

Morgantown Monongalia Metropolitan Planning Organization



Draft Title VI Plan

March 2016

Adopted:

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Policy Statement

The Morgantown Monongalia Metropolitan Planning Organization (MMMPO) 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 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. MMMPO further assures every effort will be made to ensure non-discrimination in all of its programs and activities, whether those programs and activities are federally funded or not. The Civil Rights Restoration Act of 1987, broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not (Public Law 100259 [S.557] March 22, 1988.) In the event the Recipient distributes federal aid funds to a sub-recipient, the Recipient will include Title VI language in all written agreements and will monitor for compliance.

MMMPO’s Executive Director is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 49 Code of Federal Regulation 21.

J. William B. Austin, Executive Director

Date

Introduction

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

Subsequent laws, regulations, directives, and executive orders enlarged the criteria for which discrimination is prohibited to include disability, sex, age, income, and limited proficiency in English. These related authorizations are identified in Appendix A. Two Presidential Orders are particularly important to these requirements. Executive Order 12898 requires that federal agencies address equity and fairness, known as Environmental Justice, toward low income and minority persons and populations. Executive Order 13166 requires federal agencies to ensure that people who have Limited English Proficiency (LEP) have meaningful access to federally conducted and/or funded programs and activities.

The Morgantown Monongalia Metropolitan Planning Organization (MMMPO) is a sub-recipient of federal aid. As a sub-recipient of federal aid the MMMPO is mandated to comply with Title VI and subsequent nondiscrimination laws and regulations. In addition to complying with the requirements noted above Executive Orders 12898 (Environmental Justice) and 13166 (LEP) require the MMMPO to provide an overview of how it addresses the provisions of these Orders. This plan was developed to document the MMMPO’s ongoing efforts to ensure compliance with Title VI related rules and regulations as well as related statutes regarding non-discrimination and environmental justice.

MMMPO Profile and Organizational Structure

In accordance with the requirements of Federal statute (23 USC 134), the MMMPO has been designated by the State of West Virginia and the US Department of Transportation as the lead agency for transportation planning in Monongalia County particularly for the urbanized area surrounding Morgantown.

The MMMPO was organized in 2003 due to population growth identified in the 2000 Census. The purpose of the MPO is to fulfill the requirements of federal regulations for urbanized areas with a population exceeding 50,000 that specify that there should be a regional forum for a continuous, cooperative, and coordinated, transportation planning process. The plans prepared by the MMMPO and the planning process utilized by the MMMPO should address the following:

- (A) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
- (B) increase the safety of the transportation system for motorized and nonmotorized users;
- (C) increase the security of the transportation system for motorized and nonmotorized users;
- (D) increase the accessibility and mobility of people and for freight;

(E) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;

(F) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

(G) promote efficient system management and operation; and

(H) emphasize the preservation of the existing transportation system.

(23 US 134)

Structure

The MMMPO is governed by a Policy Board which includes representatives of all of the incorporated communities in Monongalia County as well as West Virginia University, the Monongalia County Board of Education, the West Virginia Department of Transportation and Mountain Line Transit. Following is a list of the communities and agencies that sit on the MPO Policy Board. (Unless otherwise noted each agency has one vote on the Policy Board)

Blacksville, Granville, Monongalia County (3 members), Monongalia County Board of Education, Morgantown (3 members), Mountain Line Transit, Star City, Westover, West Virginia Department of Transportation, West Virginia University

The MMMPO's committee structure includes three committees that report to the Policy Board. The Technical Advisory Committee is made up of professional staff that reviews the MPO's operations and technical products. The Citizens Advisory Committee is made up of volunteers appointed to represent the constituents of the MMMPO's member agencies. The Policy Advisory Committee is made up of representatives of the business community and significant community groups. The PAC is to meet at least annually to advise the Policy Board on policy issues that may arise. The MPO's Bylaws specifies a minimum membership but the PAC may have representation from additional organizations as well.

