



May 21, 2009

To: Transportation Planning Committee

From: Stacy Clauson

Subject: Draft Title VI Plan

Action Recommended: Make recommendations to the Metropolitan Policy Committee regarding the draft Title VI Plan.

The purpose of this agenda item is to provide Transportation Planning Committee (TPC) members an opportunity to provide feedback on the draft Title VI Plan (see [Attachment 1](#)) and make a recommendation to the Metropolitan Policy Committee (MPC) on whether to approve the draft Title VI Plan.

The TPC initially discussed this issue at your April 23, 2009 meeting and recommended that the item be brought back to the TPC after the Citizen Advisory Committee (CAC) had completed its review. At their May 20th meeting, the CAC passed a motion recommending that the MPC adopt the Title VI Plan. As a result, the draft plan is being forwarded to you for consideration.

Background

As a recipient of state and federal funds, the Central Lane MPO is subject to the provisions of Title VI, including environmental justice. Title VI refers to Title VI of the Civil Rights Act of 1964 and the intent of this provision is to eliminate barriers and conditions that prevent minority, low income, and other disadvantaged groups and persons from receiving access, participation and benefits from Federally assisted programs, services and activities.

Any entity that receives federal financial assistance must comply with the provisions of Title VI. Compliance entails ensuring that the methods in which programs or activities are delivered do not deny benefit of or access to those programs or activities because of a person's race, color, national origin, disability, age, gender, or income status.

Environmental Justice is the fair treatment and meaningful involvement of all people—regardless of race, ethnicity, income or education level—in environmental decision making, including for transportation issues. Further, environmental justice ensures that no population is forced to shoulder a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards.

To certify compliance with these provisions, MPOs need to:

- Develop good analysis tools to ensure that the long-range transportation plan and the transportation improvement program (TIP) comply with Title VI.
- Identify residential, employment, and transportation patterns of low-income and minority populations so that their needs can be identified and addressed, and the benefits and burdens of transportation investments can be fairly distributed.
- Evaluate public involvement processes and make necessary improvements to eliminate participation barriers and to engage minority and low-income populations in transportation decision making.

The Title VI Plan addresses how the MPO is integrating nondiscriminatory practices into its transportation planning, public participation, and decision making. The MPO, as a prior recipient of federal funds, has already committed itself to these practices and continues to take actions to assure non-discrimination in its programs and activities. This proposed plan provides an opportunity to document these activities, communicate with policy makers and the public, and to identify opportunities to expand current efforts.

Developing the Draft Title VI Plan

Staff has been developing the Draft Title VI Plan over the past few months. This work has primarily consisted of documenting current processes and tools. Staff has also considered existing tools that can be used to provide meaningful access as well as how actions can be improved to more effectively integrate Title VI considerations.

The draft Title VI Plan was developed in consultation with representatives from the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and Oregon Department of Transportation Office of Civil Rights staff. Staff has also consulted with the Citizen's Advisory Committee who have been provided an opportunity to review and comment upon the draft plan.

Public Review

The MPC-approved Public Participation Plan does not specifically identify the public involvement tools to be utilized for the Title VI Plan. Based upon a review of tools and approaches used for other plans, staff is recommending the following tools be used for providing public review opportunities for the Title VI Plan:

- A 30-day public comment period;
- Notice to interested parties;
- Notice in the Register-Guard;
- Web notice; and
- Citizens Advisory Committee (CAC) review and comment.

A 30-day public comment period for the Draft Title VI Plan began on Friday, May 8th and will run until Monday, June 8th at 5:00 pm. A large number of transportation stakeholders, including representatives from different organizations representing

traditionally underrepresented groups, have been included in the public notification. The Draft Title VI Plan has also been posted on the MPO's website. No public comments have been received to-date.

At their May 20th meeting, the CAC passed a motion recommending that the MPC adopt the Title VI Plan. At the meeting, a majority of the members of the CAC emphasized the importance of incorporating Title VI and environmental justice issues into the transportation planning process and expressed their observations that there is more that needs to be done in the community to ensure that the transportation system serves the needs of all segments of the community, including the elderly and low-income. A number of members mentioned the desire to evaluate transportation choices that would support a broader cross-section of the community. Members of the CAC also expressed their desire to continue to work on these important issues. There was interest by individual members in submitting additional comments on the plan for the MPC to consider. Staff will summarize any public comments that it receives before the TPC's May meeting.

Metropolitan Policy Committee (MPC) Initial Review

The draft Title VI Plan was brought forward to the MPC for initial introduction at their May 14 meeting. Members expressed several comments and suggestions, which are summarized below, together with additional information from staff:

- Members expressed concerns about public involvement strategies and noted the need to ensure that the MPO was conducting proactive outreach efforts to communities of color. There was concern expressed that the current strategies were not working effectively. Members also expressed the need to reach people and communicate why their participation matters.

Response: The MPO is consistently attempting to improve its outreach to all members of the community, including those who have been traditionally underrepresented in the transportation planning process. The draft Title VI plan reinforces this commitment and calls for the CAC to investigate a range of techniques that more specifically target members of Title VI communities to make it easier for people to express their opinions within the transportation planning process. As part of this effort, the MPO is currently organizing a Focus Group discussion. The purpose of this event is to initiate a dialog with groups that have been traditionally underrepresented in planning for the Eugene-Springfield transportation system in order to identify ways in which to improve communication across a broad cross-section of the community and to increase participation amongst all area residents.

