

Bend Metropolitan Planning Organization

Title VI and Environmental Justice Plan

"No person in the United States shall, on the ground 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."

- Title VI of the Civil Rights Act of 1964

Bend Metropolitan Planning Organization

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BMPO Overview

The primary function of the Bend Metropolitan Planning Organization (BMPO) is to conduct a continuing, cooperative and comprehensive transportation planning process that will result in plans and programs that consider all transportation modes and will support metropolitan community development and social goals. The BMPO was designated on December 18, 2002, by the Governor of Oregon. Local jurisdictions involved in the planning activities of the BMPO include the city of Bend and Deschutes County. In addition, the Oregon Department of Environmental Quality, Oregon Department of Transportation, Oregon Department of Land Conservation and Development, Federal Highway Administration, and Federal Transit Administration participate in the MPO process.

The BMPO organizational structure is designed so that it operates as an entity separate from the participating jurisdictions so that no single entity dominates the organization's decision-making processes. A Policy Board oversees the process of the BMPO. The Policy Board is comprised of three members of the Bend City Council, one member of the Deschutes County Commission, and the ODOT Region 4 manager. As future major transportation providers form, such as a Transit District, they will be added to the Policy Board. The intergovernmental agreement specifies that no decisions shall be made by the BMPO Policy Board without representation from all parties. The BMPO planning boundary is shown in each map.

Federal and state transportation planning responsibilities for the BMPO can generally be summarized as follows:

- Develop and maintain a Metropolitan Transportation Plan (MTP) and Metropolitan Transportation Improvement Program (MTIP) consistent with state and federal planning requirements.
- Review specific transportation and development proposals for consistency with the MTP.
- Coordinate transportation decisions among local jurisdictions, state agencies, and area transit operators.
- Develop an annual work program (known as the Unified Planning Work Program [UPWP]).
- Maintain the regional travel-demand model for the purposes of assessing, planning, and coordinating regional travel demand impacts. (NOTE: The BMPO currently contracts with ODOT's Transportation Planning Analysis Unit for modeling support services).

The BMPO entered into an intergovernmental/interagency agreement with the city of Bend establishing the city of Bend as the administrative and fiscal agent for BMPO. This agreement is regularly reviewed and renewed as appropriate.

Governance, Boards, and Committees

The Bend MPO planning area covers the area within the urban growth boundary of Bend and a small area of Deschutes County adjacent to the urban area (see Map 1). The decision making body is the Policy Board. The members of the Policy Board in their role as the MPO are elected and appointed officials from Bend, Deschutes County, and the Oregon Department of Transportation.

The Technical Advisory Committee (TAC) contains staff-level participation from the various local governments within the Bend MPO area, primarily transportation planners and engineers. The TAC conducts, under the direction of the Policy Board, the technical portions of the Bend MPO transportation system planning. The TAC makes recommendations to the Policy Board. Each jurisdiction with membership on the TAC appoints its representatives. The TAC may appoint subcommittees as needed.

The Bend MPO has also formed a Citizens Advisory Committee (CAC) to involve the public in transportation planning and to inform decision making in the MPO area. The CAC advises the Policy Board about regional transportation planning issues including how to involve the public, as well as recommendations on key products of the Bend MPO, such as the Metropolitan Transportation Plan and the Metropolitan Transportation Improvement Program. The CAC includes local citizens committed to representing a broad spectrum of geographical, social and economic interests. Members are appointed by the Policy Board, which has committed to making efforts to seek out and include those that may be traditionally underserved by existing transportation systems.

What is the Title VI of the Civil Rights Act of 1964?

Section 601 of the Civil Rights Act of 1964 prohibits discrimination "on the basis of race, color, or national origin" in any "program or activity receiving federal financial assistance." Subsequent legislation has extended the protections under Title VI of the Civil Rights Act to prohibit discrimination based on gender, disability, age and income status. The Civil Rights Restoration Act of 1987 established that Title VI applies to all programs and activities of Federal-aid recipients, sub recipients and contractors whether those programs and activities are federally funded or not.

What is Environmental Justice?

In 1994, President Clinton issued Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. The Executive Order focused attention on Title VI 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."

A series of orders have been issued by federal agencies requiring the incorporation of Environmental Justice principles into federal programs and policies. Additional clarifying

materials have also been issued. The following materials are applicable to transportation planning issues:

- The United States Department of Transportation (DOT) issued an Order on Environmental Justice (DOT Order 5610.2) in 1997.
- The Federal Highway Administration (FHWA) issued an Order on Environmental Justice (FHWA Order 6640.23) in 1998.
- On October 7, 1999, FHWA and Federal Transit Administration (FTA) issued a memorandum to their respective field administrative offices clarifying Title VI requirements in metropolitan and statewide planning. The memorandum identifies a series of actions that can be taken to support Title VI compliance and Environmental Justice goals, improve planning performance, and minimize the potential for subsequent corrective action and complaint.
- In addition, the FTA has issued a Circular in 2007 (FTA 4702.1A) and 2012 (FTA 4702.1B) which contains requirements and guidelines for Metropolitan Planning Organizations.

There are three fundamental Environmental Justice principles:

1. To avoid, minimize, or mitigate disproportionately high and adverse human health or 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 in the receipt of benefits by minority populations and low-income populations.

Environmental justice must be considered in all phases of planning and focuses on enhanced public involvement and an analysis of the distribution of benefits and impacts. Environmental justice issues arise most frequently when:

- Some communities get the benefits of improved accessibility, faster trips, and congestion relief, while others experience fewer benefits;
- Some communities suffer disproportionately from transportation programs negative impacts, like air pollution;
- Some communities have to pay higher transportation taxes or higher fares than others in relation to the services that they receive; or
- Some communities are less represented than others when policymaking bodies debate and decide what should be done with transportation resources.

Although Environmental Justice concerns are more frequently raised during project development, Title VI applies equally to the plans, programs, and activities of planning, activities in which the Bend MPO are actively involved.

What is the relationship between Environmental Justice and Title VI?

The need to consider environmental justice is embodied in many laws, and regulations, including Title VI of the Civil Rights Act of 1964. The federal actions on Environmental Justice serve to reaffirm Title VI responsibilities by directing every Federal agency to make environmental justice part of its mission by identifying and addressing the effects of all programs, policies, and activities on "minority populations and low-income populations."

Environmental justice and Title VI concepts, which focus on understanding and properly addressing the unique needs of diverse socioeconomic groups, are vital components to effective transportation decision making.

What is the Bend MPO Role in Nondiscrimination and Environmental Justice?

