

## **ITEM 11 – Information**

May 16, 2018

### **COG Title VI Program to Ensure Non-Discrimination In COG and TPB Programs and Activities**

- Staff Recommendation:** Briefing on the elements of the Title VI Program and how the program ensures participation and consideration of transportation-disadvantaged populations in the planning process.
- Issues:** None
- Background:** On May 9, the COG Board approved an update to the Title VI Program which is required by the Federal Transit Administration (FTA) to ensure non-discrimination in all COG and TPB program and activities. The TPB will be briefed on the elements of the Title VI Program and how the program helps to ensure participation and consideration of transportation-disadvantaged populations in the planning process.



# COG'S TITLE VI PROGRAM

## TO ENSURE NON-DISCRIMINATION IN COG AND TPB PROGRAMS AND ACTIVITIES

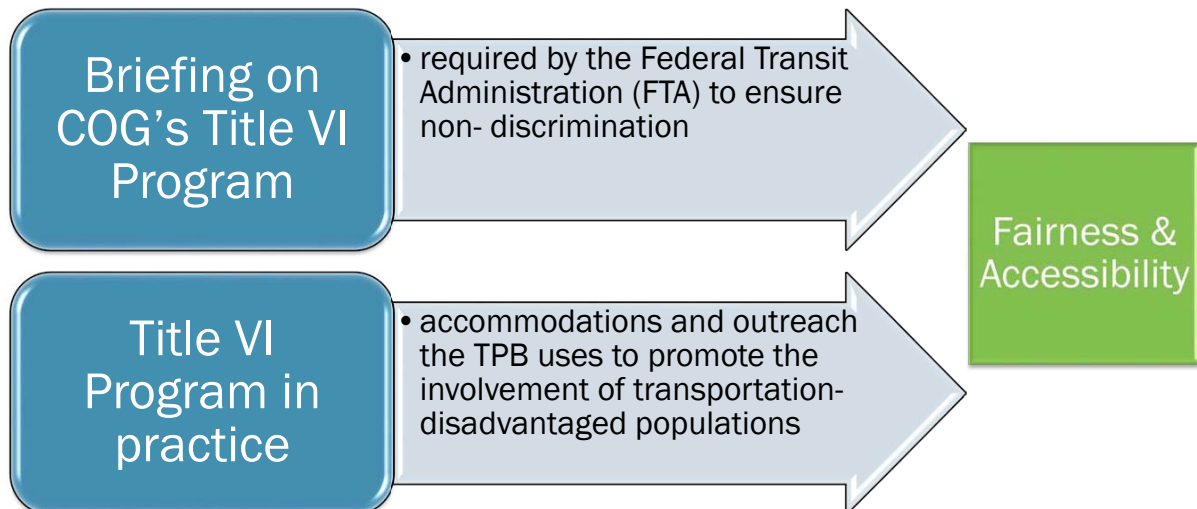
Wendy Klancher, AICP  
TPB Transportation Planner

Transportation Planning Board  
May 16, 2018

Agenda Item 11



## Purpose



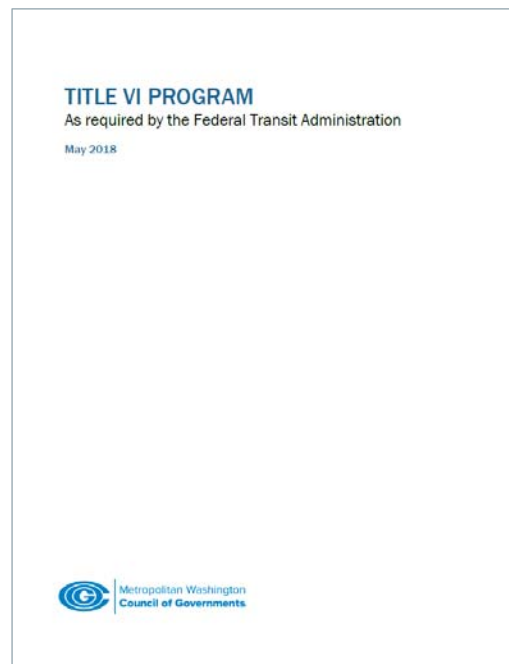
# What is Title VI?

- Title VI of the Civil Rights Act of 1964

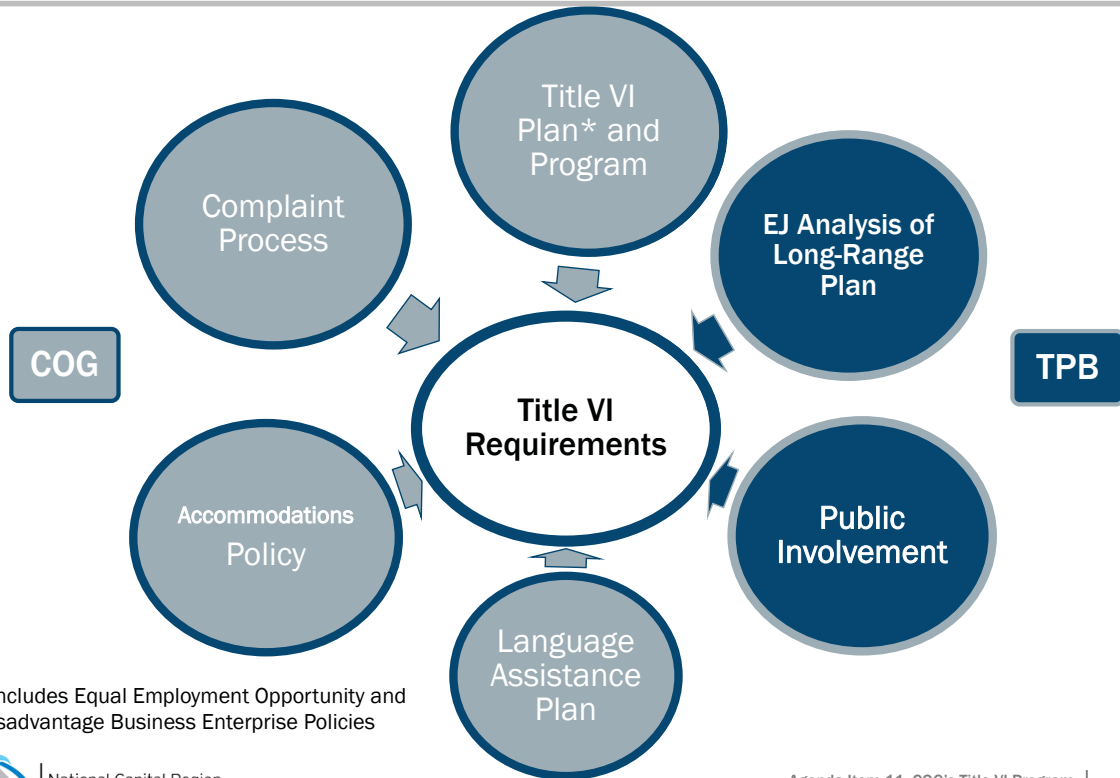
*No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.*

# Why a Title VI Program?

- To comply with Federal Transit Administration (FTA) grant recipient guidelines
- COG, as the TPB's administrative agent, prepares and adopts the Title VI Program
  - ***COG Board adopted the Title VI Program on May 9***
- COG's Title VI Program must be updated and submitted to the FTA for approval every three years



# Title VI Requirements



\*Includes Equal Employment Opportunity and Disadvantage Business Enterprise Policies

# Title VI Program versus Plan

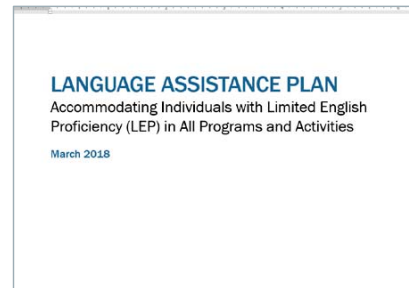
- Title VI **Program** –
  - Specific to the FTA requirements as outlined in FTA Circular 4702.1B
- Title VI **Plan** – Public-facing document
  - Same policies and procedures to ensure nondiscrimination as the Title VI program
  - Addresses general Civil Rights requirements from Federal Highway Administration (FHWA), Federal Transit Administration (FTA) and other Federal agencies

# Major Elements of the Title VI Program

- Title VI notice to the public
- Title VI complaint form and instructions
- Summary of outreach efforts
- Accommodations for people with disabilities and those with limited-English skills
- Monitoring of subrecipients
- Demographic profile, maps and analysis

## Attachments:

- Language Assistance Plan
- Public Participation Plan (update FY2019)



# Title VI Notice to the Public

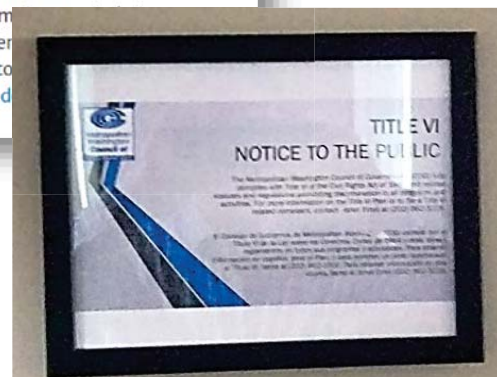


[Home](#) > Title VI Nondiscrimination Policy

## Title VI Nondiscrimination Policy

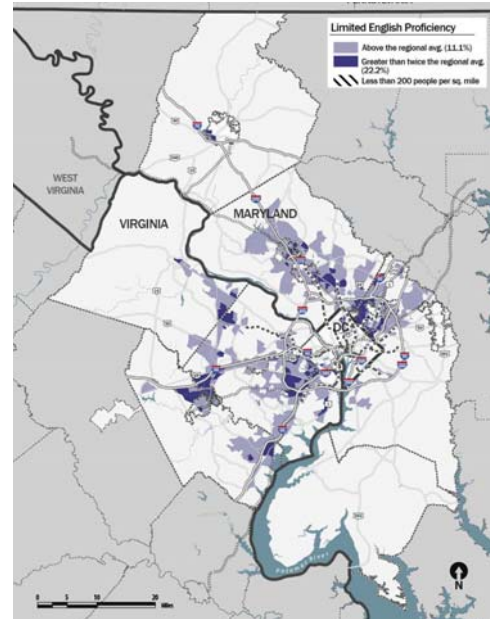
The Metropolitan Washington Council of Governments (COG) fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations prohibiting discrimination in all programs and activities. For more information, to file a Title VI related complaint, or to obtain information in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

El Consejo de Gobiernos del Área Metropolitana de Washington (COG) cumple con la Ley sobre los Derechos Civiles de 1964 y otras leyes y reglamentos en todos los programas y actividades. Para obtener más información, someter un pleito o obtener información en otro idioma, visite [la página del plan de Título VI](#), u obtenga información en otro idioma, visite [la página del plan de Título VI](#) al (202) 962-3300.



# Language Assistance Plan

- Census Data used to examine languages other than English most often spoken in the region
- Requires COG/TPB documents and website to note availability of assistance:
  - *Reasonable accommodations are provided upon request, including alternative formats of meeting materials. Visit [www.mwcog.org/accommodations](http://www.mwcog.org/accommodations) or call (202) 962-3300 or (202) 962-3213 (TDD).*
- Outlines assistance that will be provided



# Accommodations Policy



[Home](#) > Accommodations Policy

## 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

To read the Accommodations Policy in different languages, click on the links below:

[Spanish - Español](#)  
[French - Français](#)  
[Korean - 한국의](#)  
[Vietnamese - tiếng Việt](#)  
[Amharic - አማርኛ](#)  
[Chinese - 中国](#)

- Requests (7) business days notice
- [Link: www.mwcog.org/accommodations/](http://www.mwcog.org/accommodations/)

## Title VI in Practice

### TPB's work on Fairness and Accessibility

---

**Access for All Advisory Committee:** advises TPB on issues important to low-income communities, minority populations, persons with disabilities, older adults and those with limited English Skills

**Equity Emphasis Areas:** Demographic analysis identifying concentrations of low-income and minority populations



## Title VI in Practice

### TPB's work on Fairness and Accessibility, Continued

---

#### Language access

- Visualize 2045 public comment period advertised in Spanish in the Washington Hispanic
- Visualize 2045 Phase 1 Public Opinion Survey in Spanish
- Google Translator is available on all COG webpages
- Regional Travel Survey: Spanish version underdevelopment

#### Accommodations for people with disabilities

- Seven Transportation Initiatives story map: text-only version created
- Automated door openers, assisted listening devices, tables for wheelchair users





## Wendy Klancher, AICP

Principal Transportation Planner

(202) 962-3321

[wklancher@mwkog.org](mailto:wklancher@mwkog.org)

[mwkog.org/tpb](http://mwkog.org/tpb)

---

Metropolitan Washington Council of Governments

777 North Capitol Street NE, Suite 300

Washington, DC 20002



National Capital Region  
Transportation Planning Board



# TITLE VI PROGRAM

As required by the Federal Transit Administration

May 2018



Metropolitan Washington  
**Council of Governments**

## **TITLE VI PROGRAM**

Adopted on May 9, 2018

### **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: Wendy Klancher, Rick Konrad, Sergio Ritacco, Lynn Winchell-Mendy

Contributing Editors: Megan Goodman, Benjamin Hampton, Robert Griffiths, Steve Kania, Lori Zeller, John Swanson, Zachary Packard, Sharon Pandak, Daniel Sonenklar, Abigail Zenner

### **ACCOMMODATIONS POLICY**

Alternative formats of this document are available upon request. Visit [www.mwcog.org/accommodations](http://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 [www.mwcog.org/nondiscrimination](http://www.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 [www.mwcog.org/nondiscrimination](http://www.mwcog.org/nondiscrimination) o llame al (202) 962-3300.

