

Title VI Plan

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Rogue Valley Metropolitan Planning Organization

The RVMPO is staffed by the Rogue Valley Council of Governments

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Policy Statement

The Rogue Valley Council of Governments (RVCOG) hereby certifies that, as a condition of receiving federal financial assistance, it will ensure that:

- No person shall on the ground of race, color, national origin, gender, age, disability or income status be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity that is fully or partially covered by federal financial assistance;
- Efforts will be made to facilitate the participation of persons with Limited English Proficiency (LEP) in transportation planning activities sponsored by RVCOG;
- RVCOG will submit to the Oregon Department of Transportation (ODOT) an annual certification of compliance with the requirements of Title VI, per the requirements of 49 CFR Part 21 and 23 CFR.

Rogue Valley Council of Governments
Rogue Valley Metropolitan Planning Organization

Signature

Ann Marie Alfrey
Executive Director

Date

Introduction

The Rogue Valley Metropolitan Planning Organization (RVMPO) Environmental Justice and Title VI Plan has been developed to meet federal and state requirements for Metropolitan Planning Organizations (MPOs) to fulfill obligations under Title VI of the 1964 Civil Rights Act, the President's Executive Order on Environmental Justice (1994) and subsequent orders and enforcement regulations. Referred to generally as Title VI and Environmental Justice, the provisions are intended to prevent federally funded actions from having disproportionate impacts on certain populations and ensure that members of the public have equal access to the decision-making process.

The RVMPO Title VI Plan addresses civil rights law in three chapters:

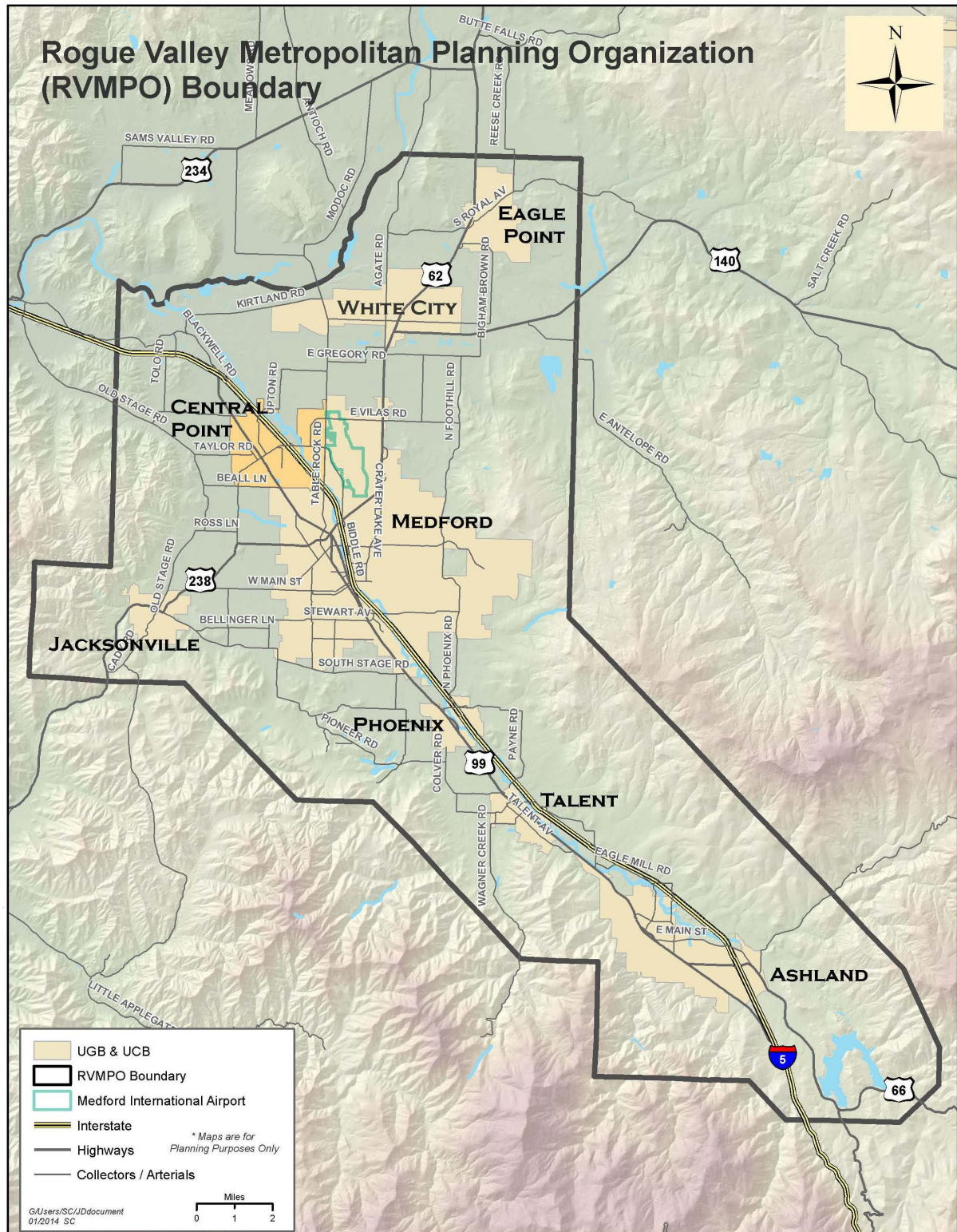
Chapter 1 provides information on the organization and operation of the RVMPO, the principles and regulations related to nondiscrimination and environmental justice, and the role and responsibilities of the RVMPO,

Chapter 2 presents a demographic profile of the Medford metropolitan planning area, including maps that identify areas containing populations higher than the regional average for the various socio-economic groups, and

Chapter 3 summarizes how nondiscrimination and environmental justice principles and requirements have been incorporated into planning activities. This chapter also offers direction for future efforts and presents methodologies for measuring the effectiveness of planning strategies.

All plans and documents referenced in this plan are available from the RVMPO at www.rvmppo.org. The RVMPO is staffed by the Rogue Valley Council of Governments, located at 155 N. 1st Street in Central Point, Oregon.

Map 1: RVMPO Planning Area



Chapter 1: RVMPO Process

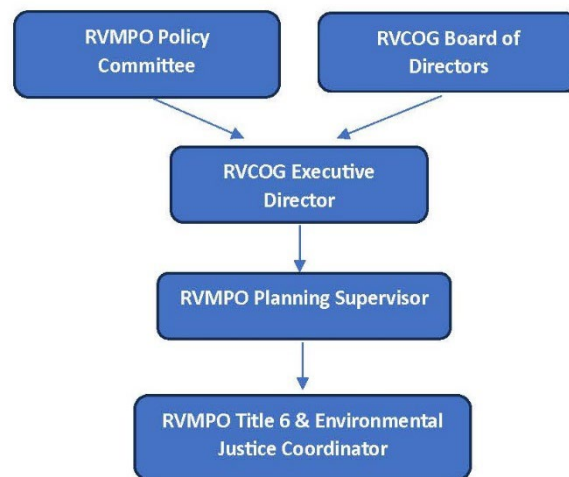
This chapter provides an overview of metropolitan planning in the region, including the part that environmental justice and civil rights principles play in Rogue Valley Metropolitan Planning Organization (RVMPO) planning. The Title VI complaint process is described in Section 1.2, and specific federal and state authorities and requirements for incorporating environmental justice and civil rights in Section 1.3.

1.1 Organization and Operation of the RVMPO

In metropolitan areas over 50,000 population, the responsibility for transportation planning lies with designated Metropolitan Planning Organizations (MPO). The MPO was created to ensure that existing and future expenditures for transportation projects and programs were based on a continuing, cooperative, and comprehensive 93-C) planning process. Additionally, Oregon administrative rules define an MPO as “the organization designated by the Governor to coordinate transportation planning in an urbanized area of the state.” This includes developing the area's long-range transportation plan, the Rogue Valley Regional Transportation Plan (RTP), which addresses the region's projects, programs, and policies for at least a 20-year period. It also includes maintaining the Metropolitan Transportation Improvement Program (MTIP), which is a short-range document listing transportation projects to be initiated within the MPO using federal funds or deemed “regionally significant”.

With an estimated population of just over 186,000, the RVMPO planning area includes the urbanized area of Jackson County – cities of Ashland, Central Point, Eagle Point, Jacksonville, Medford, Phoenix, Talent, and White City, including surrounding unincorporated and rural areas.

The RVMPO is a function of the Rogue Valley Council of Governments (RVCOG), a voluntary association of local governments that provides a forum for coordinated problem solving and regional planning for Jackson and Josephine Counties. The Governor of Oregon designated RVCOG as the RVMPO on July 27, 1982. The RVCOG Board of Directors subsequently delegated responsibility for RVMPO policy functions to the RVMPO Policy Committee, a committee of elected and appointed officials from each jurisdiction within the urbanized area, including Rogue Valley Transportation District (RVTD) and the Oregon Department of Transportation (ODOT). The Policy Committee is the RVMPO’s decision-making board.



A. Nondiscrimination and Environmental Justice

Two key federal actions provide the basis for the civil protections addressed in this plan:

1. The 1964 Civil Rights Act and Title VI of the Act (nondiscrimination)
2. Executive Order No. 12898 signed by President Clinton in 1994 (environmental justice)

The Civil Rights Act, and specifically Title VI of the Act, establishes the prohibition of discrimination “on the basis of **race, color or national origin**” in any “program or activity receiving federal financial assistance.” Subsequent legislation (1994) has extended the protections to include **sex, disability, age, and income**. Additionally, legislation has broadened the application of the protections to all activities of federal-aid recipients, sub-recipients, and contractors regardless of whether a particular activity is receiving federal funding.

The 1994 Executive Order (No. 12898, also described at the end of the chapter, in the section listing all pertinent federal and state regulations) focused attention on Title VI of the Civil Rights Act by providing that “each federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations.”

The three fundamental principles of environmental justice:

1. To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations;
2. To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process;
3. To prevent the denial of, reduction in, or significant delay of these protections for minority and low-income populations.

Environmental justice must be considered in all phases of planning. Areas of focus and particular concern are: *public participation* – to ensure that protected populations have real and equitable opportunities to influence decisions; and *analysis* – to assess the distribution of benefits and impacts on protected populations.

The last section of this chapter lists all related regulations and identifies their application to metropolitan planning. Of significance to MPOs, a Federal Highway Administration and Federal Transit Administration October 7, 1999, memorandum clarifies Title VI requirements in metropolitan and statewide planning by identifying a series of actions that can be taken to support Title VI compliance and environmental justice goals, as described on the following page.

Examples of MPO actions that support Title VI compliance and environmental justice goals:

- Develop a demographic profile of the metropolitan planning area that identifies the locations of socio-economic groups.
- Identify the transportation needs of low-income and minority populations.
- Assess the regional benefits and burdens of transportation system investments in the RTP and TIP for socio-economic groups.
- Have a public involvement strategy for engaging minority and low-income populations in transportation decision making.

The actions described in the text box above form the basis of this plan.