As a recipient of state and federal funds, the Bend MPO is subject to the provisions of Title VI, including environmental justice. Based on Federal publication #FHWA-EP-00-0143, MPOs serve as the primary forum where state DOTs, transit providers, local agencies, and the public develop local transportation plans and programs that address the metropolitan area's needs. MPO's can help local public officials understand how Title VI and environmental justice requirements improve planning and decision making. To certify compliance with Title VI and address environmental justice, the MPO's need to:

- Enhance their analytical capabilities to ensure that the long-range transportation plan and the metropolitan transportation improvement program (MTIP) 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 public involvement processes to eliminate participation barriers and engage minority and low-income populations in transportation decision making.

MPOs act as coordinators of the many agencies involved in transportation planning. The Bend MPO creates regional plans that follow federal guidelines for air quality and serve as a check on agency budgets. Regional plans contain projects from the State DOT, local government departments and transit providers. In this role, the MPO programs and distributes federal money to local agency partners for construction and infrastructure projects, data collection, and planning activities.

As the agency responsible for coordinating the regional transportation process, the Bend MPO makes sure that all segments of the population have been involved with the planning process. In compiling the projects that make up the regional plan, the Bend MPO is responsible for evaluating and suggest mitigation to the appropriate jurisdiction concerning the impact on proposed transportation investments on population groups that may be traditionally underserved or underrepresented.

What has been Bend MPO practice?

It is the policy to actively ensure nondiscrimination, and to ensure that transportation planning includes consideration of the unique needs of Title VI protected populations.

The Bend MPO has developed a Public Participation Plan that addresses the need to communicate with communities that may be traditionally underserved, such as people with disabilities, children and youth, senior, low-income and racial and ethnic minorities. As part of this effort, the Bend MPO maintains distribution lists that include members of communities that may be traditionally underserved. In addition, the CAC bylaws direct the Policy Board to seek out and include those traditionally underserved by existing transportation systems when making appointments to the CAC.

In order to adapt and be able to adjust strategies to improve performance, the Bend MPO regularly evaluates the response to public involvement techniques, including an analysis of the region's population, income, language performance, ethnic status and other demographic factors.

What are the Bend MPO goals with regard to Title VI and Environmental Justice?

The Bend MPO is committed to preventing discrimination and to fostering a just and equitable society and recognizes the key role that transportation services provide to the community. The Bend MPO establishes the following basic principles to serve as overall objectives in implementing this Title VI program:

- Make transportation decisions that strive to meet the needs of all people.
- Enhance the public-involvement process to reach all segments of the population and ensure that all groups have a voice in the transportation planning process, regardless of race, color, national origin, gender, age, disability, and income status.
- Provide the community with opportunities to learn about and improve the quality and usefulness of transportation in their lives.
- Improve data collection, monitoring, and analysis tools that assess the needs of, and analyze the potential impacts of transportation plans and programs on Title VI protected populations.
- Avoid disproportionately high and adverse impacts on Title VI protected populations.
- Comply with the requirements of Title VI and accompanying rules and orders and document Bend MPO efforts to ensure non-discrimination.

Authorities

The following contains a compilation of the legal regulations, statutes or orders that together create the legal requirements for non-discrimination in the transportation planning practices of the Bend Metropolitan Planning Organization (BMPO):

Title VI of the 1964 Civil Rights Act provides 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 receiving federal financial assistance (refer to 23 Code of Federal Regulations

(CFR) 200.9 and 49 CFR Part 21). Since the Civil Rights Act was passed, other nondiscrimination authorities have expanded the scope and range of Title VI, including the following:

The Federal Aid Highway Act of 1973 (23 USC 324) prohibits discrimination based upon sex (gender)

Section 504 of the Rehabilitation Act of 1973 (29 USC 794) and Title II of the American with Disabilities Act (42 USC 12101 et seq. and 49 CFR Parts 27, 37, 38) extended the protections under Title VI of the Civil Rights Act of 1964 to prohibit discrimination based on disability

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

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub recipients, and contractors, whether such programs and activities are federally assisted or not (refer to Public Law 100259 [S. 557] March 22, 1988)

Americans with Disabilities Act (ADA) of 1990

ADA (42 USC 126) prohibits discrimination against any individual on the basis of disability in regard to public services, public transportation, employment, housing, education, health, labor, communication devices and many more.

Executive Order 12250 (28 CFR Part 41) requires consistent and effective implementation of various laws prohibiting discriminatory practices in programs receiving Federal financial assistance, including Title VI of the Civil Rights Act of 1964 (42 United States Code (USC) 2000d et seq.)

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.

Executive Order 13166 is designed to improve access to federally conduct and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP). The Executive Order requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. To assist Federal agencies in carrying out these responsibilities, the U.S. Department of Justice has issued a Policy Guidance Document, “Enforcement of Title VI of the Civil Rights Act of 1964 – National Origin Discrimination Against Persons With Limited English Proficiency”

(LEP Guidance). This LEP Guidance sets forth the compliance standards that recipients of Federal financial assistance must follow to ensure that their programs and activities normally provided in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI's prohibition against national origin discrimination. The U.S. Department of Transportation has issued Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons (DOT LEP Guidance, Federal Register, vol. 70, no. 239, pp. 74087–74100, December 14, 2005)

23 CFR 200 and 49 CFR 21 are administrative regulations from Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) that specify requirements for state DOTs to implement Title VI policies and procedures at the state and local levels.

The U.S. Department of Transportation Planning Assistance and Standards require metropolitan planning organizations (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” (refer to 23 CFR 450.316)

US Department of Transportation (USDOT) Order on Environmental Justice (DOT Order 5610.2) describes the process that the Office of the Secretary and each Operating Administration will use to incorporate environmental justice principles (as embodied in the Executive Order) into existing programs, policies, and activities. As the USDOT's response to Executive Order 12898, it generally describes the process for incorporating environmental justice principles into DOT programs, policies and activities. The objective of the Order is to ensure that the interests and well being of minority populations and low-income populations are considered and addressed during transportation decision making, and to achieve this by working within the existing statutory and regulatory requirements. Like E.O. 12898, the DOT Order does not create a new set of requirements for state and local agencies, but is intended to reinforce considerations already embodied in existing law, such as NEPA and Title VI. The Order states that DOT will not carry out any programs, policies or activities that will have a disproportionately high and adverse effect on minority populations or low-income populations unless “further mitigation measures or alternatives that would avoid or reduce the disproportionately high and adverse effect are not practicable.”

USDOT Order 6640.23. Issued in 1998, the order contains policies and procedures for the FHWA to use in complying with Executive Order 12898.

FHWA and FTA Memorandum on Title VI Requirements. On October 7, 1999, FHWA and FTA issued a memorandum to their respective field administrative offices clarifying Title VI requirements in metropolitan and statewide planning. The memorandum provides division 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.

