TITLE VI PLAN

To ensure nondiscrimination in all programs and activities

June 2024 Update



TITLE VI PLAN

Approved by the COG Board of Directors on June 12, 2024.

ABOUT COG

The Metropolitan Washington Council of Governments (COG) is an independent, nonprofit association that brings area leaders together to address major regional issues in the District of Columbia, suburban Maryland, and Northern Virginia. COG's membership is comprised of 300 elected officials from 24 local governments, the Maryland and Virginia state legislatures, and U.S. Congress.

CREDITS

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ACCOMMODATIONS POLICY

Alternative formats of this document are available upon request. Visit www.mwcog.org/accommodations or call (202) 962-3300 or (202) 962-3213 (TDD).

TITLE VI NONDISCRIMINATION POLICY

The Metropolitan Washington Council of Governments (COG) operates its programs without regard to race, color, and national origin and fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations prohibiting discrimination in all programs and activities. For more information, to file a Title VI related complaint, or to obtain information in another language, visit www.mwcog.org/nondiscrimination or call (202) 962-3300.

El Consejo de Gobiernos del Área Metropolitana de Washington (COG) opera sus programas sin tener en cuenta la raza, el color, y el origen nacional y cumple con el Título VI de la Ley de Derechos Civiles de 1964 y los estatutos y reglamentos relacionados que prohíben la discriminación en todos los programas y actividades. Para más información, presentar una queja relacionada con el Título VI, u obtener información en otro idioma, visite www.mwcog.org/nondiscrimination o llame al (202) 962-3300.

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INTRODUCTION

The Metropolitan Washington Council of Governments (COG) was established in 1957 by local cities and counties to deal with regional concerns, including growth, housing, the environment, public health and safety - as well as transportation. COG is an independent, nonprofit association that facilitates the coordination and integration of regional issues among local governments in two states (Maryland and Virginia) and the District of Columbia.

COG is comprised of 24 local governments surrounding our nation's capital, plus area members of the Maryland and Virginia legislatures, the U.S. Senate, and the U.S. House of Representatives. The metropolitan Washington region covers approximately 3,500 square miles and includes more than 5.6 million people and 3.3 million jobs.

COG is committed to assuring that no person shall, on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination under any COG program or activity. COG further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities whether those programs and activities are federally funded or not.

COG is a regional planning organization. COG is the one entity in metropolitan Washington that regularly brings leaders together to develop solutions to the region's major challenges. COG prepares plans enabling the region to receive federal funding, provides members with research and data to inform decision-making, and offers a wide range of programs, including commuter services, cooperative purchasing, and technical assistance and grants. As a regional planning entity, the benefits provided by COG and its boards and committees are primarily educational/information-based and support local, regional, and state governance. COG does not own or maintain any facilities other than its office space. COG implements the FTA Section 5310 program for the DC-MD-VA Urban area, and the only subrecipients COG has are through this program.

This plan was developed to document the efforts COG undertakes on a continual basis to ensure compliance with Title VI and related statutes regarding nondiscrimination and environmental justice.

Relationship between COG and the TPB

COG is an independent, nonprofit association. It is supported by financial contributions from its participating local governments, federal and state grants and contracts, and donations from foundations and the private sector. Policies are set by the full membership acting through its board of directors, which meets monthly to discuss area issues.

COG serves as the administrative agent for the National Capital Region Transportation Planning Board (TPB) under an agreement with the transportation departments of Maryland, Virginia, and the District of Columbia. The TPB was created in 1965 by the region's local and state governments to respond to federal highway legislation in 1962 that required the establishment of a "continuing, comprehensive and coordinated" transportation planning process in every urbanized area in the United States. The TPB is designated as this region's Metropolitan Planning Organization (MPO) by

the governors of Virginia and Maryland and the mayor of Washington, D.C. based upon an agreement among the local governments. Although the TPB is an independent body, its staff is provided by COG's Department of Transportation Planning. COG administers a federally-approved annual Unified Planning Work Program (UPWP) in conjunction with the TPB in accordance with federal requirements. The USDOT Federal Highway Administration and Federal Transit Administration jointly certified the federal transportation planning process on June 2, 2023.

It is important to note that COG and the TPB do not own or operate any transit system. Because of this, the TPB operates as a planning agency.

The MPO/TPB does not pass through any funding or have any subrecipients.

Policy Statement

COG Title VI Policy Statement

The Metropolitan Washington Council of Governments assures that no person shall, on the ground of race, color, national origin, or sex. as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration act of 1987 (PL 100.259), be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination under any COG program or activity. COG further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities whether those programs and activities are federally funded or not. In the event COG distributes federal aid funds to another governmental entity, COG will include Title VI language in all written agreements and will monitor for compliance. COG's Title VI Officer, will the support of COG Title VI coordinators, is responsible for initiating and monitoring Title VI activities, overseeing the preparation of required reports and overseeing other COG responsibilities as required by Title 23 Code of Federal Begulations (CFR) Part 200 and Title 49 CFR Part 21.

lark Mercer, Executive Director

Date

6/12/24

Title VI Assurances

For the Standard USDOT Title VI Assurance (DOT 1050.2) required by the Federal Highway Administration, see Appendix I.

COG's Title VI Assurances

The Metropolitan Washington Council of Governments ("Recipient), HEREBY AGREES THAT as a condition to receiving any federal financial assistance, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d, et seq.("Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, 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, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances regarding its federal aid assisted programs:

- 1. That the Recipient agrees that each "program" and each "facility", as defined in 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.
- 2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with federal aid assisted programs, and in adapted form in all proposals for negotiated agreements:

"The Metropolitan Washington Council of Governments, in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d, et seq., and Title 49, Code of Federal Regulations hereby notifies all bidders that it will affirmatively ensure that any contract entered pursuant to this advertisement will afford minority business enterprises full opportunity to submit bids in response to this invitation, and will not discriminate on the grounds of race, color, sex, or national origin in consideration for an award."

- 3. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.
- 4. That where the Recipient received federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over, or under such property.

- 5. That the Recipient shall include the appropriate clauses regarding a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under federal aid-assisted programs; and (b) for the construction or use of, or access to space on, over, or under real property acquired or improved under federal aid-assisted programs.
- 6. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, 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.
- 7. The Recipient shall provide for such methods of administration for the program, as are found by the official to whom s/he delegates specific authority, to give reasonable guarantee that it, other recipients, subgrantees, 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.
- 8. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

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 and is binding on it, other recipients, contractors, subcontractors, transferees, successors in interest, and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.

Clark Mercer, Executive Director

Date

6/12/24

ORGANIZATION AND COMPLIANCE RESPONSIBILITIES

COG's Role and Members

COG is a regional organization of Washington area local governments, which coordinates regional issues among two states (Maryland and Virginia) and the District of Columbia. COG is comprised of 24 local governments surrounding our nation's capital, plus area members of the Maryland and Virginia legislatures, the U.S. Senate, and the U.S. House of Representatives. Its member jurisdictions are shown in Figure 1.

COG provides a focus for action and develops sound regional responses to such issues as the environment, affordable housing, economic development, health and family concerns, human services, population growth, public safety, and transportation.

COG is responsible for agency policies, human resources management, communications, administrative services including contracting, financial and legal services, technology services and programs, community planning, environmental programs, public safety, and health programs. The TPB is an independent board responsible for transportation planning and programs. The Metropolitan Washington Air Quality Committee (MWAQC) is also an independent board responsible for coordinating planning to reduce pollutant emissions.

COG VISION AND MISSION
COG's Vision is Region Forward,
which focuses on creating a more
prosperous, accessible, livable, and
sustainable metropolitan
Washington. COG's Mission is to
make Region Forward happen by
being a discussion forum, expert
resource, issue advocate, and
catalyst for action.

Frederick County City of Frederick Montgomery County City of Rockville City of City of Gaithersburg Loudoun County City of City of Hyattsville College Park City of Takoma Park City of Greenbelt **District of** City of Town of Falls Church Columbia Bladensburg [**Fairfax** Arlington County City of County City of_ Bowie City of Fairfax City of **Prince George's** City of Manassas Manassas Alexandria County Park **Prince William** County Charles County

Figure 1: COG Member Jurisdictions

TPB's Role and Members

The National Capital Region Transportation Planning Board (TPB) is the federally-designated Metropolitan Planning Organization (MPO) for the region and plays an important role as the regional forum for transportation planning. The TPB is a multi-state MPO involving Maryland, Virginia, and the District of Columbia. The USDOT Federal Highway Administration and Federal Transit Administration jointly certified the federal transportation planning process on June 4, 2019.

The TPB was created in 1965 by the region's local and state governments to respond to federal highway legislation in 1962 that required the establishment of a "continuing, comprehensive and coordinated" transportation planning process in every urbanized area in the United States. The TPB is designated as this region's MPO by the Governors of Virginia and Maryland and the Mayor of Washington, D.C. based upon an agreement among the local governments.

Members of the TPB include representatives of local governments; state transportation agencies; the Maryland and Virginia General Assemblies; the Washington Metropolitan Area Transit Authority; and non-voting members from the Metropolitan Washington Airports Authority and federal agencies. TPB member jurisdictions are shown in Figure 2.

The TPB prepares plans and programs that the federal government must approve in order for federal-aid transportation funds to flow to the National Capital Region (NCR). In particular, federal law and regulations relating to the work of MPOs require the TPB to adopt a long- range transportation plan, which is known as Visualize 2045, and a six-year Transportation Improvement Program (TIP). The TPB must also ensure compliance with other federal laws and requirements, including federal air quality conformity requirements and planning factors. The TPB has an extensive public involvement process and provides a 30-day public comment period before taking action on plans and programs.

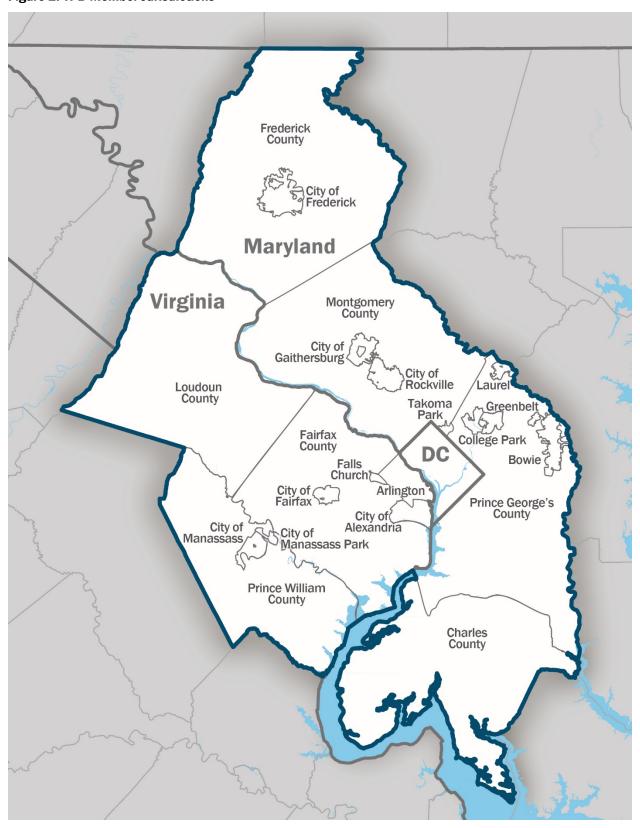
In addition to ensuring compliance with federal laws and requirements, the TPB performs many other functions, including providing a regional forum for coordination of policymaking, and providing technical resources for transportation decision-making. The TPB receives input and guidance from advisory committees comprised of members of the public, special interest groups, and

TPB VISION

In the 21st Century, the Washington metropolitan region remains a vibrant world capital, with a transportation system that provides efficient movement of people and goods. This system promotes the region's economy and environmental quality, and operates in an attractive and safe setting—it is a system that serves everyone. The system is fiscally sustainable, promotes areas of concentrated growth, manages both demand and capacity, employs the best technology, and joins rail, roadway, bus, air, water, pedestrian and bicycle facilities into a fully interconnected network.

jurisdictional staff. The TPB's committee structure is provided in Appendix C.

Figure 2: TPB Member Jurisdictions



Staff Responsibilities

To ensure the implementation of the Title VI Plan, the following responsibilities have been identified for the Title VI Officer and the Title VI Coordinators. Organizational Charts for executive staff and key departments within COG can be found in Appendix B.

Responsibilities of the Title VI Officer:

The COG Title VI Officer is generally responsible for overseeing compliance with applicable nondiscrimination authorities in each department.

The Executive Director, as the Title VI Officer, is responsible for:

- Meeting with appropriate staff members to monitor and discuss progress, implementation, and compliance issues related to the COG Title VI Plan;
- Periodically reviewing the COG Title VI Plan to assess whether administrative procedures are
 effective, staffing is appropriate, and adequate resources are available to ensure compliance; and
- Working with Title VI Coordinators, to determine if any revisions or updates are needed to the Title VI Plan.

Responsibilities of the Title VI Coordinators

Each Department or Office within COG that has Title VI responsibilities has a Title VI Coordinator. The COG General Counsel will lead all coordination among the Title VI Coordinators and has ready access to the Title VI Officer. The departmental Title VI Coordinators are responsible for:

- Familiarizing themselves and staff with federal and state nondiscrimination regulations and procedures in respective subject areas;
- Supervising staff activities pertaining to nondiscrimination regulations and procedures set forth in federal guidance and in accordance with the COG Title VI Plan. The Title VI coordinators may designate supervised employees to be additional Title VI coordinators for his/her Department or Office; and
- Ensuring that their respective Offices/Departments adhere to the COG Title VI Plan.

GENERAL COUNSEL

- Identifying, investigating and working with the Title VI Coordinators to eliminate discrimination when it is found to exist.
- COG will make a concerted effort to resolve complaints in accordance with Non-Discrimination Complaint Procedures.
- Organizing an annual meeting of the Title VI Coordinators on behalf of the Title VI Officer to review the Title VI Plan, review any new Title VI nondiscrimination regulations or guidance, discuss Title VI-related agency issues and activities, and determine if revisions are needed to the Title VI Plan.

OFFICE OF HUMAN RESOURCES MANAGEMENT

- Maintaining a list of Interpretation Service Providers;
- Disseminating the COG Title VI Plan to COG employees;
- · Identifying and promoting opportunities for COG staff to receive Title VI training;
- Maintaining a list of employees who have received Title VI training; and
- Reviewing important issues related to nondiscrimination with the Executive Director, as needed.

CONTRACTS AND PURCHASING MANAGER

- Ensuring that COG contractors and sub-recipients are aware of COG's Title VI Policy;
- Working with staff involved with consultant contracts and the sub-recipients found to be noncompliant to resolve the deficiency status and prepare a remedial action if necessary, as described in the Consultant Contracts section of this document;
- Ensuring proper Title VI language is in all contracts;
- Ensuring that DBE Policy is followed; and
- Reviewing important issues related to nondiscrimination with the Executive Director, as needed.

COMMUNICATIONS MANAGER

- Ensuring that the COG website includes the Nondiscrimination Complaint Procedure;
- Ensuring that key publications have Title VI Notice and Accommodations language; and
- Reviewing important issues related to nondiscrimination with the Executive Director, as needed.

TRANSPORTATION PLANNING DIRECTOR

- Ensuring that all of the activities of the National Capital Region Transportation Planning Board (TPB) adhere to the Title VI Plan;
- Coordinating with appropriate federal and state transportation agencies entities to periodically provide TPB staff with training opportunities regarding nondiscrimination; and
- Reviewing important issues related to nondiscrimination with the Executive Director, as needed.

CLIMATE, ENERGY, AND AIR PROGRAMS DIRECTOR

- Ensuring that all of the activities of the Metropolitan Washington Air Quality Committee (MWAQC) adhere to the Title VI Plan: and
- Reviewing important issues related to nondiscrimination with the Executive Director, as needed.

HOMELAND SECURITY AND PUBLIC SAFETY MANAGING DIRECTOR

• Reviewing important issues related to nondiscrimination with the Executive Director, as needed.

COMMUNITY PLANNING AND SERVICES DIRECTOR

• Reviewing important issues related to nondiscrimination with the Executive Director, as needed.

CONTRACTING, TRAINING, AND POLICIES

Consultant Contracts

COG is responsible for the selection, negotiation, and administration of its consultant contracts and manages these functions under internal contract procedures as well as all relevant federal and state laws. The COG Purchasing Office is responsible for:

- Ensuring nondiscrimination language is included in contracts and Requests for Proposals (RFPs);
- Reviewing consultant compliance.

COG ensures that consultants are monitoring and verifying compliance with nondiscrimination authorities, procedures, and requirements within the workplace and in the conduct of grant-funded activities.

If a recipient or sub-recipient is found to be not in compliance with the nondiscrimination authorities, the Title VI Officer and appropriate staff will work with the recipient or sub-recipient to resolve the deficiency and prepare remedial actions as necessary.

COG will review its outreach activities to ensure small, disadvantaged, minority, women, and disabled veteran owned businesses are not excluded from opportunities to compete for consulting contracts.

NONDISCRIMINATION CLAUSES

The following nondiscrimination clauses are included in all COG Requests for Proposals and other solicitations for bid in all COG contracts and subgrant agreements:

Civil Rights Requirements - 29 USC § 62, 42 USC § 2000, 42 USC § 602, 42 USC § 12112, 42 USC § 12132, 49 USC § 5332

Nondiscrimination – In accordance with Title VI of the Civil Rights Act, 42 USC § 2000d, section 303 of the Age Discrimination Act of 1975, 42 USC § 6102, section 202 of the Americans with Disabilities Act of 1990, 42 USC § 12132, and all other provisions of federal law, Contractor agrees that it will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, or disability. In addition, Contractor agrees to comply with applicable federal implementing regulations.

Equal Employment Opportunity – The following equal employment opportunity requirements apply to the underlying contract:

Race, Color, Creed, National Origin, Sex – In accordance with Title VII of the Civil Rights Act, 42 U.S.C. § 2000e, Contractor agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 CFR Parts 60 et seq., (which implement Executive Order No. 11246, "Equal Employment Opportunity", as

amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42 U.S.C. § 2000e note), and with any applicable federal statutes, executive orders, regulations, and federal policies that may in the future affect activities undertaken in the course of this Project. Contractor agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, creed, national origin, sex, or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, Contractor agrees to comply with any implementing requirements the funding federal agency may issue.

<u>Age</u> – In accordance with Section 4 of the Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 623 and other applicable law, Contractor agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, Contractor agrees to comply with any implementing requirements the funding federal agency may issue.

<u>Disabilities</u> – In accordance with Section 102 of the Americans with Disabilities Act, 42 U.S.C. § 12112, Contractor agrees that it will comply with the requirements of U.S. Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act", 29 CFR Part 1630, pertaining to employment of persons with disabilities. In addition, Contractor agrees to comply with any implementing requirements the funding federal agency may issue.

Contractor also agrees to include these requirements in each subcontract financed in whole or in part with federal assistance, modified only if necessary to identify the affected parties.

Education and Training

The Office of Human Resources Management Training Coordinator shall be responsible for advising COG staff about available training in support of Title VI.

The OHRM Training Coordinator shall do special outreach to program directors and to individual staff whose functions involve dealing with Title VI. Tracking and management reports as they relate to types of training provided and number of employees who took the training shall be maintained by the Training Coordinator, along with appropriate demographic breakdowns.

The OHRM Training Coordinator shall schedule training in such a way that appropriate notices and announcements are posted in a timely fashion. The OHRM Training Coordinator schedules trainings, including providing recordings for COG staff throughout the year. Consistent with COG policy, reasonable accommodation for persons with disabilities shall be provided, such as a sign language interpreter.

EMPLOYEE TRAINING

All COG employees are encouraged to participate in professional development and training within and outside of COG.

Internally, COG offers a variety of training for staff development and in support of various programmatic goals of each department. COG-wide training involves a variety of topics, such as performance management, supervisory training, diversity, technical/computer related training, and other subjects in response to departmental or COG-wide training needs.

COG also offers the Regional Development Program under the Institute for Regional Excellence (IRE). Under this program, staff members of COG and member-jurisdictions participate in a 12-month program that prepares them to assume higher level leadership positions. IRE is open to all managers, senior managers and department heads and selection is based on meeting the requirements of the program. Participants in this program come from various jurisdictions and are of diverse backgrounds based on gender, race, positions and professional backgrounds.

All Title VI Coordinators are required to have annual training relating to Title VI.

SPECIFIC TITLE VI TRANSPORTATION PLANNING RELATED TRAINING

In an effort to continuously improve the TPB's overall compliance posture, nondiscrimination training will be coordinated with the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Virginia Department of Transportation (VDOT), the Maryland Department of Transportation (MDOT) and the District Department of Transportation (DDOT), and made available to COG staff on an ongoing basis to ensure up-to-date knowledge of Title VI and other nondiscrimination statues. The DTP Title VI Coordinators are responsible to train DTP staff on the Title VI Plan, including, but not limited to, public participation and outreach requirements, limited English proficiency, and analysis of the long-range plan for disproportionately high and adverse impacts.

Title VI Administration

In accordance with COG Office of Human Resources Management. Equal Employment Opportunity Policy, the Executive Director, in cooperation with department heads, and the Director of OHRM shall administer the policy set forth in this chapter. Title VII issues are not addressed in this Plan and are handled through the COG Office of Human Resources Management (OHRM).

ACCOMMODATIONS POLICY

It is COG's policy to provide equal access for individuals with disabilities and those with limited English skills to programs, meetings, publications, and activities. Reasonable accommodation(s) will be provided by COG upon request with reasonable advance notice.

Reasonable accommodations may include translation services, modifications, or adjustments to a program, publication, or activity to enable an individual with a disability or someone who does not speak English to participate. Appendix G includes the Accommodations Policy.

NONDISCRIMINATION COMPLAINT PROCEDURES

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964, relating to any program or activity administered by COG or its sub-recipients, consultants, and/or contractors. Intimidation or retaliation of any kind for filing of a complaint is prohibited by law.

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

Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Officer or the appropriate Title VI Coordinator may be utilized for resolution at any stage of the process. The Title VI Officer will make every effort to pursue a resolution to the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

Procedures

- 1. Any individual, group of individuals, or entity that believes they, or it have been subjected to discrimination prohibited by Title VI may file a formal complaint using the FHWA form (Appendix J). A formal complaint must be submitted in writing within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complaint must meet the following requirements:
 - a. Complaint shall be in writing and signed by the complainant(s) and submitted using FHWA Title VI Complaint Form. (Appendix J)
 - b. Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
 - c. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complained-of incident. Additional pages may be submitted with the completed and signed Title VI Complaint Form.
 - d. Allegations received by fax or e-mail will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established. In order to establish the intent to proceed, the complainant is required to mail a signed, original copy of the fax or e-mail transmittal for COG to be able to process it.
 - e. Complaints received by telephone will be entered into a log listing time, date, and complainant. Complainants will be requested to file a complaint in writing and will be directed to the website or other templates for a complaint form.
- 2. In order to be most effective, a complaint should meet the following criteria:
 - a. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.