B. RVMPO's Role and Responsibilities in Nondiscrimination and Environmental Justice

The RVCOG and the RVMPO receive federal funds and therefore are subject to provisions of Title VI of the Civil Rights Act, including environmental justice. According to guidance from Federal Highway Administration (FHWA), MPOs serve as the primary forum where state transportation departments, transit providers, local agencies and the public develop regional transportation plans and programs to address a metropolitan area's transportation needs. While environmental justice concerns are more frequently raised during project development, Title VI compliance is involved in plans, programs, and activities of planning, all of which the RVMPO are actively involved.

To support Title VI and environmental justice, the FHWA states that MPOs need to:

- Enhance their analytical capabilities 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 and - where necessary - improve their public involvement processes to eliminate participation barriers and engage minority and low-income populations in transportation decision making.

Moreover, the Oregon Department of Transportation (ODOT) stipulates Title VI requirements of all sub-recipients of federal funds. A summary of which is provided below.

- Appoint a Title VI coordinator.

- Obtain Title VI training for coordinator and other key staff.
- Proactively prevent discrimination as defined in Title VI and related authorities; Disseminate Title VI program information to the public.
- Include Title VI compliant language in all contracts to second tier sub-recipients.
- Obtain and maintain data on race, ethnicity, age, gender, disability, limited English proficiency, and income of populations in service area.
- Proactively include traditionally under-represented populations (hard to reach through traditional notification process) in public involvement and informational processes.
- Analyze the benefits and burdens of activities and projects on the service area Title VI protected population.
- Perform periodic self-assessments for Title VI compliance.
- Develop annual Title VI reports and respond to periodic Title VI reviews by ODOT.
- Correct any deficiencies identified through a review or complaint.

1.2 Filing a Civil Rights Complaint

Informal Complaint:

Every effort will be made to obtain early resolution of informal complaints at the lowest level possible. **Informal complaints are those that have not been submitted or acknowledged in writing.** The option exists for informal mediation meeting(s) between the affected parties and the RVMPO Title VI Coordinator and the RVCOG Executive Director. The Title VI Coordinator and RVCOG Executive Director will make every effort to pursue a resolution to informal complaints.

Formal Complaint: (in compliance with 23 CFR 200.9(b)(3))

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a formal complaint (written) with the RVMPO Title VI Coordinator. A formal complaint must be submitted within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. A formal complaint must meet the following requirements:
 - a. Complaint shall be in writing and signed by the complainant(s).
 - b. Include the date of the alleged act of discrimination.
 - c. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the incident.
 - d. Allegations received by fax or e-mail will be acknowledged and processed once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established. ***The complainant is required to provide a signed, original copy of the fax or e-mail transmittal for RVMPO to be able to process it.***
 - e. Allegations received by telephone will be reduced to writing and provided to complainant for confirmation or revision before processing.

2. Complaints may be submitted to Kelsey Sharp, RMPO Office Specialist II & Title VI Coordinator, through the following methods:

By Email: ksharp@rvcog.org

By Mail: RVMPO Title VI Coordinator
Rogue Valley Council of Governments
Post Office Box 3275
Central Point, OR 97502

By Phone: 541-423-1375

By Facsimile: 541-664-7927

3. Upon receipt of the formal complaint, the Title VI Coordinator will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. All formal complaints will be referred to the Oregon Department of Transportation's (ODOT) Office of Civil Rights, for proper disposition pursuant to their procedures.

4. In order to be accepted, a formal complaint must meet the following criteria:

- a. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
- b. The allegation(s) must involve a covered basis such as race, color, national origin, sex, income, age, or disability.
- c. The allegation(s) must involve a program or activity of a Federal-aid recipient, subrecipient, or contractor.
- d. The complainant(s) allegation must be detailed to specify all issues and circumstances of the alleged discrimination.

5. A formal complaint shall be investigated unless:

- a. The complainant requests the withdrawal of the complaint.
- b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
- c. The complainant cannot be located after reasonable attempts.

6. Contact information for the state and federal Title VI administrative jurisdiction is as follows:

Mail: Oregon Department of Transportation
Office of Civil Rights Oregon Department of Transportation
Attn. Angela Crain, Office of Civil Rights Manager
800 Airport Rd SE
Salem, Oregon 97301

Phone: 503-986-4353

Email: Angela.M.Crain@odot.state.or.us

Federal Highway Administration Office of Civil Rights
Mail: 1200 New Jersey Avenue, SE
8th Floor E81-314
Washington, DC 20590

Phone: 202-366-0693
Fax: 202-366-1599
TTY: 202-366-5132

Federal Transit Administration Office of Civil Rights
Mail: Attention: Title VI Program Coordinator
East Building, 5th Floor – TCR
1200 New Jersey Avenue, SE
Washington, DC 20590

Phone: 202-366-4043
TTY: 1-800-877-8339

Complaint forms and procedures in English and Spanish are included in Appendix B.

1.3 Authorities and Guidance

This section contains the regulations, statutes and orders that establish the requirements for non-discrimination for the Rogue Valley MPO. United State Code (USC) and Code of Federal Regulations (CFR) citations are provided. Additionally included in this list are federally issued memorandums specific to MPO compliance with Title VI requirements.

Title VI of the Civil Rights Act of 1964 mandates, “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” (23 CFR 200 and 49 CFR Part 21). As the designated Metropolitan Planning Organization (MPO) for the Rogue Valley region, the Rogue Valley Metropolitan Planning Organization (RVMPO) is responsible for transportation planning and implementation of transportation projects and is thus required to comply with this law.

The following notations expand on the authority, requirements, and standards of the 1964 Act:

Federal Aid Highway Act of 1973 (23 USC 324) established prohibition of discrimination based on gender.

Civil Rights Act of 1987 broadened the scope of Title VI coverage by expanding the definitions of “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients and contractors, regardless of whether the programs and activities are federally assisted (Public Law 100259 {S. 557}, March 22, 1988).

Americans with Disabilities Act of 1990 (42 USC 12101 et seq. and 49 CFR Parts 27, 37 and 38) and the **Rehabilitation Act of 1973, Section 504**, (29 USC 794) extend the protections under Title VI of the Civil Rights Act of 1964 to prohibit discrimination of persons with disabilities; and in Title II requires that public transit be accessible to persons with disabilities. The Act states that all

new transit vehicles must be made accessible to persons with disabilities, and that paratransit can be used to complement existing fixed-route service.

Age Discrimination Act of 1975 prohibits discrimination based on age (42 USC 6101).

Executive Order 12250 (28 CFR Part 41) requires consistent and effective implementation of various laws prohibiting discriminatory practices in programs receiving federal funding assistance, including Title VI of the Civil Rights Act of 1964.

Executive Order 12898 (28 CFR 50) directs federal agencies to evaluate impacts on low-income and minority populations and ensure that there are not disproportionate adverse environmental, social, and economic impacts on communities, specifically minority and low-income populations. This order also directs federal agencies to provide enhanced public participation where programs may affect such populations. **U.S. Department of Transportation (USDOT) Order 6640.23** contains policies and procedures for the FHWA to use in complying with E.O. 12898.

USDOT Order on Environmental Justice (DOT Order 5610.2) describes how the principles in the Executive Order are to be incorporated into programs and activities. The DOT order states that the DOT will not carry out any program, policy or activity that will have a disproportionately high and adverse effect on minority or low-income populations unless mitigation measures or alternatives that would avoid the adverse impacts are not practicable.

Executive Order 13166 is intended to improve access to federally conducted and federally assisted programs and activities for those who because of national origin have limited English language proficiency (LEP). The order requires federal agencies to review services, identify any needed services and develop and implement a program so that LEP populations have meaningful access. LEP guidance from the U.S. Justice Department sets compliance standards that federal fund recipients must follow to ensure that programs and services provided in English are accessible to LEP individuals, and thereby do not discriminate on the basis of national origin (protection afforded under the 1964 Civil Rights Act, Title VI). U. S. Department of Transportation Policy Guidance: Federal Register, Vol. 70, No. 239, pages 74087-74100, Dec. 14, 2005.

FHWA and FTA Memorandum on Title VI Requirements (October 7, 1999) clarifies Title VI requirements in metropolitan and statewide planning. The memorandum provides FHWA and FTA staff a list of proposed review questions to assess Title VI capability and provides guidance in assessing Title VI capability. Failure to be in compliance can lead to a corrective action being issued by FTA and/or FHWA, and failure to address the corrective action can affect continued federal funding.

Administrative Regulations, 23 CFR 200 and 49 CFR 21 from Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) set requirements for state transportation departments to implement Title VI policies and procedures at the state and local levels.

USDOT Planning Assistance and Standards for metropolitan planning require MPOs to seek out and consider “the needs of those traditionally underserved by existing transportation systems, such as low income and minority households, who may face challenges accessing employment and other services” (23 CFR 450.316). Additional staff guidance from FHWA and FTA provides direction for assessing an MPO’s level of compliance with Title VI and establishes a corrective process that can affect federal funding.

FTA Circulars 4702.1 & 4702.1B provides recipients and subrecipients of Federal Transit Administration (FTA) financial assistance with guidance and instructions necessary to carry out the USDOT Title VI regulations (49 CFR part 21).

Oregon DOT Title VI Plan, adopted in 2002, the plan provides a template for Title VI planning and reporting. Local agencies with approved Title VI program plans or nondiscrimination agreements must prepare a Title VI Annual Accomplishment Report to document Title VI Program compliance activities related to transportation projects. The state agency also has issued local agency guidelines for Title VI plans developed by local agencies.

Oregon Revised Statutes contain protections against discrimination in employment, accommodations and real property transactions based on race, color, religion, gender, sexual orientation, national origin, marital status, age, disability, or family status.

Chapter 2: Demographic Profile

The RVMPO considers the impact that its programs may have on Title VI populations. This chapter serves as a resource for local and regional transportation planning by providing recent and statistically reliable information about areas of identified populations and population demographics using 2017-2021 American Community Survey (ACS) data. The following population analyses have been prepared to assist in assessing the needs of, and analyzing the potential impacts on and benefits to protected populations, as well as assisting in outreach to such populations.

About the Data

The data used in this analysis comes from the U.S. Census Department's 2017-2021, 5-year estimates. The 5-year estimates from the ACS are "period" estimates that represent data collected over "a period of time." The primary advantage of using multiyear estimates is the increased statistical reliability of the data for less populated areas and small population subgroups. In general, the American Community Survey (ACS) is an ongoing survey that provides data every year -- giving communities the current information they need to plan investments and services. The ACS covers a broad range of topics about social, economic, demographic, and housing characteristics of the U.S. population.

For purposes of this analysis, Minority Population, Low-Income Population, Limited English Proficiency (LEP), and Senior Population are the socioeconomic indicators that are used, and they are defined as follows:

- ***Minority Population:*** is defined as persons who reported their ethnicity and race as a group other than non-Hispanic white-alone.
- ***Low-Income Population:*** depicts the percentage of the population living below the poverty level (Severe Poverty, Below Poverty, and Near Poverty Levels) within different geographical areas¹.
- ***Limited English Proficiency (LEP):*** for the purposes of this analysis, a "limited English-speaking household" is one in which selected "Not well" or "Not at all" in the American Community Survey.
- ***Senior Population:*** Percent of people that are over the age of 64.