# TABLE OF CONTENTS

<b>TITLE VI PROGRAM</b>	<b>1</b>
<b>Introduction</b>	<b>1</b>
Relationship between COG and the TPB	1
COG as Designated Recipient	2
List of FTA-Required Elements for a Title VI Program and Page Location	3
<b>Title VI Notice to the Public</b>	<b>4</b>
Locations of Where the Notice is Posted	6
<b>Instructions to the Public on How to File a Title VI Discrimination Complaint</b>	<b>7</b>
Title VI Complaint Form	10
<b>List of Any Public Transportation-Related Title VI Investigations, Complaints, or Lawsuits Filed</b>	<b>13</b>
<b>Public Participation Plan and Summary of Outreach Efforts</b>	<b>14</b>
Summary of Outreach since the Last Title VI Program Submission	14
<b>Plan for Providing Language Assistance to Persons with Limited English Proficiency</b>	<b>17</b>
<b>Racial Breakdown of Transit-related, Non-elected Planning Boards, Advisory Councils or Committee Members</b>	<b>18</b>
Efforts to Encourage Minority Participation on Committees	18
<b>Description of Efforts to Ensure Subrecipients Comply with Title VI and Schedule of Subrecipient Title VI Program Submissions</b>	<b>20</b>
COG’s Record Keeping and Selection Process for Section 5310 Enhanced Mobility	21
Schedule of Subrecipient Title VI Program Submissions	21
<b>Board Resolution Approving the Title VI Program</b>	<b>24</b>
<b>Demographic Profile</b>	<b>25</b>
<b>Procedures Identifying the Mobility Needs of Minority Populations and Considerations within the Planning Process</b>	<b>29</b>
Advisory Committees	29
Equity Emphasis Areas	29
Regional Travel Survey	30
Coordinated Human Service Transportation Plan	30
<b>Demographic Maps by Census Tract</b>	<b>31</b>
Definitions	38
Methodology	39
Steps in the Analysis and Results	40
Analysis of impacts	43

Attachment A: TPB’s Public Participation Plan

Attachment B: Language Assistance Plan

Intentionally blank

# TITLE VI PROGRAM

## Introduction

The Federal Transit Administration (FTA) requires that the Metropolitan Washington Council of Governments (COG), as a Designated Recipient of the FTA Section 5310 Enhanced Mobility program, submit a Title VI Program to “document compliance with DOT’s Title VI regulations by submitting a Title VI Program to their FTA regional civil rights officer once every three years or as otherwise directed by FTA”.<sup>1</sup>

COG also has a Title VI Plan which includes policies and procedures to ensure nondiscrimination in all COG and TPB programs and services (available at [www.mwcog.org/nondiscrimination](http://www.mwcog.org/nondiscrimination)). While there is overlap between the Title VI Plan and Title VI Program, the Plan includes required elements for the U.S. Federal Highway Administration (FHWA), FTA, and other Federal agencies. The Title VI Program is specific to the USDOT FTA requirements as outlined in Circular FTA C 4702.1B ([www.fta.dot.gov/legislation\\_law/12349\\_14792.html](http://www.fta.dot.gov/legislation_law/12349_14792.html)). A list is provided on page 6 of where to find the FTA-required items for a Title VI Program in this document. The Program includes general requirements for a Title VI Program and the requirements for Metropolitan Planning Organizations (MPOs). The TPB serves as the MPO for the Metropolitan Washington region.

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 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.

## RELATIONSHIP BETWEEN COG AND THE TPB

The Metropolitan Washington Council of Governments was established in 1957 by local cities and counties seeking to work together more closely and develop solutions to regional issues, including growth, housing, the 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.

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

---

<sup>1</sup> Title Vi Requirements And Guidelines For Federal Transit Administration Recipients. FTA C 4702.1B. October 1, 2012. Page III-1. [www.fta.dot.gov/legislation\\_law/12349\\_14792.html](http://www.fta.dot.gov/legislation_law/12349_14792.html)

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, it's 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 federal requirements.

## **COG AS DESIGNATED RECIPIENT**

COG is the Designated Recipient for the Federal Transit Administration (FTA) Section 5310 Enhanced Mobility Program.



## LIST OF FTA-REQUIRED ELEMENTS FOR A TITLE VI PROGRAM AND PAGE LOCATION

Requirement	Page Number
A copy of the recipient's Title VI notice to the public that indicates the recipient complies with Title VI, and informs members of the public of the protections against discrimination afforded to them by Title VI. Include a list of locations where the notice is posted	4
A copy of the recipient's instructions to the public regarding how to file a Title VI discrimination complaint, including a copy of the complaint form	7
A list of any public transportation-related Title VI investigations, complaints, or lawsuits filed with the recipient since the time of the last submission.	13
A public participation plan and a summary of outreach efforts made since the last Title VI Program submission.	14 and Attachment A
A copy of the recipient's plan for providing language assistance to persons with limited English proficiency, based on the DOT LEP Guidance.	17 and Attachment B
Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees or councils.	18
Description of efforts the primary recipient uses to ensure subrecipients are complying with Title VI, as well as a schedule of subrecipient Title VI program submissions.	20
If the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc., the recipient shall include a copy of the Title VI equity analysis conducted.	N/A
Board Resolution or minutes approving Title VI Program.	24
A demographic profile of the metropolitan area that includes identification of the locations of minority populations in the aggregate.	25
A description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process.	29
Demographic maps that overlay the percent minority and non-minority populations as identified by Census or ACS data, at Census tract or block group level, and charts that analyze the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes, including Federal funds managed by the MPO as a designated recipient.	Pages 31 to 37
An analysis of impacts that identifies any disparate impacts on the basis of race, color, or national origin, and, if so, determines whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact.	38

## 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 at [cbean@mwcog.org](mailto:cbean@mwcog.org) or (202) 962-3260. 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 [www.mwcog.org/nondiscrimination](http://www.mwcog.org/nondiscrimination) and in public areas of COG's offices.

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 [www.mwcog.org/nondiscrimination](http://www.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 [www.mwcog.org/nondiscrimination](http://www.mwcog.org/nondiscrimination) o llame al (202) 962-3300.

Any individual, group of individuals, or entity that believes he/she, they, or it 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.

COG will acknowledge receipt of the complaint within 5 business days and determine if it accepts the complaint for investigation. Once accepted, COG will notify the parties within 5 calendar days. COG then has 40 calendar days to investigate the complaint. The investigation will be forwarded to the appropriate state agency within 60 calendar days of the acceptance of the complaint. Refer to COG's Nondiscrimination Complaint Procedures for additional information.

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) 786-2085  
Toll free: (888) 508-3737  
(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:

Equal Opportunity Compliance Programs  
Maryland Transit Administration  
6 Saint Paul Street  
Baltimore, Maryland 21202  
Web: [www.mta.maryland.gov](http://www.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

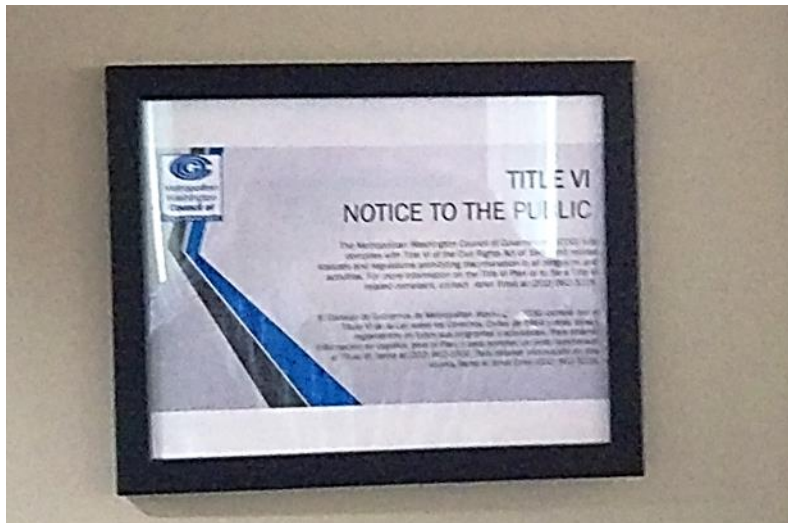
Federal Transit Administration:

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

## 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.



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](http://www.mwcog.org/nondiscrimination)

# Instructions to the Public on How to File a Title VI Discrimination Complaint

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 (including its Disadvantaged Business Enterprises (DBE) and Equal Employment Opportunity (EEO) components), 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. They do not apply to complaints related to employment conditions, actions, or decisions reflecting COG's status as employer. Such complaints should be initiated under policies administered by COG's Office of Human Resource Management.

These procedures do not deny the right of the complainant 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 that 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 he/she, they, or it 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 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 COG's Title VI Complaint Form
  - 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. COG will acknowledge receipt of the complaint within 5 business days. Upon receipt of the complaint, the Title VI Officer will refer the matter to the General Counsel who will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. In cases where the complaint is against one of COG's sub-recipients of federal funds, COG will assume jurisdiction and will investigate and adjudicate the case. Complaints against COG or the TPB will be referred by the General Counsel to the appropriate state or federal agencies for proper disposition pursuant to their procedures. In special cases warranting intervention to ensure equity, these agencies may assume jurisdiction and either complete or obtain services to review or investigate matters.
3. In order to be accepted, a complaint must meet the following criteria:
  - a. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
  - b. The allegation(s) must involve a covered discrimination such as race, color, national origin, gender, disability, or retaliation.
  - c. The allegation(s) must involve a program or activity of a Federal-aid recipient, sub-recipient, contractor, or, in the case of ADA allegations, an entity open to the public.
  - d. The complainant(s) must accept reasonable resolution based on COG's administrative authority (reasonableness to be determined by COG).
4. A complaint may be dismissed for the following reasons:
  - a. The complainant requests the withdrawal of the complaint.
  - b. The complainant repeatedly fails to respond to requests for additional information needed to process the complaint.
  - c. The complainant cannot be located after reasonable effort.
5. Once COG or a state or federal agency decides to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within five calendar days. The complaint will receive a case number and will then be logged in the records of COG or the agency referred to identifying its basis and alleged harm, and the race, color, national origin, and gender of the complainant.
6. In cases where COG assumes the investigation of the complaint, COG will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days from the date of COG's written notification of acceptance of the complaint to furnish his/her response to the allegations.
7. In cases where COG assumes the investigation of the complaint, within 40 calendar days of the acceptance of the complaint, the General Counsel, with assistance from the appropriate Title VI Officer will prepare an investigative report for review by the Executive Director. The

report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition.

8. The General Counsel and the appropriate Title VI Officer will discuss the report and recommendations with the Executive Director within 10 calendar days. The report will be modified as needed and made final for its release.
9. COG's final investigative report and a copy of the complaint will be forwarded to the appropriate state agency within 60 calendar days of the acceptance of the complaint.
10. COG will notify the parties of its preliminary findings, which may be subject to concurrence from the appropriate state agency.
11. Once a state agency issues its final decision, COG will notify all parties involved about such determination. State determinations cannot be appealed.

If information is needed in another language, then contact (202) 962-3300.

Para obtener información en otra idioma, llame al (202) 962-3300.

## TITLE VI COMPLAINT FORM

### Section I

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Numbers:

(Home) \_\_\_\_\_ (Work) \_\_\_\_\_

Electronic Mail Address: \_\_\_\_\_

Accessible Format Requirements?

Large Print \_\_\_\_\_ Audio tape \_\_\_\_\_

TDD \_\_\_\_\_ Other \_\_\_\_\_

### Section II

Are you filing this complaint on your own behalf?

Yes \_\_\_\_\_ No \_\_\_\_\_

[If you answered "yes" to this question, go to Section III.]

If not, please supply the name and relationship of the person for whom you are complaining:

\_\_\_\_\_

Please explain why you have filed for a third party. \_\_\_\_\_

\_\_\_\_\_

If you are filing on behalf of a third party, have you have obtained the permission of the aggrieved party?

Yes \_\_\_\_\_ No \_\_\_\_\_

### Section III

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

Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes, please list:



Federal agency\_\_\_\_\_

State Agency\_\_\_\_\_

Local Agency\_\_\_\_\_

Federal Court\_\_\_\_\_

Have you filed a lawsuit regarding this complaint? Yes\_\_\_\_\_ No\_\_\_\_\_

If you answered “yes” to either of the two previous questions, please provide a copy of the complaint form or lawsuit.

