



# LOWCOUNTRY COUNCIL OF GOVERNMENTS



## POLICIES AND PROCEDURES CONCERNING CIVIL RIGHTS

2024

Adopted April 25<sup>th</sup>, 2024

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*LCOG does not discriminate on the basis of age, sex, race, color, religion, national origin, disability or familial status in the admission or access to, or treatment or employment in its federally funded programs or activities; Special accommodations may be requested 48 hours in advance of public meetings by calling (843) 473-3990. If you would like to file a discrimination complaint, you may also call (843) 473-3990.*

*Este material escrito está disponible en formatos accesibles y otros idiomas a petición.*

## STATEMENT OF POLICY

Lowcountry Council of Governments (LCOG) hereby gives public notice of its policy to uphold and assure full compliance with the following Civil Rights Acts:

- Title VI of the Civil Rights Act of 1964 and all related statutes. Title VI and related statutes prohibiting discrimination in federally funded programs require that no person in the United States of America shall, on the grounds of race, color, national origin, sex, age, or disability be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal funding.
- Limited English Proficiency (Executive Order 13166) requires federal agencies to provide LEP persons with meaningful access to federally conducted activities. This executive order also requires agencies to ensure that federally funded activities—which recipients of federal financial assistance carry out—comply with the nondiscrimination prohibitions of Title VI of the Civil Rights Act of 1964 and its implementing regulations.
- Fair Housing Act of 1968 prohibits discrimination in the sale, rental or financing of dwellings, and in other housing-related transactions, because of race, color, religion, sex, disability, familial status or national origin. The mission of the Office of Fair Housing and Equal Opportunity (FHEO) is to eliminate housing discrimination, promote economic opportunity, and achieve diverse, inclusive communities by leading the nation in the enforcement, administration, development, and public understanding of federal fair housing policies and laws. Lowcountry Council of Governments is committed to affirmatively further Fair Housing.
- Section 504 (Americans with Disabilities Act) Titles II, and III of the Americans with Disabilities Act of 1990 prohibits discrimination on the basis of disability in any program, service, or activity that receives federal financial assistance. This means, for example, that persons with disabilities may not be denied the opportunity to participate in a program, service, or activity; may not be required to accept a different kind or lesser program or service than what is provided to others, and may not be required to participate in separate programs and services, even if separate programs and services exist.

## PURPOSE

This document ensures compliance with 49 CFR Section 21. This program will be updated and amended as needed or required, at a minimum every four (4) years or whenever significant changes have occurred in the recipient's organization. The Lowcountry Council of Governments (LCOG) will record, retain, and submit information as necessary or required to document compliance with Standard DOT Assurances per USDOT Order No. 1050.2A attached hereto in the

appendices of this document. Title VI certification and assurances shall likewise be required of subrecipients on an annual basis. A report summarizing compliance by LCOG and any subrecipients shall be submitted to the responsible FHWA/FTA/SCDOT office every four years. Compliance with requirements of Elements in Chapters III, IV, and VI and appendices of the FTA Circular 4702.1B are to be included in these reports.

## **COMMITMENT**

LCOG is committed to ensuring that persons are not denied the opportunity to participate in a program, service or activity based on race, color, sex, disability, religion, familial status and national origin. It is our commitment to ensure that all LCOG staff strive to meet the needs of the citizens that we serve. Staff are kept abreast of any amendments to policy, regulations, or directives. The Civil Rights Coordinator shall attend applicable trainings that offer LCOG guidance in meeting these expectations. Orientation of Title VI of the Civil Rights Act 1964, Executive Order 13160 Education and Training Programs, Executive Order 13166 (LEP), The Americans With Disabilities Act Section 504, 1968 Fair Housing Act, 1967, The Age Discrimination Act of 1967, The 1987 Civil Rights Act Restoration, and the Housing and Urban Development (HUD) Act of 1968 information are all offered by the Civil Rights Compliance Coordinator to both new hires and revisited for new members of the Civil Rights Committee.

It is the policy of the Lowcountry Council of Governments (LCOG) to comply with all federal and state authorities requiring nondiscrimination, including but not limited to all the above mentioned Civil Rights Acts. LCOG does not and will not exclude from participation in; deny the benefits of; or subject anyone to discrimination on the basis of race, color, national origin, sex, age, disability or income.

## **GENERAL PROGRAM ADMINISTRATION**

LCOG produces three major planning documents: the Unified Planning Work Program (UPWP), Transportation Improvement Program (TIP), and the Long Range Transportation Plan (LRTP) and conduct a number of transportation planning initiatives, including the preparation of special areas and/or corridor plans. Protections provided under Title VI are incorporated into each planning or work program document to ensure programs, policies, services, or activities do not result in discrimination towards any person or group of persons on the basis of race, color, or national origin. Transportation Improvement Projects selected for execution consider the needs as well as the impacts on those traditionally underserved by the transportation systems, such as low income and minority populations who may face challenges accessing employment, medical and other services. Any transportation planning decision made will be open to public opinion and concerns that may involve civil rights infringements can be voiced at LATS meetings, or brought to the attention of an LCOG representative via email, phone, or in-person.

## **PUBLIC OUTREACH**

LCOG commits to offering full accommodations and access to all LCOG services and programs.

1. LCOG promotes access to its meetings by publishing the following statement on its meeting agendas: "Persons in need of auxiliary aids or services, such as interpretation services or assisted listening devices, are asked to contact LCOG at least 48 hours in advance of the meeting by calling (843) 473-3990.
2. An amplified listening device has been attached to a designated phone in the LCOG office. Hearing impaired clients may call 711 and state relay service will assist.
3. LCOG's telephone system coordinates with TDD and 911.
4. Language barriers are accommodated through Language Line 866-874-3972 and on our website.
5. A wheel chair has been purchased by LCOG for client use as needed entering/leaving the building.
6. The LCOG Non Discrimination notice will be listed on all written documents and mail-outs as well as Meeting agendas, emails and the LCOG website.