Data gathered by the U.S. Census Bureau is used to identify such populations, which includes American Community Survey (ACS) 5-year estimates for 2017-2021.

¹ For more information on poverty populations, click on these links: [HHS Poverty Guidelines](#), [Census Poverty Thresholds](#), [The Census Bureau Poverty Page](#).

2.1 Methodology

Populations evaluated include those living below the poverty level, seniors, minorities, and those that speak English less than “well”. To assess the distribution of these protected populations within the RVMPO region, data from the ACS were used. As the decadal census no longer collects socio-economic data as explained in *About the Data*, above, information for low-income and limited English proficiency (LEP) populations was collected from the ACS.

Census and ACS data were collected and incorporated into a Geographic Information Systems (GIS) database and combined with RVMPO GIS base layers. Maps were created to identify and assess the distribution of Title VI populations within the MPO region. Population concentrations above regional averages have been identified at the census tract and block group levels.

The 5-year estimates are available at the U.S., state, county, city, and block group levels. In this analysis, the data is analyzed and visualized in two different ways:

1. Tables:

- The tables depict percentages for different geographical areas (U.S., state, city, etc.).

2. Maps:

- The maps use Census block groups as the geographical locations for the data, which is normalized in percentages. Please note, the block group data goes beyond jurisdiction boundaries. This is important to note because block groups are not constrained by a jurisdiction’s boundary lines (i.e., city limits, county boundary lines, etc.).

Margin of Error

One of the limitations with ACS Data is a high Margin of Error (MOE) when analyzing small single Census block groups. A high MOE is usually due to low survey response rates. Higher participation rates typically result in a lower MOE.

In summary, the RVMPO prefers to use 2017-2021 ACS 5-year estimates over the one-year ACS estimates. Five-year estimates can produce a lower MOE because of the higher number of survey responses. One-year estimates usually show a high MOE because there is a low survey response rate.

Mapping Data

The MPO uses the Environmental Protection Agency’s (EPA) EJScreen Tool to prepare the Environmental Justice maps. EJScreen is EPA’s environmental justice (EJ) screening and mapping tool that identifies potential adverse environmental impacts to vulnerable populations at the block group level .

2.2 Socioeconomic Indicators

Minority Population

Table 1 showcases minority populations starting from the United States level all the way to the RVMPO cities. There is 21% of minority population living within the RVMPO Planning area according to the 5-years ACS estimates. On the other hand, White City does have the highest percentage (45%) of minority population within the RVMPO. Other cities within the RVMPO also have a high percentages of minority population that range from 11% - 25%.

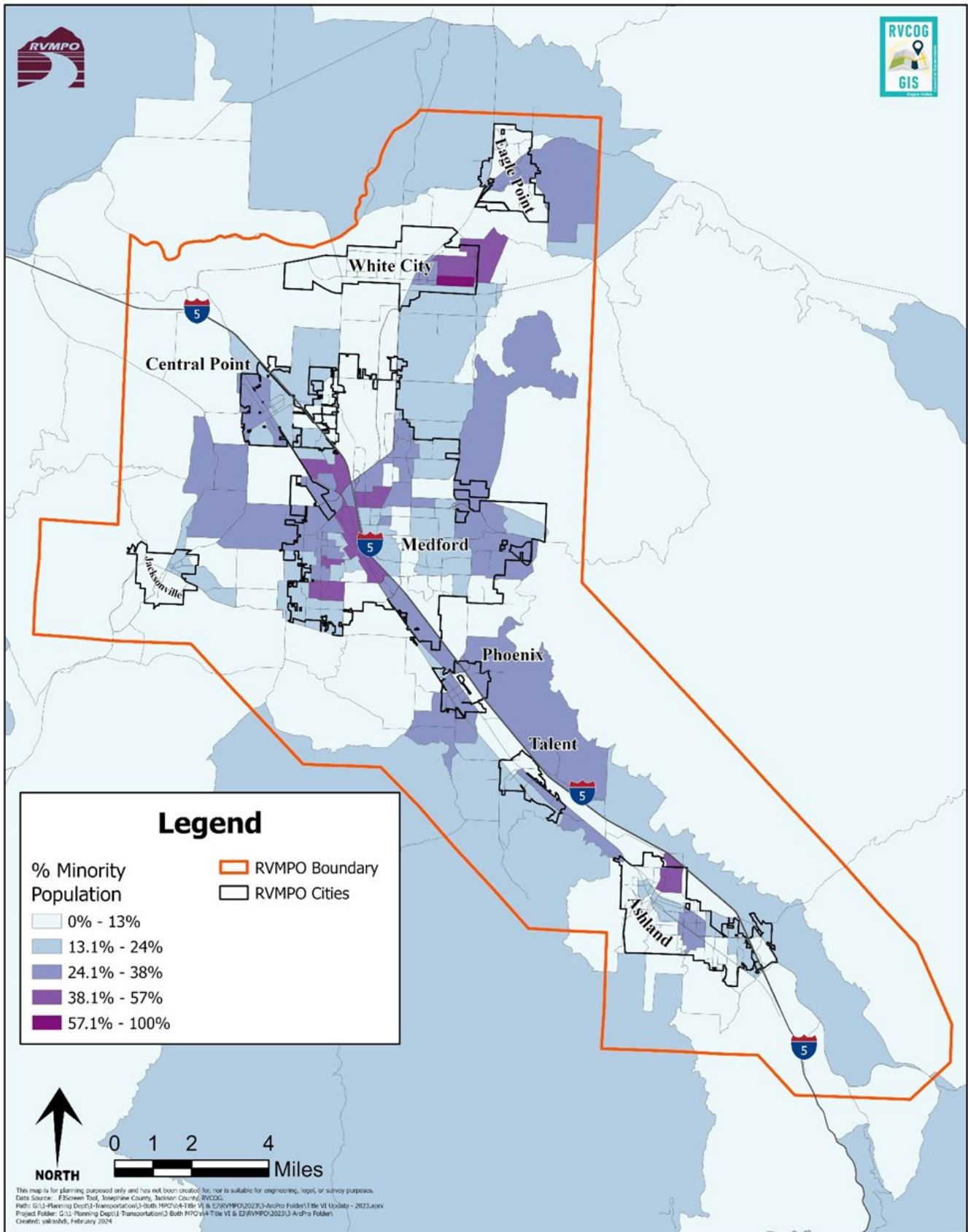
Map 1 below identifies block groups containing percentage of minority population for the RVMPO area. The map shows which block groups contain high percentages of minority population within them. The highest block groups percentages within the RVMPO are located within White City with a percentage between 57.1% - 100%. The rest of the block groups vary in their ranges with some of them on the Med-high level (24.1% - 57%) and the other in the low levels (0% - 24%).

Table 1: Minority Population

	Total Population	Total Minority Population	% Minority Population
United States	329,725,481	133,715,111	41%
State of Oregon	4,207,177	1,090,897	26%
Jackson County	221,662	46,056	21%
Medford Metro Area (RVMPO)	221,662	46,056	21%
City of Eagle Point	9,600	1,026	11%
White City (unincorporated)	10,151	4,608	45%
City of Central Point	18,948	4,319	23%
City of Jacksonville	2,984	314	11%
City of Medford	84,894	21,322	25%
City of Phoenix	4,452	941	21%
City of Talent	6,256	1,427	23%
City of Ashland	21,348	3,670	17%

* These numbers are estimates from the 5-Year American Community Survey of 2021.

[* Source: US CENSUS, 2017-2021 ACS, Table B03002.](#)



Map 2 - % Minority Population

Senior Population

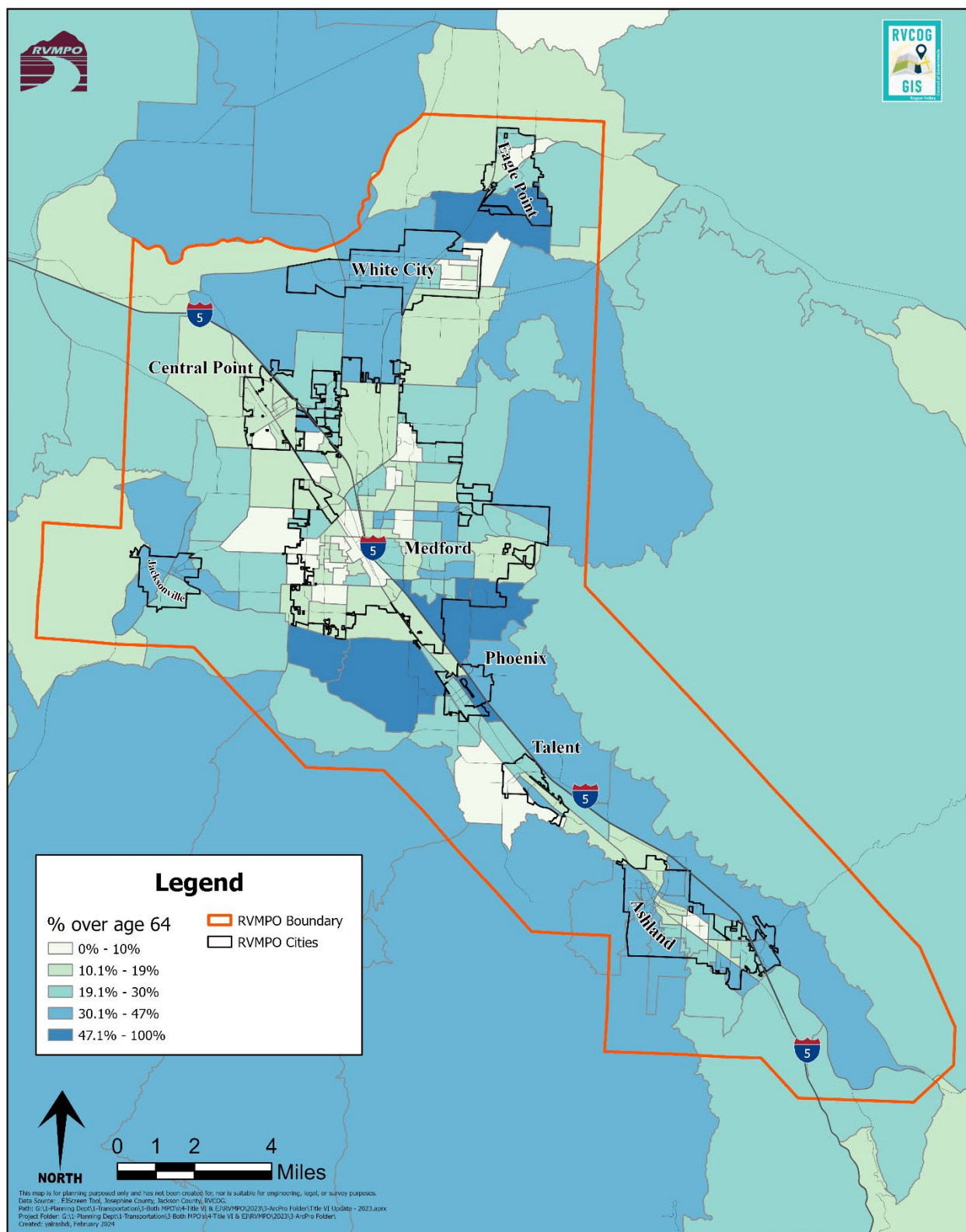
In Table 2, using 2017-2021 ACS data for the RVMPO area, the senior population (age 64+) comprises 22.5% of the area's total population and well over the national average of 16.5%. The City of Jacksonville comprises almost 40% of the entire RVMPO senior population. Phoenix comes in second with 35.2%. In general, the RVMPO cities have a high percentage of senior population. Map 3, illustrates the senior population in the RVMPO area at the block group level.