**[Note: This above information is helpful for administrative tracking purposes. However, if litigation is pending regarding the same issues, we defer to the decision of the court, and COG will not take action.]**

Name of office or department you believe discriminated against you:

Office or Department\_\_\_\_\_

Name of Individual (if applicable)\_\_\_\_\_

Address\_\_\_\_\_

City\_\_\_\_\_ State\_\_\_\_\_ Zip code\_\_\_\_\_

Telephone\_\_\_\_\_

Basis(es) for complaint, check all that apply:

Race  Color  National Origin

**On separate sheets, please describe your complaint. You should include specific details such as names, dates, times, witnesses, and any other information that would assist us in our investigation of your allegations. Please also provide any other documentation that is relevant to this complaint.**

Please sign here: \_\_\_\_\_ Date: \_\_\_\_\_

[Note - We cannot accept your complaint without a signature.]

---

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

**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 he/she, they, or it 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.

COG will acknowledge receipt of the complaint within 5 business days and determine if it accepts the complaint for investigation. Once accepted, COG will notify the parties within 5 calendar days. COG then has 40 calendar days to investigate the complaint. The investigation will be forwarded to the appropriate state agency within 60 calendar days of the acceptance of the complaint. Refer to COG's Nondiscrimination Complaint Procedures for additional information.

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)

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:

Equal Opportunity Compliance Programs  
Maryland Transit Administration  
6 Saint Paul Street  
Baltimore, Maryland 21202  
Web: [mta.maryland.gov](http://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](http://www.mwcog.org/accommodations) or call (202) 962-3300 or (202) 962-3213 (TDD).

## **List of Any Public Transportation-Related Title VI Investigations, Complaints, or Lawsuits Filed**

There are no Title VI investigations, complaints or lawsuits filed against the neither the Metropolitan Washington Council of Governments nor the National Capital Region Transportation Planning Board. There have not been any since COG's last Title VI Program submission in 2015.

## Public Participation Plan and Summary of Outreach Efforts

The TPB has a Participation Plan for the National Capital Region provided in Attachment A and is also available at [www.mwcog.org/tpb-participation-plan](http://www.mwcog.org/tpb-participation-plan). The plan outlines public involvement activities for constituencies with different levels of understanding and interest in the TPB process. The Participation Plan calls for the TPB to be strategic in targeting its activities to serve the needs of three different constituencies. The Participation Plan focuses on tailoring outreach and involvement activities to the "involved" public, the "informed" public, and the "interested" public.

As required by federal regulations, the Participation Plan was developed in consultation with interested parties that include: residents of the Washington region, representatives of people with disabilities, users of public transportation, users of bicycle and pedestrian facilities, and transportation and planning agencies in the Washington region.

While activities outlined in the Participation Plan are broadly applied to Washington area residents, including Title VI populations, there are several activities in the plan that are designed to specifically reach minority populations and other constituencies that are traditionally underserved, including people with disabilities, low-income populations, and others. Some of these activities are described below.

### SUMMARY OF OUTREACH SINCE THE LAST TITLE VI PROGRAM SUBMISSION

The following provides a summary of outreach to engage minority and limited English proficient populations since COG's last Title VI Program submission, which was in 2015.

#### Access for All Advisory Committee

The AFA was established in 2001 with a focus on bringing transportation concerns from low-income populations, minority populations, and persons with disabilities into the regional transportation planning process. While the TPB has been analyzing its Long-Range Transportation Plan for disproportionate and adverse impacts on traditionally-underserved populations since 2001, the AFA committee has brought short-term critical concerns about transportation issues to the attention of the TPB.

In 2016, the AFA and the Human Service Transportation Coordination Task Force were combined due to overlapping membership and to increase efficiency. After the Task Force oversaw the development Coordinated Human Service Transportation Plan, the work of the Task Force was largely done. The enhanced AFA committee has a larger membership with wider representation from low-income communities, minority communities, limited English speakers, older adults and people with disabilities.

The enhanced AFA mission is consistent with the mission statement included in the 2014 Update to the TPB's Participation Plan, although the definition of "traditionally underserved communities" has been expanded to explicitly include people with limited English proficiency and older adults.

The AFA is the primary way that TPB staff and Board members interact with and get feedback from Title VI populations. The committee includes approximately 30 community leaders, as well as ex-

officio representation from the major transportation agencies and private providers in the region. The AFA is chaired by a TPB member who makes regular reports to the TPB on AFA issues and concerns. The AFA meets four to five times a year. The month following each AFA meeting, the TPB is provided a written and oral report on the AFA agenda items and issues raised by members. The AFA comments on every update and amendment to the Long-Range Transportation Plan, and these comments are documented in a memorandum to the TPB and presented by the AFA chair.

### **Outreach for Visualize 2045**

Work is now underway on a new type of long-range transportation plan for the National Capital Region, called Visualize 2045.

Visualize 2045 will include both a financially constrained element (formerly known as the Constrained Long-Range Transportation Plan or CLRP) with hundreds of regionally significant highway, transit, bicycle, and pedestrian projects planned to be built throughout the region by 2045. In addition, Visualize 2045 will include an unfunded element and priority initiatives that the TPB has identified as important for the future.

In 2017, the TPB began the development of Visualize 2045 by launching an interactive online survey to solicit input about people's travel patterns, how key transportation issues affect them, and their ideas for improving transportation in the region. To encourage participation in the survey, the TPB conducted a wide range of outreach including direct mail, having tables at community events with staff with iPads who encouraged people to take the survey at the event, (this included staff who spoke Spanish), and the use of social media. Assistance for people that may have difficulty taking the online survey was offered for people with disabilities, those without internet access, or people with limited English Skills.

To reach other under-represented groups, staff attended National Night Out events at King Greenleaf Recreation Center in Southwest DC and Kenilworth Park in Northeast DC. Staff also administered the survey to students at the Washington English Center, a language school for immigrants. And staff reached out to and promoted the survey among additional groups who provide services for hard-to-reach populations.

The findings are currently being analyzed and will be shared with elected leaders and regional planners to help them better understand public attitudes and opinion as they make decisions about the region's transportation future.

### **Other Committees**

The TPB invites 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 the regular monthly meetings of the TPB. These meetings are all held at a location, the COG office building, that is accessible to users of transit, automobiles, bicycles, as well as people who walk or need ADA accommodations. Assisted listening devices are available upon request.

## **Comment on Federally Required Plans and Programs**

Public comment is one of the most basic ways for the public to participate in the TPB process. The TPB holds 30-day public comment periods for federally required plans, including the Long-Range Transportation Plan and Transportation Improvement Program (“TIP”), and other plans of regional significance. Two 30-day public comment periods are held during the course of developing the Long-Range Transportation Plan and TIP. Both comment periods are announced online and in print. Electronic notices are made by email, social media, and postings to the COG website. The Title VI notice is included in the public comment email notices and on the online comment form in both English and Spanish. Notices are printed in in the Washington Post and the newspaper Afro-American, with the Title VI notice in English and Spanish. An ad is also placed in Spanish for the Washington Hispanic newspaper. TPB staff also present the context for these public comment periods to the AFA and the Citizens Advisory Committee (“CAC”).

Since the Title VI Program submission 2015, the TPB has held six (6) public comment periods on the Long-Range Transportation Plan, Air Quality Conformity Determination and TIP.

## **TPB News, Social Media, and Live Streaming**

The TPB publishes a bi-weekly newsletter, called TPB News, that provides brief, timely summaries of recent TPB research, analysis, outreach, and planning in the Washington region. These summaries are written to be accessible to a non-technical audience.

The TPB staff live “tweets” the monthly TPB and Technical Committee to allow interested parties to follow along with these meetings if they cannot attend in person. In addition, the TPB monthly meetings are live streamed on the internet, and the recordings are archived, allowing the public to listen either live or to past meetings remotely.

# Plan for Providing Language Assistance to Persons with Limited English Proficiency

The Language Assistance Plan is provided in Attachment B. 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](http://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<sup>2</sup>, including the Department of Transportation Planning's subsection of that website<sup>3</sup>, 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.

Outreach strategies for the annual Street Smart pedestrian and bicyclist safety campaign<sup>4</sup>, 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.

---

<sup>2</sup> <https://www.mwcog.org/>

<sup>3</sup> <https://www.mwcog.org/transportation>

<sup>4</sup> <http://www.bestreetsmart.net>

## **Racial Breakdown of Transit-related, Non-elected Planning Boards, Advisory Councils or Committee Members**

The table below depicts the racial and ethnic breakdowns of the two transit-related, non-elected advisory committees, the Access for All Advisory (“AFA”) Committee and the Citizen Advisory Committee (“CAC”). This information is collected from the applications for membership and is based on voluntary responses.

The Access for All Advisory committee advises the TPB on issues and concerns of low-income individuals, minority communities, persons with disabilities, older adults and people with limited English proficiency. The Citizen Advisory Committee promotes public involvement in transportation planning for the region and provides independent, region-oriented citizen advice to the TPB.

A racial breakdown for the National Capital Region Transportation Planning Board (“TPB”) is not included because the board is appointed by various authorities in the State of Maryland, the Commonwealth of Virginia and the District of Columbia, and neither COG nor TPB staff have a role in selecting or encouraging members.

### **EFFORTS TO ENCOURAGE MINORITY PARTICIPATION ON COMMITTEES**

The Access for All Advisory Committee encourages minority participation through its core objective of advising the TPB on issues and concerns of minority populations, low-income populations, persons with disabilities, those with limited-English skills and older adults. Members serve a two-year term and applications for membership are solicited and advertised widely through COG and TPB publications, social media, existing AFA members, non-profit organizations and TPB members. Committee members are required to state in their application how they represent of one of the five traditionally-disadvantaged population groups and are asked to include demographic information.

The Citizen Advisory Committee actively seeks to include and engage minority populations. As the Committee’s membership is revised every year through a nomination process, interested citizens are asked to include their demographic information in the initial application. The solicitation for applications is also widely advertised through COG and TPB publications and social media. As part of the nominating process, minority status is included as an important element in the composition of the Committee. The Committee is ultimately comprised of six members nominated from the previous year’s Committee as well as nine individuals nominated by the Transportation Planning Board.



**Race and Ethnicity of Members and Alternates of COG's Transit-Related Committees**

	Access for All (AFA) Advisory Committee		Citizen Advisory Committee (CAC)		Total Regional Population
<b>Race</b>					
	Number	Percentage	Number	Percentage	Percentage
American Indian or Alaska Native	1	3.40%	0	0.00%	0.20%
Asian	1	3.40%	1	4.00%	10.50%
African American	10	34.50%	4	16.00%	26.20%
Native Hawaiian or Other Pacific Islander	0	0.00%	0	0.00%	0.10%
White	13	44.80%	17	68.00%	44.00%
Some other race	0	0.00%	1	4.00%	0.30%
<b>Ethnicity (Hispanic / Latino)</b>					
Hispanic or Latino	4	13.80%	2	8.00%	15.70%

## Description of Efforts to Ensure Subrecipients Comply with Title VI and Schedule of Subrecipient Title VI Program Submissions

COG is the Designated Recipient for the Section 5310 Enhanced Mobility Program. The Enhanced Mobility Program Management Plan specifies how COG ensures subrecipients comply with Title VI and is summarized below.

COG assists its subrecipients in complying with the Title VI regulations, as outlined in FTA Circular C4702.1B, in the following ways:

- For applicants of the Enhanced Mobility program, COG/TPB outlines Title VI requirements in the grant application and at pre-application conferences. The Enhanced Mobility Application states that “All subrecipients of FTA funds are required to have a Title VI Program to ensure nondiscrimination and to resubmit it every 3 years during the duration of a project.”
- COG provides templates for Title VI Programs and Complaint Status Reports to all subrecipients. COG requires that each subrecipient submit a Title VI Program with the following sections and components before COG will issue a contract (or subgrant agreement) to the subrecipient:
  - Overview of Transportation Services Provided by the Subrecipient;
  - Policy Statement and Authorities;
  - Nondiscrimination Assurance to COG;
  - Plan Approval Document (resolution, board minutes, etc.);
  - Title VI Program Responsibilities (Title VI Manager, annual updates, written policies and procedures (etc.);
  - General Reporting Requirements:
    - Requirement to Provide a Title VI Notice to the Public;
    - Requirement to Provide Title VI Complaint Procedures and Complaint Form (subrecipient’s procedures for notifying the public of Title VI rights, instructions on how to file a discrimination complaint and procedures for how a complaint is handled and reported);
    - Requirement to Provide List of Title VI Investigations, Complaints and Lawsuits;
    - Requirement to Provide Summary of Public Outreach and Involvement Activities;
    - Requirement to Provide Access for Limited English Proficient (“LEP”) Persons (Language Assistance Plan, including a 4-factor analysis, and how the subrecipient will address the needs of non-English speakers);
    - Listing of Minority Representation on Planning and Advisory Boards;
  - Requirements of Transit Providers (if applicable).
- COG notifies subrecipients in writing, at the time of award, that any allegations made in writing regarding discrimination in service or employment, including Section 504 and ADA regulations, shall be immediately reported to COG and investigated by the subrecipient. COG will coordinate with the subrecipient in order to ensure appropriate actions are being taken to resolve the complaint.

