



TITLE VI POLICY STATEMENT

It is the policy of the Rock Hill – Fort Mill Area Transportation Study to comply with all federal and state authorities requiring nondiscrimination, including but not limited to Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), the Age Discrimination Act of 1975 and Executive Order 12898 (Environmental Justice) and 13166 (Limited English Proficiency). RFATS does not and will not exclude from participation in; deny the benefits of; or subject anyone to discrimination on the basis of race, color, national origin, sex, age, disability or income.

All Federally-assisted programs will be administered in a manner to guarantee that the Rock Hill – Fort Mill Area Transportation Study, other recipients, sub-recipients, contractors, subcontractors, transferees, and other recipients, sub-recipients, contractors, subcontractors, transferees, successors in interest, and other participants in Federal financial assistance comply with all requirements imposed by or pursuant to, civil rights acts and Department of Transportation regulations. The Rock Hill – Fort Mill Area Transportation Study is responsible for initiating and monitoring Title VI activities, preparing required reports and other responsibilities as required by 23 Code of Federal Regulation (CRF) Part 200 and 49 Code of Federal Regulation Part 21.


Name

RFATS Administrator
Title

4-21-17
Date

For more information contact:
David F. Hooper, AICP, RFATS Administrator
Rock Hill – Fort Mill Area Transportation Study
PO Box 11706 / 155 Johnston Street
Rock Hill, SC 29731 (803) 326-3897
dhooper@rfatsmpo.org



ROCK HILL – FORT MILL AREA TRANSPORTATION STUDY

TITLE VI PROGRAM

INTRODUCTION

The Rock Hill – Fort Mill Area Transportation Study (RFATS) serves as the federally designated Metropolitan Planning Organization (MPO) and is responsible for ensuring that transportation programs utilizing federal funds in the RFATS Study Area are based on a continuing, cooperative, and comprehensive planning process. RFATS is committed to building and sustaining a strong and vibrant regional community through cooperation, leadership, and planning.

RFATS role is to provide a forum and undertake appropriate and necessary planning to address regional transportation challenges and opportunities; long-range planning; public policy coordination; and technical assistance to strengthen the effectiveness of local government action.

Members:

The RFATS Study Area includes the urbanized portions of eastern York County and the northwestern portion (panhandle) of Lancaster County. RFATS members include:

- City of Tega Cay
- Lancaster County
- City of Rock Hill
- York County
- Town of Fort Mill
- Catawba Indian Nation

Committees:

RFATS is composed of three standing committees: (1) a Policy Committee made up of area elected officials, state legislative members, and a representative from the SCDOT Commission; (2) a Technical Committee comprised of staff from area jurisdictions as well as numerous federal and state agencies; and (3) a Citizens Advisory Committee representing each jurisdictional member and targeted representation for those traditionally underserved by the existing transportation system.

Policy Committee: The RFATS planning process is guided by a 12-member Policy Committee which sets priorities and provides direction for the RFATS Study Area. This committee is made up of elected officials from each jurisdiction within the MPO Planning Area as well as the South Carolina State Legislature and a representative from the SCDOT Commission. The committee chair is determined through a yearly rotating schedule among members representing the local governments that participate in the process. The vice-chair is also selected by a vote of the members of the Policy Committee and also serves a one year term.

Technical Committee: This committee includes staff from each of the municipalities within the RFATS Study Area, as well as the South Carolina Department of Transportation (SCDOT), the Federal Highway

Administration (FHWA), the Catawba Regional Council of Governments (CRCOG), and the Catawba Indian Nation. The RFATS Administrator serves as chair of this committee.

Citizens Advisory Committee: The Citizens Advisory Committee provides input and review of the RFATS transportation planning process and activities. Members include representation from the six RFATS communities and at-large members representing those with special needs as well as communities traditionally underserved by the existing transportation system.