- b. The allegation(s) should involve a covered discrimination such as race, color, or national origin, or retaliation.
- c. The allegation(s) should involve a program or activity of a federal-aid recipient, subrecipient, or contractor, or an entity open to the public.
- 3. COG will acknowledge receipt of the complaint within 5 business days. COG will determine if it accepts the complaint for investigation. COG will notify the complainant within 10 business days of receipt whether it accepts the complaint for investigation.
- 4. Upon receipt of the complaint, the Title VI Officer will refer the matter to the General Counsel who will send it to the appropriate State DOT and the State DOT will advise the FHWA Division Office.
- 5. COG will conduct an investigation of the complaint within 40 days of receipt.
- 6. COG will also send disposition of COG's investigation of the complaint to the appropriate State DOT and the FHWA Division Office.
- 7. COG will cooperate with the State DOT and FHWA regarding investigation and disposition of the complaint by the State DOT or FHWA, if either entity determines to conduct its own investigation.

TPB'S TITLE VI CONSIDERATIONS

Demographic Profile

Data from the US Census is used to develop a demographic profile of the metropolitan planning area and identify the locations and needs of socioeconomic groups, including low-income, persons with disabilities, limited-English proficiency, and minority populations.

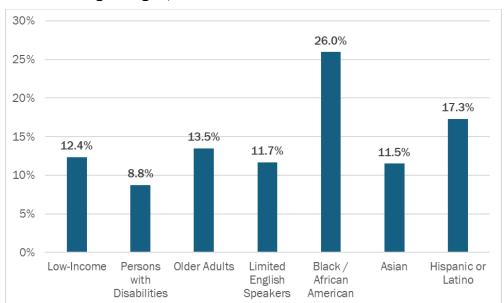


Figure 2: Regional Demographic Profile of Transportation-Disadvantaged Populations in the Washington Region, 2022

MAPPING OF VISUALIZE 2045 IMPROVEMENTS WITH LOCATIONS OF TRADITIONALLY- DISADVANTAGED POPULATION GROUPS

TPB staff regularly produces maps displaying the geographic distributions of the population groups, listed below, relative to major highway, HOV, and transit improvements from the 2022 Update to Visualize 2045 and Census data. The demographic profile, the maps and the analysis listed below are presented and reviewed by the Access for All Advisory Committee.

To view the maps, visit Appendix M: Mapping of Visualize 2045 Improvements with Locations of Traditionally-Disadvantaged Population Groups. Population Groups Included:

- African American
- Asian
- Hispanic/Latino
- Low-Income

- Persons with a Disability
- Older adults
- Persons with limited English proficiency

EVALUATION OF THE TPB'S 2022 UPDATE TO VISUALIZE 2045 FOR DISPARATE IMPACTS

The TPB regularly conducts an analysis of how the benefits and burdens of the long-range plan are distributed among low-income and minority populations versus the general population. The performance analysis for the 2022 Update to Visualize 2045 includes an analysis of the accessibility and mobility gains and losses across minority and low-income population groups utilizing the demographic profile described above. Accessibility and mobility are measured in terms of the number of jobs and hospitals accessible within 45 minutes by auto and transit modes as well as commute times to jobs and hospitals by auto and transit modes. This analysis specifically looks at how accessibility will change between the current condition and the planning horizon year because of the implementation of the projects in the 2022 Update to Visualize 2045, as well as projected population and employment growth. The accessibility and mobility changes are analyzed for disproportionate adverse impacts on transportation-disadvantaged groups. The TPB's Access for All Advisory Committee reviews the analysis and provides comments.

The analysis can be found at: https://www.mwcog.org/transportation/planning-areas/fairness-and-accessibility/environmental-justice/

Procedures by which to identify and consider the mobility needs of minority populations in the planning process

The TPB believes that public input into its process is valuable and makes its products better. Regional transportation planning cannot, and should not, be based simply upon technical analysis. The qualitative information derived from public involvement is essential to good decision-making.

As a matter of long-standing TPB policy and a requirement of federal law, the regional transportation planning process makes special efforts to consider the concerns of traditionally underserved communities, including low-income and minority communities and people with disabilities.

COG and the TPB use extensive standard and electronic mailing lists to disseminate information and give notice for public comment opportunities. Both mailing lists include hundreds of community groups that represent Title VI protected groups throughout the Washington Region. Press releases are also sent to newspapers published by and for Title VI protected groups.

The TPB's monthly meetings are designed to be informative and open to the broader public. Residents are encouraged to make comments as the first item on every board agenda. Meeting materials are prepared in a way that is designed to be understandable and accessible to the general public. Alternative formats of meeting materials and other reasonable accommodations are provided upon request. Since 2015, audio recordings of TPB meetings are available online, as well as the opportunity to live-stream meetings for residents who are unable to attend in person.

The TPB website, which was comprehensively updated in 2016, provides a one-stop-shop for information about regional transportation planning and the roles and responsibilities of the TPB. The site also offers clear information about how to submit public comment and to more broadly get involved in transportation planning. Visit: https://www.mwcog.org/transportation/.

TPB News is an engaging online publication that is published twice a month. TPB News provides information about upcoming board actions and recaps of the monthly board meetings. The publication also announces important events, funding opportunities, and public comment periods and highlights recent TPB research, analysis, outreach, and planning. The TPB also has an active social media presence.

In addition to federally required public comment periods, the TPB conducts special outreach activities to obtain input for the development of the region's long-range plan, including surveys, public forums, and booths at summer markets and festivals. Special efforts are made to include hard-to-reach populations when these activities are scheduled.

Beginning in 2006, the TPB has conducted occasional sessions (once a year, on average) of its Community Leadership Institute, an educational program that encourages leaders and activists to get involved in transportation planning at all levels. The program spans the course of 3 evenings and is focused on interactive group learning. For every round of the Institute, efforts are made to include community leaders who represent low-income and minority communities, as well as people with disabilities. The most recent session was April 25, 30 and May 2, 2024.

An evaluation of the TPB's public participation activities, completed in Spring 2023, provided recommendations for improving future outreach and communications efforts, including findings that will improve engagement with historically disadvantaged communities.

TPB PARTICIPATION PLAN

The TPB's 2020 Participation Plan, found in Appendix E, states the National Capital Region Transportation Planning Board's (TPB) commitment to transparent communications and engagement with the public and with relevant agencies to support the regional transportation planning process. This includes communications and engagement to inform developing the Long-Range Transportation Plan and the Transportation Improvement Program (TIP).

This articulates the TPB's policy for public participation. It describes how members of the public can get involved and demonstrates how staff will work to meet and exceed federal requirements. Most importantly, this plan guides TPB staff interactions with the public so their public-facing work can: 1) reach as many people as inclusively as possible, and 2) collect meaningful input and build support to inform TPB plans and programs, and aid decision-making.

Participation Plan is required under federal laws and regulations pertaining to metropolitan planning. The plan builds on previous efforts designed to encourage participation in the TPB process and provide reasonable opportunities for residents and other interested agencies to be involved in the metropolitan transportation planning process.

As required by federal regulations, TPB staff developed the plan in consultation with interested parties, including residents, representatives of people with disabilities, users of public transportation and bicycle and pedestrian facilities, and affected public agencies. In addition, federal regulations require the plan to be released for a minimum public comment period of 45 calendar days before it is adopted by the TPB.

There are basically four types of interaction with members of the public: monthly TPB meeting comment opportunities, Advisory committee activities, federal document outreach requirements, newsletter/social media activities, and specific surveys or data collection activities. Varying levels of outreach occur for each individual activity. The extent of the outreach depends on available resources and timing. The level of outreach varies. Outreach that has minimal resources available includes evaluating the items through the advisory committees and using our extensive mailing lists to convey information. Maximum outreach would typically involve consultant support and a concentrated effort to reach these populations, for example, which would occur when an extensive survey is underway.

An evaluation of the TPB's public participation activities, completed in November 2022, provided recommendations for improving future outreach and communications efforts, including findings that will improve engagement with historically disadvantaged communities. While activities outlined in the Participation Plan are broadly applied to Washington area residents and community members, including Title VI populations, several activities in the plan are designed to specifically reach minority populations and other constituencies that are traditionally underserved, including people with disabilities, low-income populations, and others.

TPB ACCESS FOR ALL ADVISORY COMMITTEE (AFA)

The Access for All Advisory Committee (AFA) advises the TPB on transportation issues, programs, policies, and services important to traditionally underserved communities, including low-income communities, minority communities, people with limited English proficiency, people with disabilities, and older adults. The committee identifies issues of concern to traditionally underserved populations in order to determine whether and how these issues might be addressed within the TPB process. The committee membership is composed of community leaders from around the region, including individuals, representatives of nonprofit groups and other advisory committees. Ex-Officio members work for a state or local agency, a transit provider, or are a private provider of transportation services.

TPB COMMUNITY ADVISORY COMMITTEE (CAC)

The Community Advisory Committee (CAC) to the TPB is a group of 24 people from throughout the Washington metropolitan region who represent diverse viewpoints on long-term transportation policy. The mission of the CAC is to promote public involvement in transportation planning for the National Capital Region; and to provide independent, region-oriented citizen advice to the TPB on transportation plans, programs, and issues in the NCR, including responding to requests from the TPB for comment on specific issues or subject matter.

The CAC's membership structure was revised in 2020. The current committee has 24 members; 15 of them are selected equally from the TPB's three state-level jurisdictions (five from each state). Nine (9) additional members are selected to incorporate the perspective of communities in TPB member jurisdictions and provide an opportunity to ensure that the committee reflects the region's racial and ethnic diversity as well as different perspectives from people with different ages and different experiences getting around the NCR.

EFFORTS RELATED TO LIMITED ENGLISH PROFICIENCY (LEP) POPULATIONS

Individuals are considered to be Limited English Proficient or "LEP" if they have a limited ability to read, speak, write, or understand English. For a LEP individual, language can present a barrier to accessing benefits and services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally-funded programs and activities. These individuals may be entitled to language assistance at no cost to them with respect to a particular type of service, benefit, or encounter.

Because associations of municipalities, county governments, state agencies, and other entities, that serve as forums for developing policies and making decisions about regional growth and transportation issues, COG and the TPB do not provide direct projects or services to the population of the Washington Region. However, COG and TPB are committed to ensure that LEP individuals have access to key documents and can participate in public meetings.

The TPB has a Language Assistance Plan (Appendix F) and follows the COG accommodations policy (Appendix G) for people with disabilities and LEP persons to ensure access to documents and meetings. A summary of the Plan is provided below.

COG's Accommodations Policy describes how language access is provided by COG and the TPB. The policy states that translation services are available upon request for meetings that are open to the public. The policy is published on the COG website at www.mwcog.org/accommodations along with translations of the policy in Spanish, French, Korean, Vietnamese, Amharic and Chinese.

The following is a list of some of the COG and TPB efforts made to provide language access:

- Advertise public comment periods in Spanish language news publications.
- Provide survey forms and web applications in multiple languages.
- Provide Spanish-speaking facilitators at forums and outreach effects.
- Hire bilingual staff members.
- Google Translate is available on all COG webpages.
- Provide Spanish versions of key web pages.

Key documents will be translated upon request. Staff arrange for the translation of materials through coordination with the Office of Public Affairs and Human Resources staff who maintain a list of qualified companies that provide translation services.

The website for the Metropolitan Washington Council of Governments, including the Department of Transportation Planning's subsection of that website, can be translated into over 50 different languages. Staff incorporated Google Translate translation capability into the development of this website as a cost-efficient means of making sure that the information contained on the website is accessible to individuals with limited-English proficiency and the non-English speaking public.

At key times during the planning process, the TPB publishes notifications in local newspapers (e.g. announcement of the opportunity to comment on the Long-Range Transportation Plan and Air Quality Conformity Determination). A notification is published in several newspapers, including a notification written in Spanish for the Spanish-language news publications, as well as the Afro-American.

Outreach strategies for the annual Street Smart pedestrian and bicyclist safety campaign, that is coordinated by TPB, include radio, video, newspaper and transit advertising. These advertising efforts are focused on educating motorists, pedestrians and bicyclists to improve safety. Materials are produced in both English and Spanish.

Required Title VI Reporting

The District Department of Transportation (DDOT), the Maryland Department of Transportation (MDOT), and the Virginia Department of Transportation (VDOT) monitor and conduct periodic reviews of TPB's programs and activities to ascertain compliance with Title VI and related statutes, and make recommendations as needed. The periodic Title VI compliance interviews are conducted by the DOTs with Federal Highway Administration staff. The DOTs periodically review the elements required of TPB under the Title VI and related requirements, including its accommodations policy, participation plan, disadvantaged business enterprise (DBE) policy and goal, equal opportunity hiring policies, and contracting policies. The DOTs require that COG/TPB also submit semi-annual DBE reports.

APPENDIX A: DEFINITIONS, ABBREVIATIONS AND AUTHORITIES (STATUTES, REGULATIONS AND GUIDANCE)

DEFINITIONS

Affirmative Action - A good faith effort to eliminate past and present discrimination in all federally assisted programs and to ensure future non-discriminatory practices.

Annual Work Plan - This is an outline of monitoring and review activities determined for the next planning year and respective target dates, as well as a list of personnel assigned to activities.

Beneficiary - any person or group of persons (other than States) entitled to receive benefits, directly or indirectly, from any federally assisted program, i. e., relocates, impacted citizens, communities, etc.

Citizen Participation - an open process in which the rights of the community to be informed, to provide comments to the Government, and to receive a response from the Government are met through a full opportunity to be involved in the process and express the community's needs and goals.

Compliance - condition that exists when a Recipient has effectively implemented all Title VI requirements and can demonstrate that there is no evidence of discrimination.

Deficiency Status - the interim period during which the Recipient has been notified of deficiencies, but has not voluntarily complied with Title VI.

Discrimination - the act or action, whether intentional or unintentional, through which a person in the United States, solely because of race, color, religion, sex, or national origin, has been otherwise subjected to unequal treatment under any program or activity receiving financial assistance from the Federal Highway Administration under Title 23 U.S.C.¹

Disparate Impact - results when rules and laws have a different and more inhibiting effect on women and minority groups than on the majority because of race, color, national origin, gender, disability or age. This type of discrimination occurs when a neutral procedure or practice results in fewer services or benefits, or inferior services or benefits, to members of a protected group such as minorities or low-income populations. With disparate impact, the focus is on the consequences of a decision, policy or practice rather than on the intent.¹

¹ For FTA specific definitions, see FTA C 4702.1B (defining "discrimination," "disparate impact," "disparate burden," and "disparate treatment.").

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

Facility - includes all, or any part of, structures, equipment or other real or personal property, or interests therein, and the provision of facilities, including the construction, expansion, remodeling, alteration or acquisition of facilities.

Federal Assistance – includes:

- 1) Grants and loans of Federal funds,
- 2) The grant or donation of Federal property and interests in property,
- 3) The detail of Federal personnel,
- 4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the Recipient, or in recognition of the public interest to be served by such sale or lease to the Recipient and,
- 5) Federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.

"Good Faith Effort" - affirmative action measures designed to implement the established objectives of a program or program requirements.

Limited English Proficient - an individual who does not speak English as a primary language and has limited ability to read, speak, write or understand English.

Minority - Blacks, not of Hispanic origin; Hispanics; Asians or Pacific Islanders; American Indians or Alaskan Natives.

Non-compliance - the condition that exists when a Recipient has failed to meet prescribed requirements and has shown an apparent lack of "Good Faith Effort" in implementing all or some of the Title VI requirements.

Persons - where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used: "White not of Hispanic origin," Black not of Hispanic origin," "Hispanic," "Asian or Pacific Islander," "American Indian or Alaskan Native." Additional subcategories based on national origin or primary language spoken may be used, where appropriate, on either a national or regional basis.

Person with a Disability - any person who: (a) has a physical or mental impairment which substantially limits one or more major life activities; (b) has a record of such an impairment; or (c) is regarded as having such an impairment.

Program - includes any project or activity for the provision of services, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the Recipient of Federal financial assistance or provided by others through contracts or other arrangements with the Recipient.

Protected Category - includes all categories of persons protected from discrimination under Title VI, including race, color, national origin, sex, age, disability, and income status.

Racial/ Ethnic Identification - a person may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. However, no person should be counted in more than one racial/ethnic category. The following group categories will be used:

- 1) The category *white*, (not of Hispanic origin); All persons having origins in any of the original peoples of Europe, North Africa, the Middle East, or the Indian Subcontinent.
- 2) The category *black* (not of Hispanic origin); All persons having origins in any of the Black racial groups.
- 3) The category *Hispanic*; All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- 4) The category *Asian or Pacific Islanders*: All persons having origins in any of the original peoples of the Far East, Southeast Asia, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.
- 5) The category *American Indian or Alaskan Native*: All persons having origins in any of the original peoples of North America.

Recipient - any State, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentally thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another Recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term Recipient does not include any ultimate beneficiary under any such program.

Secretary - the Secretary of Transportation as set forth in 49 CFR 21.17(g) (3) or the Federal Highway Administrator to whom the Secretary has delegated his/her authority in specific cases.

State Highway Agency - the department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term State would be considered equivalent to State Highway Agency if the context so implies.

Timetable - a measure relating to calendar days.

Title VI Compliance Review - an evaluation and determination of a nonexempt direct Federal or

Federal-Aid Recipient's compliance with the equal opportunity requirements established in the Authorities listed in Section II of this document.

Title VI Program - the system of requirements developed to implement Title VI of the Civil Rights Act of 1964. References in this part to Title VI requirements and regulations shall not be limited to only Title VI of the Civil Rights Act of 1964. Where appropriate, this term also refers to the civil rights provisions of the other Federal related statutes to the extent they prohibit discrimination on the grounds of race, color, national origin, sex, disability, and age in programs receiving Federal financial assistance.

Title VI Liaison Team - a team made up of representatives from each office (Title VI Coordinators) that has responsibilities, who supports the Title VI program and serve as the link between the Title VI program and the Office of Equal Opportunity.

Title VI Officer – a COG/TPB employee whose principal function is to direct the management of the Title VI Program to include developing policies, practices, procedures, and equal opportunity initiatives. The Title VI Coordinator provides direct support to the reviewing officers assigned to various departments within COG/TPB.

ABBREVIATIONS

AAP Affirmative Action Plan

CAC Citizens Advisory Committee

CFR Code of Federal Regulations

CLRP Constrained Long Range Plan

COG Metropolitan Washington Council of Governments

DDOT District of Columbia Department of Transportation Equal Employment Opportunity

EEO Equal Employment Opportunity Commission

EIS Environmental Impact Statement Environmental Justice

EO Equal Opportunity

E.O. Executive Order

FHW Federal Highway Administration

FTA Federal Transit Administration

GFE Good Faith Efforts

ISTEA Intermodal Surface Transportation Efficiency Act of 1991

LEP Limited English Proficiency

MARC Maryland Rail Commuter trains

MDOT Maryland Department of Transportation

MPO Metropolitan Planning Organization

MTA Maryland Transit Administration

MWAA Metropolitan Washington Airports Authority

MWAQC Metropolitan Washington Air Quality Committee

NCPC National Capital Planning Commission

NEPA National Environmental Policy Act

NTP Notice to Proceed

NVTA Northern Virginia Transportation Authority

NTC Northern Virginia Transportation Commission

OEO Office of Equal Opportunity

PRTC Potomac and Rappahannock Transportation Commission

SAFETEA-LU Safe, Accountable, Flexible, Efficient Transportation Equity Act; A Legacy for Users

SIP State Implementation Plan (air quality)

TEA-21 Transportation Equity Act for the 21st Century

TERMs Transportation Emissions Reductions Measures

TIP Transportation Improvement Program

TPB National Capital Region Transportation Planning Board

USC United States Code

USDOJ United States Department of Justice

USDOL United States Department of Labor

USDOT United States Department of Transportation

VDOT Virginia Department of Transportation

VDRPT Virginia Department of Rail and Public Transportation

VRE Virginia Railway Express

WMATA Washington Metropolitan Area Transit Authority

AUTHORITIES

FEDERAL STATUTES

Title VI of the Civil Rights Act of 1964, Pub. L. No. 88-352, 78 Stat. 252 (1964) (42 U.S.C. §§ 2000d-2000d-7) -Provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The Age Discrimination Act of 1975 (42 U.S.C §§ 6101-6107) - Prohibits age discrimination in Federally Assisted Programs.

The Federal-aid Highway Act, (49 U.S.C. § 306) - Outlines responsibilities of the U.S. DOT and the Secretary's authority to determine compliance with applicable Civil Rights statutes.

The Federal-aid Highway Act, Pub. L. No. 97-449, 96 Stat. 2421 (1983) (codified as amended at 49 U.S.C. § 306) - Added the requirement that there be no discrimination on the grounds of sex in DOT financial assistance programs.

The 1973 Federal-Aid Highway Act, Pub. L. No. 93-87, 87 Stat. 250 (1973) (23 U.S.C. § 324) - Added the requirement that there be no discrimination on the grounds of sex in Title 23 programs.

The Civil Rights Restoration Act of 1987, Pub L. No 100-259, 102 Stat. 28 (1988) - Restored the broad, institution-wide scope and coverage of the nondiscrimination statutes to include all programs and activities of Federal-aid recipients, sub-recipients and contractors, whether such programs and activities are federally assisted or not.

The Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, Pub. L. No. 91-646, 84 Stat. 1894 (1971) (codified as amended at 42 U.S.C. §§ 4601-4638) - Provides for fair treatment of persons displaced by Federal and Federal-aid programs and projects.

The Uniform Relocation Act Amendments of 1987, Pub. L. No. 101-246 - Updated the 1970 Act and clarified the intent of Congress in programs and projects which cause displacement.

Rehabilitation Act Amendments of 1986, Pub L. No. 99-506, 100 Stat. 1807 (1986) (42 U.S.C. § 2000d-7) - Abrogated recipient state sovereign immunity from suit under Title VI.

The American with Disabilities Act, Pub. L. 101-336 - Provides enforceable standards to ad dress discrimination against individuals with disabilities.

The American with Disabilities Act, Pub. L. No. 101-336, 104 Stat. 327 (1990) (codified as amended at 42 U.S.C. § 12101 et seq.) - Added the requirement that there be no discrimination on the grounds of disability, abrogated sovereign immunity, and provided enforceable standards to address discrimination against individuals with disabilities.

The Civil Rights Act of 1991, Pub. L. No. 102-166, 105 Stat. 1071(1991) (codified in part at 42 U.S.C. § 1981) - In part, amended Section 1981 of 42 U.S.C. to provide a definition for the term "make and enforce contracts", and to provide protection of the rights protected by this section

against impairment by nongovernmental discrimination under color of State law.

Title VIII of the 1968 Civil Rights Act, Pub. L. No. 90-284, 82 Stat. 81(1968) (codified as amended at 42 U.S.C. § 3601 et seq) - Requires fair housing practices in the sale or rental of housing, and zoning and planning by localities.

The National Environmental Policy Act of 1969, Pub. L. No. 91-190,83 Stat. 852 (1969) (42 U.S.C. § 4321) - Requires the preparation of environmental impact statements for major federal agency actions affecting the hum an environment. Under N EPA, federal agencies and federal aid recipients are required to consider several alternative actions, including the "no-action" alternative, and to consider social, environmental and economic impacts, public involvement.

Title IX of the Education Amendments of 1972, Pub. L. No. 92-318, 86 Stat. 374 (1972) (20 U.S.C. § 1682) - Makes financial assistance available to institutions of higher education, and sets requirements attendant to such assistance.