- COG incorporates Title VI requirements into its contract with subrecipients. The contract references Circulars applicable to the subgrant award, including FTA Circular C4702.1B, and the Standard Terms and Conditions section of the contract also address Civil Rights requirements.

COG monitors its subrecipients to ensure compliance with FTA Circular C4702.1B, by:

- Collecting Title VI Programs from all grant award subrecipients at time of award.
- Reviewing Title VI Programs for compliance and working with subrecipients for needed updates or changes.
- Collecting Title VI complaint status reports as part of required subrecipient quarterly reporting to COG.
- Tracking triennial due dates for updated Title VI Programs by the Grant Manager. See schedule below, representing the current status of Title VI Program for all subrecipients with active projects.
- Holding a grantee training each funding cycle, that covers Title VI requirements for subrecipients to comply with Title VI regulations and provide documentation to grantees of COG's process for ensuring all subrecipients are in compliance.
- Reviewing compliance with Title VI requirements during site visits, which are conducted at a minimum of once over the life of the project. See table below, which shows COG's site visit checklist for Title VI requirements.

## **COG'S RECORD KEEPING AND SELECTION PROCESS FOR SECTION 5310 ENHANCED MOBILITY**

As the Designated Recipient of Section 5310 Enhanced Mobility funds for the Washington DC-VA-MD Urbanized Area, COG maintains a record of Enhanced Mobility funding requests received from private companies, non-profit organizations, State or local governmental authorities, and Indian tribes. COG maintains records of which applications were accepted and declined for funding. A question on COG's application for funding identifies the populations served by the applicant and thus, as required in FTA circular C4702.1B, COG can identify those applicants that would use grant program funds to provide assistance to predominantly minority populations.

COG's competitive selection process ensures equitable distribution of funds, by using a uniform scoring process that is applied to all applicants, under the purview of an independent and objective Selection Committee. COG also ensures that the application process is not a barrier to minority applicants by ensuring that agencies that serve minority populations receive notice of the funding opportunity. This is accomplished by distributing the solicitation notice widely, using community groups involved in the Access for All Advisory Committee to spread the word, hosting of pre-application conferences in central locations in D.C., Suburban Maryland and Northern Virginia in accessible venues, and in making staff available to provide technical assistance to any interested applicant. Staff can provide technical assistance in Spanish should that be requested.

## **SCHEDULE OF SUBRECIPIENT TITLE VI PROGRAM SUBMISSIONS**

The following table provides COG's schedule for subrecipient Title VI Program submissions and lists the date of the subrecipient's Title VI Program and the date of expiration. This schedule is maintained by the grant manager. The grant manager will notify subrecipients with active grants

120 days prior to the expiration date that a new Title VI Program is due in 60 days, and 30 days prior to the expiration date.

**Schedule of COG’s Subrecipient Title VI Program Submissions and Expirations**

Subrecipient – Enhanced Mobility	Title VI Program	
	Date	Expiration
ECHO	12/21/17	12/21/20
The Arc of Prince William County	2/26/18	2/26/21
CHI Centers, Inc.	7/10/15	7/10/18
The Arc of Montgomery County	9/18/17	9/18/20
The Arc of Prince George’s County	7/13/17	12/31/20*
Easter Seals Serving MD DC VA	10/17	12/31/20*
Columbia Lighthouse for the Blind	3/18/15	3/18/18**
Fairfax County Neighborhood and Community Services	7/1/14	10/31/17***
Jewish Council for the Aging	4/25/17	4/25/20
Montgomery County Dept of Health and Human Services	5/12/15	5/12/18
Yellow Transportation, LLC	3/25/15	3/25/18**
Seabury Resources for Aging	3/31/16	3/31/19
Capitol Hill Village	4/1/16	4/1/19
Montgomery County Drivers Union	4/8/16	4/8/19
Lifestyles of Maryland Foundation, Inc.	5/17	5/3/19
Sunrise of Maryland, Inc.	2/2/15	2/2/18**
Arc of Northern Virginia	3/21/16	3/21/19
Potomac and Rappahannock Transportation Commission	2/3/16	2/3/19
Woodley House	3/22/16	3/22/19
Community Support Services	3/28/16	3/28/19
University of Maryland, College Park	4/13/16	4/13/19
Regency Taxi	3/23/16	3/23/19

\*Date is based on the Maryland Transit Administration Title VI approval letter provided by subrecipients

\*\*Update under development by subrecipient

\*\*\*Update pending FTA approval

**Site Visit Checklist**

<p>Title VI Policy/Plan (display, open cases, log, notification, action)</p>
Subrecipient provides and describes written Title VI Plan
Title VI Policy/Plan includes Policy Statement and Authorities
Title VI Policy/Plan includes Non-discrimination Assurance
Title VI Policy/Plan includes Complaint Form and Procedures
Title VI Policy/Plan includes Complaint Status Report
Title VI Policy/Plan includes Language Assistance Plan (LAP) – see also LAP section below
Title VI Policy/Plan identifies Title VI officer and responsibilities
Title VI Policy/Plan includes public outreach and participation
COG confirms that information on Title VI is publicly posted and notes location(s)
COG reviews current Complaint Status log and notes any need to report per FTA regulations

<p>Language Assistance Plan or Policy (display, open cases, log, notification, action)</p>
Subrecipient provides and describes written Language Assistance Plan (LAP)
LAP Plan includes identification of LEP persons who speak English “less than very well”
LAP Policy/Plan includes language assistance measures to translate service information to identified LEP groups
LAP Policy/Plan includes staff training
LAP Policy/Plan includes method(s) for providing public notice of LEP services available
LAP Policy/Plan includes annual review of LEP plan

## **Board Resolution Approving the Title VI Program**

(TO BE INSERTED)

## Demographic Profile

This section is a demographic profile of the metropolitan Washington area including identification of the locations of minority and low-income populations in the aggregate. This demographic profile provides 2016 data from the 2012-2016 American Community Survey (“ACS”) on the numbers and spatial locations for minority population groups in the metropolitan Washington region.

Since the last Title VI Program submission in 2015, the TPB did a more in-depth analysis of regional demographics by using ACS data at the tract-level to identify concentrations of low-income and/or minority populations, called “Equity Emphasis Areas”. An interactive map is publicly-available as a tool for not only the TPB to understand demographic patterns, but also for the public, decision-makers and planners in sectors outside transportation. The map can be found here: [gis.mwcog.org/webmaps/tpb/clrp/ej/](https://gis.mwcog.org/webmaps/tpb/clrp/ej/)

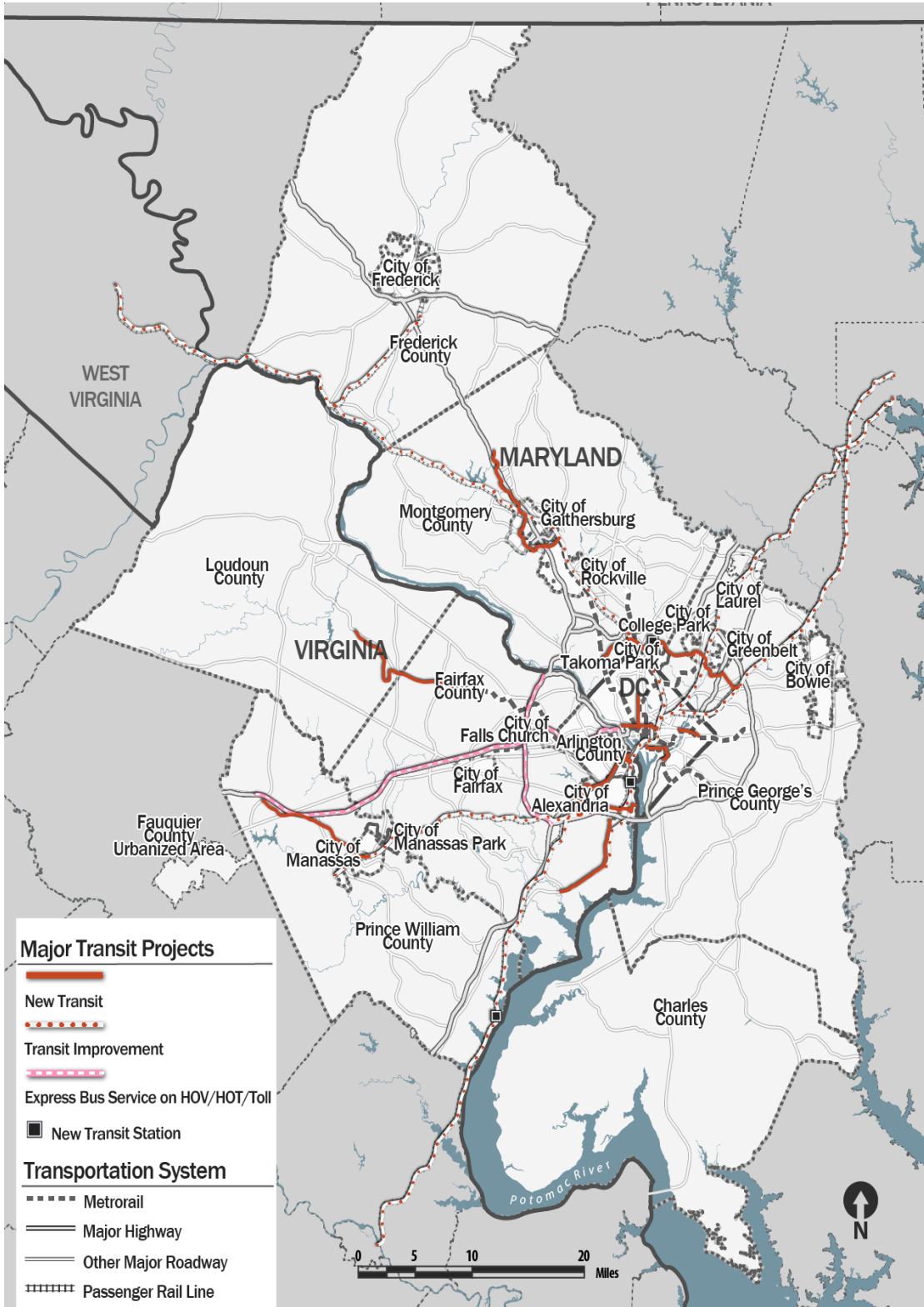
The Equity Emphasis Areas are also described on page 29.

The population groups used to create the demographic profile in this document are defined as:

- Low-Income Population
  - Individuals whose income is 150 percent or below the poverty line.
  - 1 person = \$18,729 per year
  - 4 people = \$36,509 per year
- Persons with Disabilities include individuals with any type of physical, sensory, and/or cognitive disability. For individuals under 5, hearing and vision difficulty is used to determine disability. Individuals between 5 and 14 also include cognitive, ambulatory, and self-care difficulties. Individuals 15 years of age and older includes all five categories, as well as, independent living difficulty.<sup>i</sup>
- Older Adults are individuals 65 years of age and over.
- Limited English Speakers include individuals who speak English less than “very well.”<sup>ii</sup>
- Black or African American refers “to a person having origins in any of the black racial groups of Africa,” including Afro-Caribbean.<sup>iii</sup>
- Asian refers “to a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent.”<sup>iv</sup>
- Hispanic or Latino refers to “people who classified themselves in one of the specific Spanish, Hispanic, [or]Latino categories listed on the Census 2010 questionnaire” no matter the racial category selected.<sup>v</sup>
- For this analysis, American Indian and Alaskan Native and Native Hawaiian or Other Pacific Islander population were not considered as Census data shows these population groups represent less than 1% of the Washington region.

The geographic area includes the Transportation Planning Board (“TPB”) planning area as shown below including portions of Fauquier County.

**TPB Planning Area**





Eight percent of residents lived below the poverty level in 2016 and an additional 13.9 percent were classified as low-income (shown in the figures below). In the same year, 8 percent of persons had a disability and over 11 percent of people were 65 years of age and over. Individuals with Limited English Proficiency make up 11 percent of the population.

The maps on pages 31-37 show the spatial locations of minority population groups in the region overlaid with the major transit projects planned for 2040.

**Regional Demographic Profile of Transportation-Disadvantaged Populations in the Washington Region, 2016**

<b>Population Group</b>	<b>Region</b>	<b>Percent of Region (1)</b>
<i>Low-Income or below (2)</i>	740,886	13.9%
<i>Persons with Disabilities (3)</i>	430,244	8.0%
<i>Older Adults (65 and over)</i>	599,826	11.2%
<i>Limited English Speakers (4)</i>	559,739	11.1%
<i>Black or African American</i>	1,419,478	26.2%
<i>Asian</i>	570,951	10.5%
<i>Hispanic or Latino</i>	852,566	15.7%
<i>Total Population</i>	5,425,477	

Source: 2012-2016 U.S. Census American Community Survey: numbers are for the TPB Planning Area (see definition above).

