



Metropolitan Washington
Council of Governments

Metropolitan Washington Council of Governments

Title VI Plan

To Ensure Nondiscrimination in all Programs and Activities

April 2015 Update

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Alternative formats of this document are available upon request; see www.mwcog.org/accommodations or call 202.962.3300 or 202-962.3213 (TDD).

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. COG 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 22 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. COG member jurisdictions are shown in Figure 1 below. The Metropolitan Washington region covers approximately 3,000 square miles and includes over 5.2 million people and over 3.2 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 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.

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 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.

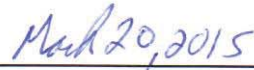
COG serves as the administrative agent for the National Capital Region Transportation Planning Board (TPB) under an agreement with the Transportation Departments of Maryland, Virginia, and the District of Columbia. The TPB was created in 1965 by the region's local and state governments to respond to 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 Unified Planning Work Program (UPWP) in conjunction with the TPB in accordance with Federal requirements.

POLICY STATEMENT

THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS ASSURES 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. 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, WITH 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 REGULATIONS (CFR) PART 200 AND TITLE 49 CFR PART 21.



CHUCK BEAN, EXECUTIVE DIRECTOR



DATE

TITLE VI ASSURANCES

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

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.

TITLE VI PLAN

 _____ Chuck Bean, Executive Director	 _____ Date
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Organization and Compliance Responsibilities

COG'S ROLE AND MEMBERS

COG is a regional organization of Washington area local governments and coordinates regional issues among two States (Maryland and Virginia) and the District of Columbia. COG is comprised of 22 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. COG member jurisdictions are shown in Figure 1 below. 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.

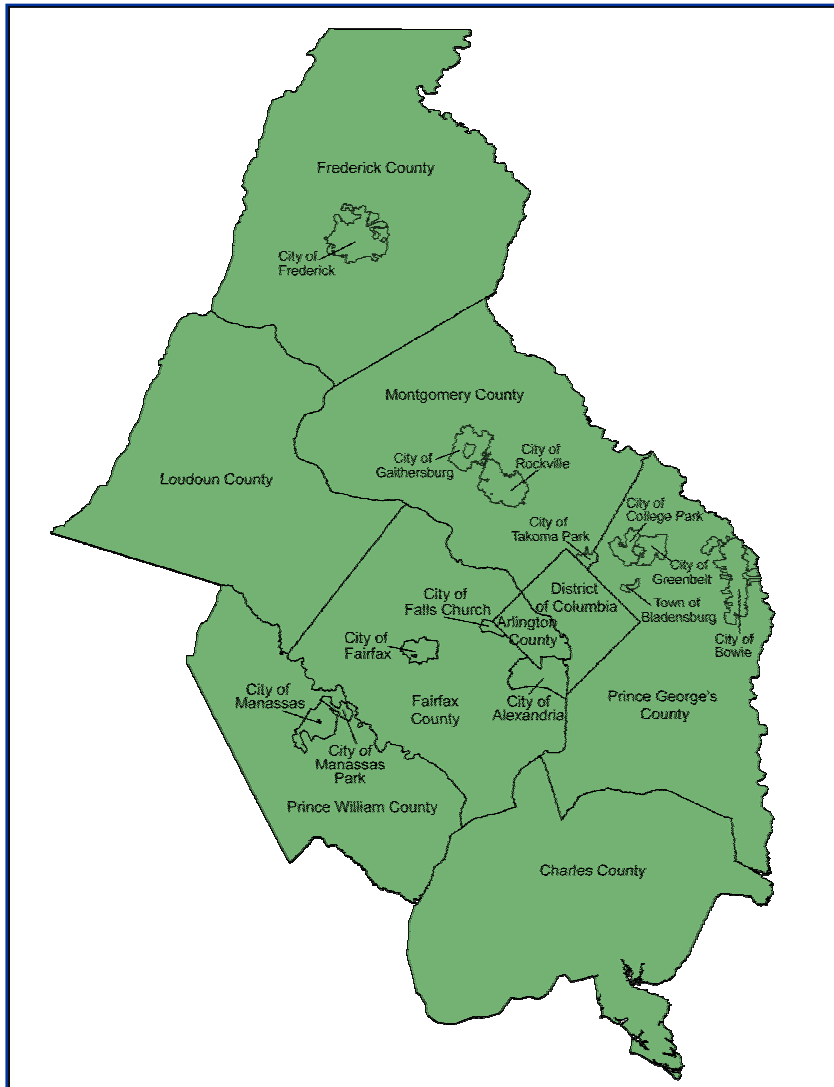
TPB's staff is provided by COG's Department of Transportation Planning. COG serves as the administrative agent for TPB and administers a Unified Planning Work Program (UPWP) in conjunction with the TPB in accordance with the requirements of Federal laws.

COG is responsible for agency policies, human resources management, 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'S MISSION STATEMENT

ENHANCE THE QUALITY OF LIFE AND COMPETITIVE ADVANTAGES OF THE WASHINGTON METROPOLITAN REGION IN THE GLOBAL ECONOMY BY PROVIDING A FORUM FOR CONSENSUS BUILDING AND POLICY-MAKING; IMPLEMENTING INTERGOVERNMENTAL POLICIES, PLANS, AND PROGRAMS; AND SUPPORTING THE REGION AS AN EXPERT INFORMATION RESOURCE.

Figure 1: Map of 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 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 are shown in Figure 2 below and 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.

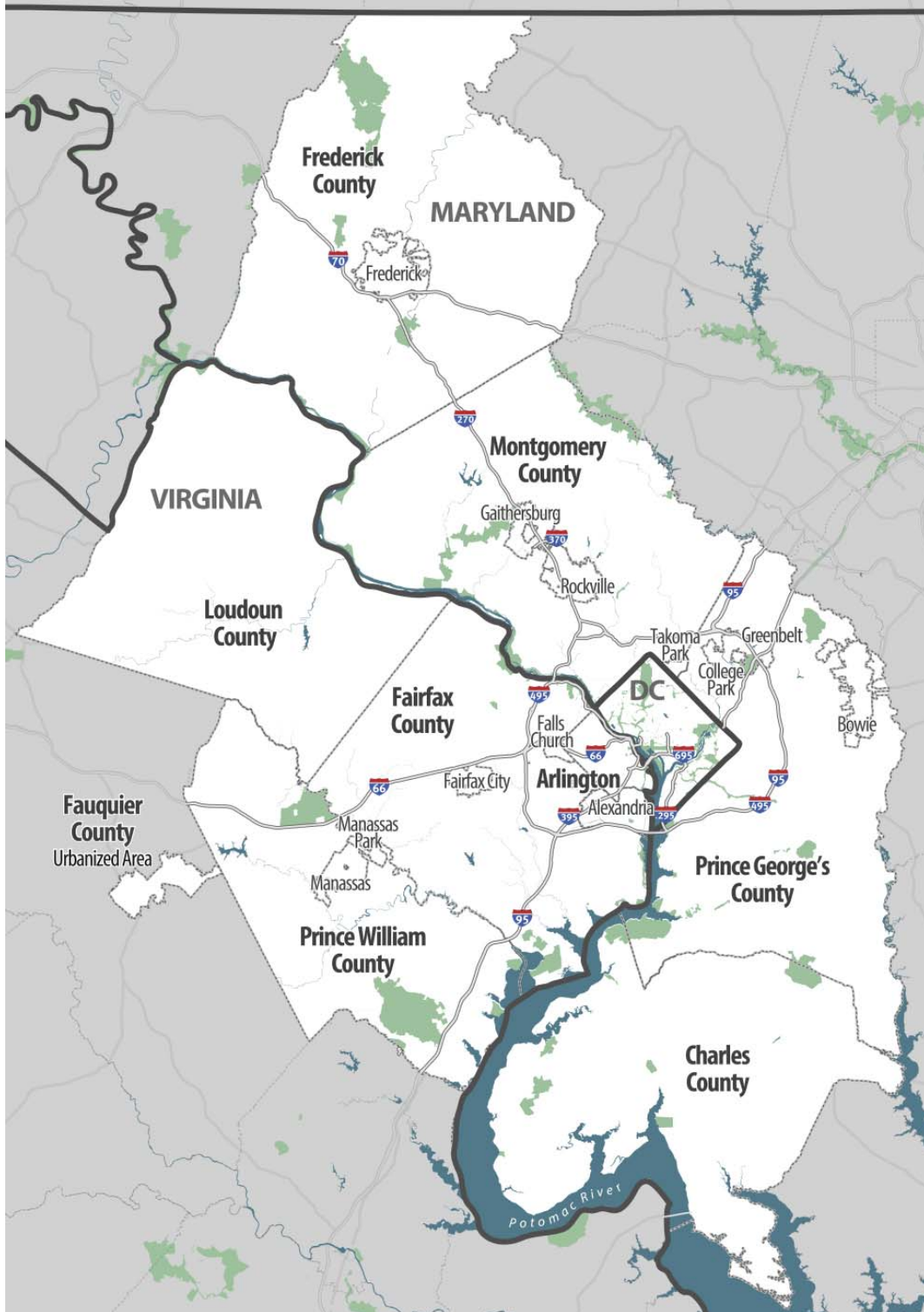
The TPB prepares plans and programs that the federal government must approve in order for federal-aid transportation funds to flow to the National Capital region. In particular, federal law and regulations relating to the work of MPOs require the TPB to adopt a long-range transportation plan, which is known as the Financially Constrained Long-Range Transportation Plan (CLRP) in the National Capital region, 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 policy-making, 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 jurisdictional staff. The TPB's committee structure is provided in Attachment C.

THE TPB VISION STATEMENT

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.

Figure 2: Map of TPB Member Jurisdictions as of July 1, 2014



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 Attachment 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, 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 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;
- Acting as lead investigator on all discrimination complaints received by COG pursuant to this Plan. Any individual may exercise his or her right to file a complaint with COG, if that person believes that he or she or any other program beneficiaries have been subjected to discrimination, in their receipt of benefits/services or on the grounds of race, color, national origin, sex, handicap, age, or income status. COG will make a concerted effort to resolve complaints in accordance with Non-Discrimination Complaint Procedures; and
- 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 non-discrimination regulations or guidance, discuss Title VI-related agency issues and activities, and determine if revisions are needed to the Title VI Plan.

Director of Office of Human Resources

- 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 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 write 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.

Director of the Office of Public Affairs

- 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.

Director of the Department of Transportation Planning

- 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.

Director of the Department of Environmental Programs

- 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.

Director of the Department of Public Safety and Health

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

Director of the Department of Community Planning and Services

- 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.

Reviewing 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:

DBE – The Metropolitan Washington Council of Governments, in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000 d – 42 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.

The following nondiscrimination clauses are included in FTA-funded procurements or where DBE is otherwise assessed:

DBE Assurance – The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT assisted contracts. Failure by the contractor

to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

The following nondiscrimination clauses are included in all COG contracts and subgrant agreements:

Civil Rights Requirements – 29 U.S.C. § 62, 42 U.S.C. § 2000, 42 U.S.C. § 602, 42 U.S.C. § 12112, 42 U.S.C. § 12132, 49 U.S.C. § 5332

Nondiscrimination – In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. § 2000d, section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6102, section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and all other provisions of Federal law, the 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, the 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, as amended, 42 U.S.C. § 2000e, the 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. The 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, the Contractor agrees to comply with any implementing requirements the funding federal agency may issue.

Age – In accordance with section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § § 623 and other applicable law, the Contractor agrees to refrain from discrimination against present and prospective employees for

reason of age. In addition, the Contractor agrees to comply with any implementing requirements the funding federal agency may issue.

Disabilities – In accordance with section 102 of the Americans with Disabilities Act, as amended, 42 U.S.C. § 12112, the 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, the Contractor agrees to comply with any implementing requirements the funding federal agency may issue.

The 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.

DBE Policy and Outreach

COG has developed a DBE policy that is available on the COG [website](#)¹. COG maintains a DBE program that is updated as needed and a DBE participation goal that is reviewed annually. The full text of the COG DBE Policy is available in Attachment I (EYE).

COG, through its Purchasing Office, maintains a list of DBEs that receive all notifications when it releases solicitations. The solicitation notifications are also published in a national publication and posted on the COG website. The DBE list includes Minority Institutions of Higher Education (MIHE) and Historically Black Colleges and Universities (HBCU).

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. Lists of training related information such as diversity and EEO/Affirmative Action shall be made well known through email, flyers and brochure.

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.

¹ <http://www.mwcog.org/doingbusiness/dbe>

It is the responsibility of the OHRM Training Coordinator to schedule training in such a way that appropriate notices and announcements are posted in a timely fashion. The OHRM Training Coordinator schedules a minimum of four Title VI Trainings for COG staff throughout the year. Consistent with the 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 of this program come from various jurisdictions and are of diverse backgrounds based on gender, race, positions and professional backgrounds.

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 statutes. 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.

EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION POLICY

In accordance with COG's HR Policy 5.A-B the COG Executive Director, in cooperation with department heads, the Director of Human Resources, and the Equal Employment Opportunity Committee, shall administer the policy set forth in this chapter for affirmative action and equal employment opportunity.

It is the intent and purpose of this policy to insure equal employment opportunity and treatment for all employees, contractors, and applicants for employment without regard to race, color, sex, sexual orientation, age, marital status, personal appearance, family responsibilities, matriculation, status as a Vietnam era or special disabled veteran, religion, national origin, political affiliation, disability. The policy of equal employment applies to every aspect of COG employment and contracts, except where prohibited by law.

Title VII issues are not addressed in this Plan and are handled through the COG Office of Human Resources Management (OHRM). COG has a well established equal employment and Affirmative action policies and procedures in all aspects of employment. COG also has an EEO Committee comprised of employee representatives, a EEO Counselor and a the staff of OHRM working together to ensure Title VII issues are addressed proactively and promptly. A formal complaint procedure is also in place to address Title VII-related complaints.

The OHRM also prepares an annual Affirmative Action report to maintain and ensure continuous progress in providing equal employment opportunity to current and prospective employees.

Attachment H includes the Equal Employment Opportunity and Affirmative Action Policy and Harassment Policy.

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 accommodations will be provided by the Council of Governments 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. Attachment 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 (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 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, natural origin, gender, disability, or retaliation.
 - c. The allegation(s) must involve a program or activity of a Federal-aid recipient, sub-recipient, or 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 Coordinator 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 Coordinator 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) 962-3200.

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

TPB's Title VI Components

DATA AND ANALYSIS

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.

For the current profile, go to: www.mwcog.org/clrp/performance/EJ/EJintro.asp.

Mapping of CLRP 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 CLRP 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, go to: www.mwcog.org/clrp/performance/EJ/EJintro.asp

Population Groups Included:

- African American
- Asian
- Hispanic/Latino
- Low-Income
- Persons with a Disability
- Older adult
- Persons with limited English proficiency

Evaluation of the TPB's Financially Constrained Long-Range Transportation Plan (CLRP) 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, minority and disabled populations versus the general population. The performance analysis for the CLRP includes an analysis of the accessibility gains and losses across minority, low-income and disabled population groups utilizing the demographic profile described above.