Transportation Equity Act for the 21st Century, Pub. L. No. 105-178, 112 Stat. 107 (1999) (codified in part at 23 U.S.C. § 101) - in part, mandates expenditures in federally assisted transportation programs through Disadvantaged Business Enterprises.

EXECUTIVE ORDERS

- **E.O. 12250**, **28 C.F.R. Pt. 41**, **App. A (1980)** Orders DOJ Leadership and Coordination of Nondiscrimination Laws.
- **E.O. 12259**, **46 Fed. Reg. 1253** (**1980**) Orders HUD Leadership and Coordination of Federal Fair Housing Programs.
- **E.O. 12898**, **59 Fed. Reg. 7629 (1994)** Orders Federal actions to address Environmental Justice in minority populations and low-income
- **E.O. 13160**, **65 Fed. Reg. 39775** (**2000**) Orders nondiscrimination on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent in federally conducted education and training programs.
- **E.O. 13166**, **65 Fed. Reg. 50121** (**2000**) Orders Federal agencies and their recipients to improve access to federally sponsored programs for persons with Limited English Proficiency (LEP).
- **E.O. 13175**, **65 Fed. Reg. 218 (2000)** Orders Consultation and Coordination with Indian Tribal Governments.
- **E.O. 13899.84 FR 68779 (2019)** Enforcing Title VI to combat anti-semitism.
- **E.O. 14096**, **88FR25251** (**2023**) To advance environmental justice and to supplement E.O. 12898.

REGULATIONS

- 23 C.F.R. §200 FHWA's Title VI Program Implementation and Review Procedures.
- **23 C.F.R. Part 420.121(h)** part of FHWA's planning regulations that specify the applicability of Title VI of the 1964 Civil Rights Act and Restoration Act of 1987 to FHWA funded planning and research activities.
- **23 C.F.R. Part 450** Federal Highway Administration's Statewide and Metropolitan Planning Regulations.
- 23 C.F.R. Part 450.316(b) (2) & (3) requires that the metropolitan planning process be consistent with Title VI of the 1964 Civil Rights Act and the recipient's Title VI Assurances.
- **23 C.F.R. Part 633, Subpart A** specifies required contract provisions to be included in all Federal-aid construction contracts under Title VI and other federal provisions.
- **23** C.F.R. Part 633, Subpart B, Appendix A specifies the types of contracts to which Title VI of the 1964 Civil Rights Act applies.
- 23 C.F.R. Part 771.105(f) FHWA's Policy on Title VI expands on 23 C.F.R. 200.7 and names categories covered with wording similar to Title VI of the Civil Rights Act of 1964 race, color, national origin, age, sex, handicap.
- **28 C.F.R. Part 35** DOJ regulations governing nondiscrimination on the basis of disability in State and local government services.
- **28 C.F.R. Part 41** Requires DOJ to coordinate the implementation of Section 504 of the Rehabilitation Act, and provides guidelines for determining discretionary practices.
- 28 C.F.R. Part 42, Subpart C DOJ's implementation of Title VI of the Civil Rights Act of 1964.
- 28 C.F.R. Part 42.200, Subpart D "Nondiscrimination in Federally-assisted Programs Implementation of Section 815 (c) (1) of the Justice System Improvement Act of 1979" -implements E.O. 12138.
- 28 C.F.R. Part 50.3 DOJ's guidelines for the enforcement of Title VI, Civil Rights Act of 1964.
- 49 C.F.R. Part 21 DOT's implementation of Title VI of the Civil Rights Act of 1964.
- **49 C.F.R. Part 24** DOT's implementation of the Uniform Relocation and Real Property Acquisition Act for Federal and federally assisted programs requiring compliance with Nondiscrimination Statutes and Executive Orders.
- 49 C.F.R. Part 25 DOT's implementation of Title IX of the Education Amendments Act of 1972.

49 C.F.R. Part 26 - DOT's implementation of Participation by Disadvantaged Business Enterprises in DOT Financial Assistance Programs.

49 C.F.R. Part 27 - DOT's implementation of Section 504 of the Rehabilitation Act of 1973 as amended.

49 C.F.R. Part 28 - Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation.

49 C.F.R. Part 37 - Transportation Services for Individuals with Disabilities, implementing the transportation and related provisions of Title II and III of the ADA proscriptions included in Form FHWA 1273.

ADMINISTRATIVE GUIDANCE

DOT Order 1000.12 - implementation of the Department of Transportation Title VI Program.

DOT Order 1050.2 - Standard Title VI Assurances.

DOT Order 5610.2 - U.S. Department of Transportation Order to Address Environmental Justice in Minority Populations and Low-Income Populations.

FHWA Order 4710.1 - Right-of-Way Title VI Review Program.

FHWA Order 4710.2 - Civil Rights Compliance Reviews of Location Procedures.

FHWA Order 4720.6 - Civil Rights Restoration Act of 1987 in FHWA.

49 CFR Part 26 – Amends DBE program regulations relating to participation of DBEs in DOT financial assistance program and FTA recipient guidelines for DBE.

FHWA Order 6640.23 - Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

Joint FHWA/FTA Memorandum dated October 7, 1999: Guidance on Implementing Title VI in Metropolitan and Statewide Planning.

DOJ Policy Guidance Document dated January 11, **2002** - Memo re: E.O. 13166, Improving Access to Services for persons with Limited English Proficiency.

DOJ Policy Guidance Document dated January 18, 2002 - Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons.

DOT Policy Guidance Document dated December 14, **2005** - Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) persons.

FTA C 4702.1B (October 1, 2012) -"Title VI Requirements and Guidelines for Federal Transit Administration Recipients." Provides FTA financial assistance recipients with guidance on implementing Title VI regulations.

APPENDIX B: ORGANIZATIONAL CHARTS

Title VI PEOGYSTAFF ORGANIZATIONAL CHART

Clark Mercer
Executive Director

Executive Assistant Simone Ellis

Government Relations/Member Services *Monica Nunez* Office of Communications Manager Steve Kania

Deputy Executive Director for Metropolitan Planning and Department of Transportation Planning Kanathur (Kanti) Srikanth

Office of Human Resources Director *Vacant* Office of Finance and
Accounting
Chief Financial Officer
Julie Mussog

Information
Technology
Director

Lionel Bernard

*Legal Services
Sharon Pandak
General Counsel

Dept. of Community Planning & Services *Vacant*

Climate, Energy and Air Program Director Jeff King

Water Resources
Program Director
Steve Bieber

Dept. of Homeland Security & Public Safety Director Scott Boggs

13 FTE

*Contract Support Contractual Legal Services Updated 5/2024

Office of Finance and Administrative Services

Chief Financial Officer Julie Mussog

Sr. Project Accountant Ivaylo Tsekov

Controller Anna Douglas

Contract, Purchasing and **Facilities Manager Charles Felton**

Accounting **Assistant** Airece Chase

Billing **Specialist** Amanda Wallace

Sr. Staff **Accountant** Laura Feng

Assistant Controller Naomi Jackson

Accounts Payable Analyst Robin Burroughs Cooperative Purchasing **Specialist** Chris Pipinou

Contract & Purchasing Coordinator Maribel Gonzalez

Contract & Purchasing Specialist Gail Crichlow

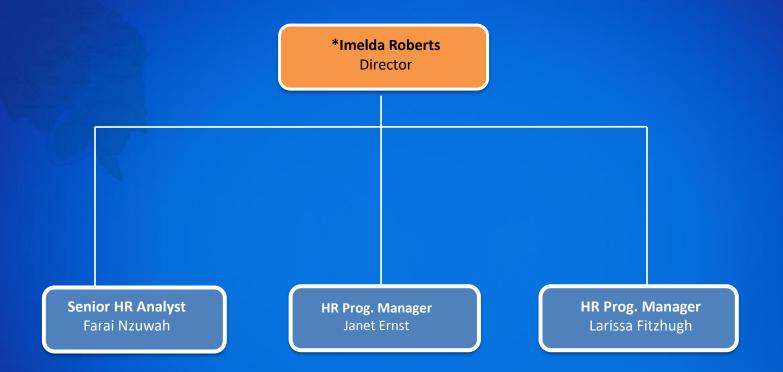
Office Manager Tabatha Johnson

*Administrative Support Temporary Support

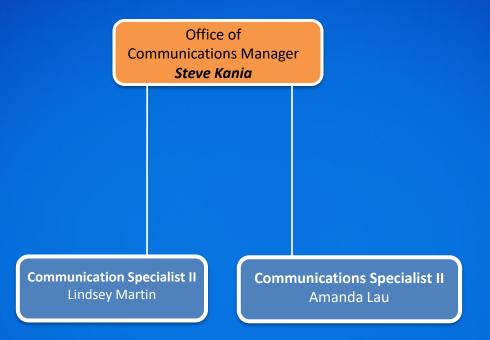
*Receptionist Temporary staff

14 FTE *Contract Support **Updated 5/2024**

OHRM PROGRAMS



OFFICE OF COMMUNICATIONS



Director, Information TechnologyLionel Bernard

Helpdesk Operations

IT
Operations
Manager
Jose Lemus

Info Tech Specialist Rizwan Ahmad Network Operations

*Network *Network Support Support Ted

*Network
Support
Ted Kramer

Network
Engineer
Leon
Truong

Information Systems Analyst IV Vacant

Cloud

Operations

Cybersecurity
Technician
Dominique

Richardson

Cybersecurity

Operations

6 FTE

*Contract Support
Updated 2/2023



Director of Community Planning and Services Vacant

Housing Program Mgr. Hilary Chapman

Sr. Regional **Planner** Greg Goodwin

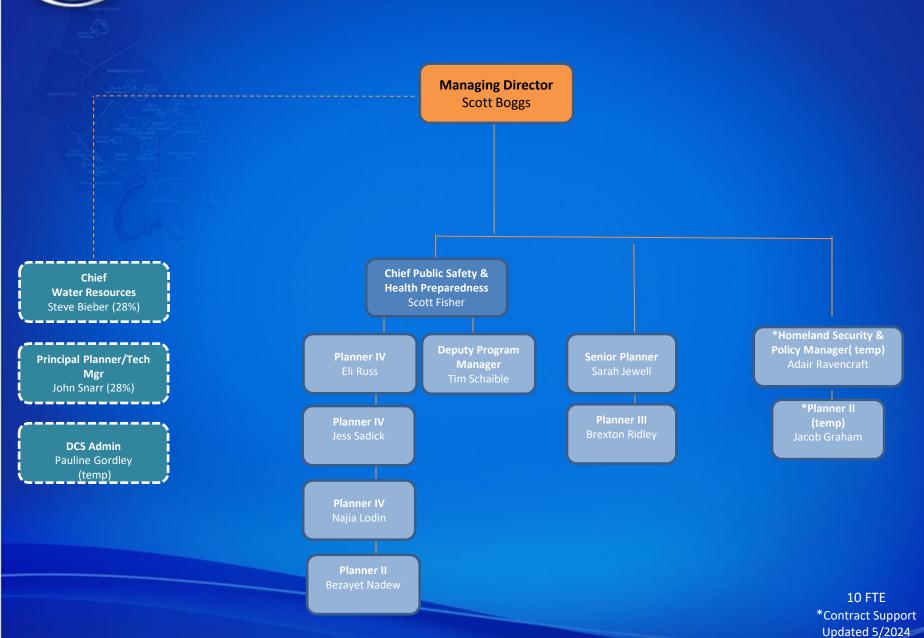
Planner I Jazmin **Burroughs**

Regional Planner II Vacant

Regional Planner John Kent

Health **Programs** Mgr. Vacant

DEPARTMENT OF HOMELAND SECURITY & PUBLIC SAFETY





Department of Environmental Programs Title VI Plan | 44

Realignment Staffing Plan

Deputy Executive Director Metropolitan Planning Kanti Srikanth

Food & **Agriculture Planner IV Lindsay Smith**

Water Resources Program Director Steve Bieber

Program Mgr/Principal **Planner** John Snarr

Administrative Coordinator Wyetha Lipford Climate, Energy and **Air Program Director** Jeff King

Principal Env. **Planner** Lisa Ragain **Principal Env.** Planner **Phong Trieu**

Env. Planner Aubin Maynard

Env. Planner II Sarah Tangren

Planner I Samuel Groat

Planner I Caitlin Bolton

> Research Asst. Elizabeth Tyler

> > Intern Vacant

Env. Analyst Coordinator **GIS IV** Christine Howard

> Env. **Engineer** Mukhtar Ibrahim

Principal Env

planner

Tech Mgr.

Vacant

Bonnaffon

Intern

Principal Engineer/Mgr. Sr. Env. Lisa Reynolds **Planner** Heidi

23 FTE

*Contract Support

Updated 5/2024

Environmental Engineer II Ata Adeel

Principal Env. Planner/Tech Mgr. Vacant

Sr. Env. Planner Leah Boggs

Sr. Env. Planner Maia Davis

Env. Planner III Katie Dyer

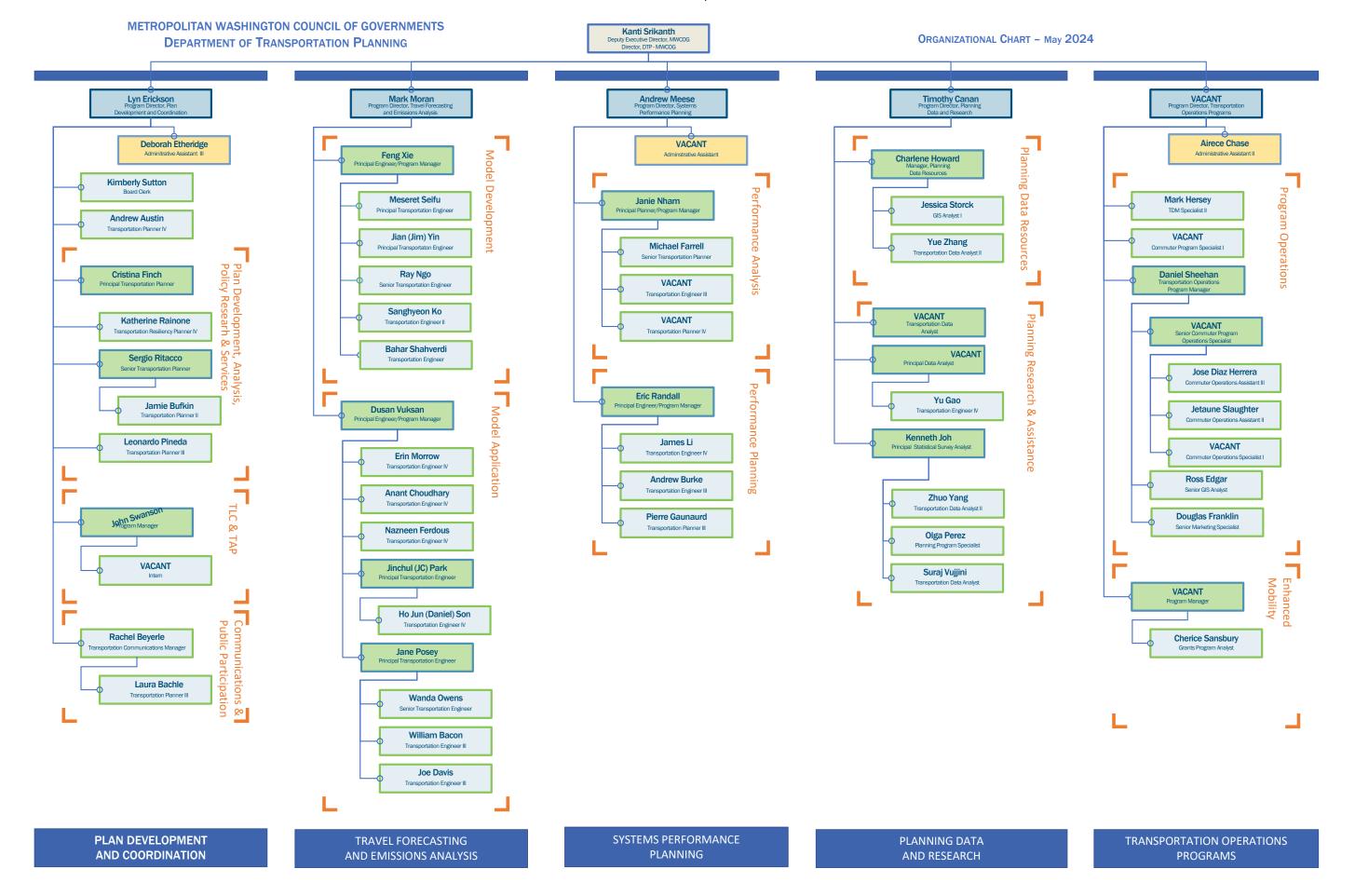
Env. Planner I Alissa Boggs

Environmental Planner I **Robert Christoper** **Principal Env** Planner/Tech Mgr.

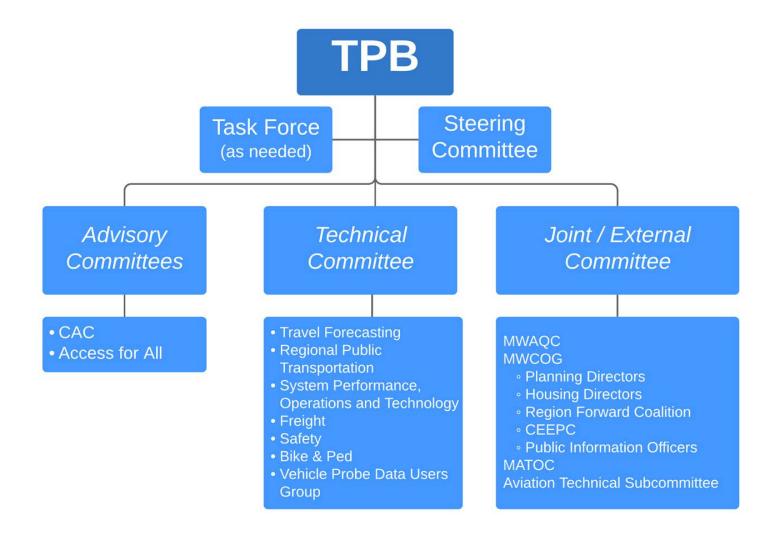
Jennifer Desimone

Principal Env Engineer/Tech Mgr. Sunil Kumar

Principal Env. Planner Tech Mgr. **Br**ian LeCouteur



APPENDIX C: COMMITTEE STRUCTURE



APPENDIX D: TITLE VI NOTICE TO THE PUBLIC

In order to comply with 49 CFR Section 21.9(d), the COG shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. For more information on COG's nondiscrimination obligations, contact COG's Title VI Officer, Clark Mercer, care of Simone Ellis, at sellis@mwcog.org or (202) 962-3263. The paragraph below will be inserted into all significant publications that are distributed to the public. The text will be placed permanently on the COG website at https://www.mwcog.org/nondiscrimination and in public areas of COG's offices.

The Metropolitan Washington Council of Governments (COG) operates its programs without regard to race, color, and national origin and fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations prohibiting discrimination in all programs and activities. For more information, to file a Title VI related complaint, or to obtain information in another language, visit www.mwcog.org/nondiscrimination or call (202) 962-3300.

El Consejo de Gobiernos del Área Metropolitana de Washington (COG) opera sus programas sin tener en cuenta la raza, el color, y el origen nacional y cumple con el Título VI de la Ley de Derechos Civiles de 1964 y los estatutos y reglamentos relacionados que prohíben la discriminación en todos los programas y actividades. Para más información, presentar una queja relacionada con el Título VI, u obtener información en otro idioma, visite www.mwcog.org/nondiscrimination o llame al (202) 962-3300.

Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI may file a formal complaint with COG's Title VI Officer by completing and signing COG's Title VI Complaint Form. A formal complaint must be submitted in writing within 180 calendar days from the date of the alleged occurrence or when the alleged discrimination became known to the complainant. Complaints should be mailed to Title VI Officer, Metropolitan Washington Council of Governments, 777 North Capitol Street NE, Suite 300, Washington, DC 20002.

A person may also file a complaint directly with the appropriate state agency or the Federal Transit Administration at the following:

Virginia:

Civil Rights Division Administrator Virginia Department of Transportation 1401 E. Broad St.

Richmond, VA 23219 Telephone: (804) 786-2730 Toll free: (888) 508-3737 Fax: 804-371-8040 (TTY/TDD 711)

OR

U.S. Department of Transportation Federal Highway Administration Virginia Division Office of Civil Rights 400 N. 8th St., Suite 750 Richmond, VA 23219

Maryland:

Maryland Department of Transportation Title VI Program Manager

Office of Diversity and Equity 7201 Corporate Center Drive Hanover, Maryland 21076

Office of Fair Practices
Maryland Transit Administration
6 Saint Paul Street

Baltimore, Maryland 21202 Web: www.mta.maryland.gov

Telephone: (410) 767-3944

District of Columbia:

District Department of Transportation Office of Civil Rights 55 M Street, SE, Suite 400 Washington, DC 20003 Telephone: (202) 673-6813 Fax: (202) 727-1013

Federal Transit Administration:

FTA Office of Civil Rights Attention: Complaint Team East Building, 5th Floor – TCR 1200 New Jersey Ave., SE Washington, DC 20590

LOCATIONS OF WHERE THE NOTICE IS POSTED

The Title VI notice in English and Spanish is posted in the following locations:

- In the COG Board Room where it is visible to members of the public;
- On the bulletin board in the Office of Human Resources; and
- Throughout the COG offices on three bulletin boards on both the 2nd and 3rd floor.



Figure 3: COG's Title VI Notice to the Public as Displayed in the Board Room.

The notice is also posted on COG's website at www.mwcog.org/nondiscrimination

APPENDIX E: PUBLIC PARTICIPATION PLAN

TPB PARTICIPATION PLAN

2020 Update



TPB PARTICIPATION PLAN - 2020 UPDATE

October 2020

ABOUT THE TPB

The National Capital Region Transportation Planning Board (TPB) is the federally designated metropolitan planning organization (MPO) for metropolitan Washington. It is responsible for developing and carrying out a continuing, cooperative, and comprehensive transportation planning process in the metropolitan area. Members of the TPB include representatives of the transportation agencies of the states of Maryland and Virginia and the District of Columbia, 24 local governments, the Washington Metropolitan Area Transit Authority, the Maryland and Virginia General Assemblies, and nonvoting members from the Metropolitan Washington Airports Authority and federal agencies. The TPB is staffed by the Department of Transportation Planning at the Metropolitan Washington Council of Governments (COG).

CREDITS

Primary Author of 2020 Update: Bryan Hayes

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ACKNOWLEDGEMENTS

Special thanks to TPB committees and other stakeholders for providing in-depth review and comment. The Citizens Advisory Committee and Access for All Advisory Committee were particularly instrumental in producing this document.

ACCOMMODATIONS POLICY

Alternative formats of this document are available upon request. Visit www.mwcog.org/accommodations or call (202) 962-3300 or (202) 962-3213 (TDD).

TITLE VI NONDISCRIMINATION POLICY

The Metropolitan Washington Council of Governments (COG) fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations prohibiting discrimination in all programs and activities. For more information, to file a Title VI related complaint, or to obtain information in another language, visit mwcog.org/nondiscrimination or call (202) 962-3300.

