

Title VI Plan

DRAFT



BMPO Bend Metropolitan
Planning Organization

Compliance with Federal Requirements under 49 CFR Part 21 and 23 CFR Part 200
INSERT DATE

Bend Metropolitan Planning Organization

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BMPO Staff

Tyler Deke, Manager
Jovi Anderson, Program Technician
Andrea Napoli, Senior Planner

Resolution Number 2019-06
Bend Metropolitan Planning Organization Policy Board

**For the Purpose of Adopting the Bend Metropolitan Planning Organization Title VI
Plan**

WHEREAS, the Bend Metropolitan Planning Organization (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, sex, or income status 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 non-discrimination 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 Bend Metropolitan Planning Organization the XXth of September, 2019

Yes: _____ No: _____ Abstain: _____

Authenticated by the Chair this XXth of September, 2019.

Justin Livingston, Chair

Attest:

Tyler Deke, MPO Manager

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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 obligations under Title VI of the 1964 Civil Rights Act, the President's Executive Order on Environmental Justice (1994) and subsequent orders and enforcement regulations. 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** includes environmental justice responsibilities for MPOs;
- **Section IV** presents a demographic profile of the Bend metropolitan planning area, including maps that identify Census Block Groups containing populations higher than the Bend Urbanized Area average for the various socio-economic groups;
- **Section V** summarizes how nondiscrimination and environmental justice principles and requirements have been incorporated into planning activities. This chapter also offers direction for future efforts and presents methodologies for measuring the effectiveness of planning strategies.

All plans and documents referenced in this plan are available from the BMPO at www.bendmpo.org. The BMPO is staffed by the City of Bend Growth Management Department, located at 709 NW Wall Street, Suite 102, in Bend, Oregon.

SECTION I BMPO Overview

BMPO Organization and Operation

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 Transportation, Oregon Department of Land Conservation and Development, Federal Highway Administration, and Federal Transit Administration are participants 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.

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/interagency 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. 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 various local governments and transportation related entities within the Bend MPO area, primarily transportation planners and engineers. In addition, the TAC includes two citizen representatives as voting members, and additional public, local schools, and state and federal representatives as non-voting members. The TAC conducts the technical components of the Bend MPO transportation system planning and makes recommendations to the Policy Board. Each jurisdiction with membership on the TAC appoints its representatives, and the TAC may appoint subcommittees as needed.

The City of Bend has formed the Citywide Transportation Advisory Committee (CTAC), a formal public group being used to engage the community in the development of both the Bend Transportation System Plan (TSP) and the 2019-2040 BMPO Metropolitan Transportation Plan (MTP). The role of the CTAC is to provide advice to the TSP/MTP Steering Committee, which includes all members of the Bend City Council, the BMPO Policy Board and a member of the City Planning Commission. The CTAC is made up of twenty-five local citizens appointed by the Bend City Council representing a variety of viewpoints, expertise, and geographic distributions.

BMPO Planning Area

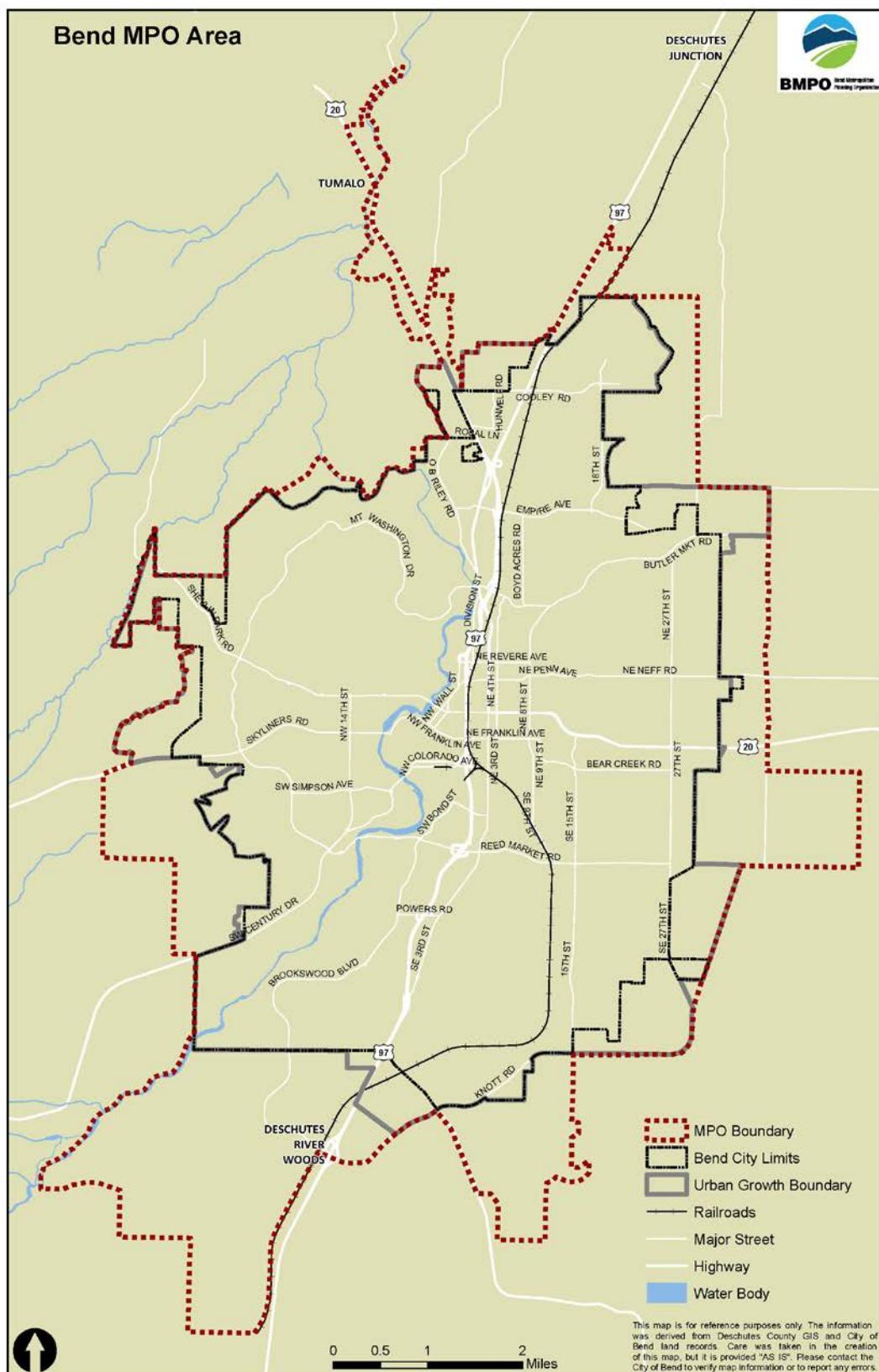
The Bend MPO planning area boundary was updated in 2015 and includes lands within the urban growth boundary of Bend, the unincorporated communities of Tumalo and Deschutes River Woods, some rural subdivisions adjacent to the City, and areas immediately adjacent to the City that are likely to become urbanized within the next twenty years (see Map 1). The 2018 estimated population for the Bend MPO area (Bend Urbanized Area) was 100,058.¹

Role and Responsibilities of BMPO

As a recipient of state and federal funds, the Bend MPO is subject to the provisions of Title VI, including environmental justice. 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 the metropolitan area's needs. In this role, MPO's can help local public officials understand how Title VI and environmental justice requirements improve planning and decision making.

