



Title VI Plan

Compliance with Federal Requirements under 49 CFR Part 21 and 23 CFR Part 200
Adopted December 19, 2025



BMPO
Bend Metropolitan
Planning Organization



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Resolution 2025-05

Bend Metropolitan Planning Organization (BMPO) Policy Board

For the purpose of adopting the BMPO Title VI Plan, 2025.

WHEREAS, the BMPO has been designated by the State of Oregon as the official Metropolitan Planning Organization for the Bend area; and

WHEREAS, the purpose of Title VI of the United States Civil Rights Act of 1964 and subsequent legislation, regulations, statutes, and orders is to prohibit programs that receive federal funds from discriminating against participants on the basis of race, color, or national origin; and

WHEREAS, the intent of the authorities is to ensure that all persons regardless of their race, color, national origin, disability, age, and sex are allowed to participate in federally funded programs; and

WHEREAS, the development of a Title VI Plan that expresses the BMPO's commitment to ensure nondiscrimination within any of its activities, programs, or projects is a federal requirement; and

WHEREAS, the BMPO has developed such a plan and held public comment and review on the same;

NOW, THEREFORE, BE IT RESOLVED, that the BMPO Policy Board adopts the BMPO Title VI Plan as presented.

Adopted by the BMPO, December 19, 2025.

Yes: 3 No: 0 Abstain: 0

Authenticated by the Chair, December 19, 2025.

Signed by:

Ariel Méndez

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Ariel Méndez, BMPO Chair

Witness:

Signed by:

Tyler Deke

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Tyler Deke, BMPO Manager



Bend Metropolitan Planning Organization (BMPO)

BMPO Policy Board

- Ariel Méndez, Chair, City of Bend
- Phil Chang, Vice Chair, Deschutes County
- Omar Ahmed, Oregon Department of Transportation (ODOT) Region 4
- Mike Riley, City of Bend
- Melanie Kebler, City of Bend

BMPO Technical Advisory Committee (TAC)¹

- Paul Dean, Bend La Pine Schools
- Quinn Keever, Bend Park and Recreation District
- Bob Townsend, Cascades East Transit
- Susanna Julber, City of Bend
- Sydney Forbes, Community Member
- James Dorofi, Community Member
- Brian Potwin, Commute Options
- Tarik Rawlings, Deschutes County
- Neil Baunsgard, Deschutes County Bicycle and Pedestrian Advisory Committee
- Jasmine Harris, Federal Highway Administration (FHWA)*
- Danielle Casey, Federal Transit Administration (FTA)*
- Casey Bergh, Oregon State University-Cascades
- Josh Clawson, Central Oregon Community College (COCC)
- Ken Shonkwiler, ODOT Region 4
- Angie Brewer, Oregon Department of Land Conservation and Development (DLCD)*

BMPO Staff

- Tyler Deke, Manager*
- Andrea Napoli, Senior Planner
- Kelli Kennedy, Program Coordinator

¹ An asterisk indicates individual is a non-voting member of the TAC.



Introduction

The Bend Metropolitan Planning Organization (BMPO) Title VI Plan has been developed to meet federal and state requirements for Metropolitan Planning Organizations (MPOs) to fulfill nondiscrimination obligations under Title VI of the 1964 Civil Rights Act and executive orders and enforcement regulations. The provisions are intended to prevent federally funded actions from having disproportionate impacts on certain populations, ensure that those populations receive a fair share of investments and benefits, and to make certain that members of the public have equal access to the decision-making process.

The BMPO Title VI Plan addresses nondiscrimination in four sections:

- **Section I** provides information on the organization and operation of the BMPO.
- **Section II** outlines the principles and regulations related to nondiscrimination and responsibilities of the BMPO.
- **Section III** presents Title VI protected populations within the BMPO area and refers to the online BMPO Demographic Mapping Tool.
- **Section IV** summarizes how nondiscrimination 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 via the **BMPO website**. The BMPO is staffed by the City of Bend Growth Management Division (GMD), located at 709 NW Wall Street, Suite 102, in Bend, Oregon.



Section I: BMPO Overview

BMPO Organization and Operation

The primary function of the 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 Transportation (ODOT), Oregon Department of Land Conservation and Development (DLCD), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA) are participants in the BMPO 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 processes of the BMPO.

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 the area transit operator.
- 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).

An intergovernmental agreement exists between the BMPO and the City of Bend, which establishes the City of Bend as the administrative and fiscal agent for the BMPO. This agreement is regularly reviewed and renewed as appropriate.

Boards and Committees

The decision-making body for the BMPO is the Policy Board. Members include elected and appointed officials from City of Bend, Deschutes County, and the Oregon Department of



Transportation (ODOT). Currently, the BMPO is going through the process to move one Policy Board seat from the City of Bend to the local transit agency. This action is expected to be completed by late 2025 or early 2026.

The BMPO Technical Advisory Committee (TAC) is primarily made up of staff-level planners and engineers from various local governments and transportation-related entities within the BMPO area. In addition, the TAC includes two resident representatives as voting members, and state and federal representatives as non-voting members. The TAC conducts the technical components of the BMPO transportation planning and makes recommendations to the Policy Board. Each jurisdiction with TAC membership appoints its representatives and the TAC may appoint subcommittees as needed.

BMPO Planning Area

The BMPO planning area boundary was updated in 2025 and includes lands within the urban growth boundary (UGB) of Bend, the unincorporated communities of Tumalo and Deschutes River Woods, some rural subdivisions adjacent to Bend as well as areas immediately adjacent to the city that are likely to become urbanized within the next twenty years (see Figure 1). The 2023 estimated population for the BMPO area was 116,611.

Role and Responsibilities of the BMPO

As a recipient of state and federal funds, the BMPO is subject to the provisions of Title VI. Based on FHWA guidance, MPOs serve as the primary forum where state DOTs, transit providers, local agencies, and the public develop local transportation plans and programs that address metropolitan area needs. In this role, MPOs can help local public officials understand how Title VI requirements improve planning and decision-making.

Non-Discrimination Policy Statement and Title VI Assurances

The following page contains the BMPO's Non-Discrimination Policy Statement. This policy covers programs and activities within the BMPO. This policy statement in addition to the signed assurances in **Appendix D** provides the required assurances to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) that the BMPO will comply with Title VI, as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.

Federal-aid contracts normally must include provisions that require compliance with Title VI. BMPO will include Title VI contract provision language in applicable contracts, following the



examples in **Appendix D**, to ensure contractors, subcontractors, and others comply with Title VI.