El Consejo de Gobiernos del Área Metropolitana de Washington (COG) cumple con el Título VI de la Ley sobre los Derechos Civiles de 1964 y otras leyes y reglamentos en todos sus programas y actividades. Para obtener más información, someter un pleito relacionado al Título VI, u obtener información en otro idioma, visite mwcog.org/nondiscrimination o llame al (202) 962-3300.

CONTACT INFORMATION

National Capital Region Transportation Planning Board Metropolitan Washington Council of Governments 777 North Capitol Street, NE Suite 300 Washington DC 20002

Phone: 202-962-3200 www.mwcog.org

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PREFACE

This Participation Plan states the National Capital Region Transportation Planning Board's (TPB) commitment to transparent communications and engagement with the public and with relevant agencies to support the regional transportation planning process. This includes communications and engagement to inform developing the Long-Range Transportation Plan and the Transportation Improvement Program (TIP).

The plan articulates the TPB's policy for public participation. It describes how members of the public can get involved and demonstrates how staff will work to meet and exceed federal requirements. Most importantly, this plan guides TPB staff interactions with the public so their public-facing work can: 1) reach as many people as inclusively as possible, and 2) collect meaningful input and build support to inform TPB plans and programs, and aid in decision making.

This Participation Plan is required under federal laws and regulations pertaining to metropolitan planning. The plan builds on previous efforts designed to encourage participation in the TPB process and provide reasonable opportunities for residents and other interested agencies to be involved in the metropolitan transportation planning process.

As required by federal regulation, TPB staff developed the plan in consultation with interested parties, including residents, representatives of people with disabilities, users of public transportation and bicycle and pedestrian facilities, and affected public agencies. In addition, federal regulations require the plan to be released for a minimum public comment period of 45 calendar days before it is adopted by the TPB.

ABOUT THE TPB

The National Capital Region Transportation Planning Board (TPB) is designated under federal law as the Metropolitan Planning Organization (MPO) for the Washington region. As an MPO, the TPB brings together key decision makers to coordinate planning and funding for the region's transportation system. The TPB relies on advisory committees and participation from interested parties in order to make informed decisions.

The TPB was created in 1965 by the region's local and state governments to respond to federal highway legislation in 1962 that required the establishment of a "continuing, comprehensive, and coordinated" transportation planning process in every urbanized area in the United States. The TPB's membership includes key transportation decision makers in the metropolitan Washington region. The board includes local officials— mayors, city council members, county commissioners/board members, and others—as well as representatives from the state transportation agencies, the Washington Metropolitan Area Transit Authority (WMATA), and the state legislatures. The TPB also includes non-voting representatives from key federal agencies, the Metropolitan Washington Airports Authority, and the National Capital Planning Commission.

The TPB became associated with the Metropolitan Washington Council of Governments (COG) in 1966. Local cities and counties established COG in 1957 by to deal with regional concerns including growth, housing, environment, public health and safety—as well as transportation. Although the TPB is an independent body, its staff is provided by COG's Department of Transportation Planning.

The TPB prepares plans and programs that the federal government must approve in order for federal-aid transportation funds to flow to the Washington region. In particular, federal law and regulations relating to the work of MPOs require the TPB to adopt a long-range transportation plan and the six-year Transportation Improvement Program (TIP). The TPB must also ensure compliance with other federal laws and requirements, including federal air quality conformity requirements.

In addition to ensuring compliance with federal laws and requirements, the TPB performs many other functions, including acting as a regional forum to coordinate policy making and providing technical resources for transportation decision makers. The TPB receives input and guidance from advisory committees that include members of the public, special interest groups, and jurisdictional staff.

HOW TO USE THIS PLAN

This plan clarifies the TPB's commitment to transparent and open collaboration with the public and renews the TPB's commitment to equity. The plan seeks to highlight a practical approach to public participation. The actionable information in the plan varies based on the user's relationship to the TPB.

Public Guide

Staff Guide

Federal Guide

Participation Policy

Public Guide

If you are a member of the public, including individuals, community groups, non-profits, advocacy groups, and others, please consult with the Public Guide. It walks you through the ongoing and predictable ways that you can interact with and get involved with the TPB. It also connects you to where you can learn about future activities and get involved locally.

Staff Guide

If you work for the TPB, consult the Staff Guide. This guide walks you through the process for determining whether your work activity requires or would benefit from public participation. This guide also presents a workflow, or a series of questions, that need to be answered in order to develop a plan for interacting with the public as part of your activity.

Federal Guide

If you want to learn about federal requirements (23 CFR 450.316) for the TPB's participation activities – whether you are staff, a regular participant in the TPB process, or a member of the public – consult the Federal Guide.

PARTICIPATION POLICY

The Participation Policy provides the foundation for all the TPB's interactions with the public so that it can reach as many people as inclusively as possible while collecting meaningful input, building support for TPB plans and programs, and aiding in decision making.

This Participation Policy chapter consists of four parts. The Policy Statement articulates the TPB's commitment to making its process and products accessible to everyone who lives in metropolitan Washington. The Policy Goals state what the TPB is trying to achieve through its public-facing work. The Principles for Engagement declare the TPB's values for interacting with the public. Finally, the Constituencies for Engagement describe three target audiences to help staff focus information and participation activities.

Policy Statement

It is the TPB's policy to provide public access and involvement under a collaborative planning process in which the interests of all TPB constituencies are reflected and considered. It is the TPB's intent to make both its policy and technical processes inclusive of and accessible to all constituencies.

The TPB believes that public input into its process is valuable and makes its products better. Regional transportation planning cannot, and should not, be based simply upon technical analysis. The information derived from public involvement is essential to good decision making.

Policy Goals

The Policy Goals describe what the TPB is trying to achieve through its participation activities. When planning public-facing work, staff should use these goals to set desirable outcomes, and then refer to the goals when evaluating their work.

- Engage different audiences effectively using a variety of tools. The TPB will disseminate
 information and solicit input using different tools and conduits. Engagement activities will be
 conducted in ways that are tailored to specific constituencies, ranging from active
 participants to the general public.
- Provide clear and open access to information and participation opportunities. The TPB will
 work to improve access to technical and planning information and, where appropriate, tailor
 that information to be accessible to more constituencies. Opportunities for participation in
 TPB meetings and in committee meetings will be clearly defined and provided at each
 meeting.
- Gather input from diverse perspectives. The TPB will encourage participation from diverse
 constituencies and will provide for discussion about transportation issues that are
 responsive to the interests of different constituencies. In addition to encouraging input from
 people with different racial, ethnic, and linguistic backgrounds, the TPB will seek the
 perspectives of people who use all transportation modes and come from all areas of the
 region.

- Give consideration to input received and respond meaningfully. The TPB will give thoughtful
 consideration to how public input might affect its decisions and how input might improve TPB
 plans and products. The TPB will acknowledge the comments that were received and how
 they were considered.
- **Promote a regional perspective.** The TPB will communicate how regional transportation planning plays a vital role in coordinating planning activities on many levels. The TPB will also work to connect the public to where their input can have the biggest impact, which is often on the local or state level.

Principles for Engagement

The Principles for Engagement state TPB values around informing and engaging the public. These principles recognize that most people who are impacted by transportation decisions are not technical experts and that being inclusive means meeting people where they are. These principles guide engagement and point towards the Policy Goals without specifying those goals or the means to achieve them.

- Equity perspective Staff strive to incorporate an equity perspective into their work activities so that work acknowledges and seeks to accommodate different contexts, experiences, and abilities. This equity perspective is informed by COG's Title VI Plan and Program, the TPB Equity Statement¹, and the TPB's Equity Emphasis Areas. It acknowledges past inequities and barriers to involvement and seeks to be more just.
- Plain language Staff strive to use plain language and prepare their materials in a variety of ways. This will make TPB work accessible and understandable to as many people as possible and serve as a foundation for meaningful participation
- Early and continuing participation Staff strive to maximize public input by involving the public early in planning processes. Staff also strive to involve the public throughout processes to create repeat interactions with the public. This will help foster transparency and keep the public up to date and aware of future opportunities to learn more and to participate.
- Timely response Staff strive to acknowledge receipt of public input in a timely manner and
 provide information about how public input will be used. This will build trust by demonstrating
 the value and purpose of input.
- Clarity of Purpose Staff strive for clarity of purpose when planning public-facing work. This will help staff determine if the work is meant to inform, consult, or engage the public. This will also help the public understand their role in the TPB plan or activity and how their input will be used.

¹ Appendix C: TPB Equity Resolution

Constituencies for Engagement

The TPB acknowledges that not every person is aware of the TPB or has an understanding for how decisions are made at the regional, state, and local levels. To make sure that TPB participation efforts are most effective, it is important to tailor communications and outreach to different constituencies.

The constituencies below are grouped according to varying levels of engagement in regional transportation planning process and awareness of regional transportation issues.

- Active participants are both knowledgeable about transportation policy issues in general, as
 well as the TPB's role in the regional transportation planning process. These individuals and
 organizations already actively participate in the TPB process and have an extensive
 understanding of regional transportation issues and policy. Among others, this category
 includes the TPB's Citizens Advisory Committee (CAC), the Access for All (AFA) Advisory
 Committee, and graduates of the Community Leadership Institute.
- Community leaders have some knowledge of transportation policy issues but are less familiar with the TPB's role in the regional transportation planning process. They also may not be fully aware of the regional context underlying transportation challenges and experiences throughout the region. This group often includes community and opinion leaders who work at the local level.
- The general public has an inherent interest in transportation challenges but often possess little direct knowledge of transportation policy making. This group represents most of the region's population, although in some cases, it may also include local leaders or even elected officials who have limited exposure to transportation planning.

An equity perspective is vital for understanding how to work within these different constituencies. The TPB recognizes that each of these constituent groups include people of color, people with limited English proficiency, differing abilities, people with low incomes, and people of all ages, including youth and elders. Staff remain aware of the need to make extra efforts to engage these populations through information and participation.

PUBLIC GUIDE

Although this participation plan is primarily a guidebook for TPB staff to use in designing and implementing public engagement activities, it also articulates the TPB's commitment to an open and transparent planning process. The TPB and its staff are part of an ongoing partnership with the public, so this plan's policies and goals are meant to represent values that we share and are working toward.

The TPB recognizes that transportation planning is complex. Multiple levels of government and political interests are involved. This complexity can be intimidating and makes it difficult for the public to know where to begin. The following guide is an attempt to present high-level opportunities for the public to get informed and involved at the TPB. Staff also recognize that there are many seen and unseen barriers to participating in planning processes. You should reach out to staff if you are concerned that barriers to your involvement are not being addressed. Staff contact information is often included on document and on the web if you are not sure who to ask.

If you are looking for practical tips for getting involved, there are many ways you can be part of the TPB process. The next few pages describe how the region's residents can follow TPB activities, learn about key issues, provide comments, and otherwise get involved in the TPB's work.

Get Informed

There are a variety of ways to stay informed about what is going on at the TPB and in the region. You can attend meetings of the board or one of its subcommittee, read about regional transportation issues through TPB publications, or follow us on social media.

TPB MEETINGS

The TPB meets once a month except in August. The meetings are held at the COG offices, although during the pandemic of 2020, they have been conducted on a virtual-only basis. They are open to the public for observation and comment and usually take place on the third Wednesday of the month at noon. The TPB's agenda and meeting materials are posted on the website six days before the monthly meeting. Meeting materials, meeting recordings, and a live stream of the meeting can be found at mwcog.org/tpbmtg. Anyone may subscribe to an email list to receive the agenda and materials when they are posted. You may subscribe or update your subscription here: mwcog.org/subscribe/.

TECHNICAL SUBCOMMITTEES

The TPB's subcommittees focus on specific subject matter like public transit, freight, bicycle and pedestrian issues, travel forecasting, and other topics. Subcommittee meetings bring together technical experts from local and state agencies and inform TPB work and processes. To find out more about the subcommittees, visit mwcog.org/tpbtech.

TPB NEWS

TPB News is a bimonthly newsletter and blog that shares information about what is happening with the TPB and COG's Department of Transportation Planning. TPB News covers issues going before the board, staff work, committee work, how to get involved, and deep dives into various programs and federal requirements. TPB News is one of the best ways to stay in the know about what is happening at the TPB. TPB News posts can be found on the COG website at mwcog.org/tpbnews.

COG WEBSITE

The website for the Metropolitan Washington Council of Governments, or COG, at mwcog.org is home to everything you need to know about the TPB. You can also find TPB News, events and meetings, documents and plans, and more. You may visit the COG website at mwcog.org.

SOCIAL MEDIA

Residents who want to get the latest information about TPB activities can follow us on Facebook (facebook.com/natcapregtpb) and Twitter (@natcapregtpb).

COMMUNITY LEADERSHIP INSTITUTE

The CLI is an educational program that encourages community leaders to get involved in transportation-related decision making at all levels. CLI participants learn to be regional transportation leaders by connecting the interests of their local communities, constituencies, and elected officials with the planning issues facing the entire metropolitan Washington region. Learn more about the CLI at mwcog.org/cli.

Follow Major Plans and Programs

These regional plans and programs are the primary focus of the TPB's work. Residents who want to be involved with the TPB's process will benefit from an understanding of how these plans are developed. Future updates will offer opportunities for public input and will be guided by the strategies and procedures for engagement that are laid out in this participation plan. Information about how to get involved in these planning activities can be found at mwcog.org/tpb.

VISUALIZE 2045

Visualize 2045 is the TPB's current federally mandated, long-range transportation plan for the National Capital Region. When it was approved in 2018, the plan represented a new kind of long-range transportation planning effort for our region. For the first time, in addition to including projects that the region's transportation agencies expect to be able to afford between now and 2045, the plan identified aspirational initiatives – projects, programs, and policies – that go beyond financial constraints. The plan is updated every four years. The TPB is scheduled to update Visualize 2045 in 2022. Extensive opportunities for public engagement will be available before its approval. Learn more at visualize 2045.org.

TRANSPORTATION IMPROVEMENT PROGRAM

The TIP is a federally required document that describes the planned schedule in the next four years for distributing federal, state and local funds for state and local transportation projects. It includes highway projects, rail, bus and streetcar projects, and bicycle and pedestrian improvements, as well as maintenance funds and operational programs. The TPB's FY 2021-2024 TIP contains over 300 project records and more than \$15 billion in funding across the region. The TIP undergoes a public comment period before approval. Every two years the TPB also conducts a TIP Forum, an open public meeting where the state DOT's share information about their state funding documents. Learn more about the TIP at mwcog.org/TIP.

OTHER PLANS AND INITIATIVES

The TPB is always in the process of updating various plans. Some are focused on specific modes of transportation – such as freight or bicycle and pedestrian needs. Other initiatives focus on specific segments of the region's population, such as planning activities to serve older adults and persons with disabilities. Public engagement in these planning activities can help them become more effective in meeting their desired outcomes.

Get Involved in the TPB

Once you're informed, there are a variety of ways to be involved in regional transportation issues through the TPB or elsewhere.

EXPRESS YOURSELF FOR THE RECORD

Present your ideas during the TPB public comment period at the beginning of each board meeting. TPB meetings begin at 12 noon on the third Wednesday of each month (except August). To participate, call (202) 962-3315 or email TPBComment@mwcog.org. Meeting time and place is subject to change. Check the website for updates.

PUT IT IN WRITING

Send a letter or submit a written statement to key decision makers. You can submit a written statement to the TPB Comment form. You may also send your message by e-mail (TPBComment@mwcog.org) or regular mail (Transportation Planning Board, MWCOG, 777 N. Capitol St., NE, Washington, DC 20002).

APPLY TO SERVE ON A TPB ADVISORY COMMITTEE

The TPB has two advisory committees that provide insight from the region's residents. The Citizens Advisory Committee provides independent, region-oriented citizen advice to the TPB on transportation plans and issues. The Access for All Advisory Committee (AFA) advises the TPB on transportation issues, programs, policies, and services important to low-income communities, people of color, people with limited English proficiency, people with disabilities, and older adults. The committee raises important issues to determine whether and how these issues might be addressed within the TPB process.

These advisory committees are called upon by TPB staff to provide specific input in the development of TPB plans and programs. They are frequently asked to provide a public perspective on materials before they go to the board. More broadly, these committees bring perspectives and ideas to light that shape TPB work over time.

You can get information about how to apply to serve on these committees on our website: mwcog.org/tpbcac and mwcog.org/tpbafa.

Get involved at the state and/or local levels

If you are interested in a specific project or issue, it is often most effective to get involved early in the planning process, which typically occurs at the local and state levels. Key decisions often must be

made before they come to the TPB. Many projects are formulated based on local needs. State agencies often work with locals to determine which projects to pursue. Here are some ways you can have an impact on transportation challenges facing the region outside of the TPB:

- Get information. Contact local, regional, and state transportation planning agencies to ask about projects in which you are interested. Find out how citizens are involved in these projects.
- Get out there. Attend public meetings on projects or plans. These sessions are often advertised in local papers or posted on the Internet by local or state agencies.
- Talk with decision makers. Contact elected officials or the staff at transportation agencies to request information about projects or plans. Find out how citizens can get involved.
- Work with your neighbors. Contact your neighborhood or civic association to see if their members are interested in a particular transportation issue and if they plan to take any action.
- Join a group. Join an organized group that is promoting a specific transportation project or is advocating broad policy changes regarding transportation investments in your community or across the region.

STAFF GUIDE

The Staff Guide is a tool that TPB staff will use as they start work on a new activity. The guide walks staff through a process of determining if their work has a public-facing component and if it is covered by any federal participation requirements. The workflow described in this chapter also helps staff plan for public participation that is in accordance with the TPB's Participation Policy and makes sure that the work can reach as many people as inclusively as possible while also collecting meaningful input, building support for TPB plans and programs, and aiding in decision making.

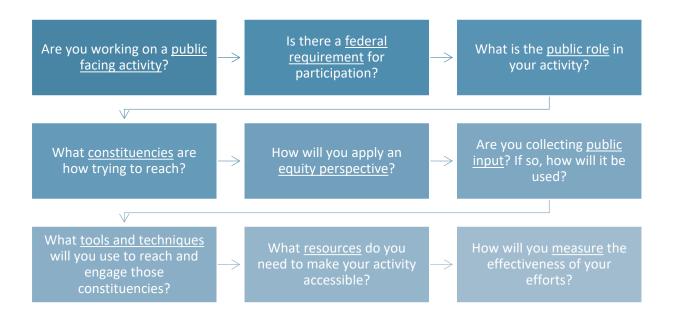
Not all the work led by TPB staff requires direct input from the public, but there is value in being clear about how technical work can inform the public. The TPB process is at its best when technical work, combined with input from an informed public, supports decision making.

Participation Workflow

This workflow walks staff² through a series of questions to ask themselves as they start a new activity. Each question is accompanied by a description and considerations to inform and provide context. The answers to these questions will outline an approach for how staff can work with the public in their activity. These questions will also help staff identify material and staffing resources to assist with their activity.

When staff start a new activity, they should spend time completing the Participation Workflow. This workflow walks them through questions they need to consider, helping them determine if their activity should include elements that inform or involve the public. Once completed, staff should take their answers and discuss with their team leader and, if possible, with members of the Participation Team. Working together they will make the determination about public information and involvement. Members of the Participation Team, other team leaders, and the director of transportation planning can also provide input into this process. Activities that have federal requirements must follow the participation guidance as described in regulations (23 CFR 450.316).

² The staff roles identified in this chapter's workflow can be broadly defined as follows: "TPB staff" is anyone who is responsible for an activity. "Team Leaders" are the managers who oversee staff who conduct the work outlined in the Unified Planning Work Program, which is the TPB's work plan. The "Participation Team" are the people who work in communications, outreach, and participation as part of the Plan Development and Coordination Team. For more detail on staff roles, refer to the Organization Chart (B-1) in the COG Title VI Plan.



1) ARE YOU WORKING ON A <u>PUBLIC-FACING ACTIVITY?</u>

If staff work is going to be presented to the TPB or committees, then it is considered a public-facing activity. <u>Public-facing activities</u> include all TPB activities, products, or events that the public has— or should have— the opportunity to review, participate in, or potentially influence. The audience for these activities may include one or more of the constituencies identified on page 6 of this plan—active participants, community leaders, and the general public.

Examples of public-facing activities include one-time events, like webinars, training programs, and public forums. They also include multi-faceted planning projects that offer a variety of opportunities over a period of time for public information and engagement. Such activities include developing and updating the TPB's long-range transportation plan, as well as more specialized work such as the Regional Freight Plan or the Enhanced Mobility Program. And most obviously, public-facing work includes all materials that are publicly presented for discussion and official action.

Not all staff activities are public-facing, and in such cases, there may be no need for staff to proceed with this workflow. Such work may be purely technical, intended for internal use only, or designed to support larger activities. In other cases, such work may be conducted in collaboration with jurisdiction partners who take the lead on how public input will be framed.

However, even activities that are not public-facing may contribute to a plan or activity that directly impacts the public. Whenever possible, such materials should attempt to use plain language that is understandable to the public, as well as to elected officials who may not have technical backgrounds.

Are you working on a public-facing activity?						
Yes	No	Uncertain				
If your work is public-facing, or informs a public-facing product, proceed to question 2.	If you work is not public-facing or does not impact the public, then you do not need to proceed through this workflow.	If you are uncertain whether your work is public-facing, then consult with your team leader or a member of the Participation Team.				

2) IS THERE A FEDERAL REQUIREMENT FOR PARTICIPATION?

Some of the activities and processes overseen by TPB staff are federally required. These include developing the Long-Range Transportation Plan, currently known as Visualize 2045, and the Transportation Improvement Program, or TIP. See the Federal Guide for information about federal participation requirements.

Federal participation requirements are a starting point for some plans and activities. These requirements typically focus on the length of a public comment period. When resources are available, staff are encouraged to go beyond these requirements to achieve the Participation Goals.

Is there a federal requirement for participation?						
Yes	No	Uncertain				
If your product does have federal requirements for participation, refer to the Federal Guide or Appendix B. Note those requirements and move on to Question 3.	If your work does not have federal participation requirements, please proceed to Question 3.	If you are uncertain whether there is a federal participation requirement for your work, consult with your team leader or the Participation Team.				

3) WHAT IS THE <u>PUBLIC ROLE</u> IN YOUR ACTIVITY?

The International Association for Public Participation (IAP2) describes a spectrum for participation³ that ranges from informing the public, at the most basic level, all the way to empowering the public to shape outcomes, at the most involved level. In between these extremes there are opportunities to work with the public with different levels of intensity.

³ Public Participation Spectrum used with permission from IAP2. For more visit: iap2usa.org/cvs.

INCREASING IMPACT ON THE DECISION							
	Inform	Consult	Involve	Collaborate	Empower		
Goal	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, and/or solutions.	To obtain public feedback on analysis, alternatives, and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.		
Public Promise	We will keep you informed	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.		

It is important for staff to decide where on this spectrum their activity fits. This will help set expectations with the public, TPB staff, jurisdiction and agency partners, in addition to committees and the board. Identifying the public role in an activity is important to help determine tools, techniques, and resources that will be utilized as part of the activity.

The three most common levels of participation at the TPB are inform, consult, and involve. If staff believe an activity would benefit from the additional forms of involvement that are identified on the IAP2 table -- public collaboration or empowerment -- they should talk with the Participation Team and their Team Leader.