FTA Circular in 2007/2012 (FTA 4702.1A/[FTA 4702.1B](#)). The circular contains requirements and guidelines for MPOs.

Oregon State DOT (ODOT) Title VI Plan (Title VI Plan 2002). The plan is updated regularly. This plan can be used as a template for ODOT's sub recipients when creating their own plan or a letter can be signed in agreement to follow ODOT's plan. ODOT has also issued local agency guidelines for Title VI plans to be developed by local agencies.

Oregon State Revised Statutes. The statutes contain a number of provisions addressing nondiscrimination contained in ORS 659A which address nondiscrimination in employment practices, public accommodations and real property transactions based upon race, color, religion, sex, sexual orientation, national origin, marital status, age, disability or familial status.

City of Bend Nondiscrimination Ordinance. The City of Bend adopted a local ordinance (Bend City Code Sections 5.700-5.750) that addresses nondiscrimination in employment practices, housing practices, and public accommodation practices. The City's Ordinance addresses nondiscrimination based upon race, religion, color, sex, national origin, marital status, age, mental or physical disability, sexual orientation, or gender identity.

Additional authorities and citations include: Title VI of the Civil Rights Act of 1964 (42 USC 2000d to 2000-4); 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; Department of Transportation Order 1050.2; 20 CFR 50.3; 28 CFR Part 42; 49 CFR Part 21; FTA Circular 4702.1; and FHWA guidelines in 23 CFR Part 200.

Title VI Coordinator/Lead Staff

The Title VI Coordinator for the Bend MPO is the Manager. The Title VI Coordinator and his/her designee are responsible for supervising Title VI implementation, as well as monitoring and reporting on the Bend MPO compliance with Title VI regulations. The Title VI Coordinator or his/her designee overall responsibilities are as follows:

- Ensure full and fair participation by all potentially affected communities in the transportation decision making process.
- Ensure that no person is denied access to or participation in MPO programs.
- Avoid disproportionately high and adverse impacts on communities, in particular Title VI protected populations.

Agency:

Bend Metropolitan Planning Organization (BMPO)
575 NE 15th Street
Bend, OR 97701
Ph: (541) 693-2113
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The Bend MPO is in a contract with the City of Bend for its administrative services. The City of Bend handles the Bend MPO's financial and personnel issues.

Agency:

City of Bend
710 NW Wall Street
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BMPO Demographic Profile

The Bend MPO considers the impact that its programs may have on Title VI protected populations. In addition, the Bend MPO evaluates the languages spoken by populations served by the Bend MPO in order to ensure that materials are translated, as needed.

In an effort to identify Title VI protected populations, the Bend MPO has used 2000 Census data analyzed by block groups and blocks (where available), and evaluated the following social and environmental characteristics: minority populations, low income populations, persons with disabilities, and seniors. This information was used to define potential communities of concern and then graphically overlap projects from the Metropolitan Transportation Plan. This environmental justice baseline data analysis has been prepared to begin assessing the needs of, and analyzing the potential impacts on Title VI protected populations, as well as assisting the process of outreach to Title VI protected populations.

In addition, the Bend MPO has compiled Census data on the ability to speak English in order to identify the language proficiency of residents within the MPO boundaries.

Poverty Population Concentration

The Bend MPO average for population below the 1999 federal poverty level was 28.4 percent, also called the “poverty threshold” (this equates to \$17,000 for a family of four). Map 1 of Appendix B shows the distribution of these populations in 2000. The Bend MPO average population below the 1999 poverty level of 28.4% was between the State average of 29.6% and Deschutes County average of 27.2%

Forty-seven (47) total block groups are completely or partially in the Bend MPO boundary. Of those block groups, 18 have concentrations of persons living at or below the poverty level that meet or exceed the Bend MPO average poverty level (28.4 percent). The greatest density of households living below the federal poverty concentration is found in the center of Bend along 3rd Street and the Bend Parkway (US 97). It is important to note that the three highest poverty levels were located in block groups with the lowest population in 2000. The highest poverty block group was also the smallest in population with 372 persons and highest in percentage of minority population. Data Sources:

U.S. Census Bureau, Census 2000. Summary file SF3, table P92: Poverty Status in 1999 of Households by Household Type by Age of Householder:
<http://www.census.gov/main/www/cen2000.html>

U.S. Census Bureau, Household Income and Persons Below Poverty:
http://quickfacts.census.gov/qfd/meta/long_IPE120204.htm

Senior Population Concentration

The Bend MPO average for population designated as Senior was 11.7 percent, The Senior population is defined as persons age 65 and older in the year 2000.. Map 2 of

Appendix B shows the distribution of these populations in 2000. The Bend MPO average senior population of 11.7% was below both the State average of 12.8% and Deschutes County average of 13%

Of the 47 block groups reviewed, 21 block groups have senior populations that exceed the MPO average 11.7%. In 2000, 5 block groups exceeded 20% senior population and were located east of US HWY 97.

Data Source:

U.S. Census Bureau, Census 2000. Summary file SF1, table P12: Sex by Age:

<http://www.census.gov/main/www/cen2000.html>

Minority Population Concentration

The Bend MPO average for population designated in the 2000 census as minority was 8.1 percent. For this analysis, “minority” was defined to be all persons who identified themselves as non-white or Hispanic. Map 3 of Appendix B shows the distribution of these populations.

The results of this analysis indicated there were 16 census block groups in which the minority population was above the regional average (8.1 percent). There were 3 block groups where the minority population was above the state average of 16.5 percent. Deschutes county minority population average was

Minority populations were widely dispersed throughout the Bend MPO. The highest minority population (37.1 percent of the block group population) was located in the center of Bend. This block group was also the smallest in population with 372 persons and highest in percentage of low income population.

Data Source:

U.S. Census Bureau, Census 2000. Summary file SF1, table P4: Hispanic or Latino, and Not Hispanic or Latino by Race:

<http://www.census.gov/main/www/cen2000.html>

Disabled Population Concentration

Within the Bend MPO as a whole, 15.4 percent of the population was identified as disabled. For this analysis, the “disabled” population was defined to be all civilian non-institutionalized persons 5 years and older that identified themselves as disabled.

Six block groups were identified in the Bend MPO that exceeded 15.4 percent of the population identified as disabled. The highest percentage was located in the center of Bend. The highest block group showed 34 percent of the population identified as disabled.

Census data on persons with disabilities include people with a “go-outside-the-home” disability. The U.S. Census defines a person with a go-outside-the-home disability as

having a condition that impedes one from going outside the home alone or to work at a job or business. These are people age 16 and older and non-institutionalized civilians. Disability data is only available at the census tract level. We were not able to provide a map of this data.

