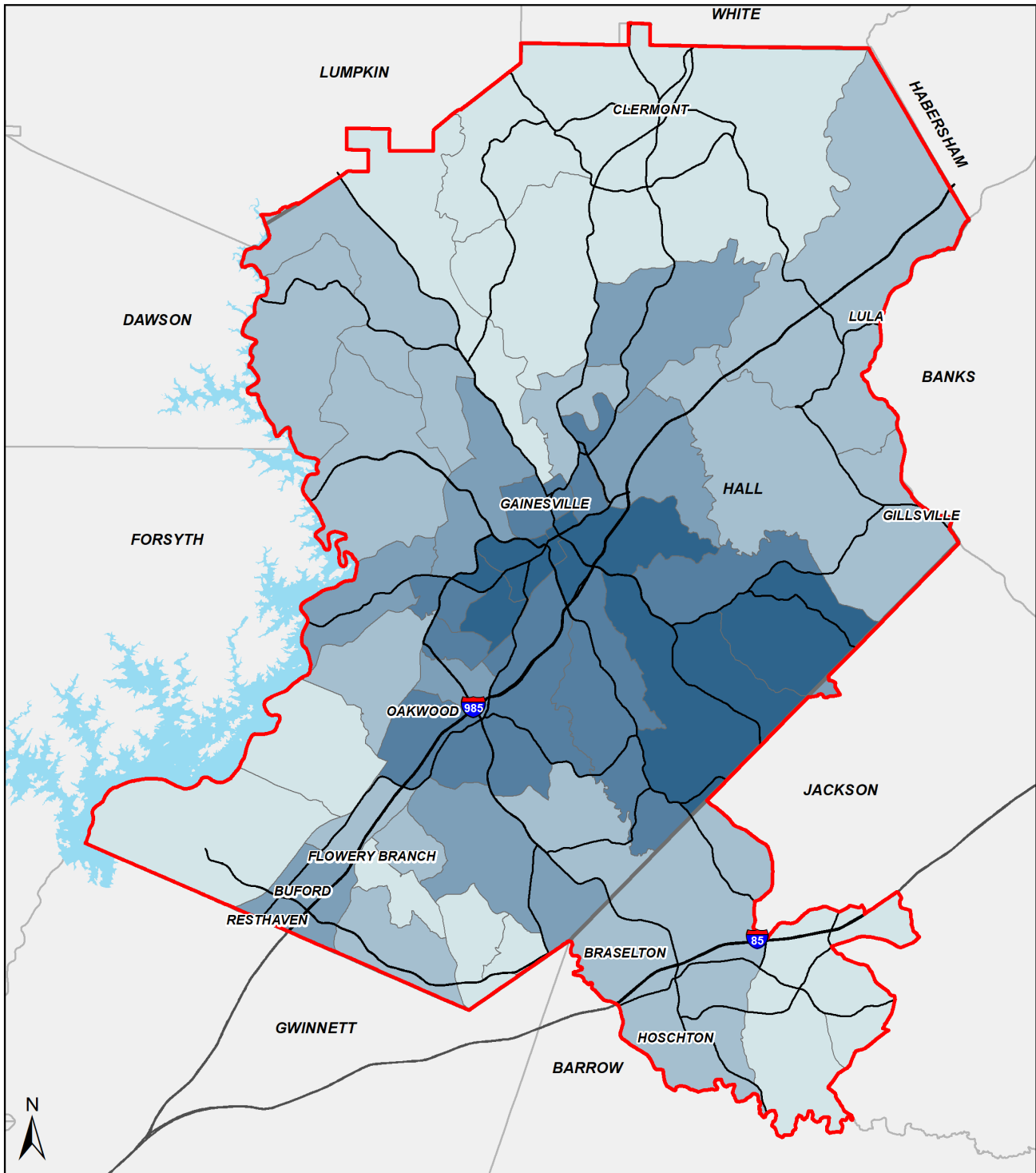
**Figure 3: Percentage of Households Below Poverty Level by Census Tract**



Legend	
Percent Poverty Households	
<span style="display:inline-block; width:15px; height:10px; background-color:#e0f2f1;"></span>	1.96% - 5.00%
<span style="display:inline-block; width:15px; height:10px; background-color:#cfe2f3;"></span>	5.01% - 10.00%
<span style="display:inline-block; width:15px; height:10px; background-color:#a2c4c9;"></span>	10.01% - 15.00%
<span style="display:inline-block; width:15px; height:10px; background-color:#7499ac;"></span>	15.01% - 25.00%
<span style="display:inline-block; width:15px; height:10px; background-color:#3d85c6;"></span>	25.01% - 41.30%



**Figure 4: Percentage of Racial and Ethnic Minority Population by Census Tract**



Legend	
Percent Minority Population	
	6.06% - 15.00%
	15.01% - 30.00%
	30.01% - 40.00%
	40.01% - 70.00%
	70.01% - 95.86%

# **2024 GHMPO Title VI Environmental Justice Analysis**

## *Appendix I: Title VI Equity Analysis*

The Gainesville-Hall MPO has not performed a Title VI Equity Analysis.

**The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination**

**Assurances**

**DOT Order No. 1050.2A**

The Gainesville-Hall Metropolitan Planning Organization (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 Non-discrimination 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 Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

**Specific Assurances**

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Federal Aid 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 Gainesville-Hall Metropolitan Planning Organization, 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, the Gainesville-Hall Metropolitan Planning Organization 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 Federal Highway Administration 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 Federal Highway Administration. You must keep records, reports, and submit the material for review upon request to Federal Highway Administration, 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.

Gainesville-Hall Metropolitan Planning Organization 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 Highway Aid Program. This ASSURANCE is binding on Georgia, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal Highway Aid Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

**Gainesville-Hall Metropolitan Planning Organization**  
*(Name of Recipient)*

by   
*(Signature of Authorized Official)*

DATED 5/14/2024

## APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, 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. **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 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 Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the 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 so 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 the Gainesville-Hall Metropolitan Planning Organization will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways, 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, 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 Gainesville-Hall Metropolitan Planning Organization 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 the Gainesville-Hall Metropolitan Planning Organization and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the Gainesville-Hall Metropolitan Planning Organization, its successors and assigns.

The Gainesville-Hall Metropolitan Planning Organization, 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 the Gainesville-Hall Metropolitan Planning Organization will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\*

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

## 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 Gainesville-Hall Metropolitan Planning Organization 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 Non-discrimination covenants, Gainesville-Hall Metropolitan Planning Organization will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Gainesville-Hall Metropolitan Planning Organization 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 Gainesville-Hall Metropolitan Planning Organization 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 Gainesville-Hall Metropolitan Planning Organization 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 Non-discrimination covenants, Gainesville-Hall Metropolitan Planning Organization 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, Gainesville-Hall Metropolitan Planning Organization will there upon revert to and vest in and become the absolute property of Gainesville-Hall Metropolitan Planning Organization and its assigns.\*

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

## APPENDIX E

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

### **Pertinent Non-Discrimination 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 persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).