Inform

If staff determine the public's role is to be informed, they should focus their efforts on making the information they are sharing accessible. Staff should prepare materials using plain language and in a variety of formats. This means explaining complex information in simpler terms. Taking the time to explain concepts help people to better understand the information you are trying to convey. You may want to consult the Participation Team to figure out your key messages and create memorable phrases or slogans that will resonate with the public. Visualizations, maps, interactive maps, and videos are other tools that staff can use to make their materials accessible as they inform the public.

There are multiple ways for staff to inform the public. These might include:

- writing a blog post for TPB News and sharing it in an email newsletter
- sharing information through social media
- pursuing traditional media coverage
- sending information through TPB member jurisdictions, agencies, and other partners who can widely disseminate data and key messages
- using non-digital tools, including the US postal service, to reach people who may have limited internet access.

For some activities it is enough to only inform the public and not move on to more active engagement. When informing the public is the primary purpose, staff should work with the Participation Team to think about creative and innovative ways to do that.

Consult

If staff believe the public's role in an activity is consultation, they should focus on how they want to solicit feedback in addition to making sure the information they are sharing is accessible and uses plain language. Feedback can be solicited through public comment periods, focus groups, and via comments on social media and other platforms.

When consulting with the public, staff should be clear at the beginning of the process about the type of feedback that is sought, the length of the opportunity, and how staff will summarize and use that feedback to inform decision making. As a best practice, staff should share with people who submitted feedback a summary of all feedback received and a description for how it was used in the activity.

For example, in announcing a public comment period for a plan update, staff might offer specific questions for the public to consider in crafting their input. The announcement should also let people know how long the comment period will be open and how commenters can find out how their comments were summarized and used in the final version of the plan.

Involve

If staff decide to get the public involved in an activity, they should focus on making sure there are multiple opportunities for the public to interact with information and provide feedback. At a minimum, staff should engage the public at the beginning of a process, mid-way through that process, and at the end to demonstrate how feedback has been used to inform decision making and the final product.

When involving the public, TPB staff often call upon the Citizens Advisory Committee and the Access for All Advisory Committee. These committees are comprised of members of the active public who are familiar with the TPB's role in regional transportation planning and have a sophisticated understanding of transportation planning issues. The members of these groups can serve as conduits to their communities and can help to critically analyze public needs and identify solutions. For example, the committees have provided input that has fundamentally changed key TPB projects and programs, including ongoing regional safety planning and the inception of the Regional Transportation Priorities Plan.

With regular meeting schedules, these advisory committees are a natural fit for public involvement, however staff are encouraged to look beyond these advisory committees when involving the public, when possible. Thinking about how community leaders and the general public can be involved in a process will help make the public involvement more equitable.

What is the public role in your activity? What level of participation is appropriate?			
Inform	Consult	Involve	Uncertain
If part of your activity	If you plan to consult	If you plan to involve	If you are uncertain
is to inform the public,	with the public, think	the public, think about	the public role in your
think about the what	about which aspects	the aspects of your	activity, then consult
you'd like the public to	of the activity require	activity that are best	with your team leader
know.	or would benefit from	suited for regular	or a member of the
	consultation.	interactions with the	Participation Team.
Proceed to Question 4.		public.	
	Proceed to Question 4.		
		Proceed to Question 4.	

4) WHAT CONSTITUENCIES ARE YOU TRYING TO REACH?

The Participation Policy describes constituencies with whom the TPB strives to engage on public-facing activities. Staff should identify which of these constituencies need to learn about or be engaged in a staff activity. To learn more about these groups, consult the Constituencies for Engagement on page 6.

When identifying constituencies, it is also important to recognize that groups have different constraints or barriers to participation. List those constraints and barriers so that you can refer to them in Step 7 when selecting tools and techniques.

Active participants are both knowledgeable about transportation policy issues in general, as well as the TPB's role in the regional transportation planning process. When working with the active public, staff should take the following into consideration:

- Recognize and support the vital contributions of individuals and groups who are already active in the TPB process.
- Engage with and tap into the active public's expertise and commitment (both individuals and groups) to inform the TPB's decision making.
- Support the active public in their efforts to disseminate information about regional transportation planning to their communities.
- Members of the TPB's two advisory committees are considered active participants. They
 understand the MPO process and provide direct feedback on TPB materials and activities. These
 committees can be called upon to provide public input once per project or before materials go to
 the board. These committees are also able to provide ongoing input throughout a process.

Community leaders have some knowledge of transportation policy issues but may not be familiar with the TPB's role in the regional transportation planning process. When working with community leaders, staff should take the following into consideration:

- Provide information and knowledge about regional transportation issues that will empower community leaders to positively affect transportation decision making at local and state levels.
- Engage community leaders as conduits to disseminate information about regional transportation issues at a grass roots level.
- Encourage community leaders to get involved in the regional transportation planning process at the TPB.
- Provide opportunities for cross-jurisdictional networking.

The general public has an inherent interest in transportation challenges but often possesses little direct knowledge of transportation policy-making structures. When working with the general public, staff should take the following into consideration:

 Make available basic information on regional transportation and land-use challenges to create a more informed public.

- Increase the capacity of the general public to understand transportation and land-use issues so that some of them might become community leaders or active participants.
- Understand that most members of the general public may not have the time or inclination to become more engaged in transportation planning activities. Therefore, outreach activities for interested people should focus on basic issues, not planning processes or institutions.

5) HOW WILL YOU APPLY AN EQUITY PERSPECTIVE?

The constituencies described in Question 4 are differentiated according to their levels of knowledge and past involvement in the TPB. But when determining how to tailor outreach, it is equally important for staff to consider an equity perspective in deciding how to develop and implement engagement activities.

An equity perspective will sharpen staff's attention on those who may not have been historically engaged by the TPB. These include people of color, people with limited English proficiency, people with differing abilities, low-income people, and people of all ages. Staff need to put extra effort, attention, and resources into reaching out to members of these communities to overcome the lack of effort from the TPB in the past. Specifically, staff should think about and think through how an activity may impact traditionally underserved communities, or populations living in Equity Emphasis Areas.⁴

In looking through the equity lens, it will be helpful to consider the following:

- Staff should acknowledge past mistakes when working with groups that have been left out of the planning process and voice a commitment to do better.
- Staff should acknowledge barriers to participation and offer accommodations to help overcome those barriers.
- Staff should think about how to adapt their work to make it accessible despite these barriers.
- Staff should recognize that people in this group are part of the constituencies described in the
 previous step (active participants, community leaders, general public), so the considerations for
 reaching out to those groups also apply here.

Equity in Virtual Engagement

Limited access to the internet is an example of an everyday barrier to participation. As the world becomes increasingly reliant on digital communications, it can be easy to forget that some people do not have computers at home or otherwise cannot readily access the internet.

Extra efforts are needed to make sure these people are not left out. For example:

- Staff should include the MWCOG/TPB mailing address and phone number— not just website links and emails addresses— in documentation whenever possible.
- When appropriate, staff should print and distribute copies of key documents instead of relying solely on internet distribution.

⁴ Equity Emphasis Areas (EEAs) are small geographic areas with above average concentrations of minority and low-income populations. The EEAs have been approved by the TPB to be the primary tool for regional Environmental Justice analysis.

As meetings increasingly become virtual, staff should seek out ways to get input from people
on the other side of the digital divide who cannot participate in such sessions online.

How will you apply an equity perspective to your activity?	
If you have thoughts on how you can apply an	Uncertain
equity perspective to the activity share those	If you are uncertain about how to apply an
ideas with your team leader and the	equity perspective to your activity, consult with
Participation Team.	your team leader or a member of the
	Participation Team.

6) ARE YOU COLLECTING <u>PUBLIC INPUT</u>? IF SO, HOW WILL IT BE USED?

The Participation Policy states that public input into TPB work makes its products better. This can only happen if there is a plan for how to incorporate public input into an activity or work product. The decision about collecting public input is related to the public's role in the activity (Question 3). If the public's role is primarily to be informed, then there may be no need to collect public input. If the public role is consultation, involvement, or something more extensive, then it is important to plan for collecting, summarizing, and using input.

Before deciding the tools and techniques to use to collect input, staff need to decide when input will be collected and what resources are available. This decision should be informed by the Principles for Engagement on page 5, which calls upon staff to offer early and ongoing participation. The public's role in the activity will help determine when and how often public input will be collected. If the public's role is consultation, then input will likely be collected once toward the end of an activity. However, if the public's role is involvement, then it is important to collect input early and throughout a process.

Here are some key points to consider:

- Take enough time. Regardless of how often input is solicited, staff should ensure that
 adequate time is built into the outreach process so that staff and decision makers can fully
 consider the comments received and use that input to potentially make changes in final
 products and decisions.
- Be clear about how you will use input. Of course, until comments are received, it will be hard
 to know whether and how they might specifically affect final products and decisions.
 Nonetheless, staff should be as precise as early as possible in describing the ways in which
 input will be synthesized and potential changes that might result. In some cases, it might be
 helpful to flag issues or decisions that could be particularly subject to change based on the
 public input received.
- Show how input was used in the past. Staff may also want to highlight ways in which input is
 made and continues to make a difference in engagement activities. For example, public
 forums and workshops have indirectly influenced the course of TPB planning. For example,
 concerns about regional growth patterns that were expressed in public forums led to the
 creation of the Transportation Land-Use Connections (TLC) Program. More recently, the
 survey and public forums conducted for Visualize 2045 highlighted the public's desire for

more reliability in the transportation system, a theme that was ultimately highlighted in the long-range transportation plan approved in 2018.

• Follow up to let people know they were heard. When possible, staff should follow up with the public to let them know how their comments and input were used in the final product. Again, such follow-up activity can be time-consuming and therefore, it will require advance planning and must be prioritized. But closing the loop with residents who have participated in TPB planning activities will strengthen public support for changes the TPB is seeking to promote and it will encourage individuals and community groups to participate again in future TPB public engagement efforts.

Are you collecting public input? If so, how will it be used?			
Yes	No	Uncertain	
If you are collecting public input, think about the format of that input. How will that be input be summarized and shared? How will that input be used?	If your activity does not require input, proceed to Question 6.	If you are uncertain whether you will be collecting public input, or how it will be used, consult with you team leader or the Participation Team.	

7) WHAT TOOLS AND TECHNIQUES CAN YOU USE TO REACH AND ENGAGE THOSE CONSTITUENCIES?

There are a variety of tools and techniques available to TPB staff as they plan to inform and engage the public. Staff should consider who their audience is and what kind of participation they are seeking, and then consider which tools may be best to reach that constituency.

The tools and techniques that staff utilize should be responsive to the public's role in an activity, the constituencies that staff are trying to reach, and whether staff plan to collect public input. There is no one tool or technique that can be broadly applied to reach all audiences. The most effective approaches to information sharing and engagement with the public use multiple tools and techniques to meet as many people as possible.

Even if you have used a tool in the past, you should reevaluate its effectiveness in reaching your desired audience. You might also consider using new tools and techniques, which are being developed all the time. Staff should consider the benefits and drawbacks of new tools before moving forward with their use. It is a good idea to consult with the Participation Team and your team leader before proceeding to make sure resources are available and timing works.

The COVID-19 pandemic in 2020 accelerated the deployment of virtual meeting tools and other forms of online engagement. The effects of these changes can be both positive and negative. On one hand, virtual engagement can increase participation, particularly from people who are reluctant or too busy to attend live events. Online accessibility tools also can be used to accommodate people with diverse physical, cognitive, and sensory abilities and needs. But online engagement can sometimes leave out people with limited access to the internet. And as staff are called upon to host more public interactions in online and virtual spaces, the need for responsiveness is especially important but often challenging.

When selecting a mix of tools and techniques to help reach and engage the public, refer to the list of constraints and barriers you identified in Step 4. Think about how those tools and techniques can be used to accommodate or overcome those constraints and barriers.

Examples of tools and techniques include:

- Public comment periods are one of the most basic ways for the public to participate and for staff to collect input. Public comment periods typically last 30 days. During public comment periods the materials are provided online for the public to review. They can then submit their comments via online form or by mail. At the conclusion of the comment period, staff summarize the comments received and write draft responses to comments. Sometimes, these responses are written in collaboration with jurisdiction and agency partners. The staff's summary and response document is typically shared with the board before a plan or other board action is approved. Although public comment periods are often held towards the end of an activity, they can also occur at the beginning or in the middle of its development.
- Open or ongoing opportunities to comment are less formal than a traditional public comment period and can occur via a form on a website or a box in the back of a room during a public meeting. This type of comment is less about soliciting specific input on an activity, and more about creating an opportunity for the public to share general thoughts on an activity or process. Open and ongoing comment opportunities are best suited for supplementing other ways to collect input from the public. Even though this type of outreach is often more open-ended than other approaches, staff should still develop a plan on how the information is going to be collected, used, and shared.
- Public meetings provide staff a unique opportunity to share information with and hear back directly from the public in real-time. Public meetings are meetings where the public is the primary audience and typically start with a presentation that provides context for a planning activity, before proceeding with presentations that dive deeper into activity content. Following this information sharing with the public, there is often an opportunity to collect feedback. This feedback can be collected in a variety of ways, including an open forum in which people queue up and ask questions, dividing the audience into small groups for discussion, or activities in which people interact with the material via maps and other means and provide feedback directly to staff. A variation on a public meeting, called an open house, presents information on posters positioned throughout the room. During the event staff and the public mingle to answer questions and solicit input.
- Online public meetings provide flexibility when planning public meetings where the public is the primary audience. They allow for people from across the region to attend without having to travel. They also provide an opportunity to host meetings at non-traditional times to allow for participation from people who are not available during the day or early evening when public meetings are typically held. In order to minimize barriers to participation, staff should select online tools that are familiar to the communities they are trying to reach. Polls and small group breakouts are a few ways to keep people engaged and to collect feedback during online meetings. Staff should recognize that not everyone in the region has access to the internet or a computer and that participating in online meetings may not be an option for these people. To overcome this, staff can distribute phone numbers for calling in, or partnering with non-profits or other community groups to help provide an internet connection or alternative.
- **Publications** provide information about the TPB process, projects, and programs. Publications can take several forms, from short articles that explain a topic, to more detailed white papers and reports that explore a topic in depth. TPB staff publish reports and white papers via the website,

and articles through TPB News. Publications can be printed, but increasingly they are shared in a digital format. Other techniques can be incorporated into publications to make them more accessible, including visualizations and maps. If the public's role is to be informed, then publications can be an effective way to do that. If the public's role is more involved, publications can support other tools and techniques.

- Multimedia is another way to provide information about the TPB and its projects and programs. Multimedia includes videos, interactive story maps and webpages, and can include other formats like audio. Multimedia materials support activities by presenting information in a way that may be more accessible to people with different abilities and non-native English speakers.
- Trainings provide a more in-depth opportunity to inform the public. Whether conducted online or in person, trainings allow for presentations, discussions, and activities that allow participants to apply what they have learned. One example of a training is the Community Leadership Institute, in which community leaders from across the region come together to learn about transportation planning on the local, state, and regional levels. The institute punctuates presentations with activities through which participants apply what they have just learned. Other examples of trainings include webinars and online workshops.
- Surveys and polls are used to collect input from many people. While surveys and polls can be open to the public, they are especially useful if they provide a statistically significant and representative sample of responses.
- Focus groups provide an in-depth opportunity to learn about a community's thoughts and opinions on a topic. Qualitative research through focus groups can be used to supplement opinion research obtained through surveys. Focus groups can also be effective means for gathering input from communities that are more difficult to reach.

Do you know what tools and techniques you can use to reach constituencies?		
Yes	No	
Consider who your audience is and what kind of participation you are seeking, and then consider which tools may be best to reach that constituency. Even if you have used a tool in the past reevaluate its effectiveness in reaching your desired audience. It is a good idea to consult with the Participation Team and your team leader before proceeding to make sure resources are available and timing works.	If you don't know what tools and techniques are most appropriate for your activity, consult with your team leader and the Participation Team.	

8) WHAT RESOURCES DO YOU NEED TO MAKE YOUR ACTIVITY ACCESSIBLE?

TPB staff work is often technical. Making complicated concepts and materials accessible to the public requires effort. Reaching out to the public requires skills and knowledge outside the daily responsibilities of most TPB staff. The TPB's Participation Team specializes in the skills that can be used to assist staff with public-facing activities.

It is important for TPB staff to identify the need for public engagement and reach out to the Participation Team as early as possible. This will ensure that resources are available and there is plenty of time to coordinate to ensure timely completion. If time and budget allow, consultants can also be brought on to assist. Staff and consultants can help plan and run an activity, contribute visualizations and maps, design surveys, and conduct outreach, among other things.

The following resources are just some examples of ways that the Participation Team and consultants can assist with a public-facing activity.

- Assistance with planning and running participation events The TPB has conducted a variety of
 participation events over the years, ranging from basic online webinars to deliberative forums with
 hundreds of participants and live polling. There are many tasks that go into hosting an in-person or
 online event. Staff can provide support with scheduling, identifying appropriate audiences,
 collecting feedback, preparing materials, and more.
- Facilitating discussions Focus groups and targeted interviews can result in high-quality qualitative input. With advance notice, staff or consultants can help staff prepare questions for facilitated discussions, as well as helping to identify appropriate participants and schedule the discussions.
- Conducting outreach to disadvantaged communities It can be challenging to engage people in the region who are not traditionally involved in transportation issues, such as residents with limited English skills or those who do not have reliable access to the Internet. Reaching out to groups beyond the "usual suspects" requires time and skills. If a work activity may impact people or seeks to solicit input from people in these hard-to-reach groups, it is important to call upon someone who has the skills to help incorporate that group into the activity.
- Designing graphics and visualizations Complex topics can sometimes be easier to understand if
 they are presented in a visual way. Graphical elements like photographs, charts, timelines, and
 more can be used to explain projects, processes, and more. For graphics and visualizations to be
 effective, it is important to have a clear message in mind for a specific audience. Designing
 graphics and visualizations can take time, and sometimes may require special expertise.
- Developing maps and interactive story maps Transportation projects often have a geographical
 element. Visualizing planned changes to infrastructure and infrastructure improvements can help
 the public better understand the content of plan or activity. Developing maps takes time and
 requires data resources, often from jurisdiction partners. Make sure that there is enough time set
 aside to coordinate with staff to develop maps.
- Writing, editing, and publishing blog posts One of the most common ways that TPB staff share
 their work with the public is through blog posts published in TPB News. These posts, written in
 plain language, provide a high-level of summary TPB work that is more accessible than memos
 and technical documents. Staff can provide writing and editing assistance. The COG Office of
 Communications may also be able to help raise awareness of work produced. The
 Communications Center on COG's intranet provides staff resources for all types of writing.
- Producing videos or other media content Videos provide another way to explain complex ideas
 in an accessible format. Videos can include narration, illustration, and animation to help explain
 complex or new ideas. Audio is another medium for sharing TPB work. Producing videos and audio
 can be time consuming and resource intensive.

Do you need additional resources to make your activity accessible?		
Yes	No	Uncertain
If you need additional resources work with your team leader to make sure there is budget available. Also consult with the people you'd like assistance from you make sure they have time and capacity.	If your activity does not require any additional resources, proceed to Question 9	If you are uncertain whether activity would benefit from utilizing additional resources, consult with your team leader or the Participation Team.

9) HOW WILL YOU MEASURE THE EFFECTIVENESS OF YOUR EFFORTS?

Evaluation is necessary for organizational improvement. Taking time to reflect on what went well with an activity and what can be improved is fundamental to becoming more effective over time. During recent certification reviews of the TPB's planning process, federal partners encouraged staff to develop a more robust evaluation for their participation activities.

This question in the workflow has two steps. Before beginning the activity, staff should think about what success looks like for their activity, and then think about how they will evaluate their activity. Once the activity is completed staff should reflect upon their answers to the evaluation questions and develop recommendations for future activities.

Before the activity begins

Evaluation starts when planning an activity. The answers to the previous questions in the workflow effectively outline the approach for interacting with the public for an activity (Planning Questions). Once those questions have been answered, staff need to take a moment to think about what success will look like and how it can be measured (Evaluation Questions).

Staff should set aside the answers to these questions and share them with the Participation Team. They should be used to design the public-facing components of their activity. The evaluation questions should be referenced as a guide to ensure that the public activity is going well.

Topic	Planning Questions What are you going to do to inform or engage the public?	Evaluation Questions: How will you know if you are successful?
Constituency	Which policy constituency or constituencies is staff trying to reach for this activity?	Once the activity is completed, how will staff know they've reached this constituency?
Public Role	What is the public's role in the activity?	Once the activity is completed, how will staff know if the public fulfilled that role?
Tools and Techniques	What tools and techniques will staff use to work with the public?	Once the activity is completed, how will staff know if these tools and techniques were effective?
Input	What type of input is staff seeking and how will it be used?	Once the activity is completed, how will staff know that they've received the type of input they sought? Was staff able to use this input as planned?
Equity	How will staff apply an equity perspective in this activity?	Once the activity is completed, how will staff know that is has been equitable?

After the activity is completed

Once an activity is completed, it is important to take time to conduct an evaluation. Staff should get together with the people that worked on the activity and briefly reflect on the list of planning and evaluation questions.

The discussion should start with a review of expected outcomes that references the answers to the planning and evaluation questions recorded before the activity began. The discussion should proceed with an overview of what happened. Staff should compare the results of the activity against the expected outcomes and ask themselves: What went well? How can future success be built upon what went well? What didn't work as expected? And what could be improved?

Beyond the benefits of reflection, the purpose of this discussion is to identify recommendations for future activities and to identify lessons learned for things that should be avoided.

Documenting and sharing this discussion with staff will help to ensure that staff are always working to improve the efficiency and effectiveness of their public participation.

Training

Following approval of this plan, TPB staff will be trained on how to use the Participation Policy and Staff Guide to identify activities that have a public-facing component and how to plan for informing and involving the public. This training will also cover the federal requirements (23 CFR 450.316) for participation for MPOs. Trainings will occur by team, as outlined in the Organization Chart in the Title VI Plan (B-1). After staff have been trained, additional trainings will occur annually to acquaint new staff with the Participation Plan and provide a refresher for staff who have already received the training.

In addition to training on the Participation Plan, TPB staff will receive additional training as outlined in the COG Title VI Plan and Program.

The team leader for the Plan Development and Coordination Team will oversee plan implementation and training.

Participation Evaluation

In addition to evaluating individual participation activities, more comprehensive evaluations of the TPB's public engagement activities will occur on a regular basis. These will include an annual Public Participation Impact Statement and a third-party review, which will occur every four years.

Evaluations will include dashboards tracking TPB participation activities and make recommendations for how to improve participation efforts. In addition to qualitative input drawing from the evaluation questions (Participation Workflow Step 9), evaluations will use data to show numbers of participation activities, participation levels, and demographics (when available). When possible and appropriate, the TPB's public participation activities should be evaluated using a combination of indicators, not simply with one measure.

REGULAR EVALUATION

Once a year, the Participation Team will prepare a Public Participation Impact Statement that will evaluate participation activities over the year. This statement will be shared with the advisory committees, the Technical Committee, and the board. By documenting and evaluating participation activities and sharing them with key stakeholders, these statements will demonstrate both staff efforts to improve the effectiveness of their public interactions and staff commitment to approaching public participation from an equity perspective.

