



Title VI Program
(Non-Discrimination in Federally Assisted Programs)

DRAFT
June 23, 2023

Southern New Hampshire Planning Commission
438 Dubuque St.
Manchester, NH 03102

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1.0 TITLE VI PROGRAM APPROVAL AND COMPLIANCE REQUIREMENTS

Title VI Plan Adoption Date: July 25, 2023

Adopted By: Southern New Hampshire Planning Commission (SNHPC)

Signature: _____
Sylvia von Aulock, Executive Director

Documentation of Approval: Southern New Hampshire Planning Commission minutes of July 25, 2023 (Included in **Appendix A** of this document.)

1.1 Annual Certifications and Assurances

In accordance with the provisions of U.S. DOT Order No. 1050.2A and 49 CFR 21.7(a), the SNHPC is required to assure that its programs will be conducted in compliance with Title VI regulations. The SNHPC will remain in compliance with this requirement by annual submission of *Certifications and Assurances* as required by the New Hampshire Department of Transportation.

The SNHPC acts as the Lead Agency for the administration of FTA Section 5310 Purchase of Service and Formula Funds on behalf of the Region 8 Coordinating Council for Community Transportation. The current subrecipients of this funding are the Manchester Transit Authority, Easter Seals of New Hampshire, Rockingham Nutrition Meals on Wheels, and Catholic Charities. The SNHPC will collect Title VI Assurances from subrecipients prior to passing through FTA funds.

The date of last submission of *Certifications and Assurances* (at the time of this Plan's approval) is:

- U.S. DOT Standard Title VI/Non-Discrimination Assurances – August 31, 2022
- Federal Transit Administration Certifications and Assurances – February 7, 2023

The SNHPC's most recent *Certifications and Assurances* are included in **Appendix B and Appendix C** of this document and are also posted online on the SNHPC's website (www.snhpc.org).

1.2 Title VI Plan Revision Log

Date	Section Revised	Summary of Revisions
12/19/17	All Sections	Comprehensive plan update, updated demographic data to 2011-2015 ACS, updated Title VI complaint form and process.
9/22/2020	All Sections	Comprehensive plan update, incorporated demographic data from 2014-2018 ACS, updated requirements for subrecipients.
8/31/2021	Appendix B	Minor plan update to incorporate both U.S. DOT and FTA <i>Certifications and Assurances</i> .
7/25/2023 (Pending)	All Sections	Comprehensive plan update, expanded plan coverage area to 21 communities, incorporated demographic data from 2021 5-Year ACS.

2.0 TITLE VI POLICY STATEMENT

The Southern New Hampshire Planning Commission (SNHPC), as a recipient of Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) grant funding through the New Hampshire Department of Transportation, will comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d), the U.S. Department of Transportation implementing regulations, FTA Circular 4702.1B, and NHDOT public transportation requirements as specified in the Master Grant Agreement and State Management Plan.

The SNHPC operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act.

The SNHPC's Title VI Program has four policy objectives:

1. To ensure the level and quality of transportation service is provided without regard to race, color, or national origin;
2. To promote the full and fair participation of all affected populations in transportation decision-making;
3. To prevent the denial, reduction or delay in benefits related to programs and activities that benefit traditionally-underserved populations; and
4. To ensure equal access to programs and activities by persons with limited English proficiency.

3.0 TITLE VI NOTICE TO THE PUBLIC

3.1 Title VI Notice to the Public (English)

The SNHPC's Title VI Notice to the Public is as follows:

Notifying the Public of Rights Under Title VI Southern New Hampshire Planning Commission

The **Southern New Hampshire Planning Commission** operates its programs and services without regard to race, color, and 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 **Southern New Hampshire Planning Commission**.

For more information on the **Southern New Hampshire Planning Commission's** civil rights program, the procedures to file a complaint, or to file a complaint, please contact **Linda Moore-O'Brien, Title VI Coordinator at 603-669-4664**, (TTY 800-735-2964); email LMoore@snhpc.org; or visit our administrative office at **438 Dubuque Street, Manchester, NH 03102**. For more information, visit <https://www.snhpc.org/about-snhpc/engage/pages/civil-rights-and-title-vi-policy>.

For transportation-related Title VI matters, a complaint may also be filed directly with the:

New Hampshire Department of Transportation
Attn: Title VI Coordinator
P.O. Box 483, 7 Hazen Drive
Concord, NH 03302-0483
603-271-2467
TTY: 800-735-2964
TitleVI@dot.nh.gov

Federal Transit Administration
Office of Civil Rights
Attention: Complaint Team
East Building, 5th Floor-TCR
1200 New Jersey Avenue, SE
Washington, DC 20590

If information is needed in another language, contact 603-669-4664.

The Southern New Hampshire Planning Commission's Title VI Notice to the Public is posted in the public areas of the office and on the Commission's website.

3.2 Title VI Notice to the Public (Español)

Notificación al público de los derechos en virtud del Título VI Comisión de Planificación del Sur de New Hampshire

La **Comisión de Planificación del Sur de New Hampshire** opera sus programas y servicios sin distinción de raza, color y origen nacional de acuerdo con el Título VI de la Ley de Derechos Civiles. Cualquier persona que crea que ha sido agraviada por cualquier práctica discriminatoria ilegal bajo el Título VI puede presentar una queja ante la **Comisión de Planificación del Sur de New Hampshire**.

Para obtener más información sobre el programa de derechos civiles de la **Comisión de Planificación del Sur de New Hampshire**, los procedimientos para presentar una queja o presentar una queja, comuníquese con **Linda Moore-O'Brien, Coordinadora del Título VI al 603-669-4664**, (TTY 800-735-2964); correo electrónico LMoore@snhpc.org; o visite nuestra oficina administrativa en **438 Dubuque Street, Manchester, NH 03102**. Para mayor información, visite <https://www.snhpc.org/about-snhpc/engage/pages/civil-rights-and-title-vi-policy>.

Para asuntos del el Título VI relacionados con el transporte, también se puede presentar una queja directamente en el:

Departamento de Transporte de New Hampshire
A la atención de: Coordinador del Título VI
P.O. Box 483, 7 Hazen Drive
Concord, NH 03302-0483
603-271-2467
TTY: 800-735-2964
TitleVI@dot.nh.gov

Administración Federal de Tránsito
Oficina de Derechos Civiles
Atención: Equipo de quejas
Edificio Este, 5º piso-TCR
1200 New Jersey Avenue, SE
Washington, DC 20590

Si necesita información en otro idioma, llame al 603-669-4664.

3.3 Title VI Notice to the Public (Français)

Notification au public de ses droits conformément au titre VI Commission de planification du sud du New Hampshire

La **Commission de planification du Sud du New Hampshire** gère ses programmes et services sans distinction de race, de couleur ou d'origine nationale, en application du titre VI de la loi sur les droits civils. Quiconque s'estimant avoir été lésé en raison de pratiques discriminatoires illégales au sens du titre VI peut déposer une plainte auprès la **Commission de planification du Sud du New Hampshire**.

Pour de plus amples informations concernant le programme de droits civils de la **Commission de planification du Sud du New Hampshire**, les procédures pour déposer une plainte, ou pour déposer plainte, veuillez contacter **Linda Moore-O'Brien, coordinatrice pour le titre VI au 603-669-4664**, (TTY 800-735-2964); e-mail LMoore@snhpc.org; ou rendez-vous à nos bureaux au **438 Dubuque Street, Manchester, NH 03102**. Pour de plus amples informations, rendez-vous sur <https://www.snhpc.org/about-snhpc/engage/pages/civil-rights-and-title-vi-policy>.

Pour les questions relatives au titre VI en matière de transport, vous pouvez également déposer une plainte directement auprès de :

Département des Transports du New Hampshire
À l'attention de : Coordinateur Titre VI
Code postal 483, 7 Hazen Drive
Concord, NH 03302-0483
603-271-2467
TTY : 800-735-2964
TitleVI@dot.nh.gov

Administration fédérale des transports
Bureau des droits civils
À l'attention de : Équipe des plaintes
Bâtiment Est, 5ème étage-TCR
1200 New Jersey Avenue, SE
Washington, DC 20590

Vous souhaitez bénéficier d'assistance dans une autre langue ? Contactez le 603-669-4664.

4.0 TITLE VI COMPLAINT PROCEDURE

The SNHPC's Title VI Complaint Procedure is made available in the following locations:

- SNHPC website (www.snhpc.org);
 - SNHPC office at 438 Dubuque Street, Manchester, NH 03102; and
 - SNHPC Title VI Program.
-

Any individual, group of individuals or entity that believes they have been discriminated against on the basis of race, color, or national origin by the **Southern New Hampshire Planning Commission** may file a Title VI complaint by completing and submitting the agency's written Title VI Complaint Form. In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the SNHPC Title VI Coordinator. Under these circumstances, the complainant will be interviewed, and the Title VI Coordinator will assist the complainant in converting the verbal allegations to writing.

Any individual having filed a complaint or participated in the investigation of a complaint shall not be subjected to any form of intimidation or retaliation. Individuals who have cause to think that they have been subjected to intimidation or retaliation can file a complaint of retaliation following the same procedure for filing a discrimination complaint.

A complaint must be filed with the **Southern New Hampshire Planning Commission** no later than 180 days after the following:

1. The date of the alleged act of discrimination; or
2. The date when the person(s) became aware of the alleged discrimination; or
3. Where there has been a continuing course of conduct, the date on which that conduct was discontinued of the latest instance of the conduct.

Once the complaint is received, the **Southern New Hampshire Planning Commission** will review it to determine if our office has jurisdiction. A copy of each Title VI complaint received will be forwarded to the New Hampshire Department of Transportation within ten (10) calendar days of receipt. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office within ten (10) calendar days by registered mail.

- If the decision is not to investigate the complaint, the letter shall specifically state the reason for the decision. When SNHPC does not have sufficient jurisdiction, the Executive Director or his/her authorized designee will refer the complaint to the appropriate State or Federal agency holding such jurisdiction.
- If the complaint is to be investigated, the letter shall state the grounds of SNHPC's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.

The **Southern New Hampshire Planning Commission** has sixty (60) calendar days to investigate the complaint. If more information is needed to resolve the case, the **Southern New Hampshire Planning Commission** may contact the complainant requesting further information. The complainant has thirty (30) calendar 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 thirty (30) calendar days, the **Southern New Hampshire Planning Commission** can administratively close the case.

After the investigator reviews the complaint, the agency will issue one of two (2) 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 letter of finding (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 it must direct the appeal to the agency initially. The complainant has thirty (30) calendar days after the date of the closure letter or the letter of finding to do so. If there is outstanding concern, the appeal may be directed to the New Hampshire Department of Transportation or Federal Transit Administration. The appeal process information will be included in the letter.

A person may also file a complaint directly with the:

New Hampshire Department of Transportation
Attn: Title VI Coordinator
P.O. Box 483, 7 Hazen Drive
Concord, NH 03302-0483
603-271-2467
TTY: 800-735-2964
TitleVI@dot.nh.gov

Federal Transit Administration
Office of Civil Rights
Attention: Complaint Team
East Building, 5th Floor-TCR
1200 New Jersey Avenue, SE
Washington, DC 20590

These procedures do not deny the right of the complainant to file formal complaints with other State or Federal agencies or to seek private counsel for complaints alleging discrimination.

If information is needed in another language, contact 603-669-4664.