**2016 Morgantown Monongalia MPO Committee Membership
Metropolitan Planning Organization Policy Board**

Officers

Chairman-Commissioner Eldon Callen, Monongalia County Commission

Vice-Chairman-Mayor Herman Reid, Star City

Treasurer-Mayor Patricia Lewis, Granville

Secretary, Bill Austin, MPO Director ex officio

Members

Mountain Line Transit, Dave Bruffy

City of Morgantown-Mayor Marty Shamberger, Councilors Jennifer Selin, Wes Nugent,

Monongalia County Board of Education-Michael Kelly

Blacksville, The Honorable Joe Statler

Westover-Councilperson Janice Goodwin

Monongalia County Commission-Commissioners Tom Bloom, Edward Hawkins

West Virginia University-Randy Hudak

West Virginia Department of Transportation-Division of Highways-Brian Carr

MPO Citizen's Advisory Committee

Maria Smith, Christiaan Abildso, Chip Wamsley, Chris Azzaro, Ed Sneckenberger, Bill Rice, Joe Patten, Matthew Cross, Charles Renner

MPO Transportation Technical Advisory Committee

Federal Highway Administration and Federal Transit Administration-Jason Workman, ex officio

Town of Granville, Ron Snyder, Town Manager

Monongalia County Board of Education, Jeff Meadows

Monongalia County, Richard Wood, Planning Director

City of Morgantown, Damien Davis-City Eng., Chris Fletcher-Dir. of Dev. Services,

Morgantown Monongalia MPO-Bill Austin, ex officio

Mountain Line Transit, Dave Bruffy

West Virginia Department of Transportation-Brian Carr, Elwood Penn, Foad Shoukry, Donald Williams

West Virginia University, Clement Solomon

Morgantown Utility Board-Tim Ball

Policy Advisory Committee (Agencies to be Invited)

Mountain Line Transit Authority

West Virginia Department of Transportation

West Virginia University

Monongalia County Development Authority

The Director of the Morgantown Area Economic Partnership

The Executive Director of the Morgantown Area Chamber of Commerce

The Federal Highway Administration

The Federal Aviation Administration

The Federal Transit Administration

The West Virginia Governor's Office

Resident Associations

Local Commercial Associations

Emergency Service Organizations

Morgantown Utilities Board

Ruby Memorial Hospital

Monongalia General Hospital

Monongalia County Board of Education

Morgantown Municipal Airport

Title VI Coordinator and Responsibilities

The MMMPO Executive Director is responsible for Title VI Coordination, ensuring the implementation and management of the MMMPO Title VI Plan.

Title VI Coordinator Contact Information:

J. William B. Austin, AICP

Executive Director

Morgantown Monongalia MPO

82 Hart Field Road Suite 105

Morgantown, WV 26505

(304)291-9571

baustin@labyrinth.net

Title VI Coordinator Responsibilities include:

- Monitor and review agency programs, policies and activities for Title VI compliance;
- Collect and review statistical data (race, color, sex, age, disability or national origin) to prevent or eliminate potential disparate treatment discrimination;
- Work with staff involved in procurement or consulting contracts to insure that Title VI compliance is met; and mitigating any issues if it is not met;
- Maintain a list of interpretation service providers;
- Periodically review and update the Title VI Plan;
- Attend trainings to keep aware of non-discrimination opportunities and procedures; and,
- Resolve Title VI complaints in a timely and thorough fashion

TITLE VI Components

Regional Overview

As shown in the figure, the Morgantown Monongalia MPO encompasses the 366 square miles of Monongalia County, West Virginia and its incorporated municipalities including the City of Morgantown, the City of Westover and the towns of Blacksville, Granville, and Star City. The Census Bureau’s American Community Survey indicated that Monongalia County had an estimated total population of 103,463 as of 2013. Approximately, 71,202 (approximately 69%) of those residents reside in and around the urban core centered on Morgantown.