The Public Participation Impact Statement will summarize the evaluation summaries written for each participation activity and include data about communications activities to support participation, a summary of social media engagements, and a summary of unsolicited comments received. This statement will also include a preview of anticipated activities in the following six-month period.

The impact statements will be timed to inform the annual development of the Public Involvement Program Element of the Unified Planning Work Program (UPWP).

QUADRENNIAL EVALUATION

Every four years, staff will engage consultants to conduct an in-depth evaluation of participation activities. The timing of this evaluation should be scheduled to inform future updates of the Participation Plan and major participation activities like updates to the long-range transportation plan.

FEDERAL GUIDE

Many of the TPB's planning activities have their origins in federal law and regulation. The TPB is designated under federal law as a Metropolitan Planning Organization or MPO. Among other things, MPOs are required to develop long-range transportation plans (in our region, that plan is currently called Visualize 2045) and Transportation Improvements Programs (TIPs).

Public participation requirements are part of the federal rules guiding these core planning functions (23 CFR 450.316), as well as others. Key elements of those requirements are described below. Appendix B includes the statutory and regulatory language behind these requirements.

The TPB and its staff are committed to meeting these requirements.

Metropolitan Planning Organizations

Federal law requires each metropolitan region with a population of more than 50,000 residents to designate a metropolitan planning organization (MPO) to develop transportation plans for the region. For Metropolitan Washington, the TPB is our region's MPO. The law requires each MPO to create a public participation plan for providing the public a reasonable opportunity to be involved in the transportation planning process.

Transportation Legislation and Regulations

Section 134 of title 23, United States Code, amended by the most recent federal transportation reauthorization act, Fixing America's Surface Transportation (FAST) Act, includes provision for public participation in the development of transportation plans.

Federal regulations, which elaborated on the FAST Act, specify that the planning process should meet certain standard, at a minimum. Those standards are summarized below and quoted in Appendix B:

- Adequate time: Provide adequate public notice of public participation activities and time for public review and comment at key decision points, including a reasonable opportunity to comment on the long-range transportation plan and the TIP.
- Access to information: Provide timely notice and reasonable access to information about transportation issues and processes.
- Visualization: Employ visualization techniques to describe long-range transportation plans and TIPs.
- *Internet postings:* Make public information (technical information and meeting notices) available on the internet and through other electronic means.
- Convenient & accessible meetings: Hold public meetings at convenient and accessible locations and times.

- **Demonstrated consideration of comments:** Demonstrate explicit consideration and response to public input received during the development of the long-range transportation plan and the TIP.
- Underserved communities: Seek out and consider the needs of those traditionally
 underserved by existing transportation systems, such as low-income and minority
 households, who may face challenges accessing employment and other services.
- **Follow-up comment opportunities:** Provide an additional opportunity for public comment, if the final metropolitan transportation plan or TIP differs significantly from the version that was made available for public comment by the MPO and "raises new material issues that interested parties could not reasonably have foreseen from the public involvement efforts."
- Work with the states: Coordinate with the statewide transportation planning public involvement and consultation processes.
- **Evaluation:** Periodically review the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.
- **Documentation of comments:** Develop a summary, analysis, and report on the comments received and how they were considered as part of the development of the long-range transportation plan and the TIP.

Federal regulations also require the planning process to provide reasonable opportunity for interested parties to be involved in the metropolitan planning process. The regulations specify these interested parties as follows:

- Individuals
- affected public agencies
- representatives of public transportation employees
- public ports
- freight shippers
- providers of freight transportation services
- private providers of transportation (including intercity bus operators, employer-based commuting programs, such as carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program)
- representatives of users of public transportation
- representatives of users of pedestrian walkways and bicycle transportation facilities
- representatives of the disabled
- other interested parties

More specifically, the regulations say that in developing long-range transportation plans and TIPs, MPOs should consult with and, whenever possible, coordinate with agencies and officials responsible for other planning activities within the metropolitan planning area that are affected by transportation, including:

state and local planned growth

- economic development
- tourism
- natural disaster risk reduction
- environmental protection
- airport operations
- · freight movements

For direct text from relevant federal laws and regulations, see Appendix B.

Other Laws and Regulations

Other key federal laws and regulations provide guidance for the TPB's public participation process. They are summarized below. Direct excerpts from these laws and regulations are provided in Appendix B.

TITLE VI: NONDISCRIMINATION IN FEDERALLY FUNDED PROGRAMS

Title VI of the Civil Rights Act of 1964 and its amendments (Title VI) prohibit excluding people from participating in or being discriminated in any federally funded program or activity on the basis of race, color, or national origin. Other federal laws further expand legal protection from discrimination, including the Federal aid Highway Act of 1973, the Age Discrimination Act of 1975, the Rehabilitation Act of 1973, and the Americans with Disability Act of 1990.

ENVIRONMENTAL JUSTICE

Executive Order 12898 in 1994 reinforced the provisions of Title VI and expanded its provisions to environmental justice for the environmental and health conditions in minority and low-income communities. Executive Order 12898 provides: "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."

PERSONS WITH LIMITED ENGLISH PROFICIENCY

Executive Order 13166 requires improved access to federal programs for people who are limited in their English proficiency. The order requires federal agencies to provide assistance to federal fund recipients to provide reasonable access to those users of federal programs with limited English proficiency.

NONDISCRIMINATION

The TPB's Participation Plan identifies and describes the TPB's policies and approach for inclusive public participation and ensures access to the transportation planning process for low-income and minority populations.

COG and the TPB are committed to assuring that no person shall, on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights

Restoration Act of 1987 (PL 100.259), be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination under any program or activity.

COG further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities whether those programs and activities are federally funded or not. COG and TPB's nondiscrimination policies and practices apply to not only the population groups included under the Title VI of the Civil Rights Act of 1964 (people of all races, colors, national origin, and genders) but also to people with disabilities, those with low-incomes, persons with limited English proficiency, and people of all ages and ethnicities.

The COG Board of Directors' "Title VI Plan to Ensure Nondiscrimination in all Programs and Activities" was developed to document the efforts COG undertakes on a continual basis to ensure compliance with Title VI and related statutes regarding nondiscrimination and environmental justice. The Plan includes a Title VI Policy Statement, Title VI Assurances, organization and compliance responsibilities, nondiscrimination complaint procedures. It also describes how the TPB ensures that Title VI requirements, including Environmental Justice considerations, are met.

Because COG acts as the administrative agent for the TPB, the COG Title VI Plan and Program apply to the TPB as well. As a matter of long-standing TPB policy and a requirement of federal law, the regional transportation planning process must make special efforts to consider the concerns of traditionally underserved communities, including low-income and minority communities and people with disabilities.

Putting Federal Requirements in Context

Meeting federal requirements is essential. The metropolitan planning process that the TPB undertakes on a continuing basis has its origins in federal law and regulation. Continued funding for this process is contingent upon the faithful implementation of these federal laws and regulations.

However, federal participation requirements are just a starting point for plans and activities. They do not prohibit more extensive participation activities that are specifically tailored to our regional needs. As described throughout this document, the TPB is committed to a robust course of action in implementing participation practices that not only meet federal requirements, but also seek to make our regional transportation system more responsive to the needs of our residents today and for decades to come.

APPENDIX A: PUBLIC COMMENT PERIODS & COMMENT POLICIES

For items on which the TPB will formally act by way of vote, the TPB will share information about the proposed action items.

PUBLIC COMMENT PERIODS

Public comment periods will be governed by the following procedures:

- For federally required plans and programs, including the Long-Range Transportation Plan (called Visualize 2045), the Transportation Improvement Program (TIP), the Public Participation Plan, associated air quality conformity analyses, and other documents, the following procedures are conducted, per federal requirements, at a minimum:
 - o The length of public comment periods will be as follows:
 - A period of at least 45 days prior to the approval of the Public Participation Plan:
 - A period of at least 30 days prior to the approval of all other federally required plans and programs.
 - o Development and consideration of written responses to comments received.
 - The TPB shall provide an additional opportunity for public comment if the final Long-Range Transportation Plan or TIP differs significantly from the version that was made available for public comment by the TPB and raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts.
 - O When significant written and oral comments are received on the draft Long-Range Transportation Plan and TIP (including the financial plans) as a result of the participation process in this section or the interagency consultation process required under the EPA transportation conformity regulations (40 CFR part 93), a summary, analysis, and report on the disposition of comments shall be made as part of the final Long-Range Transportation Plan and TIP.
- For major regional plans and policy documents that are not specifically governed by federal requirements, the following procedures are followed:
 - o Public comment period of at least 30 days prior to the approval of documents.
 - Development and consideration of written responses to comments received.
 - The TPB shall provide an additional opportunity for public comment, if the final plan or policy document differs significantly from the version that was made available for public comment by the TPB and raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts.

- For other Action Items before the TPB, the following participation procedures will be conducted at a minimum:
 - Materials will be posted electronically (on the TPB website and announced by email notification) six days before the TPB meeting.
 - Materials will be reviewed at the TPB Technical Committee by representatives from regional jurisdictions.

ONGOING OPPORTUNITIES TO COMMENT

For other items and activities, the TPB provides an opportunity for public comment via mail, email, and on the TPB website. The TPB also provides access to documents in advance of all meetings to provide an opportunity to comment.

To ensure that reasonable public access is provided to technical and policy information used in the TPB process, members of the public will be invited to review reports and other technical information (other than proprietary software or legally confidential data).

The TPB will encourage dissemination of information through the following means:

- Post all publicly available TPB documents on the TPB website, and otherwise seek opportunities to make suitable reports and technical information available through the TPB website.
- Distribute relevant reports and technical information free of charge at meetings of the TPB and its committees and subcommittees.

OPEN PUBLIC MEETINGS

The TPB will invite members of the public to participate in the review of technical work programs and analysis through attendance at meetings of the TPB Technical Committee and other TPB subcommittees, and at regular monthly meetings of the TPB.

To provide opportunities for public participation at these meetings, the TPB will use the following methods:

- A period of time will be dedicated at the beginning of each TPB meeting for public comment on transportation issues under consideration by the TPB and provide follow-up acknowledgment and response as appropriate.
- At least one formal public meeting will be conducted during the development process for the TIP.
- When possible, all meetings will occur at the MWCOG offices located at 777 N. Capitol St NE.
 These facilities are ADA-compliant, provide assisted hearing technology, and are accessible by fixed-route transit.

• Meetings may also be hold online, or in a hybrid in-person / online format. When a meeting has an online component, information needs to be made available describing how the public can join the meeting and documentation provided before or during the meeting needs also to be available online. Such online meeting opportunities may become particularly necessary in times of national crisis, such as the pandemic of 2020.

APPENDIX B: FEDERAL LAW & REGULATIONS

METROPOLITAN PLANNING ORGANIZATIONS

Federal law requires each metropolitan region with a population of more than 50,000 residents to designate a metropolitan planning organization (MPO) to develop transportation plans for the region. MPOs must develop long-range transportation plans and transportation improvement programs through a performance-driven, outcome-based approach to planning. The law also requires each MPO to create a participation plan for providing the public a reasonable opportunity to be involved in the transportation planning process.

United States Code, 23 U.S.C. 134, 23 U.S.C. 150, 49 U.S.C. 5303; Code of Federal Regulations, 23 CFR §§450.310, 450.316

TRANSPORTATION LEGISLATION AND REGULATIONS

Section 134 of title 23, United States Code, amended by the federal transportation reauthorization act, Fixing America's Surface Transportation (FAST) Act, includes provision for public participation in the development of a transportation plan. The FAST Act requires participation by interested parties, specifically:

Each metropolitan planning organization shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the transportation plan.

23 U.S.C. 134(i)(6)(A).

Federal regulations elaborate on the FAST Act's public participation requirements and define the requirements for a public participation plan:

- (a) The MPO shall develop and use a documented participation plan that defines a process for providing individuals, affected public agencies, representatives of public transportation employees, public ports, freight shippers, providers of freight transportation services, private providers of transportation (including intercity bus operators, employer-based commuting programs, such as carpool program, vanpool program, transit benefit program, parking cashout program, shuttle program, or telework program), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.
 - (1) The MPO shall develop the participation plan in consultation with all interested parties and shall, at a minimum, describe explicit procedures, strategies, and desired outcomes for:
 - (i) Providing adequate public notice of public participation activities and time for public review and comment at key decision points, including a reasonable opportunity to comment on the proposed metropolitan transportation plan and the TIP;

- (ii) Providing timely notice and reasonable access to information about transportation issues and processes;
- (iii) Employing visualization techniques to describe metropolitan transportation plans and TIPs;
- (iv) Making public information (technical information and meeting notices) available in electronically accessible formats and means, such as the World Wide Web;
- (v) Holding any public meetings at convenient and accessible locations and times;
- (vi) Demonstrating explicit consideration and response to public input received during the development of the metropolitan transportation plan and the TIP;
- (vii) Seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;
- (viii) Providing an additional opportunity for public comment, if the final metropolitan transportation plan or TIP differs significantly from the version that was made available for public comment by the MPO and raises new material issues that interested parties could not reasonably have foreseen from the public involvement efforts;
- (ix) Coordinating with the statewide transportation planning public involvement and consultation processes under subpart B of this part; and
- (x) Periodically reviewing the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.
- (2) When significant written and oral comments are received on the draft metropolitan transportation plan and TIP (including the financial plans) as a result of the participation process in this section or the interagency consultation process required under the EPA transportation conformity regulations (40 CFR part 93, subpart A), a summary, analysis, and report on the disposition of comments shall be made as part of the final metropolitan transportation plan and TIP.
- (3) A minimum public comment period of 45 calendar days shall be provided before the initial or revised participation plan is adopted by the MPO. Copies of the approved participation plan shall be provided to the FHWA and the FTA for informational purposes and shall be posted on the World Wide Web, to the maximum extent practicable.
- (b) In developing metropolitan transportation plans and TIPs, the MPO should consult with agencies and officials responsible for other planning activities within the MPA that are affected by transportation (including State and local planned growth, economic development, tourism, natural disaster risk reduction, environmental protection, airport operations, or freight movements) or coordinate its planning process (to the maximum extent practicable) with such planning activities. In addition, the MPO shall develop the metropolitan transportation plans and TIPs with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the area that are provided by:
 - (1) Recipients of assistance under title 49 U.S.C. Chapter 53;
 - (2) Governmental agencies and non-profit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the U.S. Department of Transportation to provide non-emergency transportation services; and
 - (3) Recipients of assistance under 23 U.S.C. 201-204.
- (c) When the MPA includes Indian Tribal lands, the MPO shall appropriately involve the Indian Tribal government(s) in the development of the metropolitan transportation plan and the TIP.

- (d) When the MPA includes Federal public lands, the MPO shall appropriately involve the Federal land management agencies in the development of the metropolitan transportation plan and the TIP.
- (e) MPOs shall, to the extent practicable, develop a documented process(es) that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies, as defined in paragraphs (b), (c), and (d) of this section, which may be included in the agreement(s) developed under §450.314.

Code of Federal Regulations, 23 CFR §450.316.

TITLE VI: NONDISCRIMINATION IN FEDERALLY FUNDED PROGRAMS

Title VI of the Civil Rights Act of 1964 and its amendments (Title VI) prohibit excluding people from participating in or being discriminated in any federally funded program or activity on the basis of race, color, or national origin. Other federal laws further expand legal protection from discrimination, including the Federal Aid Highway Act of 1973, the Age Discrimination Act of 1975, the Rehabilitation Act of 1973, and the Americans with Disability Act of 1990. Civil Rights Act of 1964, 42 U.S.C. 200

ENVIRONMENTAL JUSTICE

Executive Order 12898 in 1994 reinforced the provisions of Title VI and expanded its provisions to environmental justice for the environmental and health conditions in minority and low-income communities. Executive Order 12898 provides:

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.

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (1994).

PERSONS WITH LIMITED ENGLISH PROFICIENCY

Executive Order 13166 requires improved access to federal programs for people who are limited in their English proficiency. The order requires federal agencies to provide assistance to federal fund recipients to provide reasonable access to those users of federal programs with limited English proficiency.

Executive Order 13166, Improving Access to Services for Person with Limited English Proficiency (2000).

APPENDIX C: TPB EQUITY RESOLUTION

TPB R1-2021 July 22, 2020

NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD 777 NORTH CAPITOL STREET, NE WASHINGTON, DC 20002

RESOLUTION TO ESTABLISH EQUITY AS A FUNDAMENTAL VALUE AND INTEGRAL PART OF ALL TRANSPORTATION PLANNING BOARD'S WORK ACTIVITIES

WHEREAS, the National Capital Region Transportation Planning Board (TPB) has been designated as the Metropolitan Planning Organization for the Washington Metropolitan Area by the Governors of Maryland and Virginia and the Mayor of the District of Columbia; and

WHEREAS, the work of the TPB has been guided by its policy documents starting with the TPB Vision statement through the Visualize 2045 Aspirational Initiatives, which emphasize multi-modal, affordable, and safe mobility options to promote prosperity, accessibility, livability, and sustainability throughout the region, as espoused in COG's Region Forward Vision; and

WHEREAS, the TPB Vision, adopted in 1998, embraced equity as a key principle by, among other things, calling for a transportation system that would "provide reasonable access at reasonable cost to everyone in the region"; and

WHEREAS, the TPB in 2017 identified Equity Emphasis Areas, which are geographically defined places in the region with high concentrations of minority and low-income populations that should receive focused attention for transportation analysis and planning, at both the regional and local levels; and

WHEREAS, the TPB as part of its long-range plan development, uses the Equity Emphasis Areas as part of an Environmental Justice analysis to examine the impacts of the region's transportation investments on minority and low-income population groups; and

WHEREAS, the TPB promotes transportation projects and programs in disadvantaged communities by giving focused attention to programs including TPB's Equity Emphasis Areas, Transportation/Land Use Connections and Transportation Alternatives; and

WHEREAS, the TPB seeks the input of traditionally underserved population groups through its Access for All Advisory Committee and its Citizens Advisory Committee; and

WHEREAS, the TPB believes equity is a fundamental value defined as the commitment to promote fairness and justice in the development and implementation of projects, programs and policies, achieved when all people are fully able to participate in the region's economic vitality, contribute to its readiness for the future, and connect to the region's assets and resources, and;

WHEREAS, the TPB member governments and agencies are increasingly committing to intentionally consider equity when making policies or delivering programs and services; and

WHEREAS, the TPB condemns inequitable treatment of any group of people, on any basis, and reaffirms its commitment to equity in all aspects of transportation planning and programming; and

WHEREAS, the TPB recognizes the history of racism in our country and how it has led to current day disparities in education, job attainment, housing, healthcare, and transportation access, as well as disproportionate incarceration rates for Black and Brown members of our communities, among other negative impacts; and

WHEREAS, the TPB recognizes that racial inequities have become institutionalized in the policies and practices of many agencies, governmental and otherwise; and

WHEREAS, the TPB condemns racial discrimination and inequity and commits to being non-racist, and significantly, also commits the TPB to actively oppose racism;

NOW, THEREFORE, BE IT RESOLVED BY THE NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD THAT:

The TPB and its staff commit that our work together will be anti-racist and will advance equity including every debate we have, and every decision we make as the region's MPO; and

The TPB affirms that equity, as a foundational principle, will be woven throughout TPB's analyses, operations, procurement, programs, and priorities to ensure a more prosperous, accessible, livable, sustainable, and equitable future for all residents; and

We recognize past actions that have been exclusionary or had disparate negative impacts on people of color and marginalized communities, including institutionalized policies and practices that continue to have inequitable impacts today, and we commit to act to correct such inequities in all our programs and policies.

Adopted by the National Capital Region Transportation Planning Board on July 22, 2020

APPENDIX D: ACCOMMODATIONS POLICY

It is the policy of the Metropolitan Washington Council of Governments (COG) to provide equal access for individuals with disabilities and those with limited English skills to programs, meetings, publications, and activities. Reasonable accommodations will be provided by COG upon request with reasonable advance notice. Reasonable accommodations may include translation services, modifications or adjustments to a program, publication, or activity to enable an individual with a disability or someone who does not speak English to participate. Examples include:

- Providing sign language interpreters or other language translation services. COG will make
 reasonable efforts to accommodate requests. This assumes COG is given adequate time to secure
 those services and services in a particular language are available within the requested time
 period;
- Providing meeting materials in alternative formats (such as translated materials in languages other than English, large print or electronic copies);
- Providing tables that are suitable for people using electric wheelchairs;
- Alerting security staff that persons with disabilities will need assistance to the meeting room;
- Alerting garage attendants that a person with a disability will need accessible parking spaces;
- Offering individuals, the ability to participate in meetings through conference calls and other accommodations, as necessary.

Meetings and Events

Translation services in sign language and languages other than English are available upon request with reasonable advance notice for meetings that are open to the public. Other accommodations, such as special seating requirements, can also be arranged. Please allow up to seven (7) business days to process your request. COG will make reasonable efforts to accommodate requests. This assumes COG is given adequate time to secure those services and services in a particular language are available with the requested time period.

Publications

Most publications are available on the website. Alternative formats of publications, including translated documents, are also available upon request. Please allow up to seven (7) business days to process your request.

Advance Notice Requested for Interpreting or CART Services

An individual needing a sign language interpreter, translator, or Communication Access Real-time Translation (CART) service to participate in a meeting or event should request the interpreter service at least seven (7) days in advance of the event. If the event is more than 12 interpreting hours, such as a two day conference, COG asks that the request be made 14 days in advance. Late requests will be handled based upon the availability of service(s).

To make a request:

Phone: (202) 962-3300 TDD: (202) 962-3213

Email: accommodations@mwcog.org

To read the Accommodations Policy in different languages, visit (mwcog.org/accommodations/). It is available in the following languages:

Spanish - Español French - Français Korean - 한국의 Vietnamese - tiếng Việt Amharic - 뉴머ርኛ Chinese -中国

We welcome comments on how to improve accessibility for users with disabilities. Please email us with suggestions.

Finding Alternative Formats of COG Publications

Publications can be found on the COG website in a variety of ways:

ON THE DOCUMENTS PAGE

Visit the Documents page to view publications in a variety of ways, including alphabetical and chronological order.

ON COMMITTEE PAGES

If you are looking for an agenda, report, letter, presentation, or other document from one of COG's committees, visit the Committees page. This page links to individual committees where you can find publications and meeting materials associated with that committee.

BY SEARCH

The search box found in the website header allows you to find publications using a variety of categories.

For additional assistance in finding specific publications, email the Office of Communications or call (202) 962-3300.



Metropolitan Washington Council of Governments 777 North Capitol Street NE, Suite 300 Washington, DC 20002

mwcog.org/tpb

APPENDIX F: COG LANGUAGE ASSISTANCE PLAN

LANGUAGE ASSISTANCE PLAN

Accommodating Individuals with Limited English Proficiency (LEP) in All Programs and Activities

May 2024



LANGUAGE ASSISTANCE PLAN: ACCOMMODATING INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY (LEP) IN ALL PROGRAMS AND ACTIVITIES

May 31, 2024

ABOUT COG

The Metropolitan Washington Council of Governments (COG) is an independent, nonprofit association that brings area leaders together to address major regional issues in the District of Columbia, suburban Maryland, and Northern Virginia. COG's membership is comprised of 300 elected officials from 24 local governments, the Maryland and Virginia state legislatures, and U.S. Congress.