5.0 TITLE VI COMPLAINT FORM

The SNHPC's Title VI Complaint Form is made available in the following locations:

- SNHPC website (www.snhpc.org);
- SNHPC office at 438 Dubuque Street, Manchester, NH 03102; and
- SNHPC Title VI Program.

Section I:				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
E-Mail Address:				
Accessible Format Requirements:	Large Print		Audio Tape	
	TDD		Other	
Section II:				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party: _____				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
Section III:				
<i>I believe the discrimination I experienced was based on (check all that apply):</i>				
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin				
<input type="checkbox"/> Other (Specify): _____				
Date of Alleged Discrimination (Month, Day, Year): _____				
<i>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.</i>				

6.0 TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS

The SNHPC maintains a log of any active investigations, lawsuits, or complaints alleging discrimination of the basis of race, color, or national origin. This list includes the date the investigation, lawsuit, or complaint was filed and received by the SNHPC, a summary of the allegation(s), the status of the investigation, lawsuit or complaint, and actions taken by the SNHPC in response to the investigation, lawsuit, or complaint.

The SNHPC log for recording this information is included below.

There have been no investigations, lawsuits, and/or complaints filed against the SNHPC since the last Title VI Program submission.

Figure 6.0.1 – SNHPC Title VI Investigations, Complaints and Lawsuits Log

Case #	Complainant	Date Received	Protected Class	Basis of Complaint	Response Status	Date of Response
None	None	None	None	None	None	None

7.0 PUBLIC PARTICIPATION PLAN

The SNHPC believes that everyone who is affected by a decision has the right to be involved in the decision-making process. As a coordinating agency working with fourteen (14) unique communities in the greater Manchester New Hampshire area, the SNHPC celebrates the diversity of the region and values everyone's input. To ensure that the SNHPC's transportation planning programs and initiatives reflect the needs and priorities of the communities the Commission serves, the Commission has made it a priority to actively engage the participation of community stakeholders including those who may not be familiar or understand the transportation planning process.

The SNHPC considers the "public" to encompass all of the region's stakeholders, or anyone who has an interest in the future of the region. This includes everyone who resides, visits, or does business in the region, as well as local government agencies, local advocacy groups, community-based organizations, public transportation providers and users, private transportation providers, freight shippers, and other interested parties. The SNHPC tracks demographic information to advance more equitable representation in public participation efforts, making special efforts to address the needs of groups who are traditionally underserved and mitigate barriers to participation including racial and ethnic minorities and residents with limited English proficiency.

As a companion document to this Title VI Program, the SNHPC maintains a separate Public Participation Plan, which can be found at: <https://www.snhpc.org/transportation/transportation-planning/pages/public-participation-plan>.

7.1 SNHPC Public Participation Goals and Strategies

The SNHPC's Public Participation Plan identifies the following goals and strategies to promote inclusive public participation:

GOAL #1: Expand access to inclusive public engagement opportunities.

To achieve this goal, SNHPC will:

- Collaborate with a wide variety of individuals and groups to effectively capture the diverse perspectives of the region's constituents.
- Scale public engagement efforts appropriately to account for community needs and potential local impacts.
- Offer a variety of opportunities to engage, both in-person and virtually.
- Ensure outreach efforts include traditionally underserved communities and mitigate barriers to engagement related to language, disability, and transportation and computer access.
- Meet people where they are by dovetailing outreach efforts with existing programs, committee meetings, and community events.

GOAL #2: Grow public awareness of regional priorities, activities, and programs.

To achieve this goal, SNHPC will:

- Refine the SNHPC brand and reinforce familiarity via cohesive messaging and design standards.

- Review public-facing materials for accessibility and legibility. Simplify language and minimize jargon where possible.
- Develop a communications strategy for priority projects or initiatives. Identify key talking points and targeted outreach methods, and develop compelling, highly visual materials.
- Leverage existing community resource networks (e.g. libraries, municipal newsletters, transportation providers) to facilitate widespread public outreach.
- Experiment with creative outreach approaches. Test new ideas for on-site pop-up activities, social media polls, short videos, and more.
- Work with the region's transit stakeholders and public transit providers to ensure outreach approaches are effectively coordinated.

GOAL #3: *Strengthen stakeholder partnerships and ensure their input is reflected in regional planning products.*

To achieve this goal, SNHPC will:

- Strengthen relationships with key stakeholders and identify local leaders to champion projects and plans.
- Recruit and convene active, engaged advisory committees to leverage local knowledge and expertise.
- Expand participation from representatives of traditionally underserved communities.
- Develop compelling, user-friendly materials that partners can readily adapt and share with their own networks (e.g. sample social media posts).

GOAL #4: *Assess "How are we doing?" by evaluating public participation approaches.*

To achieve this goal, SNHPC will:

- Solidify public participation performance measures and share with stakeholders, agency partners, and SNHPC Commissioners.
- Use these performance measures to regularly track and report on the effectiveness of public participation efforts.
- Explore new avenues for inviting and receiving public feedback (e.g. via website forms, exit questionnaires, surveys, and focused conversations).
- Embrace flexibility. Adjust approaches as needed in response to emerging concerns and/or new opportunities.

7.2 SNHPC Public Outreach Activities

Since the last Title VI Program update, significant public outreach and involvement activities conducted by the SNHPC to gather input on the needs of traditionally-underserved populations in the region include, but are not limited to, the following:

- The SNHPC completed a six-question transportation needs assessment survey targeted to traditionally-underserved populations in the region. The survey was conducted from May 24-31, 2022. Overall, insufficient public transportation, followed by the distance of affordable housing to services, shopping, and jobs, were stated to be the most common barriers for target populations.
- The SNHPC regularly participates in meetings of two different community action groups led by persons of color (Manchester Environmental Justice Advisory Committee and Manchester Community Action Coalition). The two community action groups are both focused on serving census tracts with a high concentration of minority populations.
 - The SNHPC's participation in meetings of the Manchester Environmental Justice Advisory Committee has focused on addressing issues of equitable access to safe streets for pedestrians through sidewalk and bicycle infrastructure.
 - The SNHPC's participation in the Manchester Community Action Coalition has focused on outlining the transportation planning process and the role MPO members play in the transportation planning decision-making process.
- The SNHPC developed a Title VI & Non-Discrimination brochure in English and Spanish providing an overview of the SNHPC's Title VI responsibilities. The brochure can be found on the SNHPC's website at this link: <https://www.snhpc.org/about-snhpc/engage/pages/civil-rights-and-title-vi-policy>
- The SNHPC developed a "Commissioner Introductory Guide" brochure in English and Spanish providing an overview of the SNHPC's functions. The brochure can be found on the SNHPC's website at this link: <https://www.snhpc.org/about-snhpc/pages/commission>
- The SNHPC developed an updated regional contact list of Title VI stakeholders. This contact list was used to disseminate communications and notices for SNHPC activities and planning products, and was also used to disseminate the transportation needs assessment survey.
- The SNHPC, in response to the COVID-19 pandemic, incorporated new opportunities for Virtual Public Involvement (VPI). SNHPC staff established online portals via social media in which the public can virtually attend SNHPC Technical Advisory Committee (TAC) and MPO Policy Committee meetings. In addition to virtual or live attendance at TAC and MPO meetings, the public can now watch past meetings via the SNHPC's YouTube channel.

8.0 LANGUAGE ASSISTANCE PLAN

As a recipient of federal U.S. Department of Transportation funding, the SNHPC is required to take reasonable steps to ensure meaningful access to our programs and activities by limited-English proficient (LEP) persons.

Limited English Proficient (LEP) refers to persons for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. This includes those who have reported to the U.S. Census that they speak English less than very well, not well, or not at all.

The SNHPC's Language Assistance Plan includes the following elements:

1. The results of the *Four Factor Analysis*, including a description of the LEP population(s), served.
2. A description of how language assistance services are provided by language.
3. A description of how LEP persons are informed of the availability of language assistance service.
4. A description of how the Language Assistance Plan is monitored and updated.
5. A description of how employees are trained to provide language assistance to LEP persons.

8.1 *Four Factor Analysis Methodology*

To determine if an individual is entitled to language assistance and what specific services are appropriate, the Southern New Hampshire Planning Commission's Title VI Program Language Assistance Plan includes a *Four Factor Analysis* of the following areas: 1) Limited-English Proficient (LEP) Speaker Demography, 2) Contact Frequency, 3) Importance of Service, and 4) Resources and Costs.

The SNHPC serves as the Metropolitan Planning Organization (MPO) for 14 municipalities in the Greater Manchester, New Hampshire area. In addition to its responsibilities as an MPO, the SNHPC serves as the lead agency for the administration of FTA Section 5310 funding for the Region 8 Coordinating Council for Community Transportation (RCC), which serves 20 communities in Hillsborough, Merrimack, and Rockingham counties (13 of which overlap with the SNHPC's MPO service area). As such, the SNHPC's Title VI Program, including Four Factor Analysis and Language Assistance Plan, encompasses the 21 communities that comprise the SNHPC's MPO region plus the Region 8 RCC area.

Figure 8.1.1 – Communities Included in the SNHPC Title VI Program

Town of Atkinson	Town of Derry	Town of New Boston
Town of Auburn	Town of Francestown	Town of Plaistow
Town of Bedford	Town of Goffstown	Town of Raymond
Town of Candia	Town of Hampstead	Town of Salem
Town of Chester	Town of Hooksett	Town of Sandown
Town of Danville	Town of Londonderry	Town of Weare
Town of Deerfield	City of Manchester	Town of Windham

Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the SNHPC or its programs.

In addition to the number or proportion of LEP persons served, this factor includes:

- (a) How LEP persons interact with the SNHPC;
- (b) Identification of LEP communities, and assessing the number or proportion of LEP persons from each language group to determine the appropriate language services for each language;
- (c) The literacy skills of LEP populations in their native languages, in order to determine whether translation of documents will be an effective practice; and
- (d) Whether LEP persons are underserved by the SNHPC due to language barriers.

Factor 2: The frequency with which LEP persons come into contact with the SNHPC or its programs.

This factor includes identifying and assessing the frequency that the SNHPC's staff comes into contact with LEP persons. Examples of contact could include:

- Participation in SNHPC public meetings;
- Comments on SNHPC metropolitan transportation planning products;
- Technical assistance requests made to SNHPC; and/or
- Participation in surveys conducted by the SNHPC.

Factor 3: The nature and importance of the program, activity, or service provided by the SNHPC to people's lives.

Generally speaking, the more important the program, the more frequent the contact and the likelihood that language services will be needed.

Factor 4: The resources available to the SNHPC for LEP outreach, as well as the costs associated with that outreach.

Resource and cost issues can often be reduced by technological advances, reasonable business practices, and the sharing of language assistance materials and services among and between recipients, advocacy groups, LEP populations and Federal agencies. Resource limitations must be well substantiated before using this factor as a reason to limit language assistance.

8.2 Four Factor Analysis – Factor #1: Number or Proportion of LEP Persons Eligible to be Served

As detailed in Figures 8.2.1, 8.2.2, 8.2.3, and 8.2.4 on the following pages, the SNHPC has prepared demographic analyses of both LEP and minority populations in the 21 communities encompassed in the SNHPC's Title VI Program based on 2021 American Community Survey (ACS) 5-Year Estimates.

