Southwest RTPO Title VI

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SWRTPO Title VI

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I. STATEMENTS OF POLICY

Introduction

The *Southwest Regional Transportation Planning Organization* is the transportation planning agency for the cities of *Deming, Lordsburg, Reserve, Santa Clara, Bayard, Hurley, Silver City, Columbus, and Virden* and the urbanized area of *Catron, Grant, Hidalgo, and Luna* in New Mexico.
Federal regulations require that an RTPO be designated to carry out a comprehensive, continuing and coordinated transportation planning process for urbanized areas with a population of 50,000 or more. The *The Southwest New Mexixo Council of Governments* is the fiscal and administrative agent for the *Southwest Regional Transportation Planning Organization.*

Title VI Nondiscrimination Statement of Policy

The *Southwest Regional Transportation Planning Organization (SWRTPO)* is committed to compliance with Title VI of the Civil Rights Act of 1964, 49 CFR, part 2, and all related regulations and directives. The *SWRTPO* assures that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any *SWRTPO* program, activity, or service.

Environmental Justice and Limited English Proficiency Policy Statement

The *Southwest Regional Transportation Planning Organization (SWRTPO)* is also committed to assure every effort will be made to prevent the discrimination of low-income and minority populations, as a result of any impact of its programs or activities in accordance with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and in Low-Income Populations.

In addition, the *SWRTPO* also assures every effort will be made to provide meaningful access to persons that have Limited English Proficiency (LEP), in accordance with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.

Definition of Federal financial assistance and recipients affected

Federal financial assistance is defined as any Federal dollars that are assigned to the _____ *Southwest Regional Planning Organization* (*SWRTPO*) to support any program and activity, by way of grant, loan or contract, other than a contract of insurance or guaranty. The *SWRTPO* typically receives planning funds from the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) to carry out the transportation planning requirements as set forth by the federal law Moving Ahead for Progress in the 21st Century (MAP-21).

II. Title VI Assurances

Specific Forms of Discrimination Prohibited

The *Southwest Regional Transportation Planning Organization (SWRTPO)* efforts to prevent discrimination must address, but are not limited to:

- The denial of services, financial aid, or other benefits provided under a program.
- Distinctions in the quality, quantity, or manner in which the benefit is provided.
- Segregation or separation in any part of the program.
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others.
- Different standards or requirements for participation.
- Methods of administration which directly or indirectly or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination.
- Discrimination in any activities related to a highway, infrastructure or facility built or repaired in whole or in part with Federal funds.
- Discrimination in any employment resulting from a program, the primary purpose of which is to provide employment.

Programs and services covered by Title VI

The *Southwest Regional Transportation Planning Organization* Title VI Plan applies to all of its programs, activities and services, regardless of funding source. Some sections deal with specific requirements (e.g. FTA funded programs).

Authorities

1. 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);
2. Federal-Aid Highway Act of 1973 (23 U.S.C. §324 *et seq.*), (prohibits discrimination on the basis of sex);
3. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
4. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*) as amended, (prohibits discrimination on the basis of disability);
5. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.),* (prohibits discrimination on the basis of disability)
6. The National Environmental Policy Act of 1969, 42 U.S.C. § 4321;
7. 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department of Transportation-Effectuation of Title VI Of The Civil Rights Act of 1964*);
8. 49 C.F.R. Part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
9. 49 C.F.R. Part 28 (entitled *Enforcement Of Nondiscrimination On the Basis Of Handicap In Program Or Activities Conducted By The Department Of Transportation*);
10. 49 C.F.R. Part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
11. 23 C.F.R. Part 200 (FHWA's Title VI/Nondiscrimination Regulation);
12. 28 C.F.R. Part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
13. 28 C.F.R. Part 50.3 (DOJ Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964)

FHWA Assurances for Title VI and Other Nondiscriminatory Statutes

The *Southwest Regional Transportation Planning Organization* (hereafter referred to as the "Recipient") in keeping with our policy of nondiscrimination, hereby agrees that as a condition to receiving Federal financial assistance from the Department of Transportation, it will

comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d - 42 U.S.C. 2000d-4 (hereinafter referred to as the Act) and all requirements imposed by or pursuant to: Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, nondiscrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to that end in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, national origin, or age 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 the Department of Transportation, including the Federal Transit Administration (FTA), and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7 (a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to operating assistance projects:

- That the Recipient agrees that each "program" or "facility", as defined in Subsections 21.23(b) and 21.23 (e) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations; and
- That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with the Federal Aid Highway Program, and in adapted form in all proposals for negotiated agreements;
- The *Southwest Regional Transportation Planning Organization* in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and 49, of the Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in regard to any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, national origin, income status or age in consideration for an award;
- The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the officials to whom he delegates specific authority to give reasonable guarantee that it, other recipients, sub grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this Assurance;
- The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this Assurance; and

- This Assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under Federal-Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal-Aid Highway Program. The person whose signature appears below is authorized to sign this Assurance on behalf of the Recipient.

