

**ALBANY AREA METROPOLITAN PLANNING ORGANIZATION
TITLE VI / NON-DISCRIMINATION PLAN**

Adopted by the AAMPO Policy Board on August 27, 2014

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Development of this document was made possible with funding from the Federal Highway Administration, the Federal Transit Administration, and the Oregon Department of Transportation as well as the support and involvement of AAMPO jurisdictions and stakeholders.

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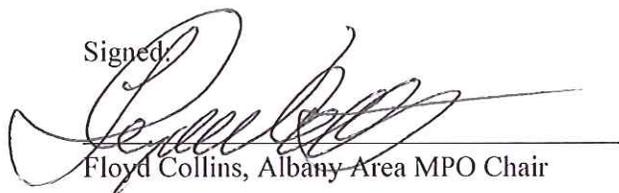
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Certificate of Assurance

The Albany Area Metropolitan Planning Organization (AAMPO) hereby certifies that, as a condition of receiving federal financial assistance, it will ensure that:

1. No person shall on the ground of race, color, national origin, sex, age, disability or income status be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity that is fully or partially covered by federal financial assistance;
2. Efforts will be made to facilitate the participation of persons with Limited English Proficiency (LEP) in transportation planning activities sponsored by the Albany Area Metropolitan Planning Organization;
3. Will submit to the Oregon Department of Transportation (ODOT) an annual certification of compliance with the requirements of Title VI, per the requirements of 49 CFR Part 21 and 23 CFR 200.

Signed:


Floyd Collins, Albany Area MPO Chair

8/27/14'
Date

Introduction and Federal Regulations

Introduction

The Albany Area Metropolitan Planning Organization (AAMPO) was designated by the Oregon Governor on February 6th, 2013 as the metropolitan planning organization (MPO) for the Albany Urbanized Area. Federal regulations require that MPOs be formed for all Urbanized Areas with a population of 50,000 or more; the 2010 U.S. Census showed that Albany Urbanized Area passed this threshold to reach a population of 56,997.

AAMPO includes the cities of Albany, Jefferson, Millersburg, and Tangent as well Linn County, Benton County and the Oregon Department of Transportation. Elected officials from each of these jurisdictions compose the governing body of the MPO, except for ODOT which is represented by regional planning staff. A Technical Advisory Committee (TAC) composed of staff from each member jurisdiction serves as advisory to MPO's governing body. Staffing is provided by the Oregon Cascades West Council of Governments (OCWCOG), including fiscal and administrative support.

In accordance with federal regulations, the functions and responsibilities of AAMPO include development of: an annual Unified Planning Work Program (UPWP), an annual list of obligated projects, a bi-annual 4-year Transportation Improvement Program (TIP) and a long-range Regional Transportation Plan (RTP). AAMPO must also demonstrate compliance with Title VI and other Non-discrimination requirements and facilitate an effective Public Involvement Plan. This Title VI / Non-discrimination Plan reflects AAMPO's commitment to ensuring that no person shall – on the grounds of race, color, national origin, sex, age, disability or income status - be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity conducted by the MPO.

Title VI and Related Legislation

Title VI of the Civil Rights Act of 1964, as amended, (42 USC 2000d to 2000-4) (23 CFR Part 200 and 49 CFR Part 21): states 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 subjected to discrimination under any program or activity receiving Federal financial assistance.”

The following is listing of additional legal regulations, statutes or orders that, along with Title VI, establish an MPO's legal requirements for non-discrimination:

The Civil Rights Restoration Act of 1987, (Pub. L. No. 100-259): Broadens the scope of Title VI by expanding the definitions of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors.

Federal Aid Highway Act of 1973, (23 USC 324): Stipulates that no person on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

Age Discrimination Act of 1975, (42 USC 6101): Provides that no person in the United States shall, on

the basis age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

Americans With Disabilities Act of 1990, (Pub. L. No. 101-336): Provides that no qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a state or a local government.

Section 504 of the Rehabilitation Act of 1973: Provides that no qualified handicapped person, shall, solely by reason of his/her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

Environmental Justice - Executive Order 12898: Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, states 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."

There are three fundamental environmental justice principles summarized from Executive Order 12898 and related USDOT and FHWA orders:

1. Avoid, minimize or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
2. Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
3. Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and/or low-income populations.

Limited English Proficiency - Executive Order 13166: Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, prohibits recipients of Federal financial assistance from discriminating based on national origin by failing to provide meaningful access to services to individuals who are Limited English Proficiency (LEP). This protection requires that LEP persons be provided an equal opportunity to benefit from or have access to services that are normally provided in English. According to FHWA, a limited English proficient person is an individual who does not speak English as their primary language and who has a limited ability to read, write, speak, or understand English.

Additional Authorities and Citations: 20 CFR 50.3; 28 CFR Part 42; FTA Circular 4702.1

AAMPO Area Demographic Profile

The AAMPO Planning Area includes the cities of Albany, Jefferson, Millersburg, and Tangent as well as adjacent parts of Marion, Linn and Benton Counties. It is important to understand the demographic profile of this collective area in order to ensure that all persons have an equal opportunity to benefit from or have access to the activities of the MPO and to avoid any disproportionate impacts from those activities. The following demographic profile utilizes 2008-2012 American Community Survey (ACS) data for the Albany Urbanized to identify the general demographic characteristics of the AAMPO area.