## **DATA COLLECTION AND REPORTING**

The Civil Rights Coordinator will store relevant information for committee review. Information collected may include but is not limited to:

- a) Annual review of LEP population Census data. Reviewed annually for pertinent changes and recordkeeping.
- b) Complaint interview- may be performed in person or via telephone. The complainant must submit a formal complaint in writing, approved by signature.
- c) Complaint log - All complaints are recorded by collecting the pertinent information as outlined.
- d) Compilation of the Complaint log and annual reviews are used as the basis of respective reports.
- e) Reporting- All reports are kept in electronic and hard copy format.
- f) Administration- All confidential information in reference to complaints is securely saved in electronic format, in a password protected file. The members of the Civil Rights Committee are the only LCOG staff with access to this file. Confidentiality statements are signed at Employee orientation and kept on file by the Finance Manager.

## **PUBLIC PARTICIPATION PLAN**

Lowcountry Council of Governments, as a whole, with respect to each department, program, partnership and contract adheres to standard practices for overall policy as it relates to community inclusion of public events in topic of interest, accessibility, and notification. With



respect to SCDOT, Lowcountry Council of Governments shall adopt the SCDOT Public Participation Plan, as updated 2019. The online document can be found at [https://www.scdot.org/inside/pdf/planning/public\\_participation\\_plan.pdf](https://www.scdot.org/inside/pdf/planning/public_participation_plan.pdf).

The Lowcountry Council of Governments shall adopt an updated Public Participation Plan as of 2024 that reflects these practices and techniques for community inclusion. That document is currently in production, and when completed, it can be found online at [www.lowcountrycog.org](http://www.lowcountrycog.org).

## **CIVIL RIGHTS**

### **TITLE VI**

Title VI of the Civil Rights Act of 1964 is the Federal Law that protects individuals and groups from discrimination on the basis of their race, color, and national origin in programs and activities that receive Federal financial assistance. However, USDOT's reference to Title VI includes other Civil Rights provisions of Federal statutes and related authorities to the extent that they prohibit discrimination in programs and activities receiving Federal financial assistance.

Lowcountry Council of Governments (LCOG) is committed to ensuring that no person is excluded from participation, denied benefits, or otherwise subjected to discrimination under any LCOG program or activity, on the basis of race, color, national origin, sex, age or disability.

LCOG as a recipient and sub-recipient of federal financial funds will ensure full compliance with Title VI of the Civil Rights Act of 1964, as amended and related statutes and regulations in all LCOG programs and activities. Each quarter, a Title VI Activity report is sent to SC Department of Transportation Public Involvement Manager/Title VI Coordinator, Office of Planning, 955 Park Street, Room 511, Columbia, SC, 29201.

Any person who believes that he or she has been subjected to discrimination or retaliation by LCOG on the basis of their race, color, national origin, sex, age or disability may file a Title VI complaint. Complaints may be filed directly to LCOG or to the Federal Funding agency.

## Civil Rights Restoration

As passed by the 100th Congress (1987–1989), established that antidiscrimination laws are applicable to an entire organization if any part of the organization receives federal funds.

## Education/Training Programs

Executive Order 13160 Education and Training Programs - On June 23, 2000, the President signed Executive Order 13160, which prohibits discrimination on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent in federally conducted education and training programs. The Executive Order was issued in order to achieve equal opportunity in all federally conducted education and training programs and is premised upon the notion that the federal government should hold itself to at least the same principles of nondiscrimination in educational opportunities as it applies to the educational programs and activities of state and local governments or private entities receiving federal financial assistance. Toward that end, the Executive Order is intended to supplement existing laws and regulations that already prohibit many forms of discrimination in both federally conducted and federally assisted educational programs. To assist all federal agencies in complying with the nondiscrimination mandates of the Executive Order, the U.S. Department of Justice will issue a Guidance Document.

Among the topics addressed in this Guidance Document are the scope of covered educational programs, applicable legal principles, examples of discriminatory conduct, enforcement procedures, remedies, and agency reporting requirements.

## Housing and Urban Development (HUD) Act of 1968

Helps foster local economic development, neighborhood economic improvement, and individual self-sufficiency.

## Limited English Proficiency

As a recipient of federal funding, LCOG is required to meet guidelines addressing public outreach and engagement requirements among low-income, minority, limited English proficient (LEP), disability, and Title VI populations. In general these groups are typically underserved and underrepresented in the decision-making process in various services. LCOG values the diversity within the Region and works to ensure that all individuals have access to information and opportunities to participate in federally funded services decision-making process.

Executive Order 13166, titled “Improving Access to Services for Persons with Limited English Proficiency”, indicates that differing treatment based upon a person’s inability to speak, read, write or understands English is a type of national origin discrimination. It directs each agency



that receives funding to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place.

## Plan Summary

Lowcountry Council of Governments has developed this LEP Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency who wish to access services provided by LCOG.

This Plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, LCOG reviewed the U.S. Census Bureau 2011-2015 American Fact Finder tool that offered an estimate of persons who reside in the PSA and the Language spoken in those households. The LEP analysis considered the following factors:

1. *Potential Number of LEP Persons*– The number or proportion of LEP persons in the service area.
2. *Language of LEP Persons* – The language spoken in the home.

***Age of LEP Persons* –The age of the LEP population.**

## Implementation

### *Identifying LEP Individuals Who Need Language Assistance*

The LCOG will continually monitor the language needs of the LEP individuals within its service area. The LCOG will do the following:

- Continue to monitor the languages and English proficiency encountered by staff.
- For languages other than Spanish, staff will attempt to identify the LEP person's preferred language using the Language Line Identification tool (Appendix A)
- Continue to use data available from the U.S. Census, state, and local demographic data.

### *Language Assistance Measures*

The LCOG has oral language assistance available to LEP persons at its office. LCOG staff can respond to LEP Persons inquiries in person or by telephone. To enhance the available language assistance, the LCOG will provide the following:

- Disseminate information about LCOG's programs to local social services agencies and organizations that provide services to LEP persons.