Figure 8.2.1 – Demographic Summary of LEP Populations in the SNHPC Service Area
 (Source: 2021 American Community Survey 5-Year Estimates)

Municipality	Total Population (Age 5+)	Total LEP Population		Spanish LEP		French, Haitian, or Cajun LEP		German/West Germanic Languages LEP		Russian, Polish, or Other Slavic Languages LEP		Other Indo-European Languages LEP		Korean LEP		Chinese (incl. Mandarin, Cantonese) LEP		Vietnamese LEP		Tagalog (incl. Filipino) LEP		Other Asian/Pacific Island Languages LEP		Arabic LEP		Other and Unspecified Languages LEP	
Atkinson	6,807	36	0.5%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	36	0.5%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Auburn	5,527	19	0.3%	0	0.0%	11	0.2%	0	0.0%	0	0.0%	8	0.1%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Bedford	21,990	352	1.6%	0	0.0%	67	0.3%	32	0.1%	0	0.0%	113	0.5%	28	0.1%	66	0.3%	0	0.0%	22	0.1%	24	0.1%	0	0.0%	0	0.0%
Candia	3,782	26	0.7%	0	0.0%	26	0.7%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Chester	4,929	7	0.1%	7	0.1%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Danville	4,255	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Deerfield	4,640	9	0.2%	0	0.0%	9	0.2%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Derry	32,262	423	1.3%	197	0.6%	54	0.2%	8	0.0%	44	0.1%	79	0.2%	4	0.0%	1	0.0%	11	0.0%	0	0.0%	25	0.1%	0	0.0%	0	0.0%
Francestown	1,466	2	0.1%	2	0.1%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Goffstown	17,440	292	1.7%	35	0.2%	133	0.8%	0	0.0%	124	0.7%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Hampstead	8,365	59	0.7%	10	0.1%	16	0.2%	33	0.4%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Hooksett	14,143	242	1.7%	13	0.1%	41	0.3%	27	0.2%	37	0.3%	53	0.4%	0	0.0%	0	0.0%	32	0.2%	0	0.0%	0	0.0%	39	0.3%	0	0.0%
Londonderry	24,330	311	1.3%	198	0.8%	47	0.2%	0	0.0%	0	0.0%	66	0.3%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Manchester	108,430	9,901	9.1%	3,794	3.5%	1,179	1.1%	9	0.0%	645	0.6%	1,671	1.5%	18	0.0%	325	0.3%	812	0.7%	70	0.1%	206	0.2%	642	0.6%	530	0.5%
New Boston	5,761	15	0.3%	15	0.3%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Plaistow	7,447	68	0.9%	67	0.9%	0	0.0%	0	0.0%	1	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Raymond	9,987	20	0.2%	14	0.1%	6	0.1%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Salem	28,990	1,000	3.4%	534	1.8%	39	0.1%	1	0.0%	0	0.0%	197	0.7%	37	0.1%	61	0.2%	0	0.0%	20	0.1%	37	0.1%	74	0.3%	0	0.0%
Sandown	6,074	32	0.5%	22	0.4%	0	0.0%	1	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	9	0.1%	0	0.0%
Weare	8,671	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Windham	14,711	324	2.2%	138	0.9%	0	0.0%	0	0.0%	23	0.2%	120	0.8%	0	0.0%	22	0.1%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	21	0.1%
Total	340,007	13,138	3.9%	5,046	1.5%	1,628	0.5%	111	0.0%	874	0.3%	2,307	0.7%	87	0.0%	511	0.2%	855	0.3%	112	0.0%	292	0.1%	764	0.2%	551	0.2%

Figure 8.2.2 – Map of LEP Populations in the SNHPC Service Area
(Source: 2021 American Community Survey 5-Year Estimates)

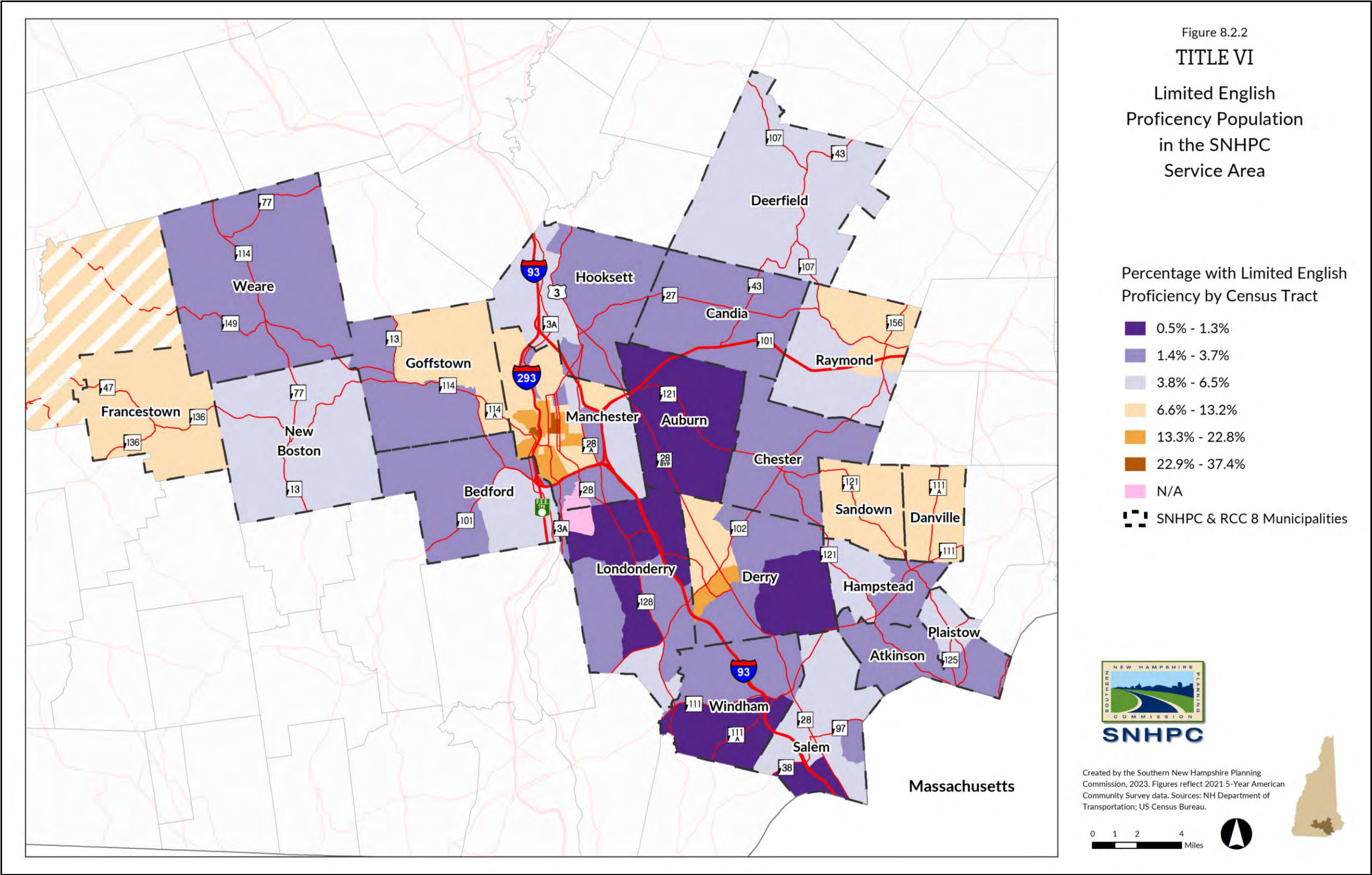
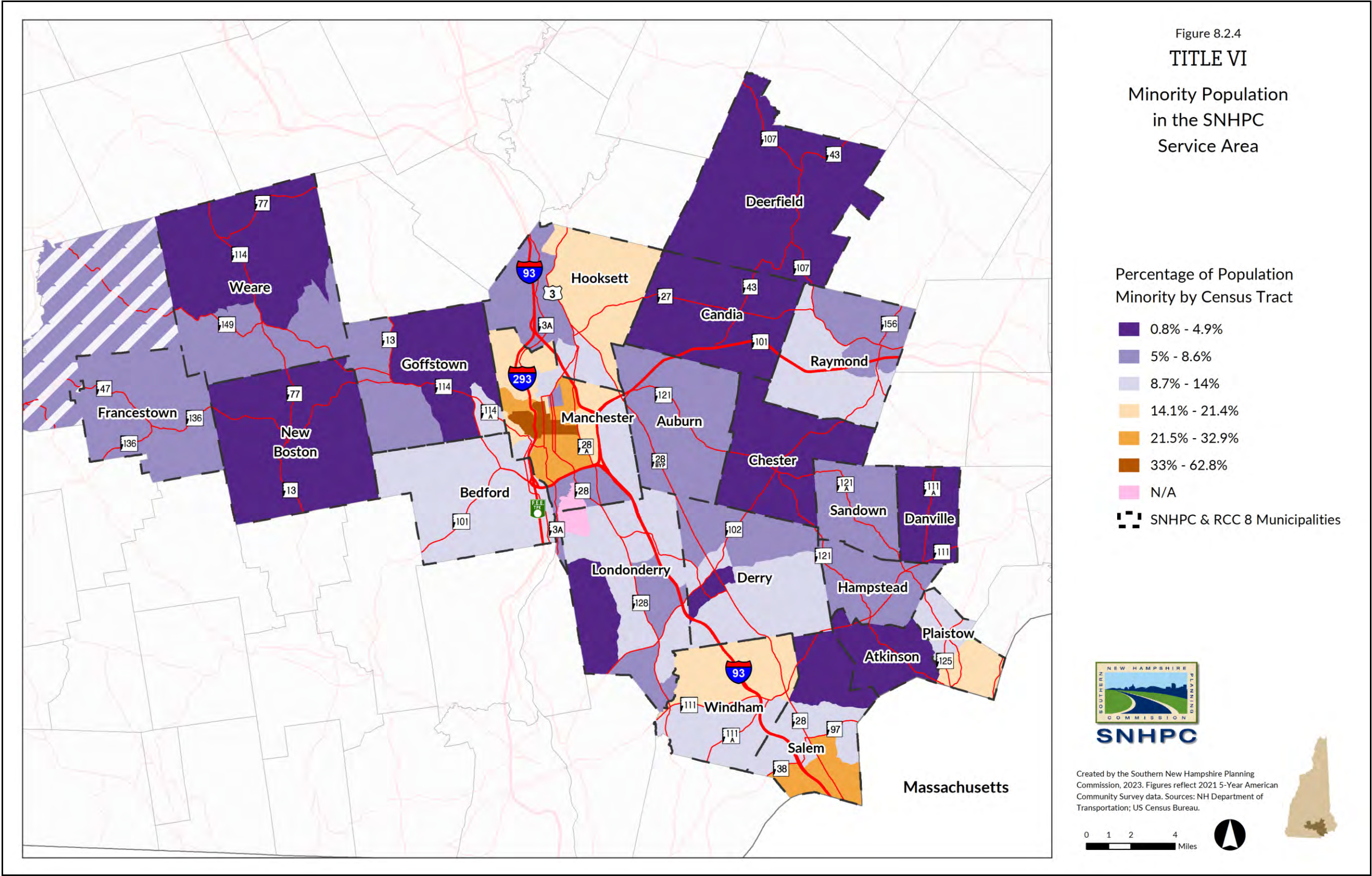


Figure 8.2.3 – Demographic Summary of Minority Populations in the SNHPC Service Area
(Source: 2021 American Community Survey 5-Year Estimates)