Partners:

RFATS goal is to provide a regional transportation system that ensures the safe and efficient mobility of people and goods, optimizes transit opportunities, and enhances the community's environmental and economic well-being. To achieve this goal RFATS coordinates with the following federal and state partners:

- South Carolina Department of Transportation (SCDOT)
- Environmental Protection Agency (EPA)
- Federal Highway Administration (FHWA)
- Federal Transit Administration (FTA)
- South Carolina Department of Health and Environmental Control (SCDHEC)

TITLE VI OF THE 1964 CIVIL RIGHTS ACT

Title VI declares it to be the policy of the United States that discrimination shall not occur in connection with programs and activities receiving federal financial assistance, such as RFATS, and authorizes and directs the appropriate federal departments and agencies to take action to carry out this policy.

Title VI of the Civil Rights Act of 1964, Section 601 states: 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 subjected to discrimination under any program or activity receiving federal financial assistance (42 U.S.C. Section 2000d).

The Age Discrimination Act of 1975 prohibited exclusion based on age, and Title 23 USC 324 added that no person should be excluded from participation on the basis of sex. The Civil Rights Restoration Act of 1987 reemphasized all of the anti-discrimination laws and the applicability to federal programs.

RFATS ASSURANCES

RFATS assures that no person shall, on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. RFATS further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. In the event the MPO distributes federal aid funds to another governmental entity, RFATS will include Title VI language in all written agreements and will monitor for compliance.

The RFATS Transportation Planning Assistant is responsible for initiating and monitoring Title VI activities, preparing required reports, and other RFATS responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.

RESPONSIBILITIES

The following are general Title VI responsibilities of RFATS applicable to all four Title VI Program Areas. The Title VI Coordinator, with involvement and assistance from the RFATS Administrator, is responsible for ensuring these elements of the plan are appropriately implemented and maintained.

1. Data Collection: Statistical data on race, color, national origin, income level, language spoken, and sex of participants in, and beneficiaries of, federally funded programs is to be gathered and maintained as described in the “Program Area Responsibilities” section of this document. The data gathering process will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI program.
2. Review of the Title VI Program: Every three years the Title VI Coordinator will review the agency’s Title VI program to assure compliance with Title VI. In addition, he or she will review agency operational guidelines and publications, including those for contractors, to ensure that Title VI language and provisions are incorporated, as appropriate. Additionally, the Master Agreement will be reviewed annually for necessary updates to the Title VI Plan.
3. Dissemination of information related to the Title VI Program: Information on RFATS Title VI program is to be disseminated to agency employees, contractors, and beneficiaries, as well as to the public, as described in the “Program Area Responsibilities” section of this document, and in other languages where appropriate.
4. Resolution of Complaints: Any individual may exercise his or her right to file a complaint with RFATS, if that person believes that he or she or any other program beneficiaries have been subjected to unequal treatment or discrimination, in their receipt of benefits / services or on the grounds of race, color, sex, or national origin. RFATS will make a concerted effort to resolve complaints as put forth in its Title VI Complaint Procedure.

RFATS Transportation Planning Assistant:

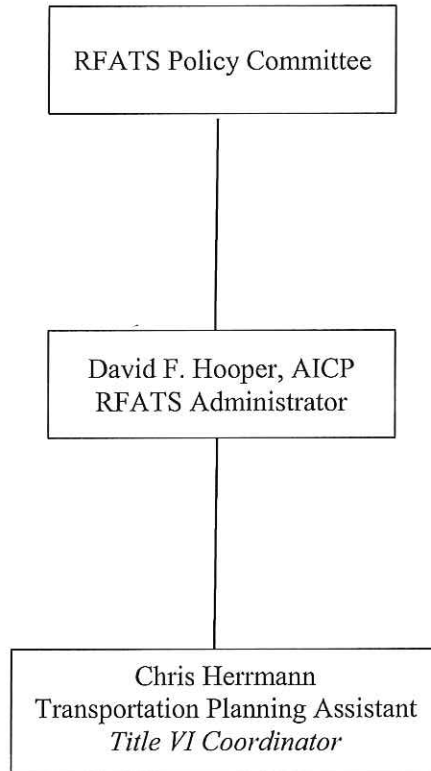
The responsibilities of the Title VI Coordinator are performed by the RFATS Transportation Planning Assistant. This position is responsible for undertaking and supporting activities pertaining to Title VI regulations and procedures set forth in federal guidance and according to the RFATS Title VI Plan.