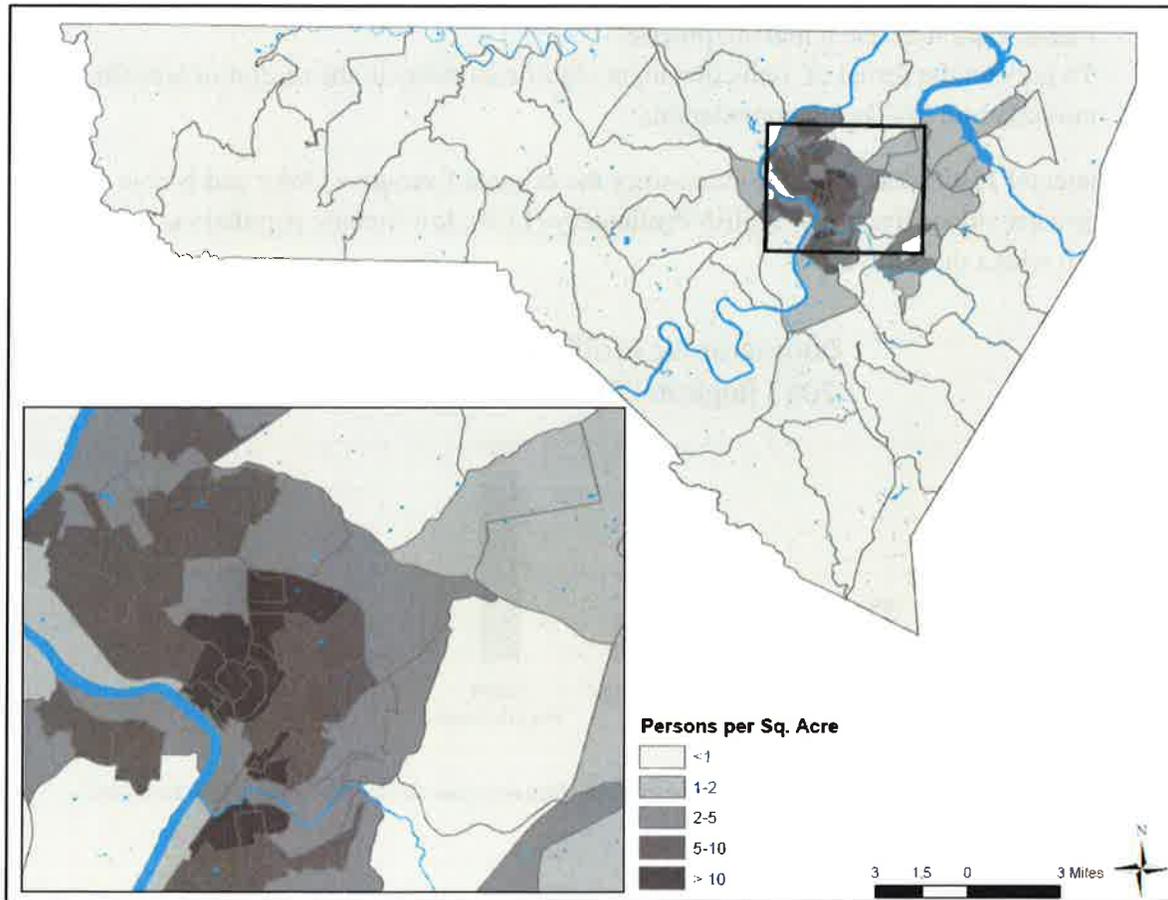


Figure 1: Population Density of the MMMPO Region (Source: 2009-2013 American Community Survey-5-year Estimates)

Environmental Justice and Demographic Profile

In keeping with the requirements of Title VI of the Civil Rights Act of 1964 as amended, and with Executive Order 12898 which expanded the scope of previous guidance to include

identifying and avoiding “disproportionately high and adverse impacts” on minority and low-income populations. The United States Department of Transportation (USDOT) Order 6640.23 requires the Federal Highway Administration and the Federal Transit Administration to implement the principles of environmental justice in all programs, policies, and activities. . The three principles of environmental justice are:

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

Environmental Justice has been expanded since the original Executive Order and is now focused on four groups: minorities, Low English Proficiency (LEP), low income populations, and population with a disability.

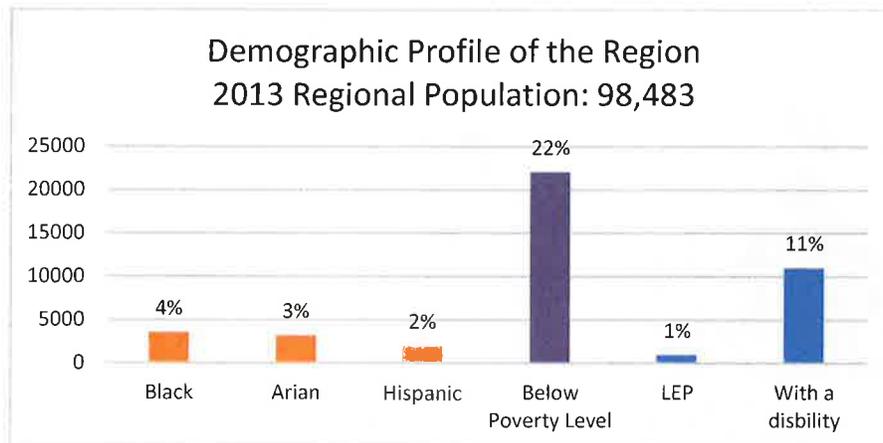


Figure 2 Demographic Profile of the Region (Source: 2009-2013 American Community Survey-5-year Estimates)