Accessibility is measured in terms of the number of jobs accessible within 45 minutes by auto and transit. This analysis specifically looks at how accessibility will change between the current condition and the planning horizon year as a result of the implementation of the projects in the CLRP, as well as projected population and employment growth. The accessibility 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: www.mwcog.org/clrp/performance/EJ/EJintro.asp

OUTREACH AND COMMUNICATIONS

IT IS THE POLICY OF COG AND THE TPB TO PROVIDE PUBLIC ACCESS AND INVOLVEMENT UNDER A TRUE COLLABORATIVE PLANNING PROCESS IN WHICH THE INTERESTS OF ALL STAKEHOLDERS— PUBLIC AND PRIVATE—ARE REFLECTED AND CONSIDERED. ACCORDINGLY, THE TPB MAKES BOTH ITS POLICY AND TECHNICAL PROCESS INCLUSIVE OF AND ACCESSIBLE TO ALL STAKEHOLDERS. MANY ADDITIONAL OPPORTUNITIES FOR ACCESS AND INVOLVEMENT EXIST AT THE STATE AND LOCAL JURISDICTIONAL LEVELS THROUGH LOCAL, SUB-REGIONAL, AND STATE SPONSORED ACTIVITIES ASSOCIATED WITH TRANSPORTATION PLANNING IN THE WASHINGTON REGION.

TPB PARTICIPATION PLAN

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 *Citizens Guide*, updated in 2008, provides the residents of the region with an all-encompassing overview of the TPB's role in regional transportation planning. This tool has been instrumental in providing new committee members, informed constituencies, and TPB members with a thorough overview of the TPB process.

For more information on the TPB Citizen's Guide, please see:
<http://www.mwcog.org/transportation/involved/>

In 2013, *The Hub* website was launched to serve as a one-stop shop for information on transportation planning activities underway throughout the region. It includes information on the planning processes of the TPB's member jurisdictions and agencies, high-profile projects under construction or planned in the region, and links to key documents and resources, including a directory with contact information for numerous local, state, and regional governments and transportation agencies. The Hub is designed to help the public engage with local decision-makers and planners and to become more engaged in the decision-making process.

The Transportation Planning Hub can be found at:
www.transportationplanninghub.org.

TPB Public Participation Plan

The 2014 Public Participation Plan, provided as Attachment E, articulates the TPB's commitment to a transparent interface with the public and with relevant public agencies to support the regional transportation planning process, including the development of the Financially Constrained Long-Range Transportation Plan (CLRP) and the Transportation Improvement Program (TIP). The Public Participation Plan document provides an overall framework for participation in the TPB process. On an ongoing basis, TPB staff gathers information and evaluates the effectiveness of the public outreach methods.

The 2014 Public Participation Plan builds on previous efforts designed to encourage participation in the TPB process and provide reasonable opportunities for the public and other interested agencies to be involved with the metropolitan transportation planning process. As required by federal regulation, the plan was developed in consultation with affected parties and was released 45-day public comment period before adoption by the TPB in December 2007. The plan was updated and released for another 45-day public comment period before adoption by the TPB in September of 2014.

The Public Participation Plan contains the above policy statement, as well as participation goals and strategies, including the facilitation of communication with and involvement by diverse participants, and open access to information and participation. The Plan also identifies a system for an annual evaluation of the TPB's public involvement activities and identification of future activities.

Federal regulations require that MPOs define a process for providing interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process. The regulations define these constituencies as: 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.

The TPB defined the following three broad constituencies around which to develop future participation activities, with the federally defined interested parties in mind:

The Involved Public is both knowledgeable about transportation policy issues in general, as well as the TPB's role in the regional transportation planning process and the regional challenges raised by the TPB. These individuals and organizations already participate in the regional transportation planning dialogue.

The Informed Public has some knowledge of transportation policy issues, but is not familiar with the TPB's role in the regional transportation planning process. They also may not be fully aware of the regional context underlying the transportation challenges experienced throughout the region.

The Interested Public has an inherent interest in transportation challenges, but possesses little direct knowledge of transportation policy issues.

Each of these different types of constituencies includes a wide spectrum of members, including individuals, interest groups, community leaders, and elected officials. This strategy recognizes that transportation planning can be very complex and technical, and many individuals will never have enough time to develop a full understanding of the TPB process. Therefore, the strategy seeks to identify tools that will be appropriate for people with limited time whose input and opinions are valuable nonetheless.

The TPB believes that implementing this strategy of tailoring communications and opportunities for input to interested parties with varying levels of knowledge about TPB processes has facilitated greater and more substantive access and participation by diverse groups.

TPB Access For All Advisory Committee (AFA)

In order to proactively address Title VI regulations and Environmental Justice guidance, the TPB created the Access for All (AFA) Advisory Committee in 2001 to ensure that the TPB was involving transportation disadvantaged groups in its planning process. The AFA advises the TPB on transportation issues, programs, policies, and services that are important to low-income communities, minority communities and people with disabilities. The mission of this committee is to identify concerns of low-income and minority populations and persons with disabilities, and to determine whether and how these issues might be addressed within the TPB process. The committee is comprised of community leaders representing these population groups, as well as ex-officio representation from the major transportation agencies in the region. The AFA meets quarterly and is chaired by a TPB member who makes reports to the TPB on AFA issues and concerns.

TPB Citizens Advisory Committee

The Citizens Advisory Committee (CAC) to the TPB is a group of 15 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 Region, including responding to requests from the TPB for comment on specific issues or subject matter.

Nine members of the CAC are appointed annually by the TPB. The other six members are elected by the previous year's CAC. The membership is evenly divided between the District of Columbia, Suburban Maryland and Northern Virginia. Meetings are held on Thursdays preceding the regular meetings of the TPB.

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 an 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.

As 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 (Attachment F) and follows the COG accommodations policy (Attachment G) for people with disabilities and LEP persons to ensure access to documents and meetings.

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 of the Civil Rights Act of 1964 and related statutes, and make recommendations as needed. The Periodic Title VI compliance interviews are conducted by the DOTs with Federal Highway Administration staff. Each year, DDOT, The Maryland State Highway Administration (SHA) and MDOT requests that the TPB respond to a Title VI Compliance Review questionnaire for activities in the fiscal year. This questionnaire includes what policies and practices are in place to ensure compliance with Title VI, Environmental Justice and Limited English Proficiency [guidance and regulations](#). 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 DOT's require that COG/TPB also submit semi-annual DBE reports.

Attachment 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.ⁱ

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.ⁱ

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, renovation, 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 that has Title VI 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 Coordinator – 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 Officer 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
EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission
EIS	Environmental Impact Statement
EJ	Environmental Justice
EO	Equal Opportunity
E.O.	Executive Order
FHW	A 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
NVTC	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 address 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 human environment. Under NEPA, 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.A. § 1682) – makes financial assistance available to institutions of higher education.

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 populations.

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.

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 Programs.

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.

ⁱ For FTA specific definitions, see FTA C 4702.1B (defining “discrimination,” “disparate impact,” “disparate burden,” and “disparate treatment.”).

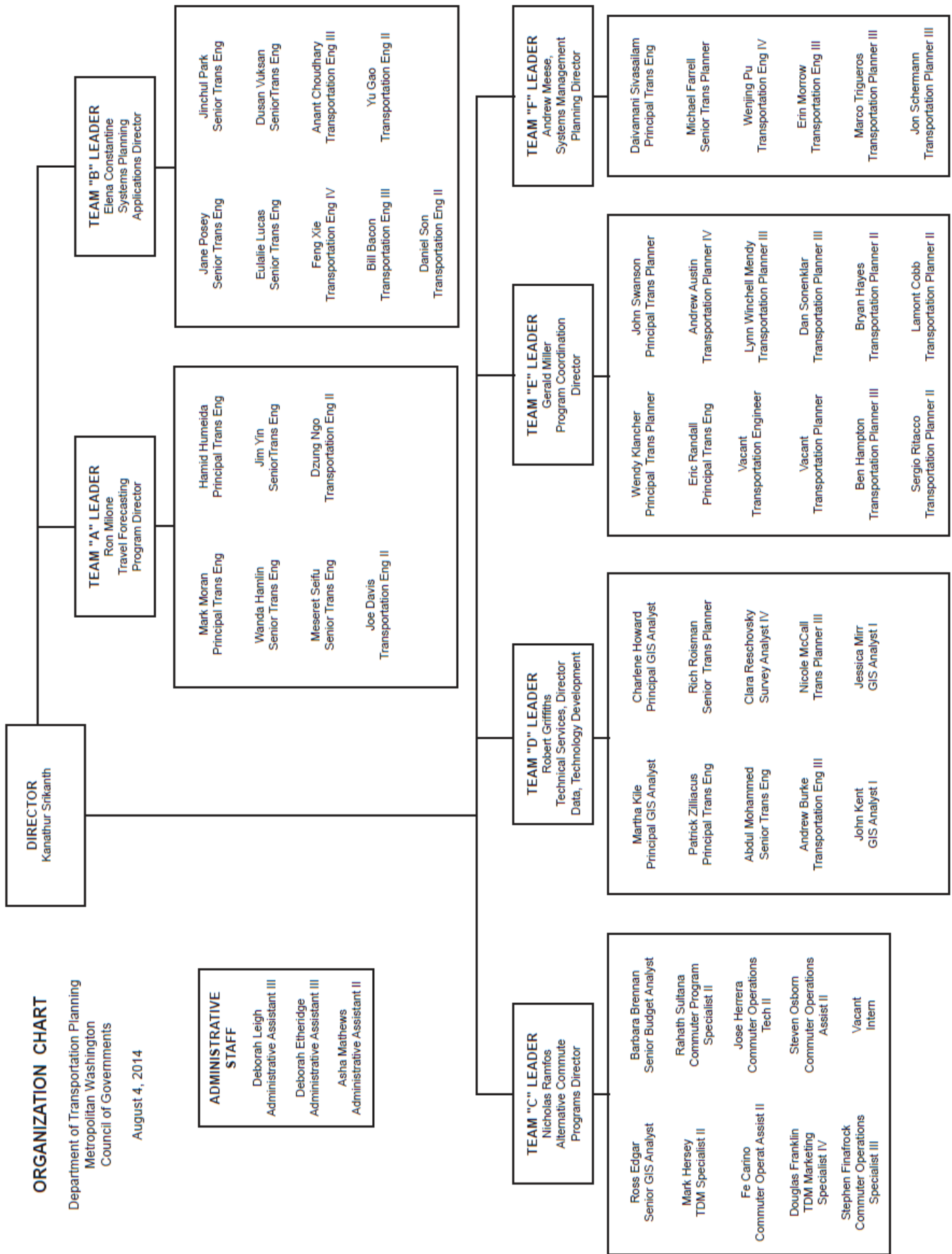
Attachment B

Organization Charts

ORGANIZATION CHART

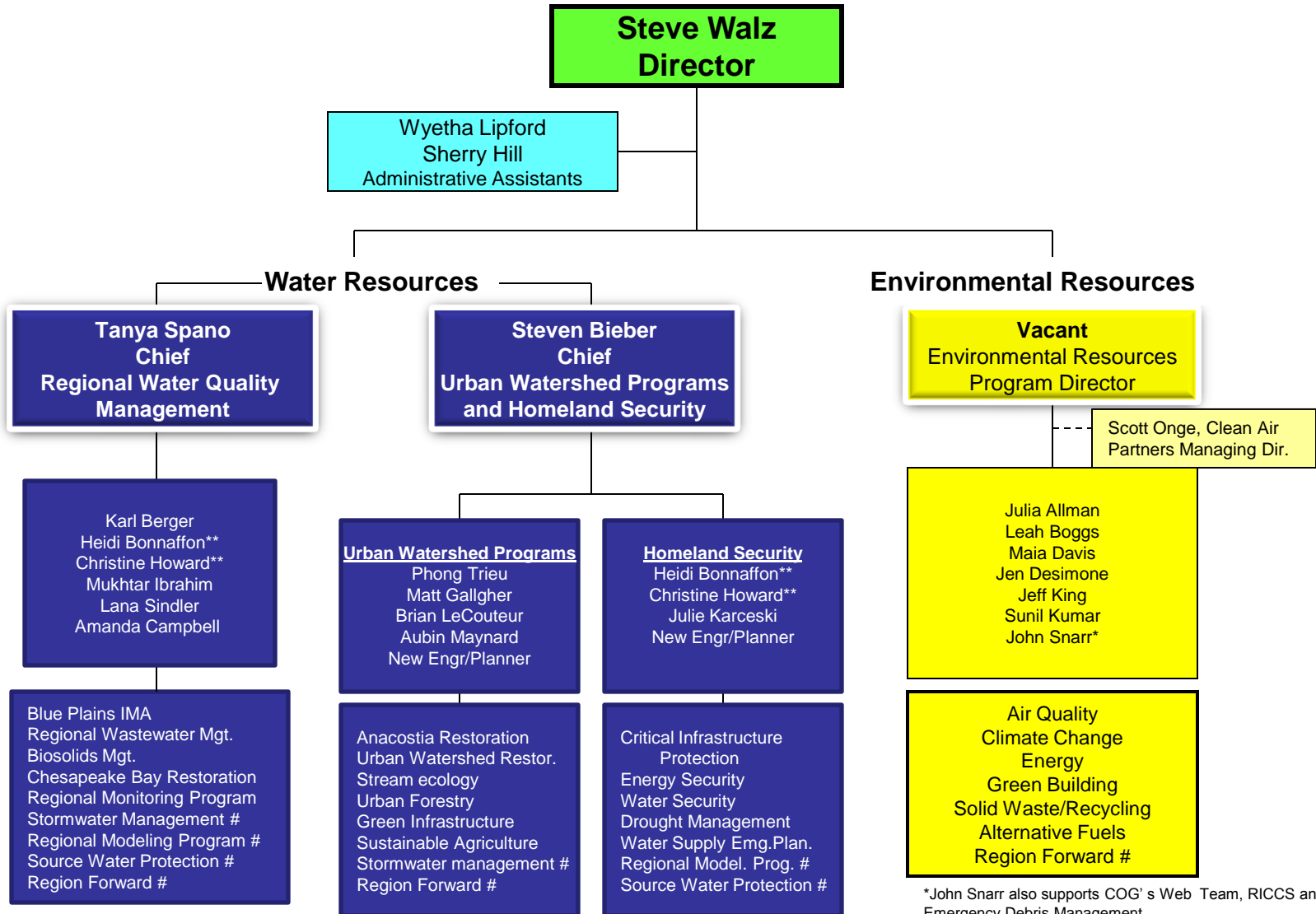
Department of Transportation Planning
Metropolitan Washington
Council of Governments