Table 2: Senior Population

	% Population over 64
United States	16.5%
State of Oregon	18.3%
Jackson County	22.5%
Medford Metro Area (RVMPO)	22.5%
City of Eagle Point	17.6%
White City (unincorporated)	12.3%
City of Central Point	16.7%
City of Jacksonville	39.7%
City of Medford	18.5%
City of Phoenix	35.2%
City of Talent	21.2%
City of Ashland	27.8%

* These numbers are estimates from the 5-Year American Community Survey of 2021.

* [Source: US CENSUS, 2017-2021 ACS, Table B01001 & S0101.](#)



Low-income Population

Table 3 below depicts the percentage of the population living below the poverty level (Severe Poverty, Below Poverty, and Near Poverty Levels) within different geographical areas². The 2017-2021 American Community Survey (ACS) shows that in the previous 12 months, 5.6% of individuals living within the RVMPO Planning Area are at the severe poverty level. Approximately 7.7% are below the poverty level and 4.3% are near poverty levels.

Table 3: Population Living Below the Poverty Level

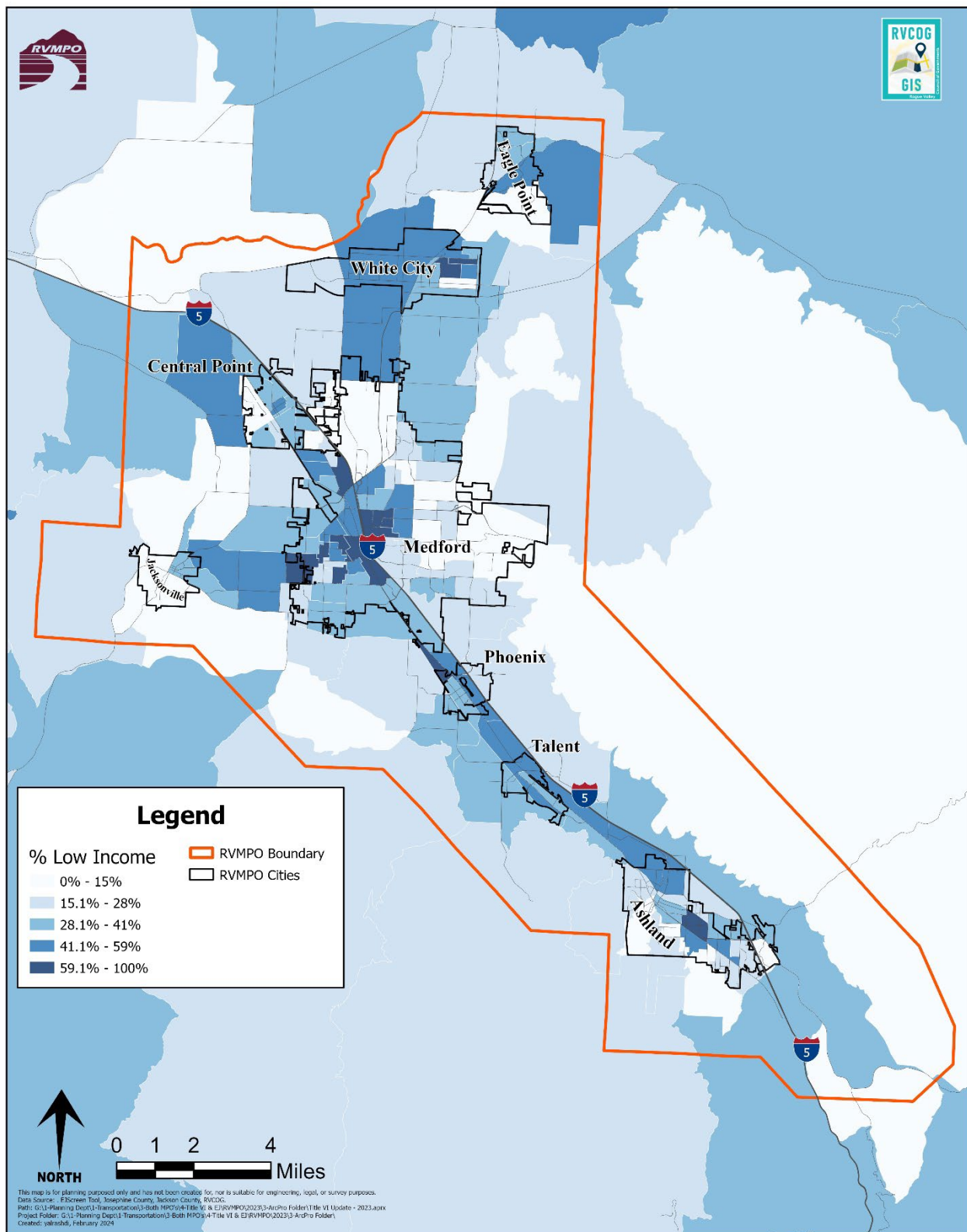
	% Severe Poverty Level	% Below Poverty Level	% Near Poverty Level
United States	5.8%	6.7%	3.9%
State of Oregon	5.6%	6.4%	3.8%
Jackson County	5.6%	7.7%	4.3%
Medford Metro Area (RVMPO)	5.6%	7.7%	4.3%
City of Eagle Point	3.5%	6%	6.9%
White City (Unincorporated)	7.8%	20.2%	3.3%
City of Central Point	3%	5.5%	3.7%
City of Jacksonville	7.6%	5%	3.2%
City of Medford	5.5%	7.7%	4.5%
City of Pheonix	5.7%	6.3%	10.3%
City of Talent	5.8%	9.3%	3.2%
City of Ashland	9.4%	8.5%	3.6%

* These numbers are estimates from the 5-Year American Community Survey of 2021.

* [Source: US CENSUS, 2017-2021 ACS, Table C17002.](#)

Map 4 illustrates the percentage of low-income population by block group in the RVMPO area. Most of the low-income populations within block groups in the RVMPO area are concentrated within the cities limits and they are the highest within the RVMPO. However, Medford does have the highest block group concentration of the percentage of low-income population. The other cities vary in their range of low-income population.

² For more information on poverty populations, click on these links:
[HHS Poverty Guidelines](#), [Census Poverty Thresholds](#), [The Census Bureau Poverty Page](#).



Map 4 - % Low-Income Population

Limited English Proficiency (LEP)

One of the categories covered under Title VI is national origin. Discrimination based on national origin includes that of a person's inability to speak, read, write, or understand English. In following *Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency*, those receiving federal financial assistance (recipients, sub-recipients, contractors) must take reasonable steps to ensure that LEP persons have meaningful access to the programs, services, and information those entities provide. As a recipient of federal funds, the MPO must take reasonable steps to ensure that LEP persons have meaningful access to the programs, services, and information the MPO provides. Determination of "reasonable steps" are based on a four-factor analysis that considers the following:

- 1) The number and proportion of LEP persons in the MPO area who may be served or are likely to encounter an MPO program, activity, or service,
- 2) The frequency LEP persons encounter MPO programs, activities or services,
- 3) The nature and importance of programs, activities or services provided by MPO to the LEP population, and
- 4) The resources available to the MPO and overall costs to provide LEP assistance.

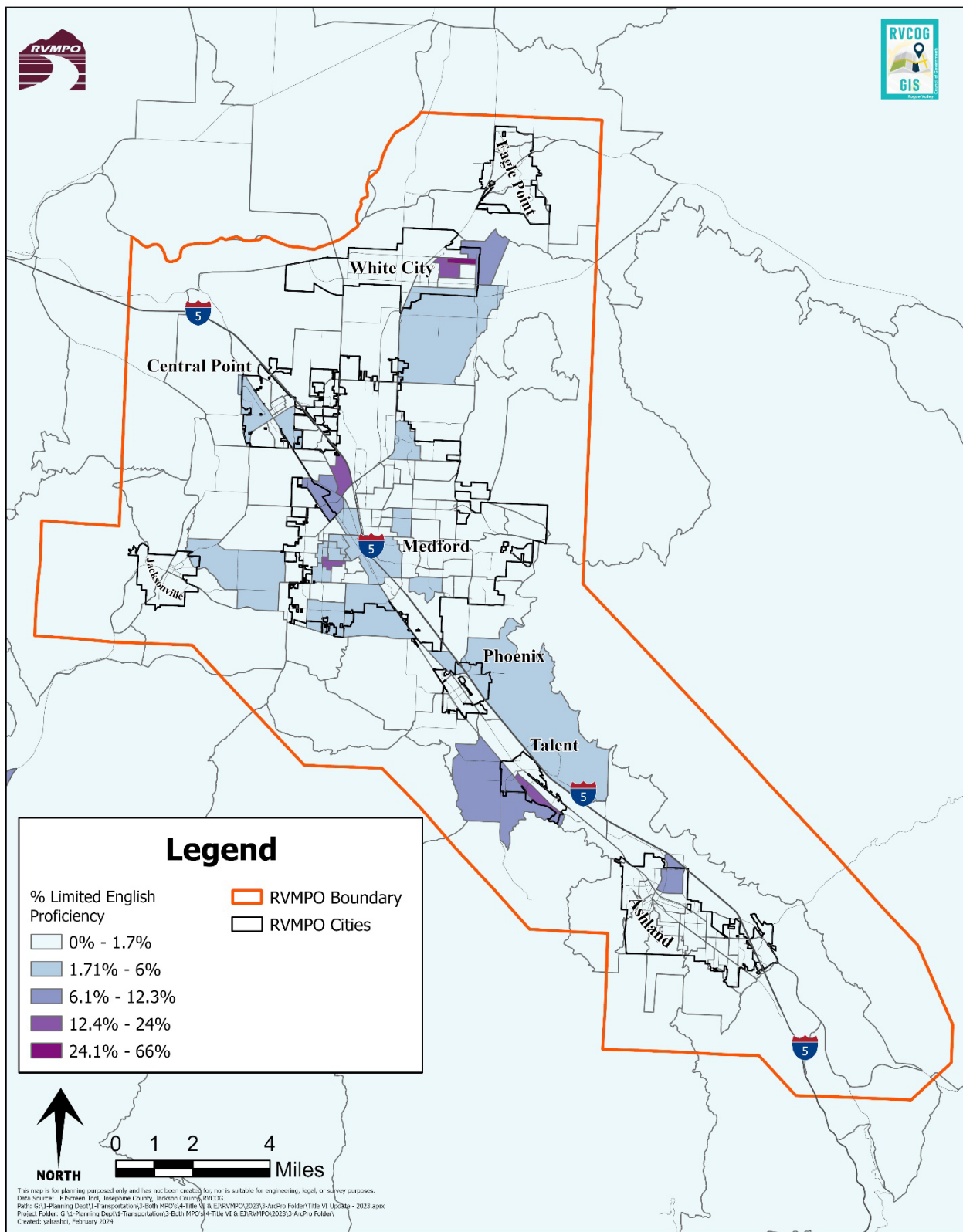
The RVMPO will upon request provide written/oral communications in Spanish, as well as conduct public outreach efforts to organizations that serve LEP populations in the RVMPO area.