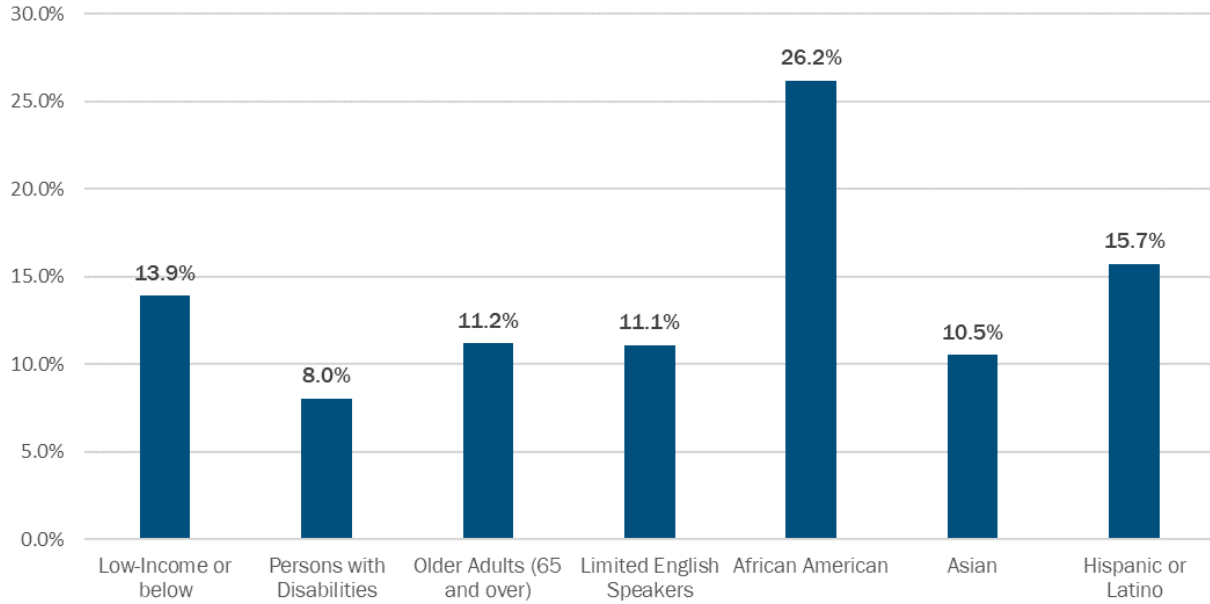
(1)Due to each groups' unique sampling, "Percent of Region" will not compute with Total Population.

(2)"Low-income" is commonly defined as income between 100 to 150 percent of the poverty level. For a family of four an annual income of \$36,509 or below is considered low income.

(3)Includes individuals with a physical, sensory, and/or cognitive disability.

(4)Limited English Proficiency includes individuals who speak English less than "very well."

**Regional Demographic Profile of Transportation-Disadvantaged Populations in the Washington Region, 2016**



Source: 2012-2016 U.S. Census American Community Survey: numbers are for the TPB Planning Area (see definitions above).

# Procedures Identifying the Mobility Needs of Minority Populations and Considerations within the Planning Process

The TPB has several procedures and methods for identifying the mobility needs of minority populations and for considering those needs within the planning process. As referenced earlier in this document, the TPB's Public Participation Plan outlines the strategies for including and considering the mobility needs of minority populations in the planning process, and can be found in Attachment A. The methods the TPB uses for inclusive planning are also described below.

## ADVISORY COMMITTEES

The TPB has two advisory committees that strive to increase the participation of minority, socially and economically disadvantaged individuals in the transportation planning process: the Citizens Advisory Committee ("CAC") and the Access for All Advisory Committee ("AFA"). The CAC is comprised of 15 citizens who are appointed for an annual term, and whose membership is evenly divided between the District of Columbia, Suburban Maryland, and Northern Virginia. More information about the CAC is available at: [www.mwcog.org/tpbcac/](http://www.mwcog.org/tpbcac/)

In 2001, the Access for All (AFA) Advisory Committee was created to advise the TPB on issues and concerns of low-income individuals, minority communities, persons with disabilities. In 2016, the mission was enhanced to formally include older adults and people with limited English proficiency ("LEP"). The committee is comprised of approximately 30 community leaders and also has ex-officio representation from the major transportation and social service agencies in the region. The AFA is chaired by a TPB member who makes regular reports to the TPB on AFA issues and concerns. Each time the Long-Range Transportation Plan is updated, the AFA reviews the major changes and the committee comments on the significant changes to the projects in the Long-Range Transportation Plan and general transportation-related concerns. The AFA Chair, a TPB member, presents these comments to the TPB in the form of a memorandum. More information is available about the AFA at: [www.mwcog.org/tpbafa/](http://www.mwcog.org/tpbafa/) [www.mwcog.org/tpbafa/](http://www.mwcog.org/tpbafa/)

## EQUITY EMPHASIS AREAS

In 2016, the National Capital Region Transportation Planning Board (TPB) took a deeper dive into the region's demographics, which resulted in the TPB adopting an "Equity Emphasis Areas" map for the first time which will help identify mobility needs of minority and low-income populations. These communities are small geographic areas that have concentrations of low-income and/or minority populations. The TPB's two public advisory committees, the CAC and AFA, reviewed and provided comments on the development of the Equity Emphasis Areas.

The publicly-available interactive map of the Equity Emphasis Areas helps inform the region about spatial patterns for various population groups and the relationship between the locations of these groups and the major highway and transit projects planned for 2040, as the interactive map includes transportation investment layers as well as the demographics:  
<http://gis.mwcog.org/webmaps/tpb/clrp/ej/>

The Equity Emphasis Areas will be used to analyze the Visualize 2045 long-range transportation plan for disproportionately high and adverse impacts on low-income and minority populations by comparing accessibility to jobs by automobile and transit in the Equity Emphasis Areas versus the rest of the region in 2045.

Additionally, the Equity Emphasis Areas are used in other COG and TPB planning activities and have been made available to local jurisdictions to assist them in considering equity in initiatives, such as housing, education, health care, and greenspace.

## **REGIONAL TRAVEL SURVEY**

The TPB also uses surveys to identify the mobility needs of minority and low-income populations. Approximately every ten years the TPB surveys the region and asks households to share information about their usual travel patterns, as well as, to complete a detailed travel diary for one weekday. The 2017/2018 Regional Travel Survey is currently under way. Outreach efforts are made to ensure that the survey sample includes minorities and people with limited incomes. The demographics of survey respondents are closely tracked to ensure adequate participation rates. TPB staff had survey materials translated into Spanish and partnered with non-profit organizations, such as Casa of Maryland, Inc. to increase participation by Spanish-speaking households.

The survey provides critical inputs into the travel models the TPB uses to forecast future travel patterns and vehicle emissions. These models aid regional planning and decision making by showing how long-range transportation plans are likely to affect travel patterns and travel conditions.

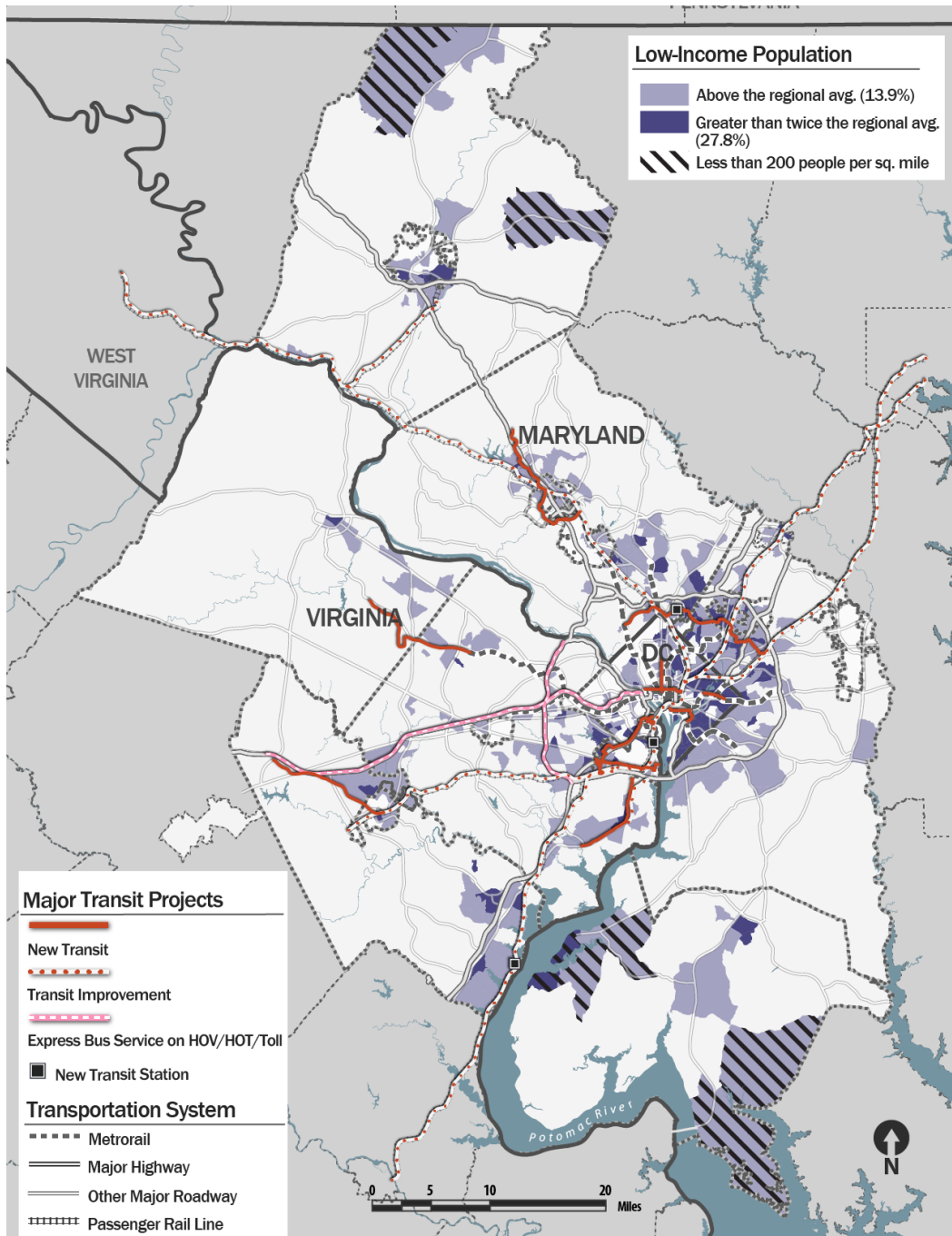
## **COORDINATED HUMAN SERVICE TRANSPORTATION PLAN**

In 2018, an update to the TPB's Coordinated Human Service Transportation Plan was initiated. The Coordinated Plan guides the implementation of Federal Transit Administration's (FTA's) Section 5310 Enhanced Mobility Program for Individuals with Disabilities and Older Adults. One of the elements of the Coordinated Plan is the identification of unmet transportation needs for people with low-incomes, those with disabilities, older adults and limited-English speaking populations. The Access for All Advisory Committee kicked off the Coordinated Plan update process by identifying significant unmet transportation needs and potential strategies to address those needs. The unmet needs and strategies will guide the development of priority projects for Section 5310 Enhanced Mobility funding. The 2014 Coordinated Plan can be found at: [www.mwcog.org/coordinated-human-service-transportation-plan/](http://www.mwcog.org/coordinated-human-service-transportation-plan/)