August 4, 2014



COG/DEP Program Management Structure

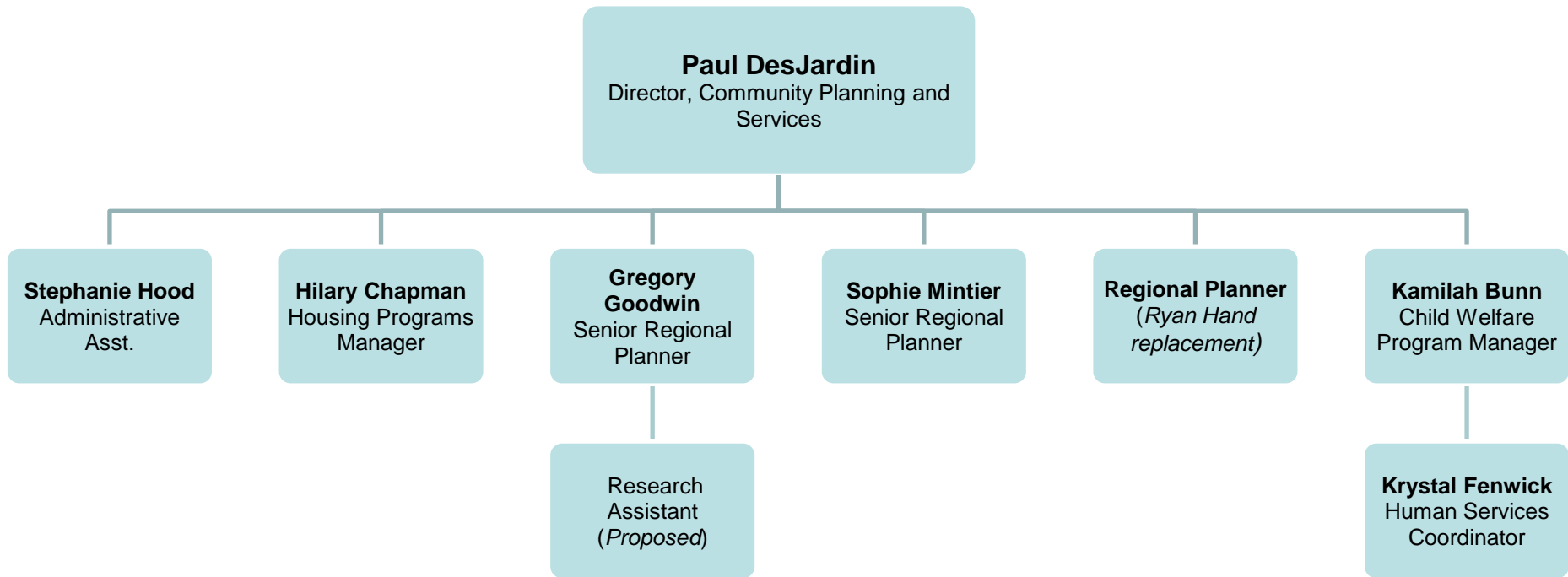
May, 2014



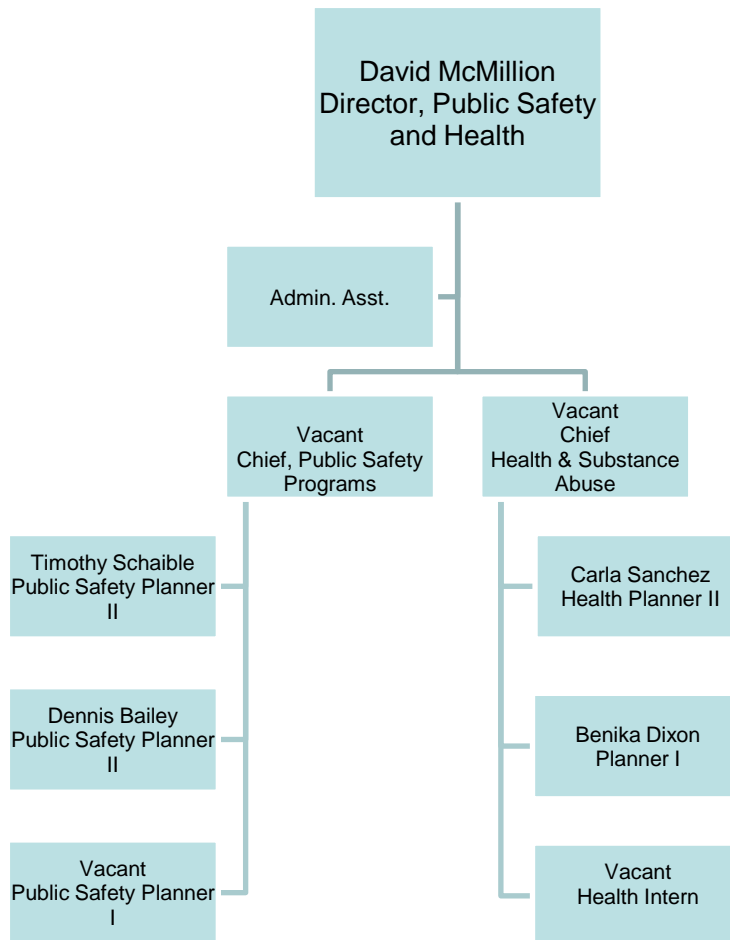
** - shared staff # - shared programs

*John Snarr also supports COG's Web Team, RICCS and Emergency Debris Management

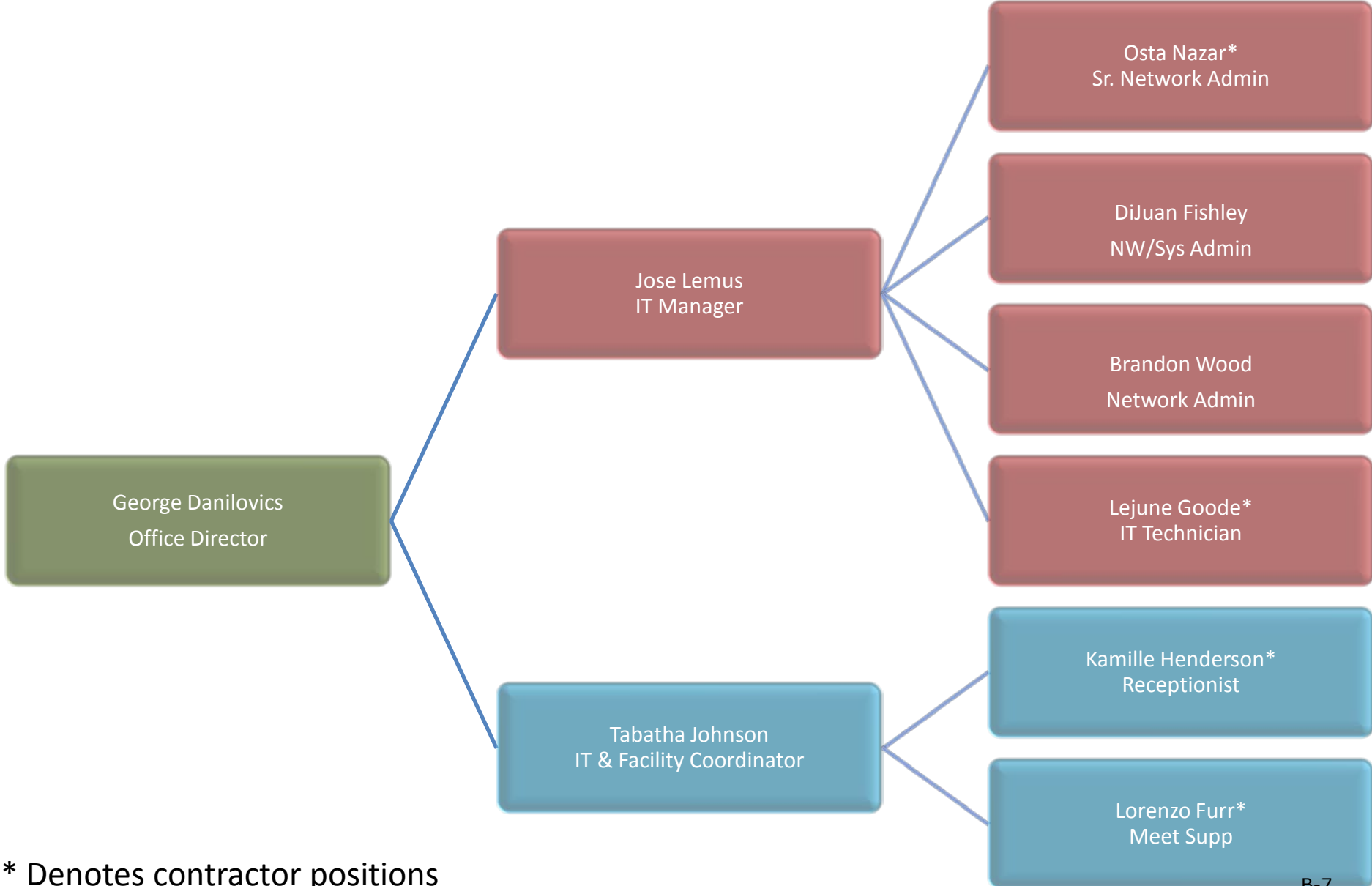
Metropolitan Washington Council of Governments Community Planning and Services Staff Organization Chart



Metropolitan Washington Council of Governments Public Safety and Health Department Staff Organization Chart



Office of Information Technology and Facility Management

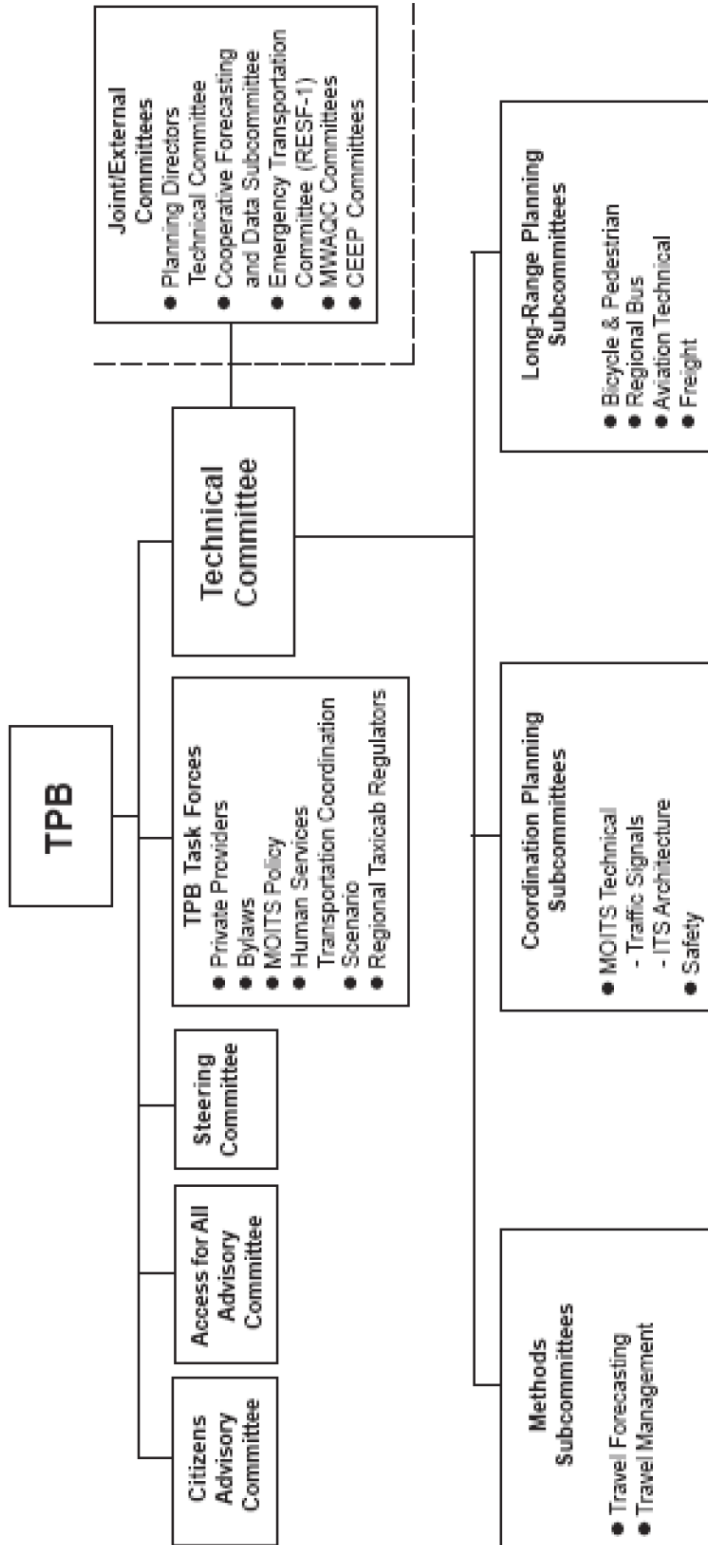


* Denotes contractor positions

Attachment C

TPB Committee Structure

TPB Committee Structure



Attachment D

Title VI Notice to the Public

ATTACHMENT 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 care of Patricia Warren at pwarren@mwkog.org or (202) 962-3214. 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](#)¹ 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, or to file a Title VI related complaint, see <https://www.mwkog.org/publications/nondiscrimination.asp> or call (202) 962-3200. If information is needed in another language, then contact (202) 962-3200."

"El Consejo Metropolitano de Gobiernos 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 información en español, o para someter un pleito relacionado al Título VI, visite nuestra página web <https://www.mwkog.org/publications/nondiscrimination.asp> o llame al (202) 962-3300. Para obtener información en otra idioma, 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 N.E. Suite 300, Washington, D.C. 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.

¹ <https://www.mwkog.org/publications/nondiscrimination.asp>

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: 804-786-2730
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:

Office of Fair Practices
Maryland Transit Administration
6 Saint Paul Street
Baltimore, Maryland 21202
Web: mta.maryland.gov
Telephone: 410-767-3944

District of Columbia:

District Department of Transportation
Office of Civil Rights
55 M Street, SE, 4th Floor
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

Attachment E

TPB Public Participation Plan



2014 UPDATE PARTICIPATION PLAN

NATIONAL CAPITAL REGION
TRANSPORTATION PLANNING BOARD
Metropolitan Washington Council of Governments

Acknowledgements

Director, Department of Transportation Planning

Kanti Srikanth

Chief, Program Coordination

Gerald Miller

Plan Authors

Sarah Crawford

Ben Hampton

Bryan Hayes

Darren Smith

John Swanson

Special Thanks To:

TPB committees and other stakeholders, especially the Citizens Advisory Committee and the Access for All Advisory Committee

ADA and Limited English Proficiency (LEP)

Alternative formats of this publication are available upon request.

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

Email: acomodations@mwkog.org

Please allow seven working days for preparation of the material.

Title VI Compliance

COG fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, or to file a Title VI related complaint, visit www.mwkog.org or call (202)962-3200.

El Consejo de Gobiernos de Metropolitan Washington cumple todos los requisitos del Título VI de la Ley de Derechos Civiles de 1964 y estatutos y regulaciones relacionadas en todas las actividades y programas. Para más información, o para presentar una queja relacionada con Título VI, visite www.mwkog.org o llame (202) 962-3300.

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I. PREFACE

This Participation Plan articulates the TPB’s commitment to transparent communications and engagement with the public and with relevant public agencies to support the regional transportation planning process, including the development of the Constrained Long-Range Transportation Plan (CLRP) and the Transportation Improvement Program (TIP).

This plan provides an overall framework for participation in the TPB process. The Background describes the historic context for the TPB's ongoing participation and outreach activities. The Participation Policy sets the TPB's goals for participation and outreach, and identifies activities for involvement. The Participation Strategy identifies different audience groups for participation and details approaches for reaching each group. Appendix A: Existing Participation Activities and Procedures, details ongoing participation and outreach activities. Together, the Policy, Strategy, and Toolkit form the functional backbone of the Participation Plan.