Based on 2017-2021 ACS data, an average of 1.4% of the RVMPO area population speaks English less than "well" (those that speak English "not well" and "not at all"). For Jackson County, 1.4% of the population speaks English less than "well". Approximately 6.2% of White city population are limited English Proficiency which is the highest percentage compared to the other jurisdiction.

Table 4: LEP Population

	% Limited English Proficiency Population
United States	4%
State of Oregon	3%
Jackson County	1.40%
Medford Metro Area (RVMPO)	1.40%
City of Eagle Point	0%
White City (unincorporated)	6.20%
City of Central Point	1.90%
Cit of Jacksonville	0.60%
City of Medford	1.60%
City of Pheonix	0.40%
City of Talent	2.70%
City of Ashland	0.50%

[* Source: US CENSUS, 2017-2021 ACS, Table B16004.](#)



Map 5 - % Limited English Proficiency

Chapter 3: Implementation of Activities and Strategies

This chapter identifies RVMPO work products and activities and discusses how environmental justice planning is incorporated into final products and decision making.

3.1 Status of Title VI / Environmental Justice Planning

This section summarizes planning efforts to fulfill environmental justice and Title VI requirements for MPO planning.

A. Title VI Coordinator

The RVMPO appoints and supports a Title VI coordinator who is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of administration. As part of this responsibility, the coordinator ensures that RVMPO program administration complies with Title VI. Compliance includes addressing civil rights complaints, engaging in public awareness activities, preparing annual Title VI reports, providing support and information to the region as requested, and collecting and maintaining up-to-date data to support ongoing nondiscrimination activities including updating and implementing this plan. The coordinator also is responsible for obtaining adequate training and other support for RVMPO staff involved in Title VI compliance, ensuring that projects undertaken by the RVMPO support environmental justice principles, and serves as the environmental justice point of contact.

B. RVMPO Key Planning Products and Title VI / Environmental Justice

The RVMPO accounts for environmental justice and Title VI considerations in its planning products and projects. On an ongoing basis, the RVMPO is responsible for adopting and maintaining the documents described below. Efforts made to include Title VI planning in each work product are described.

- The **Unified Planning Work Program (UPWP)** is an annual plan of how the organization will use federal, state and local MPO planning funds to fulfill state and federal MPO planning obligations. Projects to address environmental justice, including efforts to comply with state and federal requirements, are described, and funds allocated. UPWP activities generally address data gathering, outreach to targeted populations and producing annual compliance reports and responding to complaints.
- The **Metropolitan Transportation Improvement Program (MTIP)** generally is updated bi-annually (and at least every four years) to program fully funded transportation projects that are ready to be implemented within the current four-year timeframe. RVMPO sets federal funding amounts and lists all projects of regional significance regardless of funding source. Project impacts to target populations are examined and scored during the discretionary fund project selection process, with public outreach (including environmental justice populations) conducted in the process of drafting and approving the MTIP consistent with the Public Participation Plan.
- The **Regional Transportation Plan (RTP)** is the long-range multi-modal plan updated every four years and provides a 20-year horizon of planned, funded transportation

projects. It includes consultation with the public and identifies interests and discussion of potential impacts. The public involvement component of developing and adopting the plan includes providing information, soliciting comments and providing a two-way flow of information between environmental justice populations and RVMPO decision makers, consistent with the Public Participation Plan.

C. Public Participation and Nondiscrimination / Environmental Justice

The RVMPO has developed a public participation plan that includes addressing public involvement and the need to communicate with populations that may be traditionally underserved. The plan sets goals and objectives for involving the public into decision-making processes. It includes descriptions of tools, techniques and procedures to be followed to ensure that the public has opportunities to learn about matters coming before the organization, voice preferences and opinions, see how public input is considered by decision makers and understand the impact that input has had on decisions made. As part of that, the RVMPO will upon request (via email, phone, or written request) provide written or oral translation in Spanish.

A key public involvement activity in the RVMPO Public Participation Plan is the RVMPO's Public Advisory Committee (PAC), which makes recommendations to decision makers. PAC positions represent all of the geographic areas of the RVMPO as well as the following topical interests: low-income, minorities, senior, public health, public transportation, and freight. Members must live, work, own property in, or do business within the geographical area they represent. To represent one of the six interest areas a member must demonstrate a particular interest or expertise in the topic. All PAC members are appointed by the RVMPO Policy Committee.

In order to adapt and be able to adjust strategies to improve performance, the RVMPO evaluates and updates their public involvement techniques. Federal requirements for MPO public participation can be found in Appendix A.

D. Transportation Needs Assessment for Underserved Populations

In 2016, RVMPO staff completed a study that assessed transportation needs and barriers for traditionally underserved populations in the RVMPO area. The study delineated Areas of Concern within the region based on very high concentrations of low-income and minority populations, seniors, households with children, and zero-car households. Areas of Concern were evaluated for multi-modal access to grocery stores and schools, and for bicycle and pedestrian safety using crash data. The study also included a survey distributed to organizations and agencies that serve or represent target populations in order to gather anecdotal information in identifying top transportation needs and challenges. Table 5 shows the results of the questionnaire.

Table 5: Transportation Needs Survey Results

Transportation Needs Survey for Traditionally Underserved Populations (5 Questions)

Within the Rogue Valley's existing transportation system, what do you see as the most common barriers that burden EJ populations?

Answer Options	Response Percent	Response Count
None	1.0%	1
Lack of available public transportation	77.2%	78
Cost of public transportation	47.5%	48
Crossing wide, busy streets on foot or bike	28.7%	29
Lack of bike lanes or sidewalks	30.7%	31
Lack of organized private transportation (ex: ride-	34.7%	35
Distance of affordable housing to	56.4%	57
Other	7.9%	8
Other (please specify, and/or expand on your responses)		19
<i>answered question</i>		101
<i>skipped question</i>		1

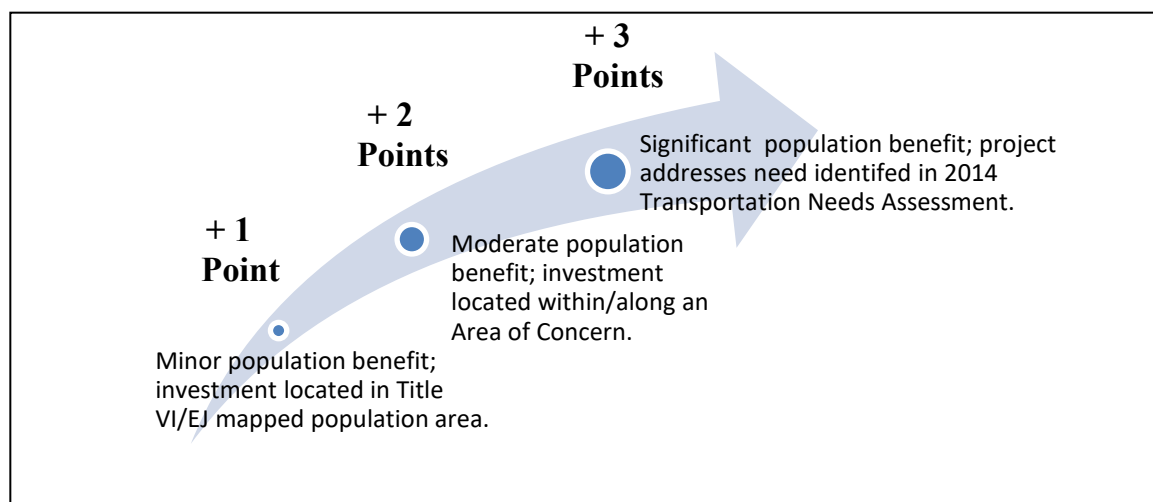
E. Annual Title VI Reporting Requirements

To meet the Oregon Department of Transportation (ODOT) Title VI requirements, the RVMPO must prepare an annual report documenting Title VI program compliance. The report provides an overview of activities to provide sufficient insight into Title VI program implementation efforts within the fiscal year. As the RVMPO contains a population less than 200,000, annual reports are not required to be submitted, but must be kept on record should ODOT conduct an audit. A summary of the required information to complete the annual report is contained in Chapter 1, Section 1.1.B of this plan.

F. Project Selection Process

As a recipient of federal funds, RVMPO must maintain a commitment to nondiscrimination and environmental justice. There are two federal funding sources over which the RVMPO has discretion: the Surface Transportation Block Grant (STBG) program and the Congestion Mitigation and Air Quality (CMAQ) program. The RVMPO has developed criteria for evaluating and scoring project applications that apply for STBG and CMAQ funds. This includes a scoring category based on benefits to targeted populations, and if the project specifically addresses an identified need in the 2016 Transportation Needs Assessment for Traditionally Underserved Populations study. Projects earn a numerical score based on the level of benefit provided, as shown in Figure 1 on the following page.

Figure 1: RVMPO Project Scoring Related to Environmental Justice



Projects are initially evaluated by staff, with staff results and application information being posted on the RVMPO website and advertised for public comment (30-days). The Technical Advisory Committee and Public Advisory Council review all materials and make recommendations to the Policy Committee, who ultimately determine all final funding decisions.

G. Outreach to Organizations: Public Sounding-Boards

RVMPO uses existing and recognized community groups to reach target populations and to engage the public in planning issues – especially as they relate to environmental justice. A number of organizations are contacted during public involvement activities. RVMPO maintains a roster of environmental justice-related groups, advocates and interested parties.

3.2 Future Considerations

This section identifies future work tasks that could enhance the RVMPO's response to environmental justice related concerns.

A. Update to 2016 Transportation Needs Assessment

The RVMPO's Title VI program could benefit by performing an update to the Transportation Needs Assessment for Traditionally Underserved Populations study that was completed in 2016. The study evaluated and identified transportation needs and barriers at three Areas of Concern in the region. The Areas of Concern were identified based on concentrations of underserved populations and zero-car households using Census data. The study also included a survey that was distributed to organizations and agencies serving or representing target populations in order to gather anecdotal information to identify leading transportation challenges and barriers.

The needs assessment should be updated periodically to measure the impact of service improvements and identify new demands.

B. Evaluation of Protected Population Outreach

Federal Metropolitan Planning guidelines require periodic review of the effectiveness of public involvement processes. RVMPO will review the public involvement process and activities to ensure that all interested parties, including transportation stakeholders and traditionally underserved groups, have the opportunity to provide input. By evaluating public involvement activities, it is possible to improve or add new activities to the MPO program and to discontinue those that are deemed ineffective. RVMPO staff will review the Public Participation Plan with respect to changes in local, state and federal legislation and in terms of its effectiveness in assuring that the process provides full and open access to the public. If the RVMPO, including both staff and committees, and the public determine that involvement techniques described in the plan are inadequate, additional techniques will be researched for inclusion into the RVMPO public involvement process.