Table 1: Race and Ethnicity by County (Source: 2009-2013 American Community Survey-5-year Estimates)

| Area | Black/African American | % Black/African American | Asian | % Asian | Hispanic | %Hispanic |
|-------------------|------------------------|--------------------------|-------|---------|----------|-----------|
| Monongalia County | 3,526 | 3.6% | 3,197 | 3.2% | 1,951 | 2.0 |

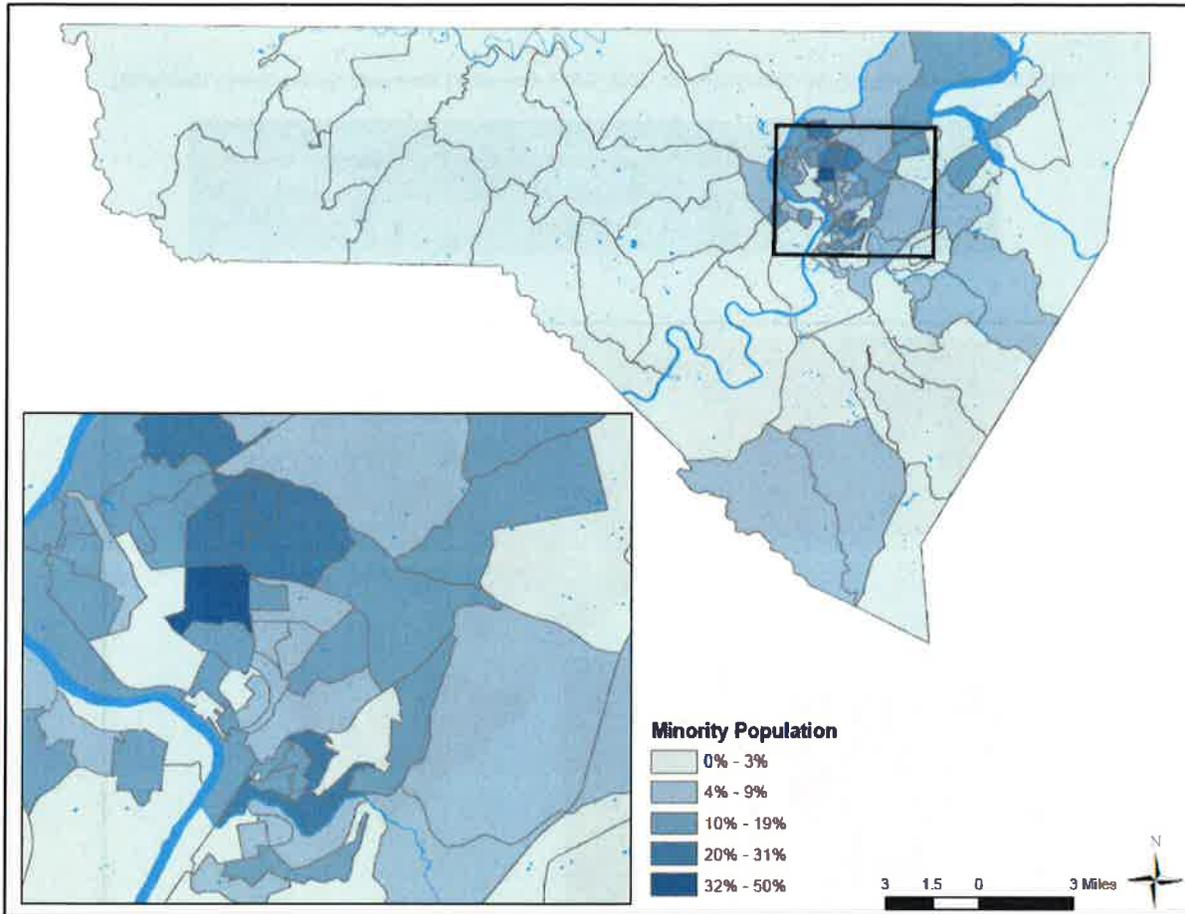


Figure 3: Minority Population of the MMMPO Region (Source: 2009-2013 American Community Survey-5-year Estimates)