			Not Hispanic or Latino																
Town	Total Population	Minority		White Alone		Black or African American Alone		American Indian and Alaska Native Alone		Asian Alone		Native Hawaiian and Other Pacific Islander Alone		Some Other Race Alone		Two or More Races		Hispanic or Latino	
Atkinson	7,086	291	4.1%	6,795	95.9%	0	0.0%	0	0.0%	123	1.7%	0	0.0%	0	0.0%	64	0.9%	104	1.5%
Auburn	5,852	377	6.4%	5,475	93.6%	72	1.2%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	136	2.3%	169	2.9%
Bedford	23,157	2,875	12.4%	20,282	87.6%	171	0.7%	0	0.0%	1,404	6.1%	0	0.0%	21	0.1%	518	2.2%	761	3.3%
Candia	4,022	120	3.0%	3,902	97.0%	39	1.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	30	0.7%	51	1.3%
Chester	5,198	161	3.1%	5,037	96.9%	9	0.2%	1	0.0%	59	1.1%	0	0.0%	0	0.0%	0	0.0%	92	1.8%
Danville	4,435	217	4.9%	4,218	95.1%	8	0.2%	0	0.0%	27	0.6%	0	0.0%	0	0.0%	127	2.9%	55	1.2%
Deerfield	4,808	199	4.1%	4,609	95.9%	33	0.7%	0	0.0%	24	0.5%	0	0.0%	0	0.0%	117	2.4%	25	0.5%
Derry	34,197	2,976	8.7%	31,221	91.3%	295	0.9%	0	0.0%	536	1.6%	0	0.0%	29	0.1%	527	1.5%	1,589	4.6%
Fracestown	1,559	59	3.8%	1,500	96.2%	15	1.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	24	1.5%	20	1.3%
Goffstown	18,274	1,359	7.4%	16,915	92.6%	22	0.1%	88	0.5%	131	0.7%	0	0.0%	0	0.0%	744	4.1%	374	2.0%
Hampstead	8,948	624	7.0%	8,324	93.0%	83	0.9%	0	0.0%	83	0.9%	0	0.0%	0	0.0%	377	4.2%	81	0.9%
Hooksett	14,772	1,696	11.5%	13,076	88.5%	266	1.8%	82	0.6%	507	3.4%	0	0.0%	73	0.5%	460	3.1%	308	2.1%
Londonderry	25,708	2,211	8.6%	23,497	91.4%	347	1.3%	21	0.1%	455	1.8%	21	0.1%	12	0.0%	398	1.5%	957	3.7%
Manchester	114,730	28,819	25.1%	85,911	74.9%	6,060	5.3%	64	0.1%	5,609	4.9%	54	0.0%	488	0.4%	3,969	3.5%	12,575	11.0%
New Boston	6,040	168	2.8%	5,872	97.2%	0	0.0%	0	0.0%	13	0.2%	0	0.0%	0	0.0%	103	1.7%	52	0.9%
Plaistow	7,812	1,068	13.7%	6,744	86.3%	9	0.1%	0	0.0%	0	0.0%	0	0.0%	87	1.1%	316	4.0%	656	8.4%
Raymond	10,670	877	8.2%	9,793	91.8%	266	2.5%	0	0.0%	31	0.3%	0	0.0%	0	0.0%	209	2.0%	371	3.5%
Salem	30,158	5,019	16.6%	25,139	83.4%	194	0.6%	18	0.1%	1,226	4.1%	0	0.0%	47	0.2%	902	3.0%	2,632	8.7%
Sandown	6,498	385	5.9%	6,113	94.1%	38	0.6%	0	0.0%	0	0.0%	0	0.0%	71	1.1%	48	0.7%	228	3.5%
Weare	9,072	232	2.6%	8,840	97.4%	0	0.0%	0	0.0%	12	0.1%	0	0.0%	0	0.0%	11	0.1%	209	2.3%
Windham	15,587	2,040	13.1%	13,547	86.9%	56	0.4%	0	0.0%	814	5.2%	0	0.0%	0	0.0%	680	4.4%	490	3.1%
Total	358,583	51,773	14.4%	306,810	85.6%	7,983	2.2%	274	0.1%	11,054	3.1%	75	0.0%	828	0.2%	9,760	2.7%	21,799	6.1%

Figure 8.2.4– Map of Minority Populations in the SNHPC Service Area
(Source: 2021 American Community Survey 5-Year Estimates)



Based on the demographic data presented in Figure 8.2.1 and Figure 8.2.2, a total of 13,138 individuals in the SNHPC service area, or approximately 3.9% of the population, would be identified as having Limited English Proficiency.

For this Limited English Proficiency population that speaks English “less than very well”:

- Approx. 5,046 persons, or 1.5% of the population, are Spanish speakers.
- Approx. 1,628 persons, or 0.5% of the population, are French, Haitian, or Cajun speakers.

The U.S. Census American Community Survey data also identifies approx. 2,307 persons, or 0.7% of the population, as speaking “Other Indo-European Languages.” This is a broad term encompassing more than two dozen languages ranging from Portuguese to Hindi. The SNHPC has not received any assistance requests from LEP persons for interpretation or translation services in an Other Indo-European Language.

Federal LEP guidance identifies 1,000 individuals or 5% of the population eligible to be served falling within a specific LEP language group as a threshold (“Safe Harbor”) above which vital documents should be provided in translation. Based on the *Four Factor Analysis*, demographic data indicates that the Spanish and French are Safe Harbor languages in the SNHPC service area.

8.3 *Four Factor Analysis* – **Factor #2: Frequency of LEP Contact**

Key points of contact between the SNHPC and members of the public in the SNHPC service area include the following: public hearings, other public meetings, the SNHPC website, inquiries with the SNHPC office and staff regarding local or regional project needs, and local or regional surveys designed to gather information to inform decision making.

Since the last SNHPC Title VI Program update, there have been no inquiries with SNHPC staff from residents of the region requesting assistance or services in other languages, language interpretation services for meetings, or document translations.

Figure 8.3.1 – SNHPC Log of LEP Encounters

Date	Time	Language Spoken By Individual (if available)	Name and Phone Number of Individual (if available)	Service Requested	Follow Up Required	Staff Member Providing Assistance	Notes
None	None	None	None	None	None	None	None

8.4 *Four Factor Analysis* – Factor #3: Nature and Importance of SNHPC Programs, Activities, or Services

All of the SNHPC’s metropolitan transportation planning activities impact every person in the SNHPC’s service area to one degree or another. Projects developed, administered, or reviewed by the SNHPC impact the safety and mobility of all members of the traveling public. Similarly, the SNHPC works to develop regional coordinated public transit and human service transportation plans that help to address access needs for a range of transit dependent populations, which may include LEP persons as well as seniors, individuals with disabilities, youth, and low-income populations.

The SNHPC is committed to providing meaningful access and will provide written translation for any of its documents, when reasonable, effective and with the available resources. In other cases, the SNHPC will strive to provide alternative but meaningful accessibility. Moreover, the SNHPC continually evaluates its programs, services, and activities to ensure that persons with Limited English Proficiency are always provided with meaningful access.

The SNHPC’s Title VI Notice to the Public and Complaint Form are available in English, Spanish, and French, and can be provided in other languages upon request.

8.5 *Four Factor Analysis* – Factor #4: Resources and Costs Associated with SNHPC LEP Outreach

The SNHPC makes every effort to make its programs, services, and activities accessible to LEP individuals. The SNHPC uses its available resources to translate public notices and outreach materials into Spanish and French, and will accommodate reasonable requests for translations in other languages. As needed, the SNHPC will utilize telephonic interpretation services via Language Bank (www.thelanguagebank.org) and Language Line Solutions (www.language-line.com). The SNHPC uses these services as well as The Spanish Group (www.thespanishgroup.org) for document translations services.

The SNHPC has also incorporated Google Translate technology into its website. While Google Translate is not a substitute for live interpretation or certified document translation, it can help LEP persons efficiently navigate the SNHPC website and access meeting information and planning documents.

The SNHPC’s cost of providing interpretation and translation services has historically ranged from \$500-\$1,000 per year. However, it is anticipated that these costs will increase to \$1,000-\$2,000 beginning in FY 2024 as the SNHPC will now regularly provide vital document translations in both Spanish and French.

The SNHPC’s Unified Planning Work Program (UPWP) with the New Hampshire Department of Transportation is the primary source of financial resources available to the SNHPC for expanding language access. Translation of key public notices for the SNHPC’s metropolitan transportation planning products is specifically listed under Task 304 of the SNHPC’s UPWP. The SNHPC matches the federal funding (comprised of FHWA PL and FTA Section 5303) supporting the UPWP with local (i.e. non-federal) funding.

8.6 Description of how Language Assistance Services are Provided (by Language)

The SNHPC has identified, developed, and uses the following methods of providing Language Assistance services.

- SNHPC translates the following vital documents into both Spanish and French:
 - Title VI Notice to the Public.
 - Title VI Complaint Form.
 - Title VI Brochure.
 - Public Hearing and Public Comment Period notices for SNHPC metropolitan transportation planning products as detailed in the SNHPC Public Participation Plan.
- SNHPC staff who have contact with the public are provided with “I Speak” language cards to identify language needs in order to match them with available services. A binder with “I speak” language cards is stationed at the SNHPC office entrance with front desk staff.
 - SNHPC will coordinate telephonic interpretation services via Language Bank or Language Line upon determining the language needed.
- SNHPC’s website incorporates Google Translate technology to help LEP persons efficiently navigate the website.
- SNHPC will provide a list of web-based translation services can by contacting 603-669-4664 or LMoore@snhpc.org.

8.7 Description of how LEP Persons are Informed of the Availability of Language Assistance Services

In order to ensure that LEP individuals are aware of the SNHPC’s language assistance measures, SNHPC provides the following:

- The SNHPC’s Title VI Program including the Language Assistance Plan is made available on the SNHPC website and hard copy is available in the SNHPC office.
- The SNHPC’s Title VI Notice to the Public is posted online in English, Spanish, and French with hard copies posted in the SNHPC office.
- SNHPC staff who have contact with the public are provided with “I Speak” language cards to identify language needs in order to match them with available services. A binder with “I speak” language cards is stationed at the SNHPC office entrance with front desk staff.

8.8 Description of how the Language Assistance Plan is Monitored and Updated

The SNHPC will continue to update the Language Assistance Plan as required by the U.S. Department of Transportation. At a minimum, the SNHPC’s Title VI Program, including Language Assistance Plan, will continue to be reviewed and updated every three (3) years in conjunction with the Title VI submission and use data from the U.S. Decennial Census or the American Community Survey as available.

The SNHPC’s Language Assistance Plan updates will include the following:

- The number of documented LEP person contacts encountered.

- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the SNHPC's service area.
- Determination as to whether the need for translation services has changed.
- Determination as to whether local language assistance programs have been effective and sufficient to meet the need.
- Determination as to whether the SNHPC's financial resources are sufficient to fund language assistance resources needed.
- Determination as to whether the SNHPC has fully complied with the goals of the Language Assistance Plan.
- Determination as to whether complaints have been received concerning the SNHPC's failure to meet the needs of LEP individuals.

8.9 Description of how Employees are Trained to Provide Language Assistance to LEP Persons

The following training opportunities will be provided to SNHPC staff:

- Staff informational session on the SNHPC's Title VI Program and LEP responsibilities.
- Staff orientation on the use of "I Speak" language cards to identify language preference.
- Staff orientation on how to document and fulfill language assistance requests.
- Staff orientation on how to use telephonic interpretation services.
- Staff informational session on how to handle a potential Title VI complaint.