3-5-14

Signed by Chief Administrative Officer or Designee **Date**

III. Title VI and Environment Justice – RTPO Planning Requirements

The *Southwest Regional Planning Organization* is responsible for ensuring Title VI compliance for the following planning activities:

Data Collection

Census and other statistical data will be collected by the RTPO as a means of identifying low income and minority populations within the RTPO. The data will be maintained for the purpose of planning projects and programs that serve various population groups. The data collection process will be reviewed regularly to ensure sufficiency in meeting Title VI requirements.

- RTPO Actions
  - Collect, maintain, and update databases of low income and minority concentrations within the RTPO
  - Utilize the data when developing plans and studies
  - Develop demographic profile maps to help identify neighborhoods with high concentrations of low income and minority populations
  - Use these maps in various planning documents

Regional Work Program

The *Southwest Regional Transportation Planning Organization (SWRTPO)* Regional Work Program (RWP) is the annual list of projects and activities that are expected to be completed by staff and the two *SWRTPO* committees. In this document, the *SWRTPO* will identify projects, studies, and other activities that will provide more transportation options to disadvantaged populations.

- RTPO Actions
  - Identify planning activities that will encourage involvement by all populations
  - Analyze the benefits and impacts that planning studies might have on low income and minority populations
  - Create maps highlighting socio-economic groups and their geographical relationship to jobs, housing, and transportation options for all modes

Transportation Improvement Program

The Transportation Improvement Program (TIP) is the short term program of projects that are expected to be designed, engineered, and constructed within the next four years. Projects should be reviewed to assess the benefits and impacts they might have on various aspects of the population.

- RTPO Actions
  - Work with the entities to identify transportation projects that serve areas of the RTPO with low income and minority populations
  - Provide opportunity for all populations to provide input into project identification
  - Develop a performance target for a percent of projects that serve Title VI populations

Metropolitan Transportation Plan

The Metropolitan Transportation Plan (MTP) is the long range, comprehensive plan that identifies the projects, programs, and policies needed in the next 20 years to meet the transportation needs of this area. Using various data collected by the RTPO, the MTP can estimate growth patterns of disadvantaged populations and address the benefits and burdens that future transportation projects might have.

- RTPO Actions

- Develop demographic profile maps that project growth in disadvantaged populations over at least a 20 year planning horizon
- Give all populations opportunity to provide input into project identification
- Assess the effects that future land use decisions and transportation projects might have on the neighborhoods, the environment, and the economy
- Ensure that the benefits and impacts of future transportation systems are equally distributed among all areas of the RTPO
- Develop a performance target for a percent of projects that serve Title VI populations

Transit Planning

Corre Cominos serves Grant, Hidalgo, and Luna counties

- RTPO Actions
  - Using demographic profile maps, ensure that transit routes and stops fully serve those neighborhoods with high concentrations of low income and minority populations.
  - Work with *Corre Caminos* to identify necessary changes to routes
  - Ensure bus stop locations are fully accessible for all users, both at the site and in the vicinity

IV. Title VI and Environmental Justice – the Public Participation Process

Public Participation Plan (PPP)

The *Southwest Regional Transportation Planning Organization (SWRTPO)* Public Participation Plan (PPP) describes how the RTPO communicates and distributes information to the public as well as how the public can interact and provide comments to the RTPO. The needs of those traditionally underserved by the existing system will be sought and considered by *SWRTPO.*

Through its public involvement efforts, the *Southwest Regional Transportation Planning Organization* will strive to achieve the following Title VI and Environmental Justice (EJ) goals:

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

Title VI states that no person shall, on the ground of race, color, or national origin, be excluded from participation in, denied benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. The RTPO will ensure that the input and feedback from all people will be considered in the development of RTPO planning documents and activities.

EJ concerns and goals should be considered throughout all public engagement efforts, from project planning through construction and operation. This includes public outreach conducted during transportation planning and during the environmental reviews required by the National Environmental Policy Act (NEPA).

The following actions relating to Environmental Justice and Title VI are meant to reduce the barriers for participation in the decision-making process by low income, minority or disabled individuals.