¹ Population Research Center, Portland State University. (2019). 2013-2018 Oregon UAs and MPOs Population Estimates.

Map 1: Bend MPO 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, sub recipients 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.

FHWAs Title VI Program

Founded on Title VI of the Civil Rights Act, FHWAs 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, age, and income status. This is a nondiscrimination *program*, however, and does not provide the same protections as Title VI of the Civil Rights Act, a federal law.

Title VI: The Law Versus Title VI: The Program	
Title VI of CRA of 1964	FHWA Title VI Program
Coverage	Coverage
Race	Race
Color	Color
National Origin (LEP)	National Origin (LEP)
	Handicap/Disability
	Sex (Gender)
	Age
	Low Income & Linguistic Minorities

Source: FHWA, Virginia Division, HRTPO Presentation, June 16, 2010

BMPO Title VI Goals

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.

ODOT Title VI Requirements for MPOs

As a sub-recipient of federal funds, the Bend MPO must comply with the following Oregon Department of Transportation (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 sub-recipients.
- Obtain and maintain data on race, ethnicity, age, gender, disability, limited English proficiency, and income of populations in service area.
- Proactively include traditionally under-represented populations (hard to reach through traditional notification process) in public involvement and informational processes.
- Analyze the benefits and burdens of activities and projects on the service area Title VI protected population.
- Perform periodic self-assessments for Title VI compliance.
- Develop annual Title VI reports and respond to periodic Title VI reviews by ODOT.
- Correct any deficiencies identified through a review or complaint.

In addition to the ODOT Title VI requirements, as a recipient of federal funds, the BMPO is required to provide meaningful access to individuals with limited English proficiency (LEP). A LEP Needs Assessment is included in Section IV where the USDOT established four-factor 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. The process is available on the BMPO website (bendmpo.org, under the “Public Participation and Your Rights” navigation bar) and provided in Appendix B of this document, along with the complaint form 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 Bend MPO.

Any person who feels that he or she has 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 (either 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:

Andrea Napoli, AICP, Senior Planner
Bend MPO
709 NW Wall Street, Suite 102
Bend, OR 97701
(541) 323-8545
anapoli@bendoregon.org

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 non-discrimination in the transportation planning practices of the Bend MPO:

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) established prohibition of discrimination based on gender.
- **Civil Rights Act of 1987** broadened the scope of Title VI coverage by expanding the definitions of “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients and contractors, regardless of whether the programs and activities are federally assisted (Public Law 100-259 {S. 557}, March 22, 1988).

- **Americans with Disabilities Act of 1990** (42 USC 12101 et seq. and 49 CFR Parts 27, 37 and 38) and the **Rehabilitation Act of 1973, Section 504**, (29 USC 794) extend the protections under Title VI of the Civil Rights Act of 1964 to prohibit discrimination of persons with disabilities; and in Title II requires that public transit be accessible to persons with disabilities. The Act states that all new transit vehicles must be made accessible to persons with disabilities, and that paratransit can be used to complement existing fixed-route service.
- **Age Discrimination Act of 1975** prohibits discrimination based on age (42 USC 6101).
- **Executive Order 12250** (28 CFR Part 41) requires consistent and effective implementation of various laws prohibiting discriminatory practices in programs receiving federal funding assistance, including Title VI of the Civil Rights Act of 1964.
- **Executive Order 12898** (28 CFR 50) directs federal agencies to evaluate impacts on low-income and minority populations and ensure that there are not disproportionate adverse environmental, social, and economic impacts on communities, specifically minority and low-income populations. This order also directs federal agencies to provide enhanced public participation where programs may affect such populations. **U.S. Department of Transportation (USDOT) Order 6640.23** contains policies and procedures for the FHWA to use in complying with E.O. 12898.
- **USDOT Order on Environmental Justice** (DOT Order 5610.2) describes how the principles in the Executive Order are to be incorporated into programs and activities. The DOT order states that the DOT will not carry out any program, policy or activity that will have a disproportionately high and adverse effect on minority or low-income populations unless mitigation measures or alternatives that would avoid the adverse impacts are not practicable.
- **Executive Order 13166** is intended to improve access to federally conducted and federally assisted programs and activities for those who because of national origin have limited English language proficiency (LEP). The order requires federal agencies to review services, identify any needed services and develop and implement a program so that LEP populations have meaningful access. LEP guidance from the U.S. Justice Department sets compliance standards that federal fund recipients must follow to ensure that programs and services provided in English are accessible to LEP individuals, and thereby do not discriminate on the basis of national origin (protection afforded under the 1964 Civil Rights Act, Title VI). U. S. Department of Transportation Policy Guidance: Federal Register, Vol. 70, No. 239, pages 74087-74100, Dec. 14, 2005.
- **FHWA and FTA Memorandum on Title VI Requirements** (October 7, 1999) clarifies Title VI requirements in metropolitan and statewide planning. The memorandum provides FHWA and FTA staff a list of proposed review questions to assess Title VI capability and provides guidance in assessing Title VI capability. Failure to be in compliance can lead to a corrective action being issued by FTA and/or FHWA, and failure to address the corrective action can affect continued federal funding.

- **Administrative Regulations, 23 CFR 200 and 49 CFR 21** from Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) set requirements for state transportation departments to implement Title VI policies and procedures at the state and local levels.
- **USDOT Planning Assistance and Standards** for metropolitan planning require MPOs to seek out and consider “the needs of those traditionally underserved by existing transportation systems, such as low income and minority households, who may face challenges accessing employment and other services” (23 CFR 450.316). Additional staff guidance from FHWA and FTA provides direction for assessing an MPO’s level of compliance with Title VI, and establishes a corrective process that can affect federal funding.
- **FTA Circulars 4702.1 & 4702.1B** provides recipients and subrecipients of Federal Transit Administration (FTA) financial assistance with guidance and instructions necessary to carry out the USDOT Title VI regulations (49 CFR part 21).
- **Oregon DOT Title VI Plan**, adopted in 2002, the plan provides a template for Title VI planning and reporting. Local agencies with approved Title VI program plans or nondiscrimination agreements must prepare a Title VI Annual Accomplishment Report to document Title VI Program compliance activities related to transportation projects. The state agency also has issued local agency guidelines for Title VI plans developed by local agencies.
- **Oregon Revised Statutes** contain protections against discrimination in employment, accommodations and real property transactions based on race, color, religion, gender, sexual orientation, national origin, marital status, age, disability or family status.
- **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.

SECTION III Environmental Justice

Executive Order 12898, 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."

The 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 and Transportation Planning

Environmental justice must be considered in all phases of planning. Areas of focus and particular concern are: *public participation* – to ensure that protected populations have real and equitable opportunities to influence decisions; and *analysis* – to assess the distribution of benefits and impacts on protected populations. For example, 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, the fundamental principles apply equally to the plans, programs, and activities of planning, activities in which the Bend MPO are actively involved.

To certify compliance with, and to address environmental justice, 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 environmental justice principles.