In addition to the items detailed above, SNHPC staff will be encouraged to do self-learning by reviewing the LEP-related training videos available online at: <https://www.lep.gov/videos>.

9.0 MINORITY REPRESENTATION ON PLANNING AND ADVISORY BODIES

Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin, “deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.”

The key advisory and policy-making bodies for the SNHPC are the MPO Technical Advisory Committee (TAC) and the MPO Policy Committee.

- The TAC comprised of representatives from each SNHPC municipality plus representatives of State and Federal agencies, neighboring MPOs, the Manchester-Boston Regional Airport, and the Manchester Transit Authority.
- The Policy Committee is similarly made up of Commissioners to the SNHPC appointed by each member community, representatives of State and Federal agencies, and the Manchester Transit Authority.

For both the TAC and MPO, the individuals representing the member municipalities or agencies are selected by those entities and are not selected by the SNHPC or its staff.

9.1 Efforts to Encourage Minority Participation

Notwithstanding that the SNHPC does not select its TAC or MPO Policy Committee members (also known as Commissioners), the SNHPC has developed targeted outreach materials for traditionally-underserved populations in the region to provide basic information about the SNHPC as an organization.

These outreach materials provide an overview of the SNHPC’s function as a Metropolitan Planning Organization, time commitment to serve on the SNHPC, meeting frequency, and the roles and responsibilities of SNHPC Commissioners.

If someone is interested in serving as an SNHPC Commissioner, they are encouraged to contact their municipality’s Planning Office to learn more about their community’s appointment process.

Guía introductoria para el Comisionado de SNHPC

SNHPC actúa como agencia coordinadora de las iniciativas de planificación de uso de suelo y transporte de 14 comunidades en la región: Auburn, Bedford, Candia, Chester, Deerfield, Derry, Francetown, Goffstown, Hooksett, Londonderry, Manchester, New Boston, Weare y Windham. Nuestro éxito se debe en parte a nuestra dedicación a la hora de construir relaciones con cada una de nuestras comunidades, desarrollar asociaciones con agencias en todos los niveles y fomentar los esfuerzos de colaboración en nuestro enfoque hacia la planificación. Nos esforzamos por elaborar soluciones eficaces y eficientes para preservar la naturaleza especial de nuestras comunidades y los valiosos recursos de la región.

ROLES DEL COMISIONADO

El rol de un Comisionado de la SNHPC es ofrecer una visión y orientación sobre los proyectos y procesos de la Comisión SNHPC a través de conversaciones reflexivas en las reuniones, aportaciones al personal para los informes, y la adopción de informes y otros documentos de planificación. Otras responsabilidades incluyen la adopción del Presupuesto Anual y de las Cuotas Anuales, la adopción y modificación de los Estatutos y la elección de los funcionarios y miembros del Comité Ejecutivo.

ORGANIZACIÓN DE PLANIFICACIÓN METROPOLITANA SNHPC

La Comisión es también la Organización de Planificación Metropolitana (MPO) de la región y, en consecuencia, los Comisionados de la SNHPC también son miembros del Comité de Política de la MPO. La MPO lleva a cabo la planificación del transporte de forma cooperativa, integral y continua. El Comité de Política de la MPO proporciona un foro para el desarrollo de políticas de transporte regionales para la MPO de la SNHPC y actúa como vehículo para coordinar la implementación de estas políticas. Una de las principales responsabilidades del Comité de Política de la MPO es asegurar que la MPO de la SNHPC se adhiera a los procesos requeridos de programación de transporte federal y estatal.

COMPROMISO DEL COMISIONADO Y FRECUENCIA DE LAS REUNIONES

Generalmente, los comisionados son nominados para un periodo de cuatro años por la Junta de Planificación de su comunidad y designados por el órgano de gobierno de su comunidad. La Comisión y la MPO celebran 12 reuniones mensuales en la oficina de la SNHPC (438 Dubuque St., Manchester) a las 11:30 a.m., generalmente el cuarto martes de cada mes. La participación virtual también es una opción, aunque para establecer un quórum deben estar presentes físicamente ocho comisionados de siete comunidades. Las comunidades tienen entre dos y cuatro comisionados, así como suplentes. El Comité Ejecutivo también celebra reuniones periódicas en la Oficina de la SNHPC a las 7:30 a.m. el primer jueves de cada mes.

La Planificación Regional y el convertirse en Comisionado de la SNHPC sólo requiere una excelente capacidad de escucha, conversaciones reflexivas y un interés en su comunidad y en la región.

Si tiene interés en ser comisionado de la SNHPC, póngase en contacto con el funcionario de planificación de su localidad para ver cómo puede participar.

snhpc.org 603-669-4664 facebook.com/snhpc

SNHPC Outreach Flyer (in Spanish) Encouraging People to Consider Volunteering as Commissioners.

10.0 PROVIDING ASSISTANCE TO AND MONITORING SUBRECIPIENTS

The SNHPC is itself a subrecipient of Federal assistance, with the NH Department of Transportation serving as the primary recipient and passing through FTA Section 5303 and FHWA Metropolitan Planning (PL) funding to the region.

The SNHPC acts as the lead agency for the administration of FTA Section 5310 funding on behalf of the Region 8 Coordinating Council for Community Transportation. In this capacity, the SNHPC currently has four subrecipients of this funding: Manchester Transit Authority, Easter Seals of New Hampshire, Rockingham Nutrition Meals on Wheels, and Catholic Charities (d.b.a. Caregivers).

Beyond its subrecipient oversight role, the SNHPC provides Title VI-related technical assistance upon request to the region's public transportation and human service transportation agencies, including Manchester Transit Authority and Easter Seals of New Hampshire, in developing demographic analyses in support of their Title VI program development.

10.1 Monitoring Subrecipients

The SNHPC recognizes its obligation to ensure subrecipients are in compliance with Title VI requirements, including the provisions of FTA Circular 4702.1B, and will undertake the following activities to ensure that compliance:

- a) The SNHPC shall execute a Memorandum of Understanding (MOU) with each subrecipient. The MOU shall include all required Federal clauses, including Title VI-related requirements, and require the subrecipient's acknowledgement and understanding of required Federal clauses.
- b) The SNHPC will collect Title VI Certifications and Assurances from subrecipients annually.
- c) The SNHPC will collect Title VI Programs from subrecipients and review programs for compliance in conjunction with the NHDOT.
- d) The SNHPC will coordinate with the NHDOT and other RCC lead agencies on the development and delivery of periodic compliance workshops for statewide Section 5310 subrecipients.
- e) At the request of a State or Federal regulatory agency, in response to a complaint of discrimination, request that subrecipients who provide transportation services verify that their level and quality of service is provided on an equitable basis.

11.0 TITLE VI EQUITY ANALYSIS FOR FACILITY ACQUISITION

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 businesses may not be determined on the basis of race, color, or national origin.”*

Per FTA Circular 4702.1B, “facilities” included in this provision are defined narrowly to exclude bus shelters, which are transit amenities; or larger projects such as bus stations or guideways subject to the NEPA process. Rather this section includes, but is not limited to, storage facilities, maintenance facilities, operations centers, etc.

The SNHPC is not typically involved with site selection for projects of this sort. The SNHPC has not built any such facilities.

Should the SNHPC at some point in the future be involved with this sort of support facility development, the SNHPC acknowledges its responsibility to complete a Title VI equity analysis 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.

12.0 OTHER TITLE VI REQUIREMENTS APPLICABLE TO THE SNHPC

12.1 Requirement to Provide Additional Information Upon Request

The SNHPC will provide information other than that required by Circular 4702.1B to FTA upon request, should it be necessary to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI.

12.2 Annual Reporting of Accomplishments

The SNHPC will prepare a document with Title VI accomplishments from the prior year, including language requests, goals and achievements. This *Title VI Goals and Accomplishments Report* shall be submitted to the New Hampshire Department of Transportation by September 1st of each year.

12.3 Requirement that Metropolitan Planning Activities Comply With Title VI

The SNHPC recognizes that all metropolitan transportation planning activities must comply with 49 U.S.C. Section 5303, Metropolitan Transportation Planning, as well as subpart C of 23 CFR part 450, Metropolitan Transportation Planning and Programming. In its metropolitan transportation planning capacity, the SNHPC will submit to the NHDOT, FHWA, and FTA:

- a) Documentation of compliance with the general Title VI requirements for all recipients of Federal funding.

This Title VI Program serves as the referenced documentation.

- b) A demographic profile of the service area that includes identification of the locations of minority populations in the aggregate.

Analysis of minority and Limited English Proficiency (LEP) populations in the SNHPC service area is addressed in Section 8.2 above.

- c) A description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process.

A summary of SNHPC's public participation procedures designed to gather information on the mobility needs of traditionally-underserved populations is described in Sections 7.1 and 7.2 above.

- d) Where necessary, provide member agencies with regional data to assist them in identifying minority populations in their service area.

All SNHPC member communities and partner agencies are provided the demographic analyses of minority and other populations included here, and this information is also incorporated into the Coordinated Public Transit/Human Services Transportation Plans covering the SNHPC region. The SNHPC also provides technical assistance to the Manchester Transit Authority and Easter Seals in developing their Title VI demographic analyses.

12.4 Requirements for Program Administration

The Executive Director of the Southern New Hampshire Planning Commission is responsible for ensuring the SNHPC fulfills its Title VI obligations through effective management and implementation of this program. The Title VI Coordinator is responsible for providing direct oversight in implementing the Title VI program and ensuring enforcement measures are carried out as appropriate.

In order to comply with 49 CFR Section 21.5, the general nondiscrimination provision, the SNHPC recognizes its responsibility to document that, if Federal funds under any FTA or FHWA programs are passed through to subrecipients, this is done without regard to race, color, or national origin; and to assure that minority populations are not being denied the benefits of or excluded from participation in these programs.

The SNHPC is itself a subrecipient of Federal funding passed through the New Hampshire Department of Transportation, and has several subrecipients of Section 5310 funding for elderly and disabled transportation services. While the SNHPC plays a role in prioritizing projects at the regional level for the regional Transportation Improvement Program (TIP) or specific funding programs such as Congestion Mitigation and Air Quality (CMAQ), in most cases actual programming authority is maintained by the NH Department of Transportation.

However, the SNHPC is a coordinating agency in the implementation of programming authority for Surface Transportation Block Grant (STBG) funding for areas over 200,000 persons sub-allocated for use in the Nashua Urbanized Area. As part of this programming authority, the SNHPC will maintain the following information, and report it to NHDOT, FTA or FHWA if requested:

- a. A record of funding requests received from private non-profit organizations, State or local governmental authorities, and Indian tribes. The record shall identify those applicants that would use grant program funds to provide assistance to predominantly minority populations. The record shall also indicate which applications were rejected and accepted for funding.
- b. A description of how the SNHPC develops its competitive selection process or annual program of projects submitted as part of its grant applications. This description shall emphasize the method used to ensure the equitable distribution of funds to subrecipients serving predominantly minority populations, including Native American tribes, where present. Equitable distribution can be achieved by engaging in outreach to diverse stakeholders regarding availability of funds, and ensuring the competitive process is not itself a barrier to selection of minority applicants.
- c. A description of the SNHPC's criteria for selecting entities to participate in Federal grant programs.