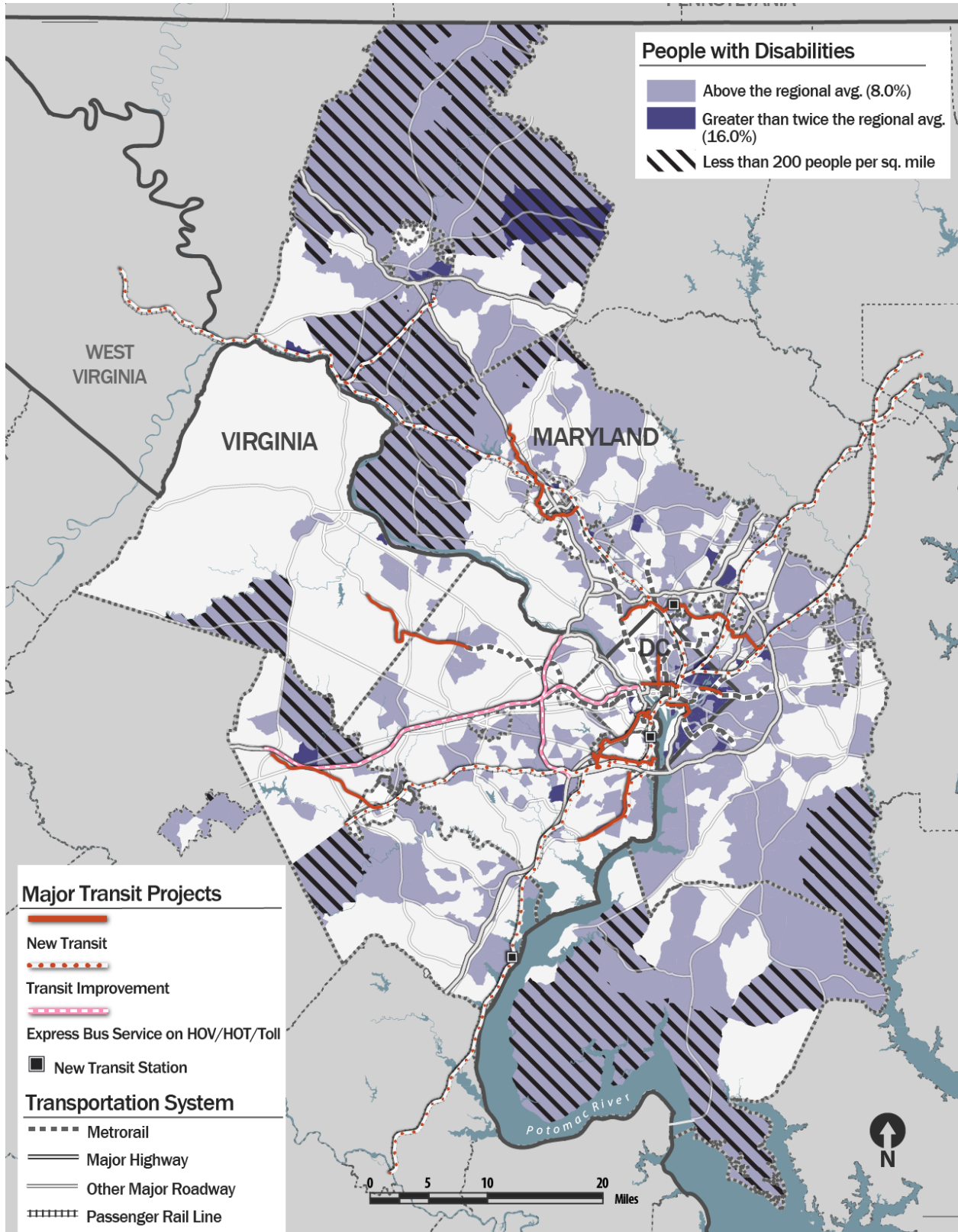
# Demographic Maps by Census Tract

This section includes regional demographic maps of transportation-disadvantaged populations and the definitions are on page 25. The maps overlay the percent minority and non-minority populations as identified by ACS data at the Census tract level. Minority populations are identified when the percent of a tract population is above the regional average. In addition, Census tracts with populations with an above average concentration and under 200 people per square mile are noted.

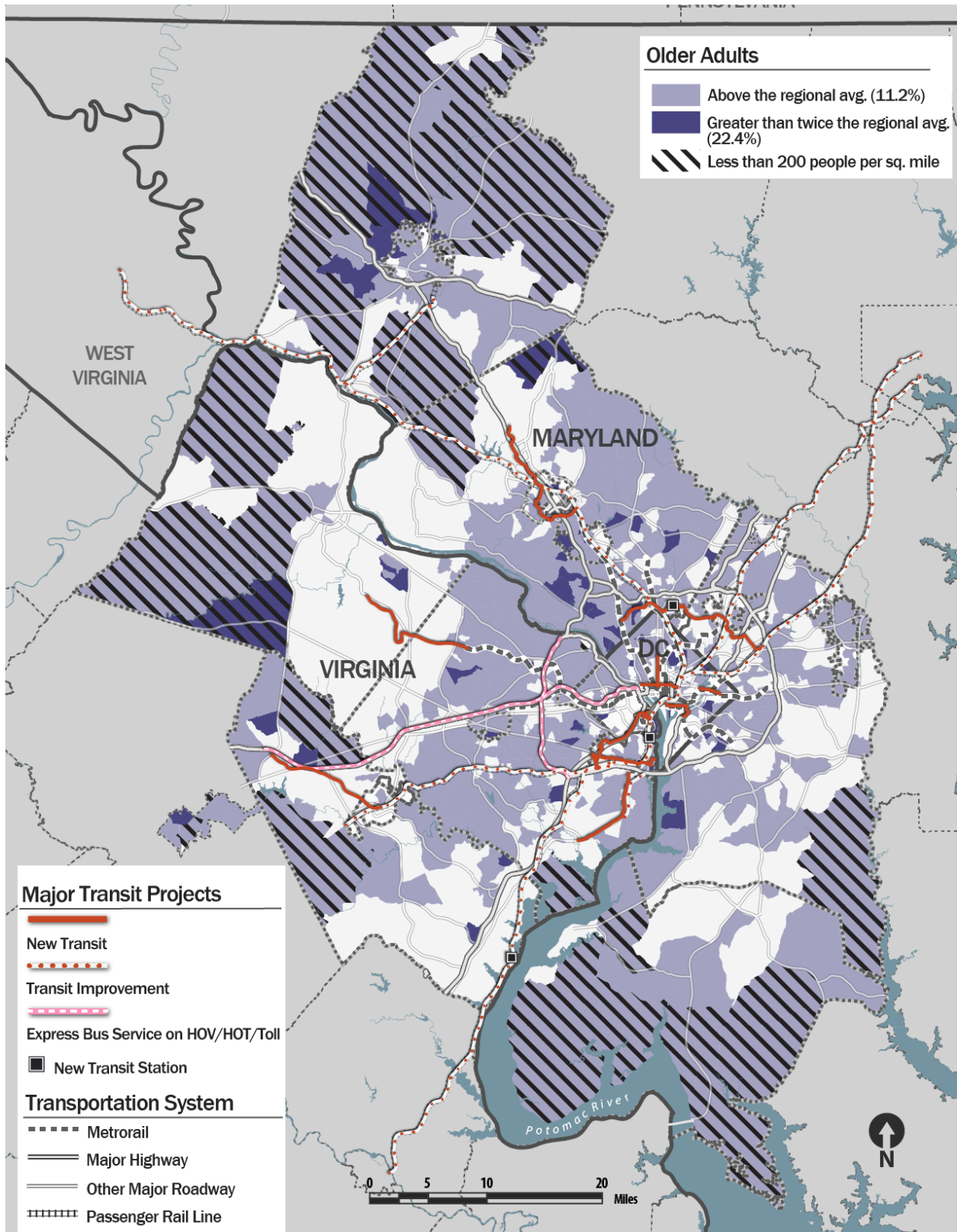
## Low-Income Population, 2016



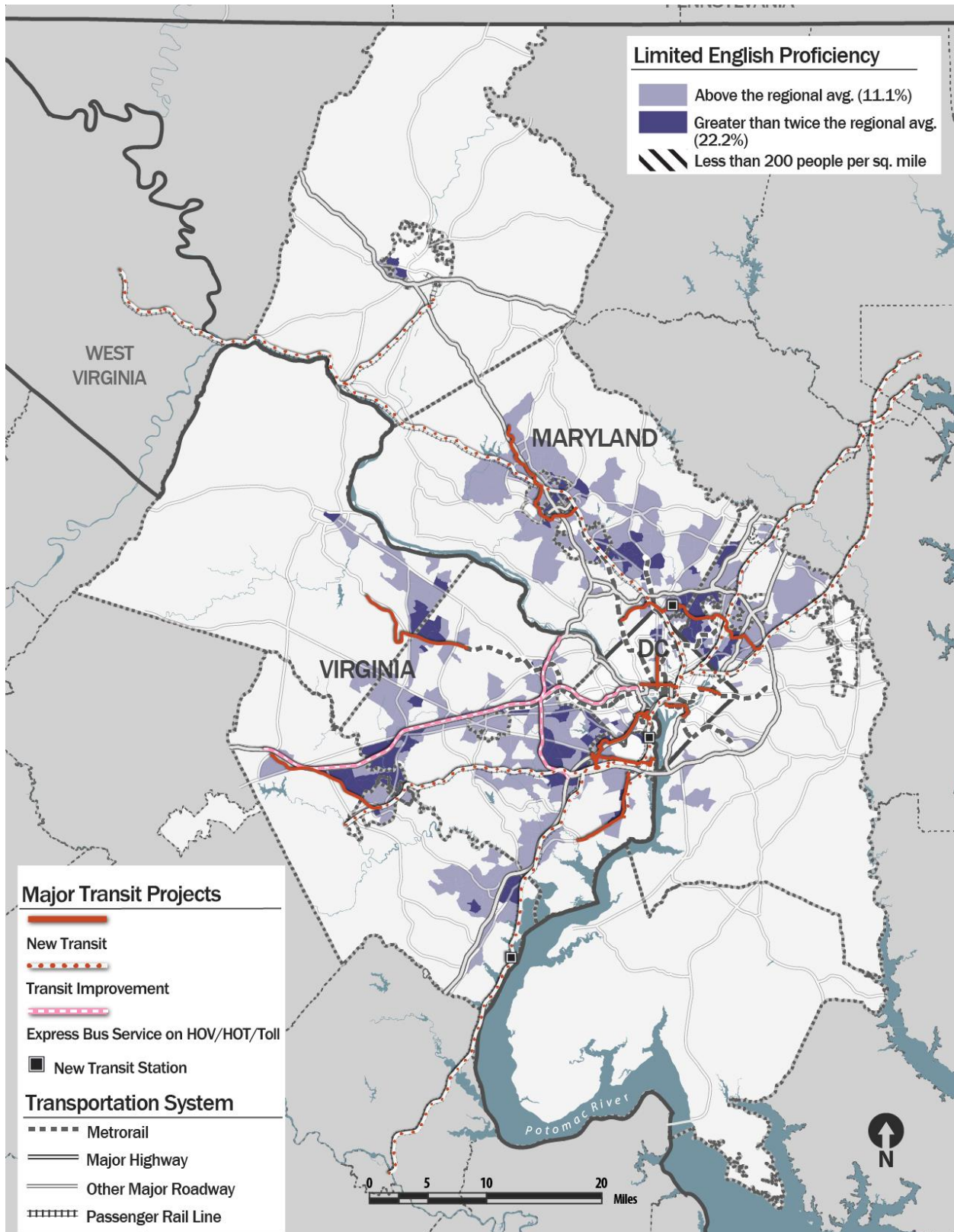
**People with Disabilities Population, 2016**