- Continually identify new agencies or organizations that can assist in disseminating information about LCOG's programs and planning activities.
- Include a statement in notices regarding the availability of interpreting services at community events, public hearings and Board of Directors meetings with fourteen day advance notice.
- Post LCOG's Title VI Policy and LEP Plan on the agency's website at [www.lowcountrycog.org](http://www.lowcountrycog.org)
- Translate important notices regarding planning activities and programs in Spanish.
- When an interpreter is, in person or on the telephone, staff will attempt to access language assistance from a professional translation service.

The complete LEP plan can be found in the appendix.

## Fair Housing Act of 1968

The Fair Housing Act of 1968 prohibits discrimination in the sale, rental or financing of dwellings, and in other housing-related transactions, because of race, color, religion, sex, disability, familial status or national origin. The mission of the Office of Fair Housing and Equal Opportunity (FHEO) is to eliminate housing discrimination, promote economic opportunity, and achieve diverse, inclusive communities by leading the nation in the enforcement, administration, development, and public understanding of federal fair housing policies and laws. Lowcountry Council of Governments is committed to affirmatively further Fair Housing.

If you feel you have been discriminated against you can file a Fair Housing complaint online at <https://www.hud.gov/fairhousing/fileacomplaint>.

## Section 504 Titles II and III of the Americans with Disabilities Act of 1990 (ADA)

Section 504 prohibits discrimination on the basis of disability in any program, service, or activity that receives federal financial assistance. This means, for example, that persons with disabilities may not be denied the opportunity to participate in a program, service, or activity; may not be required to accept a different kind or lesser program or service than what is provided to others, and may not be required to participate in separate programs and services, even if separate programs and services exist. In general, with respect to housing, it means that a housing provider may not deny or refuse to sell or rent to a person with a disability, and may not impose application or qualification criteria, rental fees or sales prices, and rental or sales terms or conditions that are different than those required of or provided to persons who are not disabled. Housing providers may not require persons with disabilities to live only on certain floors, or to all live in one section of the housing. Housing providers may not refuse to make repairs, and may not limit or deny someone with a disability access to recreational and other public and common use facilities, parking privileges, cleaning or janitorial services, or any services which are made available to other residents. People with disabilities may not be denied the opportunity to serve on planning or advisory boards because of their disabilities. LCOG as a recipient and sub-recipient of federal financial assistance will ensure full compliance with Section 504.

## Age Discrimination

1967 Congress enacts the Age Discrimination Act of 1967 prohibiting employment discrimination against older Americans. The act is amended 12 years later to prohibit discrimination against older Americans by any housing provider who receives federal funds.

## ENVIRONMENTAL JUSTICE

Lowcountry Council of Governments' working relationship with both the Lowcountry Area Transportation Study (LATS) and Lowcountry Regional Transportation Authority (LRTA) sets precedence in LCOG's commitment to Environmental Justice and defines LCOG's involvement in and responsibility for transportation planning and, therefore, implementation of civil rights goals. LCOG will be guided by the Long Range Transportation Plan (LRTP) goals found within the Public Participation Plan.

Environmental Justice is a program to ensure that one group is not unjustly subjected to burden the negative impacts of a construction project or general impact of an organizational decision. LCOG will include environmental justice considerations in capital investment projects and transit service delivery.

Noted within the Public Participation Plan (PPP), the fundamental principles derived from guidance issued by the USDOT are:

- Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority and low-income populations.*
- Ensure all potentially affected communities' full and fair participation in the transportation decision-making process.*
- Prevent the denial of, reduction in or significant delay in the receipt of benefits by minority and low-income populations.*

The PPP also helps to guide the three major planning documents as previously mentioned; the Unified Planning Work Program (UPWP), Transportation Improvement Program (TIP), and the Long Range Transportation Plan (LRTP). These planning documents incorporate protections provided under Title VI into each of these documents. The projects programmed into the TIP will consider the needs as well as the impacts on those traditionally underserved by the transportation systems, such as low income and minority populations, when planning construction, right of way acquisitions, or other activities. The viewpoints of minority, low-income, and LEP populations will be sought out and considered in the course of conducting public outreach and involvement activities when planning for a transportation project, as identified in the PPP.

TIP and LRTP project selection criteria include environmental justice as a criterion. All of these efforts and procedures are detailed in the PPP.

## WEB ACCESSIBILITY

LCOG strives to make all of its web resources accessible to anyone with disabilities in accordance with federal law. If you have a problem accessing the content on this Web site, please click on the 'Contact Us' link at the bottom of any page on LCOG's Web site.

Lowcountry Council of Governments does not discriminate on the basis of age, race, color, religion, sex, national origin, disability or familial status in the admission or access to, or treatment or employment in, its federally assisted programs or activities. If you feel you have been discriminated against, contact the Civil Rights Coordinator at 843-473-3990.

The website can be found at [www.lowcountrycog.org](http://www.lowcountrycog.org).

## COMPLAINT PROCEDURE

Public access to the complaint procedure is offered online at [www.lowcountrycog.org](http://www.lowcountrycog.org), or in writing upon request.

Any complaints against LCOG staff must be filed in writing or by email to the attention of the Civil Rights Coordinator by completing the form included (Appendix A). Complaints must be filed within 60 days of the date of alleged discriminatory act. Once complaint is received by coordinator, someone will contact complainant within five (5) business days by phone or email; or a written letter will be mailed within ten (10) business days. If matter cannot be resolved within thirty business days, complaint will be turned over to the applicable federal agency for further investigation. Conflicts of interest will be forwarded to the applicable federal agency. All other complaints should be submitted to applicable agencies via email or by completing the complaint form located on said federal agency's website (see Appendix B) to expedite process.

Special accommodations may be made upon request, in an effort to complete the complaint process.