Table 2: LEP Population of the MMMPO Region (Source: 2009-2013 American Community Survey-5-year Estimates)

| Area | LEP Population | % LEP Population |
|-------------------|----------------|------------------|
| Monongalia County | 952 | 1% |

Table 3: Persons with a disability by county (Source: 2009-2013 American Community Survey-5-year Estimates)

| Area | Persons with a Disability | % Persons with a Disability |
|-------------------|---------------------------|-----------------------------|
| Monongalia County | 11,030 | 11% |

Table 4: Persons in Poverty by County (Source: 2009-2013 American Community Survey-5-year Estimates)

| Area | Persons with a Disability | % Persons with a Disability |
|-------------------|---------------------------|-----------------------------|
| Monongalia County | 22,060 | 22% |

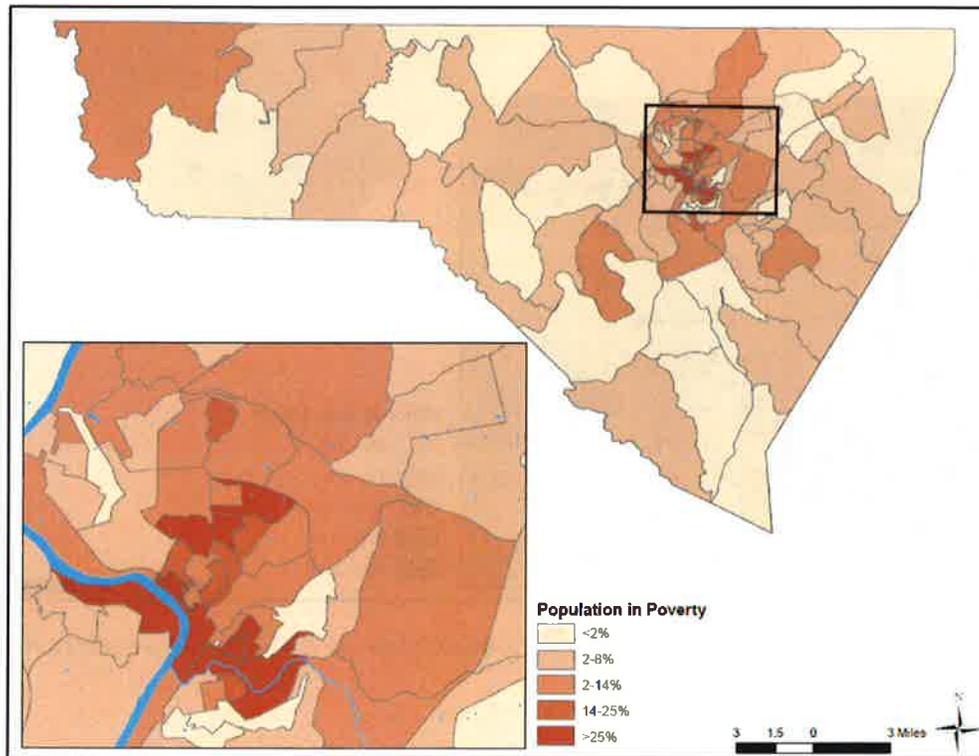


Figure 4: Population in Poverty for the MMMPO Region (Source: 2009-2013 American Community Survey-5-year Estimates)

Four-Factor Analysis

In accordance with Title VI of the Civil Rights Act and the US Department of Transportation Circular FTA C 4702.1B “Title VI Requirements 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 determine how to ensure reasonable access to MMMPO activities.

- 1) The number and 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 recipient for outreach, as well as the costs associated with that outreach.

1. Number and Proportion

The MMMPO utilized American Community Survey data to understand the language profile of LEP individuals in the MMMPO region. Individuals who speak English less than “very well” are considered to be part of the LEP population in the community. As shown in the table below 4.3% of Monongalia County’s population over 5 years old qualifies as LEP. There were 4,836 County residents who report that they speak a language beside English at home. Approximately 22% (1,061) of those residents reside outside of the urban core. The highest density area for this population is in the vicinity of the WVU campus. The most common non-English languages spoken in the County are Spanish, Chinese, and French.