**Older Adult Population, 2016**

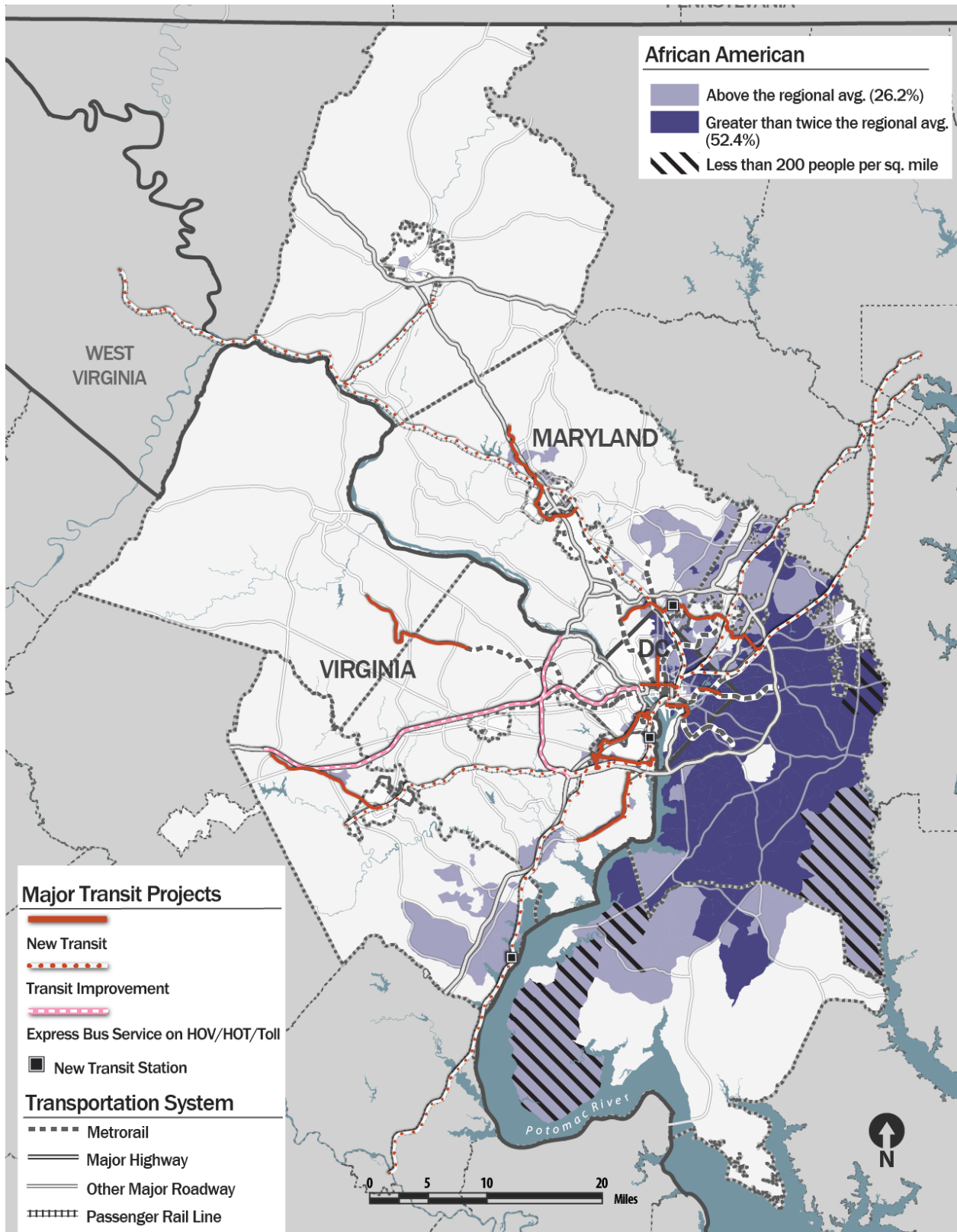


**Limited English Proficiency Population, 2016**

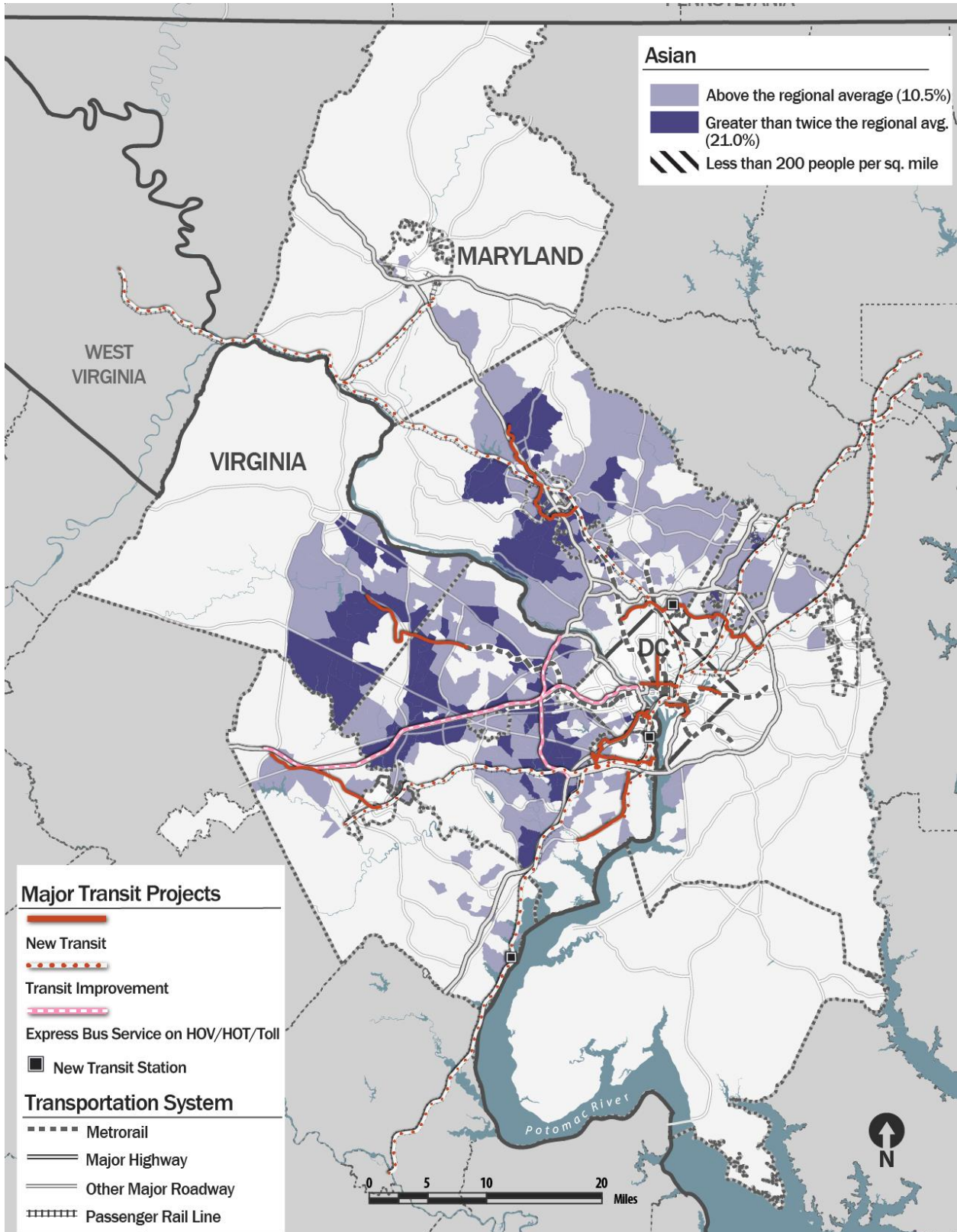




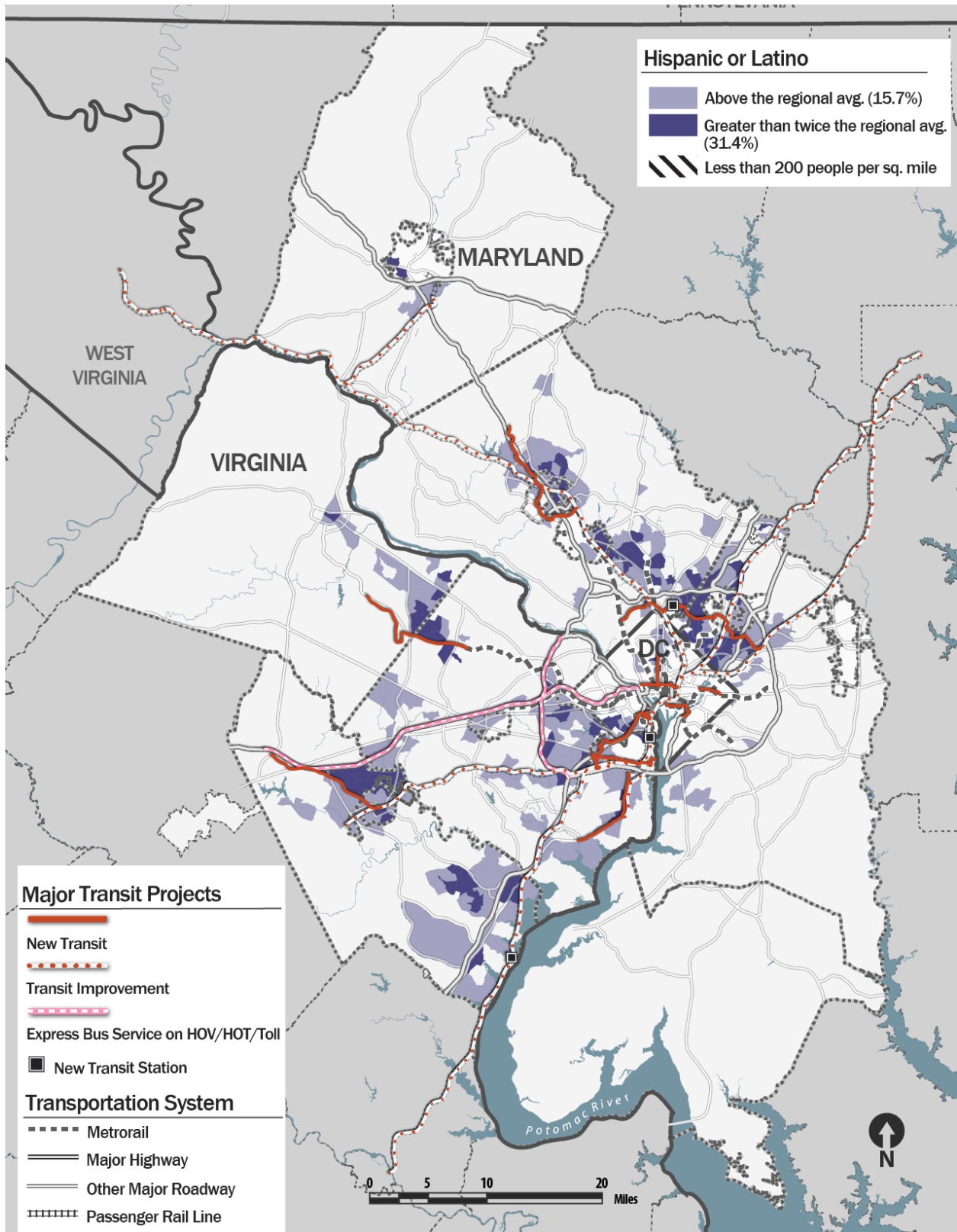
# African American Population, 2016



**Asian Population, 2016**



# Hispanic or Latino Population, 2016



# Impacts of the Distribution of State and Federal Funds for Public Transportation Purposes

A transportation investments impacts analysis was designed to determine whether the distribution of State and Federal funds, in the aggregate, for public transportation (also referred to as transit below) result in disparate impacts on the basis of race, color, or national origin. This analysis also examined how low-income populations may be impacted.

This investment impacts analysis uses the TPB's Financial Plan<sup>5</sup> for the 2014 Constrained Long-Range Transportation Plan (CLRP). Since this is the latest Financial Plan of record, this analysis does not change since the last Title VI Program submission in 2015. A new Financial Plan is under development for the next major update to the Long-Range Transportation Plan, called Visualize2045 and will be finalized after this Title VI Program will be submitted. This investment impacts analysis will be conducted with the new Financial Plan in time for COG's next Title VI Program submission.

The CLRP is the federally approved long-range transportation plan for the Washington region and includes State and Federal funds for public transportation reasonably expected to be available through 2040. By comparing the estimated percent of investments (of State and Federal public transportation funds) for minority and low-income groups to the general population, the analysis aims to determine whether or not there are any disparate impacts of these investments at the regional level.

The analysis is based on how different population groups that live in the region use the transportation system on a daily basis. Utilizing system usage statistics, benefits of the transportation investments in the region are determined to accrue to a given population group based on their use rates of the rail and bus systems. If plan investments are greater in a mode or system used more by one population group, a greater share the benefit will accrue to that group.

**This analysis finds no disparate impact in the distribution of funding for public transportation on the basis of race, color, national origin, or income status.** Two measures were considered to support this finding: 1) If the share of benefits from bus and rail investments for minority individuals and low-income earners are proportionate to these groups' share of the total population 2) If on a Per-capita basis, minority individuals will receive a proportionate share of the CLRP public transportation investments based on usage of the transit system.

The definitions, methodology and steps in the analysis and results are described in this summary.

## DEFINITIONS

The definitions used to define minority and low-income groups are slightly different than in the Demographic Profile of the region included in this Title VI Program. The difference exists due to transportation system usage data limitations. The following definitions were used to define minority and low-income for the purpose of this analysis:

---

<sup>5</sup>Analysis of Financial Resources for the 2014 Financially Constrained-Long Range Transportation Plan (CLRP). Approved October 15, 2014.  
[www1.mwcog.org/clrp/resources/2014/2014CLRPFinancialAnalysis.pdf](http://www1.mwcog.org/clrp/resources/2014/2014CLRPFinancialAnalysis.pdf)

**Minority:** Minority populations include people who identify as one of the following census defined race/ethnic groups:

- Black or African American
- Asian
- Hispanic or Latino of any race
- American Indian
- Native Hawaiian or Pacific Islander
- Any combination of 2 or more of these groups

For this analysis all of those who identify as one or more of the groups listed above were included in a combined **Minority subgroup**. The remaining population, those who identify as non-Hispanic white, were included in a **Non-minority subgroup**.

**Low-income:** The TPB usually uses 1.5 times the federal poverty level to define the population that is considered to be low-income. However, for this analysis the **low-income subgroup** was defined as those earning less than \$30,000 per year. This was due to data restrictions in the data sources used to determine transportation system usage. The surveys that provided rail, bus, and highway system usage did not contain questions on the poverty status of respondents, rather they asked for income categories.

## METHODOLOGY

The Transportation Investment Impacts Analysis was completed as follows:

1. Regional population and system usage statistics were determined for two pairs of subgroups: Minority/Non-minority and Low-income/Non-low income.
  - a. Regional population figures were determined by using American Community Survey 2009-2013 5-year averages.
  - b. Transportation system usage statistics were determined using the following data sources:
    - i. Transit Rail Usage – 2012 Metrorail Passenger Survey, average daily trips
    - ii. Transit Bus Usage – 2008 Regional Bus Survey, average daily trips

*Note: transportation system usage data comes from different data sources that were collected during different periods of time. Since each data source represents the most recent collection of trip making data for these demographic groups, this analysis assumes that the percentage distribution of trips and vehicle miles of travel (VMT) found in each source are consistent with today. In addition, in order to combine rail and bus usage data into a single 'transit usage' figure by subgroup, the percent use by minority and low-income groups was normalized to 2014 transit trip counts.*

2. CLRP investments, including funds for operations, state of good repair, and system expansions through 2040, are divided into two modes:
  - a. Rail transit – Including funding for Metrorail, commuter rail, and light rail.
  - b. Bus transit – including funding for Metrobus and all local bus carriers.