II. BACKGROUND



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.

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 citizens and other interested agencies to be involved with the metropolitan transportation planning process.

The activities and strategies described in this Participation Plan will be used to obtain comments on the region's Constrained Long-Range Plan (CLRP) and six-year Transportation Improvement Program (TIP), which includes projects that are funded by the Federal Transit Administration (including projects funded by the Urbanized Area Formula Program), the Federal Highway Administration, and which will satisfy the FTA's Section 5307 Program of Projects requirements.

As required by federal regulation, the plan has been developed in consultation with interested parties, including citizens, 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.

TRANSPORTATION PLANNING BOARD

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 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 TPB's Private Providers Task Force.

The TPB became associated with the Metropolitan Washington Council of Governments (COG) in 1966. 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. 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, which is known as the Constrained Long-Range Transportation Plan (CLRP) in the Washington region, 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 for coordination of policy-making, and providing technical resources for transportation decision-making. The TPB receives input and guidance from advisory committees that include members of the public, special interest groups, and jurisdictional staff.

PREVIOUS PUBLIC INVOLVEMENT PROCESS DOCUMENTS

This Participation Plan is the TPB's fourth officially approved process for public involvement. The Board first adopted a Public Involvement Process in 1994 to fulfill the requirements of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991. The TPB amended that document in 1999 in response to the Transportation Equity Act for the 21st Century (TEA-21) of 1998. The 1999 Public Involvement Process included a policy statement and general requirements for public involvement in the TPB process. It also contained a list of 14 specific activities

designed to solicit participation and provide support for the policy statement and general requirements and criteria.

The 2005 federal transportation act, SAFETEA-LU (the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users), included the first federal requirement that MPOs must develop participation plans. Responding to that legislation, the TPB in 2007 adopted a Participation Plan, which provided a strategic framework for public engagement.

The TPB's 2014 Participation Plan is an update of the 2007 document. While retaining the structure of the 2007 plan, the new plan reflects recent enhancements in the TPB's public outreach activities and also responds to comments that the TPB received in the 2010 Federal Certification Review of the TPB process. Among other recommendations, that review suggested the TPB emphasize visualization techniques in its outreach and conduct regular evaluation of its participation activities.

FEDERAL REQUIREMENTS FOR METROPOLITAN PLANNING

This Participation Plan is intended to fulfill the current federal requirements for a Participation Plan outlined in the federal transportation reauthorization legislation of 2005 (SAFETEA-LU) and further detailed in the Metropolitan Transportation Planning Regulations that were published in the Federal Register on February 14, 2007. The federal regulations are provided in Appendix B of this document. SAFETEA-LU's requirements regarding the Participation Plan were reaffirmed by the most recent federal transportation reauthorization bill, Moving Ahead for Progress in the 21st Century (MAP-21), which was enacted in July 2012.

For the first time, SAFETEA-LU called for Metropolitan Planning Organizations, including the TPB, to develop a Participation Plan. The law stipulated that this plan will be developed in consultation with "interested parties."

In addition to requiring a Participation Plan, SAFETEA-LU expanded earlier versions of federal transportation law to include the following guidelines and requirements related to public participation:

- Broaden the definition of "interested parties" to be engaged in metropolitan transportation planning.
- Publish or make available for public view transportation plans and Transportation Improvement Program (TIP).
- Hold public meetings at convenient and accessible times and locations.
- Make information available in electronically accessible formats to the maximum extent possible.
- Employ visualization techniques to depict metropolitan transportation plans.

These guidelines and requirements are all addressed in this Participation Plan.

NONDISCRIMINATION

This Participation Plan identifies and describes the TPB's policies and procedures 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.

In July 2010, the COG Board of Directors adopted a "Title VI Plan to Ensure Nondiscrimination in all Programs and Activities," which 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 (in box at right), 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 Title VI Plan applies 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.

COG's Title VI Policy Statement to Ensure Nondiscrimination in All Programs & Activities

The Metropolitan Washington Council of Governments assures 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 Civil Rights Restoration Act of 1987, be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination under any program or activity. COG further assures every effort will be made to ensure nondiscrimination in all of its program 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 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 Regulations (CFR) Part 200 and Title 49.

The following activities and procedures provide examples of key ways in which the TPB conducts outreach to traditionally underserved communities:

- ***Access for All (AFA) Advisory Committee.*** The TPB created the AFA in 2000 to advise the TPB on issues and concerns of low-income and minority communities, persons with disabilities and people with limited English proficiency (LEP). The committee, which has addressed myriad issues over the last 14 years, includes approximately 25 community leaders, as well as ex-officio representation from the major transportation agencies in the region. The AFA is chaired by a TPB member who makes regular reports to the TPB on AFA issues and concerns. More information is available about the AFA at: www.mwcog.org/transportation/committee/afa.
- ***Comments on CLRP and TIP updates.*** Each time the region's Constrained Long Range Transportation Plan (CLRP) and Transportation Improvement Program (TIP) are updated, the TPB solicits comments representing the concerns of traditionally disadvantaged populations. The TPB's 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. In addition, the AFA committee reviews maps of proposed major projects and comments on the CLRP. The AFA chair, a TPB member, presents those comments to Board. The comments are also documented in a memorandum.
- ***Analysis on the impacts of the CLRP.*** The TPB conducts an analysis of how the CLRP may impact low-income, minority and disabled populations. The AFA, reviews and comments on this analysis, which addresses Title VI and Environmental justice requirements and is conducted each time a major update to the CLRP is adopted to ensure that the CLRP does not disproportionately and adversely affect low-income, minority and disabled populations. The analysis is published on the CLRP website: <http://www.mwcog.org/clrp/performance/EJ>.

In addition to the examples cited above, the TPB seeks to incorporate the participation and viewpoints of all population groups into the full spectrum of public outreach activities that are described in this Participation Plan. For example, surveys and focus groups have deliberately sought out participation from low-income and LEP communities. Training programs, such as the Community Leadership Institute (described in the next section), have actively recruited participants representing disadvantaged communities. And public education programs, such as the Street Smart campaign to promote pedestrian and bicycle safety, provide information in a range of different languages. The participation enhancements described below demonstrate outreach and communication to all population groups which provide clear and concise information about the

transportation planning process so that the public is better able to comment and participate.

PARTICIPATION ENHANCEMENTS IN RECENT YEARS

Since the approval of the last Participation Plan in 2007, the TPB has made substantial enhancements in its public outreach activities and practices. Notable highlights include:

- **Enhancement of the TPB's Community Leadership Institute (CLI).** Normally conducted twice a year, the CLI is a multi-day program that uses interactive group exercises and discussions to help participants better understand the TPB process and regional transportation planning issues. CLI participants discuss ways in which the interests of their local communities connect with the planning issues facing the entire region. The goal is to prepare participants to actively engage in TPB activities as well as inform their communities about transportation initiatives and programs. Since its inception in 2006, the CLI curriculum has been continually refined and made more interactive. In 2013, the program was expanded to three days. A session of CLI held in early 2014 engaged staff of local elected officials.
- **Launch of TPB Weekly Report,** an online publication designed to provide brief, timely summaries of recent TPB research, analysis, outreach and planning. *TPB Weekly Report* was launched in January 2012 and reaches several hundred TPB stakeholders, reporters, and interested members of the general public. (www.mwcog.org/tpbweeklyreport)
- **Launch of the National Capital Region Transportation Planning Information Hub,** a website that serves as a one-stop shop for information on transportation planning activities underway throughout the region. The Hub includes information on the planning processes of the TPB's member jurisdictions and agencies, high-profile projects under construction or planned in the region, and links to key documents and resources, including a directory with contact information for numerous local, state, and regional governments and transportation agencies. The Hub is designed to help the public engage with planning processes at many levels throughout the region. The Hub was launched in 2013. (www.transportationplanninghub.org).
- **Development of social media presence,** including the launch of an official Facebook page and Twitter account. Both platforms are used to announce meetings, events, public comment periods, the release of key publications, and other relevant information. Beginning in 2013, staff began providing live updates of monthly Board meetings via Twitter.
Twitter - <https://twitter.com/#!/NatCapRegTPB>
Facebook - <https://www.facebook.com/NatCapRegTPB>
- **Use of deliberative forums,** public engagement events that employ quantitative tools (e.g., keypad polling) and qualitative methods (e.g., facilitated groups discussions) to engage participants in discussions about particular planning issues and to solicit informed feedback. Through

deliberative forums, people come together to learn and talk about problems and challenges, and to explore potential solutions. TPB staff have used deliberative forums on several occasions since 2011.

- **Public opinion research**, including the use of interactive web-based surveys. For the development of the Regional Transportation Priorities Plan in 2013, the TPB used MetroQuest public engagement software, which conveyed large amounts of complex information in an attractive, visual interface, and allowed staff to solicit input through a variety of input devices.

These enhancements have been added to the TPB's existing array of public outreach activities and products, which are described in Appendix A: Existing Participation Activities and Procedures. Taken together, these activities are designed to inform and engage a range of constituencies with different levels of interest and involvement in the TPB process.

ADDRESSING CONTINUING CHALLENGES

While noting the TPB's recent public participation improvements, this Participation Plan acknowledges and addresses the continuing challenges that confront the transportation planning process in the Washington region.

- **Expectations for public participation in the TPB process.** Given the fact that project-level planning usually occurs at the state and local levels, the TPB's plans and processes are often not the appropriate or most effective venues for public involvement. The TPB must work to align expectations for public involvement with the actual decision-making process. These activities should seek to build public knowledge about transportation decision making to encourage meaningful public involvement at various stages of that process.
- **The pace of the TPB's annual planning cycle.** Although federal law requires updates only every four years, the TPB updates the Constrained Long-Range Transportation Plan (CLRP) and the Transportation Improvement Program (TIP) annually to incorporate project submissions from the state departments of transportation and local jurisdictions. The specific practice by the TPB and the region's implementing agencies of treating the CLRP and TIP as "living documents" has implications for public involvement strategies. The TPB and TPB staff recognize that this continuous update cycle for regional plans can make it difficult for members of the public and other constituencies to understand when public comment is being solicited and for what purposes. To a large degree, public participation tools and activities must encourage citizen involvement on an ongoing basis.
- **Limited resources.** The demand for public involvement and outreach will always be greater than the TPB's available resources. This Participation Plan recognizes that the TPB must be strategic in designing a public participation program focused on high-payoff activities, particularly those that will encourage public engagement and education beyond the immediate reach of the TPB.

- ***Special needs of traditionally underserved communities.*** 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. To ensure that these concerns are heard, the TPB established the Access for All Advisory Committee (AFA) in 2001. This Participation Plan seeks to maintain and enhance the TPB's outreach to these communities.

III. PARTICIPATION POLICY



POLICY STATEMENT

It is the policy of the TPB to provide public access and involvement under a true collaborative planning process in which the interests of all stakeholders— public and private—are reflected and considered. Accordingly, it is the TPB's intent to make both its policy and technical process inclusive of and accessible to all stakeholders. The TPB notes in structuring this Participation Plan that many additional opportunities for access and involvement exist at the state and local jurisdictional levels through local, subregional, and state sponsored activities associated with transportation planning in the Washington region.

POLICY GOALS

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 citizen involvement is essential to good decision-making.

The Policy Statement provides a philosophy around which to build a regional transportation participation program that will accomplish the following goals:

- ***Communicate effectively with appropriate audiences.*** The TPB will disseminate information about programs and projects through a variety of conduits. Information will be presented in a manner that is clear and tailored to each of the TPB's constituencies.

- ***Provide clear and open access to information and participation opportunities.*** The TPB will work to improve access to technical and planning documents and, where appropriate, tailor these documents to be accessible to more constituencies. Opportunities for participation in TPB meetings and in committee meetings will be clearly defined and provided for at each meeting.
- ***Gather input from diverse perspectives.*** The TPB will continue to encourage participation from diverse constituencies and to provide forums for discussion about transportation issues that are responsive to the interests of different constituencies.
- ***Respond meaningfully to public comment and feedback.*** The TPB will provide information on how comments will be considered in the planning process, including the development of the CLRP and TIP, and acknowledge that comments were received and considered.
- ***Promote a regional perspective.*** The TPB will communicate how regional transportation planning plays a vital role in coordinating planning activities on many levels.

IV. PARTICIPATION STRATEGY



The key method for the implementation of this Participation Plan is the identification of different types of constituencies who possess varying levels of knowledge about and interest in transportation and the TPB process. The Participation Strategy provides a framework for tailoring public involvement tools and activities to serve the diverse needs of these constituencies.

CONSTITUENCIES

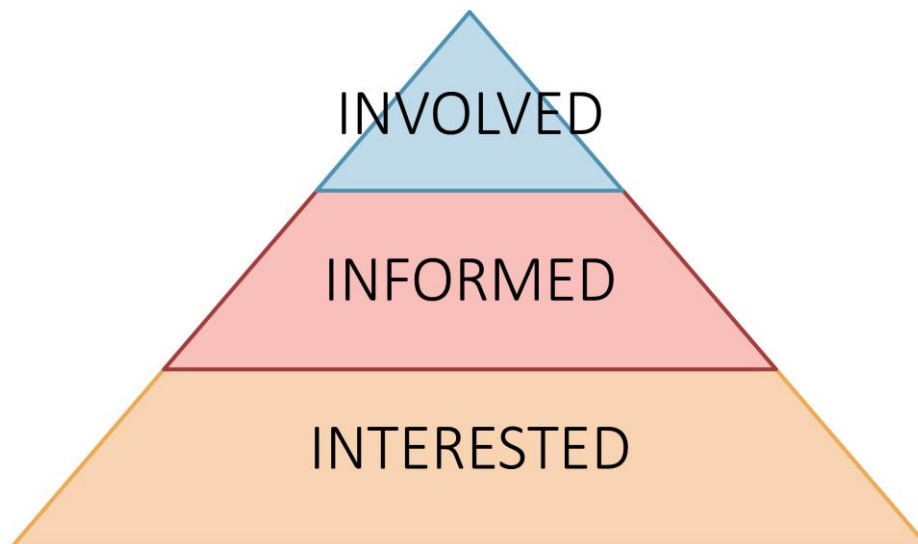
The TPB has defined the following three broad types of constituencies around which to develop future participation activities. In general, these three constituencies are grouped according to varying levels of engagement in regional transportation planning process and awareness of regional transportation issues.

- **The Involved Public** is 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 a fairly extensive understanding of regional transportation issues and policy. Among others, this category includes the TPB's Citizens Advisory Committee (CAC) and the Access for All Advisory Committee (AFA).
- **The Informed Public** has some knowledge of transportation policy issues, but is not familiar with the TPB's role in the regional transportation planning process. They also may not be fully aware of the regional context underlying the transportation challenges experienced throughout the

region. This middle tier often includes community leaders and opinion leaders who work at the local level.

- **The Interested Public** has an inherent interest in transportation challenges, but possesses little direct knowledge of transportation policy issues. This group, which is the largest of the three, includes the “general public,” but it may also include community leaders or even elected officials who have limited exposure to transportation planning at any level.

These three constituency groups were developed with federal public participation regulations in mind. The federal regulations require that MPOs define a process for providing interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process. The regulations define these parties as: 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.