Non-Discrimination Policy Statement of the BMPO

In accordance with Title VI of the Civil Rights Act of 1964 and subsequent federal nondiscrimination directives such as the Federal-Aid Highway Act of 1973, the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990 (ADA),, the BMPO ASSURES that no person shall, on the grounds of race, color, national origin, disability, age, or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity.

BMPO further assures that every effort will be made to ensure nondiscrimination in its programs and activities, whether those programs and activities are federally funded or not. BMPO is aware that the Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not.

In the event BMPO distributes federal aid funds to another governmental entity or subcontractor, BMPO will include Title VI language in all written agreements and will monitor for compliance. The BMPO Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports, and other BMPO responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.

Signed by:

Tyler Deke

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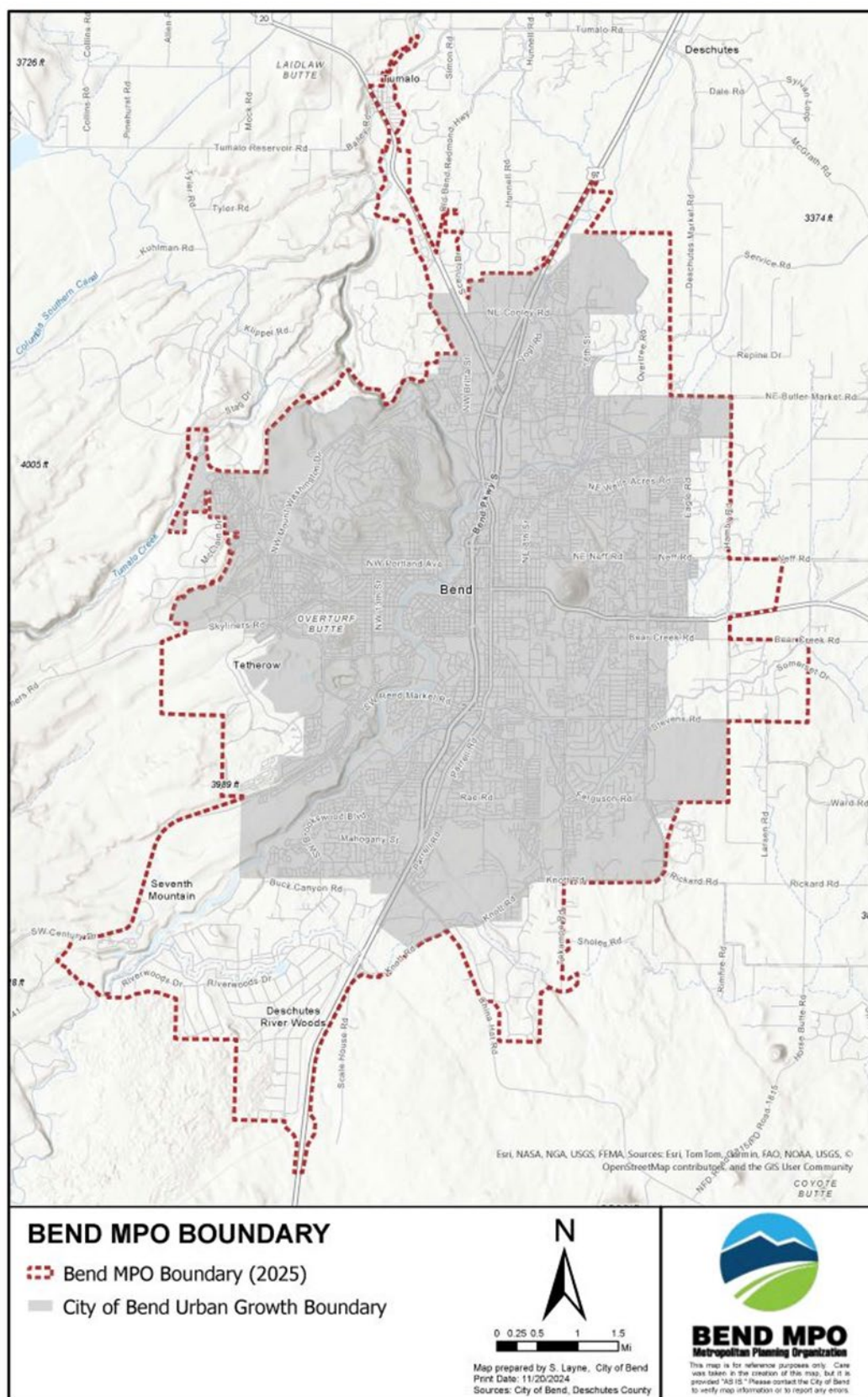
Tyler Deke, BMPO Manager

12/19/2025

Date



FIGURE 1: MAP OF THE BMPO AREA





Section II: Title VI, Nondiscrimination

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.” The Civil Rights Restoration Act of 1987 established that Title VI applies to all programs and activities of Federal-aid recipients, subrecipients, and contractors whether those programs and activities are federally funded or not. It is important to note that Title VI of the Civil Rights Act is a federal law and provides protections to persons based on race, color, or national origin, only.

FHWA Title VI Program

Founded on Title VI of the Civil Rights Act, the FHWA Title VI Program includes other civil rights provisions of federal statutes and related authorities to prohibit discrimination based on race, color, national origin, sex, disability, or age. This is a nondiscrimination program, however, and does not provide the same protections as Title VI of the Civil Rights Act, a federal law.

TABLE 1: TITLE VI – THE LAW VERSUS THE PROGRAM

Title VI of Civil Rights Act Coverage	FHWA Title VI Program Coverage
Race	Race
Color	Color
National Origin	National Origin
	Disability
	Sex
	Age

BMPO Title VI Goals

The BMPO is committed to preventing discrimination and fostering a just and equitable society. The organization recognizes the key role that transportation services provide to the community and has established 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, or disability.
- 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 Title VI protected populations. 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.

ODOT Title VI Requirements for MPOs

As a subrecipient of federal funds, the BMPO must comply with the following ODOT Title VI requirements:

- 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 subrecipients.
- Obtain and maintain data on race, ethnicity, age, gender, and disability in the service area.
- Proactively include traditionally underrepresented populations (those 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 populations.
- 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.

In addition, the BMPO includes Language Access in Section IV where an analysis is used in determining a cost-effective mix of language assistance measures.



Filing a Civil Rights Complaint

BMPO has a Title VI complaint procedure in place, which is available on **Public Participation & Nondiscrimination page** of the BMPO website and in Appendix B of this document. The complaint form is available in both English and Spanish. The procedures cover complaints filed under Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 against any program or activity administered by the BMPO.