In support of this, the Title VI Coordinator will (with support and guidance from the RFATS Administrator):

- Identify, investigate, and work to eliminate discrimination if found to exist.
- Process Title VI complaints received, as described in Section VI (Title VI Complaints).
- Monitor and discuss progress, implementation, and compliance issues related to the RFATS Title VI program.
- Review the agency’s Title VI program to assess if administrative procedures are effective, staffing is appropriate, and adequate resources are available to ensure compliance.
- If a federal funding recipient is found to not be in compliance with Title VI, work with staff to resolve the deficiency status and undertake remedial action if necessary, as described in the Consultant Contracts section of this plan.
- Review important Title VI related issues with the RFATS Policy Committee, as appropriate.
- Assess communications and public involvement strategies to ensure adequate participation of impacted Title VI protected groups and address additional language needs when needed.

RFATS ORGANIZATIONAL CHART WITH TITLE VI RESPONSIBILITIES

As of January 2017



RFATS Staff:

The Title VI Coordinator, under supervision from the RFATS Administrator will accept or share responsibility for daily administration of the Title VI program, including implementation of the plan and Title VI compliance, program monitoring, reporting, and education within an applicable program area.

General Responsibilities:

RFATS is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the agency's public involvement process. RFATS will:

- Ensure that all communications and public involvement efforts comply with Title VI.
- Develop and distribute information on Title VI and agency programs to the general public.
- Provide information in languages others than English, where appropriate.
- Continue to ensure all social and economic groups in the region are involved and represented in the planning process.
- Include the Title VI Notice to the Public, full or abbreviated versions, in relevant press releases and on the agency website.
- Notify affected protected groups of public hearings regarding proposed actions, and make the hearings accessible to all residents. This includes the use of interpreters, when requested, or when a strong need for their use has been identified.

Responsibilities in Program Areas:1. Communication and Public Participation

RFATS utilizes several approaches to share information with area residents and solicit input on transportation projects, policies, and plans. RFATS staff will ensure all communication complies with Title VI and that Title VI notices to the public are included on relevant press releases and the MPO website. RFATS public involvement efforts include:

- Extensive stakeholder e-mail distribution list: a list open to any interested citizen to receive important RFATS updates.
- MPO website and Facebook page: RFATS presence online is important to connect to a wide audience.
- Coordination with the York County International Center: the YCIC is the MPO's primary service agency assisting those new to the area and LEP populations.
- Advertising in newspapers of general circulation: RFATS will place public notices in two area newspapers, the Rock Hill Herald and the Carolina Gateway.
- Comments at public meetings: Citizens are encouraged to attend monthly Policy Committee meetings at which there is time set aside for the public to address the board.

In consideration of Title VI protected groups, RFATS takes the following steps in soliciting public input:

- Plan meeting locations carefully: Public meetings are held in locations that are accessible by public transit (where available). Also, facilities are compliant with the Americans with Disabilities Act (ADA).

- Seek help from community leaders and organizations: To facilitate involvement of traditionally underserved populations, RFATS works with the York County International Center and has two members of the Citizens Advisory Committee (described below) representing minority populations.
- Limited English Proficiency (LEP) Assistance: RFATS staff works closely with the YCIC to translate all provided information, if necessary, and utilizes a language translator on the RFATS website.

Citizens Advisory Committee

RFATS staff actively works with the Citizens Advisory Committee that reviews and provides input on the development of transportation programs and projects within the MPO Study Area. One of the primary objectives of this committee is to ensure that meaningful participation by those traditionally under-served by the existing transportation system is achieved. With this in mind, the committee's membership structure has representative designations for those with special transportation needs, limited English proficiency, and minority populations. This committee meets on a quarterly basis or more frequently as appropriate.