Each of these different types of constituencies includes a wide spectrum of members, including individuals, interest groups, community leaders, and elected officials. The TPB also recognizes that each of these constituent groups include people from minority communities, people with limited English proficiency, people with low-incomes, and people from a variety of ages, including youth and the elderly. Staff remains aware of the need to engage these populations through outreach and participation.

SERVING DIFFERENT CONSTITUENCIES

This Participation Strategy recognizes that transportation planning can be very complex and technical, and many individuals will never have enough time and interest to develop a full understanding of the TPB process. Therefore, the strategy seeks to identify tools that will be appropriate for gathering the input and opinions of people with varying amounts of available time and interest.

GOALS FOR SERVING THE “INVOLVED PUBLIC”

- Recognize and support the vital contributions of individuals and groups who are already active in the TPB process.
- Utilize the expertise and commitment of involved individuals and groups to inform the TPB’s decision-making.
- Support these individuals and groups in their efforts to disseminate information about regional transportation planning to their communities.

GOALS FOR SERVING THE “INFORMED PUBLIC”

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

GOALS FOR SERVING THE “INTERESTED PUBLIC”

- Make available basic information on regional transportation and land-use challenges to create a more informed public.
- Increase the capacity of interested individuals to understand transportation and land-use issues so that some of them might become “informed” and even “involved.”
- 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 citizens should focus on basic issues, not planning processes or institutions.

V. PARTICIPATION ACTIVITIES



It is the policy of the TPB to carry out the following participation activities in support of the above policy statement and policy goals. In some cases, the way activities are carried out must be tailored to the needs of one or more of the constituencies identified in the Participation Strategy. The differing needs of each of the constituencies are a result of varying levels of engagement in the regional transportation planning process and awareness of regional transportation issues.

PUBLIC COMMENT

One of the most basic ways for the public to participate in the TPB process is to comment directly on the TPB's planning activities and planning products, including federally required plans and programs, other major plans or policy documents, technical reports, and more.

KEY ELEMENTS

PUBLIC COMMENT PERIODS

The TPB will provide formal windows of time during which the public can review and comment on items on which the Board will formally act by way of a vote. The length of these comment periods and the specific procedures followed will vary based on the type of item under consideration. A 30-day public comment period will be provided for federally required plans and

programs and other major regional plans and policy documents. Other Action Items due to come before the TPB will be provided six days in advance of the TPB meeting for review.

In some cases, the TPB will provide written responses to comments received prior to TPB action, and provide additional opportunities for comment if the final version of plans, programs, or other major policy documents differ significantly from the last version made available for public comment.

For more detailed public comment period procedures, please see Appendix A: Existing Participation Activities and Procedures.

ONGOING OPPORTUNITIES TO COMMENT

The TPB will provide ongoing opportunities for the public to comment on its work through the COG/TPB website, by email, by postal mail, or by phone. For details about these avenues for providing comment, please see Appendix A: Existing Participation Activities and Procedures.

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. In addition to the opportunities provided through participation in these meetings, concerns and issues on such technical work can be raised formally with the TPB either through the Citizens Advisory Committee (CAC) or during the public comment period provided at each TPB meeting.

The TPB will also provide at least one formal public meeting during the development process for the six-year Transportation Improvement Program (TIP).

Meetings of the TPB and its subcommittees will occur at the MWCOG offices located at 777 N. Capitol St NE, Washington DC, 20002. These facilities are ADA-compliant, include assisted hearing technology, and are accessible by fixed-route transit.

SERVING DIFFERENT CONSTITUENCIES

- **Involved Public:** Provide information on how comments will be considered in the planning process and acknowledge that comments have been received.
- **Informed Public:** Encourage informed individuals who are not typically heard at the TPB to participate in public comment processes, especially the public comment period preceding every TPB meeting.

- **Interested Public:** Solicit input through opinion surveys or focus groups.

COMMITTEES

The TPB is served by numerous technical and advisory committees. The Citizens Advisory Committee (CAC) and Access for All Advisory Committee (AFA) are intended to promote public involvement and represent the opinion of a variety of communities and interests. The public are also invited to attend other technical and advisory committees of the TPB.

KEY COMMITTEES

CITIZENS ADVISORY COMMITTEE (CAC)

The TPB will maintain and support the Citizens Advisory Committee (CAC), with the participation of individual citizens and representatives of environmental, business, and civic interests concerned with regional transportation matters as well as representatives of minority, low-income, and disabled groups.

The CAC's mission, detailed in Appendix C, is to promote public involvement in transportation planning, and to provide independent, region-oriented citizen advice to the TPB.

ACCESS FOR ALL ADVISORY COMMITTEE (AFA)

The TPB will maintain the Access for All Advisory Committee (AFA), which advises the TPB on transportation issues, programs, policies, and services that are important to low-income communities, minority communities, and people with disabilities. Participants in the AFA include individuals and organizations that represent traditionally unrepresented populations. The AFA mission statement can be found in Appendix C: Mission Statements for TPB Advisory Committees.

SERVING DIFFERENT CONSTITUENCIES

- **Involved Public:** Encourage a broad membership on the CAC and AFA so that a variety of interests are represented.
- **Informed Public:** Ensure that the CAC and AFA reflect new and fresh perspectives by recruiting informed community leaders or informed members of the general public to become committee members. Provide individualized support to new CAC and AFA members who may need help in understanding the TPB process.
- **Interested Public:** Encourage members of the CAC and AFA to strive to consider the interests of people who have little expertise or knowledge of the regional transportation planning process, and ensure that meetings remain open to the public.

DOCUMENTS, REPORTS, AND PUBLICATIONS

The various documents, reports, and publications the TPB produces provide policy and technical information that the public need in order to make more informed contributions to the TPB process.

The TPB will make these plans and policy documents available to the public at meetings of the TPB and its subcommittees, on the COG/TPB website, in person or by mail upon request, and at other appropriate locations and public meetings around the region.

KEY ELEMENTS

PLANS AND POLICY DOCUMENTS

The TPB is responsible for producing a number of regional plans and policy documents both to reflect and to guide regional transportation decision-making. These include the region's Constrained Long-Range Transportation Plan (CLRP), the six-year Transportation Improvement Program (TIP), and the Regional Transportation Priorities Plan.

TECHNICAL REPORTS

The TPB produces a number of technical reports that are published on a regular basis, including the Unified Planning Work Program, the Air Quality Conformity Assessment, reports on travel monitoring, evaluations of the Commuter Connections programs, and documentation related to the TPB travel forecasting model. These documents are provided for decision-making and technical advisory committees and are available for review by persons interested in these topics.

PERIODICAL PUBLICATIONS

The TPB will publish and distribute periodical publications, including weekly and monthly newsletters, the TPB annual report, and other reports, guidebooks, and brochures to inform as broad a regional audience as possible of the activities of the TPB and other regional transportation issues.

VISUALIZATION TECHNIQUES

The TPB will utilize appropriate visualization techniques in all plans and policy documents, technical reports, and periodical publications to more effectively communicate key ideas with desired audiences. Such techniques may range from use of simple pictures and graphics to more sophisticated computer-generated visual information. Of particular use in documents, reports, and

publications are explanatory diagrams, strategic photo selection, and stylized mapping.

SERVING DIFFERENT CONSTITUENCIES

- **Involved Public:** Provide information about pertinent TPB policy and research and periodically assess whether the information needs of this group are being met through the TPB's publications.
- **Informed Public:** Develop simple and compelling documents that help informed citizens better understand the connections between regional challenges, TPB planning work and decision-making, and the local issues in which they are already involved. Steps should also be taken to provide, update, and incorporate definitional glossaries as part of all formats, where appropriate, and to provide information through pictures and graphics as well as text.
- **Interested Public:** Develop brochures on regional transportation and land use challenges with easily understood text and extensive graphic imagery. Steps should also be taken to provide, update, and incorporate definitional glossaries as part of all formats.

WEB AND SOCIAL MEDIA

A growing share of the public now seek and consume information online and via social media. The TPB will seek to maintain its online and social media presence in a way that provides easy access to the policy and technical information and resources that the public need in order to make more informed contributions to the TPB process.

KEY ELEMENTS

WEBSITES

The TPB will maintain and expand existing websites to provide comprehensive information on TPB activities and regional transportation planning issues. The TPB's portfolio of websites includes the Transportation section of the COG/TPB website (including the Transportation homepage, "What's Happening in Transportation"), a website explaining and detailing the region's Constrained Long-Range Transportation Plan (CLRP), and the Transportation Planning Information Hub.

ONLINE MEETING CALENDAR

The TPB will maintain an online meeting calendar that links to agendas and meeting materials for the TPB board meeting and committee meetings. The TPB will announce public meetings and share materials via email to individuals

who have subscribed to receive them. Emails will be distributed in HTML and accessible text formats.

SOCIAL MEDIA

The TPB will maintain a social media presence (Facebook and Twitter) to announce meetings, events, public comment periods, the release of key publications, and other relevant information.

VISUALIZATION TECHNIQUES

The TPB will utilize appropriate visualization techniques in all web and social media materials. Such techniques may range from use of simple pictures and graphics to more sophisticated computer-generated visual information, including interactive mapping tools.

SERVING DIFFERENT CONSTITUENCIES

- **Involved Public:** Provide information about pertinent TPB policy and research via the COG/TPB website and social media, and periodically assess whether the information needs of the Involved Public are being met through these avenues.
- **Informed Public:** Develop simple and compelling web material that help informed individuals better understand the connections between regional challenges, TPB planning work and decision-making, and the local issues in which they are already involved. TPB staff will take steps to provide, update, and incorporate definitional glossaries as part of all formats, where appropriate, and to provide information through pictures and graphics as well as text.
- **Interested Public:** TPB web and social media efforts represent the easiest opportunity to reach the largest audience. Information about regional transportation issues will be provided in interesting, clear and compelling formats.

OUTREACH AND TRAINING

Other outreach and training efforts can encourage more effective participation in the TPB process and in local and state planning activities that contribute to regional planning.

KEY ELEMENTS

TARGETED OUTREACH

The TPB will conduct and participate in public forums, meetings, and information sessions across the region to provide information to area residents

and obtain comment on key regional transportation issues. When appropriate, TPB staff will incorporate interactive techniques and use appropriate visualization tools to more fully engage participants. These tools are described in greater detail in Appendix A: Existing Participation Activities and Procedures.

The TPB will seek participation by TPB members and staff in meetings of citizen, business, environmental, and other organizations interested in regional transportation matters, including people from minority communities, with limited English proficiency, with low-incomes, and from a variety of age groups.

The TPB will maintain active communication and consultation with the COG Board of Directors and other interested COG committees.

TRAINING WORKSHOPS

The TPB will develop and conduct training workshops, such as the TPB's Community Leadership Institute (CLI), to engage members of the informed and interested public who have not been extensively involved in the regional transportation planning process. When appropriate, TPB staff will incorporate interactive techniques, such as polling, surveys, and collaborative map-making, and use appropriate visualization tools to more fully engage workshop participants. These techniques and tools are described in greater detail in Appendix A: Existing Participation Activities and Procedures.

MASS MEDIA

The TPB will publicize special TPB meetings, forums, and workshops prominently in appropriate newspapers, websites, and on radio and TV. TPB staff will work with COG's Office of Public Affairs to seek mass media coverage of issues before the TPB.

ENVIRONMENTAL CONSULTATION

The TPB will conduct environmental consultation activities to engage with affected land-use management, natural resources, environmental protection, conservation, and historic preservation state and local agencies regarding the development of the CLRP. Environmental consultation seeks to identify potential activities to moderate, reduce, or avoid the environmental impacts of the CLRP as a whole, rather than at the project level.

SERVING DIFFERENT CONSTITUENCIES

- **Involved Public:** Encourage citizens who are already involved to attend public meetings and share their knowledge with their peers.
- **Informed Public:** Hold more public forums and provide more training opportunities designed to educate the informed public, solicit input from

them, and encourage them to become involved in the TPB process and regional decision-making. Use community leaders and other members of the Informed Public to help organize additional public forums and document the feedback received at public meetings so that it is meaningful and useful for decision makers at the TPB and in other decision-making bodies.

- **Interested Public:** Be sensitive to the needs of interested individuals who have limited knowledge and engage them as effectively as possible. Provide written and other visual information at meetings describing key issues and explaining acronyms. Seek to engage citizens and organizations on their “own turf.”

VI. EVALUATION AND IMPLEMENTATION



Each year, TPB staff will conduct an evaluation that looks at the public participation activities of the past year and identifies new activities for the year ahead. Development of the annual evaluation will include a series of focus-group style meetings with the Citizens Advisory Committee (CAC), Access for All Advisory Committee (AFA), other key stakeholders, and internal COG/TPB staff.

This evaluation will be shared with the TPB and the public, as well as posted to the TPB's website. It will address a series of questions that, for comparative purposes, will be repeated in future years.

The evaluation will address the following topics:

- **Assessment of activities.** Did public involvement and public information activities over the past year achieve their intended purposes? How could they have been improved?
- **Future activities.** Given the TPB work program activities that have been planned for the year ahead, what public participation activities should be planned? What new public outreach initiatives should be undertaken that may not be directly related to the TPB work program?
- **Recurring activities.** How can we enhance public involvement activities that are conducted on a recurring cycle, such as the Community Leadership Institute (CLI) and meetings of the Citizens Advisory Committee (CAC)? Would it make sense to discontinue or alter recurring activities? Are the information needs of key constituencies being met through the TPB's publications?

- ***Reaching previously uninvolved resident and groups.*** What public involvement activities should TPB staff conduct to reach constituencies that may not typically be part of the regional transportation planning process?

The evaluation report will include a summary of TPB publications, reports, and newsletters, as well as an inventory of news media coverage of the TPB and TPB-related activities.

Discussions with stakeholders will occur in the fall, and the evaluation will be completed by December, in time to inform the annual development of the Public Involvement Program Element of the Unified Planning Work Program (UPWP), which includes drafting early in the calendar year and approval in early spring.

Appendices

The appendices for the Public Participation Plan are available at:

http://www.mwcog.org/store/item.asp?PUBLICATION_ID=493

Attachment F

TPB Language Assistance Plan

METROPOLITAN WASHINGTON COUNCIL OF
GOVERNMENTS

NATIONAL CAPITAL REGION
TRANSPORTATION PLANNING BOARD (TPB)

LANGUAGE ASSISTANCE PLAN

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

Revised April 2015

Metropolitan Washington Council of Governments
777 North Capital Street N.E. Suite 300
Washington, D.C. 20002
(202)962-3200

Alternative formats of this document are available upon request; see www.mwcog.org/accommodations or call 202.962.3300 or 202-962.3213 (TDD).

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EXECUTIVE SUMMARY

COG is committed to ensuring meaningful access to its programs and activities by LEP persons. A “four-factor” 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 population(s) which are served directly by some COG programs, particularly the 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. (The budget reflects the requirements made of COG for such services.)

COG’s Accommodations Policy¹ states that translation services are available upon request for meetings that are open to the public, as well as for certain documents and publications. Refer to COG’s Accommodations Policy for procedure and time frames for submitting such requests. COG’s Accommodations Policy is translated into Spanish, French, Korean, Chinese (Mandarin), Vietnamese, and Amharic, and posted on the COG website². Further, the COG website can be translated into 52 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 population(s) of the availability of language assistance:

Reasonable accommodations are provided upon request, including alternative formats of meeting materials. [Click here for information](#) or call 202.962.3300 or 202-962.3213 (TDD).