Data Source:

U.S. Census Bureau, Census 2000. Summary file SF3, table P42: Sex by Age by Disability, Status by Employment Status for the Civilian Non-institutionalized Population 16 Years and Over: <http://www.census.gov/main/www/cen2000.html>

Persons Who Speak English Less Than “Well”

Data on ability to speak English were derived from the answers to the Census long-form questionnaire Item 11c, which was asked of a sample of the population. Respondents who reported that they spoke a language other than English in long-form questionnaire Item 11a were asked to indicate their ability to speak English in one of the following categories: "Very well," "Well," "Not well," or "Not at all."

The 2000 Census data describes linguistically isolated populations in terms of households. Linguistically isolated households are defined as households in 2000 having no person age 14 or older who speaks English well.

The data on ability to speak English represent the person's own perception about his or her own ability or, because census questionnaires are usually completed by one household member, the responses may represent the perception of another household member. Respondents were not instructed on how to interpret the response categories in Question 11c.

People who reported that they spoke a language other than English at home, but whose ability to speak English was not reported, were assigned by the Census the English language ability of a randomly selected person of the same age, Hispanic origin, nativity and year of entry, and language group.

Nationally 4.19 percent of the population reported an ability to speak English less than ‘Well’ while the percentage for Oregon was 3.27.

For Deschutes County and the Bend MPO area, 0.9 percent of the population reported less than ‘Well’ English speaking ability. The highest percentage of population speaking English less than ‘Well’ was located in the central east section of Bend.

Population Speaking English less than 'Well'	
Area	Percent of
U.S.	4.19%
Oregon	3.27%

Deschutes County	0.9%
Bend MPO	0.9%

People who use English as a second language come from a variety of lingual and cultural backgrounds. The Census groups these languages into three primary collectives including 'Spanish', 'Other Indo-European' language, and 'Asian and Pacific Island' languages. There is an additional category for "Other". In both Deschutes County and the MPO areas, Spanish is the predominant second language to English. French and German were spoken slightly more than other listed languages. Map 4 of Appendix B shows the distribution of people who speak English less than "well".

Data Source: U.S. Census Bureau, Census 2000. STF3 tables, by block group, "Population 14 and Over, Speak English not well or not at all":
<http://www.census.gov/main/www/cen2000.html>

Strategies for Involving Underserved Populations

To better involve underserved populations, the Bend MPO will employ the following measures and strategies:

1. Providing assistance, upon request, and with 48 hours notice, to the hearing and visually impaired, those not fluent in English, and others requiring assistances at all MPO meetings, hearings and public events. Public notices of these events shall notify the public of this opportunity. Meetings shall be held in ADA-compliant venues.
2. Selecting meeting sites that are easily accessible and meeting times that are easily accessible to Likely Underserved communities and accessible by transit or means other than the automobile, are accessible to the disabled, as well as held in a variety of times to provide the widest opportunity for involvement.
3. Regularly update the summary of staffing composition of those involved in MPO activities and plans. The report will include job classification, race and gender.
4. Strive to collect demographic information on public participants. This will be accomplished by summarizing results from comment/feedback forms which request demographic information from participants at public meetings and workshops and public opinion polls. The submittal of demographic information will be voluntary.
5. Continue to maintain a demographic profile of the MPO planning area using the most current and appropriate statistical information available on race, income, and other pertinent data. As new information becomes available, staff will update the Demographic Profile of the MPO planning area in order to provide an up-to-date baseline report documenting populations of concern for environmental justice analysis.
6. Regularly evaluate the effectiveness of all communications and public involvement efforts and makes appropriate adjustments to its public involvement strategy. As part of this effort, staff will make efforts to outreach to different parties and determine whether any revisions are needed to assure better outreach.
7. Make the Title VI complaint procedure available to the public on the Bend MPO website.
8. Prepare an information sheet for distribution to the public that describes the Bend MPO Title VI policy and complaint process.
9. Maintain records of complaints that it receives, as well as materials related to the investigation, final determination, and corrective actions, if any, that have been taken as described in the complaint procedures, Appendix C.
10. As part of intergovernmental agreements or contracts with any sub-contracting entities, use language that requires compliance with the regulations relative to nondiscrimination and environmental justice.
11. For those subcontractors that it does use, the Bend MPO will monitor and report which contracts have been provided to minorities and women owned firms in the annual report.
12. Submit an annual executive summary to the Policy Board and Citizens Advisory Committee reviewing Title VI accomplishments achieved during the year. The

Title VI Coordinator will be responsible for coordination and preparation of the report.

13. Submit an annual Title VI report to the ODOT Regional Local Agency Liaison each year; the report will then be forwarded on to ODOT's Office of Civil Rights for review and approval. The update will report on accomplishments and changes occurring during the preceding year.
14. Solicit and consider input from all groups and citizens concerned with, interested in, and/or affected by MPO transportation plans or programs, in particular the needs of those that may traditionally underserved by transportation systems.
15. Document information used in identifying potential environmental justice issues as part of the Metropolitan Transportation Plan environmental coordination effort or similar document. The analysis should include an evaluation and discussion of the following:
 - a. Analysis of any disproportional impacts to different socio-economic groups. This can be done by comparing the plan impacts on the minority, low-income, senior, disabled and other populations with respect to the impacts on the overall population within the Bend MPO.
 - b. Evaluation of mitigation measures that could be considered to address adverse impacts, including avoidance, minimization, and opportunities to enhance communities and neighborhoods.
 - c. Overview of the public participation process and efforts made to ensure that all groups within the MPO have been involved in the decision-making or project information process through an effective and thorough public participation effort.

The Bend MPO may also employ the following measures and strategies to better involve underserved populations:

1. In its operation, the CAC will make an effort to seek out and consider the needs of those traditionally underrepresented populations or those by existing transportation systems. Further, the CAC shall investigate a range of techniques that more specifically target Title VI protected populations and make it easier for people to express their opinions within the transportation planning process.
2. Continue to maintain and update distribution lists which contain community organizations, leaders, and religious organizations that are engaged in issues affecting Title VI protected populations. Community organizations and their leaders are invaluable in building communication between agencies and underrepresented groups. Community groups also provide access to individuals and can serve as forums for participation. Often, community organizations reflect community-wide concerns and can advise an agency on useful strategies for interaction.
3. Send news releases to and place advertisements in publications and other media outlets that may be accessed by Title VI protected population.
4. Post public notices in locations or publications that serve Likely Underserved community members such as the public library, Central Oregon Community College Campus, employment training sites, and government offices.