Public Participation Plan

The RFATS Public Participation Plan outlines the various ways that public participation activities will be conducted throughout the MPO Study Area and contains the vision, objectives and techniques utilized by RFATS. Specifically, in an effort to ensure meaningful public participation in the transportation decision-making process, RFATS employs multiple methods of communication and proactively seeks out the viewpoints of minority, low-income, and limited English proficiency (LEP) populations. The MPO's outreach strategy is to offer early and continuous public involvement activities.

Specifically, this is accomplished by holding meetings at convenient times and accessible locations. Additionally, for those who may not be able to attend a scheduled meeting in person, RFATS makes all planning documents available online as well as on-site at Rock Hill City Hall.

It should also be noted that the Public Participation Plan ensures opportunities for public comment by phone, email, fax, and online comment form as well as in person at monthly Policy Committee meetings. Formal public comment periods are held for major activities, such as amendments to the Transportation Improvement Program, the Unified Planning Work Program, the Metropolitan Transportation Plan, and the Public Participation Plan. General comments, questions, or observations are welcome at any time.

2. Planning and Programming

RFATS is responsible for developing long- and short-range transportation plans to provide efficient transportation services in the study area. A comprehensive planning process is used, which entails the monitoring and collection of carried data pertaining to transportation issues. RFATS coordinates with local governments, area transit agencies, and state and federal agencies; seeks public involvement; and provides technical support when needed.

Primary guidance is provided by:

- The Metropolitan Planning Organization (MPO) Regulation 23 CFR 450;
- Fixing America's Surface Transportation Act (FAST Act); and
- Clean Air Acts and amendments

Planning Activities

RFATS receives federal funds to develop regional transportation plans and to coordinate technical and policy studies on a wide range of transportation and other programs. The primary products of this process include:

- Long Range Transportation Plan (LRTP),
- Transportation Improvement Program (TIP), and
- Unified Planning Work Program (UPWP).

Considerations of Title VI legislation are made throughout RFATS planning and programming activities. For example:

- Data Collection – Part of RFATS work program involves collecting, analyzing, and reporting on data for the study area. This task includes information on population, housing, employment, poverty, income, wages, transportation, traffic, and growth. Member agencies and other groups use this data for activities such as planning and the distribution of funds. Information is gathered from a variety of sources, including the U.S. Census, and each reference source is noted on each data set.
- Long Range Transportation Plan (LRTP) – The development of the RFATS LRTP includes an environmental justice analysis to ensure that the burdens and benefits of planned transportation activities are equitably distributed across racial and socio-economic groups. RFATS staff reviews the impacts that planned programs and projects would have on low-income or minority residents in such areas as transportation investments, effect of projects on area travel times, and access to transit.
- Transportation Improvement Program (TIP) – The RFATS TIP includes an analysis of effects of planned transportation investments on disadvantaged residents similar to that of the LRTP.

3. Environmental Affairs

RFATS goal is to promote an efficient and effective transportation system for all users in the RFATS Study Area by considering the social and environmental impacts of transportation decisions. RFATS LRTP covers the 20-year forecast period required by federal law. It also provides for a discussion of potential environmental mitigation activities that must, by federal law, be included. This allows RFATS to identify and assess disproportionately high and adverse effects of programs, policies, or activities on minority or low-income population groups. Within the context of regional transportation planning, environmental justice considers the relative distribution of costs and benefits from transportation investment strategies and policies among different segments of society.

RFATS staff will ensure Title VI environmental justice compliance; analyze findings regarding affected populations; determine if there will be a disproportionately adverse impact on protected Title VI groups; and disseminate information of the findings of any analysis.

4. Consultant Contracts

RFATS is responsible for selection, negotiation, and administration of its consultant contracts. RFATS operates under its internal contract procedures and all relevant federal and state laws. RFATS verifies Title VI compliance by consultants (subrecipients of federal funds) in the contracting process. Signature of the terms of the contract is used to verify compliance on the part of the consultant. If a subrecipient is found not to be in compliance with Title VI, the Title VI Coordinator will work with the subrecipient to

resolve the deficiency status and will undertake remedial action, where appropriate. As a point of reference, Title VI language is included in all RFATS procurement documents.