Appendices

Appendix A: Federal Requirements for MPO Public Participation

Public involvement process requirements in 23 CFR450, Section 450.316(b) (1) that the RVMPO addresses through their Goals and Objectives are listed below.

1. Require a minimum public comment period of 45 days before the public involvement process is initially adopted or revised;
2. Provide timely information about transportation issues and processes to citizens, affected public agencies, representatives of transportation agency employees, private providers of transportation, other interested parties and segments of the community affected by transportation plans, programs and projects (including but not limited to central city and other local jurisdiction concerns);
3. Provide reasonable public access to technical and policy information used in the development of plans and TIPs and open public meetings where matters related to the Federal-aid highway and transit programs are being considered;
4. Require adequate public notice of public involvement activities and time for public review and comment at key decision points, including, but not limited to, approval of plans and TIPs (in nonattainment areas, classified as serious and above, the comment period shall be at least 30 days for the plan) TIP and major amendment(s);
5. Demonstrate explicit consideration and response to public input received during the planning and program development processes;
6. Seek out and consider the needs of those traditionally underserved by existing transportation systems, including but not limited to low-income and minority households;
7. When significant written and oral comments are received on the draft transportation plan or TIP (including the financial plan) as a result of the public involvement process, a summary, analysis, and report on the disposition of comments shall be made part of the final plan and TIP;
8. If the final transportation plan or TIP differs significantly from the one which was made available for public comment by the MPO and raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts, an additional opportunity for public comment on the revised plan or TIP shall be made available;
9. Public involvement processes shall be periodically reviewed by the MPO in terms of their effectiveness in assuring that the process provides full and open access to all;
10. These procedures will be reviewed by the FHWA and the FTA to assure that full and open access is provided to decision-making processes.
11. The MPO public involvement processes shall be coordinated with statewide public involvement processes wherever possible to enhance public consideration of the issues, plans, and programs and reduce redundancies and costs.

Appendix B: Title VI Complaint Procedures and Complaint Forms (English and Español)

Complaint Process

Informal Complaint:

Every effort will be made to obtain early resolution of informal complaints at the lowest level possible. **Informal complaints are those that have not been submitted or acknowledged in writing.** The option exists for informal mediation meeting(s) between the affected parties and the RVMPO Title VI Coordinator and the RVCOG Executive Director. The Title VI Coordinator and RVCOG Executive Director will make every effort to pursue a resolution to informal complaints.

Formal Complaint: (in compliance with 23 CFR 200.9(b)(3))

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a formal complaint (written) with the RVMPO Title VI Coordinator. A formal complaint must be submitted within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. A formal complaint must meet the following requirements:
 - a. Complaint shall be in writing and signed by the complainant(s).
 - b. Include the date of the alleged act of discrimination.
 - c. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the incident.
 - d. Allegations received by fax or e-mail will be acknowledged and processed once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established. ***The complainant is required to provide a signed, original copy of the fax or e-mail transmittal for RVMPO to be able to process it.***
 - e. Allegations received by telephone will be reduced to writing and provided to complainant for confirmation or revision before processing.
2. Complaints may be submitted to Kelsey Sharp, RVMPO Office Specialist II & Title VI Coordinator, through the following methods:
 - By Email: ksharp@rvcog.org
 - By Mail: RVMPO Title VI Coordinator
Rogue Valley Council of Governments
Post Office Box 3275
Central Point, OR 97502
 - By Phone: 541-423-1375
 - By Facsimile: 541-664-7927
3. Upon receipt of the formal complaint, the Title VI Coordinator will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. All formal complaints will be referred to the Oregon Department of Transportation's (ODOT) Office of Civil Rights, for proper disposition pursuant to their procedures.

4. In order to be accepted, a formal complaint must meet the following criteria:
 - a. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
 - b. The allegation(s) must involve a covered basis such as race, color, national origin, sex, income, age, or disability.
 - c. The allegation(s) must involve a program or activity of a Federal-aid recipient, subrecipient, or contractor.
 - d. The complainant(s) allegation must be detailed to specify all issues and circumstances of the alleged discrimination.
5. A formal complaint shall be investigated unless:
 - a. The complainant requests the withdrawal of the complaint.
 - b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
 - c. The complainant cannot be located after reasonable attempts.
6. Contact information for the state and federal Title VI administrative jurisdiction is as follows:

Oregon Department of Transportation
Mail: Office of Civil Rights Oregon Department of Transportation
Attn. Angela Crain, Office of Civil Rights Manager
800 Airport Rd SE
Salem, Oregon 97301

Phone: 503-986-4353
Email: Angela.M.Crain@odot.state.or.us

Federal Highway Administration Office of Civil Rights
Mail: 1200 New Jersey Avenue, SE
8th Floor E81-314
Washington, DC 20590

Phone: 202-366-0693
Fax: 202-366-1599
TTY: 202-366-5132

Proceso de Queja

Queja informal:

Se hará todo lo posible para que las quejas oficiosas se resuelvan lo antes posible al nivel más bajo posible. **Las quejas informales son aquellas que no han sido presentadas o reconocidas por escrito.** Existe la opción de reuniones informales de mediación entre las partes afectadas y el Coordinador del Título VI de RVMPO y el Director Ejecutivo de RVCOG. El Coordinador del Título VI y el Director Ejecutivo del RVCOG harán todo lo posible para buscar una resolución a las quejas informales.

Queja Formal: (De conformidad con lo dispuesto en el 23 CFR 200.9(b)(3))

1. Cualquier individuo, grupo de individuos o entidad que crea que ha sido objeto de discriminación prohibida por las disposiciones de no discriminación del Título VI puede presentar una queja formal (por escrito) ante el Coordinador del Título VI de RVMPO. Se debe presentar una queja formal dentro de los 180 días calendario posteriores a la supuesta ocurrencia o cuando el denunciante tuvo conocimiento de la presunta discriminación. Una queja formal debe cumplir con los siguientes requisitos:
 - a. La queja se presentará por escrito y firmada por el denunciante o denunciantes.
 - b. Incluya la fecha del presunto acto de discriminación.
 - c. Presentar una descripción detallada de los problemas, incluidos los nombres y cargos de las personas percibidas como partes en el incidente.
 - d. Las alegaciones recibidas por fax o correo electrónico serán reconocidas y procesadas una vez que se hayan establecido la(s) identidad(es) del(los) denunciante(s) y la intención de proceder con la queja. ***El demandante debe proporcionar una copia original firmada de la transmisión por fax o correo electrónico para que RVMPO pueda procesarla.***
 - e. Las alegaciones recibidas por teléfono se reducirán a escrito y se proporcionarán al denunciante para su confirmación o revisión antes de su procesamiento.
2. Las reclamaciones pueden presentarse a Kelsey Sharp, RVMPO Especialista de Oficina II y Coordinador de Título VI, a través de los siguientes métodos:

Por Correo Electrónico: ksharp@rvcog.org

Por Correo: Coordinador del Título VI de RVMPO
Rogue Valley Council of Governments
Post Office Box 3275
Central Point, OR 97502

Por Teléfono: 541-423-1375
Por Facsímil: 541-664-7927
3. Al recibir la queja formal, el Coordinador del Título VI determinará su jurisdicción, aceptabilidad y necesidad de información adicional, así como también investigará el mérito de la queja. Todas las quejas formales se remitirán a la Oficina de Derechos Civiles del Departamento de Transporte de Oregón (ODOT), para su disposición adecuada de conformidad con sus procedimientos.
4. Para ser aceptada, una queja formal debe cumplir con los siguientes criterios:

- a. La queja debe presentarse dentro de los 180 días calendario posteriores a la supuesta ocurrencia o cuando el denunciante tuvo conocimiento de la presunta discriminación.
 - b. La(s) acusación(es) debe(n) involucrar una base cubierta como raza, color, origen nacional, sexo, ingresos, edad o discapacidad.
 - c. La(s) acusación(es) debe(n) involucrar(es) un programa o actividad de un beneficiario, subreceptor o contratista de ayuda federal.
 - d. La alegación del demandante debe ser detallada para especificar todas las cuestiones y circunstancias de la presunta discriminación.
5. Una queja formal será investigada a menos que:
 - a. El denunciante solicita el retiro de la denuncia.
 - b. El demandante no responde a las reiteradas solicitudes de información adicional necesaria para tramitar la denuncia.
 - c. El denunciante no puede ser localizado después de intentos razonables.
6. La información de contacto para la jurisdicción administrativa estatal y federal del Título VI es la siguiente:

Oregon Department of Transportation

Correo: Office of Civil Rights Oregon Department of Transportation
Attn. Angela Crain, Office of Civil Rights Manager
800 Airport Rd SE
Salem, Oregon 97301

Teléfono: 503-986-4353

Correo Electrónico: Angela.M.Crain@odot.state.or.us

Federal Highway Administration Office of Civil Rights

Correo: 1200 New Jersey Avenue, SE
8th Floor E81-314
Washington, DC 20590

Teléfono: 202-366-0693

Fax: 202-366-1599

TTY: 202-366-5132

Federal Transit Administration Office of Civil Rights

Correo: Attention: Title VI Program Coordinator
East Building, 5th Floor – TCR
1200 New Jersey Avenue, SE
Washington, DC 20590

Teléfono: (202) 366-4043

TTY: 1-800-877-8339

RVMPO Title VI Complaint Form

The RVMPO, as a recipient of federal financial assistance, is required to ensure that all of its activities and any benefits from these activities are conducted in a manner consistent with Title VI of the Civil Rights Act of 1964, as amended. Any person who believes that he or she has been subjected to discrimination under any of RVMPO's programs or activities based on their race, color, national origin, limited English proficiency, sex, income, age, or disability by file a written complaint with the MPO.

Complainant

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____

Person discriminated against (if other than the complainant)

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____

Were you discriminated against because of your:

☐ Race

☐ National Origin

☐ Color

☐ Age

☐ Sex

☐ Disability

☐ Other _____

Date and Time of Alleged Incident: _____

Explain as clearly as possible what happened and how you were discriminated against. Indicate who was involved and any MPO projects, plans or programs that may have led to the situation you are describing. Be sure to include the names and contact information of any witnesses. If more space is needed, please use additional pages.

Have you filed this complaint with any other federal, state or local agency or with any court?

☐ Yes ☐ No

If yes, check and identify all that apply:

- ☐ Federal Agency _____
- ☐ Federal Court _____
- ☐ State Agency _____
- ☐ State Court _____
- ☐ Local Agency _____

Please provide information for a contact person at the Agency or Court where the complaint was filed.

Name: _____

Address: _____

City, State, & Zip Code: _____

Telephone Number: _____

Please sign below. You may attach any additional written materials or other information you believe is relevant to your complaint.