APPENDIX A – DOCUMENTATION OF TITLE VI PROGRAM ADOPTION

[Minutes of July 25, 2023 will be added pending SNHPC Title VI Program Approval]

APPENDIX B – SNHPC TITLE VI CERTIFICATIONS AND ASSURANCES (U.S. DOT)

The United States Department of Transportation (USDOT) Standard
Title VI/Non-Discrimination Assurances
DOT Order No. 1050.2A

The Southern New Hampshire Planning Commission (SNHPC) Metropolitan Planning Organization (MPO) (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 Federal Highway Administration (FHWA), 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 FHWA".

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 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 activities and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Southern New Hampshire Planning Commission, 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 Southern New Hampshire Planning Commission 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 FHWA and USDOT access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FHWA and USDOT. You must keep records, reports, and submit the material for review upon request to FHWA and USDOT, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

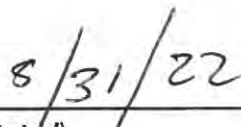
The Southern New Hampshire Planning Commission gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal Aid Highway Program. This ASSURANCE is binding on New Hampshire, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Southern New Hampshire Planning Commission

(Name of Recipient)

Signed By: Sylvia von Aulock – Executive Director


(Signature of Authorized Official)


(Dated)

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, FHWA, 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 FHWA 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 FHWA, 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 FHWA 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 FHWA 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 Southern New Hampshire Planning Commission will accept title to the lands and maintain the project constructed thereon in accordance with 23 U.S. Code § 107, the Regulations for the Administration of the Federal Aid Highway Program, and the policies and procedures prescribed by the FHWA 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 Southern New Hampshire Planning Commission 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 Southern New Hampshire Planning Commission 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 Southern New Hampshire Planning Commission, its successors and assigns.

The Southern New Hampshire Planning Commission, 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 Southern New Hampshire Planning Commission 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 Southern New Hampshire Planning Commission 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, Southern New Hampshire Planning Commission 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 Southern New Hampshire Planning Commission 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 Southern New Hampshire Planning Commission 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 Southern New Hampshire Planning Commission 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, Southern New Hampshire Planning Commission 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, Southern New Hampshire Planning Commission will there upon revert to and vest in and become the absolute property of Southern New Hampshire Planning Commission 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.).

APPENDIX C – SNHPC TITLE VI CERTIFICATIONS AND ASSURANCES (FTA)

Not every provision of every certification will apply to every applicant or award. If a provision of a certification does not apply to the applicant or its award, FTA will not enforce that provision.

Text in italic is guidance to the public. It does not have the force and effect of law, and is not meant to bind the public in any way. It is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

CATEGORY 1. CERTIFICATIONS AND ASSURANCES REQUIRED OF EVERY APPLICANT.

All applicants must make the certifications in this category.

1.1. Standard Assurances.

The certifications in this subcategory appear as part of the applicant's registration or annual registration renewal in the System for Award Management (SAM.gov) and on the Office of Management and Budget's standard form 424B "Assurances—Non-Construction Programs". This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
- (b) Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- (c) Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- (d) Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- (e) Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F).

- (f) Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:
- (1) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin, as effectuated by U.S. DOT regulation 49 CFR Part 21;
 - (2) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex, as effectuated by U.S. DOT regulation 49 CFR Part 25;
 - (3) Section 5332 of the Federal Transit Law (49 U.S.C. § 5332), which prohibits any person being excluded from participating in, denied a benefit of, or discriminated against under, a project, program, or activity receiving financial assistance from FTA because of race, color, religion, national origin, sex, disability, or age.
 - (4) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps, as effectuated by U.S. DOT regulation 49 CFR Part 27;
 - (5) The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age;
 - (6) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
 - (7) The comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - (8) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
 - (9) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental, or financing of housing;
 - (10) Any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and,
 - (11) the requirements of any other nondiscrimination statute(s) which may apply to the application.
- (g) Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (“Uniform Act”) (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases. The requirements of the Uniform Act are effectuated by U.S. DOT regulation 49 CFR Part 24.

- (h) Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
- (i) Will comply, as applicable, with the provisions of the Davis–Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.
- (j) Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- (k) Will comply with environmental standards which may be prescribed pursuant to the following:
 - (1) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
 - (2) Notification of violating facilities pursuant to EO 11738;
 - (3) Protection of wetlands pursuant to EO 11990;
 - (4) Evaluation of flood hazards in floodplains in accordance with EO 11988;
 - (5) Assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);
 - (6) Conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.);
 - (7) Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and
 - (8) Protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93–205).
- (l) Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- (m) Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a-1 et seq.).
- (n) Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
- (o) Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§ 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded

- animals held for research, teaching, or other activities supported by this award of assistance.
- (p) Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
 - (q) Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 CFR Part 200, Subpart F, “Audit Requirements”, as adopted and implemented by U.S. DOT at 2 CFR Part 1201.
 - (r) Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing the program under which it is applying for assistance.
 - (s) Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a subrecipient from:
 - (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect;
 - (2) Procuring a commercial sex act during the period of time that the award is in effect; or
 - (3) Using forced labor in the performance of the award or subawards under the award.

1.2. Standard Assurances: Additional Assurances for Construction Projects.

This certification appears on the Office of Management and Budget’s standard form 424D “Assurances—Construction Programs” and applies specifically to federally assisted projects for construction. This certification has been modified in places to include analogous certifications required by U.S. DOT statutes or regulations.

As the duly authorized representative of the applicant, you certify that the applicant:

- (a) Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency; will record the Federal awarding agency directives; and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
- (b) Will comply with the requirements of the assistance awarding agency with regard to the drafting, review, and approval of construction plans and specifications.
- (c) Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work confirms with the approved plans and specifications, and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

1.3. Procurement.

The Uniform Administrative Requirements, 2 CFR § 200.325, allow a recipient to self-certify that its procurement system complies with Federal requirements, in lieu of submitting to certain pre-procurement reviews.

The applicant certifies that its procurement system complies with:

- (a) U.S. DOT regulations, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 1201, which incorporates by reference U.S. OMB regulatory guidance, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 200, particularly 2 CFR §§ 200.317–200.327 “Procurement Standards;
- (b) Federal laws, regulations, and requirements applicable to FTA procurements; and
- (c) The latest edition of FTA Circular 4220.1 and other applicable Federal guidance.

1.4. Suspension and Debarment.

Pursuant to Executive Order 12549, as implemented at 2 CFR Parts 180 and 1200, prior to entering into a covered transaction with an applicant, FTA must determine whether the applicant is excluded from participating in covered non-procurement transactions. For this purpose, FTA is authorized to collect a certification from each applicant regarding the applicant’s exclusion status. 2 CFR § 180.300. Additionally, each applicant must disclose any information required by 2 CFR § 180.335 about the applicant and the applicant’s principals prior to entering into an award agreement with FTA. This certification serves both purposes.

The applicant certifies, to the best of its knowledge and belief, that the applicant and each of its principals:

- (a) Is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily or involuntarily excluded from covered transactions by any Federal department or agency;
- (b) Has not, within the preceding three years, been convicted of or had a civil judgment rendered against him or her for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction; violation of Federal or State antitrust statutes, including those proscribing price fixing between competitors, allocation of customers between competitors, and bid rigging; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice; or commission of any other offense indicating a lack of business integrity or business honesty;

- (c) Is not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any offense described in paragraph (b) of this certification;
- (d) Has not, within the preceding three years, had one or more public transactions (Federal, State, or local) terminated for cause or default.

1.5. Coronavirus Response and Relief Supplemental Appropriations Act, 2021, and CARES Act Funding.

The applicant certifies:

- (a) To the maximum extent possible, funds made available under title IV of division M of the Consolidated Appropriations Act, 2021 (Public Law 116–260), and in title XII of division B of the CARES Act (Public Law 116–136; 134 Stat. 599) shall be directed to payroll and operations of public transit (including payroll and expenses of private providers of public transportation); or
- (b) The applicant certifies that the applicant has not furloughed any employees.

1.6. American Rescue Plan Act Funding.

The applicant certifies:

- (a) Funds made available by Section 3401(a)(2)(A) of the American Rescue Plan Act of 2021 (Public Law 117-2) shall be directed to payroll and operations of public transportation (including payroll and expenses of private providers of public transportation); or
- (b) The applicant certifies that the applicant has not furloughed any employees.

CATEGORY 2. PUBLIC TRANSPORTATION AGENCY SAFETY PLANS

This certification is required of each applicant under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), each rail operator that is subject to FTA’s state safety oversight programs, and each State that is required to draft and certify a Public Transportation Agency Safety Plan on behalf of a Small Public Transportation Provider (as that term is defined at 49 CFR § 673.5) pursuant to 49 CFR § 673.11(d).

This certification is required by 49 U.S.C. § 5307(c)(1)(L), 49 U.S.C. § 5329(d)(1), and 49 CFR § 673.13. This certification is a condition of receipt of Urbanized Area Formula Grants Program (49 U.S.C. § 5307) funding.

This certification does not apply to any applicant that only receives financial assistance from FTA under the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C.

§ 5310), the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or combination of these two programs, unless it operates a rail fixed guideway public transportation system.

If the applicant is an operator, the applicant certifies that it has established a Public Transportation Agency Safety Plan meeting the requirements of 49 U.S.C. § 5329(d)(1) and 49 CFR Part 673; including, specifically, that the board of directors (or equivalent entity) of the applicant has approved, or, in the case of an applicant that will apply for assistance under 49 U.S.C. § 5307 that is serving an urbanized area with a population of 200,000 or more, the safety committee of the entity established under 49 U.S.C. § 5329(d)(5), followed by the board of directors (or equivalent entity) of the applicant has approved, the Public Transportation Agency Safety Plan or any updates thereto; and, for each recipient serving an urbanized area with a population of fewer than 200,000, that the Public Transportation Agency Safety Plan has been developed in cooperation with frontline employee representatives.

If the applicant is a State that drafts and certifies a Public Transportation Agency Safety Plan on behalf of a public transportation operator, the applicant certifies that:

- (a) It has drafted and certified a Public Transportation Agency Safety Plan meeting the requirements of 49 U.S.C. § 5329(d)(1) and 49 CFR Part 673 for each Small Public Transportation Provider (as that term is defined at 49 CFR § 673.5) in the State, unless the Small Public Transportation Provider provided notification to the State that it was opting out of the State-drafted plan and drafting its own Public Transportation Agency Safety Plan; and
- (b) Each Small Public Transportation Provider within the State that opts to use a State-drafted Public Transportation Agency Safety Plan has a plan that has been approved by the provider's Accountable Executive (as that term is defined at 49 CFR § 673.5), Board of Directors or Equivalent Authority (as that term is defined at 49 CFR § 673.5), and, if the Small Public Transportation Provider serves an urbanized area with a population of 200,000 or more, the safety committee of the Small Public Transportation Provider established under 49 U.S.C. § 5329(d)(5).

CATEGORY 3. TAX LIABILITY AND FELONY CONVICTIONS.

If the applicant is a business association (regardless of for-profit, not for-profit, or tax exempt status), it must make this certification. Federal appropriations acts since at least 2014 have prohibited FTA from using funds to enter into an agreement with any corporation that has unpaid Federal tax liabilities or recent felony convictions without first considering the corporation for debarment. E.g., Consolidated Appropriations Act, 2023, Pub. L. 117-328, div. E, tit. VII, §§ 744–745. U.S. DOT Order 4200.6 defines a “corporation” as “any private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association”, and applies the restriction to all tiers of subawards. As prescribed by U.S. DOT

Order 4200.6, FTA requires each business association applicant to certify as to its tax and felony status.