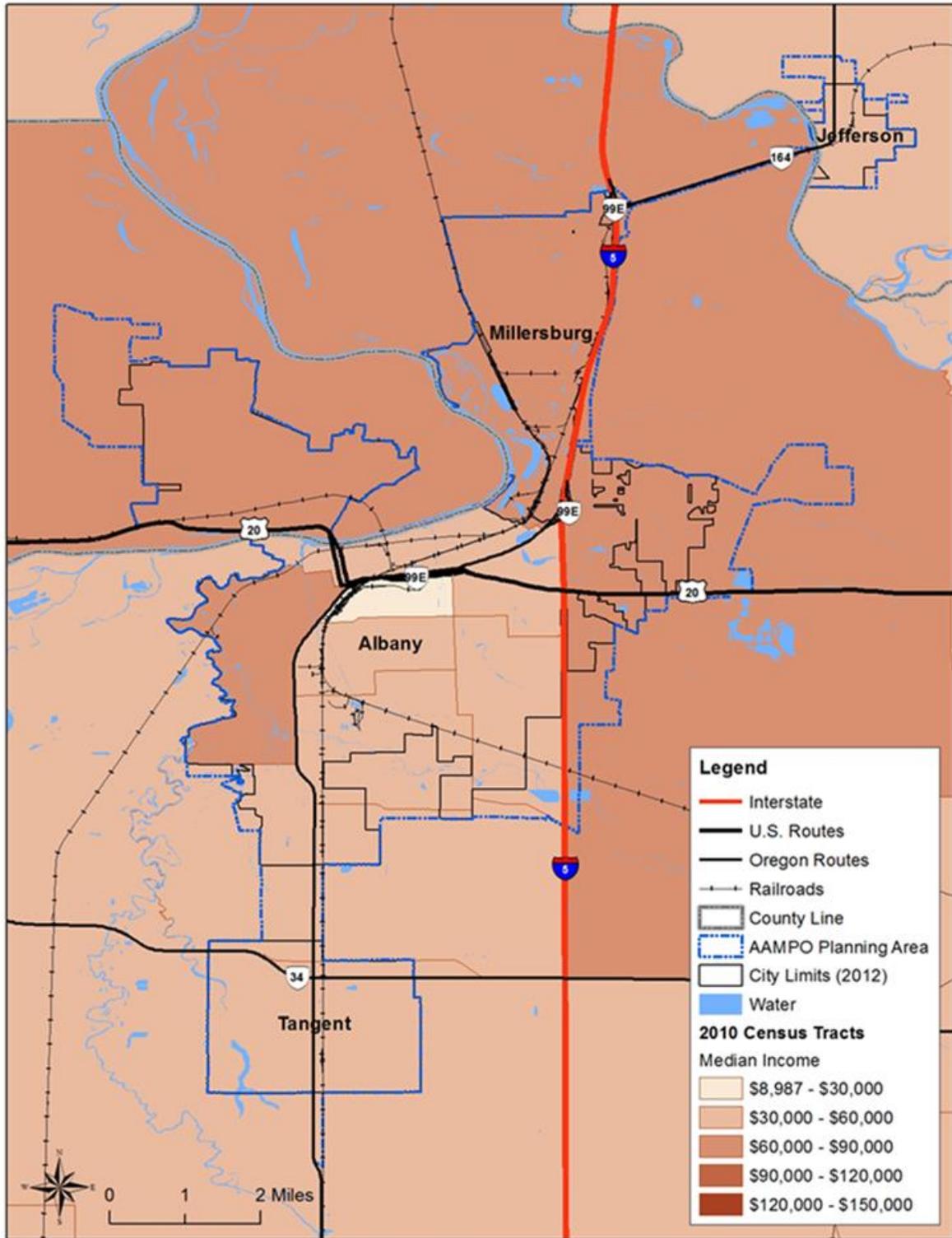
Income: Approximately 18% of individuals and 13.7% of families have an income below the poverty level. More specifically, an estimated 40.2% of families with a female householder and no husband present have an income below the poverty level.

Table 1: Percentage of Families and People Below the Poverty Level

	Percent
All families	13.7%
With related children under 18 years	22.4%
With related children under 5 years only	39.0%
Married couple families	6.6%
With related children under 18 years	13.5%
With related children under 5 years only	26.9%
Families with female householder, no husband present	40.2%
With related children under 18 years	44.8%
With related children under 5 years only	66.2%
All people	18.0%
Under 18 years	27.1%
Related children under 18 years	26.3%
Related children under 5 years	37.4%
Related children 5 to 17 years	21.5%
18 years and over	14.8%
18 to 64 years	16.4%
65 years and over	6.8%
People in families	15.7%
Unrelated individuals 15 years and over	27.4%

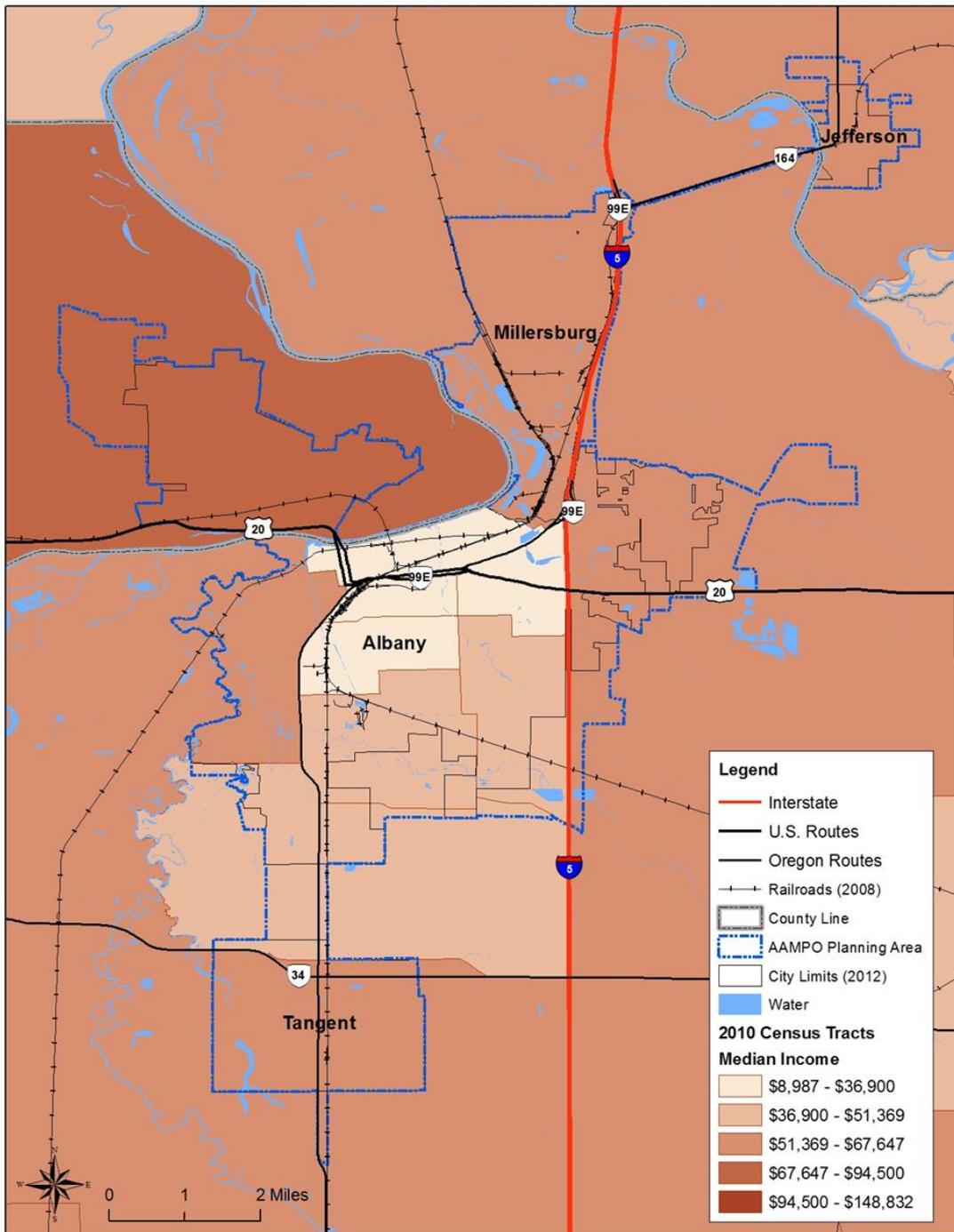
2008-2012 American Community Survey 5-Year Estimates, DP03. Describes poverty during a 12 month period.