Signature _____

Date _____

Please submit this signed form to and any attachments to:

RVMPD Title VI Coordinator
Rogue Valley Council of Governments
Post Office Box 3275
Central Point, OR 97502

RVMPO Título VI Formulario de Queja

El Rogue Valley MPO (RVMPO), como recipiente de asistencia financiera federal, requiere asegurar que todas sus actividades y los beneficios de estas actividades se lleven a cabo de una manera consistente con el Título VI de la Ley de Derechos Civiles de 1964, según enmendada. Cualquier persona que cree que él o ella ha sido objeto de discriminación bajo cualquiera de los programas o actividades de RVMPO en base a su raza, color, nacionalidad, dominio limitado del Inglés, sexo, ingresos, edad o discapacidad puede presentar una queja por escrito con el MPO.

Demandante Nombre: _____

Dirección: _____

Ciudad: _____ Estado: _____ Código Postal: _____

Número Telefónico: _____

Persona discriminada (si es distinta de la demandante)

Nombre: _____

Dirección: _____

Ciudad: _____ Estado: _____ Código Postal: _____

Número Telefónico _____

Fue discriminado por su:

- | | |
|--------------------------------------|--|
| <input type="checkbox"/> Raza | <input type="checkbox"/> Origen Nacional |
| <input type="checkbox"/> Color | <input type="checkbox"/> Edad |
| <input type="checkbox"/> Sexo | <input type="checkbox"/> Discapacidad |
| <input type="checkbox"/> Ingresos | <input type="checkbox"/> Dominio limitado del Inglés |
| <input type="checkbox"/> Otro: _____ | |

Fecha y hora del incidente Supuesta: _____

Por favor explique lo más claramente posible lo que pasó y cómo fue discriminado/a. Indique quien estuvo involucrado y cualquier proyecto del MPO, planes o programas que pueden haber llevado a la situación que está describiendo. Asegúrese de incluir los nombres e información de contacto con los testigos. Si se necesita más espacio, por favor utilice hojas adicionales.

¿Ha presentado esta queja con cualquier otra agencia federal, estatal o local, o con cualquier corte?

☐ Si ☐ No

En caso afirmativo, comprobar e identificar todo lo que corresponda:

- ☐ Agencia Federal: _____
- ☐ Corte Federal: _____
- ☐ Agencia Estatal: _____
- ☐ Corte Estatal: _____
- ☐ Agencia Local: _____

Por favor proporcionar información para una persona de contacto en la Agencia tribunal donde se presentó la queja.

Nombre: _____

Dirección: _____

Ciudad, Estado, Código postal: _____

Número de teléfono: _____

Por favor firme abajo. Puede adjuntar cualquier material escrito u otra información adicional cual considere pertinente a su queja.

Firma: _____ Fecha: _____

Por favor, envíe este formulario firmado y cualquier archivo adjunto a:

Coordinador Rogue Valley MPO Título VI
Rogue Valley Council of Governments
P.O. Box 3275
Central Point, OR 97502

Appendix C: Glossary

Adverse Effects - The totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness or death; air, noise, and water pollution and soil contamination; destruction or disruption of manmade or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or nonprofit organizations; increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community; and the denial of, reduction in, or significant delay in the receipt of, benefits of DOT programs, policies, or activities.

Americans with Disabilities Act (ADA) - Federal civil rights legislation for persons with disabilities, signed into law in 1990, that prohibits discrimination specifically in the areas of employment, public accommodation, public services, telecommunications, and transportation. Transportation requirements include the provision of "comparable paratransit service" that is equivalent to general public fixed-route service for persons who are unable to use regular bus service due to a disability.

Assurances – Statements in every application for U.S. DOT financial assistance confirming that the applicant will comply with the U.S. DOT's Title VI regulations.

Certification - A statement included in every application by a state agency (e.g., a state DOT) to carry out a program involving continuing federal assistance that confirms that the program is being carried out in accordance with the Title VI regulations.

Department of Transportation (DOT) - When used alone, indicates U.S. Department of Transportation. In conjunction with a place name, indicates state, city, or county transportation agency (e.g., Oregon Department of Transportation is ODOT).

Discrimination – Any act or inaction, whether intentional or unintentional, in any program or activity of a Federal aid recipient, subrecipient, or contractor that results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, or national origin.

Disparate Impact – Policies or practices that have the effect of disproportionately excluding or adversely affecting members of a group protected under Title VI, and lack substantial justification.

Disparate Treatment - Actions that result in circumstances where similarly situated persons are treated differently (i.e., less favorably) than others because of their race, color, or national origin.

Disproportionately High and Adverse Effect on Minority and Low-Income Populations - An adverse effect that: (1) is predominantly borne by a minority population and/or a low-income Population; or (2) will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

Environmental Justice (EJ) - Environmental justice assures that services and benefits allow for meaningful participation and are fairly distributed to avoid discrimination.

Environmental Justice Activity - An action taken by DOT, FTA, or a recipient or sub-recipient of FTA funding to identify and address adverse and disproportionate effects of its policies, programs, or activities on minority and/or low-income populations, consistent with Executive Order 12898 and the DOT Order 5610.2 on Environmental Justice.

Fixing America's Surface Transportation (FAST) Act - The current federal transportation bill that governs the country's federal surface transportation spending (enacted on December 4, 2015).

Federal Financial Assistance – Includes:

1. Grants and loans of federal funds;
2. The grant or donation of federal property and interests in property;
3. The services of federal personnel;
4. The sale and lease of, and the permission to use (on other than a casual or transient basis), federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and
5. Any federal agreement, arrangement, or other contract that has as one of its purposes the provision of assistance.

Federal Highway Administration (FHWA) - A branch of the DOT that administers the Federal-Aid Highway Program, providing financial assistance to states to construct and improve highways, urban and rural roads, and bridges. The FHWA also administers the Federal Lands Highway Program, including survey, design, and construction of forest highway system roads, parkways and park roads, Indian reservation roads, defense access roads, and other federal lands roads.

Federal Transit Administration (FTA) - A branch of the DOT that is the principal source of federal financial assistance to communities for planning, development, and improvement of public or mass transportation systems. FTA provides leadership, technical assistance, and financial resources for safe, technologically advanced public transportation to enhance mobility and accessibility, to improve the nation's communities and natural environment, and to strengthen the national economy.

Geographic Information System (GIS) - Computerized data management system designed to capture, store, retrieve, analyze, and display geographically referenced information.

Infrastructure Investment and Jobs Act (IIJA) - (Public Law 117-58, also known as the “Bipartisan Infrastructure Law”) (enacted on November 15, 2021) into law. The Bipartisan Infrastructure Law is the largest long-term investment in our infrastructure and economy in our Nation's history. It provides \$550 billion over fiscal years 2022 through 2026 in new Federal investment in infrastructure, including in roads, bridges, and mass transit, water infrastructure, resilience, and broadband.

Limited English Proficient (LEP) Persons - Persons for whom English is not their primary language and who have a limited ability to speak, understand, read, or write English. It includes people who reported to the U.S. Census that they do not speak English well or do not speak English at all.

Low-Income - A low-income person is a person with a household income at or below the U.S. Department of Health and Human Services poverty guidelines.

Low-Income Population - Any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers) who would be similarly affected by a proposed FHWA program, policy, or activity.

Minority - A minority is any individual who is an American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; and Hispanic.

Minority Population - Any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed FHWA program, policy, or activity.

Mitigation - To avoid, minimize, rectify, or reduce an impact, and in some cases, to compensate for an impact.

Moving Ahead for Progress in the 21st Century (MAP-21) – The previous federal transportation bill that governs the country’s federal surface transportation spending (enacted July 6, 2012).

National Origin - The particular nation in which a person was born, or where the person’s parents or ancestors were born.

Oregon Department of Transportation (ODOT) - The state agency that manages the highway system within Oregon. ODOT’s mission is to provide a safe, efficient transportation system that supports economic opportunity and livable communities. ODOT is the administrative agency that responds to policy set by the Oregon Transportation Commission (OTC).

Policy Committee - An intergovernmental policy group that makes RVMPO decisions. It consists of elected and appointed officials from all member jurisdictions: Ashland, Central Point, Eagle Point, Jacksonville, Medford, Phoenix, Talent, White City, Jackson County, Rogue Valley Transportation District and ODOT.

Metropolitan Planning Organization (MPO) – A federally designated regional policy body, required in urbanized areas with populations over 50,000, and designated by local officials and the governor of the state. Responsible for carrying out the metropolitan transportation planning requirements of federal highway and transit legislation in cooperation with the state and other transportation providers.

Project Development - The phase a proposed project undergoes once it has been through the planning process. The project development phase includes a more detailed analysis of a proposed project's social, economic, and environmental impacts and various project alternatives. What comes from the project development phase is a decision reached through negotiation among all affected parties, including the public. After a proposal has successfully passed the project development phase, it may move to preliminary engineering, design, and construction.

Public Advisory Council – An RVMPO committee composed of residents and business operators from all communities within the RVMPO, plus advocates for the special-interest areas of transit, low-income families and minority communities. Acts as a community sounding board for RVMPO issues and makes recommendations to the Policy Committee.

Recipient - Any state, political subdivision, instrumentality, or any public or private agency, institution, department or other organizational unit receiving financial assistance from the federal government.

Regional Transportation Plan (RTP) - A document resulting from regional or statewide collaboration and consensus on a region’s or state's transportation system, and serving as the defining vision for the region's or state's transportation systems and services. In metropolitan areas, the plan identifies all of the transportation improvements scheduled for funding over a minimum of the next 20 years.

Rogue Valley Council of Governments (RVCOG) - A voluntary association of 22 local governments and regional institutions in Jackson and Josephine counties dedicated to local and regional problem solving. RVCOG is a resource for technical expertise and project management and serves as a collective voice for the region when working with state and federal agencies.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) – The previous transportation bill that governed the country’s federal surface transportation spending for federal fiscal years 2005 - 2011.

Subrecipient - Any entity that receives Federal financial assistance as a pass-through from another entity.

Title VI - Title VI of the Civil Rights Act of 1964. Prohibits discrimination in any program receiving federal assistance.

Title VI Protected Populations – A population specifically identified in Title VI and related statutes, including race, color, national origin, disability, age, gender, or income status.

Transportation Improvement Program (TIP) – (Also known as a Metropolitan Transportation Improvement Program, MTIP) A staged, multiyear (four to five years) listing of surface transportation projects proposed for federal, state, and local funding within a metropolitan area. MPOs are required to prepare a TIP as a short-range programming document to complement its long-range transportation plan. TIPs contain projects with committed or reasonably certain funds.

Transportation Planning - A collaborative process of examining demographic characteristics and travel patterns. This process shows how these characteristics will change over a given period of time, and evaluates alternatives for the transportation system of the area and the most expeditious use of local, state, and federal transportation funding. Long-range planning is typically done over a period of at least 20 years; short-range programming of specific projects usually covers a period of 4 to 5 years.

Technical Advisory Committee - A RVMPO committee of staff from the public works and planning departments of all member jurisdictions. It provides technical expertise and recommendations to the decision-making committee, the Policy Committee.

Transportation Planning Rule (TPR) - A state planning administrative rule, adopted by the Land Conservation and Development Commission in 1991 to implement state land use planning Goal 12, Transportation. The TPR requires metropolitan areas to show measurable progress towards reducing dependence on automobiles.