1. When possible, public meetings will be held in locations that are convenient to low and moderate income neighborhoods and accessible to disabled populations. Such locations include community centers, senior centers and schools. Where possible, RTPO staff will meet at the locations of businesses, neighborhood groups, stakeholders, and other agencies.
2. Upon request, all RTPO work products and documents will be made available in alternative formats, including Braille, large type and languages other than English.
3. The following statement will be included in all RTPO documents: The *Southwest Regional Transportation Planning Organization* does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the provision of services. This document can be made available in alternative formats by calling the RTPO Office at 599-1466 (voice) or 599- 1168 (TTY).
4. The following statement will be included in all meeting announcements:

   Pursuant to the Americans with Disabilities Act of1990, unless compelling reasons dictate otherwise, public meetings and hearings conducted by the SWRTPO in

conjunction with NMDOT will be held in accessible buildings. Given reasonable notice, interpreters and readers will be available. Contact ADA Coordinator (name) at the New Mexico Department of Transportation (505) 827-1777 by 5:00 p.m. (date-7days prior to meeting) to state specific needs.

5. Agencies and organizations that represent low income, minority and disabled populations will be identified and included in RTPO mailings. Staff will maintain an active listing of contacts for these organizations.
6. The RTPO will evaluate Environmental Justice actions and Title VI requirements on an annual basis to ensure effectiveness of public involvement. This document will be reviewed and updated in conjunction with the Public Participation Plan.

Communication and Notification to the Public

All members of the public are ensured protections against discrimination which are afforded to them by Title VI. To ensure open communication with the public, the *Southwest Regional Transportation Planning Organization (SWRTPO)* will adhere to the following requirements:

- The *SWRTPO* will disseminate agenda and public meeting information to members of the public via accessible printed and electronic media, including postings on the SWRTPO website and in the *Silver City Daily Press, Deming Headlight, and Hidalgo Herald*. Documents and agendas will be available at the RTPO office (Insert organization address) and at other locations identified in the Public Participation Plan (see Appendix D of the PPP).
- Public notices of RTPO meetings will be posted at the location of the meeting site.
- In appropriate documents, the *SWRTPO* will include a statement that the organization complies with Title VI by assuring that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity under any *Southwest Regional Transportation Planning Organization* program, activity, or service.

Section VI of this plan describes the procedures on how members of the public can request additional information regarding the *Southwest Regional Transportation Planning Organization* Title VI obligation. This section also identifies the procedures to be followed by members of the public to file a discrimination complaint against the *Southwest Regional Transportation Planning Organization*.

V. Organization and Staff Responsibilities

Organization Overview

The Southwest Regional Transportation Planning Organization (SWRTPO) serves the local governments in Catron, Grant, Hidalgo and Luna Counties. The organization is part of the Southwest New Mexico Council of Governments (SWNMCOG). The SWNMCOG Board is the policy committee for the SWRTPO. The SWNMCOG Director oversees the SWRTPO and the SWNMCOG Transportation Planner assists the SWRTPO Technical Advisory Committee). The SWNMCOG is the fiscal agent.

VI. Title VI Coordinator and Complaint Process

Title VI Coordinator Responsibilities

The SWRTPO Transportation Planner is the Title VI Coordinator and will comply with the following responsibilities.

RTPO staff and the Title VI Coordinator will be responsible for the following:

- Ensuring that the transportation planning process fully complies with the requirements of Title VI.
- Monitoring the transportation planning process and overall strategies and goals and ensuring compliance with Title VI requirements.
- Reviewing operational policies and procedures to ensure Title VI compliance.
- Monitoring the service equities of planning data collection and analysis for potential impacts on social, economic, and/or ethnic groups.
- Ensuring the planning organizational membership attempts to reflect the makeup of the population served. This would include periodically reporting the RTPO racial, ethnic, and gender composition of public involvement organizations or groups.
- Ensuring the opinions and views of all groups within their populations are solicited and considered in the planning of transportation projects.
- Monitoring compliance with Environmental Justice issues to identify low-income and minority populations that may be impacted by transportation planning process.
- Providing evidence that input from minority groups/persons has been considered in the transportation planning process. Evidence could include but is not limited to the participation level and composition of participants in public information settings and reporting any follow-up and conclusions to issues communicated throughout the planning process.

- Monitoring the gathering and utilization of demographic data used to identify and locate low-income and minority populations in order to investigate the possible benefits and detriments of transportation plans on these populations.
- Monitor compliance with Limited English Proficiency populations to improve access and comprehension of the transportation planning process for individuals comprising the LEP population.