Map 1: Median Income in the AAMPO Area by Census Tract



2008-2012 American Community Survey 5-Year Estimates

Map 2: Poverty Level in the AAMPO Area by Census Tract



Race and Ethnicity: Approximately 90% of residents of the Albany Urbanized Area are white, 3.3% are American Indian or Alaska Native and 2.4% are Asian. Residents of Hispanic or Latino descent (of any race) made up 11.7% of the population. The latest U.S. Census considered race and ethnicity as separate and distinct identities, with Hispanic or Latino origin asked as a separate question.

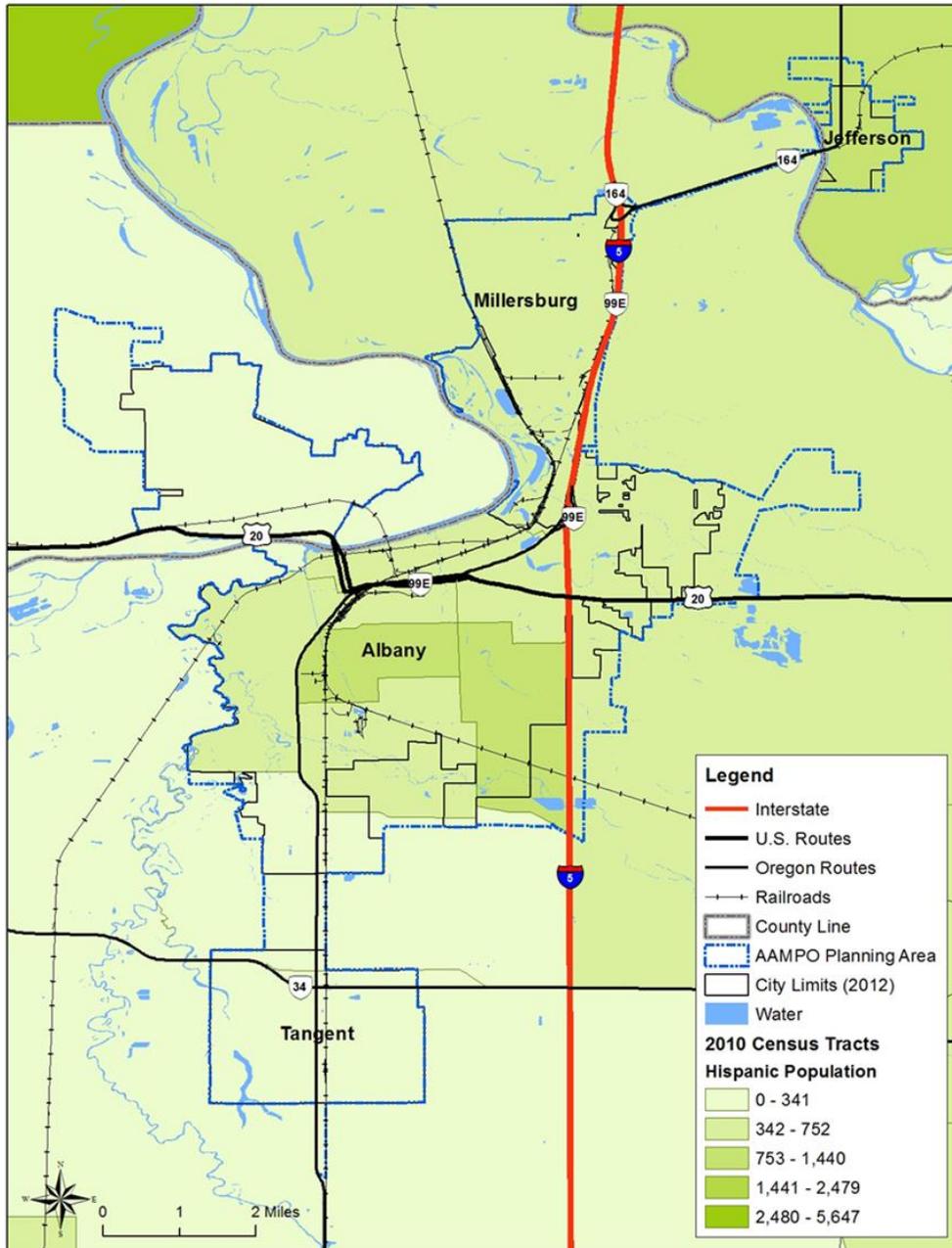
Table 2: Race of Residents in the Albany Urbanized Area