- 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.²

The Relationship between Environmental Justice and Title VI

It is important to note that consideration of environmental justice across federal programs and activities is not mandated in statute, like Title VI federal law (protecting persons based on race, color, or national origin). The executive order on environmental justice (E.O. 12898) more generally directs agencies to integrate environmental justice into their respective missions to 'the greatest extent practicable and permitted by law'.³

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 focus on understanding and properly addressing the unique needs of diverse socioeconomic groups and are vital components to effective transportation decision making.

Below is a list of examples from an FHWA/FTA memo outlining MPO actions that support Title VI compliance and environmental justice goals:

- Develop a demographic profile of the metropolitan planning area that identifies the locations of socio-economic groups.
- Identify the transportation needs of low-income and minority populations.
- Assess the regional benefits and burdens of transportation system investments in the MTP and TIP for socio-economic groups.
- Have a public involvement strategy for engaging minority and low-income populations in transportation decision making.²

² FHWA Publication No. FHWA EP-00-013. (2000). An Overview of Transportation and Environmental Justice.

³ Congressional Research Service, IF 10529. (2018). Role of the US EPA in Environmental Justice.

SECTION IV Demographic Profile

This section serves as a resource for transportation planning in the Bend area by providing recent and statistically reliable information about areas of identified populations and population demographics. The following population analyses and maps have been prepared to assist in assessing the needs of, and analyzing the potential impacts on and benefits to, Title VI and environmental justice protected populations, as well as assisting in outreach.

In an effort to identify and assess the distribution of Title VI and environmental justice protected populations in the Bend MPO area, 2014-2018 American Community Survey (ACS, 5-year estimates) data has been used at the Census Block Group level, when available, and at the Census Tract level, otherwise. Populations evaluated include those living below the poverty level, seniors, minorities, persons with disabilities, and those that speak English less than 'Very Well'. In some locations within the Bend MPO planning area, percentages of protected populations are higher than the average for the urbanized area as a whole. These higher concentrations of subject populations are provided visually on the maps contained in the following pages.

Population Living Below the Poverty Level (Map 2)

According to the U.S. Census Poverty Thresholds for 2018, the poverty threshold for a family of two adults and two children equated to an annual household income of \$25,465. Within the Bend MPO area, approximately 11.1% of the population (families and people) had income in the past 12 months falling below the poverty level during the 2014-2018 ACS period. The poverty rate for the Bend MPO area is lower than the state and national percentages, as shown below. The Census Bureau uses a set of dollar value thresholds that vary by family size and composition to determine those in poverty. For more information, please refer to the chart in Appendix C.

% of Population Living Below the Poverty Level	
U.S.	14.6%
Oregon	14.9%
Bend MPO	11.1%

Source: 2014-2018 ACS, Table C17002

Senior Population (Map 3)

The senior population is defined as persons age 65 and older. According to 2014-2018 ACS data, seniors make up 15.9% of the Bend MPO area population, which falls between the state and national percentages.

% of Population Age 65+	
U.S.	14.9%
Oregon	16.3%
Bend MPO	15.9%

Source: 2014-2018 ACS, Table B01001

Minority Population (Map 4)

For this analysis, Minority is defined as all persons who identified themselves as something other than “White-alone, not Hispanic or Latino” in their choices of race and ethnicity in the ACS survey. The minority population percentage for the Bend MPO area is 13.5%, which is significantly lower than the percentages for the state (23.5%) and the U.S. (38.5%).

Minority Population	
U.S.	38.5%
Oregon	23.5%
Bend MPO	13.5%

Source: 2014-2018 ACS, Table B03002

Population with Disabilities (Map 5)

According to 2014-2018 ACS data, 10.9% percent of the Bend MPO area population identify as having a disability. For this analysis, Disabled is defined as all civilian, non-institutionalized persons, 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. The percentage of persons with a disability in the Bend MPO area is slightly lower than the state and national percentages.

% of Population with Disabilities	
U.S.	12.6%
Oregon	14.6%
Bend MPO	10.9%

Source: 2014-2018 ACS, Table DP02

Limited English Proficiency (LEP) Population (Map 6)

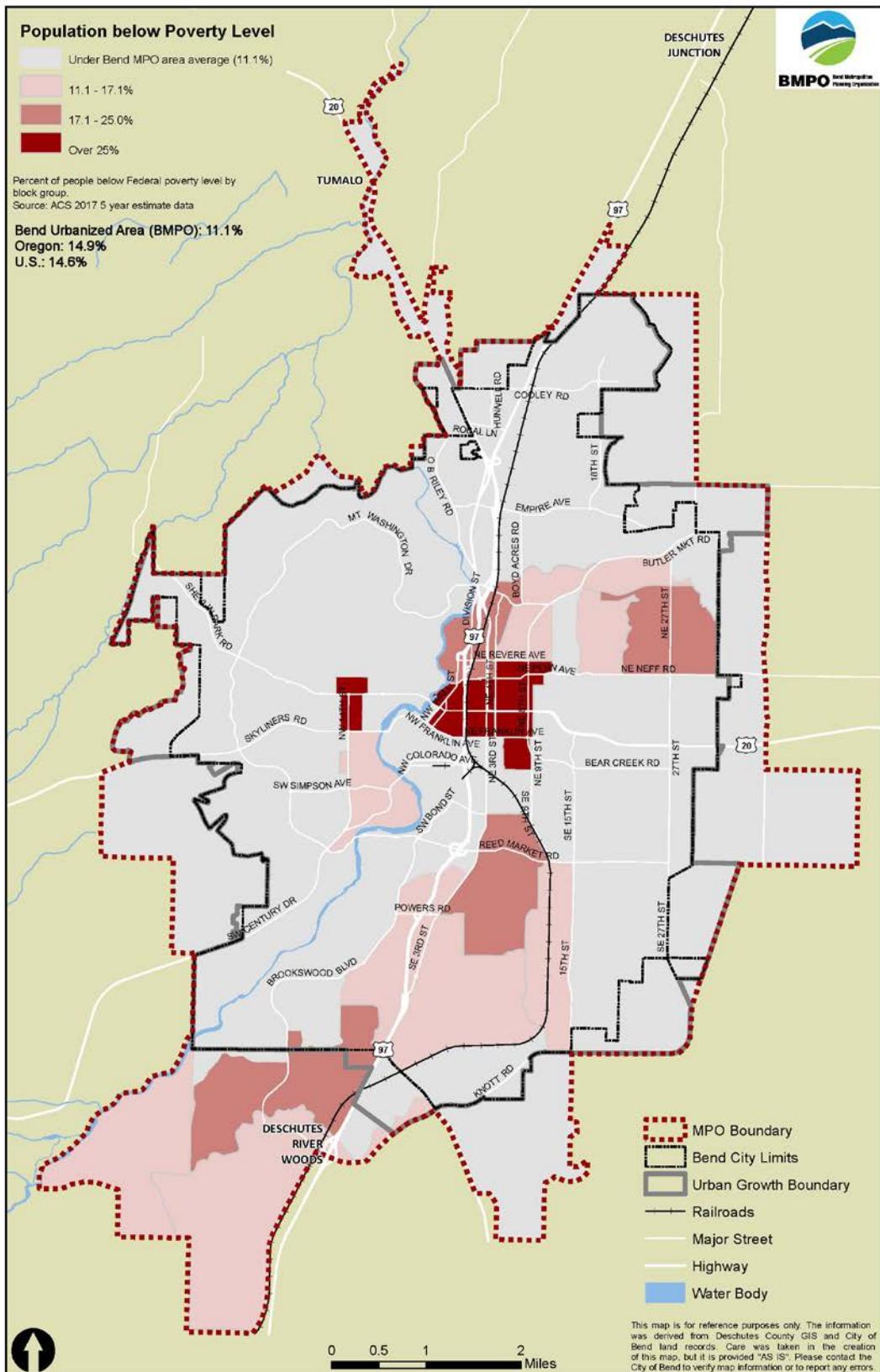
The term Limited English Proficiency or “LEP” refers to individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. The data on ability to speak English represents the person's own perception about his or her own ability or, because survey questionnaires are usually completed by one household member, the responses may represent the perception of another household member. For purposes of this analysis, a LEP person is defined as any individual (age 5 and older) who speaks English less than ‘Very Well’.