5. Provide key technical information in formats and at places and times conducive to review by populations that may be traditionally underrepresented or underserved by existing transportation systems. This may include provision of information to sight-impaired persons, non-English speakers, or to persons without extensive formal schooling.
6. Work to enhance its analytical capabilities to evaluate the long-range transportation plan and the transportation improvement program impact on Title VI protected populations. Projects could include:
 - d. Using modeling capabilities to evaluate accessibility by travel mode for various trip purposes.
 - e. Evaluating the distribution of transportation projects or funds.
7. The Bend MPO will function in its role as a regional coordinator to work with other agencies, if requested, in addressing environmental justice issues that may occur as part of MPO funded project development activities.

Examples of Involvement strategies

Planning Activity	Description	Public Involvement Tools
BMPO Metropolitan Transportation Improvement Plan (MTIP)	The Plan identifies transportation projects in the BMPO that are programmed to receive funding over the next three years. The MTIP lists federally funded and locally funded projects anticipated by local agencies and the Oregon Department of Transportation (ODOT).	<ul style="list-style-type: none"> • 20 Day Public Comment Period • Public Hearing at Policy Board Meetings • Board approval of full amendments to project list. • Web Notice • Notice to Interested Parties
BMPO Public Participation Plan	The Public Participation Plan is the Bend Metropolitan Planning Organization's official policy on involving the public in the transportation planning process. The document outlines strategies used to engage the public during transportation planning activities.	<ul style="list-style-type: none"> • website postings, • plan and notice distribution, • email announcements • use of graphics and visualization at meetings and in documents
Unified Planning Work Program	A document that incorporates all transportation planning and supporting comprehensive planning activities in the Bend Metropolitan Area during the fiscal year.	<ul style="list-style-type: none"> • 30 Day Public Comment Period • Public Hearing at Policy Board Meetings • Web Notice • Notice to Interested Parties

Certificate of Assurance

The Bend Metropolitan Planning Organization hereby certifies that, as a condition of receiving federal financial assistance, it will ensure that:

1. No person shall on the ground of race, color, national origin, sex, 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;
2. Efforts will be made to facilitate the participation of persons with Limited English Proficiency (LEP) in transportation planning activities sponsored by BMPO;
3. It 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 200.

Bend Metropolitan
Planning Organization

Oregon Department of
Transportation –
Transportation
Development Division

Oregon Department of
Transportation – Public
Transportation Division

Signature

Signature

Signature

Mark Capell
Printed Name

Printed Name

Printed Name

BMPO Chair
Title

Title

Title

11/18/2010
Date

Date

Date

APPENDIX A

GLOSSARY/ACRONYM LIST

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 - Every application for U.S. DOT financial assistance must include assurances that the applicant will comply with the U.S. DOT's Title VI regulations. Certification - Every application by a state agency (e.g., a state DOT) to carry out a program involving continuing federal assistance must include a statement that the program is being carried out in accordance with the Title VI regulations.

Citizens Advisory Committee (CAC) - Representative stakeholders that meet regularly to discuss issues of common concern, such as transportation, and to advise sponsoring agency officials. These groups effectively interact between citizens and their government.

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 – Facially neutral policies or practices that have the effect of disproportionately excluding or adversely affecting members of a group protected under Title VI, and the recipient's policy or practice lacks a substantial legitimate 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.

Disproportionate - Appreciably exceeds or is likely to appreciably exceed those on the general population or other appropriate comparison group.

Disproportionately High and Adverse Effect on Minority and Low-income Populations - An adverse effect that:

- (1) is predominately 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 subrecipient 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.

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 detail 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 US Department of Transportation 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 US Department of Transportation that is the principal source of federal financial assistance to America's 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.

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 Federal Department of Health and Human Services poverty guidelines.

Low-Income Populations - A low-income population means 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 or Native Americans) who would be similarly affected by a proposed FHWA program, policy, or activity.

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 in cooperation with the state and other transportation providers for carrying out the metropolitan transportation planning requirements of federal highway and transit legislation.

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 an MTIP as a short range programming document to complement its long-range transportation plan. MTIPs contain projects with committed or reasonably certain funds.

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

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 - A minority population means 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.

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 for Oregonians. ODOT is the administrative agency that responds to policy set by the Oregon Transportation Commission (OTC).

Policy Board - An intergovernmental policy group that comprises representatives from Bend, Deschutes County, and the Oregon Department of Transportation. The Policy Board provides policy guidance on the transportation planning process in the MPO area.

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 Meeting - A formal or informal event designed for a specific issue or community group where information is presented and input from community residents is received

Public Participation - The active and meaningful involvement of the public in the development of transportation plans and programs.

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.

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 (including language access for limited English proficient persons), disability, age, gender, or income status. Related statutes include but are not limited to the 1970 Uniform Act ([42 USC 4601](#)) – (Persons displaced or property acquired), Section 504 of the 1973 Rehabilitation Act ([29 USC 790](#)) - (Handicap/Disability), The 1973 Federal-aid Highway Act ([23 USC 324](#)) (Sex), The 1975 Age Discrimination Act ([42 USC 6101](#)) – (Age), Executive Order 13166 on Limited English Proficiency (LEP) – (Linguistic Minorities)– Executive Order 12898 on Environmental Justice (EJ) – (Low Income & Minorities)