¹ <http://www.mwcog.org/accommodations>

² <http://www.mwcog.org>

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; see 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 of its 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 TPB

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. 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 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 the MAP-21, the Moving Ahead for Progress in the 21st Century Act (P.L. 112-141).

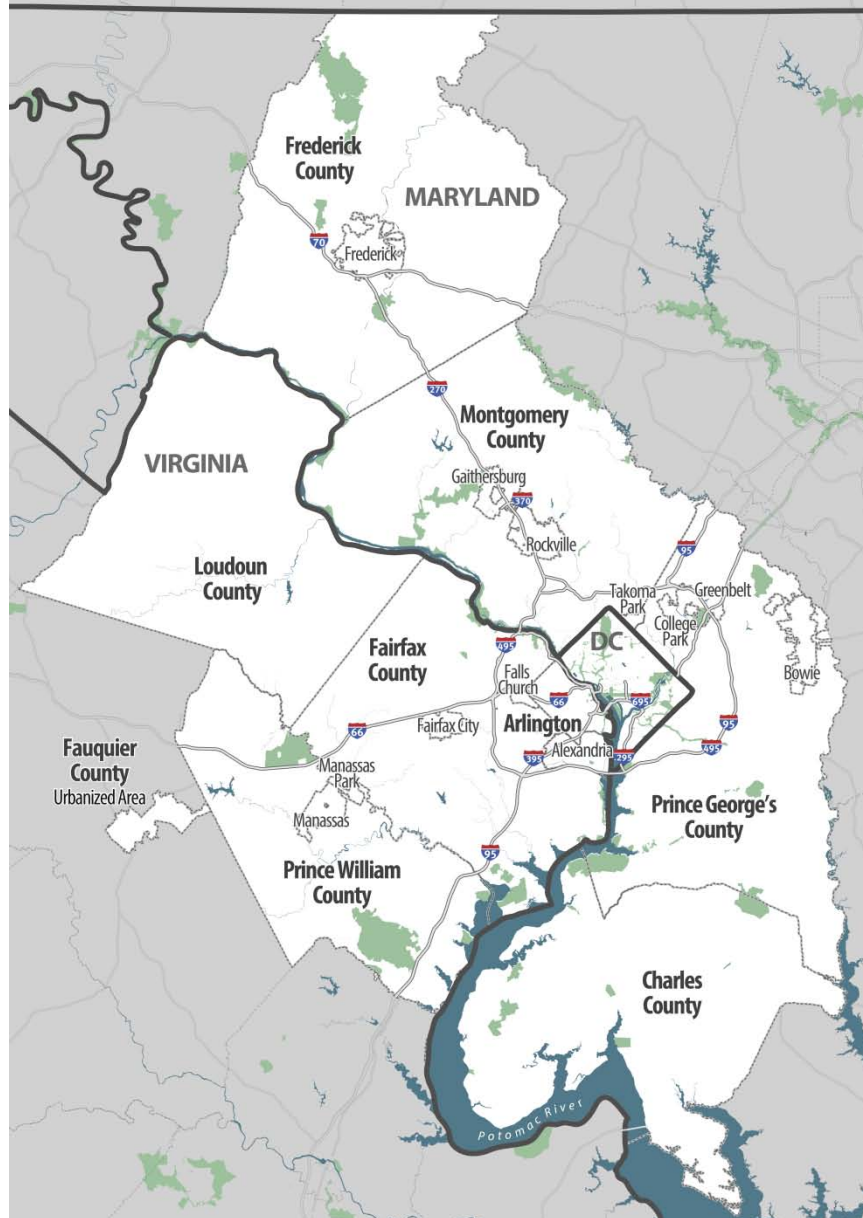
THE NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD

The National Capital Region Transportation Planning Board (TPB) is the official Metropolitan Planning Organization (MPO) for transportation planning in the metropolitan Washington region, and serves as the transportation policy committee for the Metropolitan Washington Council of Governments (COG). 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 5.4 million people and over 3.3 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, Rockville and Takoma Park), and Northern Virginia (Arlington County, City of Alexandria, Fairfax County, Loudoun County,

Prince William County, and the urbanized area of Fauquier County, plus the cities of 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 Access 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)³

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 Access Plan responds to the requirements in the Title VI Circular and provides the required elements of a Language Access Plan as described on page III-8 in the Circular.

Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency

In Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency” (65 FR 50121) requires that Federal agencies 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.⁴

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

³ 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]

⁴ <http://www.gpo.gov/fdsys/pkg/FR-2000-08-16/pdf/00-20938.pdf>

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 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."⁵

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.

TPB'S PROACTIVE APPROACH TO PUBLIC INVOLVEMENT

In order to ensure that the TPB's planning process, identifies the needs of transportation-disadvantaged 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 Plan⁶, which was adopted in December 2007 and updated in September 2014. 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:

The **Involved** public consists of a relatively small group of people who are familiar with the TPB and participate in its processes through professional roles, membership on a TPB committee, or as a commenter on TPB plans or at meetings.

The **Informed** public consists of people who are engaged in civic issues and have a general understanding of transportation issues – these people are often referred to as "community leaders" by virtue of their status as information conduits to larger citizen groups.

⁵ <http://www.justice.gov/crt/about/cor/lep/dotlep.php>

⁶ http://www.mwcog.org/store/item.asp?PUBLICATION_ID=493

The **Interested** public is the largest group, consisting of everyone who has an interest in transportation in the region simply by the role it plays in their daily lives.

The TPB Participation Plan 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.

The **TPB Access for All (AFA) Advisory Committee**⁷ was specifically created by the TPB to proactively address Title VI, Environmental Justice and involve minority communities, low-income communities and persons with disabilities, including LEP communities, in the transportation planning process. The AFA 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 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 advocate for such improvements through coordination with the Washington Metropolitan Area Transit Authority (WMATA).

The **TPB Community Leadership Institute (CLI)** is another outreach approach and it is tailored to the “informed” and “interested” constituencies identified in the TPB Participation Plan. The CLI is a workshop designed to help community activists learn how to get involved more effectively in transportation decision-making in the Washington Region. It is also intended to help the TPB reach out to communities and groups that typically have not been involved in the TPB process. The 2007 CLI session focused on engaging the LEP community and included representatives from the DC Language Access Coalition, Central American Resource Center of Washington, African Resource Center, African Political Action Committee, Caribbean Help Center, Multicultural Community Service, Hogar Hispano, Radio Fiesta, Prince George’s County Office of Community Relations, Maryland Vietnamese Mutual Association, Boat People SOS, Adelphi Langley Park Family Support, and Tenants and Workers United.

⁷ http://www.mwcog.org/transportation/committee/committee/default.asp?COMMITTEE_ID=99

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) 2008-2012 5-year averages provide the best, 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 that 28% of the region’s population speaks a language other than English at home, eleven percent of which speak English less than “very well”. The languages other than English most often spoken at home are Spanish, African languages⁸ (including Amharic, the language spoken in Ethiopia), Chinese, Korean, French (including Patois and Cajun), and Vietnamese, as shown in Figure 2.

With approximately 550,000 residents speaking Spanish at home, it is by far the most commonly 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. However, non-English speaking groups in the region are not only diverse; they are also geographically dispersed throughout the region, as shown in Figure 3. Therefore, regional information about LEP language access may not be as useful as information from a smaller geographic area and it is necessary for transportation planning

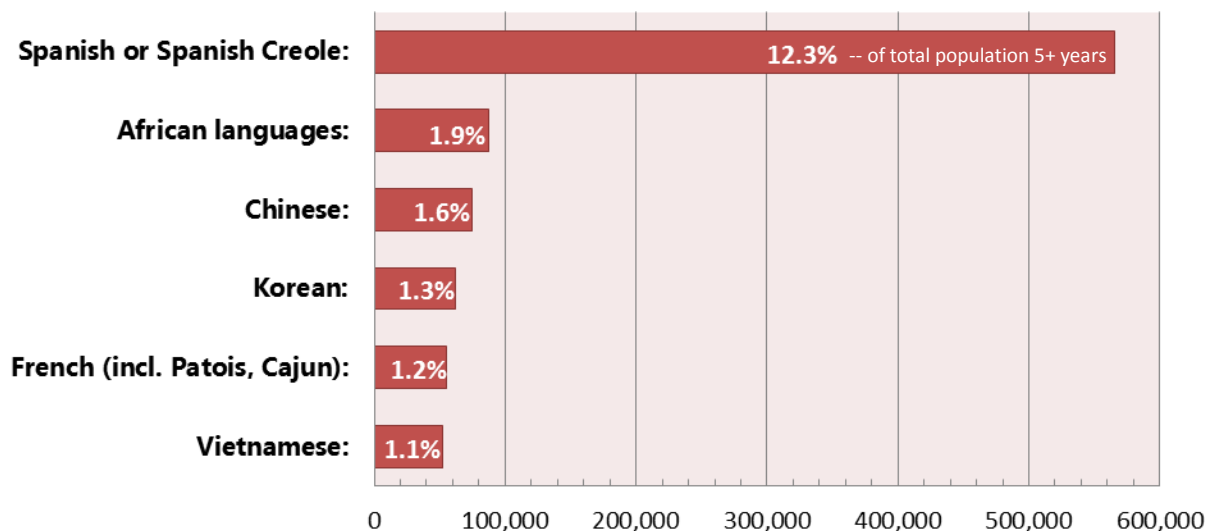
⁸ African Languages include Amharic, Ibo, Twi, Yoruba, Bantu, Swahili, and Somali.

staff to understand the demographic profile of the communities they operate in within the region.

How LEP persons interact with COG and TPB

COG and 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 MWCOG and TPB. Materials are translated upon request so that they are available to those with limited English ability.

Figure 1: Languages Other Than English Most Often Spoken at Home

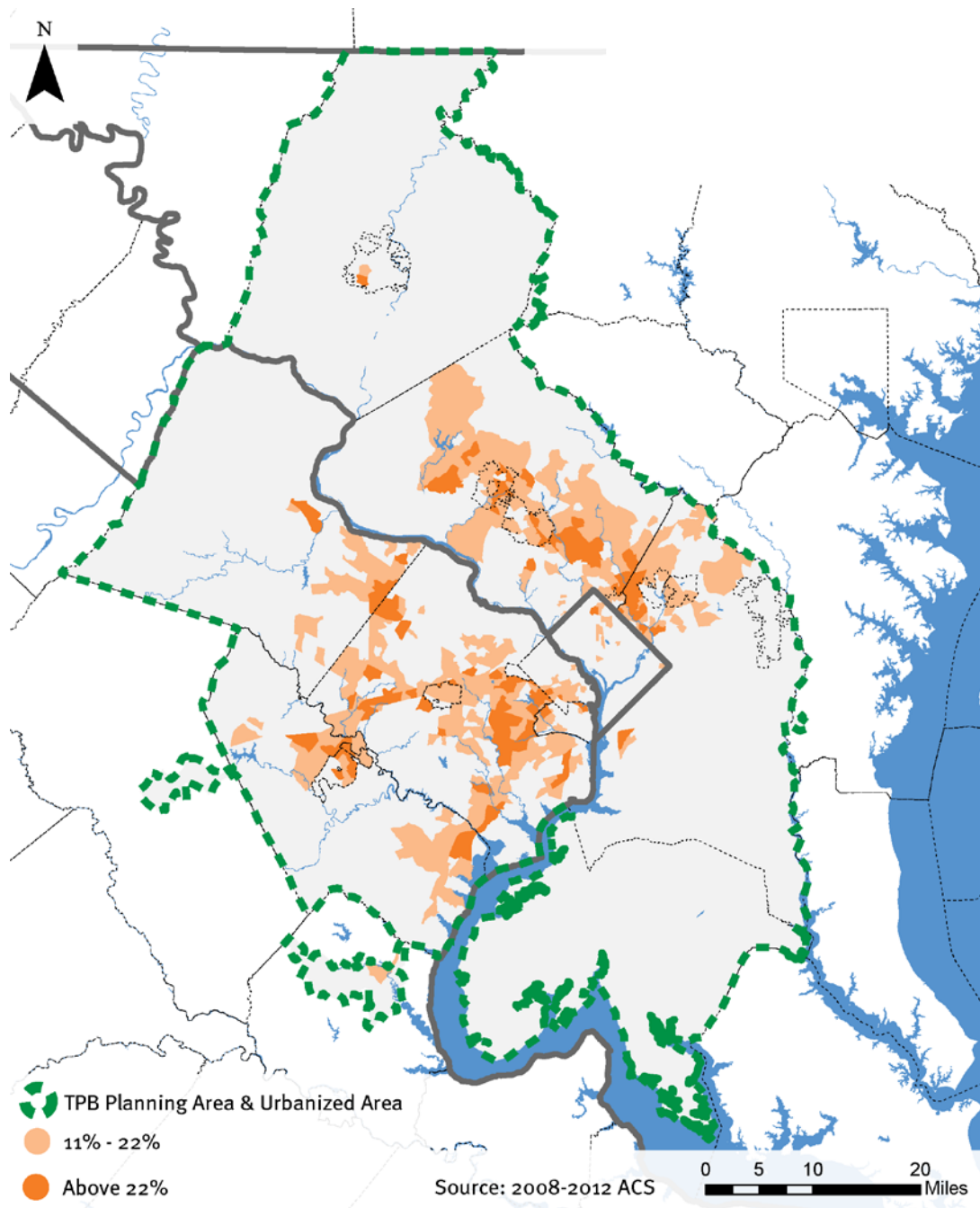


Source: U.S. Census Bureau; American Community Survey, 2008-2012 American Community Survey 5-Year Averages, Table B16007; generated by Dan Sonenklar; using American FactFinder; <<http://factfinder2.census.gov>>; (20 October 2014). This figure includes all jurisdictions the National Capital Region Transportation Planning Board’s (TPB) planning area.