Any person who feels that they have been subjected to discrimination on the basis of race, color, or national origin has the right to file a Title VI complaint. Intimidation or retaliation of any kind is prohibited by law.

Complaints must be filed in person or in writing, within 180 days of the alleged discriminatory event or practice. Complaints and questions should be directed to the Title VI coordinator.

BMPO Title VI Coordinator Contact Information

Andrea Napoli, AICP, BMPO Senior Planner

Mailing address: 710 NW Wall Street, 1st Floor, Bend, OR 97703

Phone: 541-323-8545

Email: anapoli@bendoregon.gov

See Appendix B for the full complaint process and complaint form (English and Spanish).

Authorities and Guidance

The following contains a compilation of the legal regulations, statutes, or orders that together create the legal requirements for nondiscrimination in the transportation planning practices of the 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 (23 CFR 200.9 and 49 CFR Part 21).

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

- **Federal Aid Highway Act of 1973** (23 USC 324) prohibits discrimination based on gender.
- **Civil Rights Act of 1987** broadened the scope of Title VI coverage to include all programs or activities of Federal Aid recipients, subrecipients, and contractors, regardless of whether the programs and activities are federally assisted.
- **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



protections under Title VI 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.
- **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. Compliance failure can lead to corrective action 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 FHWA and 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).
- **FTA Circulars 4702.1 & 4702.1B** provide recipients and subrecipients of FTA financial assistance with guidance and instructions necessary to carry out the USDOT Title VI regulations (49 CFR part 21).
- **ODOT Title VI Implementation Plan**, federal fiscal year 2026, ensures compliance with Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin in federally funded programs and activities. ODOT's plan outlines procedures for preventing discrimination, ensuring fair participation in transportation decisions.
- **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.
- **City of Bend Nondiscrimination Ordinance** (Bend City Code Sections 5.700-5.750) 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.



Section III: Demographic Profile

Population mapping contained in the following pages of this plan reflect FHWA's Title VI Program, as shown in Figure 2, below.

FIGURE 2: BMPO'S TITLE VI DEMOGRAPHIC PROFILE MAPPING



It is important to note that populations are mapped relative to Bend area averages (e.g., areas of the BMPO that contain percentages of subject populations higher than the area average are highlighted).

BMPO Online Mapping Tool

In an effort to identify and assess the distribution of Title VI protected populations, as well as other populations in the BMPO area, an **online demographic mapping tool** has been created using American Community Survey (ACS) data (5-year estimates) at the Census Block Group level when available, and at the Census Tract level, otherwise. This data is updated annually.

Populations evaluated in the online BMPO mapping tool include:

- Those living below the Federal Poverty Level
- Those living below 200% of the Federal Poverty Level
- Seniors (age 65+)
- Non-white and/or Hispanic populations
- Persons with disabilities
- Limited English proficiency population
- Zero-car households
- Households with children
- ODOT Transportation Disadvantaged Population Index (2023)



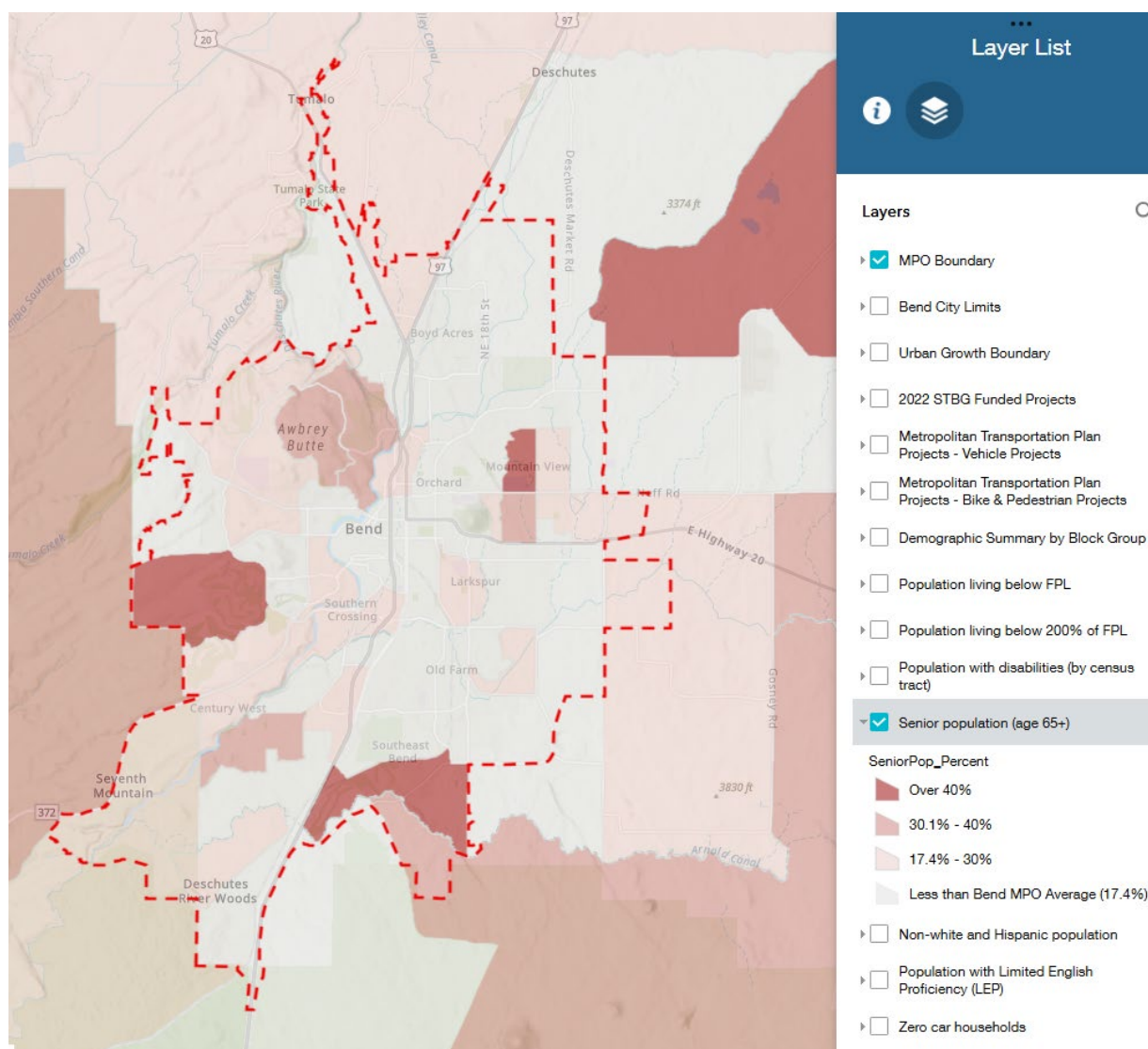
Seniors (Age 65+)

According to 2019-2023 ACS data (Table B01001), persons age 65+, or “seniors” make up 17.4% of the BMPO area population, which falls between the state and national percentages.