CREDITS

Editors: Sergio Ritacco

ACCOMMODATIONS POLICY

Alternative formats of this document are available upon request. Visit www.mwcog.org/accommodations or call (202) 962-3300 or (202) 962-3213 (TDD).

TITLE VI NONDISCRIMINATION POLICY

The Metropolitan Washington Council of Governments (COG) operates its programs without regard to race, color, and national origin and fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations prohibiting discrimination in all programs and activities. For more information, to file a Title VI related complaint, or to obtain information in another language, visit www.mwcog.org/nondiscrimination or call (202) 962-3300.

El Consejo de Gobiernos del Área Metropolitana de Washington (COG) opera sus programas sin tener en cuenta la raza, el color, y el origen nacional y cumple con el Título VI de la Ley de Derechos Civiles de 1964 y los estatutos y reglamentos relacionados que prohíben la discriminación en todos los programas y actividades. Para más información, presentar una queja relacionada con el Título VI, u obtener información en otro idioma, visite www.mwcog.org/nondiscrimination o llame al (202) 962-3300.

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EXECUTIVE SUMMARY

The Metropolitan Washington Council of Governments (COG) is committed to ensuring meaningful access to its programs and activities by persons who are limited English proficient (LEP). A "fourfactor" analysis, developed by the federal government, is used to help determine how to ensure reasonable and meaningful access to COG activities, including:

- 1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.
- 2. The frequency with which LEP persons come into contact with the program.
- 3. The nature and importance of the program, activity, or service provided by the program to people's lives.
- 4. The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.

For the results of the four-factor analysis performed by COG, refer to Section II, which discusses and describes the LEP populations which are served directly by some COG programs, particularly the Transportation Planning Board (TPB). Most of the LEP persons who come in contact with COG and its programs do so at Board or Committee meetings which are open to the public or as applicants for employment with COG. COG has provided for Language Assistance services. Please refer to the adopted COG Annual Budget for the specified amounts allocated to Language Assistance (budget reflects the requirements made of COG for such services).

COG's Accommodations Policy states that translation services are available upon request for meetings that are open to the public, for certain documents, and publications. Refer to COG's Accommodations Policy for procedure and timeframes for submitting such requests. COG's Accommodations Policy is translated into Spanish, French, Korean, Chinese (Mandarin), Vietnamese, and Amharic, and posted on the COG website. Further, the COG website can be translated into 130 different languages.

In addition to posting COG's Accommodations Policy online and including a notice about accommodations on the committee webpages, COG includes the following language in its significant meeting announcements and agendas to notify the LEP populations of the availability of language assistance:

Reasonable accommodations are provided upon request, including alternative formats of meeting materials. For more information, visit www.mwcog.org/accommodations or call (202) 962-3300 or (202) 962-3213 (TDD).

In major COG publications the following text is included to notify the LEP populations of the availability of alternative formats of the document:

Alternative formats of this document are available upon request. Visit www.mwcog.org/accommodations or call (202) 962-3300 or (202) 962-3213 (TDD). COG developed its Accommodations Policy to guide staff and outline how COG will provide certain services to accommodate people with special needs, including LEP. Staff having contact with the public will be trained by their supervisor regarding their obligations to provide meaningful access to information and services for LEP persons. Additionally, COG regularly provides diversity training for all employees.

This plan is periodically reviewed and updated. Refer to Section IV - Monitoring and Updating the Language Assistance Plan for additional information.

I. INTRODUCTION

Relationship between COG and the TPB

The Metropolitan Washington Council of Governments (COG) was established in 1957 by local cities and counties to deal with regional concerns including growth, housing, environment, public health and safety - as well as transportation. COG is an independent, nonprofit association supported by financial contributions from its participating local governments, federal and state grants and contracts, and donations from foundations and the private sector. Policies are set by the full membership acting through its board of directors which meets monthly to discuss area issues.

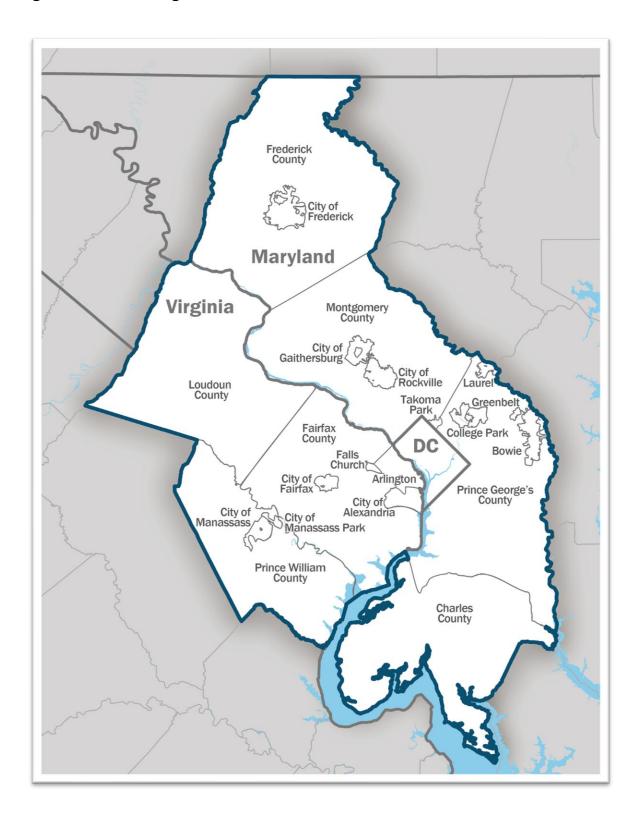
COG serves as the administrative agent for the National Capital Region Transportation Planning Board (TPB) under an agreement with the Transportation Departments of Maryland, Virginia, and the District of Columbia. The TPB was created in 1965 by the region's local and state governments to respond to federal highway legislation in 1962 that required the establishment of a "continuing, comprehensive, and coordinated" transportation planning process in every urbanized area in the United States. The TPB is designated as this region's Metropolitan Planning Organization (MPO) by the governors of Virginia and Maryland and the mayor of the District of Columbia based upon an agreement among the local governments. Although the TPB is an independent body, its staff is provided by COG's Department of Transportation Planning. COG administers a Unified Planning Work Program (UPWP) in conjunction with the TPB in accordance with the requirements of MAP-21, the Moving Ahead for Progress in the 21st Century Act (P.L. 112-141).

The National Capital Region Transportation Planning Board

The National Capital Region Transportation Planning Board is the official Metropolitan Planning Organization for transportation planning in the metropolitan Washington region, and serves as the transportation policy committee for the Metropolitan Washington Council of Governments. As the MPO for the region, the TPB carries out several important federal planning requirements, including the development of transportation plans and programs and analyzing the plans for compliance with federal regulations. The TPB Bylaws state: "the TPB shall be responsible for the development of policies of regional significance ... for the effective implementation of [the sections] of the United States Code concerning a metropolitan transportation planning process".

The TPB plans for an area that covers approximately 3,500 square miles and includes over 5.9 million people and over 3.7 million jobs. The TPB planning area is shown in Figure 1 below and includes the District of Columbia, Suburban Maryland (Frederick County, Montgomery County, Prince George's County, and Charles County, plus the cities of Bowie, College Park, Frederick, Gaithersburg, Greenbelt, Laurel, Rockville, and Takoma Park), and Northern Virginia (Arlington County, Fairfax County, Loudoun County, and Prince William County, plus the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park).

Figure 1: The TPB Planning Area



U.S. Department of Transportation (DOT) Requirements and **Guidance on Language Access**

FEDERAL TRANSIT ADMINISTRATION REQUIREMENTS FOR LANGUAGE ACCESS

In October 2012, FTA issued Circular C 4702.1B "Title VI Requirements and Guidelines for Federal Transit Administration Recipients" which requires that recipients of Federal funds create a Language Assistance plan and provide meaningful language access to persons who are limited English proficient (LEP): "Consistent with Title VI of the Civil Rights Act of 1964, DOT's implementing regulations, and Executive Order 13166, 'Improving Access to Services for Persons with Limited English Proficiency' (65 FR 50121, Aug. 11, 2000), recipients shall take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are limited-English proficient (LEP)"(chap. III-6).1 Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be Limited English Proficient or "LEP."

The COG/TPB Language Assistance Plan responds to the requirements in the Title VI Circular and provides the required elements of a Language Assistance Plan as described on page III-8 in the Circular, Executive Order 13166: Improving Access to Services for Persons with Limited English **Proficiency**

Executive Order 13166: "Improving Access to Services for Persons with Limited English Proficiency" (65 FR 50121), Federal agencies are required to develop guidance on how recipients should, consistent with the DOJ LEP Guidance and Title VI of the Civil Rights Act of 1964, as amended. assess and address the needs of otherwise eligible limited English proficient (LEP) persons seeking access to the programs and activities of recipients.2

The U.S. DOT provided further guidance on how transportation agencies should address this Executive order in its policy guidance, summarized below.

U.S. DEPARTMENT OF TRANSPORTATION GUIDANCE TO RECIPIENTS ON SPECIAL LANGUAGE SERVICES TO LIMITED ENGLISH PROFICIENT (LEP) BENEFICIARIES

The U.S. Department of Transportation, Office of the Secretary, issued guidance to recipients of Federal transportation aid in 2001 as to the requirement to provide language access to limited English populations.

The guidance states that, "Title VI and its regulations require recipients to take reasonable steps to ensure 'meaningful' access to DOT recipients' programs and activities. The key to providing meaningful access to LEP persons is to ensure that recipients and LEP beneficiaries can communicate effectively and act appropriately based on that communication. Thus, DOT recipients

¹ U.S. Department of Transportation. Title VI Requirements and Guidelines For Federal Transit Administration Recipients. FTA C 4701.1B. October 1, 2012 [http://www.fta.dot.gov/legislation_law/12349_14792.html]

 $^{^2 \} http://www.gpo.gov/fdsys/pkg/FR-2000-08-16/pdf/00-20938.pdf \\$

should take reasonable steps to ensure that LEP persons are given adequate information and are able to participate effectively in recipient programs and activities, where appropriate."3

This Language Assistance Plan was developed to demonstrate the commitment of COG and the TPB to ensure meaningful access, as described in the Executive Order and the U.S. DOT guidance, to all programs and activities by LEP persons.

The TPB'S PROACTIVE APPROACH TO PUBLIC INVOLVEMENT

In order to ensure that the TPB's planning process identifies the needs of transportationdisadvantaged population groups, the TPB has developed a proactive approach to public involvement.

TPB staff held an interactive dialogue with members of the public during development of the TPB Participation Plan, which was adopted in December 2007 and last updated in 2020. The central concept of the Participation Plan is that there are three constituencies for the TPB, each having a different level of knowledge and familiarity with the TPB and the transportation decision-making process:

Active participants are both knowledgeable about transportation policy issues in general, as well as the TPB's role in the regional transportation planning process. These individuals and organizations already actively participate in the TPB process and have an extensive understanding of regional transportation issues and policy..

Community leaders have some knowledge of transportation policy issues but are less familiar with the TPB's role in the regional transportation planning process. They also may not be fully aware of the regional context underlying transportation challenges and experiences throughout the region.

The general public has an inherent interest in transportation challenges but often possess little direct knowledge of transportation policy making.

The TPB Participation Plan⁴ is based upon the fundamental premise that in order to most effectively use its resources the TPB must tailor its outreach to these three different groups. The TPB works in a number of ways to engage traditionally disadvantaged communities, including the LEP community, in these three constituency groups, including, an Equity principle that states: "Staff strive to incorporate an equity perspective into their work activities so that work acknowledges and seeks to accommodate different contexts, experiences, and abilities. ... It acknowledges past inequities and barriers to involvement and seeks to be more just."

The TPB Access for All (AFA) Advisory Committee was specifically created by the TPB to proactively address Title VI and Environmental Justice and involve minority communities, including LEP, lowincome communities, and persons with disabilities in the transportation planning process.⁵ The AFA

³ http://www.justice.gov/crt/about/cor/lep/dotlep.php

⁴ https://www.mwcog.org/documents/2020/10/21/tpb-participation-plan--outreach-public-comment-tpb/

⁵ https://www.mwcog.org/tpbafa/

was established in 2001 to advise the TPB on transportation issues, programs, policies, and services that are important to minority communities, low-income communities, and people with disabilities. The mission of this committee is to identify concerns for these traditionally transportation disadvantaged communities and to determine whether and how these issues might be addressed within the TPB planning process. AFA membership includes elected officials, transportation planners, community-based organizations, local advocacy groups, and interested citizens. Its diverse membership covers all three constituency groups identified in the TPB Participation Plan. The AFA has identified needs for improved access to transit information and the TPB has helped with such improvements through coordination with the Washington Metropolitan Area Transit Authority.

II. DETERMINING REASONABLE ACCESS: FOUR-**FACTOR ANALYSIS**

In accordance with Title VI of the Civil Rights Act and the U.S. Department of Transportation Circular FTA C 4702.1B "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," recipients are required to take "reasonable steps to ensure meaningful access to their programs and activities by LEP persons." The guidance recommends that the following four-factor analysis be used to help determine how to ensure reasonable and meaningful access to COG and TPB activities:

- 1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.
- 2. The frequency with which LEP persons come into contact with the program.
- 3. The nature and importance of the program, activity, or service provided by the program to people's lives.
- 4. The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.

Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.

LANGUAGES SPOKEN IN THE REGION

The U.S. Census Bureau's American Community Survey (ACS) 2018-2022 5-year averages provide the most current source of information on those with limited English skills. The ACS asks what language is spoken at home and if English is spoken less than "very well." Data from the ACS shows more than 32% of the region's population speaks a language other than English at home and 12% of the region's population speaks English less than "very well." The languages other than English most often spoken at home are Spanish, Other Indo-European languages, Other and unspecified languages (including Amharic), Other Asian and Pacific Island languages, and Chinese, as shown in Figure 2 and 3.6

⁶ Determinations to identify a specific language is primarily due to the size of the population within the geographic area, in this case, the TPB Planning Area. As a result, three aggregate categories of like languages are included (Other Indo-European languages, Other and unspecified languages, and Other Asian and Pacific Island languages) and may separate out an individual language if and when it's population is significantly large enough.

Other Indo-European languages is defined as including Haitian, Italian, Portuguese, German, Yiddish, Greek, Russian, Polish, Serbo-Croatian, Ukrainian or other Slavic languages, Armenian, Persian, Gujarati, Hindi, Urdu, Punjabi, Bengali, Nepali, Telugu, Tamil, and Malayalam.

Other and unspecified languages is defined as including Navajo, Other Native languages of North America, Hebrew, Amharic, Somali, or other Afro-Asiatic languages, Yoruba or other languages of Western African, Swahili or other languages of Central, Eastern, and Southern Africa, and Other and unspecified languages.

Other Asian and Pacific Island languages is defined as including Japanese, Hmong, Khmer, Thai, Lao, Other languages of Asia, Tagalog, Ilocano, Samoan, Hawaiian, or other Austronesian languages.

Detailed information on languages, including definitions, can be found at U.S. Census: https://www.census.gov/topics/population/language-use/about.html

25% 100% 90% 20% 80% 70% 14.3% 15% 60% 52.7% 47.9% 50% 43.8% 10% 40% 27.9% 27.4% 27.1% 27.2% 24.8% 30% 22.0% 21.3% 4.3% 5% 20% 3.1% 8.8% 1.9% 1.7% 1.5% 10% 1.2% 1.0% 1.0% 0.7% 0.7% 0.4% 0% 0% Spanish Other Indo-Other and Other Asian Chinese (inc. French. Korean Arabic Vietnamese Tagalog (inc. Russian. German or other West unspecified and Pacific Haitian, or Polish or European Mandar. Filipino) Cantonese) other Slavic languages languages Island Cajun Germanic languages languages languages ■ Percent of Region Pop. Speaking Language at Home Percent of Language speakers who speak English "less than very well"

Figure 2: Rates of languages other than English most often spoken at home in the Metropolitan **Washington Region**

Source: U.S. Census Bureau; American Community Survey, 2018-2022 American Community Survey 5-Year Averages, Table C16001; This figure includes the TPB's planning area.

Figure 3: Estimates of total number of persons who speak a language other than English at home in the **Metropolitan Washington Region**

		Total who also speak English
Languages Spoken at home	Total	"less than very well"
Spanish	750,8029	334,843
Other Indo-European languages	230,506	63,056
Other and unspecified languages	164,087	44,513
Other Asian and Pacific Island languages	100,859	28,134
Chinese (incl. Mandarin, Cantonese)	88,993	38,952
French, Haitian, or Cajun	77,791	19,329
Korean	63,021	30,210
Vietnamese	53,390	28,134
Arabic	55,192	15,003
Tagalog (incl. Filipino)	39,821	8,498
Russian, Polish, or other Slavic languages	37,974	8,352
German or other West Germanic languages	21,786	1,925

Source: U.S. Census Bureau; American Community Survey, 2018-2022 American Community Survey 5-Year Averages, Table C16001; This figure includes the TPB's planning area.

With more than 706,000 residents speaking Spanish at home, it is the most spoken non-English language in the region. Based on this information, it is most likely that special language services provided would need to accommodate people who speak Spanish. The region includes various other non-English speaking groups, too, with greater rates of limited English proficiency among the population. According to ACS data, home speakers of Spanish, Chinese, Korean, and Vietnamese have greater than forty percent of their respective populations that also speak English "less than very well" (see Figure 2). Special language services for these groups would need consideration, too.

Spatially, LEP populations in the region are geographically dispersed throughout the region, as shown in Figure 4. Regional information about LEP language access may be more useful at smaller geographic areas to help transportation planning staff understand the demographic profiles of the communities they operate in within the region.

HOW LEP PERSONS INTERACT WITH COG AND THE TPB

COG and the TPB do not provide direct transportation services to the region's residents, but rather serve as forums for regional stakeholders, decision makers, and residents to participate in planning and policy setting. Direct public transportation services include Metrorail, Metrobus, MetroAccess and local transit providers. The TPB's Access for All Advisory Committee includes representatives of limited English-speaking communities and advises the TPB on language access issues related to transportation. LEP persons are invited to participate in public meetings and committees, comment on work being completed, and participate in region-wide surveys and outreach efforts under COG and TPB. Materials are translated upon request so that they are available to those with limited English ability.

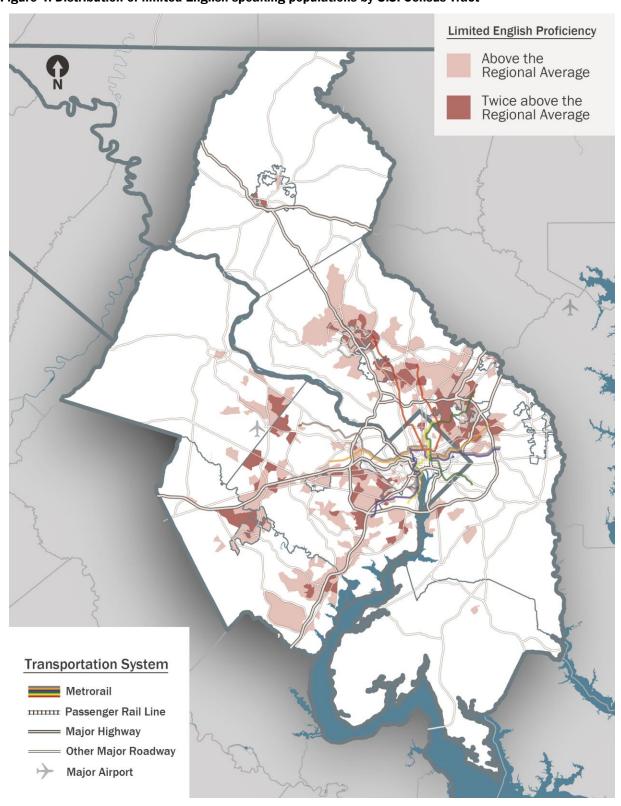


Figure 4: Distribution of limited English-speaking populations by U.S. Census Tract

Source: U.S. Census Bureau; American Community Survey, 2018-2022 American Community Survey 5-Year Averages, Table C16001.

Factor 2: The frequency with which LEP persons come into contact with the program.

Since COG and the TPB are not direct service providers, the frequency of LEP persons interacting with agency programs is quite low. Although all committee materials, publications, and public documents are made available in other languages upon request, there are very few requests submitted in a given year. Issues pertaining to LEP persons are discussed at quarterly meetings of the TPB's Access for All (AFA) Advisory Committee, but those who represent LEP population groups normally participate in English.

Factor 3: The nature and importance of the program, activity or service provided by the program to people's lives.

The activities that COG and the TPB engage in are not essential for LEP persons to go about their daily lives in the same way as direct service providers, such as Metrobus, Metrorail and local bus services. These activities include mostly policy level work and coordination between decision makers that represent the jurisdictions in the region. However, in order address the needs of all region's residents, participation from all population groups is encouraged. When conducting studies and surveys, and when public comment is welcome, LEP persons are often specifically sought out to participate in order to gather a diversity of opinions.

Factor 4: Resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.

COG and the TPB have reviewed resources available and costs for language assistance based on past requests and expenditures. The result of this analysis shows that approximately \$10,000 per year is available for language assistance, and that the costs have not exceeded \$10,000 per year, as shown below. Resources available:

- In-house staff speak Spanish and can provide phone assistance and translate short notices or phrases:
- An administrative budget for foreign language interpreters, document and website translation (approximately \$10,000 per year);
- Free website translation through Google Translate.

Costs:

- Translation of key documents and websites (costs in the past have ranged from \$1,000 to \$5,000 per year);
- Translation of notices and ads (In-house staff);
- Limited support for answering phone calls and interpreting at meetings (in-house staff); and
- Language interpreters for meetings or focus groups (based on past requests, this has ranged from \$2,500 to \$5,000 per year).

III. PROVIDING LANGUAGE SERVICES

The Accommodations Policy⁷, included below, describes how language access is provided by COG and the TPB. The policy states that translation services are available upon request for meetings that are open to the public. The policy is published on the COG website at www.mwcog.org/accommodations along with translations of the policy in Spanish, French, Korean, Vietnamese, Amharic, and Chinese.

The following is a list of some of the COG and TPB efforts made to provide language access:

- Advertise public comment periods in Spanish language news publications.
- Provide survey forms and web applications in multiple languages.
- Provide Spanish-speaking facilitators at forums and outreach effects.
- · Hire bilingual staff members.
- Google Translator is available on all COG webpages.
- Provide Spanish versions of key web pages.

The Commuter Connections program employs one full-time Spanish speaking employee that is available for their call center and assists staff with in-person contact and written communication in Spanish. Additionally, there is designated Spanish speaking staff in each COG department to handle calls from Spanish speakers.

The Commuter Connections program also periodically advertises their program via radio spots. These radio ads are broadcast in both English and Spanish.

Written language assistance

Key documents will be translated upon request. Staff arrange for the translation of materials through coordination with the Office of Communications and Human Resources staff who maintain a list of qualified companies that provide translation services.

The website for the Metropolitan Washington Council of Governments, including the Department of Transportation Planning subsection of that website, can be translated into over 130 different languages. Staff incorporated Google Translate translation capability into the development of this website as a cost-efficient means of making sure that the information contained on the website is accessible to LEP stakeholders and the interested non-English speaking public.