If the applicant is a private corporation, partnership, trust, joint-stock company, sole proprietorship, or other business association, the applicant certifies that:

- (a) It has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and
- (b) It has not been convicted of a felony criminal violation under any Federal law within the preceding 24 months.

CATEGORY 4. LOBBYING.

If the applicant will apply for a grant or cooperative agreement exceeding \$100,000, or a loan, line of credit, loan guarantee, or loan insurance exceeding \$150,000, it must make the following certification and, if applicable, make a disclosure regarding the applicant's lobbying activities. This certification is required by 49 CFR § 20.110 and app. A to that part.

This certification does not apply to an applicant that is an Indian Tribe, Indian organization, or an Indian tribal organization exempt from the requirements of 49 CFR Part 20.

4.1. Certification for Contracts, Grants, Loans, and Cooperative Agreements.

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and

contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

4.2. Statement for Loan Guarantees and Loan Insurance.

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

CATEGORY 5. PRIVATE SECTOR PROTECTIONS.

If the applicant will apply for funds that it will use to acquire or operate public transportation facilities or equipment, the applicant must make the following certification regarding protections for the private sector.

5.1. Charter Service Agreement.

To enforce the provisions of 49 U.S.C. § 5323(d), FTA's charter service regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following Charter Service Agreement. 49 CFR § 604.4.

The applicant agrees that it, and each of its subrecipients, and third party contractors at any level who use FTA-funded vehicles, may provide charter service using equipment or facilities acquired with Federal assistance authorized under the Federal Transit Laws only in compliance with the regulations set out in 49 CFR Part 604, the terms and conditions of which are incorporated herein by reference.

5.2. School Bus Agreement.

To enforce the provisions of 49 U.S.C. § 5323(f), FTA's school bus regulation requires each applicant seeking assistance from FTA for the purpose of acquiring or operating any public transportation equipment or facilities to make the following agreement regarding the provision of school bus services. 49 CFR § 605.15.

- (a) If the applicant is not authorized by the FTA Administrator under 49 CFR § 605.11 to engage in school bus operations, the applicant agrees and certifies as follows:
 - (1) The applicant and any operator of project equipment agrees that it will not engage in school bus operations in competition with private school bus operators.
 - (2) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Mass Transit Regulations, or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
- (b) If the applicant is authorized or obtains authorization from the FTA Administrator to engage in school bus operations under 49 CFR § 605.11, the applicant agrees as follows:
 - (1) The applicant agrees that neither it nor any operator of project equipment will engage in school bus operations in competition with private school bus operators except as provided herein.
 - (2) The applicant, or any operator of project equipment, agrees to promptly notify the FTA Administrator of any changes in its operations which might jeopardize the continuation of an exemption under § 605.11.
 - (3) The applicant agrees that it will not engage in any practice which constitutes a means of avoiding the requirements of this agreement, part 605 of the Federal Transit Administration regulations or section 164(b) of the Federal-Aid Highway Act of 1973 (49 U.S.C. 1602a(b)).
 - (4) The applicant agrees that the project facilities and equipment shall be used for the provision of mass transportation services within its urban area and that any other use of project facilities and equipment will be incidental to and shall not interfere with the use of such facilities and equipment in mass transportation service to the public.

CATEGORY 6. TRANSIT ASSET MANAGEMENT PLAN.

If the applicant owns, operates, or manages capital assets used to provide public transportation, the following certification is required by 49 U.S.C. § 5326(a).

The applicant certifies that it is in compliance with 49 CFR Part 625.

CATEGORY 7. ROLLING STOCK BUY AMERICA REVIEWS AND BUS TESTING.

7.1. Rolling Stock Buy America Reviews.

If the applicant will apply for an award to acquire rolling stock for use in revenue service, it must make this certification. This certification is required by 49 CFR § 663.7.

The applicant certifies that it will conduct or cause to be conducted the pre-award and post-delivery audits prescribed by 49 CFR Part 663 and will maintain on file the certifications required by Subparts B, C, and D of 49 CFR Part 663.

7.2. Bus Testing.

If the applicant will apply for funds for the purchase or lease of any new bus model, or any bus model with a major change in configuration or components, the applicant must make this certification. This certification is required by 49 CFR § 665.7.

The applicant certifies that the bus was tested at the Bus Testing Facility and that the bus received a passing test score as required by 49 CFR Part 665. The applicant has received or will receive the appropriate full Bus Testing Report and any applicable partial testing reports before final acceptance of the first vehicle.

CATEGORY 8. URBANIZED AREA FORMULA GRANTS PROGRAM.

If the applicant will apply for an award under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), or any other program or award that is subject to the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310); “flex funds” from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)); projects that will receive an award authorized by the Transportation Infrastructure Finance and Innovation Act (“TIFIA”) (23 U.S.C. §§ 601–609) or State Infrastructure Bank Program (23 U.S.C. § 610) (see 49 U.S.C. § 5323(o)); formula awards or competitive awards to urbanized areas under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339(a) and (b)); or low or no emission awards to any area under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339(c)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5307(c)(1).

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out the program of projects (developed pursuant 49 U.S.C. § 5307(b)), including safety and security aspects of the program;
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities;

- (c) Will maintain equipment and facilities in accordance with the applicant's transit asset management plan;
- (d) Will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a project financed under this section, a fare that is not more than 50 percent of the peak hour fare will be charged for any—
 - (1) Senior;
 - (2) Individual who, because of illness, injury, age, congenital malfunction, or any other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semi-ambulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design; and
 - (3) Individual presenting a Medicare card issued to that individual under title II or XVIII of the Social Security Act (42 U.S.C. §§ 401 et seq., and 1395 et seq.);
- (e) In carrying out a procurement under 49 U.S.C. § 5307, will comply with 49 U.S.C. §§ 5323 (general provisions) and 5325 (contract requirements);
- (f) Has complied with 49 U.S.C. § 5307(b) (program of projects requirements);
- (g) Has available and will provide the required amounts as provided by 49 U.S.C. § 5307(d) (cost sharing);
- (h) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning);
- (i) Has a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation;
- (j) Either—
 - (1) Will expend for each fiscal year for public transportation security projects, including increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, providing an emergency telephone line to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned public transportation system, at least 1 percent of the amount the recipient receives for each fiscal year under 49 U.S.C. § 5336; or
 - (2) Has decided that the expenditure for security projects is not necessary;
- (k) In the case of an applicant for an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census, will submit an annual report listing projects carried out in the preceding fiscal year under 49 U.S.C. § 5307 for associated transit improvements as defined in 49 U.S.C. § 5302; and
- (l) Will comply with 49 U.S.C. § 5329(d) (public transportation agency safety plan).

CATEGORY 9. FORMULA GRANTS FOR RURAL AREAS.

If the applicant will apply for funds made available to it under the Formula Grants for Rural Areas Program (49 U.S.C. § 5311), it must make this certification. Paragraph (a) of this certification helps FTA make the determinations required by 49 U.S.C. § 5310(b)(2)(C). Paragraph (b) of this certification is required by 49 U.S.C. § 5311(f)(2). Paragraph (c) of this certification, which applies to funds apportioned for the Appalachian Development Public Transportation Assistance Program, is necessary to enforce the conditions of 49 U.S.C. § 5311(c)(2)(D).

- (a) The applicant certifies that its State program for public transportation service projects, including agreements with private providers for public transportation service—
 - (1) Provides a fair distribution of amounts in the State, including Indian reservations; and
 - (2) Provides the maximum feasible coordination of public transportation service assisted under 49 U.S.C. § 5311 with transportation service assisted by other Federal sources; and
- (b) If the applicant will in any fiscal year expend less than 15% of the total amount made available to it under 49 U.S.C. § 5311 to carry out a program to develop and support intercity bus transportation, the applicant certifies that it has consulted with affected intercity bus service providers, and the intercity bus service needs of the State are being met adequately.
- (c) If the applicant will use for a highway project amounts that cannot be used for operating expenses authorized under 49 U.S.C. § 5311(c)(2) (Appalachian Development Public Transportation Assistance Program), the applicant certifies that—
 - (1) It has approved the use in writing only after providing appropriate notice and an opportunity for comment and appeal to affected public transportation providers; and
 - (2) It has determined that otherwise eligible local transit needs are being addressed.

CATEGORY 10. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS AND THE EXPEDITED PROJECT DELIVERY FOR CAPITAL INVESTMENT GRANTS PILOT PROGRAM.

If the applicant will apply for an award under any subsection of the Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), including an award made pursuant to the FAST Act's Expedited Project Delivery for Capital Investment Grants Pilot Program (Pub. L. 114-94, div. A, title III, § 3005(b)), the applicant must make the following certification. This certification is required by 49 U.S.C. § 5309(c)(2) and Pub. L. 114-94, div. A, title III, § 3005(b)(3)(B).

The applicant certifies that it:

- (a) Has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award,
- (b) Has or will have satisfactory continuing control over the use of equipment and facilities acquired or improved under its Award.
- (c) Will maintain equipment and facilities acquired or improved under its Award in accordance with its transit asset management plan; and
- (d) Will comply with 49 U.S.C. §§ 5303 (metropolitan transportation planning) and 5304 (statewide and nonmetropolitan transportation planning).

CATEGORY 11. GRANTS FOR BUSES AND BUS FACILITIES AND LOW OR NO EMISSION VEHICLE DEPLOYMENT GRANT PROGRAMS.

If the applicant is in an urbanized area and will apply for an award under subsection (a) (formula grants), subsection (b) (buses and bus facilities competitive grants), or subsection (c) (low or no emissions grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5339(a)(3), (b)(6), and (c)(3), respectively.

If the applicant is in a rural area and will apply for an award under subsection (a) (formula grants), subsection (b) (bus and bus facilities competitive grants), or subsection (c) (low or no emissions grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the certification in Category 9 for Formula Grants for Rural Areas (49 U.S.C. § 5311). This certification is required by 49 U.S.C. § 5339(a)(3), (b)(6), and (c)(3), respectively.

Making this certification will incorporate by reference the applicable certifications in Category 8 or Category 9.

If the applicant will receive a competitive award under subsection (b) (buses and bus facilities competitive grants), or subsection (c) (low or no emissions grants) of the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339) related to zero emissions vehicles or related infrastructure, it must make the following certification. This certification is required by 49 U.S.C. § 5339(d).

The applicant will use 5 percent of grants related to zero emissions vehicles (as defined in subsection (c)(1)) or related infrastructure under subsection (b) or (c) to fund workforce development training as described in section 49 U.S.C. § 5314(b)(2) (including registered apprenticeships and other labor-management training programs) under the recipient's plan to address the impact of the transition to zero emission vehicles on the applicant's current workforce; or the applicant certifies a smaller percentage is necessary to carry out that plan.

CATEGORY 12. ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAMS.

If the applicant will apply for an award under the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program (49 U.S.C. § 5310), it must make the certification in Category 8 for Urbanized Area Formula Grants (49 U.S.C. § 5307). This certification is required by 49 U.S.C. § 5310(e)(1). Making this certification will incorporate by reference the certification in Category 8, except that FTA has determined that (d), (f), (i), (j), and (k) of Category 8 do not apply to awards made under 49 U.S.C. § 5310 and will not be enforced.

In addition to the certification in Category 8, the applicant must make the following certification that is specific to the Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities Program. This certification is required by 49 U.S.C. § 5310(e)(2).