Note:

*This document is available by request in other languages. Please contact the Civil Rights Coordinator at (843) 473-3990.*

*Nota: Para recibir este documento en otro idioma, Contacta con Civil Rights Coordinator en (843) 473-3990.*

## **Appendix**



## Appendix A Limited English Proficiency Plan



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### POLICIES AND PROCEDURES CONCERNING CIVIL RIGHTS

Lowcountry Council of Governments  
Limited English Proficiency Plan and Implementation Plan

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## Introduction

The Limited English Proficiency (LEP) Plan has been prepared to address Lowcountry Council of Governments (LCOG) responsibilities as a recipient of Federal, State and Local funds. The Plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, which states that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled “Improving Access to Services for Persons with Limited English Proficiency”, indicates that differing treatment based upon a person’s inability to speak, read, write or understands English is a type of national origin discrimination. It directs each agency that receives funding to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place.

## Policy of Non Discrimination

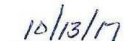
### Lowcountry Council of Governments Title VI Policy Statement

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

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

\*Those requiring information in alternative formats or in a language subject to the Lowcountry Council of Governments Limited English Proficiency (LEP) Plan, should contact the Title VI Liaison.

  
Name of Authorized Official (signature)

  
Date



## Plan Summary

Lowcountry Council of Governments has developed this LEP Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency who wish to access services provided by LCOG.

This Plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, LCOG reviewed the U.S. Census Bureau 2017-2021 American Community Survey that offered an estimate of persons who reside in the PSA and the Language spoken in those households. The LEP analysis considered the following factors:

1. *Potential Number of LEP Persons*– The number or proportion of LEP persons in the service area.
2. *Language of LEP Persons* – The language spoken in the home.
3. *Age of LEP Persons* –The age of the LEP population.

A summary of the results of the COG's analysis is in the following section.

## County Data

### Potential Number of LEP Persons Served

The LCOG used past experiences and consulted to the 2017-2021 American Community Survey 5 Year Estimate to determine the likelihood the LEP population would use a COG program or service. 4 counties were reported in the planning area for LCOG, reflecting those individuals that speak a language other than English in the home as follows:

- a. Beaufort County -approx 11%
- b. Colleton County -approx 3.9%
- c. Hampton County- approx 4.9%
- d. Jasper County- approx 15.2%

### Beaufort County

	Beaufort County, South Carolina			
	Total		Percent	
Label	Estimate	Margin of Error	Estimate	Margin of Error
▼ Population 5 years and over	187,474	±107	(X)	(X)
Speak only English	166,836	±3,243	89.0%	±1.7
Speak a language other than English	20,638	±3,245	11.0%	±1.7
▼ SPEAK A LANGUAGE OTHER THAN ENG...				
▼ Spanish	15,933	±2,774	8.5%	±1.5
5 to 17 years old	3,266	±820	1.7%	±0.4
18 to 64 years old	11,372	±2,078	6.1%	±1.1
65 years old and over	1,295	±616	0.7%	±0.3
▼ Other Indo-European languages	2,805	±1,468	1.5%	±0.8
5 to 17 years old	384	±383	0.2%	±0.2
18 to 64 years old	1,540	±812	0.8%	±0.4
65 years old and over	881	±522	0.5%	±0.3
▼ Asian and Pacific Island languages	894	±609	0.5%	±0.3
5 to 17 years old	170	±252	0.1%	±0.1
18 to 64 years old	550	±391	0.3%	±0.2
65 years old and over	174	±254	0.1%	±0.1
▼ Other languages	1,006	±920	0.5%	±0.5
5 to 17 years old	0	±222	0.0%	±0.1
18 to 64 years old	964	±919	0.5%	±0.5
65 years old and over	42	±5	0.0%	±0.1
➤ CITIZENS 18 YEARS AND OVER				



## Colleton County

	Colleton County, South Carolina			
	Total		Percent	
Label	Estimate	Margin of Error	Estimate	Margin of Error
▼ Population 5 years and over	36,397	±19	(X)	(X)
Speak only English	34,977	±347	96.1%	±1.0
Speak a language other than English	1,420	±348	3.9%	±1.0
▼ SPEAK A LANGUAGE OTHER THAN ENGLISH				
▼ Spanish	1,194	±337	3.3%	±0.9
5 to 17 years old	478	±173	1.3%	±0.5
18 to 64 years old	669	±212	1.8%	±0.6
65 years old and over	47	±62	0.1%	±0.2
▼ Other Indo-European languages	109	±87	0.3%	±0.2
5 to 17 years old	35	±36	0.1%	±0.1
18 to 64 years old	68	±57	0.2%	±0.2
65 years old and over	6	±7	0.0%	±0.1
▼ Asian and Pacific Island languages	117	±81	0.3%	±0.2
5 to 17 years old	0	±29	0.0%	±0.1
18 to 64 years old	116	±81	0.3%	±0.2
65 years old and over	1	±3	0.0%	±0.1
▼ Other languages	0	±29	0.0%	±0.1
5 to 17 years old	0	±29	0.0%	±0.1
18 to 64 years old	0	±29	0.0%	±0.1
65 years old and over	0	±29	0.0%	±0.1
➤ CITIZENS 18 YEARS AND OVER				

## Hampton County

	Hampton County, South Carolina			
	Total		Percent	
Label	Estimate	Margin of Error	Estimate	Margin of Error
▼ Population 5 years and over	18,157	±48	(X)	(X)
Speak only English	17,270	±99	95.1%	±0.7
Speak a language other than English	887	±121	4.9%	±0.7
▼ SPEAK A LANGUAGE OTHER THAN ENGLISH				
▼ Spanish	684	±111	3.8%	±0.6
5 to 17 years old	120	±45	0.7%	±0.2
18 to 64 years old	490	±105	2.7%	±0.6
65 years old and over	74	±54	0.4%	±0.3
▼ Other Indo-European languages	67	±51	0.4%	±0.3
5 to 17 years old	0	±21	0.0%	±0.2
18 to 64 years old	50	±46	0.3%	±0.3
65 years old and over	17	±23	0.1%	±0.1
▼ Asian and Pacific Island languages	103	±28	0.6%	±0.2
5 to 17 years old	33	±17	0.2%	±0.1
18 to 64 years old	70	±25	0.4%	±0.1
65 years old and over	0	±21	0.0%	±0.2
▼ Other languages	33	±35	0.2%	±0.2
5 to 17 years old	0	±21	0.0%	±0.2
18 to 64 years old	33	±35	0.2%	±0.2
65 years old and over	0	±21	0.0%	±0.2
➤ CITIZENS 18 YEARS AND OVER				