Figure 2: All languages other than English Spoken in the Metropolitan Washington Region

Languages Spoken at home	Total	Percentage
Spanish or Spanish Creole:	565656	12.32%
African languages:	87601	1.91%
Chinese:	74979	1.63%
Korean:	61745	1.34%
French (incl. Patois, Cajun):	55141	1.20%
Vietnamese:	51951	1.13%
Other Asian languages:	38613	0.84%
Tagalog:	38349	0.84%
Other Indic languages:	36439	0.79%
Arabic:	32652	0.71%
Hindi:	31136	0.68%
Persian:	29721	0.65%
Urdu:	25993	0.57%
German:	21213	0.46%
Russian:	18646	0.41%
Other Indo-European Languages:	12787	0.28%
Portuguese or Portuguese Creole:	12457	0.27%
French Creole:	10602	0.23%
Italian:	9407	0.20%
Japanese:	8835	0.19%
Greek:	7744	0.17%
Gujarati:	7381	0.16%
Thai:	7250	0.16%
Other Pacific Island languages:	6157	0.13%
Other Slavic languages:	6103	0.13%
Mon-Khmer, Cambodian:	4942	0.11%
Polish:	4121	0.09%
Hebrew:	4057	0.09%
Scandinavian languages:	3468	0.08%
Laotian:	3026	0.07%
Armenian:	2859	0.06%
Serbian and Croatian:	2742	0.06%
Other West Germanic languages:	2679	0.06%
Hungarian:	2257	0.05%
Other and unspecified languages:	1917	0.04%
Yiddish:	843	0.02%
Other Native North American languages:	830	0.02%
Hmong:	266	0.01%
Navajo:	102	0.00%

Figure 3: Distribution of Limited English Speaking Population by Census Tract

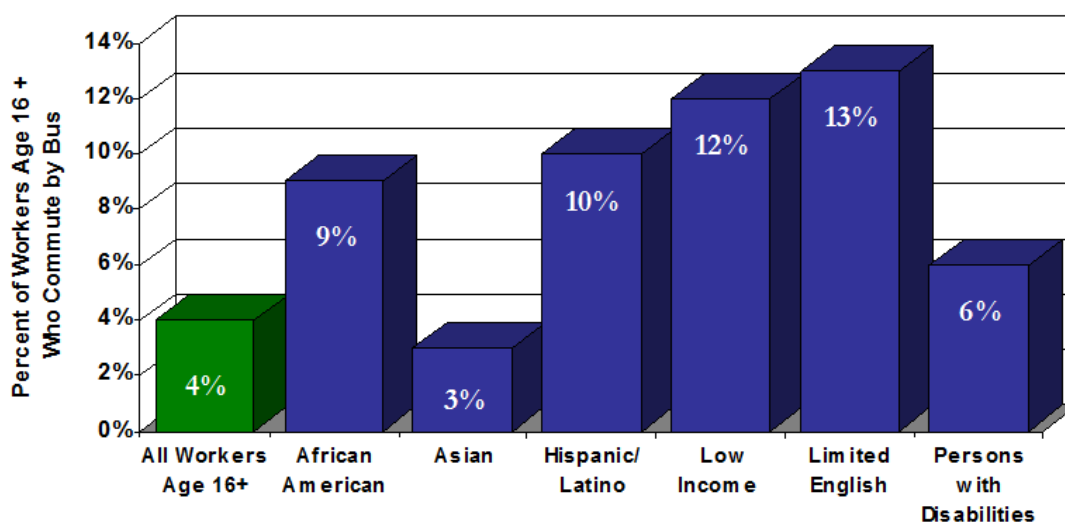


Source: U.S. Census Bureau; American Community Survey, 2008-2012 American Community Survey 5-Year Averages, Table B16007;

Travel Characteristics of LEP Individuals

In 2007, the TPB Access for All (AFA) Advisory Committee released a report⁹ to provide an overview of the major continuing barriers and the recommendations for improving access to transit for LEP communities in the short- and long-term. Analyzing data from the 2000 U.S. Census, the report found that LEP individuals are over *three times as likely* to commute to work by bus as the general population (see Figure 3). Also, limited English speakers are *half as likely* to commute by subway (3% versus 7% for the general population). Lastly, workers with limited English skills are twice as likely to walk and bicycle to work and almost three times as likely to carpool or vanpool¹⁰.

Figure 4: Percent of Workers Age 16 or older who Commute by bus, By population groups



Source: 2000 Census. PUMS data.

FACTOR 2: THE FREQUENCY WITH WHICH LEP PERSONS COME INTO CONTACT WITH THE PROGRAM.

Since MWCOC 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.

⁹ National Capital Region Transportation Planning Board, Access for All Advisory Committee. *Improving Language Access to Transit in the National Capital Region*. Endorsed by the TPB on May 16, 2007. <<http://www.mwcog.org/uploads/committee-documents/j1dYV1Y20070608143606.pdf>>

¹⁰ These statistics are for workers 16 years and older and are provided in the report "Travel Characteristics and Accessibility Impacts of the 2004 Financially Constrained Long-Range

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 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 of the 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 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 that 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 Policy¹¹, included below, describes how language access is provided by COG and 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 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 Governments¹², including the Department of Transportation Planning's subsection of that website¹³, is able to be translated into 52 different languages. Staff incorporated Google Translate translation capability into the development of this website as a cost-efficient means of making sure

¹¹ <http://www.mwcog.org/accommodations>

¹² <http://www.mwcog.org>

¹³ <http://www.mwcog.org/transportation>

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.

Outreach strategies for the annual Street Smart pedestrian and bicyclist safety campaign¹⁴ 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. All advertising materials are produced in English and Spanish versions.

¹⁴ <http://www.bestreetsmart.net>

COG Accommodations Policy

Posted here: www.mwcog.org/accommodations

October 2014

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 accommodations will be provided by the Council of Governments 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 COG 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. For information on locating reports, meeting agendas, presentations, and other documents, [click here](#). 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: [Office of Public Affairs](#)

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](#)

Figure 5: The TPB's Website Displayed in Spanish

The screenshot shows a web browser displaying the Metropolitan Washington Council of Governments website in Spanish. At the top, a Google Translate notification indicates the page has been translated from English to Spanish. The website header includes navigation links: "About COG", "Doing Business with COG", "Human Resources", "Contact Us", and "Site Map". The main title is "Metropolitan Washington Council of Governments" with the tagline "Serving the National Capital Region".

The page content is organized into several sections:

- Left Sidebar:** A vertical menu with links to various services: Transportation, Environment, Housing & Planning, Health & Human Services, Homeland Security & Public Safety, Cooperative Purchasing, Information & Publications, Events Calendar, Committee Business, and News Room.
- Main Header:** "Transportation" with a sub-header "Cómo participar" and a breadcrumb trail: "Inicio > Transporte > Cómo participar".
- Central Content Area:**
 - Section: "Cómo participar"**

La región de Washington se enfrenta a graves problemas de transporte que nos afectan a todos en un futuro próximo. Si las tendencias actuales continúan, la congestión será mucho peor. Si decidimos que queremos un futuro mejor, corresponde a todo ciudadano a estar más informados en temas de transporte - y tomar medidas.

¿Cómo se puede participar?

Hay muchos lugares y formas para que los ciudadanos estén mejor informados y participar más, aunque a menudo es más eficaz para participar pronto en el proceso de toma de decisiones. Éstos son algunos de las posibilidades:

Involúcrese en temas de transporte regional en el Consejo de Planificación de Transporte:

 - **Expresar sus ideas para el registro.** Los ciudadanos tienen la oportunidad de hacer declaraciones y prestar testimonio en una serie de lugares, incluyendo instrumentos de audiencias públicas y reuniones de intercambio de información sobre los proyectos y planes. Además, la mayoría de los gobiernos locales y las comisiones de planeamiento, incluido el TPB, tienen períodos de comentario público sobre sus programas.

Presente sus ideas durante el período de comentarios públicos TPB al comienzo de cada reunión del consejo. TPB reuniones comienzan a las 12
 - Graphic:** "A Citizens Guide To Transportation Decision-Making in the Washington Metropolitan Region" featuring an illustration of people interacting with transportation infrastructure like roads, bridges, and a train.
- Right Sidebar:** A vertical menu with links to: "Cómo participar", "TPB formulario de comentarios públicos", "Proceso Público Involvement", "Documentos clave", "Instituto de Liderazgo de la Comunidad", "Comité Consultivo Ciudadano", "CAC Calendario", "CAC Documentos", "Acceso para Todos del Comité Consultivo", "AFA Calendario", "Documentos AFA", "TPB y comités", "Todas las reuniones y eventos", and "Contáctenos".

Figure 6: CLRP Website Displayed in Spanish



Additionally, the Commuter Connections website¹⁵ is provided in Spanish, to accommodate Spanish speaking customers' participation in ridesharing and other Commuter Connections programs.

¹⁵ <http://www.commuterconnections.org/>

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 of their 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 statutes and LEP guidance.

PROVIDING NOTICE TO LEP PERSONS

COG's Accommodations Policy is posted online¹⁶ and states that translation services are available upon request for meetings that are open to the public. 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. [Click here for information](#) 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; see www.mwcog.org/accommodations or call 202.962.3300 or 202-962.3213 (TDD).

The COG website includes a link to the Accommodation's Policy and the Google Translate option on each webpage, as shown in Figure 7.

¹⁶ <http://www.mwcog.org/accommodations/default.asp>

Figure 7: Accommodations Link and Google Translate Option on COG Website Pages
(at the footer each COG website page: www.mwcog.org/environment/)



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 Government's 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 CLRP and TIP projects 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.

Attachment G

Accommodations Policy

Metropolitan Washington Council of Governments Accommodations Policy

Revised 10/23/2014

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 accommodations will be provided by the Council of Governments 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);
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To make a request:

Phone: 202-962-3300

TDD: 202-962-3213

Email: [Office of Public Affairs](#)

Attachment H
Equal Employment Opportunity
and Affirmative Action Policy and
Harassment Policy

5. EQUAL EMPLOYMENT OPPORTUNITY POLICY

A. Authority and Purpose

1. The Executive Director, in cooperation with department heads, the Director of Human Resources, and the Equal Employment Opportunity Committee (see Section B of this chapter), shall administer the policy set forth in this chapter for affirmative action and equal employment opportunity.
2. It is the intent and purpose of this policy:
 - a. to insure equal employment opportunity and treatment for all employees and applicants for employment without regard to race, color, sex, sexual orientation, age, marital status, personal appearance, family responsibilities, matriculation, status as a Vietnam era or special disabled veteran, religion, national origin, political affiliation, disability; and
 - b. The policy of equal employment applies to every aspect of COG employment, except where prohibited by law.

B. The Equal Employment Opportunity Committee (EEOC)

1. All COG managers and supervisors are responsible for creating and maintaining a work environment free from discrimination or harassment of any kind, and all COG employees are responsible for respecting the rights of their co-workers.
2. The Executive Director of COG shall appoint a chairperson and members of the EEOC. This committee shall be composed of five members including the chairperson. In any case where a complaint is brought against a committee member, the Executive Director shall appoint an alternate. Any member of the committee shall disassociate him/herself from the committee in cases where the member feels that he/she is biased in his/her judgment of the case. The committee shall meet regularly, preferably once a month. COG staff should be notified in advance of EEOC meetings.
3. The EEOC shall evaluate from time to time the sufficiency of the composition of the total agency and recommend any improvements or corrections, including remedial or disciplinary action with respect to managerial or supervisory employees who have failed in their Equal Employment Opportunity responsibilities.

COG HUMAN RESOURCES POLICIES AND PROCEDURES

4. The EEOC has two primary responsibilities: 1) the investigation and resolution of discrimination complaints in the organization and 2) the development and monitoring of COG's cultural diversity programs. This includes:
 - a. transmittal of information to all employees in the organization concerning Equal Employment Opportunity;
 - b. assisting the Office of Human Resources Management (OHRM) in the development of an orientation program that includes EEOC outreach to new employees;
 - c. assisting OHRM in recruiting activities through identification of contacts and resources not included in the OHRM's existing resources and attending or identifying other employees to attend job fairs;
 - d. making recommendations concerning job restructuring and establishment of entry level and trainee positions to OHRM to facilitate movement among occupational areas; and
 - e. reviewing COG's affirmative action plan.
5. Amendments to any section of the EEOC policy chapter may be made by the EEOC with the approval of the Executive Director.

C. Complaint Procedure

1. **Informal Complaint Process**

If employees believe that they have been discriminated against on the basis of race, color, sex, sexual orientation, age, religion, national origin, political affiliation, disability, personal appearance, family responsibilities, matriculation, status as a Vietnam-era or special disabled veteran or marital status: they may contact the designated EEOC counselor. An alternate counselor may also be appointed should a situation arise in which the designated EEOC counselor may have direct knowledge of the allegations. The counselor will be appointed by the Executive Director based on suggestions and criteria drawn up by the EEOC and shall be a representative of minorities, women, and other employees of the agency. The COG staff will be notified in writing of this appointment.

Employees may also complain to any supervisory-level employee (Manager Grade 9 or higher) with whom they feel comfortable, not necessarily their direct supervisor. That supervisor in turn is responsible for reporting the complaint to the EEOC counselor or the Director, Office of Human Resources Management .

The EEOC counselor will discuss the grievance with the complainant and ascertain the nature of the case. The counselor shall investigate and act only on evidence of discrimination and/or harassment and not become involved in other personnel matters. The counselor will investigate and attempt to resolve the issue. At the same time the Executive Director will be informed about the complaint either in writing or verbally.

The counselor will be allowed ten (10) working days for resolution of the complaint. The counselor may talk with the party subject to the allegation and other persons who may have knowledge of the case. The counselor shall act only in the specific matters complained of by the complainant and shall not independently or unilaterally become involved in matters not subject to the specific act of alleged discrimination.

Any supervisor or management personnel who becomes aware during the course of their employment of any complaint of discrimination or harassment shall immediately notify the EEOC counselor (or a member of the EEOC) for appropriate follow up and investigation.

2. **Formal Complaint Process** (See chart page 5-6)

If the complaint is not resolved within ten (10) working days, the complainant may bring a formal charge to the Chairperson of the EEOC. The complaint shall be in written form and its components should include to the extent available:

- a. Statement of Complaint
- b. Names of Person(s) Involved
- c. Documentation of Facts

A member of the EEOC will be assigned as an investigator for the case. The EEOC counselor will turn over all records, testimony and documents he/she has gathered in connection with the case to the EEOC investigator. The EEOC investigator may also interview those persons having the necessary information about the case. The EEOC also may request throughout the investigation the kinds of information it needs to know. As with the EEOC counselor, the investigator shall act only in the specific matters brought by the complainant, and shall not independently or unilaterally investigate the matters not subject to the specific act of alleged discrimination. However, general patterns or practices of discrimination which may be unrelated to any specific complaint may be investigated.

Once the EEOC investigator has completed the investigation, all facts and documentation shall be submitted to the EEOC Chairperson. The Chairperson shall then convene a meeting of the Committee to discuss the case. The investigator assigned to the case shall be present at this meeting and shall answer questions for clarification but may not help decide the recommendation.

COG HUMAN RESOURCES POLICIES AND PROCEDURES

The EEOC may also call in the complainant, the other party(ies) to the complaint and other witnesses if necessary. The EEOC shall make a determination on the case based on information provided from the investigation and any interviews that were conducted. The Executive Director will review the EEOC's determination prior to the EEOC making the appropriate notifications. If the complainant is not satisfied with the EEOC's decision, the complainant may request an appeal and a hearing will be conducted at that time.

3. **Hearing Procedure for the Appeals Process**

The appeals process will consist of a formal hearing as outlined below.

If an appeal is requested, the following hearing procedure will be followed:

- a. The EEOC shall be assisted by a legal advisor from the Legal Office of the Metropolitan Washington Council of Governments or other legal adviser that COG designates. The legal advisor shall advise the Chairperson and the Committee on all matters of law and procedures.
- b. In any formal complaint procedure, the complainant shall have the burden of proof. Any oral and any documentary evidence may be received, but the EEOC shall exclude irrelevant, immaterial and unduly repetitious evidence. Every party shall have the right, in person or by counsel, to present the case or defense, by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.
- c. The EEOC shall maintain an official record of the hearing, including testimony and exhibits, which record shall be the basis for the determination by the Executive Director.
- d. Within fifteen (15) days after the closing of the record, the EEOC shall forward to the Executive Director a written report setting forth a description of the complaint, the hearing and the findings of the complaint.
- e. The documentation of the hearing shall be reproduced and placed in sealed envelopes for distribution to the following:
 - (1) The Complainant
 - (2) Office of Human Resources Management
 - (3) General Counsel
 - (4) The Department Head(s) involved
 - (5) Person(s) against whom complaint is brought.