The MPO's existing Public Participation Plan and the Title VI Plan commit the MPO to annually evaluating the effectiveness of our public involvement efforts and making appropriate adjustments to our strategies to improve meaningful access to the transportation planning process. An in-depth evaluation of the Plan

is scheduled for 2010, at which time additional detailed evaluation of this issue can occur.

- Members expressed interest in expanding our outreach in different media outlets that could provide for a broader audience.

Response: The draft Title VI plan addresses this suggestion under the identified strategies for engaging Title VI communities by using minority newspapers and news outlets as well as free publications and other media outlets in our public involvement efforts.

- Members expressed desire for clear appeal process.

Response: The complaint procedure and complaint form are contained in Appendix B of the draft Plan. Staff welcomes any comments on these draft provisions.

- Members expressed the desire for a summary of the Title VI Plan that would provide key information about what Title VI is about and why someone would be interested.

Response: The draft Title VI Plan identifies a number of action items that are needed to implement the overall strategies identified within the plan (see page 36). Several planned action items are proposed to help broaden community awareness of issues of nondiscrimination, including:

- *Creating a page on the Central Lane MPO website for general information as well as information on how to file complaints.*
- *Developing an information sheet describing Central Lane MPO Title VI policy.*
- *Staff has requested the assistance of the CAC in helping to prepare this content for the web-site and information sheet. The CAC also suggested that staff work with participants in the focus group discussion above on this issue.*
- *Revising the standard press release language to include notification about Title VI issues.*
- *Designing performance measures to include within the PPP to evaluate public involvement and participation strategies to ensure adequate participation of Title VI protected groups.*

Title VI Plan Requirements

Title VI of the Civil Rights Act of 1964 and other federal nondiscrimination statutes prohibit discrimination based on race, color, national origin, disability, age, gender, or

income status in the provisions of benefits and services of programs and activities receiving federal funding. The regulations require:

- A pro-active approach to eliminating discrimination;
- The execution of Title VI Assurances as a condition of federal money;
- An identified Title VI liaison within the agency; and
- A complaint procedure accessible to all parties involved in a project.

The intent is to eliminate barriers and conditions that prevent minority, low income, and other disadvantaged groups and persons from receiving access, participation and benefits from federally assisted programs, services and activities.

To ensure compliance, agencies receiving federal funds must make certain that the method in which their programs or activities are delivered do not deny benefit of or access to those programs or activities because of a person's race, color, national origin, disability, age, gender, or income status.

As part of this effort, the MPO needs to submit a written Non-Discrimination Agreement or Title VI Plan to ODOT, which gives an overview of the MPO's policies and procedures in place to ensure non-discrimination. This Agreement expresses the agency's commitment to ensure non-discrimination based on race, color, national origin, disability, age, gender, or income status within any of its activities, programs or projects. At a minimum, the MPOs Non-discrimination Agreement needs to include the following:

1. A Nondiscrimination Policy Statement and Assurances
 - a. Policy Statement. The policy statement creates the promise to the public that the local agency or any of its sub-contracts will not discriminate on the grounds of race, color, national origin, disability, age, gender, or income status.
 - b. Assurances: The Assurances section requires the local agency to comply with all Title VI Assurances pursuant to 23 CFR 200.9.
2. Designation of a Civil Rights liaison. The designated Civil Rights liaison has the primary responsibility for:
 - a. Developing the MPO Title VI Implementation Plan, if applicable (Note: The MPO can opt to use ODOT's adopted Title VI Plan. We have proposed to develop one to more specifically address the Central Lane MPOs needs);
 - b. Collecting, retaining, and providing requested data and documentation related to the MPO's non-discrimination activities;
 - c. Answering questions regarding compliance efforts;
 - d. Investigating complaints;
 - e. Monitoring and reviewing sub-contractors on federally funded projects; and
 - f. Monitoring internal Title VI compliance and cooperating with FHWA and ODOT reviews to ODOT as needed.

3. A written process for filing a Title VI complaint against the MPO. The local agency must have a written process for filing Title VI complaints.
 - a. The MPO cannot investigate any complaints against the MPO itself, and will forward such complaints to ODOT for prompt investigation.
 - b. The MPO may investigate complaints against sub-recipients (for example, MPO partners), but also needs to forward these complaints and findings to ODOT within 60 days of receipt of the complaint.

4. Data Collection. The MPO must collect data supporting the MPOs nondiscrimination activities that are relevant to the MPOs Title VI goals and objectives. This type of information may be requested by FHWA or ODOT to demonstrate compliance. The following types of data are typical of the information requested as part of the annual reporting:
 - a. The number and demographics of impacted and/or benefited neighborhoods.
 - b. The committee or counsel demographics that the MPO works with.
 - c. The number of public meetings, dates held, and steps taken to notify individuals who may be affected by your actions as a result of the meeting.
 - d. Steps taken to meet any Limited English Proficiency (LEP) needs where warranted (interpreters, translators, advertising, or providing printed media in languages other than English, etc.).
 - e. Nature of discrimination complaints (if any) and the resolution.

5. Title VI Standard Language for contracts. This language would communicate the MPOs expectations about Title VI commitments to local agency partners.

6. List of all relevant authorities. The list should contain all the regulations, statutes or orders that create the legal requirements for non-discrimination.

Staff recommend that the TPC evaluate the Plan and determine whether it effectively addresses these requirements in a manner that is appropriately responsive to the MPO priorities and available resources.

Requested Actions

Staff is requesting the following TPC action:

- Make recommendations to the Metropolitan Policy Committee regarding the draft Title VI Plan. The MPC is tentatively scheduled to take action on the Title VI Plan at their June 11, 2009 meeting.

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