## Jasper County

	Jasper County, South Carolina			
	Total		Percent	
Label	Estimate	Margin of Error	Estimate	Margin of Error
▼ Population 5 years and over	26,760	±27	(X)	(X)
Speak only English	22,705	±382	84.8%	±1.4
Speak a language other than English	4,055	±376	15.2%	±1.4
▼ SPEAK A LANGUAGE OTHER THAN ENGLISH				
▼ Spanish	3,390	±306	12.7%	±1.1
5 to 17 years old	884	±126	3.3%	±0.5
18 to 64 years old	2,476	±270	9.3%	±1.0
65 years old and over	30	±65	0.1%	±0.2
▼ Other Indo-European languages	273	±170	1.0%	±0.6
5 to 17 years old	28	±55	0.1%	±0.2
18 to 64 years old	97	±86	0.4%	±0.3
65 years old and over	148	±122	0.6%	±0.5
▼ Asian and Pacific Island languages	129	±68	0.5%	±0.3
5 to 17 years old	0	±25	0.0%	±0.2
18 to 64 years old	107	±61	0.4%	±0.2
65 years old and over	22	±48	0.1%	±0.2
▼ Other languages	263	±166	1.0%	±0.6
5 to 17 years old	0	±25	0.0%	±0.2
18 to 64 years old	235	±163	0.9%	±0.6
65 years old and over	28	±45	0.1%	±0.2
➤ CITIZENS 18 YEARS AND OVER				

## Service Contact Frequency of LEP Persons

The Lowcountry Council of Governments has reviewed the frequency in which staff has, or may have, contact with LEP persons. Currently, LCOG staff has one member that is bilingual in Spanish and English and are available throughout the day during business hours to LEP persons.

If LCOG staff is not available to provide translation, an interpreter service may be used at various public meetings in which a large group of LEP persons are anticipated.

## Available Resources for LEP Assistance

The Lowcountry Council of Governments, Civil Rights Committee has resources for translation of mass printed materials regarding its programs and the complaint procedure - into Spanish for its LEP population. Basic translation and interpretation is currently provided on an individual basis.

## Implementation

### *Identifying LEP Individuals Who Need Language Assistance*

The LCOG will continually monitor the language needs of the LEP individuals within its service area. The LCOG will do the following:

- Continue to monitor the languages and English proficiency encountered by staff.
- For languages other than Spanish, staff will attempt to identify the LEP person's preferred language using the Language Line Identification tool (Appendix E)
- Continue to use data available from the U.S. Census, state, and local demographic data.

### *Language Assistance Measures*

The LCOG has oral language assistance available to LEP persons at its office. LCOG staff can respond to LEP Persons inquiries in person or by telephone. To enhance the available language assistance, the LCOG will provide the following:

- Disseminate information about LCOG's programs to local social services agencies and organizations that provide services to LEP persons.
- Continually identify new agencies or organizations that can assist in disseminating information about LCOG's programs and planning activities.
- Include a statement in notices regarding the availability of interpreting services at community events, public hearings and Board of Directors meetings with fourteen day advance notice.
- Post LCOG's Title VI Policy and LEP Plan on the agency's website at [www.lowcountrycog.org](http://www.lowcountrycog.org)
- Translate important notices regarding planning activities and programs in Spanish.
- When an interpreter is not available in person, or on the telephone, staff will attempt to access language assistance from a professional translation service

### *Staff Training*

The LCOG will develop a standard training session for its staff on the following topics:

- LCOG's Title VI Procedures and LEP responsibilities
- Description of language assistance services offer to the public
- Use of Language Line Identification cards
- Documentation of language assistance requests
- How to handle a potential Title VI/LEP Complaint

### *Public Involvement*

Should the LCOG produce a document that LEP individuals may read, or schedule an event that may have LEP individuals in attendance, or may have interest in, the LCOG shall have the documents, meeting notices, or flyers, printed in an alternate language based on the known LEP population. Interpreter service will be available on an as needed basis.

### *Monitoring and Updating the LEP Plan*

The LCOG will update the LEP Plan as needed. At a minimum, the Plan will be reviewed and updated when new data from the most current U.S. Census is available, or when the concentrations of LEP individuals' presence in the LCOG service area is observed. Updates may include, but will not be limited to, the following:

- Description of any new concentrations of LEP individuals based on US Census
- Assessment of the need for translation services
- Assessment of the effectiveness and success of current language assistance programs
- Determine whether financial resources are sufficient to fund language assistance resources
- Determine whether the LCOG has fully complied with the goals of this LEP Plan
- Determine whether complaints received are an effect of the LCOG's inability to meet the needs of the LEP individuals
- Update procedures or contact information

### *Notice to LEP Persons*

A link to the LCOG's Title VI Procedures and LEP Plan is available on the Council of Governments' website at [www.lowcountrycog.org](http://www.lowcountrycog.org). Any person or agency with internet access will be able to access and download the Plan from the abovementioned website. Alternatively, any person or agency may request a copy of the Plan via telephone, fax, mail, or in person and shall be provided a copy of the Plan at no cost. LEP individuals may request copies of the Plan in translation which LCOG will provide, if feasible. Las personas LEP pueden solicitar copias del Plan en traducción que proporcionará LCOG, si es factible.