At certain times during our planning process it is required to publish notifications of TPB activities in local newspapers (e.g. announcement of the opportunity to comment on air quality conformity determination). When this is required, a notification is published in several newspapers, including a notification written in Spanish for the Spanish-language news publications.

⁷ https://www.mwcog.org/accommodations

⁸ https://www.mwcog.org/transportation

Outreach strategies for the annual Street Smart pedestrian and bicyclist safety campaign that is coordinated by the TPB include radio, video, newspaper and transit advertising.9 These advertising efforts are focused on educating motorists, pedestrians and bicyclists to improve safety. Advertising materials are produced in English and Spanish.

Additionally, the Commuter Connections website is provided in Spanish, to accommodate Spanish speaking customers' participation in ridesharing and other Commuter Connections programs.¹⁰

Training staff

Most COG staff members are not in public contact positions, however, those employees that do engage with the public receive direct training from their supervisor regarding their obligations to provide meaningful access to information and services for LEP persons. COG developed an Accommodations Policy to guide staff and outline how COG will provide certain services to accommodate people with special needs. Additionally, COG regularly provides diversity training for all employees.

In an effort to continuously improve the COG's overall compliance posture, nondiscrimination and LEP related training will be coordinated with the U.S. Department of Transportation, the Virginia Department of Transportation (VDOT), the Maryland Department of Transportation (MDOT) and the District Department of Transportation (DDOT) and made available to COG staff on an ongoing basis to ensure up to date knowledge of Title VI, other nondiscrimination statues, and LEP guidance.

Providing notice to LEP persons

COG's Accommodations Policy is posted online and states that translation services are available upon request for meetings that are open to the public. 11 It is expressed that requests for such services are appreciated seven business days in advance of a meeting to process the requests.

COG includes the following language in its significant meeting announcements and agendas to notify the LEP population(s) of the availability of language assistance:

Reasonable accommodations are provided upon request, including alternative formats of meeting materials. Visit www.mwcog.org/accommodations or call (202) 962-3300 or (202) 962-3213 (TDD).

In major COG publications the following text is included to notify the LEP population(s) of the availability of alternative formats of the document:

Alternative formats of this document are available upon request. Visit www.mwcog.org/accommodations or call (202) 962-3300 or (202) 962-3213 (TDD).

⁹ http://www.bestreetsmart.net

¹⁰ http://www.commuterconnections.org

¹¹ https://www.mwcog.org/accommodations

The COG website includes a link to the Accommodations Policy and the Google Translate option on each webpage.

At certain times during the TPB planning process it is required to publish notifications of COG activities in local newspapers (e.g. announcement of the opportunity to comment on air quality conformity determination). When this is required, a notification is published in several newspapers, including a notification written in Spanish for the Spanish-language news publications.

IV. MONITORING, EVALUATING AND UPDATING THE LANGUAGE ASSISTANCE PLAN

The Language Assistance Plan as part of the Metropolitan Washington Council of Governments Title VI Plan will be reviewed annually by Title VI coordinators on the COG staff. This annual review will also include a review of whether existing assistance is meeting the needs of LEP persons and whether new documents, programs, services, and activities need to be made accessible for LEP individuals. Such guidance will also be based on consideration of the frequency of encounters with LEP language groups and the availability of resources.

The TPB Access for All (AFA) Advisory Committee annually reviews the significant changes to the longrange plan and provides input to the TPB regarding the transportation-related concerns of the people they represent, including LEP persons, people with disabilities, older adults, and economically disadvantaged populations. The AFA will also review significant changes to the Language Assistance Plan and provide feedback on which TPB activities are of most importance to LEP persons. The AFA reviewed COG's Accommodations policy in October 2014, and draft translations of the policy in Spanish, French, Korean, Vietnamese, Amharic and Chinese.

Additionally, as new data is made available on the demographics of the region and the resulting transportation needs (e.g., U.S. Census Data), this Language Assistance Plan will be reviewed and updated to respond to the needs of the region's growing and changing population.

APPENDIX G: ACCOMMODATIONS POLICY

It is the policy of the Metropolitan Washington Council of Governments (COG) to provide equal access for individuals with disabilities and those with limited English skills to programs, meetings, publications, and activities. Reasonable accommodations will be provided by COG upon request with reasonable advance notice. Reasonable accommodations may include translation services, modifications or adjustments to a program, publication, or activity to enable an individual with a disability or someone who does not speak English to participate. Examples include:

- Providing sign language interpreters or other language translation services. COG will make
 reasonable efforts to accommodate requests. This assumes COG is given adequate time to
 secure those services and services in a particular language are available within the
 requested time period;
- Providing meeting materials in alternative formats (such as translated materials in languages other than English, large print or electronic copies);
- Providing tables that are suitable for people using electric wheelchairs;
- Alerting security staff that persons with disabilities will need assistance to the meeting room;
- Alerting garage attendants that a person with a disability will need accessible parking spaces;
- Offering individuals, the ability to participate in meetings through conference calls and other accommodations, as necessary.

Meetings and Events

Translation services in sign language and languages other than English are available upon request with reasonable advance notice for meetings that are open to the public. Other accommodations, such as special seating requirements, can also be arranged. Please allow up to seven (7) business days to process your request. COG will make reasonable efforts to accommodate requests. This assumes COG is given adequate time to secure those services and services in a particular language are available with the requested time period.

Publications

Most publications are available on the website. Alternative formats of publications, including translated documents, are also available upon request. Please allow up to seven (7) business days to process your request.

Advance Notice Requested for Interpreting or CART Services

An individual needing a sign language interpreter, translator, or Communication Access Real-time Translation (CART) service to participate in a meeting or event should request the interpreter service at least seven (7) days in advance of the event. If the event is more than 12 interpreting hours, such as a two day conference, COG asks that the request be made 14 days in advance. Late requests will be handled based upon the availability of service(s).

To make a request:

Phone: (202) 962-3300 TDD: (202) 962-3213

Email: accommodations@mwcog.org

To read the Accommodations Policy in different languages, visit (mwcog.org/accommodations/). It is available in the following languages:

Spanish - Español French - Français Korean - 한국의 Vietnamese - tiếng Việt Amharic - 뉴찌ርኛ Chinese - 中文

We welcome comments on how to improve accessibility for users with disabilities. Please email us with suggestions.

Finding Alternative Formats of COG Publications

Publications can be found on the COG website in a variety of ways:

On the Documents Page

Visit the Documents page to view publications in a variety of ways, including alphabetical and chronological order.

On Committee Pages

If you are looking for an agenda, report, letter, presentation, or other document from one of COG's committees, visit the Committees page. This page links to individual committees where you can find publications and meeting materials associated with that committee.

By Search

The search box found in the website header allows you to find publications using a variety of categories.

For additional assistance in finding specific publications, email the Office of Communications or call (202) 962-3300.

APPENDIX H: COG BOARD RESOLUTION APPROVING TITLE VI POLICY STATEMENT AND PLAN

ADOPTION OF CONSENT AGENDA ITEMS

June 2024

A. RESOLUTION APPROVING UPDATES TO COG'S TITLE VI PLAN AND PROGRAM

The Board will be asked to adopt Resolution R15-2024 updating COG's Title VI Plan and Title VI Program, which outlines how COG and the TPB ensure nondiscrimination in all programs and activities. The Program was prepared pursuant to the requirements of Title VI of the Civil Rights Act of 1964, and to comply with Federal Transit Administration (FTA) grant recipient guidelines. The Plan was prepared pursuant to FHWA requirements. The Program must be updated and submitted to the FTA for approval every three (3) years. The Program and Plan are reviewed annually to ensure federal compliance. COG staff intends to continue to update these documents as often as necessary to make the documents "living" and a useful resource for the public. These updates include revised text, more recent Census data on low-income, minority and limited-English speaking populations, and a description of outreach efforts to these populations. COG's Executive Director and General Counsel have reviewed the updates and recommend approval.

RECOMMENDED ACTION: Adopt Resolution R15-2024.

NOTE: The final documents will be published on the COG website before Board adoption. To view the full Title VI Plan and Program, please visit: https://www.mwcog.org/documents/titlevi

APPENDIX I: STANDARD US DEPARTMENT OF TRANSPORTATION TITLE VI ASSURANCES

TITLE VI/NONDISCRIMINATION ASSURANCES

DOT Order No.1050.2A

The *Metropolitan Washington Council of Governments*, (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*, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites 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 the Federal Highway Administration.

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 Highway Program:

- 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- Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Metropolitan Washington Council of Governments in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US.C.§§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

- 3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
- 4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
- 5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
- 6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
- 7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
- a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
- b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- 8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.

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

By signing this ASSURANCE, the *Metropolitan Washington Council of Governments also* agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the *USDOT* access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the *USDOT*. You must keep records, reports, and submit the material for review upon request to *USDOT*, 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 Metropolitan Washington Council of Governments gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal-Aid Highway Program. This ASSURANCE is binding on the Commonwealth of Virginia. other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in the Federal-Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

The Metropolitan Washington Council of Governments

(Clark Mercer ,Executive Director)

6/12/24

APPENDIX A

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

- 1. Compliance with Regulations: The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway 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, 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 Nondiscrimination on the grounds of race, color, or national origin.
- 4. Information and Reports: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway 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 or the Federal Highway 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 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 may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

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

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the Metropolitan Washington Council of Governments 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 Metropolitan Washington Council of Governments, its successors and assigns.

The Metropolitan Washington Council of Governments 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 Metropolitan Washington Council of Governments will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

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

APPENDIX C

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

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Metropolitan Washington Council of Governments pursuant to the provisions of Assurance 7(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 U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Nondiscrimination covenants, the Metropolitan Washington Council of Governments 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 Nondiscrimination covenants, the Metropolitan Washington Council of Governments 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 Metropolitan Washington Council of Governments and its assigns.*

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

APPENDIX D

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

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the Metropolitan Washington Council of Governments pursuant to the provisions of Assurance 7(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, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, the Metropolitan Washington Council of Governments 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 Metropolitan Washington Council of Governments will there upon revert to and vest in and become the absolute property of the Metropolitan Washington Council of Governments and its assigns.*

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

APPENDIX E

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

Pertinent Nondiscrimination 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 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; and Executive Order 14096, which updates E.O. 12898.
- 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 discriminating based on sex in education programs or activities (20 U.S.C. 1681 et seq).

APPENDIX J: TITLE VI COMPLAINT FORM

Section I I believe that I have been (or someone else has been) discriminated against on the basis of Race Color National Origin
Section II First Name: State: E-mail Address:
Section III Are you filing this complaint on your own behalf? □Yes □No
Have you previously filed a civil rights complaint with FHWA? □Yes □No
Section IV Name of public entity complaint is against
Section V Have you filed this complaint with any of the following agencies? □U.S. Department of Justice □U.S. Department of Transportation □Your State's Department of Transportation □Local Public Agency □U.S. Equal Employment Opportunity Commission Other
Have you filed a lawsuit regarding this complaint? □Yes □No

Section VI				
Please Include Details of Your Complaint Below. FHWA will contact you to request any additional				
documentation you may want to submit on behalf of your complaint.				
Important: We cannot accept your complaint without a signature, so please type your first name.				
Signature				

Please mail your completed form to: Title VI Officer, Metropolitan Washington Council of Governments, 777 North Capitol Street NE, Suite 300, Washington, DC 20002

Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by COG or its sub-recipients, consultants, and/or contractors, intimidation or retaliation of any kind is prohibited by law, may file a formal complaint with COG's Title VI Officer by completing and signing COG's Title VI Complaint Form. A formal complaint must be submitted in writing within 180 calendar days from the date of the alleged occurrence or when the alleged discrimination became known to the complainant.

Complaints should be mailed to Title VI Officer, Metropolitan Washington Council of Governments, 777 North Capitol Street NE, Suite 300, Washington, DC 20002.

A person may also file a complaint directly with the appropriate state agency or the Federal Transit Administration at the following:

Virginia:

Civil Rights Division Administrator Virginia Department of Transportation Civil Rights Division

1401 E. Broad St. Richmond, VA 23219

Telephone: (804) 786-2085

Toll free: (888) 508-3737; (TTY/TDD 711)

U.S. Department of Transportation Federal Highway Administration Virginia Division Office of Civil Rights 400 N. 8th St., Suite 750 Richmond, VA 23219 Maryland:

Maryland

Maryland Department of Transportation Title VI Program Manager Office of Diversity and Equity 7201 Corporate Center Drive Hanover, Maryland 21076 Equal Opportunity Compliance Programs Maryland Transit Administration 6 Saint Paul Street Baltimore, Maryland 21202 Web: mta.maryland.gov Telephone: (410) 539-3497 (TTY)

District of Columbia:

District Department of Transportation Office of Civil Rights 55 M Street, SE, Suite 400 Washington, DC 20003 Telephone: (202) 673-6813 Fax: (202) 671-0650

Federal Transit Administration:

FTA Office of Civil Rights Attention: Complaint Team East Building, 5th Floor – TCR 1200 New Jersey Ave., SE Washington, DC 20590

Alternative formats of this form can be made available upon request. Visit www.mwcog.org/accommodations or call (202) 962-3300 or (202) 962-3213 (TDD).

APPENDIX K: TITLE VI PLAN COORDINATORS

Title VI Plan Coordinators

Title	Department	Name
Title VI Officer	EO	Clark Mercer
Title VI Coordinators	OFAS	Charles Felton
Title VI Coordinators	OHRM	Janet Ernst
Title VI Coordinators	DEP	Jen Desimone
Title VI Coordinators	DTP	Lyn Erickson
Title VI Coordinators	DHSPS	Scott Boggs
Title VI Coordinators	OC	Steve Kania
Title VI Coordinators	Legal Counsel	Sharon Pandak
Title VI Coordinators	DCPS	Hilary Chapman

Department Key

EO - Executive Office

OFAS - Office of Financial and Administrative Services

OHRM - Office of Human Resources Management

DEP - Department of Environmental Programs

DTP - Department of Transportation Planning

DHSPS - Department of Homeland Security and Public Safety

OC - Office of Communications

DCPS - Department of Community Planning Services

APPENDIX L: SUBRECIPIENT REQUIREMENTS

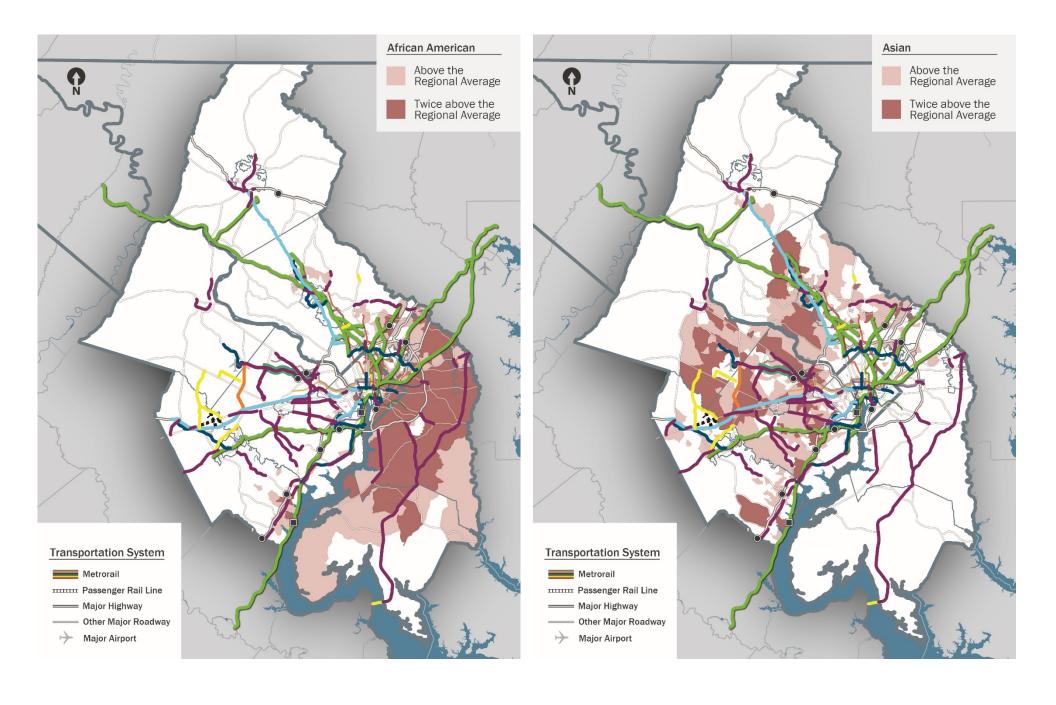
ATTACHMENT SUBRECIPIENT REQUIREMENTS

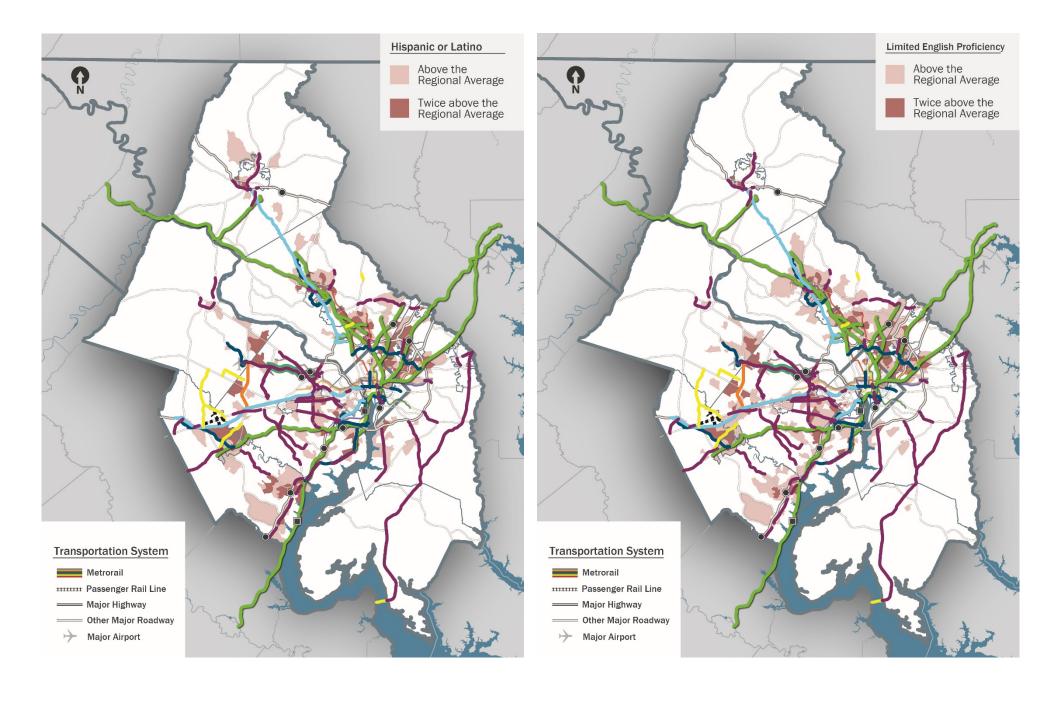
During the performance of this contract, the Subrecipient (s), for itself, its assignees, and successors in interest (hereinafter referred to as the "Subrecipient") agrees as follows:

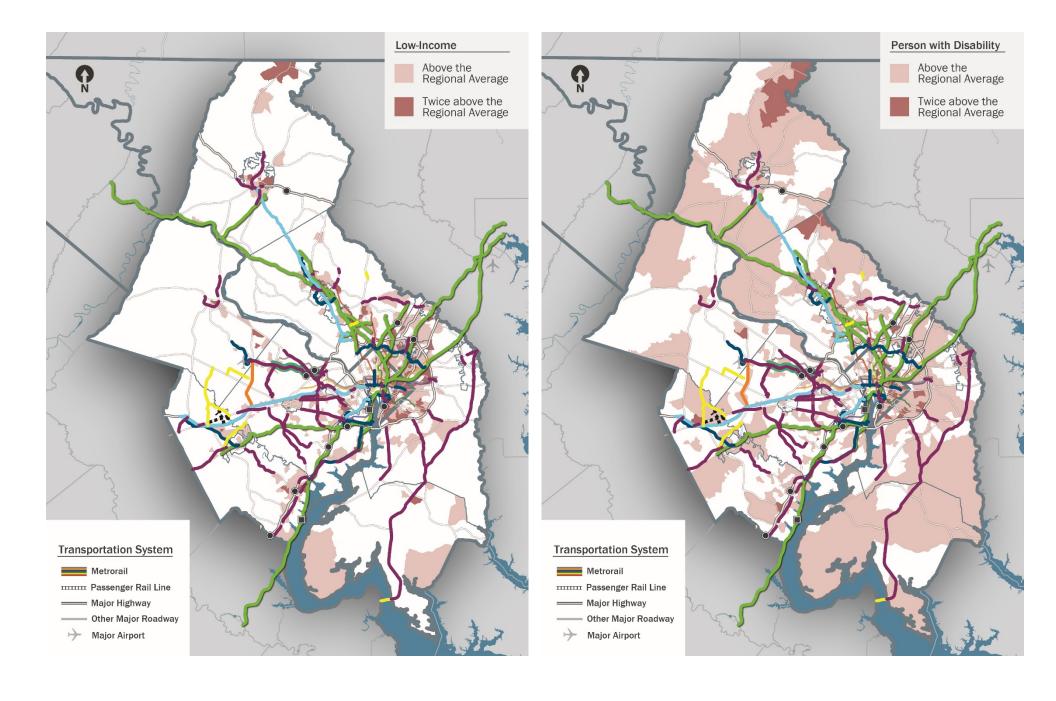
- Compliance with Regulations: The Subrecipient (hereinafter includes consultants) will comply
 with the Acts and the Regulations relative to Nondiscrimination in Federally assisted programs
 of the Federal Highway Administration (FHWA) as it may be amended from time to time, which
 are herein incorporated by reference and made a part of this contract.
- 2. Nondiscrimination: The Subrecipient, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Subrecipient will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in this Attachment, 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 Subrecipient 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 Subrecipient of the subcontractor 's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, sex, age, disability, incomelevel, or LEP.
- 4. Information and Reports: The Subrecipient 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 COG to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. The Subrecipient is required to provide MWCOG with a copy of its Title VI Plan. Where any information required of a Subrecipient is in the exclusive possession of another who fails or refuses to furnish the information, the Subrecipient will so certify to COG, as appropriate, and will set forth what efforts it has made to obtain the information.
- 5. Sanctions for Noncompliance: In the event of a Subrecipient's noncompliance with the Nondiscrimination provisions of this contract, MWCOG will impose such contract sanctions as it or the FWHA may determine to be appropriate, including, but not limited to:
 - a. Withholding payments to the Subrecipient under the contract until the Subrecipient complies; and/or
 - b. Canceling, terminating, or suspending a contract, in whole or in part.
- 6. Incorporation of Provisions: The Subrecipient will include the provisions of paragraphs one through five in every subcontract, including procurements of materials and leases of

equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Subrecipient will take action with respect to any subcontract or procurement as MWCOG or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance.

APPENDIX M: MAPPING OF 2022 UPDATE OF VISUALIZE 2045 IMPROVEMENTS WITH LOCATIONS OF TRADITIONALLY DISADVANTAGES POPULATION GROUPS









777 North Capitol Street NE, Suite 300 Washington, DC 20002