TABLE 2: SENIOR POPULATION (AGE 65+) AS PERCENTAGE OF TOTAL POPULATION

Jurisdiction	Percent of Population
U.S.	16.8%
Oregon	18.6%
BMPO	17.4%

TABLE 3: MAP OF BMPO SENIOR POPULATION (AGE 65+)





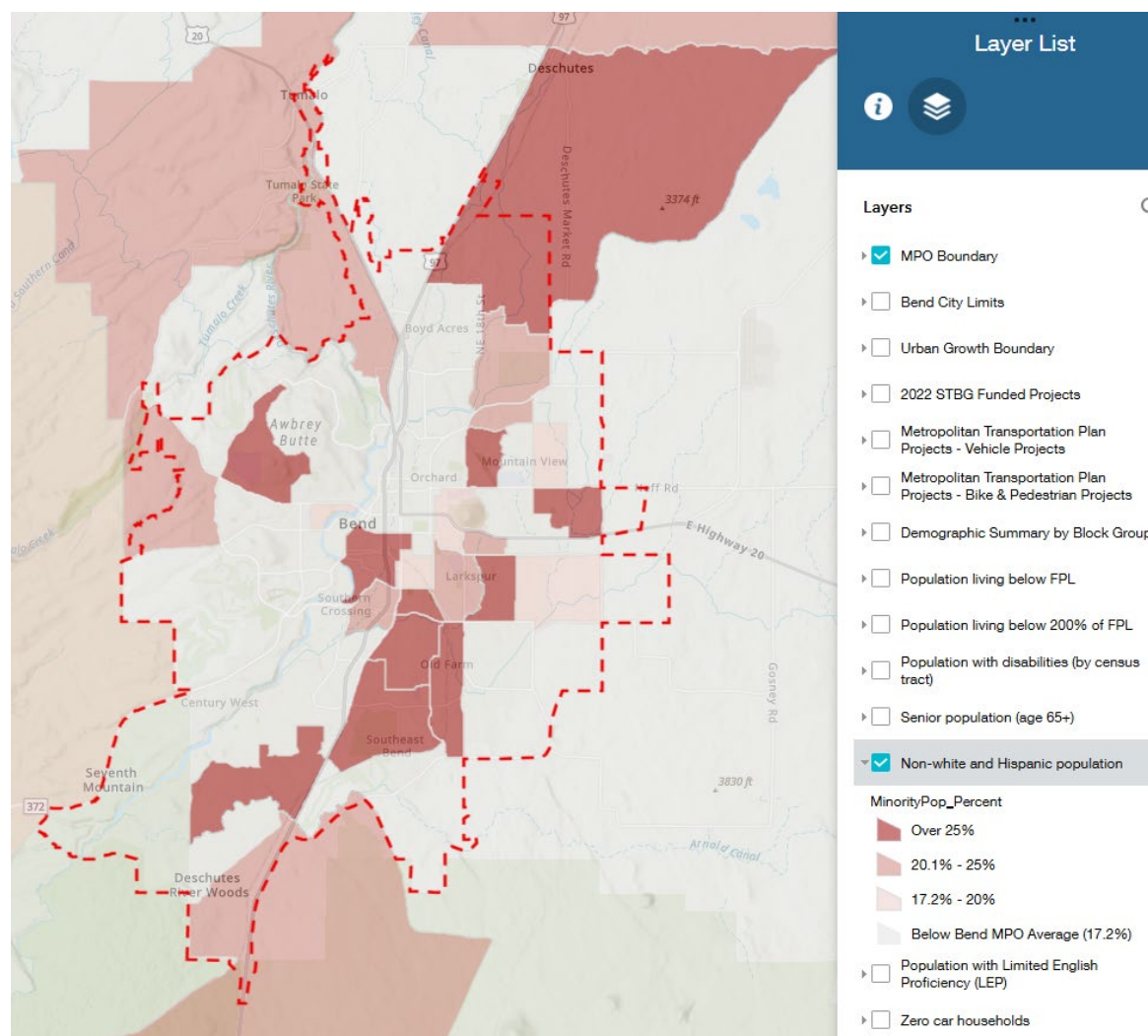
Race and Ethnicity

Persons who identified as other than “White-alone, not Hispanic or Latino” in their choices of race and ethnicity in the ACS survey make up the non-white and/or Hispanic demographic for purposes of this analysis. Approximately 18.8% of the BMPO population are included in this demographic, which is significantly lower than state and national percentages.