Questions or comments regarding the LEP Plan may be submitted to the Lowcountry Council of Governments Compliance Coordinator at:

Lowcountry Council of Governments

Attn: Civil Rights Coordinator

P.O. Box 98

Yemassee, SC 29945

Phone: 843.473.3990

Fax: 843.726.5165



## Appendix B - Complaint Form

### Lowcountry Council of Governments (LCOG) Civil Rights Complaint Form

<b>Please Print All Information Below:</b>	
Complainant Name:	Name of Individual Assisting Complainant:
Complainant Address:	Assisting Individual Address:
Complainant Phone Number:	Assisting Individual Phone Number:
Basis of Complaint: (e.g., Race, Color, National Origin, Sex, Age, Disability, Retaliation)	
Date(s) of alleged discrimination:	
Please provide a detailed description of the circumstances of the incident(s), including any additional information supporting your complaint (please use additional pages as necessary):	
Please provide the name(s), title and address of the person who discriminated against the Complainant.	
Please provide, if applicable, names and contact information of people who may have knowledge of the alleged incident(s) or are perceived as parties in the complained-of incident(s):	
Please list any other agency where complaint has been filed:	
Complainant Signature:	Date:

**To file the complaint, mail form to: Civil Rights Coordinator**

**Lowcountry Council of Governments  
PO Box 98  
Yemassee SC 29945**

## Apéndice B(S) - Formulario de Queja

El Consejo de Gobiernos de Lowcountry (LCOG)

<b>Por favor, imprima toda la información a continuación:</b>	
Nombre del Demandante:	Nombre del Individuo Ayudante del Demandante:
Dirección del demandante:	Dirección individual auxiliar:
Número de teléfono de la Demandante:	Teléfono de Asistencia Individual:
Base de la queja: (por ejemplo, raza, color, origen nacional, sexo, edad, discapacidad, retaliación)	
Fecha (s) de presunta discriminación:	
Sírvase proporcionar una descripción detallada de las circunstancias del incidente, incluyendo cualquier información adicional que apoye su queja (use páginas adicionales si es necesario):	
Indique el nombre, título y dirección de la persona que discriminó al demandante.	
Sírvase indicar, en su caso, los nombres y la información de contacto de las personas que puedan tener conocimiento de los supuestos incidentes o que se perciban como partes en el (los) incidente (s) denunciado (s):	
Por favor liste cualquier otra agencia donde la queja ha sido archivada:	
Firma del Demandante:	Fecha:

Formulario de Queja de Derechos Civiles

**Para presentar el formulario de correo de la queja a: Civil Rights Coordinator**

**Consejo de Gobierno de Lowcountry  
PO Box 98  
Yemassee SC 29945**

## Appendix C Federal Agency Contacts List

***Civil Rights Complaints should be mailed to any one of the following:***

Barry Butler  
Civil Rights Compliance Specialist  
SC Department of Commerce  
1201 Main Street, Ste. 1600  
Columbia, SC 29201  
(803) 734-0555  
[bbutler@sccommerce.com](mailto:bbutler@sccommerce.com)

Janice Allen  
Civil Rights Manager  
RD- US Department of Agriculture  
1835 Assembly Street, Room 1007  
Columbia SC 29201  
803-765-5247  
<http://www.usda.gov//da>

Bradley S. Evatt  
Director, CPD  
US Dept. of Housing and Urban Development  
Atlanta Regional Office  
Columbia Field Office  
1835 Assembly Street  
13th Floor  
Columbia, SC 29201-2460  
803-765-5344 603-765-5344  
[fheo\\_webmanager@hud.gov](mailto:fheo_webmanager@hud.gov)

Vivian Patterson  
Public Involvement Manager/Title VI  
Coordinator  
Office of Planning  
955 Park Street, Room 511  
Columbia, South Carolina 29201  
Phone (803) 737-1955  
Fax (803) 737-1858  
[pattersovm@scdot.org](mailto:pattersovm@scdot.org)

US Department of Justice  
Civil Rights Division  
950 Pennsylvania Avenue, N.W.  
Office of Asst. Attorney General, Main  
Washington, DC 20530  
<http://www.ada.gov/>

Title VI Coordinator  
Office of Civil Rights  
Federal Aviation Commission  
800 Independence Avenue, S.W.  
Washington, DC 20591

Federal Transit Administration  
Office of Civil Rights  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
United States  
Phone: 888-446-4511

Senior Paralegal/Equal  
Opportunity Officer  
Amy Proveaux  
S.C. Department of Employment and Workforce  
1550 Gadsden Street  
Columbia S.C. 29201  
Fax: (803)737-3107  
[aproveaux@dew.sc.gov](mailto:aproveaux@dew.sc.gov)

Office of Equal Opportunity/State Level  
S.C. Department of Employment and Workforce  
1550 Gadsden Street  
Columbia, SC 29201

Regional Administrator  
Employment & Training Administration,  
U.S. Department of Labor  
Sam Nunn Atlanta Federal Center  
Room 6M12-61 Forsyth St, S.W.  
Atlanta, Ga 30303.

Administration for Community Living  
Older Americans Act  
330 C St SW  
Washington, DC 20201  
(202) 401-4634

SC State Unit on Aging Director  
Lieutenant Governor's Office on Aging  
Certified mail to:  
1301 Gervais St., Suite 350  
Columbia, SC 29201  
Phone: 1-800-868-9095

## Apêndice C(S) Lista de contactos de la Agencia Federal

Las quejas sobre derechos civiles deben enviarse por correo a cualquiera de los siguientes:

Barry Butler  
Especialista en cumplimiento de derechos  
civiles  
SC Departamento de Comercio  
1201 Main Street, Ste. 1600  
Columbia, SC 29201  
(803) 734-0555  
Bbutler@scommerce.com

Janice Allen  
Gerente de Derechos Civiles  
RD- Departamento de Agricultura de los  
Estados Unidos  
1835 Assembly Street, Sala 1007  
Columbia SC 29201  
803-765-5247  
[Http://www.usda.gov//da](http://www.usda.gov//da)