5. Educations and Training

Minorities, women, veterans, individuals with a disability, and other individuals are protected by Title VI and federal and state anti-discrimination laws are provided with equal opportunity and fair treatment in all employment-related decisions, including opportunities for education and training.

All RFATS staff are encouraged to participate in professional development and training. All materials received by the agency are made available to all employees, which includes all information on federally funded training. The Title VI Coordinator assists in distributing information on training programs regarding Title VI.

APPROACH TO PROVIDING LANGUAGE ASSISTANCE

Limited English Proficiency (LEP):

Awareness of LEP has grown in recent years and RFATS is committed to assisting all persons in achieving mobility. Fare information of sub-recipients (Charlotte Area Transit System & York County Council on Aging) is printed in Spanish on route materials and at transit locations. Additionally, if riders call after hours, route and schedule information is available in Spanish 24 hours a day through an automated telephone system.

Language Assistance: Four-Factor Analysis:

The number or proportion of LEP persons served or encountered in the eligible service population:

2011-2015 American Community Survey 5-Year Estimates: Demographic Information

York County	<u>Estimate</u>	<u>Percent</u>
Total Population	240,076	(X)
Male	115,873	48.3%
Female	124,203	51.7%
Median Age	38	(X)
Under 5	15,377	6.4%
18 years and over	180,217	75.1%
65 years and over	30,309	12.6%
White	180,480	75.2%
African American	45,446	18.9%
American Indian and Alaska Native	1,546	0.6%
Asian	4,091	1.7%
Native Hawaiian or Other Pacific Islander	68	0.0%
Hispanic or Latino	11,625	4.8%

Lancaster County	Estimate	Percent
Total Population	81,263	(X)
Male	39,803	49.0%
Female	41,460	51.0%
Median Age	41	(X)
Under 5	4,825	5.9%
18 years and over	63,162	77.7%
65 years and over	14,758	18.2%
White	60,000	73.8%
African American	18,525	22.8%
American Indian and Alaska Native	312	0.4%
Asian	613	0.8%
Native Hawaiian or Other Pacific Islander	53	0.1%
Hispanic or Latino	3,973	4.9%

The frequency with which LEP individuals come into contact with your programs, activities, and services:

The MPO assesses the frequency at which staff has or could possibly have contact with LEP persons. This includes documenting phone inquiries and surveying public meeting attendance. From January 1 to December 31, 2016, no requests for an interpreter or translated documents were received by staff.

The importance to LEP persons of your program, activities and services:

Although there is not presently a large concentration of non-English speaking citizens in the service area, there is a growing number of Hispanic citizens. Therefore, as an outreach and participation effort, RFATS collaborates with the York County International Center. One of the primary objectives of this organization is to provide interpreter / translation assistance as well as serve as a source of community information.

The resources available to the recipient and costs:

The two primary resources available are the Rock Hill Human Resources Department – that responds to all reasonable accommodation requests (i.e., volunteer interpreters for public meetings) and the York County International Center. The YCIC maintains a list of volunteer interpreters, and in coordination with RFATS staff will provide coordination and documentation assistance as requested.

TITLE VI COMPLAINTS

How to file a complaint:

If you believe that you have received discriminatory treatment by RFATS on the basis of race, color or national origin, you have the right to file a complaint with the MPO's Title VI Coordinator.

Methods of filing a complaint:

The preferred method is to file a complaint using the Title VI Complaint Form and sending it to:

Chris Herrmann
Title VI Coordinator
PO Box 11706 / 155 Johnston Street
Rock Hill, SC 29731 (803) 326-2460
cherrmann@rfatsmpo.org

Verbal complaints will be accepted and transcribed by the Title VI Coordinator. To make a verbal complaint, call (803) 326-3897 and ask for the Title VI Coordinator. RFATS staff will provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English.