Race	Estimate	Percent
Total population	57,102	
One race	55,312	96.9%
White	49,920	87.4%
Black or African American	323	0.6%
American Indian and Alaska Native	1,225	2.1%
Cherokee tribal grouping	422	0.7%
Chippewa tribal grouping	35	0.1%
Navajo tribal grouping	13	0.0%
Sioux tribal grouping	39	0.1%
Asian	892	1.6%
Asian Indian	132	0.2%
Chinese	212	0.4%
Filipino	181	0.3%
Japanese	92	0.2%
Korean	68	0.1%
Vietnamese	30	0.1%
Other Asian	177	0.3%
Native Hawaiian and Other Pacific Islander	231	0.4%
Native Hawaiian	0	0.0%
Guamanian or Chamorro	9	0.0%
Samoan	0	0.0%
Other Pacific Islander	222	0.4%
Some other race	2,721	4.8%
Two or more races	1,790	3.1%
White and Black or African American	333	0.6%
White and American Indian and Alaska Native	618	1.1%
White and Asian	444	0.8%
Black or African American and American Indian and Alaska Native	0	0.0%
Race alone or in combination with one or more other races		
Total population	57,102	
White	51,689	90.5%
Black or African American	716	1.3%
American Indian and Alaska Native	1,892	3.3%
Asian	1,377	2.4%
Native Hawaiian and Other Pacific Islander	303	0.5%
Some other race	2,990	5.2%
Hispanic or Latino Race		
Total population	57,102	
Hispanic or Latino (of any race)	6,663	11.7%
Mexican	5,910	10.3%
Puerto Rican	102	0.2%
Cuban	61	0.1%
Other Hispanic or Latino	590	1.0%
Not Hispanic or Latino	50,439	88.3%
White alone	46,605	81.6%

Black or African American alone	262	0.5%
American Indian and Alaska Native alone	882	1.5%
Asian alone	864	1.5%
Native Hawaiian and Other Pacific Islander alone	231	0.4%
Some other race alone	117	0.2%
Two or more races	1,478	2.6%
Two races including Some other race	61	0.1%

2008-2012 American Community Survey 5-Year Estimates, DP05

Map 3: of Hispanic and Latino Population in the AAMPO Area by Census Tract



2008-2012 American Community Survey 5-Year Estimates

National Origin: An estimated 93% of residents of the Albany Urbanized Area were born in the United States and 6.9% are foreign-born. According to the data, most foreign-born residents were born in Latin American, followed by Asia and Europe. Of those born in the United States, German is the most common ethnic background, followed by English and Irish.

Table 3: National Origin of Albany Urbanized Area Residents

Subject	Estimate	Percent
Place of Birth		
Total population	57,102	
Native	53,151	93.1%
Born in United States	52,738	92.4%
State of residence	30,489	53.4%
Different state	22,249	39.0%
Born in Puerto Rico, U.S. Island areas, or born abroad to American parent(s)	413	0.7%
Foreign born	3,951	6.9%
World Region of Birth of Foreign-Born		
Foreign-born population, excluding population born at sea	3,951	
Europe	261	6.6%
Asia	629	15.9%
Africa	25	0.6%
Oceania	83	2.1%
Latin America	2,708	68.5%
Northern America	245	6.2%
Ancestry		
Total population	57,102	
American	3,140	5.5%
Arab	34	0.1%
Czech	319	0.6%
Danish	474	0.8%
Dutch	1,263	2.2%
English	8,432	14.8%
French (except Basque)	1,608	2.8%
French Canadian	389	0.7%
German	11,526	20.2%
Greek	167	0.3%
Hungarian	129	0.2%
Irish	6,562	11.5%
Italian	1,206	2.1%
Lithuanian	115	0.2%
Norwegian	2,325	4.1%
Polish	1,022	1.8%
Portuguese	154	0.3%
Russian	520	0.9%
Scotch-Irish	526	0.9%
Scottish	1,155	2.0%
Slovak	43	0.1%
Sub-Saharan African	56	0.1%
Swedish	1,850	3.2%

Swiss	461	0.8%
Ukrainian	56	0.1%
Welsh	522	0.9%
West Indian (excluding Hispanic origin groups)	103	0.2%

2008-2012 American Community Survey 5-Year Estimates, B06007

Age: The population in the Albany Urbanized Area is estimated to be 48% male and 52% female. The median age is 35, just two years short of the national median age of 37. The largest age group is 25-34 years old, which indicates a slightly younger population than the nation as a whole. The 45-54 year old age group is the largest nationwide.

Table 4: Age of Residents in the United States Compared to the Albany Urbanized Area

Sex and Age	United States - Percent of total population	Albany Urbanized Area – Percent of Total Population
Total population	309,138,711	57,102
Male	49.2%	47.9%
Female	50.8%	52.1%
Under 5 years	6.5%	7.7%
5 to 9 years	6.6%	7.5%
10 to 14 years	6.7%	6.9%
15 to 19 years	7.1%	6.8%
20 to 24 years	7.0%	6.4%
25 to 34 years	13.3%	14.7%
35 to 44 years	13.3%	12.8%
45 to 54 years	14.4%	12.7%
55 to 59 years	6.4%	6.3%
60 to 64 years	5.5%	5.3%
65 to 74 years	7.1%	7.3%
75 to 84 years	4.3%	3.9%
85 years and over	1.8%	1.7%

2008-2012 American Community Survey 5-Year Estimates, DP05

Persons with Disabilities: An estimated 14.3% of residents of the Albany Urbanized Area have a disability. Of those 65 and over, 39.5% live with a disability.

Table 5: Disability Status within the Albany Urbanized Area

Disability Status	Estimate	Total or Percent
Total Civilian Non-institutionalized Population	56,463	
With a disability	8,079	14.3%
Under 18 years	15,019	15,019
With a disability	846	5.6%
18 to 64 years	34,241	34,241
With a disability	4,386	12.8%
65 years and over	7,203	7,203
With a disability	2,847	39.5%

2008-2012 American Community Survey 5-Year Estimates

AAMPO Title VI / Non-Discrimination Program

In accordance with Title VI of the Civil Rights Act of 1964, this Title VI / Non-Discrimination Plan reflects AAMPO's commitment to ensuring that no person shall - on the ground of race, color, national origin, age, or disability - be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any of the MPO's programs or activities. To ensure this, AAMPO will complete the following actions:

1. Adopt a policy statement

AAMPO will release a signed policy statement or certificate of assurance attesting to the MPO's compliance with the Title VI of the Civil Rights Act of 1964.

2. Designate a Title VI Coordinator

AAMPO is staffed by the Oregon Cascades West Council of Governments (OCWCOG), and the OCWCOG Executive Director is ultimately responsible for implementation of the Title VI Program. The current AAMPO Coordinator shall serve as the Title VI Coordinator and shall be responsible for initiating and monitoring Title VI activities, preparing reports and completing other responsibilities as required. The AAMPO Coordinator will work with the OCWCOG Community and Economic Development (CED) Director and OCWCOG Executive Director to implement the Title VI Plan.