For the Bend MPO area, 2.0% percent of the population reported less than ‘Very Well’ English speaking ability, which is significantly less than the state and national percentages.

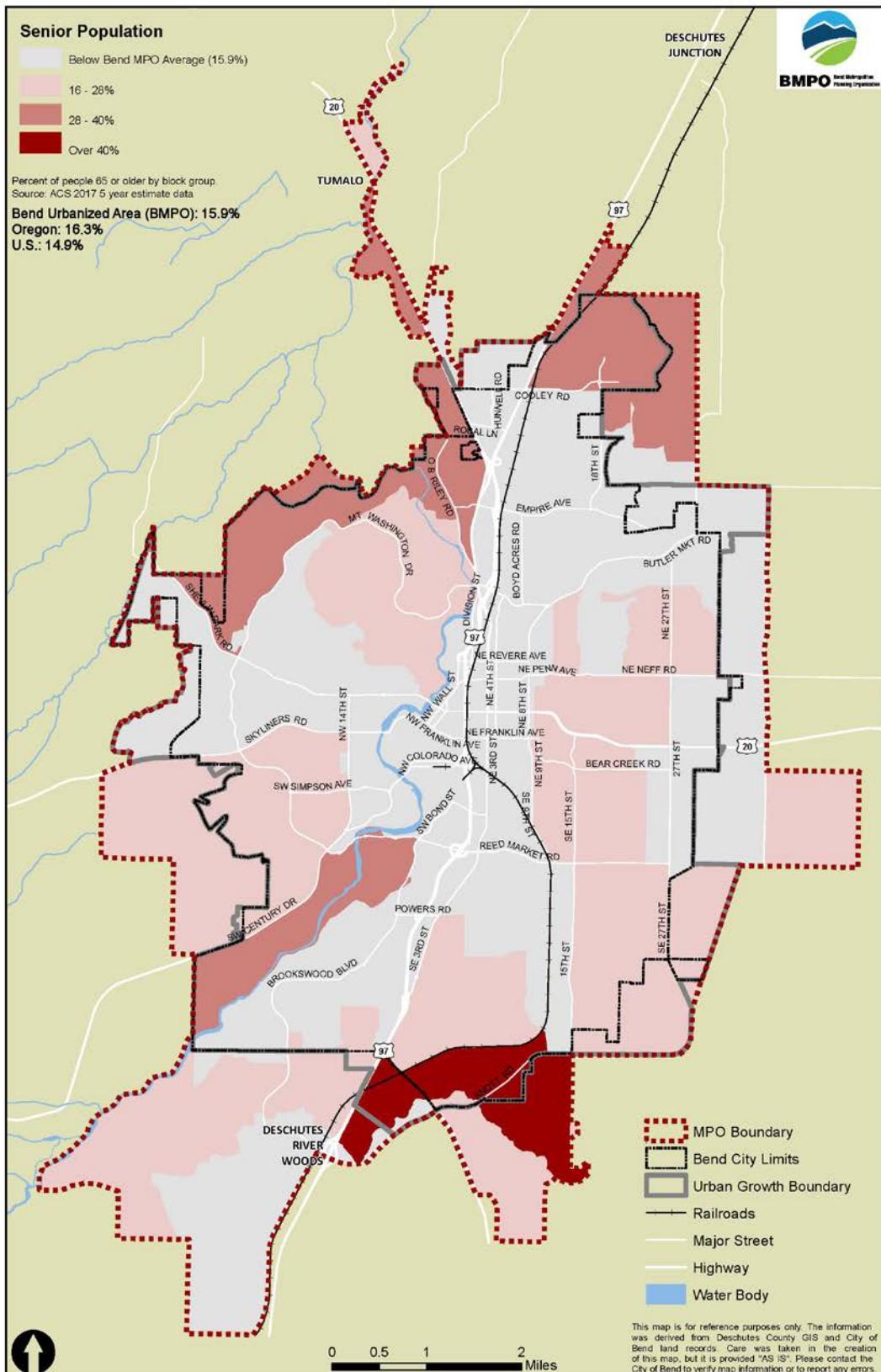
% of Population Speaking English less than 'Very Well'	
U.S.	8.5%
Oregon	5.9%
Bend MPO	2.0%

Source: 2014-2018 ACS, Table B16004

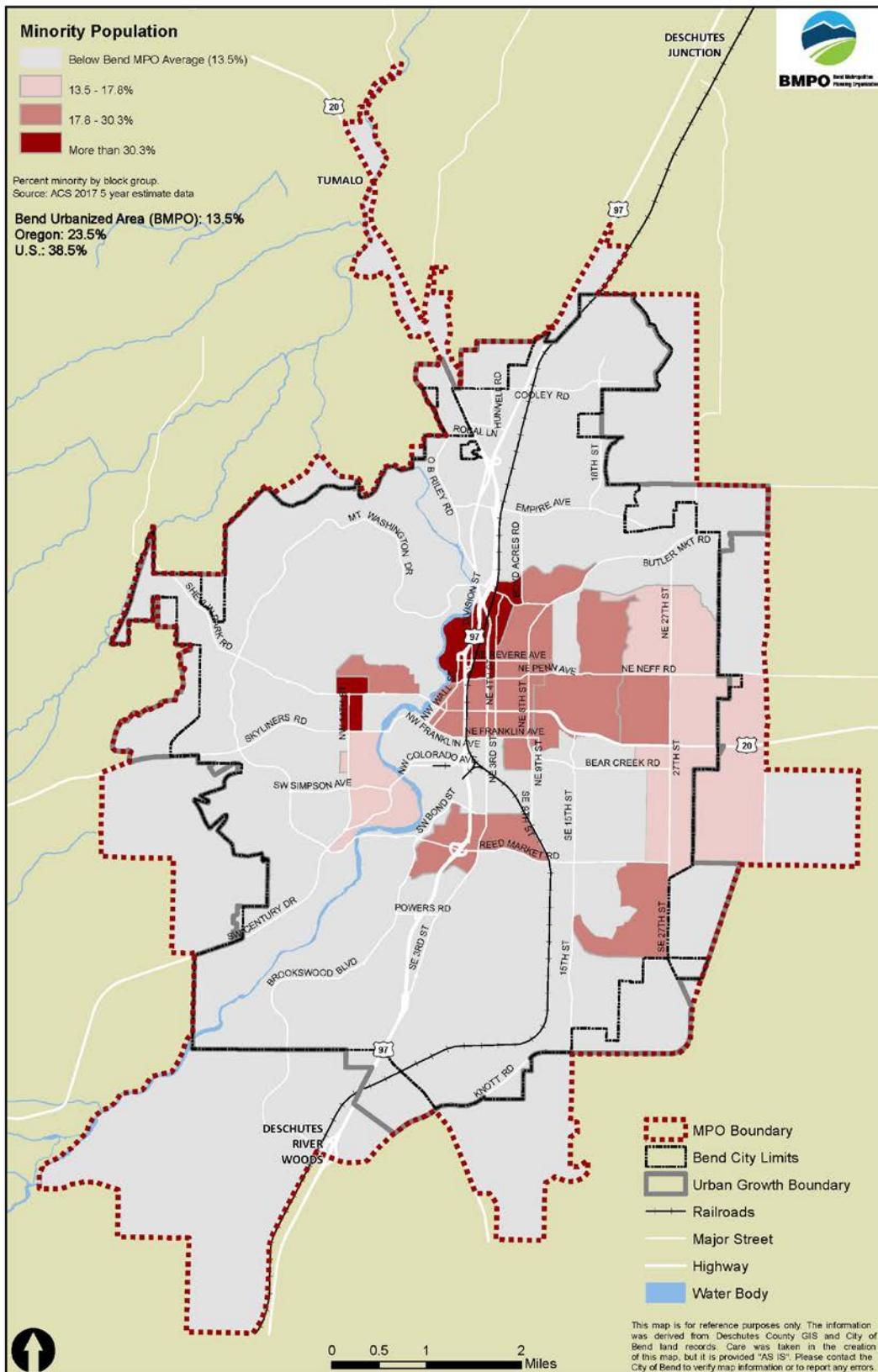
Map 2: Population Living Below the Poverty Level