Title VI Complaint Procedures

The *Southwest Regional Transportation Planning Organization* is committed to ensuring that all citizens have equal access to all transportation services. It is further the intent of the *Southwest Regional Transportation Planning Organization* that all citizens are aware of their rights to such access. Any person believing he or she has been excluded from, denied participation in, denied the benefits of, or otherwise has been subjected to discrimination under any transportation service, program or activity (whether Federally funded or not) due to that person's race, color, national origin, gender, age, disability, economic status, or limited English proficiency has the right to file a complaint.

The complaint procedures cover the following:

- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- Civil Rights Restoration Act of 1973
- Civil Rights Restoration Act of 1987
- Americans with Disabilities Act of 1990
- Executive Order 12898
- Executive Order 13166

Reporting a Title VI Complaint

An individual, group of individuals or entity may file a formal Title VI complaint. If you believe that you have received discriminatory treatment by the *Southwest Regional Transportation Planning Organization* on the basis of your race, color or national origin, you have the right to file a complaint with the Transportation Planner The complaint must be filed no later than 180 calendar days of the alleged discriminatory incident.

The SWRTPO method for receiving Title VI complaints.

Cerisse D. Grijalva

Transportation Planner

P.O. Box 2157

Silver City, NM 88062

(An alternate method for filing a Title VI complaint)
Verbal communication at: 575-388-1509

You also have the right to file a complaint with an external entity such as the New Mexico Department of Transportation (DOT), a federal or state agency, or a federal or state court. For complaints submitted to NMDOT, they must be submitted to the NMDOT Title VI Coordinator in writing, signed and dated, within 180 days of the alleged discriminatory act (or latest occurrence). The complaint should be submitted to the following address:

Attn: Title VI Coordinator

Office of Equal Opportunity Programs

1596 Pacheco St.

Suite 107

Santa Fe, NM 87505

The complaint you are submitting to the entity should include the name, address, phone number, and signature of complainant. The formal complaint should describe the alleged discriminatory act that violates Title VI in detail.

Title VI complaints may also be filed directly with the United States Department of Transportation (USDOT), Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Federal Aviation Administration (FAA) or the Federal Railroad Administration (FRA) within the 180 day period of the alleged discriminatory act (or latest occurrence).

Should a complaint be filed with the *SWRTPO, the SWNCOG fiscal agent's Human Resources Department located at 1203 N. Hudson St. Silver City, NM 88061* and an external entity simultaneously, the external complaint shall supersede the *Southwest Regional Transportation Planning Organization* complaint and the *Southwest Regional Transportation Planning Organization* complaint procedures will be suspended pending the external entity's findings.

Filing a Title VI Complaint

Within 10 working days of receipt of the formal complaint, the Human Resources Director will notify the complainant and begin an investigation (unless the complaint is filed with an external entity first or simultaneously). The investigation will address complaints against the *Southwest Regional Transportation Planning Organization*. The investigation will be conducted in conjunction with and under the advice of the *SWNMCOG Human Resources Department*.

The investigation may include discussion(s) of the complaint with all affected parties to determine the problem. The complainant may be represented by an attorney or other representative of his/her own choosing and may bring witnesses and present testimony and evidence in the course of the investigation. The investigation will be conducted and completed within 60 days of the receipt of the formal complaint.

Based upon all the information received, an investigation report will be written by the Human Resources Director for submittal to the City Manager. The complainant will receive a letter stating the final decision of the City Manager by the end of the 60-day time limit. The complainant shall be notified of his/her right to appeal the decision. Appeals may be made to NMDOT, the Equal Employment Opportunity Commission (EEOC) or the Department of Fair Employment and Housing (DFEH).