*Note: Funding for paratransit, including MetroAccess, was excluded for this analysis.*

3. CLRP investments were then assigned by mode to population subgroups by multiplying the share of the subgroup's use of each mode by the total investment in that mode. The percent of investment in each of the subgroups was the compared to the subgroup's share of the region's population as a whole.
4. CLRP investments in bus and rail transit were added together creating a total transit investment estimate for each population subgroup. The percent of investment accruing benefits to each of the subgroups was the compared to the subgroup's share of the region's population as a whole.
5. Using the transit investments allocated to each population subgroup, per-capital investments for minority/non-minority individuals, and a per-household investment for low-income/not low-income were calculated. Benefits accruing to minority individuals and low-income earners were compared as a percentage to investment benefits accruing the region's non-minority and not low-income populations to determine whether or not there were any disparate impacts in the CLRP investments in public transportation.

## STEPS IN THE ANALYSIS AND RESULTS

This analysis goes through the following steps to test for a disparate impact on minority and low-income populations from State and Federal public transportation funding. First, system usage is identified for minority individuals and low-income households. Next, the overall (or aggregate) level of State and Federal investments is described based on the CLRP revenues through 2040. Steps 3 through 4 below examine funding by population subgroup for bus, rail, and total transit to test for disparate impacts. The final step takes into account another measure to test for disparate impacts: per-capita benefits.

### 1. Regional Population and System Usage Demographics

Minority individuals and low income earners account for a significantly smaller share of trips taken in the region relative to their respective populations. Some of this difference may be due to the fact that population estimates and the trip making data come from two datasets taken at separate times – population data comes from the 2009-2013 ACS estimates while trip making data come from the 2007/08 household travel survey.

**Table 1: Regional Population and Trip Making by Subgroup**

		Population		Avg. Daily Trips (all modes)	
		#	%	#	%
Minority Status (individuals)	Minority	2,828,790	55%	4224601	29%
	Non-Minority	2,332,122	45%	10573718	71%
	Total:	5,160,912	100%	14798319	100%
Low-Income Status (Households)	Low-Income	256,013	14%	724618	5%
	Not Low-Income	1,628,413	86%	14073701	95%
	Total:	1,884,426	100%	14798319	100%

Sources: 2009-2013 American Community Survey 5-Year Estimates; 2007-2008 COG Household Travel Survey

When comparing regional population characteristics to system usage, more differences in travel behavior become apparent. Minority individuals account for a higher percent of ridership on transit (60%) than their regional population (55%). The same goes for low-income earners who account for 28% of all transit trips but only 14% of the population.

**Table 2: Share of System Use by Subgroup**

Subgroup	% of Avg. Region			
	Daily Transit Ridership (Trips)	Rail Ridership	Bus Ridership	
Minority Status	Minority	60%	43%	79%
	Non-Minority	40%	57%	21%
	Total:	100%	100%	100%
Low-Income Status	Low-Income	28%	11%	47%
	Not Low-Income	72%	89%	53%
	Total:	100%	100%	100%

Sources: 2008 Regional Bus Survey conducted by COG; 2012 WMATA Metrorail Passenger Survey conducted by WMATA

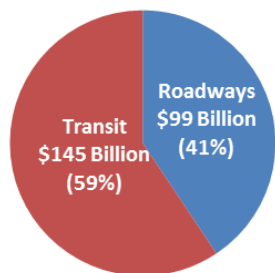
Breaking out rail and bus transit ridership separately shows that minority individuals and low-income earners are much more likely to be represented among bus ridership than their non-minority, not low-income counterparts, and less among rail ridership. Of all regional bus riders 79% are minority individuals and 47% are low-income, whereas on rail 43% are minority and 11% are low-income.

## 2. Transportation investments by Mode

In order to allocate investments to the different subgroups based on their use of each mode, CLRP investments had to be separated by mode. Over the next 40 years, \$244 billion is planned to be invested in operations, state of good repair, and expansion of the regional transportation system. Of that total, \$144 billion is planned in transit investments and \$99 billion is planned in highway investments. Of the transit funds, 62% (\$90.4 billion) is dedicated to rail improvements, 32% (\$46.8 billion) to bus, and 5% (\$7.5 billion) to paratransit. The paratransit funds were excluded from the remainder of this analysis because those funds are dedicated to specifically serve the needs of people with disabilities and the elderly, and because regional datasets do not contain demographic and system use rates for all paratransit operators.

**Chart 1: 2014 CLRP Investments By Mode**

Year of Expenditure Dollars (YOE \$)



Source: The 2014 Financially Constrained Long Range Transportation Plan for the National Capital Region (2014 CLRP)

### 3. Investments by Mode Assigned to Population Groups

To determine if there is a disparate impact on minority populations and low-income earners, proportions of funding by mode were assigned to minority/non-minority, and low-income/not low-income population subgroups based on public transportation system usage summarized in Table 2 (above). Benefits of the transportation investments in the region are determined to accrue to a given population group based on their use rates of the systems receiving investment.

**Table 3: CLRP Rail Transit Investments by Population Subgroup**

		% of Regional Rail Ridership (Trips)	Total CLRP Rail Funding (Millions of YOE \$)	% of Total CLRP Rail Funding	% of Regional Population
Minority Status	Minority	43%	\$38,930	<b>43%</b>	<b>55%</b>
	Non-Minority	57%	\$51,493	<b>57%</b>	<b>45%</b>
	Total:	100%	\$90,423	<b>100%</b>	<b>100%</b>
Low-Income Status	Low-Income	11%	\$9,973	<b>11%</b>	<b>14%</b>
	Not Low-Income	89%	\$80,450	<b>89%</b>	<b>86%</b>
	Total:	100%	\$90,423	<b>100%</b>	<b>100%</b>

Source: The 2014 CLRP; 2008 Regional Bus Survey conducted by COG; 2012 WMATA Metrorail Passenger Survey conducted by WMATA

Based on regional rail ridership of minority individuals and low-income earners, a disproportionately low share of the benefits of rail investments alone will accrue to both groups. Since 43% of rail riders are minority individuals, they will accrue 43% of the benefit of regional rail transit investments which is lower than their 55% share of the regional population. Similarly low-income earners will accrue 11% of the benefits of regional rail investments, compared to their 14% share of the population.

**Table 4: CLRP Bus Transit Investments by Population Subgroup**

		% of Regional Bus Ridership (Trips)	Total CLRP Bus Funding (Millions of YOE \$)	% of Total CLRP Bus Funding	% of Regional Population
Minority Status	Minority	79%	\$37,029	<b>79%</b>	<b>55%</b>
	Non-Minority	21%	\$9,870	<b>21%</b>	<b>45%</b>
	Total:	100%	\$46,899	<b>100%</b>	<b>100%</b>
Low-Income Status	Low-Income	47%	\$21,969	<b>47%</b>	<b>14%</b>
	Not Low-Income	53%	\$24,930	<b>53%</b>	<b>86%</b>
	Total:	100%	\$46,899	<b>100%</b>	<b>100%</b>

Source: The 2014 CLRP; 2008 Regional Bus Survey conducted by COG; 2012 WMATA Metrorail Passenger Survey

Since bus ridership rates are much higher for both minority individuals and low-income earners, investments in bus transit have a disproportionately high benefit for both population subgroups. Based on the bus system use rates, 79% of all bus investments will benefit minority individuals, and 47% will benefit low-income earners.



## ANALYSIS OF IMPACTS

### 1. Final Results: Investments Summed by Population Subgroup for all Public Transportation

When combining bus and rail investments into a total transit measure, the analysis shows the share of benefits from bus and rail investments for minority individuals and low-income earners are proportionate to these groups' share of the regional population. This indicates that there are no disparate impacts in public transportation investments on the basis of race, color, national origin, or income status.

**Table 5: CLRP Total Transit Investments by Population Subgroup**

		Total CLRP Transit Funding (Millions of YOE \$)	% of Total CLRP Transit Funding	% of Regional Population
Minority Status	Minority	\$75,959	55%	55%
	Non-Minority	\$61,363	45%	45%
	Total:	\$137,322	100%	100%
Low-Income Status	Low-Income	\$31,942	23%	14%
	Not Low-Income	\$105,380	77%	86%
	Total:	\$137,322	100%	100%

Source: The 2014 CLRP; 2008 Regional Bus Survey conducted by COG; 2012 WMATA Metrorail Passenger. Survey conducted by WMATA.

As table 5 shows, minority individuals make up 55% percent of the population and receive 55% of the benefits from transit investments. And disproportionately high benefits accrue to low-income earners when comparing total transit investments to their share of the population. Low-income earners make up 14% of the population and receive 23% of the benefits from transit investments.

### 2. Final Results: Analysis of Disparate Impacts of CLRP Per-Capita Benefits in Public Transportation

Using the total transit investments allocated to each population subgroup in Tables 5, 6, and 7 estimate per-capital investments for minority/non-minority individuals, and a per-household investment for low-income/not low-income earners. Investments are distributed on a per-capita and per-household basis so that benefits accruing to minority individuals and low-income earners can be compared as a percentage to investment benefits accruing the region's non-minority and not low-income populations.

**Table 6: Disparate Impacts Analysis of CLRP Transit Funding on Minority Residents, Per Capita**

Subgroup	Total Transit			
	Investments to Riders (Millions of YOE \$)	Regional Population	Per Capita Benefit	Per Capita Benefit Ratio: Minority to Non-Minority
Minority	\$75,959	2,828,790	\$26,852.178	<b>102%</b>
Non-Minority	\$61,363	2,332,122	\$26,311.911	-

Source: The 2014 CLRP; 2009-2013 American Community Survey 5-Year Estimates

**Table 7: Disparate Impacts Analysis of CLRP Transit Funding on Low-income Earners, Per Household**

Subgroup	Total Transit		Per Household Benefit	Per Household Benefit Ratio: Low-income to Not Low-income
	Investments to Riders (Millions of YOE \$)	Regional Population		
Low-Income	\$31,942	256,013	\$124,766.416	<b>193%</b>
Not Low-Income	\$105,380	1,628,413	\$64,713.272	

Source: The 2014 CLRP; 2009-2013 American Community Survey 5-Year Estimates

This analysis finds no disparate impact in the distribution of funding for public transportation on the basis of race, color, national origin, or income status. Per-capita, minority individuals will receive slightly more of the CLRP investments in public transportation based on usage of the transit system compared to non-minority individuals. This is represented by the per capita benefit ratio of 102% when comparing minority to non-minority per-capita benefits in the table 6. Per-household, low-income earners will receive nearly double the benefit compared to not low-income earners, indicated by the per-household ratio of 193% in Table 7.

---

<sup>i</sup> Beginning with the 2008 ACS, the Census significantly revised the questions to determine disability. These changes affected the populations identified and it is not recommended to compare 2008 and newer figures to prior data, including 2000 Decennial. For more information, please see:

U.S. Census. "How Disability Data are Collected." American Community Survey.  
<https://www.census.gov/topics/health/disability/guidance/data-collection-ac.html>;

For detailed definitions of the six disability categories (Hearing, Vision, Cognitive, Ambulatory, Self-care, and Independent living difficulty) see: U.S. Census. 2016. "American Community Survey and Puerto Rico Community Survey; 2016 Definitions." Pg. 56-57. [https://www2.census.gov/programs-surveys/acs/tech\\_docs/subject\\_definitions/2016\\_ACSSubjectDefinitions.pdf](https://www2.census.gov/programs-surveys/acs/tech_docs/subject_definitions/2016_ACSSubjectDefinitions.pdf)

<sup>ii</sup> Shin, Hyon B. and Rosalind Bruno. October 2003. "Language Use and English-Speaking Ability: 2000." U.S. Census. Pg. 2. Accessed March 13, 2018. <http://www.census.gov/prod/2003pubs/c2kbr-29.pdf>.

<sup>iii</sup> 2010 Census Briefs. September 2011. "The Black Population: 2010." U.S. Census. Accessed March 13, 2018. <http://www.census.gov/prod/cen2010/briefs/c2010br-06.pdf>

<sup>iv</sup> 2010 Census Briefs. March 2012. "The Asian Population: 2010." U.S. Census. Accessed March 13, 2018. <http://www.census.gov/prod/cen2010/briefs/c2010br-11.pdf>

<sup>v</sup> 2010 Census Briefs. March 2011. "Overview of Race and Hispanic Origin: 2010." U.S. Census. Accessed March 13, 2018. <http://www.census.gov/prod/cen2010/briefs/c2010br-02.pdf>

## Attachment A: Public Participation Plan

Note: This attachment is not included due to size but is available here (and will be updated in FY2019): [www.mwcog.org/tpb-participation-plan](http://www.mwcog.org/tpb-participation-plan)

## Attachment B: Language Assistance Plan

Note: This attachment is not included due to size but is available here:

[www.mwcog.org/language\\_assistance\\_plan](http://www.mwcog.org/language_assistance_plan)