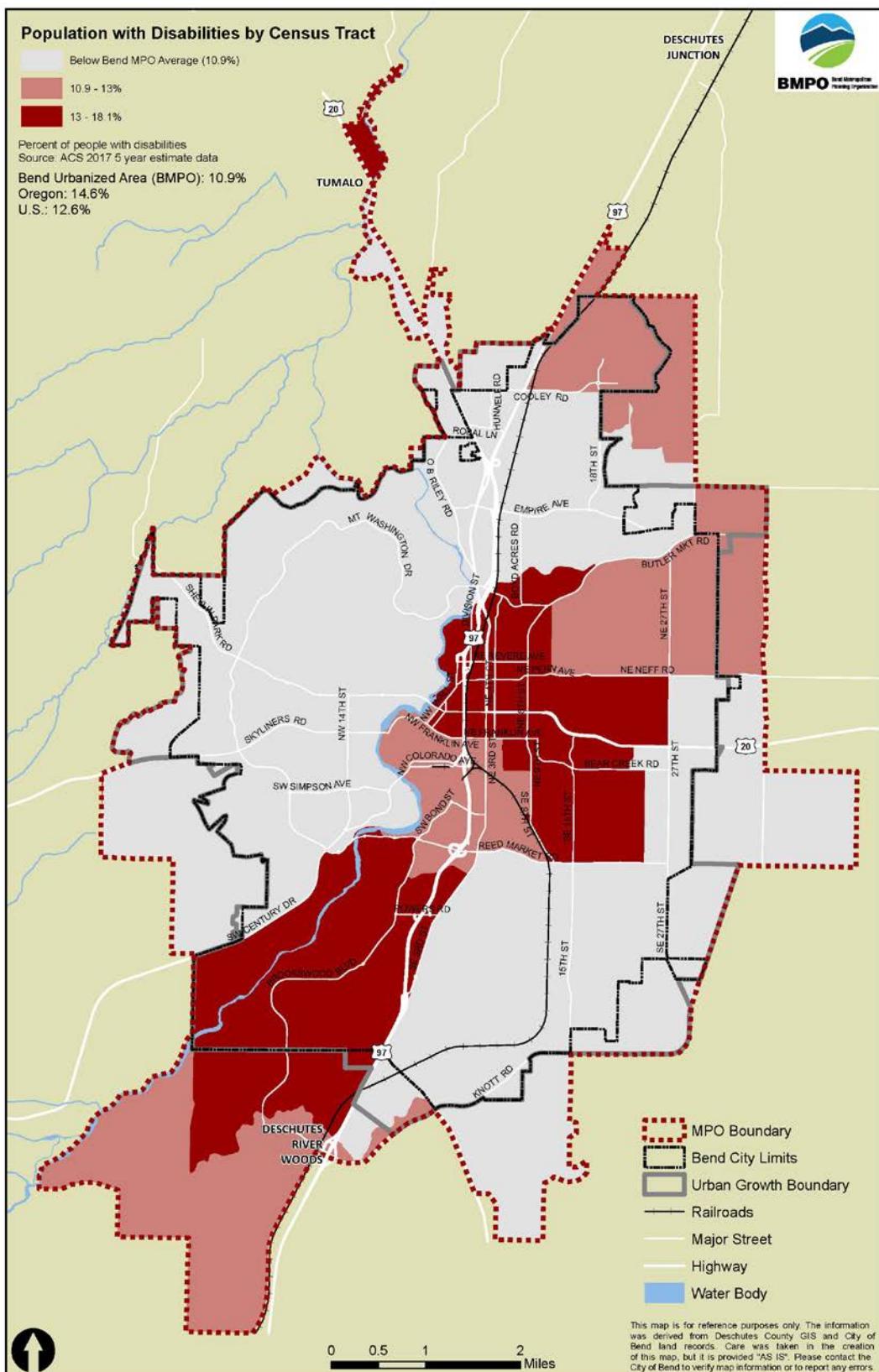
Map 3: Senior Population



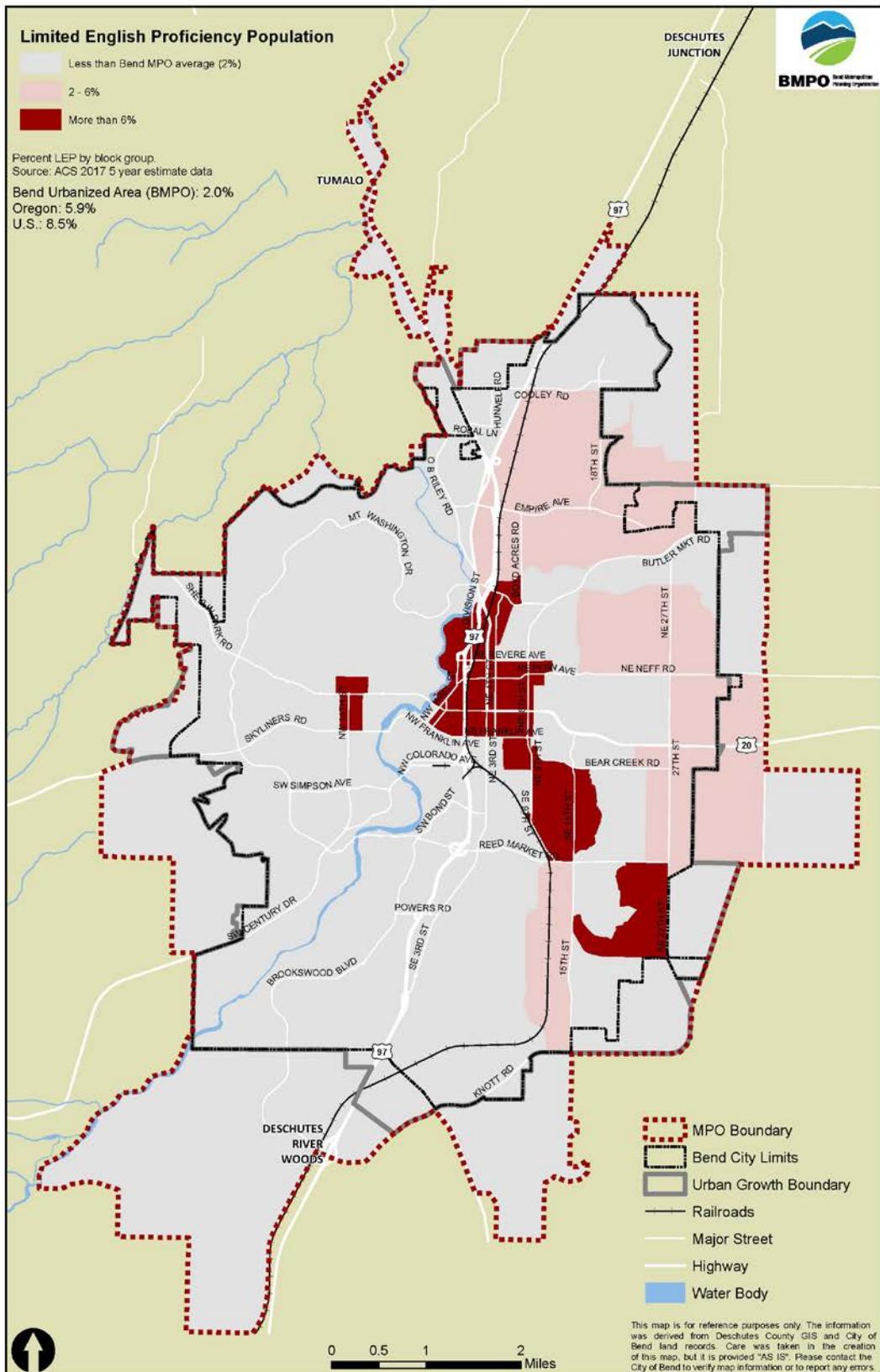
Map 4: Minority Population



Map 5: Population with Disabilities



Map 6: Limited English Proficiency (LEP) Population



SECTION IV Activities and Strategies

Title VI Coordinator

The Bend MPO Title VI Coordinator is responsible for supervising Title VI implementation, monitoring and reporting on Bend MPO compliance with Title VI regulations, in addition to completing and reporting on environmental justice planning efforts. Compliance includes addressing civil rights complaints, engaging in public outreach and ensuring meaningful participation for protected populations in the transportation decision making process, preparing annual Title VI reports, providing support and information to the region as requested, and collecting and maintaining up-to-date data to support ongoing nondiscrimination activities including updating and implementing this plan. 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 MPO programs. The full list of ODOT Title VI requirements for which the coordinator is responsible for is provided on page 6.

BMPO Title VI Contact:

Andrea Napoli, AICP, Senior Planner
Bend Metropolitan Planning Organization (BMPO)
709 NW Wall Street, Suite 102
Bend, OR 97703
Ph: (541) 323-8545
Email: anapoli@bendoregon.gov Website: www.bendmpo.org

BMPO Manager:

Tyler Deke
Ph: (541) 693-2113
Email: tdeke@bendoregon.gov

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

Agency:

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

Access for Persons with Limited English Proficiency (LEP)

Section V of the U.S. DOT “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 LEP individuals. The following is a LEP needs assessment for the BMPO in relation to the transportation planning process.

1. *The Number or Proportion of LEP Persons Served or Encountered in the BMPO Area:* According to American Community Survey data for 2014-2018, approximately 2%, or 3,460 people in the Bend MPO area age 5 and older speak English less than ‘Very Well’. The most spoken language in the Bend MPO area second to English is Spanish, with 5.1% of the population (age 5+) speaking Spanish at home and approximately 72% of LEP individuals being native Spanish speakers.
2. *The Frequency with Which LEP Individuals Come in Contact with BMPO Programs, Activities, and Services:* The Bend MPO has been a recipient of federal dollars for transportation planning and programming since 2003. To date, no requests have been made by individuals or groups seeking interpreters or the translation of written publications into other languages.
3. *The Nature and Importance the Program, Activity, or Service Provided by the Bend MPO to the LEP community:* The Bend MPO recognizes that transportation planning may affect LEP populations, in particular during the regular updates of the Metropolitan Transportation Plan (MTP) and the Transportation Improvement Program (TIP), as well as during development of special transportation studies, updates to the Public Participation Plan and the Annual Work Program. Additionally, investment decisions carried out by the MPO may impact the mobility and access of LEP populations.