Title VI Complaint Form

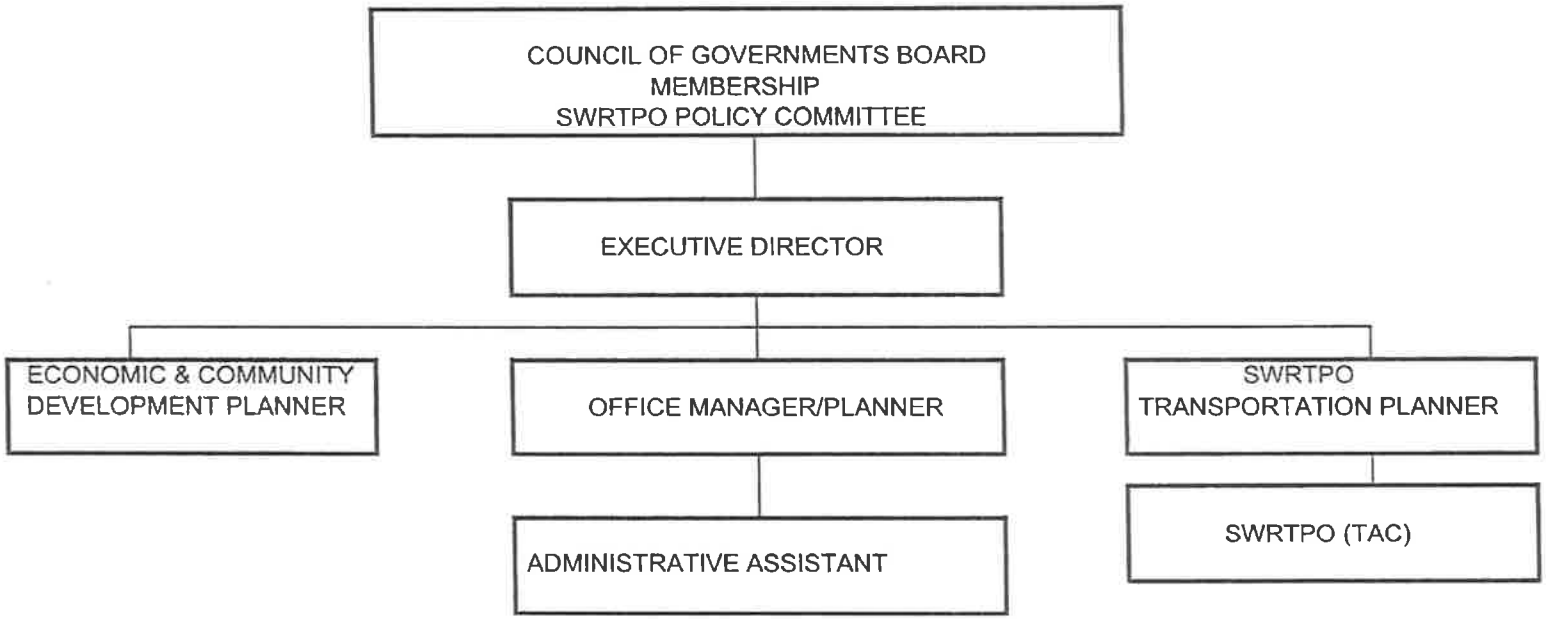
Completion of a Title VI Complaint form is required when filing a complaint. Please see Appendix B for a copy of the form. These forms are also available from the *(insert locations and methods for retrieving Title VI Complaint Form)*.The Title VI Complaint Form is available at: SWNMCOG Office, 1203 N. Hudson St. Silver City, NM or by calling 575 388-1509

Title VI Related Training

The Title VI Coordinator shall ensure that staff is trained and familiar with related policies and procedures. Related Title VI training will be provided by the Title VI Coordinator to senior management and others to discuss practical situations and how Title VI applies to the planning and public participation processes. Training may also be provided through FHWA-sponsored webinars and training resources. The NMDOT Office of Equal Opportunities can be contacted to provide on-site Title VI training.

Appendix A

PLANNING DISTRICT
Southwest New Mexico Council of Governments



Appendix B – Title VI Complaint Form

Title VI of the 1964 Civil Rights Act requires that "No person in the United States shall on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Note: The following information is necessary to assist us in processing your complaint. Should you require any assistance in completing this form, please let us know.

Complete and return this form to the *(Insert Name of Organization, Name of Contact, and address where Complaint Forms are filed.)*

Complainant's Name	
Address	
City, State and Zip Code	
Telephone Number (home & business)	

Person discriminated against (if someone other than the complainant)

Name	
Address	
City, State and Zip Code	

Which of the following best describes the reason you believe the discrimination took place?

Race/Color	
National Origin	

Age	
Sex	
Other: (please describe)	

What date did the alleged discrimination take place?

In your own words, describe the alleged discrimination. Explain what happened and whom you believe was responsible. Please use the back of this form if additional space is required.

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

Yes	

No	

If so, which agency (check all that apply)

Federal agency		Federal Court	
State Agency		State Court	
Local Agency			

Please provide information about a contact person at the agency/court where the complaint was filed.

Name	
Address	
City, State and Zip Code	
Telephone Number	

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

Complainant's Signature	Date