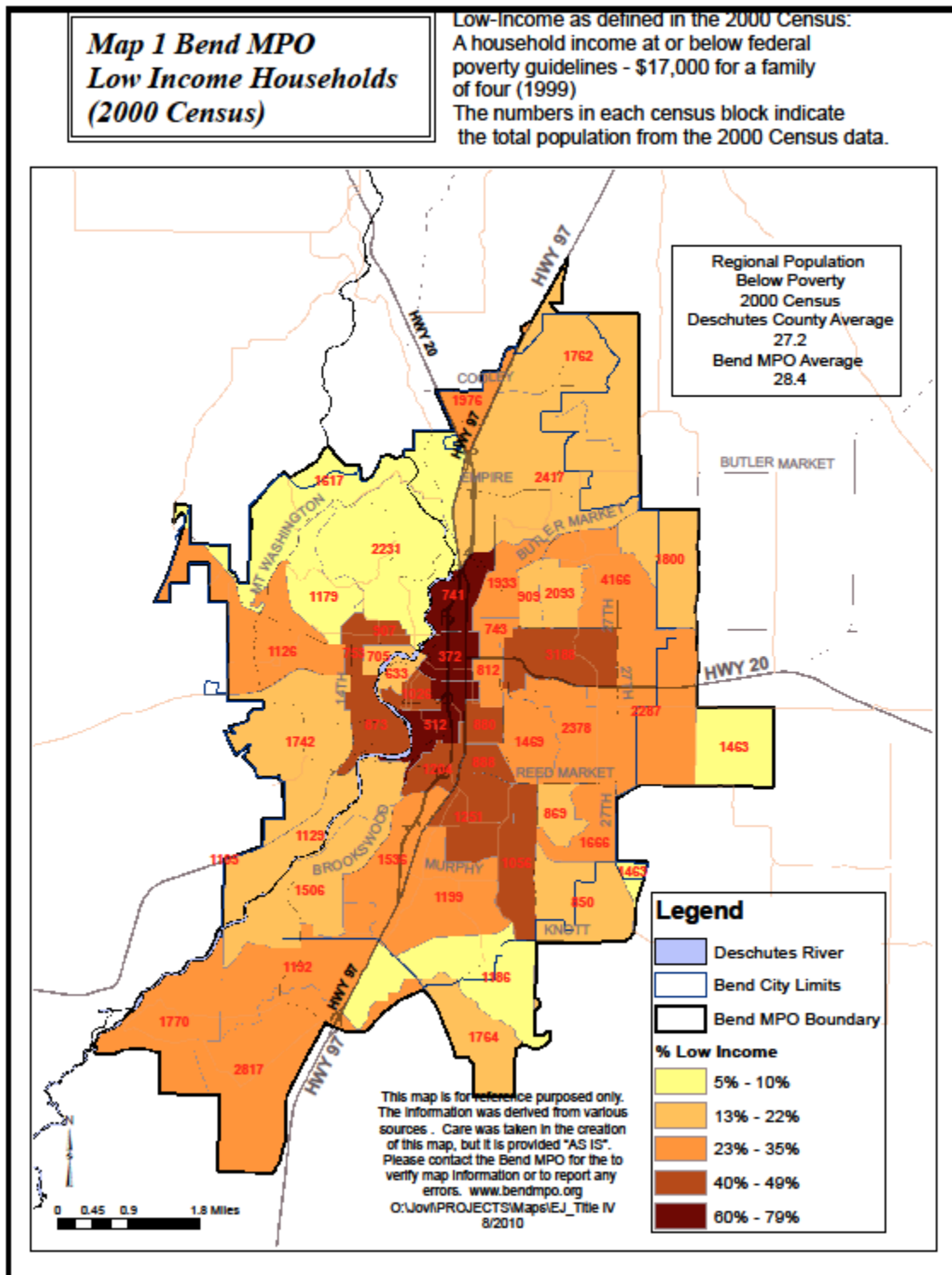
Transportation Planning - A collaborative process of examining demographic characteristics and travel patterns for a given area. This process shows how these characteristics will change over a given period of time, and evaluates alternatives for the transportation system of the area and the most expeditious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

Technical Advisory Committee (TAC) - A committee of technical staff from the public works and planning departments of Bend, Deschutes County, and ODOT. It also includes staff from the Central Oregon Intergovernmental Council, Commute Options for Central Oregon, Oregon DEQ, DLCD, FHWA, and FTA. Provides technical expertise and recommendations to the Policy Board.

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.