In addition to the complaint process outlined above, a complainant may file a Title VI complaint directly with the U.S. Department of Transportation, Federal Transit Administration, Office of Civil Rights, Region IV, 230 Peachtree, NW, Suite 800, Atlanta, GA 30303.

Tracking / documenting complaints:

Any written or oral complaint alleging discrimination on the grounds covered by Title VI of the Civil Rights Act of 1964, as amended, will be recorded upon receipt in a log sheet maintained by the MPO. The log should include:

- Name of Complainant(s)
- Date complaint was received
- Nature of complaint
- Action taken by agency
- Initial / signature of the agency representative handling the complaint

Investigating complaints:

Once a complaint is recorded on the log sheet, it will be promptly investigated by the designated RFATS Title VI Coordinator. Specifically, within 10 working days of receipt of the formal complaint, the Title VI Coordinator will notify the complainant and begin an investigation (unless the complaint is filed with an external agency first or simultaneously).

The investigation may include discussions of the complaint with all affected parties to determine the nature of the problem. Additionally, the complainant may be represented by an attorney or other representative of his / her own choosing during the course of the investigation. The investigation will be conducted and completed within 60 days of the receipt of the formal complaint.

TITLE VI COMPLAINTS

RFATS is not aware of any active lawsuits or complaints alleging discrimination on the basis of race, color, or national origin.

TITLE VI PUBLIC NOTICE OF COMPLIANCE

RFATS notice and commitment to comply with Title VI of the Civil Rights Act of 1964 is reflected in the guidance and policy statement provided in the Public Participation Plan (June 2016), where the MPO states that in “complying with Federal law, the Rock Hill-Fort Mill Area Transportation Study (RFATS) will proactively reach out to those who either cannot or are unlikely to attend traditional meetings due to a lack of transportation or for other reasons such as a disability or language barrier.”

RFATS Title VI Public Notice

The Rock Hill – Fort Mill Area Transportation Study is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI of the Civil Rights Act of 1964. If you believe you have been subjected to discrimination under Title VI, you may file a written complaint with:

*RFATS
Attn: Title VI Coordinator, PO Box 11706
Rock Hill, SC 29730
(803) 326-2460
cherrmann@rfatsmpo.org*

STANDARD U.S. DOT TITLE VI ASSURANCES

The Rock Hill – Fort Mill Area Transportation Study (**LPA**) (hereinafter referred to as the “Recipient”) HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT) through the *Federal Highway Administration (FHWA)* or the *Federal Transit Administration (FTA)*, 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 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 under any program or activity,” for which the Recipient receives Federal financial assistance from the Department of Transportation, including the **FEDERAL HIGHWAY ADMINISTRATION (FHWA) AND THE FEDERAL TRANSIT ADMINISTRATION (FTA)**.

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

1. The Recipient agrees that each “activity”, “facility”, or “program”, as defined in §§21.23(b) and 21.23(e) of 49 C.F.R. §21 will be (with regard to an “activity”) facilitated, or will be (with regard to a facility) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and, the Regulations.

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

“The Rock Hill – Fort Mill Area Transportation Study (LPA), (in accordance with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, U.S.C §§2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in 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 the 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.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under any program or activity and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.

Rock Hill – Fort Mill Area Transportation Study

by  _____

Authorized Official

Dated 4-21-17 _____

APPENDIX A

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

- (1) **Compliance with Regulations:** The contractor (Hereinafter includes consultants) will comply with the Acts and the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), and Federal Transit Administration (FTA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
- (2) **Non-discrimination:** The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR part 21. This includes FHWA or FTA specific program requirement.
- (3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin. This includes FHWA or FTA specific program requirements.
- (4) **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the ROCK HILL – FORT MILL AREA TRANSPORTATION STUDY (LPA), **THE FEDERAL HIGHWAY ADMINISTRATION (FHWA), or the FEDERAL TRANSIT ADMINISTRATION (FTA)** to be pertinent to ascertain compliance with such Acts, Regulations, instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Rock Hill – Fort Mill Area Transportation Study (LPA), FHWA or the FTA, as appropriate, and will set forth what efforts it has made to obtain the information.
- (5) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with Non-discrimination provisions of this contract, the Rock Hill – Fort Mill Area Transportation Study (LPA) will impose such contract sanctions as it or the **FEDERAL HIGHWAY ADMINISTRATION (FHWA), or the FEDERAL TRANSIT ADMINISTRATION (FTA)** may determine to be appropriate, including, but not limited to:
 - (a) withholding of payments to the contractor under the contract until the contractor complies, and / or