4. *Available Resources and Overall Costs to the Bend MPO:* Interpreter services are available through the City of Bend at a cost to the MPO. For translation of materials, the BMPO can use free on-line services, such as Google Translate.

Given this four factor analysis, the Bend MPO need for translation of a broad number of products or an interpreter is limited. Upon request, however, the Bend MPO will translate written materials it produces and provide Spanish interpreter services for meetings or workshops. For outreach specific to traditionally underserved populations where LEP individuals are more likely be encountered, staff will arrange for print materials and surveys to be available in Spanish without the need for a request.

Public Outreach and Participation

The Bend MPO has 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 an “interested parties” distribution list for all MPO 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 and environmental justice 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 on plan update efforts from both the entity and individuals they serve.

It is important to note that as part of the 2020-2040 MTP plan update, the BMPO has combined public outreach efforts with the city of Bend Transportation System Plan (TSP) update. This coordination has allowed for a small MPO with very limited staffing to have a much more comprehensive public outreach effort than it would otherwise. In addition to input from a 25 member public advisory committee and multiple neighborhood workshops, the city/MPO. TSP/MTP outreach effort also included a workshop specifically for representatives of underserved populations within the MPO area, as well as a survey solicitation to their members and other associated individuals. Feedback from both the workshop and the surveys were used to inform transportation needs and barriers for underserved populations, and will be incorporated into final project and program recommendations for MPO Policy Board consideration.

Project Selection

As a recipient of federal funds, the Bend MPO must maintain a commitment to nondiscrimination and environmental justice. There is one federal funding program over which the BMPO has discretion: the Surface Transportation Block Grant (STBG) program. Projects seeking STBG funding are given a funding recommendation by the MPO Technical Advisory Committee with the MPO 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 MPO goals. Increasing accessibility and equity in transportation for disadvantaged populations, as well as minimizing impacts resultant of transportation facilities are goals contained in the BMPO MTP.

Efforts to Support Nondiscrimination

The following list describes measures and strategies that are either currently employed or a future endeavor by the Bend MPO to ensure nondiscrimination and support environmental justice. A status of whether or not each measure or strategy is currently being used is noted.