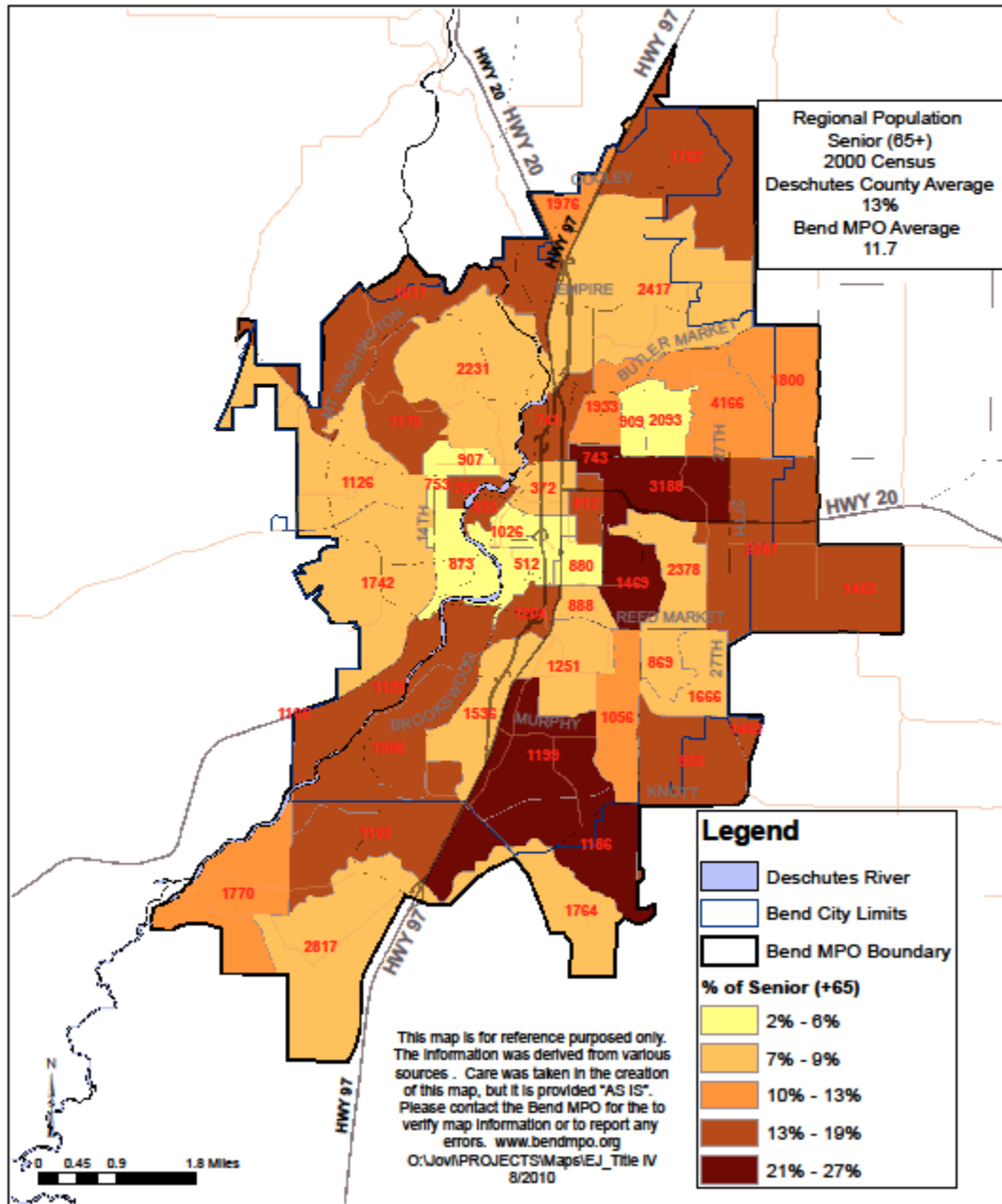
APPENDIX B

MAPS



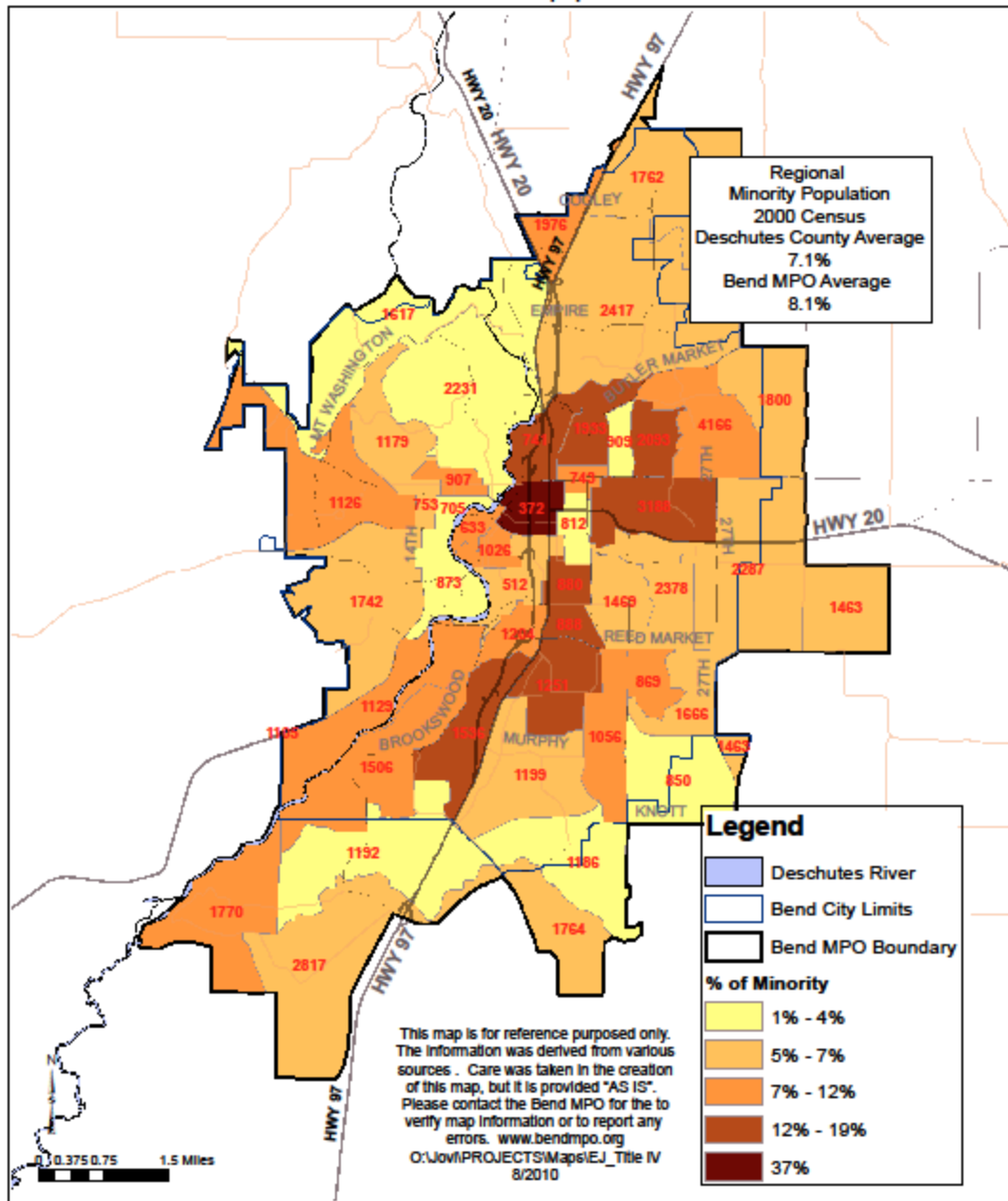
**Map 2 Bend MPO
Senior Population
(2000 Census)**

The senior population is defined as persons age 65 and older in the year 2000.
The numbers in each census block indicate the total population from the 2000 Census data.



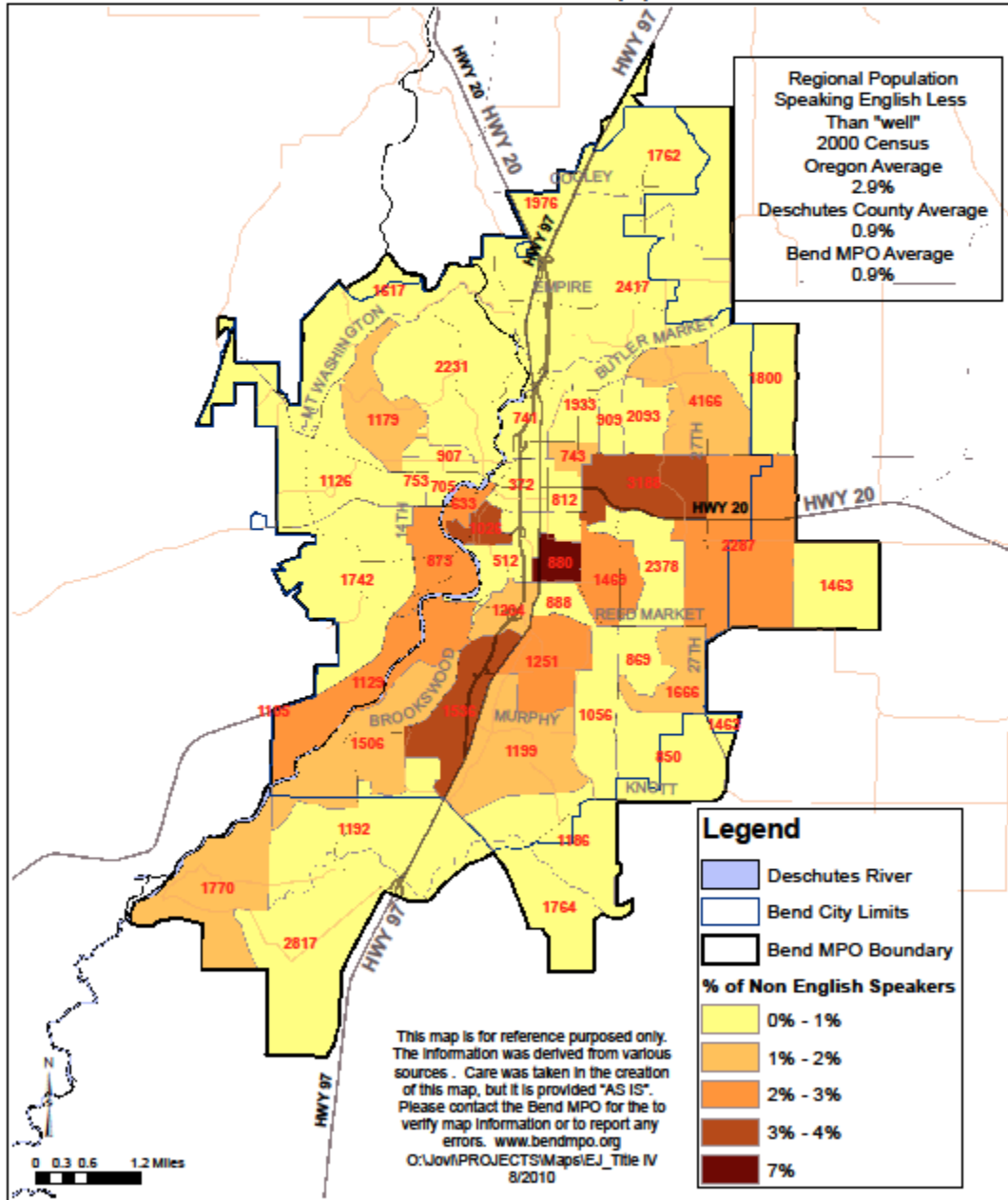
**Map 3 Bend MPO
Minority Population
(2000 Census)**