(b) cancellation, termination or suspension of the contract, in whole or in part.

(6) Incorporation of Provisions: The contractor will include the provisions of paragraphs one (1) through six (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontractor procurement as the Rock Hill – Fort Mill Area Transportation Study (LPA), **the FEDERAL HIGHWAY ADMINISTRATION (FHWA), or the FEDERAL TRANSIT ADMINISTRATION (FTA)** may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with, litigation with a subcontractor, or supplier because of such direction, the contractor may request the Rock Hill – Fort Mill Area Transportation Study (LPA) to enter into any litigation to protect the interests of the Rock Hill – Fort Mill Area Transportation Study (LPA). 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 **ROCK HILL – FORT MILL AREA TRANSPORTATION STUDY (LPA)** will accept Title to the lands and maintain the project constructed thereon, in accordance with the appropriate legislative authority, the Regulations for the Administration of its programs and activities, and the policies and procedures prescribed by **the FEDERAL HIGHWAY ADMINISTRATION or the FEDERAL TRANSIT ADMINISTRATION** of the U.S. Department of Transportation in accordance with and in with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in federally assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the SCDOT all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the Rock Hill – Fort Mill Area Transportation Study (LPA) 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 Rock Hill – Fort Mill Area Transportation Study (LPA), its successors and assigns.

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

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

APPENDIX C

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

The following clauses will be included in all deeds, leases, permits, or similar instruments entered into by the Rock Hill – Fort Mill Area Transportation Study (LPA) pursuant to the provisions of Assurance 7(a):

- A. The (grantee, licensee, lessee, permittee, etc., as appropriate for himself / herself, his / her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all other requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of a breach of any of the above Non-discrimination covenants, the Rock Hill – Fort Mill Area Transportation Study (LPA) will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Rock Hill – Fort Mill Area Transportation Study (LPA) will have the right to enter or reenter said lands and facilities thereon, and the above described lands and facilities will thereupon revert to and vest in and become the absolute property of the Rock Hill – Fort Mill Area Transportation Study (LPA) and its assigns.*

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

APPENDIX D

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

The following clauses will be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Rock Hill – Fort Mill Area Transportation Study (LPA) pursuant to the provisions of Assurance 7 (b):

- A. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself / herself, his / her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add “as a covenant running with the land”) that:
 - (1) no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities,
 - (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination, and
 - (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination, covenants, the Rock Hill – Fort Mill Area Transportation Study (LPA) will have the right to terminate the (license, permit, etc., as appropriate) and enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the Rock Hill – Fort Mill Area Transportation Study (LPA) will have the right to enter or reenter said lands and facilities thereon, and the above described lands and facilities will thereupon revert to and vest in and become the absolute property of the Rock Hill – Fort Mill Area Transportation Study (LPA) and its assigns.*

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

APPENDIX 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 1964 Civil Rights Act (42 U.S.C. 2§000 *et seq.*, 789 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. §4601) Prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects;
- The Federal-aid Highway Act of 1973, (23 U.S.C. §324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended (42 U.S.C. §6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (42 U.S.C. §47123), as amended, (prohibits discrimination on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (P.L. 100-209), (Broadened, the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12131-12189) as implemented by Department of Transportation regulations at 49 CFR Parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. §47123) prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;

- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance, recipients must take reasonable steps to ensure that LEP persons have meaningful access to programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendment of 1972, as amended, which prohibits discrimination on the basis of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).