TABLE 4: NON-WHITE AND/OR HISPANIC POPULATION AS PERCENTAGE OF TOTAL POPULATION

Jurisdiction	Percent of Population
U.S.	41.8%
Oregon	27.7%
BMPO	18.8%

TABLE 5: MAP OF BMPO NON-WHITE AND/OR HISPANIC POPULATION





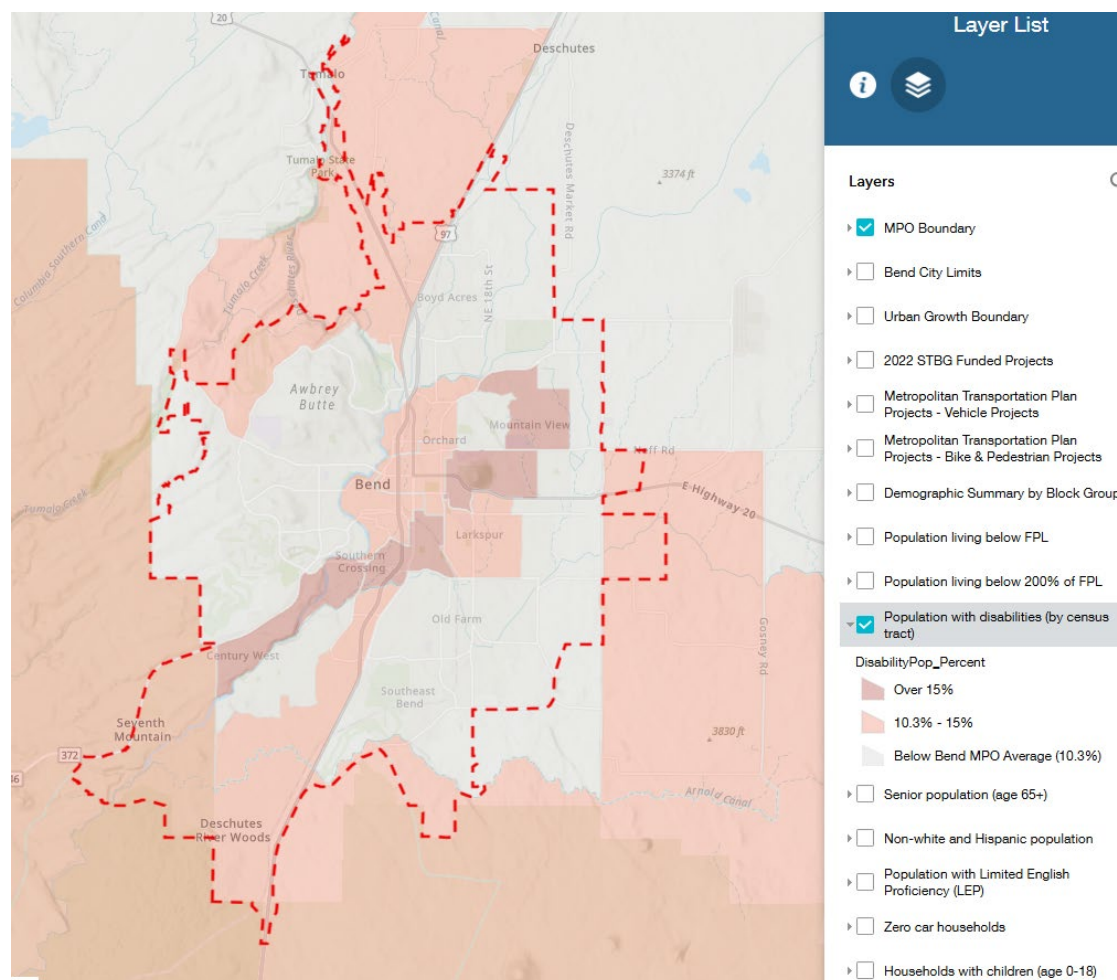
Disability

According to 2019-2023 ACS data (Table DP02), 10.3% of the BMPO population have one or more disabilities. State and national rates are significantly higher. Population with Disabilities are defined as all civilian, non-institutionalized persons, age 5-years and older that identified as having one or more of six disability types: sensory, physical, mental, self-care, go-outside-home, and/or employment.

TABLE 6: POPULATION WITH DISABILITIES AS PERCENTAGE OF TOTAL POPULATION

Jurisdiction	Percent of Population
U.S.	41.8%
Oregon	27.7%
BMPO	10.3%

TABLE 7: MAP OF BMPO POPULATION WITH DISABILITIES





Section IV: Activities and Strategies

The BMPO Title VI Coordinator is responsible for supervising Title VI implementation and monitoring and reporting on BMPO compliance with Title VI regulations. Compliance includes addressing civil rights complaints, engaging in public outreach and ensuring meaningful participation for protected populations, preparing annual Title VI reports, providing support and information to the region as requested, collecting and maintaining up-to-date data, and updating and implementing this plan. Additional responsibilities include obtaining adequate training and other support for BMPO staff involved in Title VI compliance and ensuring that no person is denied access to or participation in BMPO programs.

BMPO Title VI Contact

Andrea Napoli, AICP, Senior Planner
Bend Metropolitan Planning Organization (BMPO)
710 NW Wall Street, 1st Floor
Bend, OR 97703
Phone: 541-323-8545
Email: anapoli@bendoregon.gov
Website: [BMPO webpage](#)

BMPO Manager

Tyler Deke
Phone: 541-693-2113
Email: tdeke@bendoregon.gov

The BMPO is housed within the City of Bend Growth Management Division and is in a contract with the City for its administrative services. The City handles BMPO financial and personnel issues. The BMPO Title VI Coordinator works under the BMPO Manager, and the GMD Senior Strategist oversees the BMPO Manager.

Agency

City of Bend, Growth Management Division
709 NW Wall Street
Bend, OR 97703
Contact: Brian Rankin, Senior Strategist
Ph: (541) 388-5542 Website: www.bendoregon.gov
Human Resources Contact: Rob DuValle, Human Resources Director
Ph: (541) 388-5502



Language Access

Section V of the USDOT “Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Person” outlines a four-factor analysis for agencies to use in determining a cost-effective mix of language assistance measures. The guidance is intended to allow agencies the flexibility to perform their own assessment of the factors and determine reasonable means to accommodate those with limited English proficiency. The following is a language access needs assessment for the BMPO in relation to the transportation planning process.

- **The number or proportion of persons served or encountered in the BMPO area with limited English proficiency:** According to ACS data for 2019-2023, approximately 1.7% of the population, or 1,982 people, in the BMPO area age 5-years and older speak English less than “very well”. For comparison, 8.4% of the U.S. population and 5.3% of Oregon population fall into this demographic. The most spoken language in the BMPO area second to English is Spanish.
- **The frequency with which individuals with limited English proficiency encounter BMPO programs, activities, and services:** Since the BMPO’s inception (2003), no requests have been made by individuals or groups seeking interpreters or the translation of written publications into other languages.
- **The nature and importance of the program, activity, or service provided by the BMPO to the limited English proficiency community:** The BMPO recognizes that transportation planning may affect populations with limited English proficiency, in particular during the regular updates of the MTP and the MTIP, as well as during development of special transportation studies, updates to the Public Participation Plan and the Annual Work Program (UPWP). Additionally, investment decisions carried out by the BMPO may impact the mobility and access of such populations.
- **Available resources and overall costs to the BMPO:** Interpreter and translation services are available through the City of Bend at a cost to the MPO. For translation of materials, the BMPO may also use free on-line services, such as Google Translate.

Given this analysis, the BMPO need for translation of a broad number of products or an interpreter is limited. Upon request, however, the BMPO will translate written materials it produces and provide Spanish interpreter services for meetings or workshops. For outreach where individuals with limited English proficiency are more likely be encountered, staff will arrange for print materials to be available in Spanish without the need for a request, in addition to having Spanish-speaking staff on-hand.

Public Outreach and Participation

The BMPO has a Public Participation Plan that addresses the need to communicate with communities that may be traditionally underserved, such as people living with disabilities, children and youth, seniors, low-income populations, and racial and ethnic minorities. As part of this effort, the BMPO maintains an “interested parties” distribution list for all BMPO meeting



agendas. This list includes individuals that may fall into one or more of these population categories or represent those that do. Additionally, a specific Title VI contacts list is maintained that includes representatives from local agencies and organizations serving traditionally underserved populations. This list is used to solicit comments and request involvement in plan update efforts from both the entity and individuals they serve. Details on these efforts are documented in annual Title VI reports provided to the ODOT Office of Civil Rights every November.