Bradley S. Evatt  
Director, CPD  
Departamento de Vivienda y Desarrollo  
Urbano de los Estados Unidos  
Oficina Regional de Atlanta  
Oficina de Campo de Columbia  
1835 Assembly Street  
13º piso  
Columbia, SC 29201-2460  
803-765-5344 603-765-5344  
Fheo\_webmanager@hud.gov

Vivian Patterson  
Gerente de Participación Pública /  
Coordinador Título VI  
Oficina de Planificación  
955 Park Street, Habitación 511  
Columbia, Carolina del Sur 29201  
Teléfono (803) 737-1955  
Fax (803) 737-1858  
Pattersovm@scdot.org

Departamento de Justicia de los Estados  
Unidos  
División de Derechos Civiles  
950 Pennsylvania Avenue, N.W.  
Oficina del Asst. Procurador General, Principal  
Washington, DC 20530  
[Http://www.ada.gov/](http://www.ada.gov/)

Coordinador Título VI  
Oficina de Derechos Civiles  
Comisión Federal de Aviación  
800 Independence Avenue, S.W.  
Washington, DC 20591

Administración Federal de Tránsito  
Oficina de Derechos Civiles  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
Estados Unidos  
Teléfono: 888-446-4511

Oficial de Igualdad de Oportunidades  
Amy Proveaux  
S.C. Departamento de Empleo y Fuerza Laboral  
CORREOS.  
1550 Gadsden Street  
Columbia S.C. 29201  
Fax: (803)737-3107  
[aproveaux@dew.sc.gov](mailto:aproveaux@dew.sc.gov)

Oficina de Igualdad de Oportunidades / Nivel  
Estatel  
S.C. Departamento de Empleo y Fuerza Laboral  
1550 Gadsden Street  
Columbia, SC 29201

Administrador Regional  
Empleo y Formación Administración,  
Departamento de Trabajo de los Estados Unidos  
Sam Nunn Centro Federal de Atlanta  
Habitación 6M12-61 Forsyth St, S.W.  
Atlanta, Ga 30303.

Administración para la vida comunitaria  
Acta de los Americanos Mayores  
330 C St SW  
Washington, DC 20201  
(202) 401-4634

Unidad Estatal del SC sobre Director de  
Envejecimiento  
Oficina del Teniente Gobernador sobre el  
Envejecimiento  
Correo certificado a:  
1301 Gervais St., Suite 350  
Columbia, SC 29201

## Appendix D      Policy of Non Discrimination

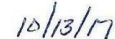
### Lowcountry Council of Governments Title VI Policy Statement

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

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

\*Those requiring information in alternative formats or in a language subject to the Lowcountry Council of Governments Limited English Proficiency (LEP) Plan, should contact the Title VI Liaison.

  
Name of Authorized Official (signature)

  
Date



## POLICY OF NONDISCRIMINATION

Lowcountry Council of Governments does not discriminate on the basis of race, color, sex, age, disability, religion, familial status and national origin in the admission, or access to, or treatment or employment in, its federally assisted programs or activities.

(Title)	Civil Rights Coordinator	
(Address)	Post Office Box 98	
	634 Campground Road	
Yemassee	SC	29945
City	State	Zipcode
Telephone Number:	(843) 473-3990	Voice
	711	TTY
	866-874-3972	Language Line

has been designated to coordinate compliance with the non-discrimination requirements contained in Lowcountry Council of Governments Civil Rights Policies and Procedures.



## Apêndice D(S) Política de No Discriminación

### Política de No Discriminación

Las quejas sobre derechos civiles deben enviarse por correo a cualquiera de los siguientes:

El Consejo de Gobiernos de Lowcountry no discrimina en base a raza, color, sexo, edad, discapacidad, religión, estado familiar y origen nacional en la admisión, o acceso a, o tratamiento o empleo en sus programas o actividades asistidos por el gobierno federal.

Civil Rights Coordinator

Coordinador de Derechos Civiles  
Oficina de correos 98

634 Campground Road

Yemassee  
CAROLINA DEL SUR  
29945

Número de teléfono: (843) 473-3990  
Voz  
711

866-874-3972 TTY  
Language Line

Ha sido designado para coordinar el cumplimiento de los requisitos de no discriminación contenidos en las Políticas y Procedimientos de Derechos Civiles de Lowcountry Council of Governments.