1. Providing assistance, upon request, and with 48 hours' notice, to the hearing and visually impaired, those not fluent in English, and others requiring assistance 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. - **Current**
2. Selecting meeting sites that are centrally located, accessible by transit or means other than the automobile, are ADA accessible, as well as held at various times to provide the widest opportunity for involvement. - **Current**

3. Regularly update the summary of committee and board composition of those involved in MPO activities and plans. The report will include information on race and gender. - **Current**
4. 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. - **Current**
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 and/or data sources become 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 analyses. - **Current**
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. - **Current**
7. Make the Title VI complaint procedure available to the public on the Bend MPO website. - **Current**
8. Provide information on the BMPO website that describes the Bend MPO Title VI policy and complaint process. - **Current**
9. 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*)
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. - **Current**
11. 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**
12. Conduct a public participation process to ensure that all groups within the MPO 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 efforts when applicable. - **Current**
13. 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. Use targeted outreach efforts, such as equity workshops, or less traditional methods, such as pop-up events, to ensure greater participation from less represented groups. - **Current**

14. Conduct “fair-share” and accessibility analyses for traditionally underserved populations, such as:
 - a. Evaluating the distribution of transportation projects in MTP and TIP relative to service to subject populations compared to service to the region as a whole. Also including evaluation of benefits and burdens of projects to subject populations, and identifying possible mitigation measures to address any adverse impacts. - **Future**
 - b. Evaluating accessibility to jobs, schools, grocery stores, and other common destination for subject populations by transit, bike and walk modes. - **Future**
15. Continue to maintain and update contact lists which contain community organizations and leaders that are engaged in issues affecting Title VI protected populations. These connections are invaluable in building communication between agencies and underrepresented groups, and help to provide access to individuals, in addition to serving as forums for participation. - **Current**
16. Use a wide range of notification methods and posting locations to best reach Title VI protected populations. – **Current**
17. 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**
18. 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. - **As Needed**
19. MPO 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

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.

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 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 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, 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.

DRAFT

APPENDIX B

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

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

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a formal complaint (written) with the Bend MPO 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 e-mail transmittal for the Bend MPO 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.
2. Complaints may be submitted to Andrea Napoli, Bend MPO Senior Planner & Title VI Coordinator, through the following methods:

By Email: anapoli@bendoregon.gov

By Mail: Andrea Napoli, Senior Planner & Title VI Coordinator
Bend MPO
709 NW Wall Street, Suite 102
Bend, OR 97703

By Phone: 541-323-8545
3. Upon receipt of the formal complaint, the Title VI Coordinator will determine its jurisdiction, acceptability, and need for additional information, as well as investigate

the merit of the complaint. All formal complaints will be referred to the Oregon Department of Transportation's (ODOT) Office of Civil Rights, for proper disposition pursuant to their procedures.

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

Oregon Department of Transportation

Mail: Office of Civil Rights Oregon Department of Transportation
Attn. David Morrissey, Office of Civil Rights Manager
3930 Fairview Industrial Drive SE
Salem, Oregon 97302

Phone: 503-986-4353
Email: David.N.Morrissey@odot.state.or.us

Federal Highway Administration Office of Civil Rights

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

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

BMPO Title VI Complaint Form

Complainant's Information:	Person Discriminated Against (if someone other than complainant):		
Name	Name		
Address	Address		
City/State/Zip Code	City/State/Zip Code		
Telephone Number	Telephone Number		
Which of the following best describes the reason you believe the discrimination took place?			
Race/Color:	National Origin:	Sex:	
Disability:	Age:	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? Circle all that apply.			
Federal agency	State agency	Local agency	
Federal court	State court		
Please provide contact information for 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

Date

Submit form and any additional information to:
Andrea Napoli, Senior Planner
Bend Metropolitan Planning Organization
709 NW Wall Street, Suite 102
Bend, Oregon 97701

Phone: (541) 323-8545
Email: anapoli@bendoregon.gov
<http://www.bendmpo.org>

Formulario de Queja del Título VI de BMPO

Información del demandante:	Persona Discriminada Contra (si alguien queno sea el demandante):	
Nombre	Nombre	
Dirección	Dirección	
Cuidad/Estado/Código Postal	Cuidad/Estado/Código Postal	
Teléfono	Teléfono	
¿Cuál de las siguientes opciones describe mejor la razón por la que cree que se produjo la discriminación?		
Raza/Color: Disability:	Origen Nacional: Años:	Sexo: Ingresos:
¿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).		
Enumere los nombres y la información de contacto de las personas que puedan tener conocimiento de la supuesta discriminación.		
¿Ha presentado esta queja ante alguna otra agencia federal, estatal o local, o ante cualquier tribunal federal o estatal? Marque todo lo que corresponda.		
Agencia Federal Corte Federal	Agencia del Estado Corte Estatal	Agencia Local
Proporcione la información de contacto de la agencia/corte donde se presentó la queja:		
Nombre	Cuidad/Estado/Código Postal	
Dirección	Teléfono	

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

Firma Fecha

Envíe el formulario y cualquier información adicional a:

Andrea Napoli, Senior Planner

Bend Metropolitan Planning Organization (541) 323-8545

709 NW Wall Street, Suite 102

Bend, Oregon 97701

anapolibendoregon.gov

<http://www.bendmpo.org>

APPENDIX C

Poverty Thresholds

Poverty Thresholds for 2018 by Size of Family and Number of Related Children Under 18 Years									
Size of family unit	Related children under 18 years								
	None	One	Two	Three	Four	Five	Six	Seven	Eight or more
One person (unrelated individual):									
Under age 65.....	13,064								
Aged 65 and older.....	12,043								
Two people:									
Householder under age 65.....	16,815	17,308							
Householder aged 65 and older.....	15,178	17,242							
Three people.....	19,642	20,212	20,231						
Four people.....	25,900	26,324	25,465	25,554					
Five people.....	31,234	31,689	30,718	29,967	29,509				
Six people.....	35,925	36,068	35,324	34,612	33,553	32,925			
Seven people.....	41,336	41,594	40,705	40,085	38,929	37,581	36,102		
Eight people.....	46,231	46,640	45,800	45,064	44,021	42,696	41,317	40,967	
Nine people or more.....	55,613	55,883	55,140	54,516	53,491	52,082	50,807	50,491	48,546

Source: U.S. Census Bureau.

APPENDIX D

Contractor Assurances

Language Used in City/MPO Contracts:

Nondiscrimination - ADA Compliance: Consultant agrees to comply with Title VI of the Civil Rights Act of 1964, with Section V of the Rehabilitation Act of 1973, and with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations. Consultant also shall comply with the Americans with Disabilities Act (ADA) of 1990, as amended by the ADA Amendments Act (ADAAA) of 2008 and any subsequent amendments (42 U.S.C. § 12101, et seq.) (Pub No. 101-336), ORS 659A, and all regulations and administrative rules established pursuant to those laws. Consultant agrees to comply with ADA in its employment and nondiscrimination practices, and that it shall perform its contractual obligations consistent with ADA federal requirements/regulations, state disability and accessibility law and requirements, and applicable regulations and administrative rules established pursuant to those laws.

Language Used in ODOT/MPO Contracts:

The Parties shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279B.220, 279B.225, 279B.230, 279B.235 and 279B.270 incorporated herein by reference and made a part hereof. Without limiting the generality of the forgoing, the Parties expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) ORS 659A.142 and the Americans with Disabilities Act of 1990 as Amended by the ADA Amendments Act of 2008; (iv) all regulation and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations. In addition, MPO and Public Transit Provider expressly agrees to comply with 23 CFR 420.121(g) and 49 CFR Part 20 regarding lobbying restrictions on influencing certain Federal activities, which are applicable to all tiers of recipients of FHWA and FTA planning and research funds.