Project Selection

As a recipient of federal funds, the BMPO must maintain a commitment to nondiscrimination. However, there is no longer a federal funding program over which the BMPO has discretion. The BMPO Surface Transportation Block Grant (STBG) Program (federal funds) was recently replaced with the State Highway Fund (SHF) Program. Projects seeking BMPO SHF Program funding are given a funding recommendation by the BMPO Technical Advisory Committee with the BMPO Policy Board making the final funding decision. Both the TAC recommendation and the board decision are based on consideration of identified needs and support of BMPO goals. Improving the transportation system for disadvantaged populations, as well as minimizing impacts resultant of transportation facilities, are goals contained in the BMPO MTP. The BMPO demographic mapping tool mentioned above is used in the SHF Program project funding process.

Efforts to Support Nondiscrimination

The following list describes measures and strategies that are either currently/recently used or part of a future endeavor by the BMPO to ensure nondiscrimination. A status on use of each measure or strategy is noted.

- Providing assistance, upon request and with 24 hours' notice, to the hearing and visually impaired, those not fluent in English, and others requiring assistances at all BMPO meetings, hearings, and public events. Public notices of these events shall notify the public of this opportunity. Meetings shall be held in Americans with Disabilities Act (ADA)-compliant venues. – **Current**
- Selecting meeting sites that are centrally located, accessible by transit or means other than the automobile, are ADA accessible, and held at various times for greater opportunity for involvement. – **Current**
- Regularly update the summary of committee and board composition of those involved in BMPO activities and plans. – **Current**
- Collect demographic information on public participants. – **Current**
- Continue to maintain a demographic profile of the BMPO planning area using the most current and appropriate statistical information. – **Current**



- Regularly evaluate the effectiveness of all communications and public involvement efforts and make appropriate adjustments to public involvement strategies. This includes coordinating with City and transit agency efforts when possible. – **Current**
- Make the Title VI complaint procedure available to the public on the BMPO website and in public meeting documents (“dissemination of Title VI information”). – **Current**
- Provide information on the BMPO website that describes the BMPO Title VI policy and complaint process (“dissemination of Title VI information”). – **Current**
- Maintain records of complaints, as well as materials related to an investigation, final determination, and corrective actions, if any, that have been taken as described in the complaint procedures, Appendix B. – **Current** (*none recorded*)
- 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. – **Current**
- Conduct a public participation process to ensure that all groups within the BMPO have been involved and/or represented in the decision-making or project information process, through an effective and thorough public participation effort. Coordinate with City and Cascades East Transit efforts when applicable. – **Current**
- Solicit and consider input from all groups and community members concerned with, interested in, and/or affected by BMPO transportation plans or programs, in particular the needs of those that may traditionally underserved by transportation systems. Use targeted outreach efforts, or less traditional methods to ensure greater participation from less represented groups. – **Current**
- Evaluating the distribution of transportation projects in MTP and MTIP relative to service to subject populations compared to service to the region as a whole. – **Current**
- Evaluation of benefits and burdens of BMPO funded projects to subject populations. – **Current**
- Continue to maintain and update contact lists which contain community organizations and leaders that are engaged in issues affecting Title VI protected populations. – **Current**
- Use a wide range of notification methods to best reach Title VI protected populations. – **Current**
- 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. – **Current**
- BMPO staff will attend/participate in Title VI related trainings, annually at minimum. Trainings can include webinars, conference sessions, informational lectures or meetings, or in other formats, as available. – **Current**



APPENDIX A: Glossary / Acronym List

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 public fixed-route service for persons who are unable to use regular bus service due to a disability.

Assurances: Every application for USDOT financial assistance must include assurances that the applicant will comply with the USDOT’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.

Department of Transportation (DOT): When used alone, indicates USDOT. 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 perpetuates 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.

Federal financial assistance includes:

- Grants and loans of Federal funds
- The grant or donation of Federal property and interests in property
- The detail of Federal personnel
- 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

- 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 USDOT 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 USDOT 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.

Limited English Proficiency: 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.

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.

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

National Origin: The 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.



Policy Board: An intergovernmental policy group that comprises representatives from Bend, Deschutes County, and ODOT. The BMPO Policy Board provides policy guidance on the transportation planning process in the BMPO area.

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 based on race, color, or national origin (including limited English proficiency) in any program receiving federal assistance.

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 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 primarily from the public works and planning departments of Bend, Deschutes County, and ODOT. It also includes two community member and staff from Cascades East Transit, Commute Options, 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. Also referred to as the Annual Work Program.



APPENDIX B: BMPO Title VI Complaint Procedure

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 BMPO Title VI Coordinator and the BMPO Manager. The BMPO Title VI Coordinator and BMPO Manager will make every effort to pursue a resolution to informal complaints.

Formal Complaint

In compliance with 23 CFR 200.9(b)(3)).

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, written complaint with the BMPO 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:

- Complaint shall be in writing and signed by the complainant(s).
- Include the date of the alleged act of discrimination.
- Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the incident.
- Allegations received by 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 email transmittal for the BMPO to be able to process it.
- Allegations received by telephone will be reduced to writing and provided to complainant for confirmation or revision before processing.

Complaints may be submitted to Andrea Napoli, BMPO Senior Planner, through the following methods:

- Email: anapoli@bendoregon.gov
- Mail: Andrea Napoli, Senior Planner & Title VI Coordinator, BMPO, 710 NW Wall Street, 1st Floor, Bend, OR 97703
- Phone: 541-323-8545



All formal complaints will be referred to the Oregon Department of Transportation (ODOT) Office of Civil Rights, for proper disposition pursuant to their procedures. Investigations will be completed by the Federal Highway Administration (FHWA) Office of Civil Rights.

To be accepted, a formal complaint must meet the following criteria:

- The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
- The allegation(s) must involve a protected class (race, color, national origin).
- The allegation(s) must involve a program or activity of a Federal-aid recipient, subrecipient, or contractor.
- The complainant(s) allegation must be detailed to specify all issues and circumstances of the alleged discrimination.