The applicant certifies that:

- (a) The projects selected by the applicant are included in a locally developed, coordinated public transit-human services transportation plan;
- (b) The plan described in clause (a) was developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers, and other members of the public;
- (c) To the maximum extent feasible, the services funded under 49 U.S.C. § 5310 will be coordinated with transportation services assisted by other Federal departments and agencies, including any transportation activities carried out by a recipient of a grant from the Department of Health and Human Services; and
- (d) If the applicant will allocate funds received under 49 U.S.C. § 5310 to subrecipients, it will do so on a fair and equitable basis.

CATEGORY 13. STATE OF GOOD REPAIR GRANTS.

If the applicant will apply for an award under FTA's State of Good Repair Grants Program (49 U.S.C. § 5337), it must make the following certification. Because FTA generally does not review the transit asset management plans of public transportation providers, the asset management certification is necessary to enforce the provisions of 49 U.S.C. § 5337(a)(4). The certification with regard to acquiring restricted rail rolling stock is required by 49 U.S.C. § 5323(u)(4). Note that this certification is not limited to the use of Federal funds.

The applicant certifies that the projects it will carry out using assistance authorized by the State of Good Repair Grants Program, 49 U.S.C. § 5337, are aligned with the applicant's most recent transit asset management plan and are identified in the investment and prioritization section of such plan, consistent with the requirements of 49 CFR Part 625.

If the applicant operates a rail fixed guideway service, the applicant certifies that, in the fiscal year for which an award is available to the applicant under the State of Good Repair Grants Program, 49 U.S.C. § 5337, the applicant will not award any contract or subcontract for the procurement of rail rolling stock for use in public transportation with a rail rolling stock manufacturer described in 49 U.S.C. § 5323(u)(1).

CATEGORY 14. INFRASTRUCTURE FINANCE PROGRAMS.

If the applicant will apply for an award for a project that will include assistance under the Transportation Infrastructure Finance and Innovation Act (“TIFIA”) Program (23 U.S.C. §§ 601–609) or the State Infrastructure Banks (“SIB”) Program (23 U.S.C. § 610), it must make the certifications in Category 8 for the Urbanized Area Formula Grants Program, Category 10 for the Fixed Guideway Capital Investment Grants program, and Category 13 for the State of Good Repair Grants program. These certifications are required by 49 U.S.C. § 5323(o).

Making this certification will incorporate the certifications in Categories 8, 10, and 13 by reference.

CATEGORY 15. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

If the applicant will apply for an award under FTA’s Urbanized Area Formula Grants Program (49 U.S.C. § 5307), Fixed Guideway Capital Investment Program (49 U.S.C. § 5309), Formula Grants for Rural Areas Program (49 U.S.C. § 5311), or Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339) programs, the applicant must make the following certification. The applicant must make this certification on its own behalf and on behalf of its subrecipients and contractors. This certification is required by 49 CFR § 655.83.

The applicant certifies that it, its subrecipients, and its contractors are compliant with FTA’s regulation for the Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, 49 CFR Part 655.

CATEGORY 16. RAIL SAFETY TRAINING AND OVERSIGHT.

If the applicant is a State with at least one rail fixed guideway system, or is a State Safety Oversight Agency, or operates a rail fixed guideway system, it must make the following certification. The elements of this certification are required by 49 CFR §§ 672.31 and 674.39.

The applicant certifies that the rail fixed guideway public transportation system and the State Safety Oversight Agency for the State are:

- (a) Compliant with the requirements of 49 CFR Part 672, “Public Transportation Safety Certification Training Program”; and
- (b) Compliant with the requirements of 49 CFR Part 674, “State Safety Oversight”.

CATEGORY 17. DEMAND RESPONSIVE SERVICE.

If the applicant operates demand responsive service and will apply for an award to purchase a non-rail vehicle that is not accessible within the meaning of 49 CFR Part 37, it must make the following certification. This certification is required by 49 CFR § 37.77.

The applicant certifies that the service it provides to individuals with disabilities is equivalent to that provided to other persons. A demand responsive system, when viewed in its entirety, is deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs, is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics:

- (a) Response time;
- (b) Fares;
- (c) Geographic area of service;
- (d) Hours and days of service;
- (e) Restrictions or priorities based on trip purpose;
- (f) Availability of information and reservation capability; and
- (g) Any constraints on capacity or service availability.

CATEGORY 18. INTEREST AND FINANCING COSTS.

If the applicant will pay for interest or other financing costs of a project using assistance awarded under the Urbanized Area Formula Grants Program (49 U.S.C. § 5307), the Fixed Guideway Capital Investment Grants Program (49 U.S.C. § 5309), or any program that must comply with the requirements of 49 U.S.C. § 5307, including the Formula Grants for the Enhanced Mobility of Seniors Program (49 U.S.C. § 5310), “flex funds” from infrastructure programs administered by the Federal Highways Administration (see 49 U.S.C. § 5334(i)), or awards to urbanized areas under the Grants for Buses and Bus Facilities Program (49 U.S.C. § 5339), the applicant must make the following certification. This certification is required by 49 U.S.C. §§ 5307(e)(3) and 5309(k)(2)(D).

The applicant certifies that:

- (a) Its application includes the cost of interest earned and payable on bonds issued by the applicant only to the extent proceeds of the bonds were or will be expended in carrying out the project identified in its application; and
- (b) The applicant has shown or will show reasonable diligence in seeking the most favorable financing terms available to the project at the time of borrowing.

CATEGORY 19. CYBERSECURITY CERTIFICATION FOR RAIL ROLLING STOCK AND OPERATIONS.

If the applicant operates a rail fixed guideway public transportation system, it must make this certification. This certification is required by 49 U.S.C. § 5323(v). For information about standards or practices that may apply to a rail fixed guideway public transportation system, visit <https://www.nist.gov/cyberframework> and <https://www.cisa.gov/>.

The applicant certifies that it has established a process to develop, maintain, and execute a written plan for identifying and reducing cybersecurity risks that complies with the requirements of 49 U.S.C. § 5323(v)(2).

CATEGORY 20. PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS FORMULA AND DISCRETIONARY PROGRAM (TRIBAL TRANSIT PROGRAMS).

Before FTA may provide Federal assistance for an Award financed under either the Public Transportation on Indian Reservations Formula or Discretionary Program authorized under 49 U.S.C. § 5311(c)(1), as amended by the FAST Act, (Tribal Transit Programs), the applicant must select the Certifications in Category 21, except as FTA determines otherwise in writing. Tribal Transit Program applicants may certify to this Category and Category 1 (Certifications and Assurances Required of Every Applicant) and need not make any other certification, to meet Tribal Transit Program certification requirements. If an applicant will apply for any program in addition to the Tribal Transit Program, additional certifications may be required.

FTA has established terms and conditions for Tribal Transit Program grants financed with Federal assistance appropriated or made available under 49 U.S.C. § 5311(c)(1). The applicant certifies that:

- (a) It has or will have the legal, financial, and technical capacity to carry out its Award, including the safety and security aspects of that Award.
- (b) It has or will have satisfactory continuing control over the use of its equipment and facilities acquired or improved under its Award.
- (c) It will maintain its equipment and facilities acquired or improved under its Award, in accordance with its transit asset management plan and consistent with FTA regulations, “Transit Asset Management,” 49 CFR Part 625. Its Award will achieve maximum feasible coordination with transportation service financed by other federal sources.
- (d) With respect to its procurement system:
 - (1) It will have a procurement system that complies with U.S. DOT regulations, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 1201, which incorporates by reference U.S. OMB regulatory guidance, “Uniform Administrative Requirements, Cost

- Principles, and Audit Requirements for Federal Awards,” 2 CFR Part 200, for Awards made on or after December 26, 2014,
- (2) It will have a procurement system that complies with U.S. DOT regulations, “Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments,” 49 CFR Part 18, specifically former 49 CFR § 18.36, for Awards made before December 26, 2014, or
- (3) It will inform FTA promptly if its procurement system does not comply with either of those U.S. DOT regulations.
- (e) It will comply with the Certifications, Assurances, and Agreements in:
 - (1) Category 05.1 and 05.2 (Charter Service Agreement and School Bus Agreement),
 - (2) Category 06 (Transit Asset Management Plan),
 - (3) Category 07.1 and 07.2 (Rolling Stock Buy America Reviews and Bus Testing),
 - (4) Category 09 (Formula Grants for Rural Areas),
 - (5) Category 15 (Alcohol and Controlled Substances Testing), and
 - (6) Category 17 (Demand Responsive Service).

CATEGORY 21. EMERGENCY RELIEF PROGRAM.

An applicant to the Public Transportation Emergency Relief Program, 49 U.S.C. § 5324, must make the following certification. The certification is required by 49 U.S.C. § 5324(f) and must be made before the applicant can receive a grant under the Emergency Relief program.

The applicant certifies that the applicant has insurance required under State law for all structures related to the emergency relief program grant application.

**FEDERAL FISCAL YEAR 2023 CERTIFICATIONS AND ASSURANCES FOR FTA
ASSISTANCE PROGRAMS**

(Signature pages alternate to providing Certifications and Assurances in TrAMS.)

Name of Applicant: Southern New Hampshire Planning Commission

The Applicant certifies to the applicable provisions of all categories: (*check here*) X.

Or,

The Applicant certifies to the applicable provisions of the categories it has selected:

Category	Certification
01 Certifications and Assurances Required of Every Applicant	<hr/>
02 Public Transportation Agency Safety Plans	<hr/>
03 Tax Liability and Felony Convictions	<hr/>
04 Lobbying	<hr/>
05 Private Sector Protections	<hr/>
06 Transit Asset Management Plan	<hr/>
07 Rolling Stock Buy America Reviews and Bus Testing	<hr/>
08 Urbanized Area Formula Grants Program	<hr/>
09 Formula Grants for Rural Areas	<hr/>
10 Fixed Guideway Capital Investment Grants and the Expedited Project Delivery for Capital Investment Grants Pilot Program	<hr/>
11 Grants for Buses and Bus Facilities and Low or No Emission Vehicle Deployment Grant Programs	<hr/>

- 12 Enhanced Mobility of Seniors and Individuals with Disabilities Programs
- 13 State of Good Repair Grants
- 14 Infrastructure Finance Programs
- 15 Alcohol and Controlled Substances Testing
- 16 Rail Safety Training and Oversight
- 17 Demand Responsive Service
- 18 Interest and Financing Costs
- 19 Cybersecurity Certification for Rail Rolling Stock and Operations
- 20 Tribal Transit Programs
- 21 Emergency Relief Program

CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE

AFFIRMATION OF APPLICANT

Name of the Applicant: Southern New Hampshire Planning Commission

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all federal laws, regulations, and requirements, follow applicable federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in the federal fiscal year, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

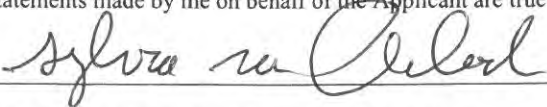
The Certifications and Assurances the Applicant selects apply to each Award for which it now seeks, or may later seek federal assistance to be awarded by FTA during the federal fiscal year.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. § 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. § 1001 apply to any certification, assurance, or submission made in connection with a federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute

Certifications and Assurances

Fiscal Year 2023

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature  Date: 2/7/2023

Name Sylvia von Aulock, Executive Director Authorized Representative of Applicant