APPENDIX E

Title VI Plan Update Comments Received

On June 12, 2019, a 30-day public comment period was advertised on the City of Bend and Bend MPO website. Emails requesting comments on the draft plan were also sent to the Bend MPOs Interested Parties List and the Title VI/EJ Contacts List. The table below includes comments received and responses provided, or how addressed.

Note that, coincidentally, Bend MPO underwent a Title VI audit during this plan update. MPO staff worked closely with ODOT Office of Civil Rights (OCR) staff to address concerns or requested edits to the plan. The in-person, phone, and email communication from that process is not reflected in this table.

Comment Received	Provided By	Response or How Addressed
Thanks for sharing. This looks thorough and I have no additional comments from the transit perspective.	Theresa Conley, Transit Coordinator, ODOT Region 4	N/A
We appreciate the thoughtfulness, comprehensiveness and detailed explanation of BMPO's complaint procedures. Ensure BMPO works with ODOT on routing Title VI complaints against BMPO. Lastly, ensure this particular process is tailored to Title VI which includes race, color and national origin only.	Jasmine Harris, Civil Rights Specialist, FHWA	Complaint procedures have been revised by working with ODOT OCR staff.
As ODOT is the direct recipient, ODOT will be your best point of contact to understand their Title VI expectations, approval and frequency etc. From FHWA's standpoint, we would be looking for USDOT Order 1050.2A.	Jasmine Harris, Civil Rights Specialist, FHWA	Noted; worked with ODOT OCR staff to include assurances language.
Recommend removing EJ language from the plan since EJ deals with minorities (and low income) and comes from an executive order. Title VI is a law and deals with "race, color, and national origin."	Jasmine Harris, Civil Rights Specialist, FHWA	Language not removed, but better distinction between the two made in the plan.
On page 19, the plan describes a four-step process to provide access to persons with limited English proficiency. Rather than wait for requests for interpretation services, could BMPO proactively offer interpretation of key planning/public participation materials and distribute those materials via targeted outreach?	Rory Isbell, Staff Attorney, Central Oregon Land Watch	Yes. The last sentence in the Access for Persons with Limited English Proficiency (LEP) section on page 20 states, "For outreach specific to traditionally underserved populations where LEP individuals are more likely to be encountered, staff will arrange for print materials and surveys to be available in Spanish without the need for a request."
On page 20, in describing the current MTP update, the plan states that a workshop and survey were administered to gain input from underserved populations, and that "Feedback from both the workshop and the surveys were used to inform transportation needs and barriers for underserved populations, and will be incorporated into final project and program recommendations for MPO Policy Board consideration." Is there documentation of how this feedback was used to inform decision-making?	Rory Isbell, Staff Attorney, Central Oregon Land Watch	Yes, a link to an initial draft summary of Neighborhood Workshop Summary and Outcomes document was provided in an email on April 18 th to the Steering Committee (comprised of MPO Policy Board members), and the draft was later finalized by CTAC at their May meeting.

<p>Is there documentation on how that feedback (from previous comment) will be incorporated into final project and program recommendations?</p>	<p>Rory Isbell, Staff Attorney, Central Oregon Land Watch</p>	<p>Beyond providing feedback to the CTAC and Steering Committee, for the Bend MPO specifically, this would not happen until MPO funding is sought by an entity/jurisdiction for projects/programs that address identified needs. Such as a CET transit project or program, for example. This information could also be used to support actions that the MPO could undertake, such as a "fair-share" analysis as noted on page 22 of the draft Title VI Plan.</p>
<p>At one MTP/TSP meeting where a survey of Latino Community Association members was discussed by staff, the City and MPO staff failed to attach and present the survey results to the CTAC and the public. Where the documentation that underserved populations' feedback is actually being incorporated?</p>	<p>Rory Isbell, Staff Attorney, Central Oregon Land Watch</p>	<p>A table of how the feedback from the Equity Workshop is being incorporated/directed is provided in the link above (Neighborhood Workshop Summary and Outcomes) on pages 22-23. The draft of this summary and outcomes document was provided to CTAC at their May 22 meeting for their review and approval.</p>
<p>On page 21, the plan includes an effort to "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." How have the effectiveness of communications and public involvement efforts been evaluated to date? What outreach has been done as a result of this evaluation?</p>	<p>Rory Isbell, Staff Attorney, Central Oregon Land Watch</p>	<p>By general level of response and participation. Pop-up events in lower income areas were recently used in an effort to gather input from those who would not normally attend open houses or go online for a survey.</p>
<p>On page 22, efforts 12 and 13 are to "Conduct a public participation process to ensure that all groups within the MPO have been involved, and/or represented in the decision-making or project information process through an effective and thorough public participation effort" and to "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." How are these efforts being accomplished?</p>	<p>Rory Isbell, Staff Attorney, Central Oregon Land Watch</p>	<p>I see from your questions that you are familiar with the Citizen Transportation Advisory Committee (CTAC), so I won't go into detail about that public advisory group and their purpose/scope, etc.. Beyond CTAC, many other public outreach and participation efforts have been made to address your question: An MPO/City open house and a number of online events were held. Notification was provided thru social media, city website, email newsletters, and email blasts. Demographic information from willing participants was collected from the public comment questionnaires (online and in-person). 4.5% respondents identified as Minority, 10.1% as Disabled, 13% as Senior. Five neighborhood workshops were held for five large geographic areas within the MPO boundary. The 'Core Area' being the most representative of EJ population concentrations. Notification was provided thru social media, city website, email newsletters, and email blasts. Demographic information from willing participants was collected from the public comment questionnaires (online and in-person). 9.4% of respondents identified as</p>

<p>(See comment on previous page.)</p>	<p>Minority, 3.3% as Disabled, 40.3% as Senior.</p> <p>An 'Equity Workshop' was conducted on February 13, 2019 specifically for organizations that represent underserved populations to provide input on/identify transportation issues and needed improvements from their perspectives. Thirteen organizations were invited, representing minority, low-income, disabled, and senior populations. A survey for these organizations to distribute to their individual members was also provided with 91 responses received.</p> <p>Planning for the Core Area Project was active this FY. As you are likely aware, this is primarily an urban renewal project (including transportation elements) addressing areas that include low-income/higher minority areas of Bend. It is a city project, part of the Core Area Plan, with MPO staff assisting in public outreach efforts. Public outreach and participation pop-up events have been held outside of popular local businesses and grocery stores for the following EJ population neighborhood areas:</p> <ul style="list-style-type: none"> • Wilson Ave (18%-30% Minority, 17%-25% Poverty), May 6 • Division St (>30% Minority), May 9 • Greenwood Ave (>25% Poverty), May 16 • Central District (>25% Poverty), May 23 <p>Main open house/community workshop event held at Bend High School, June 15 (located within >25% Poverty and 17%-30% Minority area).</p> <p>Notification for these events were provided thru:</p> <ul style="list-style-type: none"> • City website (Spanish and English) • Social media • Stakeholder email list, including approx. ten EJ organizations (i.e.: Salvation Army, Boys and Girls Club, Latino Community Association, Central Oregon Disability Support Network, etc.). Emails to Hispanic/Latino organizations sent in Spanish. • Mailers to all businesses within study area (Spanish and English)
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