AAMPO Coordinator: Theresa Conley
tconley@ocwcog.org / (541) 924-4548

CED Director: Charlie Mitchell
cmitchell@ocwcog.org / (541) 924-8458

OCWCOG Executive Director: Fred Abousleman
fabousle@ocwcog.org / (541) 924-8465

3. Comply with the USDOT Standard Assurances

The USDOT Standard Assurances outline the fundamental requirements of the MPO in order to comply with the Title VI of the Civil Rights Act of 1964 and subsequent federal nondiscrimination directives. Attachment 1 shows these Standard Assurances and clauses of which must be included in contracts or agreements entered into by the MPO. In addition, all federal-aid construction contracts must physically incorporate form FHWA-1273.

4. Maintain and implement a Public Participation Plan

The Public Participation Plan (PPP) outlines actions to encourage the inclusion of the general public, including minorities and those of Limited English Proficiency (LEP) in AAMPO planning, programming and decision-making processes. The PPP is designed to:

- Encourage citizen participation
- Reach out to all jurisdictions within the MPO area to encourage participation
- Specifically encourage involvement of stakeholders and disadvantaged communities
- Address physical accessibility, language barriers and other accommodations to ensure participation by Title VI protected groups and individuals

5. Demonstrate consideration of Limited English Proficiency

As a recipient of federal funds, AAMPO must take reasonable steps to ensure meaningful access to its planning and programming activities. To ensure that individuals with Limited English Proficiency can access and participate in MPO planning, programming and decision-making processes, AAMPO developed a Language Assistance Plan as shown in Attachment 2.

This plan includes a four-factor analysis identifying the following reasonable steps to ensure access:

- Keep on file a list of OCWCOG staff members who speak languages other than English. These individuals may be called upon to assist in working with community members who have limited English proficiency.
- Utilize professional translation and interpretation services.
- Place notices and announcements in appropriate community media, in applicable language(s) when issues or actions may affect areas or neighborhoods with significant LEP populations.
- Include Title VI / Nondiscrimination Statements (Attachment 4) on the AAMPO website as well as in the MPO's Regional Transportation Plan (RTP), Transportation Improvement Program (TIP), Unified Planning Work Program (UPWP), Public Participation Plan (PPP) and other planning and programming documents.
- Include on all meeting agendas a statement regarding accessibility of AAMPO meeting locations. The statement will also provide a number to call at least 48 hours prior to the meeting if special accommodations are needed to participate, such as interpretation and translation services. If interpretation or translation services are needed, OCWCOG staff will first be asked to provide the requested services. If OCWCOG staff are unavailable or unable to provide the requested services, a translation service company will be contacted.
- Consider requests for language assistance from past meetings and events to anticipate the possible need for assistance at upcoming meetings.

6. Demonstrate consideration of Environmental Justice

AAMPO shall ensure that MPO activities and MPO-funded projects will avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority and low-income groups and individuals.

7. Gather and maintain statistical data

AAMPO collects data to identify populations in the MPO area who may speak languages other than English at home and those who speak English less than well or not at all and would be classified as Limited English Proficient or "LEP". This data is collected to identify populations in the MPO area

who may speak languages other than English at home. Those who speak English less than well or not at all will be classified as Limited English Proficient or “LEP”. This data is also used to help identify any potential impacts and benefits of proposed projects on minority and low-income neighborhoods and to inform the development and implementation of the PPP, the four-factor analysis for LEP outreach activities, and other outreach strategies.

Data will be gathered from the decennial U.S. Census and American Community Survey. Data may also be gathered from school districts, religious and/or community organizations and other state and local government agencies. Data will be represented in tables, charts and GIS maps and made available on the MPO website. Additionally, AAMPO may utilize a voluntary public involvement survey at public meetings to gauge participation by protected population and those of Limited English Proficiency. A sample voluntary public involvement survey is shown as Attachment 3.

Additionally, in order to measure the effectiveness of its outreach, AAMPO shall gather and maintain statistical data on race, ethnicity and sex of participants in, and beneficiaries of, federally funded programs. For example, at public meetings, AAMPO may include on its sign-in sheets optional check boxes to for meeting attendees to identify their sex, race or ethnicity.

8. Provide Title VI notice to the public

A Title VI / Nondiscrimination Statement, an example of which is shown as Attachment 4, will be posted on the AAMPO website as well as the MPO’s Regional Transportation Plan, Transportation Improvement Program, and other planning and programming documents as applicable. All agendas for MPO meetings will also include a statement regarding ADA accessibility of meeting locations and a number to call for special accommodations, including interpretation and translation services.

9. Establish a public complaint process

The Albany Area MPO will make every effort to obtain early resolution of complaints at the lowest level possible, and accepts both formal and informal complaints regarding its compliance with Title VI and related regulations. Informal complaints are those which have not been made in writing and not through the formal complaint process described below and in Attachment 5. Informal complaints may be addressed and resolved directly by the MPO even if the MPO is identified in the incident.

AAMPO will also institute and publish a formal public complaint and investigation process as outlined in Attachment 5. Members of the public may file a signed, written complaint up to ninety (90) days from the date of alleged discrimination. Complaints may be filed through any of the methods listed below. Information about the complaint process, including the complaint form will be available on the AAMPO website. Significant Title VI issues shall be reported directed to the CED Director. A sample Title VI Complaint Form can be found in Attachment 6.

Complaints may be submitted:

By Mail: Albany Area MPO Coordinator
Oregon Cascades West Council of Governments

1400 Queen Ave SE, Suite 205
Albany, OR 97322

By Email: tconley@ocwcog.org
By Phone: 541-924-4548
By Facsimile: 541-967-4651

10. Maintain a record of Title VI complaints

The Title VI Coordinator will maintain a log of all complaints, including any complaints or concerns raised to the MPO outside of the formal written complaint process. The log shall also include up-to-date information regarding any investigations or lawsuits. The log will be maintained at the Albany Area MPO administrative offices: 1400 Queen Ave SE, Suite 205, Albany, OR 97322. Records and investigative working files will be retained for four years internally.

11. Complete employee trainings

Albany Area MPO staff shall attend applicable USDOT or Oregon Department of Transportation (ODOT) Title VI trainings when available.