The National Guidance defines minorities as American Indian or Alaskan Native, Asian or Pacific Islander, Black, and Other races plus Hispanic. The Hispanic population includes those who identify themselves as both "white only" and Hispanic (EPA 1998). The numbers in each census block indicate the total population from the 2000 Census data.



**Map 4 Bend MPO
Population Speaking English
Less Than "well".
(2000 Census)**

The 2000 Census data describes linguistically isolated populations in terms of households. Linguistically isolated households are defined as households in 2000 having no person age 14 or older who speaks English well. The numbers in each census block indicate the total population from the 2000 Census data.



APPENDIX C

Bend MPO Title VI Complaint Procedure

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 and its subsequent laws and regulations, relating to any program or activity administered by BMPO or its subrecipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option exists for informal mediation meeting(s) between the affected parties and the Title VI Coordinator. The Title VI Coordinator in the BMPO will be the duty of the BMPO Manager. The Title VI Coordinator will make every effort to pursue a resolution to the complaint.

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 written complaint with BMPO Title VI Coordinator. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The 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 (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
 - 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 mail a signed, original copy of the fax or e-mail transmittal for BMPO 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. A complaint form will be forwarded to the complainant for him/her to complete, sign, and return to BMPO for processing.
2. Upon receipt of the complaint, the Title VI Coordinator will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. In cases where the complaint is against a

recipient of BMPO federal funds, BMPO will assume jurisdiction and will investigate and adjudicate the case. Complaints against BMPO will be referred to the Oregon Department of Transportation's ("ODOT") Office of Equal Opportunity ("OEO"), for proper disposition pursuant to their procedures. In special cases warranting intervention to ensure equity, these agencies may assume jurisdiction and either complete or obtain services to review or investigate matters.

3. In order to be accepted, a 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, religion, color, national origin, gender, disability or income.
 - 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.
4. A 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.
5. Once BMPO or ODOT decides to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within five business days. The complaint will receive a case number and will then be logged into BMPO records identifying its basis and alleged harm, and the race, religion, color, national origin, and gender of the complainant.
6. In cases where BMPO assumes the investigation of the complaint, BMPO will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 business days from the date of BMPO written notification of acceptance of the complaint to furnish his/her response to the allegations.
7. In cases where BMPO assumes the investigation of the complaint, within 40 calendar days of the acceptance of the complaint, BMPO Title VI Coordinator will prepare an investigative report for review by the BMPO Attorney and the Policy Board. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition.
8. The investigative report and its findings will be sent to the BMPO Attorney for review. The BMPO Attorney will review the report and associated documentation and will provide input to the Investigator within 10 business days.

9. Any comments or recommendations from the BMPO Attorney will be reviewed by BMPO Title VI Coordinator. The Coordinator will discuss the report and recommendations with the Policy Board within 10 business days. The report will be modified as needed and made final for its release.
10. BMPO final investigative report and a copy of the complaint will be forwarded to the FHWA within 60 calendar days of the acceptance of the complaint.
11. BMPO will notify the parties of its final decision.
12. If complainant is not satisfied with the results of the investigation of the alleged discrimination and practices the complainant will be advised of the right to appeal to the U.S. Department of Transportation ("USDOT"). The complainant has 180 days after BMPO final resolution to appeal to USDOT. Unless the facts not previously considered come to light, reconsideration of appeal to BMPO will not be available.

BMPO Title VI Complaint Form

Complainant's Information:	<u>Person Discriminated Against</u> (if someone other than complainant):
Name	Name
Address	Address
City/State/Zip Code	City/State/Zip Code
Telephone Number (Home)	Telephone Number (Home)
Telephone Number (Other)	Telephone Number (Other)
Which of the following best describes the reason you believe the discrimination took place?	
Race/Color (specify): Disability:	National Origin (specify): Age:
	Sex (specify): Income:
On what date (s) did the alleged discrimination take place?	
Describe the alleged discrimination. Explain what happened and who you believe was responsible (if additional space is needed, add a sheet of paper).	
List names and contact information of persons who may have knowledge of the alleged discrimination.	
Have you filed this complaint with any other federal, state or local agency, or with any federal or state court? Check all that apply.	
Federal agency <input type="checkbox"/>	State agency <input type="checkbox"/>
Federal court <input type="checkbox"/>	State court <input type="checkbox"/>
	Local agency <input type="checkbox"/>
Please provide information about a contact person at the agency/court where the complaint was filed.	
Name	City/State/Zip Code
Address	Telephone Number

Please sign below. You may attach any other information that you think is relevant to your complaint.

Signature _____

Attachments ☐

Yes ☐

Date _____

No ☐

Submit form and any additional information to:

Tyler Deke, AICP
Bend Metropolitan Planning Organization
575 NE 15th Street
Bend, Oregon 97701

Phone: (541) 693-2113
Email: tdeke@ci.bend.or.us
<http://www.bendmpo.org>