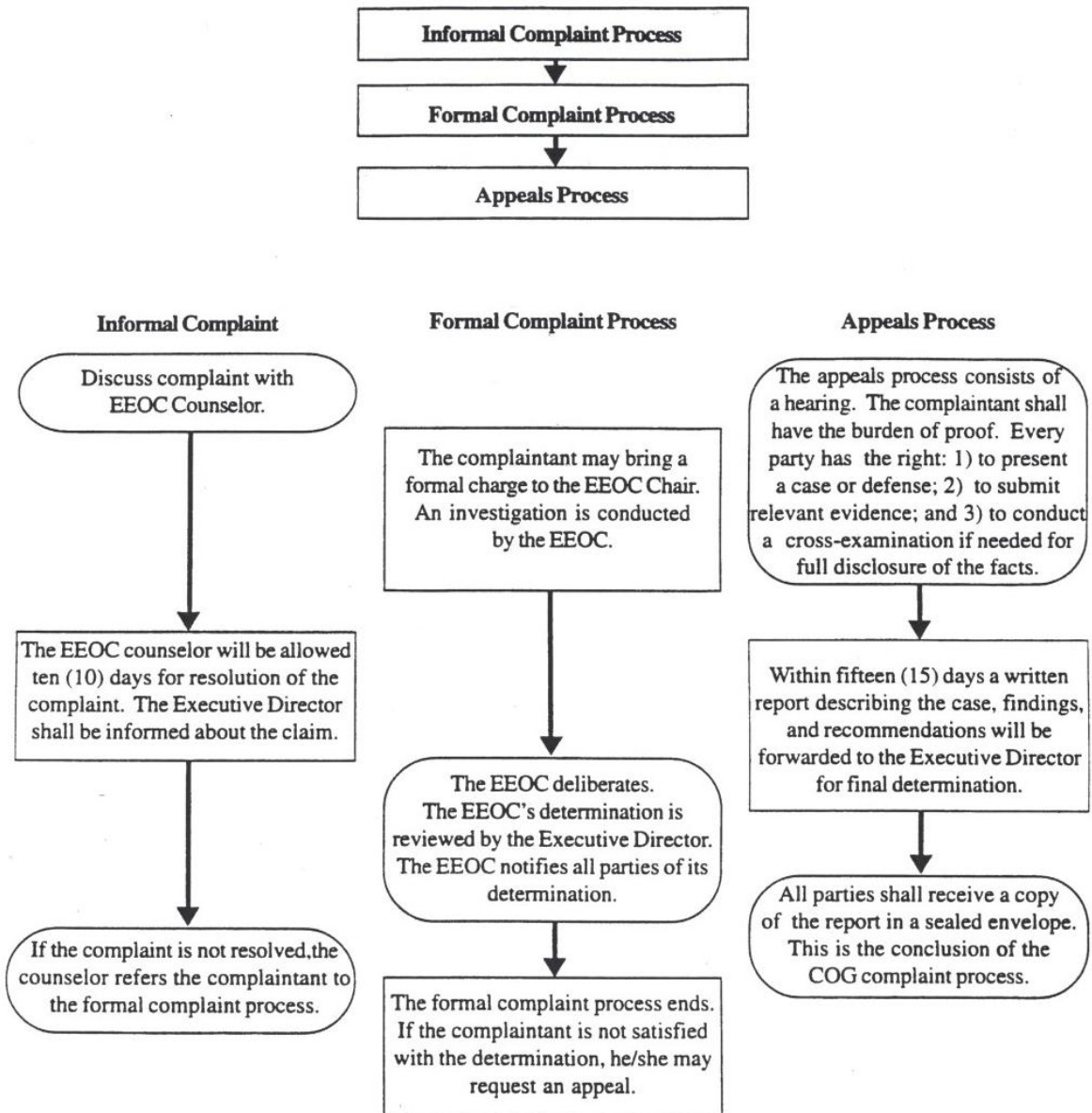
The Executive Director shall make a decision on the merit of the case after the receipt of the report analysis of the EEOC. He/she shall inform the complainant and the EEOC of his/her decision in writing within ten (10) days. If the complainant is not satisfied with the Executive Director's decision, the next level of redress is filing a complaint with the District of Columbia Office of Human Rights, the Federal Equal Employment Opportunity Commission, or the courts of the District of Columbia.

D. Retaliation

It is against COG policy for any employee (supervisory or otherwise) to retaliate against any employee for using the complaint procedures set forth in this Chapter. Any employee found to have engaged in prohibited retaliation will be subject to disciplinary action, up to and including dismissal

COG'S EEOC COMPLAINT PROCEDURE

This is intended to be a general description of the complaint process. Please refer to Chapter of COG's Human Resources Policies and Procedures Manual for more detailed description of the complaint process.



**At anytime, an employee has the right to file a complaint with either the D.C. Council of Human Rights or the Federal EEOC.*

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6. HARASSMENT

A. Statement of Policy

1. Policy

COG expressly prohibits any harassment of any COG employee based on race, color, religion, sex, sexual preference, national origin, age, disability, status as a Vietnam-era or special disabled veteran, or status in any group protected by state or local law. Harassment is a form of discrimination under Title VII of the Civil Rights Act of 1964 and the D.C. Human Rights Act. All managers and supervisors have been instructed to report to the Director, Office of Human Resources Management as soon as they become aware of any conduct that may constitute harassment, including sexual harassment as defined in Section B below. Any employee of COG found in violation of these rules and policies shall be subject to appropriate disciplinary action, up to and including termination.

B. Sexual Harassment Policy & Prohibited Conduct

1. The Metropolitan Washington Council of Governments (COG) will neither accept nor condone any conduct or behavior which constitutes sexual harassment in the workplace. All managers and supervisors have been advised of their responsibilities to assure that the COG workplace is free of any such attitudes and behaviors. Any employee of COG found in violation of these rules and policies shall be subject to appropriate disciplinary action, up to and including termination.

2. Definitions

Sexual harassment is discrimination under Title VII of the Civil Rights Act of 1964. The Equal Employment Opportunity Commission defines sexual harassment as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment;
- b. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual; or
- c. Such conduct has the purpose or effect of reasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment."

3. **Prohibited Conduct**

COG's sexual harassment policy prohibits sexual harassment in the workplace, whether committed by supervisory or non-supervisory personnel. Specifically, no supervisor shall threaten or insinuate, either explicitly or implicitly, that an employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that employee's employment, wages, advancement, assigned duties, or any other condition of employment or career development.

Other sexually harassing conduct in the workplace that may create an offensive work environment, whether it be in the form of physical or verbal harassment, and regardless of whether committed by supervisory or non-supervisory personnel, is also prohibited. This includes, but is not limited to, offensive or unwelcome advances of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual's body; sexually degrading words used to describe an individual, and the display in the workplace of sexually suggestive objects or pictures.

C. **Continuing Education**

Continuing harassment training will be provided to and required of all managers and supervisors at COG. New employees will be provided this orientation on a periodic basis as part of their orientation. The COG Equal Employment Opportunity Committee (EEOC) and the Office of Human Resources Management will continue to provide relevant informational materials on this matter to the COG staff.

D. **Complaint Procedure**

Any COG employee or applicant who believes that he/she has been harassed is encouraged to use any and all of the options listed below to address his/her concerns. The exact procedures chosen by the complainant will be based on the individual's needs and circumstances.

The following procedures may be used in any order appropriate to the individual situation:

1. Make known to the harasser at the time of the incident, or as soon thereafter as practicable, that a behavior or conduct is unwelcome.
2. Prepare a written record of occurrences for the record or to aid in the investigation of the complaint. It also may be useful to note the names of others who were present who might corroborate an incident or who may have direct knowledge of such behaviors.

COG HUMAN RESOURCES POLICIES AND PROCEDURES

3. Contact the Office of Human Resources Management, your supervisor, or any member of COG's EEOC to discuss an occurrence and/or seek advocacy if you are experiencing any form of harassment.
4. Report any retribution or persistent behavior to the Office of Human Resources Management or a member of COG's EEOC for their assistance.

A complaint of harassment referred to the Office of Human Resources Management will be promptly, thoroughly, and where possible, confidentially investigated within three (3) working days of receipt of the complaint. Appropriate corrective actions will be taken immediately.

E. Disciplinary Actions

Substantiated incidents of harassment on the part of a COG employee will be treated as disciplinary infractions, with all penalties applicable as described in Chapter 16 of the COG Human Resources Policies and Procedures Manual. Such disciplinary action may include termination when warranted by the offense.

F. Complaint of Sexual Harassment by a Non-COG Employee

When any COG employee or applicant believes that he/she has been harassed by a non-COG employee while conducting COG business, the employee or applicant should immediately report their complaint to the Office of Human Resources Management for corrective action.

G. Retaliation

It is against COG policy for any employee (supervisory or otherwise) to retaliate against any employee for using the complaint procedures set forth in this chapter. Anyone found to have engaged in prohibited retaliation will be subject to disciplinary action up to and including dismissal.

Attachment I

Disadvantaged Business Enterprise

Policy

Disadvantaged Business Enterprise Policy

It is the policy of the Metropolitan Washington Council of Governments (COG) that Disadvantaged Business Enterprises, as defined in 49 CFR Part 26, shall have the maximum opportunity to participate in the performance of contracts for COG, and specifically those financed in whole or in part with Federal funds under grants, contracts or cooperative agreements. COG's policy is to seek out and include DBEs in the procurement process for all goods and services to the maximum practicable extent. Accordingly, COG encourages DBEs to compete for COG contracts and subcontracts, and encourages joint ventures between DBE and non-DBE firms who compete for COG contracts and subcontracts.

Please see the DBE Program Policy for more details, which is available here:

www.mwcog.org/doingbusiness/dbe/

Attachment J
COG Board Resolution Approving
Title VI Policy Statement and Plan

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS
777 North Capitol Street, NE
Washington, DC 20002

RESOLUTION UPDATING TITLE VI PLAN AND PROGRAM

WHEREAS, pursuant to the requirements of Title VI of the Civil Rights Act of 1964; Title 49, Chapter 53, Section 5332 of the United States Code; and the Federal Transit Administration's (FTA) Circular 4702.1B, "Title VI Program Guidelines for Federal Transit Administration Recipients," dated October 1, 2012, COG is required to have a Title VI Plan and Title VI Program; and

WHEREAS, based upon recommendation of its Executive Director and General Counsel, the Metropolitan Washington Council of Governments (COG) desires to amend and update its Title VI Plan and Title VI Program; and

WHEREAS, COG staff developed and updated the Title VI Plan and Title VI Program, which are currently found at the following COG public website :

<https://www.mwcog.org/publications/nondiscrimination.asp>

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS THAT COG's Title VI Plan and Title VI Program as updated are hereby adopted.

Attachment K
Standard U.S. Department of
Transportation
Title VI Assurances

Title VI Assurances

The Metropolitan Washington Council of Governments (MWCOC), as the administrative agent for the National Capital Region Transportation Planning Board (TPB) (hereinafter referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to 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, 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 the Department of Transportation, including the *(Name of Appropriate Administration)*, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations, a copy of which is attached.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to Federal financial assistance received from the U.S. Department of Transportation, including the Federal Aviation Administration (FAA), Federal Transit Administration (FTA), Federal Highway Administration (FHWA):

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all USDOT funded programs and, in adapted form in all proposals for negotiated agreements:

The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidden that it will affirmatively insure that in any contact entered into pursuant to this

advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.

4. That the Recipient shall insert the clauses of Appendix B of this assurance, 'as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

5. 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.

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 shall extend to rights to space on, over or under such property.

7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as 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 USDOT funded programs and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under USDOT funded programs

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 shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom 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.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

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 under FHWA, FTA and FAA funded programs and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in FHWA, FTA and FAA funded programs. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Dated Oct. 27, 2014

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS
(Recipient)

by  , Exec. Dir.
(Signature of Authorized Official)

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 shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (DOT) Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), 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, shall 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 shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

(3) Solicitations for Subcontractors, 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 shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

(4) Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, and other sources of information, and its facilities as may be determined by the MWCOG to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the MWCOG as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the MWCOG shall impose such contract sanctions as it may determine to be appropriate, including, but not limited to:

- (a) withholding of payments to the contractor under the contract until the contractor complies, and/or
- (b) cancellation, termination or suspension of the contract, in whole or in

part.

(6) Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontractor procurement as the MWCOG or may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the MWCOG to enter into such litigation to protect the interests of the MWCOG, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B (NOT APPLICABLE TO MWCOCG)

A. The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Metropolitan Washington Council of Governments, if it is a Recipient, will accept Title to the lands and maintain the project constructed thereon, in accordance with the State of Maryland, the State of Virginia or the District of Columbia, the Regulations for the Administration of USDOT funded programs and the policies and procedures prescribed by *(Name of Appropriate Administration)* of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) 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 Recipient/MWCOG all the right, Title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the Recipient/MWCOG 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 shall be binding on the Recipient/MWCOG, its successors and assigns.

The Recipient/MWCOG, 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 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 with regard to any facility located wholly or in part on over or under such lands hereby conveyed, and (2) that the Recipient/MWCOG shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A,

Office of the Secretary, Part 21, Nondiscrimination in federally assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX C (NOT APPLICABLE TO MWCOG)

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Recipient/MWCOG pursuant to the provisions of Assurance 6(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his 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 in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended. [Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, the Recipient/MWCOG shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued. [Include in deed.]*

That in the event of breach of any of the above nondiscrimination covenants, the Recipient/MWCOG shall have the right to reenter said lands and facilities thereon, and the above described lands and facilities shall there upon revert to and vest in and become the absolute property of the Recipient/MWCOG and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Recipient/MWCOG pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his 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 shall be excluded from participation in, denied the benefits of, or he 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 shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination,

(3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations. Department of Transportation, Subtitle A, Office of the Secretary. Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964), and as said Regulations may be amended. [Include in licenses, leases, permits, etc.]

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

Attachment L

Title VI Complaint Form

**Metropolitan Washington Council of Governments
Title VI Complaint Form**

Name: _____

Address: _____

Telephone Numbers:

(Home) _____ (Work) _____

Electronic Mail Address: _____

Accessible Format Requirements?

Large Print _____ Audio tape _____

TDD _____ Other _____

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 _____

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 N.E. Suite 300, Washington, D.C. 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 N.E. Suite 300, Washington, D.C. 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: 804-786-2730
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:

Office of Fair Practices
Maryland Transit Administration
6 Saint Paul Street
Baltimore, Maryland 21202
Web: mta.maryland.gov
Telephone: 410-767-3944

District of Columbia:

District Department of Transportation
Office of Civil Rights
55 M Street, SE, 4th Floor
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

Alternative formats of this form can be made available by request: accommodations@mwkog.org.
Phone: 202.962.3300 or 202-962.3213 (TDD). Please allow seven (7) working days for
preparation of the material.