A formal complaint shall be investigated unless:

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

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

Oregon Department of Transportation

- Mail: ODOT Title VI Program, 3930 Fairview Industrial Drive SE, Salem, Oregon 97302
- Phone: 855-540-6655 or TTY line 711
- Email: odot.titlevi@odot.oregon.gov

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



BMPO Title VI Complaint Form (English)

COMPLAINANT CONTACT INFORMATION

Name

First	Last
-------	------

Mailing Address

Address Line 1
Address Line 2

City / State / Zip

City	State	Zip Code
------	-------	----------

Phone / Email Address

Phone	Email
-------	-------

PERSON DISCRIMINATED AGAINST (IF SOMEONE OTHER THAN COMPLAINANT)

Name

First	Last
-------	------

Mailing Address

Address Line 1
Address Line 2

City / State / Zip

City	State	Zip Code
------	-------	----------

**Phone / Email Address**

Phone	Email
-------	-------

COMPLAINT DETAILS

Which of the following best describes the reason you believe the discrimination took place?
(Check all that apply.)

Race/Color	Disability	National Origin
Age	Sex	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.)

--

OBSERVER CONTACT INFORMATION

List names and contact information of individuals who may have knowledge of the alleged discrimination. (If additional space is needed, add a sheet of paper.)

Name

First	Last
-------	------

Mailing Address

Address Line 1
Address Line 2

City / State / Zip

City	State	Zip Code
------	-------	----------

**Phone / Email Address**

Phone	Email
-------	-------

OTHER FILING(S) OF THIS COMPLAINT

Have you filed this complaint with any other federal, state, or local agencies, or with any federal or state court? (Check all that apply.)

Federal agency	State agency	Local agency
Federal court	State court	

Please provide the contact information for the agency/court where the complaint was filed.

Name

First	Last
-------	------

Mailing Address

Address Line 1
Address Line 2

City / State / Zip

City	State	Zip Code
------	-------	----------

Phone / Email Address

Phone	Email
-------	-------

SIGNATURE

Please sign below. Attach any other information that you think is relevant to your complaint.

Signature _____ **Date** _____

Name _____



SUBMITTAL

Submit completed form and any additional information to Andrea Napoli, Senior Planner:

- Mail: Bend Metropolitan Planning Organization, 710 NW Wall Street, 1st Floor, Bend, OR 97703
- Phone: 541-323-8545
- Email: anapoli@bendoregon.gov



Formulario de Queja del Título VI de BMPO (Español)

INFORMACIÓN DE CONTACTO DEL DENUNCIANTE

Nombre

Primero	Segundo
---------	---------

Dirección de Envió

Primera Línea
Segunda Línea

Ciudad / Estado / Código Postal

Ciudad	Estado	Código Postal
--------	--------	---------------

Teléfono / Correo Electrónico

Teléfono	Correo Electrónico
----------	--------------------

PERSONA DISCRIMINADA CONTRA (SI ALGIEN QUE NO SEA EL DENUNCIANTE)

Nombre

Primero	Segundo
---------	---------

Dirección de Envió

Primera Línea
Segunda Línea

Ciudad / Estado / Código Postal

Ciudad	Estado	Código Postal
--------	--------	---------------

**Teléfono / Correo Electrónico**

Teléfono	Correo Electrónico
----------	--------------------

DETALLES DE LA DENUNCIA

¿Cuál de las siguientes opciones describe mejor la razón por la que cree que se produjo la discriminación? (Marque todas las que correspondan.)

Raza/Color	Discapacidad	Origen nacional
Años	Sexo	Ingreso

¿En qué fecha(s) tuvo lugar la supuesta discriminación?

--

Describa la supuesta discriminación. Explique qué sucedió y de quién cree que fue responsable. (Si necesita espacio adicional, agregue una hoja de papel).

--

INFORMACIÓN DE CONTACTO DEL OBSERVADOR

Enumere los nombres y la información de contacto de las personas que puedan tener conocimiento de la supuesta discriminación. (Si necesita espacio adicional, agregue una hoja de papel).

Nombre

Primero	Segundo
---------	---------

Dirección de Envío

Primera Línea
Segunda Línea

Ciudad / Estado / Código Postal



Ciudad	Estado	Código Postal
--------	--------	---------------

Teléfono / Correo Electrónico

Teléfono	Correo Electrónico
----------	--------------------

OTRA PRESENTACIÓN(ES) DE ESTA DENUNCIA

¿Ha presentado esta queja ante alguna otra agencia federal, Estatal, o local, o ante cualquier tribunal federal o estatal? (Marque todas las que correspondan.)

Agencia federal	Agencia del Estado	Agencia Local
Corte Federal	Corte Estatal	

Proporcione la información de contacto de la agencia/corte donde se presentó la queja.

Nombre

Primero	Segundo
---------	---------

Dirección de Envió

Primera Línea
Segunda Línea

Ciudad / Estado / Código Postal

Ciudad	Estado	Código Postal
--------	--------	---------------

Teléfono / Correo Electrónico

Teléfono	Correo Electrónico
----------	--------------------

SIGNATURE

Por favor firme abajo. Adjuntar cualquier otra información que considere relevante para su queja.



Firma _____ Fecha _____

Nombre _____

ENTREGAR

Envíe el formulario y cualquier información adicional a Andrea Napoli, Senior Planner:

- Dirección: Bend Metropolitan Planning Organization, 710 NW Wall Street, 1st Floor, Bend, OR 97703
- Teléfono: 541-323-8545
- Correo Electrónico: anapoli@bendoregon.gov



APPENDIX C: Comment Log

On September 3, 2025, a 30-day public comment period was advertised on the City of Bend and BMPO website. Emails requesting comments on the draft plan were also sent to the BMPO's Interested Parties List and the Title VI Contacts List. Comments received from BMPO's state and federal partners on review of the draft plan are listed. Note that BMPO worked closely with ODOT Office of Civil Rights staff on development of the draft plan and not all correspondence is included in this log. The table below includes comments received and how they were addressed.