12. Reporting and Compliance

The Albany Area MPO shall complete the following required Title VI reports:

- a. An *Annual Title VI Work Plan* will be included in the annual Unified Planning Work Program. This work plan will outline Title VI monitoring and review activities planned for the coming year and will provide a target completion date for each activity.
- b. An *Annual Accomplishment Report* describing major Title VI activities. This report will include Title VI compliance activities occurring during the preceding State of Oregon fiscal year. The report will provide an overall review of the efficacy of the MPO's Title VI / Non-discrimination procedures, with specific information describing:
 - Summary of any approved changes to the Title VI Plan during the reporting period. If changes occurred, a signed copy of the revised document shall be included.
 - A description of the Title VI reporting structure, including the Title VI Coordinator, MPO Manager and any support staff. This may include a listing of race, ethnicity, gender for each staff person.
 - List any Title VI complaints received during the reporting period, including the basis for the complaint (ethnicity, gender, etc.) and summarize the outcome or resolution.
 - A summary of the MPO's planning ,programming activities and a listing of Title VI activities occurring during those activities
 - A summary of any consulting contracts and Title VI activities that occurring during the RFP process and implementation of the contract. This includes efforts made to utilize DBE consultants.
 - A listing of Title VI / Non-discrimination trainings which MPO staff participated in

The Report shall be submitted to the ODOT Office of Civil Rights, Title VI Team for inclusion in ODOT's Annual Report to FHWA. A copy should also be provided to ODOT Region Planning staff upon their request.

- c. *Annual Title VI Certifications and Assurances*, for submission with the annual Unified Planning Work Program.

Attachment 1: USDOT Standard Assurances and Appendices

The United States Department of Transportation (US DOT) Standard Title VI/Nondiscrimination Assurances, DOT Order No.: 1050.2A

The Albany Area Metropolitan Planning Organization (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability);
- 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*);
- 49 C.F.R. Part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. Part 28 (entitled *Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation*);
- 49 C.F.R. Part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
- 23 C.F.R. Part 200 (FHWA's Title VI/Nondiscrimination Regulation);
- 28 C.F.R. Part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
- 28 C.F.R. section 50.3 (DOJ Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory citations hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including from FHWA and FTA.

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

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its federally assisted Albany Area Metropolitan Planning Organization:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal Highway Administration or Federal Transit Administration programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

The Albany Area Metropolitan Planning Organization, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively insure that 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, or national origin in consideration for an award.

3. The Recipient will insert the clauses of **Appendix A and E** of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of **Appendix B** of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in **Appendix C and Appendix D** of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and

- b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the Albany Area Metropolitan Planning Organization also agrees to comply (and require any subrecipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the **FHWA and FTA** access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by **FHWA and FTA**. You must keep records, reports, and submit the material for review upon request to **FHWA and FTA**, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Albany Area Metropolitan Planning Organization gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under **FHWA and FTA** programs. This ASSURANCE is binding on Albany Area Metropolitan Planning Organization, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in AAMPO programs. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Name of Recipient: Albany Area Metropolitan Planning Organization
 Signature of Authorized Official: 
 Dated: 8/27/14

APPENDIX A (to the United States Department of Transportation Standard Assurances)

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, **Federal Highway Administration**, and **Federal Transit Administration** as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient, the **Federal Highway Administration**, or the **Federal Transit Administration** to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient the **Federal Highway Administration**, or the **Federal Transit Administration**, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the **Federal Highway Administration** or the **Federal Transit Administration** may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the **Federal Highway Administration** or the **Federal Transit Administration** may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B (to the United States Department of Transportation Standard Assurances)

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

NOW, THEREFORE, the Department of Transportation as authorized by law and upon the condition that the Albany Area Metropolitan Planning Organization will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United State Code, the Regulations for the Administration of **Federal Highway Program or Federal Transit Program**, and the policies and procedures prescribed by the **Federal Highway Administration or the Federal Transit Program** of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Albany Area Metropolitan Planning Organization all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

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

The Albany Area Metropolitan Planning Organization, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the Albany Area Metropolitan Planning Organization will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

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

APPENDIX C (to the United States Department of Transportation Standard Assurances)

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Albany Area Metropolitan Planning Organization pursuant to the provisions of Assurance 9(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:
 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race (equates to minority), color, national origin, sex, age, disability, low-income, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, the Albany Area Metropolitan Planning Organization will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, , the Albany Area Metropolitan Planning Organization will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of, the Albany Area Metropolitan Planning Organization and its assigns.*

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

APPENDIX D (to the United States Department of Transportation Standard Assurances)

The following clauses will be included in deeds, licenses, permits, or similar instruments/ agreements entered into by the Albany Area Metropolitan Planning Organization pursuant to the provisions of Assurance 9(b):

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

- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, the Albany Area Metropolitan Planning Organization will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

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

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

APPENDIX E (to the United States Department of Transportation Standard Assurances)

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

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

Attachment 2: Language Assistance Plan and Four Factor Analysis

As a recipient of federal funds, AAMPO must take reasonable steps to ensure that those of Limited English Proficiency have meaningful access to the information and services the MPO provides. As stated in Federal Register, Volume 70; Number 239, there are four factors to consider when determining “reasonable steps.” This is known as “the four-factor analysis” and is outlined below:

- Factor 1:** The number of proportion of LEP persons eligible to be served or likely to encounter an MPO program, activity or service.
- Factor 2:** The frequency with which LEP individuals come in contact with MPO programs, activities or service.
- Factor 3:** The nature and importance of the program, activity, or service provided by the MPO to LEP community.
- Factor 4:** The resources available to the MPO and overall costs.

It should be noted that for planning purposes, people that speak English “less than very well” are considered ‘LEP’ and area included in the analysis. Further, the AAMPO Planning Area for this purpose is defined as the Albany Urbanized Area. The AAMPO planning area extends beyond the Urbanized Area to include some additional areas within the Urban Growth Boundaries and City Limits (whichever is greater) of member jurisdictions, as well as additional land around key transportation facilities.

Factor 1: The number of proportion of LEP persons eligible to be served or likely to encounter an MPO program, activity or service.