Unified Planning Work Program (UPWP) - The management plan for the metropolitan planning program. Its purpose is to coordinate the planning activities of all participants in the planning process.

Appendix D: Project Evaluation Measures

RVMP0 Evaluation Measures – Goals and Project Funding Criteria

Items in blue will be part of CMAQ funding evaluation unless specifically disqualified (adds capacity, maintains existing facility/service)

As discussed at Feb 28 meeting subcommittee meetings

	RVMP0 Goal	2021-2045 RTP Goal	MPO Requirements (23 CFR, Part 450.306)	Evaluation Criteria	How Measured
1: Mobility		Plan for, develop and maintain a balanced multi-modal transportation system to address existing and future needs.	Enhance the integration and connectivity of the transportation system, across and between modes for people and freight.	1. Safety or security issue addressed, Accident/injury reduction	Describe safety problem, and how project would reduce number and severity of crashes. <i>(If project demonstrates air quality benefit it will be evaluated for CMAQ.)</i>
				2. Congestion relief/reduce delay	Level of Service improvement; idle time reduced. HDV may be calculated separately. <i>(To qualify for CMAQ project must provide cost-effective congestion mitigation that provides an air quality benefit. If project adds capacity, it will not be considered for CMAQ.)</i>
		Optimize safety and security of the transportation system.	Increase accessibility and mobility. Increase safety of the transportation system. Increase security of the transportation system.	3. Promote connectivity (ex: more direct travel, network infill)	Describe connectivity feature. If project reduces VMT it could help the region meet greenhouse emission requirements.
				4. Population # served (ADT; pop/jobs w/in ¼-mi)	Provide traffic count; estimate # jobs and population that will be served by this project. Objective is to show the number of people who will be served by the project. Staff will estimate population & employment using RVMP0 model data. Numbers generated will be used to estimate VMT reduction and air quality benefit.
2: Community Vitality & Livability	Continue to work toward more fully integrating transportation and land use planning.	Use transportation investments to foster compact, livable communities. Develop a plan that builds on the character of the community, is sensitive to the environment and enhances quality of life.	Protect and enhance the environment, promote energy conservation, improve quality of life, and promote consistency between transportation improvements and planned growth and economic development.	1. Benefit to traditionally underserved populations (Low-Income, Minority, Seniors, Children, Limited English Proficiency)	Does the project invest in and/or provide benefit to an area identified in the Title VI and Environmental Justice Plan or the Transportation Needs Assessment for Traditionally Underserved Populations; or meet a need identified in the Needs Assessment?
				2. Support Alternative Measure 2: improve transit accessibility	Does the project promote alternate modes of transportation and/or promote transit improvements on or near an existing/planned transit route?
		Use transportation investments to foster economic opportunities.	Support economic vitality especially by enabling global competitiveness, productivity and efficiency.	Support Alternative Measures 5 and 6: Is project in or near an Activity Center	Is the project located in an Activity Center?. Assign point based on proximity to an Activity Center.
				3. Benefit to freight movement, commercial traffic	Describe the benefit to movement of commercial vehicles. <i>(If project reduces truck VMT or emissions – esp. pre 1986 trucks – project will be evaluated for CMAQ.)</i>
3: Transportation Options	Increase integration and availability of transportation options.	Use incentives and other strategies to reduce reliance on single-occupant vehicles.		1. Encourage/support SOV reduction; Reduce auto dependence	Does the project reduce SOV use; what elements of project contribute?
				2. Support Alternative Measure 1: Is the project included in RVMP0 Active Transportation Plan?	Assigns points depending on whether project is an identified route in the RVATP, with special consideration to whether it is identified as a Regional or Connector route and meets the RVATP aspirational LTS thresholds.
				3. Support Alternative Measure 3: increase bike facilities	Provide total length of bicycle facility, service to/within/between Activity Centers, and/or describe other improvement.
				4. Support Alternative Measure 4: increase sidewalks on collectors, arterials in Activity Centers	Provide total length of qualifying sidewalks/paths.
4: Resource Conservation	Incorporate environmental and energy conservation into the RVMP0 planning process.	Maximize efficient use of transportation infrastructure for all users and modes.	Promote efficient system management and operation.	1. Address/mitigate environmental impacts	Describe project's benefit to natural environment. Does project include conservation features (ex. permeable surface).
				2. Air quality benefit, long term including NOX and VOC.	<i>If there are air quality benefit in addition to responses provided to BLUE-TEXT criteria, describe. Emission reductions and cost/benefit analysis will be done based on responses provided to items in BLUE. Numbers supplied or staff-generated for Mobility item 4 will be used in this analysis.</i>
				3. Reduce greenhouse gas emissions (CO ₂)	Does the project reduce reliance on travel by combustion vehicles, or shift to lower-carbon fuel? (It's anticipated that projects contributing to the Alternative Measures will reduce GHG emissions.)
		Encourage use of cost-effective emerging technologies to achieve regional transportation goals.	Emphasize the preservation of the existing transportation system.	4. Use emerging/new technology	Describe technology to be incorporated into project.
				5. Preserves existing transportation asset	How does the project extend the life of facility without the construction of new facilities? Does the project refurbish existing facility? <i>(If facility is transit, bike or pedestrian it will be considered for CMAQ evaluation.)</i>
				6. Reduce VMT	Reduction formula based on project type
				7. Improve system efficiency	Describe efficiency: Facility able to handle greater ADT without expansion; Improve other transportation function with smaller investment; reduced operational costs; other?
				8. Lifespan	Useful life of investment. For roadway projects, uniform lifespan applies as determined by predominate material used: concrete = 30 yrs; asphalt = 20 yrs; bike lanes = 20 yrs
				9. Other public, private funding sources (leverage)	List overmatch, other funds

(1) Greenhouse gas emissions can be reduced by reducing congestion, increasing operational efficiency, supporting alternative modes reducing use of combustion vehicles, and shifting to lower-carbon fuels (<http://www.deq.state.or.us/air/committees/lowcarbon.htm>).

Appendix E: Poverty Thresholds for 2022 by Size of Family and Number of Related Children <18 Years

Poverty Thresholds for 2022 by Size of Family and Number of Related Children Under 18 Years										
(In dollars)										
Size of family unit	Weighted average thresholds	Related children under 18 years								
		None	One	Two	Three	Four	Five	Six	Seven	Eight or more
One person (unrelated individual):	14,880									
Under 65 years.....	15,230	15,225								
65 years and over.....	14,040	14,036								
Two people:	18,900									
Householder under 65 years.....	19,690	19,597	20,172							
Householder 65 years and over.....	17,710	17,689	20,095							
Three people.....	23,280	22,892	23,556	23,578						
Four people.....	29,950	30,186	30,679	29,678	29,782					
Five people.....	35,510	36,402	36,932	35,801	34,926	34,391				
Six people.....	40,160	41,869	42,035	41,169	40,339	39,104	38,373			
Seven people.....	45,690	48,176	48,477	47,440	46,717	45,371	43,800	42,076		
Eight people.....	51,010	53,881	54,357	53,378	52,521	51,304	49,760	48,153	47,745	
Nine people or more.....	60,300	64,815	65,129	64,263	63,536	62,342	60,699	59,213	58,845	56,578
Source: U.S. Census Bureau, 2023.										
Note: The source of the weighted average thresholds is the 2023 Current Population Survey Annual Social and Economic Supplement (CPS ASEC).										

Appendix F: *Guidance for Transportation Planning*

A manual published in 2002 by the National Cooperative Highway Research Program, “Technical Methods to Support Analysis of Environmental Justice Issues,” provides direction for identifying and addressing environmental justice-related impacts. A summary of the report’s recommendations includes the following:

- The most common measures of transportation benefits are accessibility, travel time to jobs or other activities, and availability of transportation services.
- Measures of burden should be evaluated at the project level; these should include NEPA-specific effects (aesthetic, historic, cultural, economic, social and health).
- Environmental justice should be addressed based on the magnitude of the effects, and not the size of the population in question.
- Agencies should utilize population projections that are at least 20 years out.
- Agencies should look at the distribution of who pays for the transportation project based on the existing tax structure.
- Agencies should consider creating “quality of life” system maps by overlaying bus and rail services, arterials and highways, Jobs Access Reverse Commute services, hospitals, and employment centers, and by examining their proximity to environmental justice populations.
- Agencies should develop regression models for transportation benefits using and Index of Dissimilarity.
- Transportation modeling is a good way to examine transportation benefits distribution and travel forecasts.
- Use the Census as the main source of data, but supplement it with other sources, such as the Department of Human Services’ welfare client data or school lunch program data.

The summary can be used a check-list to measure the adequacy and thoroughness of an environmental justice—Title VI planning program.

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

DOT Order No. 1050.2A

The Rogue Valley Metropolitan Planning Organization (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the **Federal Highway Administration (FHWA) and/or the Oregon Department of Transportation (ODOT)**, 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 Oregon Department of Transportation.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Federal Transportation Aid 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 Transportation Aid Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Rogue Valley Metropolitan Planning Organization, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.

7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom they delegate 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, Rogue Valley Metropolitan Planning Organization also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Rogue Valley Metropolitan Planning Organization 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 Rogue Valley Metropolitan Planning Organization. You must keep records, reports, and submit the material for review upon request to Rogue Valley Metropolitan Planning Organization, 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.

Rogue Valley Metropolitan Planning Organization gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or

discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal Transportation Aid Program. This ASSURANCE is binding on Oregon, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal Transportation Aid Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Rogue Valley Metropolitan Planning Organization

by _____
Ann Marie Alfrey, Executive Director

DATED _____

APPENDIX A of USDOT 1050.2 Assurances

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, Oregon Department of Transportation, 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 Oregon Department of Transportation 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 Oregon Department of Transportation, 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 Oregon Department of Transportation 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 Oregon Department of Transportation 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 of USDOT 1050.2 Assurances

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 Rogue Valley Metropolitan Planning Organization will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Transportation Aid Program, and the policies and procedures prescribed by the Oregon Department of Transportation 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 Rogue Valley Metropolitan Planning Organization all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto Rogue Valley Metropolitan Planning Organization and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the Rogue Valley Metropolitan Planning Organization, its successors and assigns.

The Rogue Valley Metropolitan Planning Organization, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the Rogue Valley Metropolitan Planning Organization will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil

Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

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

DRAFT

APPENDIX C of USDOT 1050.2 Assurances

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 Rogue Valley Metropolitan Planning Organization pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for themselves, their 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, Rogue Valley Metropolitan Planning Organization will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Rogue Valley Metropolitan Planning Organization will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Rogue Valley Metropolitan Planning Organization and its assigns.*

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

APPENDIX D of USDOT 1050.2 Assurances

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 Rogue Valley Metropolitan Planning Organization pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for themselves, their 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, Rogue Valley Metropolitan Planning Organization will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, Rogue Valley Metropolitan Planning Organization will there upon revert to and vest in and become the absolute property of Rogue Valley Metropolitan Planning Organization and its assigns.*

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

APPENDIX E of USDOT 1050.2 Assurances

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).

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