TABLE 8: TITLE VI PLAN COMMENT LOG

Comment	BMPO Response/Action
<p>Brenda Gessner, ODOT (7.7.25):</p> <p>1. You already notated the need to add a new date (2025) in the footer. Please also include the 2025 date on the cover of the revised Title VI Plan as well to make it easier for the public and the federal government to see when the Bend MPO last updated the plan.</p> <p>2. Remove any mention of Executive Order (EO) 13166 (see Page 8): "Improving Access to Services for Persons with Limited English" since that was overturned legally by the new administration (complete a "Find" search in Word). Under the new Executive Order 14244 designating English as the official language; this EO still mentions the requirement to provide information in other languages for access to programs, but I would not list it as an authority. The executive order does not override existing federal laws like Title VI of the Civil Rights Act of 1964, which still require language access for recipients of federal funding.</p> <p>3. Both Clinton's EO 12828: "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations", and Biden's EO 14096: "Revitalizing Our Nation's Commitment to Environmental Justice for All" have been rescinded by the Trump Administration. Public outreach and participation are still required under nondiscrimination laws and Title VI, and language access is still also required. It looks like you removed these executive orders from the document, but it is good to check again.</p> <p>4. All mentions of environmental justice (EJ) need to be removed (although we still have state EJ requirements, this is a federal report, and EJ is no longer part of federal guidance). I think you did remove this section based on our discussions earlier and I did not see EJ in the new plan, but you can do a quick "Find" in Word just to make sure we did not miss it.</p>	<p>1. Date added to cover.</p> <p>2. EO 13166 removed from plan.</p> <p>3. EO 12828 and EO 14096 confirmed removal from plan.</p> <p>4. EJ removed from plan.</p> <p>5. "Low Income and Linguistic Minorities" and "income status" have been removed from FHWA's Title VI Program in Section II.</p> <p>6. Items 7 & 8 in Efforts to Support Nondiscrimination include this information. Item 11 references the Title VI Annual Report, which we submit to ODOT each year. "Dissemination of Title VI information" has been added to the Efforts to Support Nondiscrimination section.</p>



Comment	BMPO Response/Action
<p>5. On Page 5, I know you checked in with me before, but Low Income is not a protected class at the federal level. It used to be discussed in a FHWA video about Title VI and protected classes, and it was definitely part of EJ; unfortunately, I could not find any federal laws that explicitly list “low income” now as a protected class. There are some protections related to income in housing and credit where discriminatory practices may still be illegal if they disproportionately effect a protected class. Remove the last row in the chart stating, “Low Income & Linguistic Minorities” (National Origin is the protected class is where language access is still mandatory). Remove “and income status” from Page 5 in the first paragraph under “FHWA’s Title VI Program: Section and at the end of the second bullet.</p> <p>6. Your Table of Contents is slightly off with pages; I noticed when I was looking for “Efforts to Support Nondiscrimination”. In this area, I recommend you include “Dissemination of Title VI Information”; for example, is it on the website, public notices, posters in owned buildings, etc. Does # 11 happen still since I have never received a Title VI Plan from the Local Area Liaison?</p>	
<p>Brenda Gessner, ODOT (9.16.25): Attached is the Rubric for your Title VI review. I am reviewing it as I was aware of FHWA’s requirements from 2019 until 2024, but since the new administration, we have not received as much guidance. I did send you ODOT’s 2026 Title VI Implementation Review by a DOT agency, FMCSA, because they offered to review it for us. I sent it in a separate email. FMCSA noted that EJ should be removed and EOs that are null and void due to new lawful EOs by the Trump administration. I also changes LEP to language access where I could. Note that FMCSA also changes our Assurances and again stated that LEP should not be used as a protected class (or low-income). From my perspective you need to add signed Assurances and an organizational chart that shows who is in charge as the Title VI Coordinator. You might want to look at your LEP section and add language access as a replacement where feasible. SKATS MPO also had a 2025 Certification Review from FHWA and had corrective actions and are willing to talk with you before you go to the policy committee for adoption. I provided you with Kim’s contact information in a prior email. SKATS, per FHWA had the following corrective actions:</p> <ol style="list-style-type: none">1. Corrective action included showing the plan was adopted by the Policy Committee (and when).2. Removing EJ and EOs associated with EJ.3. Corrective action was including signed Assurances.4. Corrective action included signing Policy Statement.	<p>EJ has been removed; voided EO's have been removed; LEP has been removed from the Demographic Profile (Section III) and has been changed to "Language Access" in Section IV; the organizational chart has been expanded upon. All enumerated actions listed in comment have been confirmed completed or added to plan – this includes adding signed Assurances (Appendix D of the plan) and a signed Policy Statement (Section 1 of the plan).</p>



Comment	BMPO Response/Action
<p>5. Corrective action was adding Executive Director to org. chart as the signatory of the Assurances.</p> <p>6. Corrective action on how FHWA Title VI Complaints should be handled: "Title VI complaints regarding the SKATS MPO, sub recipients, consultants, and contractors to the Federal Highway Administration Department of Civil Rights for investigation and additionally reported to the Oregon Department of Transportation Office of Equity and Civil Rights".</p>	
<p>Jasmine Harris, FHWA (9.30.2025): Apparently, we cannot comment on Title VI Plans or Title VI in general. Similar to the UPWPS, Civil Rights staff is recommending EJ and LEP are removed from Title VI Plans. I am sorry, we can't be more helpful at this time.</p>	<p>EJ has been removed. LEP has been deleted from Demographic Profile section and renamed to Language Access in Section IV.</p>



APPENDIX D: BMPO Title VI Assurances

The Bend 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 (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 cities 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 ODOT.

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 nondiscrimination 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 Bend Metropolitan Planning Organization (BMPO):



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

"The Bend 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,

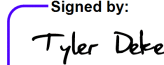


or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- 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 he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, BMPO 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 BMPO 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 BMPO. You must keep records, reports, and submit the material for review upon request to BMPO, 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.

BMPO 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 BMPO. 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 BMPO. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Signed by:

 45F69A4FCD214BD...
 Tyler Deke, BMPO Manager
 12/19/2025
 Date



APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Oregon Department of Transportation (ODOT), 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 ODOT 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 ODOT, 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 ODOT 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 ODOT may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the BMPO 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 Oregon Department of Transportation (ODOT) 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 BMPO 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 BMPO 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 BMPO, its successors and assigns.

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

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

APPENDIX C

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

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

The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:

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.

With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, BMPO 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.*

With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the BMPO 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 BMPO and its assigns.*

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



APPENDIX D

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

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

The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non discrimination covenants, BMPO 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.*

With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, BMPO will there upon revert to and vest in and become the absolute property of BMPO and its assigns.*

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

APPENDIX E

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

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);



- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- 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.).



Language Assistance Services & Accommodation Information for People with Disabilities

You can obtain this information in alternate formats such as Braille, electronic format, etc. Free language assistance services are also available. Please contact Kelli Kennedy at kkennedy@bendoregon.gov or 541-693-2122. Relay Users Dial 7-1-1.



Servicios de asistencia lingüística e información sobre alojamiento para personas con discapacidad

Puede obtener esta información en formatos alternativos como Braille, formato electrónico, etc. También disponemos de servicios gratuitos de asistencia lingüística. Póngase en contacto con Kelli Kennedy en kkennedy@bendoregon.gov o 541-693-2122. Los usuarios del servicio de retransmisión deben marcar el 7-1-1.