The first step is to collect demographic data on the number of LEP persons in the AAMPO Planning Area who are eligible to be served, likely to be served, or likely to be encountered by the MPO through participation in the transportation planning process. Table 6 is derived from the U.S. Census Bureau’s 2008-2012 American Community Survey 5-year estimates. It shows the number and percent of LEP persons 5 years and over, in total and by ability to speak English or other languages in the Albany Urbanized Area.

The table shows that an estimated 4.4% of the population (aged 5 and over) in the Albany Urbanized Area speak English “less than very well”, and that the majority of those individuals are Spanish speaking. Spanish is the language spoken at home for approximately 7.6% of households within the Albany Urbanized Area, and approximately 3.8% of those Spanish-speaking households speak English ‘less than very well’.

The Department of Justice has established a safe harbor stating that grantees, including MPOs, provide language services for vital documents where populations speaking those languages are 5% or 1,000 whichever is less. A vital document is a document that if it was not translated would deny LEP individual(s) access to a service, for example, a Title VI complaint form.

Table 6: Language Spoken at Home in the Albany Urbanized Area

Language Spoken at Home	Estimate	Percent
Population 5 years and over	52,683	
English only	47,221	89.6%
Language other than English	5,462	10.4%
Speak English less than "very well"	2,310	4.4%
Spanish	4,018	7.6%
Speak English less than "very well"	2,019	3.8%
Other Indo-European languages	586	1.1%
Speak English less than "very well"	72	0.1%
Asian and Pacific Islander languages	645	1.2%
Speak English less than "very well"	152	0.3%
Other languages	213	0.4%
Speak English less than "very well"	67	0.1%

Factor 2: The frequency with which LEP individuals come in contact with an MPO programs, activity, or service.

The four-factor analysis identified Spanish as the most significant language spoken by the LEP population in the Albany Urbanized Area. The LEP population will likely continue to increase and, as a result, the probability of increased future contact with AAMPO. To date, AAMPO has not received any formal requests by LEP individuals for language translation of any document or any requests for an interpreter at any public activity

Factor 3: The nature and importance of the program, activity, or service provided by the MPO to LEP community

The MPO uses federal funds to plan for and program transportation projects. Although MPO activities do not directly affect immediate access to vital, immediate or emergency assistance, such as medical treatment or services for basic needs, the impacts of transportation investments resulting from these planning activities affect all residents in the AAMPO planning area. The MPO considers the potential impacts of proposed transportation investments on underserved and underrepresented populations during MPO activities, including the development of the MPO’s Unified Planning Work Program (UPWP), Transportation Improvement Program (TIP), and Regional Transportation Plan (RTP).

The MPO must ensure that all segments of the population, including LEP persons, have been involved or have had the opportunity to be involved in evaluation and planning processes leading to transportation investments. To encourage involvement, MPO reaching out to stakeholder groups, maintains a public website and conducts other activities to build public understanding of the MPO and its activities. The MPO also encourages public involvement throughout the transportation planning process. The MPO is concerned with input from all stakeholders, and every effort is taken to make the transportation planning process as inclusive as possible.

Involvement by any citizen in AAMPO activities is voluntary and the MPO does not conduct activities requiring interested parties to complete applications, interviews or other activities prior to participation.

Factor 4: The resources available to the MPO and overall costs.

Given the size of the LEP population in the MPO area and current financial constraints, full multi-language translations of large transportation planning documents and maps is not warranted at this time. AAMPO will complete the actions listed below as part of its LEP outreach strategy.

Plan for Assisting Persons of Limited English Proficiency

AAMPO will complete the following ongoing actions as part of its LEP outreach strategy:

- Maintain a list of staff members who speak languages other than English. These individuals may be called upon to assist in working with community members who have limited English proficiency.
- As necessary; utilize professional translation and interpretation services.
- When issues or actions affect concentrated populations of non-English speaking people, place notices and announcements in appropriate community media, in applicable language(s). As identified in the 4-Factor analysis, the most prominent language spoken in the Albany Urbanized Area other than English is Spanish. Therefore, consideration should be given to translating notices and announcements into Spanish and placing the translated announcements in venues identified by representatives of the Spanish-speaking community.
- Include Title VI Nondiscrimination Statements (Appendix G) on the AAMPO website as well as in the MPO's Regional Transportation Plan (RTP), Transportation Improvement Program (TIP) and other planning and programming documents as applicable.
- Include on all meeting agendas a statement regarding accessibility of AAMPO meeting locations and a number to call for special accommodations, including interpretation services.
- Consider requests for language assistance from past meetings and events to anticipate the possible need for assistance at upcoming meetings.

Attachment 3: Sample Title VI Public Involvement Survey

Title VI Public Involvement Survey

Completing this form is voluntary but encouraged.

You are not required to provide the information requested in order to participate in this meeting.

Title VI of the Civil Rights Act of 1964 requires the Albany Area MPO to provide opportunity for everyone to comment on transportation programs and activities that may affect their community. Title VI specifically states 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 benefit of, or otherwise be subjected to discrimination under any program, service, or activity receiving federal financial assistance.”

By completing this form, you are helping AAMPO comply with Title VI and related statutes, which require the collection of statistical data to help assess how well AAMPO is reaching out to all populations in the MPO area. The AAMPO Title VI Coordinator will handle all information confidentially. Please call Theresa Conley, AAMPO Title VI Coordinator at 541-924-4548, or e-mail tconley@ocwcog.org if you have any questions or concerns regarding this form.

Meeting Purpose _____ **Location** _____ **Date:** _____

What is your Home Zip Code?	Indicate if you identify as: M=Male or F=Female	Are you?.... Check all that apply						
		White	Black or African American	Hispanic or Latino	Asian	American Indian or Alaska Native	Native Hawaiian or Pacific Islander	Not Listed (please list)

Attachment 4: Albany Area MPO Title VI / Non-Discrimination Statement

ALBANY AREA MPO'S TITLE VI NOTICE TO PUBLIC ALBANY AREA MPO'S TÍTULO VI COMUNICACIÓN PÚBLICA

Title VI of the Civil Rights Act of 1964 states:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

The Albany Area MPO is committed to complying with the requirements of Title VI in all of its programs and activities. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the Albany Area MPO. A complainant may also file a complaint directly with the Federal Transit Administration by addressing the complaint to the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor - TCR, 1200 New Jersey Ave., SE , Washington, DC 20590.