## Appendix E Language Line Identification Card

<b>LanguageLine Solutions<sup>SM</sup></b>		<b>Interpretation Services Available</b>	
<b>English Translation:</b> Point to your language. An interpreter will be called. The interpreter is provided at no cost to you.			
<b>Arabic</b> عربي	أشر إلى لغتك. وسيتم الاتصال بمترجم فوري. كما سيتم إحضار المترجم الفوري مجانًا.	<b>Korean</b> 한국어	귀하께서 사용하는 언어를 지정하시면 해당 언어 통역 서비스를 무료로 제공해 드립니다.
<b>Burmese</b> မြန်မာ	သင့်ဘာသာစကားကို ညွှန်ပြပါ။ စကားပြန် ဝန်ဆောင်မှုပေးပါမည်။ သင့်အတွက် စကားပြန် အခမဲ့ ပေးပါမည်။	<b>Mandarin</b> 國語	請指認您的語言，以便為您提供免費的口譯服務。
<b>Cantonese</b> 廣東話	請指認您的語言，以便為您提供免費的口譯服務。	<b>Polish</b> Polski	Proszę wskazać swój język i wezwiemy tłumacza. Usługa ta zapewniana jest bezpłatnie.
<b>Farsi</b> فارسی	زبان مورد نظر خود را مشخص کنید. یک مترجم برای شما درخواست خواهد شد. مترجم بصورت رایگان در اختیار شما قرار می گیرد.	<b>Portuguese</b> Português	Indique o seu idioma. Um intérprete será chamado. A interpretação é fornecida sem qualquer custo para você.
<b>French</b> Français	Indiquez votre langue et nous appellerons un interprète. Le service est gratuit.	<b>Punjabi</b> ਪੰਜਾਬੀ	ਆਪਣੀ ਭਾਸ਼ਾ ਵੱਲ ਇਸ਼ਾਰਾ ਕਰੋ। ਜਿਸ ਮੁਤਾਬਕ ਇਕ ਦੁਭਾਸ਼ੀਆ ਬੁਲਾਇਆ ਜਾਵੇਗਾ। ਤੁਹਾਡੇ ਲਈ ਦੁਭਾਸ਼ੀਆ ਦੀ ਮੁਫਤ ਸੇਵਾ ਦਿੱਤਾ ਜਾਂਦਾ ਹੈ।
<b>Haitian Creole</b> Kreyòl	Lonje dwèt ou sou lang ou pale a epi nap rele yon entèprèt pou ou. Nou ba ou sèvis entèprèt la gratis.	<b>Russian</b> Русский	Укажите язык, на котором вы говорите. Вам вызовут переводчика. Услуги переводчика предоставляются бесплатно.
<b>Hindi</b> हिंदी	अपनी भाषा को इंगित करें। जिसके अनुसार आपके लिए दुभाषिया बुलाया जाएगा। आपके लिए दुभाषिया की निशुल्क व्यवस्था की जाती है।	<b>Somali</b> Af-Soomaali	Farta ku fiigluqadaada... Waxa laguugu yeeri doonaa turjubaan. Turjubaanka wax lacagi kaaga bixi mayso.
<b>Hmong</b> Hmoob	Taw rau koj hom lus. Yuav hu rau ib tug neeg txhais lus. Yuav muaj neeg txhais lus yam uas koj tsis tau them dab tsi.	<b>Spanish</b> Español	Señale su idioma y llamaremos a un intérprete. El servicio es gratuito.
<b>Italian</b> Italiano	Indicare la propria lingua. Un interprete sarà chiamato. Il servizio è gratuito.	<b>Tagalog</b> Tagalog	Ituro po ang inyong wika. Isang tagasalin ang ipagkakaloob nang libre sa inyo.
<b>Japanese</b> 日本語	あなたの話す言語を指してください。 無料で通訳サービスを提供します。	<b>Vietnamese</b> Tiếng Việt	Hãy chỉ vào ngôn ngữ của quý vị. Một thông dịch viên sẽ được gọi đến, quý vị sẽ không phải trả tiền cho thông dịch viên.

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<b>Interpreting</b>  Three-way communication: Connecting you, your customer and our interpreter.	<b>Translation</b>  All content types including documents, websites, training materials, multimedia and apps.	<b>Testing and Training</b>  Utilize our expertise to help improve interpreter and bilingual staff skill development and language proficiency.
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## **Appendix F     Standard DOT Assurances**

## Standard U.S. DOT Title VI Assurances

The Lowcountry Council of Governments (hereinafter referred to as the "Recipient") HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT) through the **Federal Highway Administration (FHWA)** or the **Federal Transit Administration (FTA)**, is subject to and will comply with the following:

### Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (§42 U.S.C. 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (*entitled Non-discrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964),

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations", respectively.

### General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that

"No person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from the Department of Transportation, including the **FEDERAL HIGHWAY ADMINISTRATION (FHWA) AND THE FEDERAL TRANSIT ADMINISTRATION (FTA)**.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age 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 programs:

1. The Recipient agrees that each "activity", "facility", or "progratn", 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 "progratn") conducted in compliance with all requirements imposed by, or pursuant to the Acts and, the Regulations.
2. That the Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all programs and activities and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"Lowcountry Council of Governments" in accordance with 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 in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon, or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to the rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - (a) for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - (b) for the construction or use of, or access to, space on, over or under real property acquired, or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
- (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/ she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

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

Name of Recipient              Lowcountry Council of Governments

By Sabrina P. Graham  
Signature of Authorized Official

Dated 11/22/17

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

  - (a) withholding of payments to the contractor under the contract until the contractor complies, and/or
  - (b) cancellation, termination or suspension of the contract, in whole or in part.

**(6) Incorporation of Provisions:** The contractor will include the provisions of paragraphs one (1) through six (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontractor procurement as the *Lowcountry (COG)* **the FEDERAL HIGHWAY ADMINISTRATION (FHWA), or the FEDERAL TRANSIT ADMINISTRATION (FTA)** may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with, litigation with a subcontractor, or supplier because of such direction, the contractor may request the Lowcountry (COG) to enter into any litigation to protect the interests of the Lowcountry (COG). 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 **Lowcountry (COG)** will accept Title to the lands and maintain the project constructed thereon, in accordance with the appropriate legislative authority, the Regulations for the Administration of its programs and activities, and the policies and procedures prescribed by **the FEDERAL HIGHWAY ADMINISTRATION or the FEDERAL TRANSIT ADMINISTRATION** of the U.S.

Department of Transportation in accordance with and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in federally assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the SCDOT all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

#### **(HABENDUM CLAUSE)**

**TO HAVE AND TO HOLD** said lands and interests therein unto Lowcountry (COG) 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 Lowcountry (COG), its successors and assigns.

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

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

## **APPENDIX C**

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

The following clauses will be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Lowcountry (COG) pursuant to the provisions of Assurance 7(a):

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

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

## **APPENDIX D**

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

The following clauses will be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Lowcountry (COG) pursuant to the provisions of Assurance 7(b):

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

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

## **APPENDIX E**

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

### **Pertinent Non-Discrimination Authorities:**

- Title VI of the 1964 Civil Rights Act (42 U.S.C. 2§000 *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. §4601) Prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects;
- The Federal-aid Highway Act of 1973, (23 U.S.C. §324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended (42 U.S.C. §6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (42 U.S.C. §47123), as amended, (prohibits discrimination on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (P.L. 100-209), (Broadened, the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12131-12189) as implemented by Department of Transportation regulations at 49 CFR Parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. §47123) (prohibits discrimination on the basis of race, color, national origin, and sex);

- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance, recipients must take reasonable steps to ensure that LEP persons have meaningful access to programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendment of 1972, as amended, which prohibits discrimination on the basis of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).