For more information about the Albany Area MPO's Title VI / Non-Discrimination Program, including procedures for filing a complaint, contact the AAMPO Coordinator at 541 924-4548; by e-mail to tconley@ocwcog.org; or by visiting the Albany Area MPO administrative offices at: 1400 Queen Ave SE, Suite 205, Albany OR 97322.

If information is needed in another language, contact 547- 924 -8405. **Si se necesita información en otro idioma de contacto 541-924-8405**

Attachment 5: Discrimination Complaint Procedure

Introduction

The complaint procedures outlined herein apply to the Albany Area MPO and other primary recipients and sub-recipients of Federal financial assistance. These procedures cover discrimination complaints filed under Title VI of the Civil Rights Act of 1964, Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act of 1973, and other non-discrimination authorities relating to any program, services, or activities administered by the MPO and its sub-recipients, consultants, and contractors.

Complaints of alleged discrimination will be investigated by the appropriate authority. The option of informal mediation meeting(s) between the affected parties and the MPO's Title VI Coordinator may be utilized for resolution. Upon completion of each investigation, the MPO's Title VI Coordinator will inform every complainant of all avenues of appeal.

The purpose of these discrimination complaint procedures is to describe the process used by the MPO for processing complaints under Title VI of the Civil Rights Act of 1964, related statutes and authorities.

The Albany Area MPO will make every effort to obtain early resolution of complaints at the lowest level possible, and accepts both formal and informal complaints regarding its compliance with Title VI and related regulations. Informal complaints are those which have not been made in writing and not through the formal complaint process described herein. Informal complaints may be addressed and resolved directly by the MPO even if the MPO is identified in the incident.

Complaint Procedure

1. Any person who believes he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973, or the Civil Rights Restoration Act of 1987, as amended, may file a complaint with the Albany Area Metropolitan Planning Organization (AAMPO). A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the AAMPO Title VI Coordinator for review and action.

All complaints, whether by a recipient of AAMPO funds or against AAMPO after initial investigation and with recommendations(s) for resolution, will be forward to the ODOT Office of Civil Rights (OCR) Title VI Officer or to the FHWA OCR. All Title VI and Environmental Justice Complaints are required to be submitted to FHWA for final determination where federal funding is utilized on projects.

2. In order to have the complaint considered under this procedure, the complainant must file the complaint no later than 90 days after:
 - a) The date of alleged act of discrimination; or

- b) Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In either case, AAMPO may extend the time for filing or waive the time limit in the interest of justice, as long as AAMPO specifies in writing the reason for so doing.

- 3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the alleged discrimination. In the event a person makes a verbal complaint of discrimination to an AAMPO representative or staff, that person shall be interviewed by the AAMPO Title VI Coordinator. If necessary, the AAMPO Title VI Coordinator will assist the person in transcribing the complaint to written form and submitting the written version of the complaint to the person for signature. The complaint shall then be handled according to AAMPO's investigative procedures.
- 4. Complaints may be submitted to Theresa Conley, AAMPO Coordinator & Title VI Coordinator, through the following methods:
 - By Email: tconley@ocwcog.org
 - By Mail: Albany Area MPO Coordinator
Oregon Cascades West Council of Governments
1400 Queen Ave SE, Suite 205
Albany, OR 97322
 - By Phone: 541-924-4548
 - By Facsimile: 541-967-4651
- 5. Within 10 days, the AAMPO Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, such as the Oregon Department of Transportation (ODOT) and U.S. Department of Transportation (USDOT).
- 6. The AAMPO Title VI Coordinator will advise ODOT and/or USDOT within 10 days of receipt of the allegations. Generally, the following information will be included in every notification to ODOT and/or USDOT:
 - a) Name, address, and phone number of the complainant.
 - b) Name(s) and address(es) of alleged discriminating official(s).
 - c) Basis of complaint (i.e., race, color, national origin, or sex)
 - d) Date of alleged discriminatory act(s).
 - e) Date complaint received by the recipient.
 - f) A statement of the complaint.
 - g) Other agencies (local, state, or Federal) where the complaint has been filed.
 - h) An explanation of the actions AAMPO has taken or proposed to resolve the issue in the complaint.

6. Within 60 days, the AAMPO Title VI Coordinator will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the CED Manager. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.
7. Within 90 days of receipt of the complaint, the AAMPO Title VI Coordinator will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with ODOT, or USDOT, if they are dissatisfied with the final decision rendered by AAMPO. The AAMPO Title VI Coordinator will also provide ODOT and/or USDOT with a copy of this decision and summary of findings upon completion of the investigation.

All complaints, whether by a recipient of AAMPO funds or against AAMPO after initial investigation and with recommendations(s) for resolution, will be forward to the ODOT Office of Civil Rights (OCR) Title VI Officer or to the FHWA OCR. All Title VI and Environmental Justice Complaints are required to be submitted to FHWA for final determination where federal funding is utilized on projects.

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

Oregon Department of Transportation

Rebecca Williams, Title VI/EJ/ADA Program Manager
OCR Title VI Officer
Oregon Department of Transportation, Office of Civil Rights
355 Capitol St. NE
Salem, Oregon 97301

Phone: 503-986-3870

Oregon Division, Federal Highway Administration

530 Center St. NE, Suite 240
Salem, OR 97301

Phone: (503) 399-5749

Federal Transit Administration

Attention: Title VI Program Coordinator
Office of Civil Rights
East Building, 5th Floor - TCR, 1200 New Jersey Ave., SE
Washington, DC 2059

Attachment 6: Albany Area MPO Title VI Complaint Form

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

Complainant

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____

Person discriminated against (if other than the complainant)

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____

Were you discriminated against because of your:

- | | |
|--------------------------------------|--|
| <input type="checkbox"/> Race | <input type="checkbox"/> National Origin |
| <input type="checkbox"/> Color | <input type="checkbox"/> Age |
| <input type="checkbox"/> Sex | <input type="checkbox"/> Disability |
| <input type="checkbox"/> Other _____ | |

Date and Time of Alleged Incident: _____

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

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

Yes No

If yes, check and identify all that apply:

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

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

Name: _____

Address: _____

City, State, & Zip Code: _____

Telephone Number: _____

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

Signature _____

Date _____

Please submit this signed form to and any attachments to:

Albany Area MPO Title VI Coordinator
Oregon Cascades West Council of Governments
1400 Queen Ave SE, Suite 205
Albany OR 97322