Table 5: Primary Language (Source: 2009-2013 American Community Survey-5-year Estimates)

| | Total | Percentage |
|------------------------|--------|------------|
| Population 5 and over: | 95,519 | |
| Speak Only English: | 90,357 | 94.60% |
| Spanish: | 1,330 | 1.39% |
| Chinese: | 907 | 0.95% |
| Vietnamese: | 45 | 0.05% |
| French: | 331 | 0.35% |
| Other Asian languages: | 167 | 0.17% |
| Russian: | 40 | 0.04% |
| Serbo-Croatian: | 0 | 0.00% |
| Korean: | 210 | 0.22% |
| German: | 167 | 0.17% |
| African Languages: | 193 | 0.20% |
| Tagalog: | 60 | 0.06% |
| Arabic: | 500 | 0.52% |
| Portuguese: | 72 | 0.08% |
| Gujarti: | 52 | 0.05% |
| Hungarian: | 35 | 0.04% |

2. Frequency

Due to the relatively small size of the LEP population in Monongalia County and the nature of the services the MMMPO provides there is infrequent interaction with the LEP community. To date, there have been no requests for services or information by either individuals or groups.

3. Importance

The MMMPO approves the use of federal funds for long and short term transportation projects and transit services. The MMMPO does not own or operate roads, or buses and therefore does not provide any services that requires vital, immediate or emergency assistance such as medical treatment or services for basic needs such as food or housing. Involvement with the MMMPO or its subcommittee's is strictly voluntary.

HEPMPO provides opportunities for the public to comment on the use of federal funds for the key activities summarized below:

- Short range planning
- Transportation Improvement Program (TIP)
- Traffic Data
- Long Range Transportation Plan
- GIS
- Service
- Transit
- Special Studies
- Administration

The results of transportation improvements resulting from these actions may impact all residents and efforts are made to explain the process and provide opportunities to comment. The MMMPO is concerned with gathering input from all stakeholders and every effort is made to make the planning process as inclusive as possible.

Through, the regional transportation planning process, selected projects receive approval for Federal funding. The implementation process including project planning and construction come

under the responsibility of the West Virginia Department of Transportation or local jurisdictions or agencies. These state and local agencies or jurisdictions are required to have their own policies in place to ensure opportunities for LEP individuals to participate in the project implementation process.

4. Resources

Because the LEP population is not a large part of the community at this time and the cost of translating the large number documents the MMMPO produces is high, the MMMPO has determined that full translation of regional transportation plans is not the most efficient use of limited funds. However, as the region grows and attracts a diverse population and given that the MMMPO values diversity in the area as well as the importance of full participation in the transportation decision-making process, the MMMPO will continue to ensure access and participation for all who may be impacted by the MMMPO's plans and policies.

LEP Implementation Plan

-Free online translation services including that powered by Google Translate, is available on the MMMPO's website by clicking "translate" at the top right of any page of the site. As requested the MMMPO will assist in identifying other free translation services available in the community.

-Translation of select materials. Because the number and proportion of the LEP individuals in Monongalia County is low and because the cost of translation services is high (15 to 20 cents per word), translation of all materials is neither warranted or affordable. MMMPO will translate select materials such as the Title VI Policy and Complaint Form in Spanish online at the MMMPO Office.

-Oral translation. Should the need for oral translation arise the MMMPO will make a reasonable attempt to provide translation services.

-Use of language identification cards. Designated staff members at the MMMPO office will be prepared to use language identification cards when first encountering individuals with limited English proficiency. These point to your language cards or posters help to identify the language the individual speaks.

Communications and Public Involvement

The MMMPO recognizes that public involvement is a crucial part of its mission. As a public agency the Morgantown Monongalia Metropolitan Planning Organization (MMMPO) is required

to maintain a "...continuous, comprehensive and cooperative planning process." (23 USC 104) This means the MMMPO is committed to providing a proactive, open, and transparent public involvement process that actively seeks engagement from stakeholders and the public at large. The MPO strives to engage underrepresented communities and stakeholders as well as the public at large as part of its continuous process to create an open decision-making process.

Public Participation Plan

The MPO's Public Participation plan may be found at the website:

<http://plantogether.org/Public%20Involvement%20Policy-Adopted11-19-15.pdf>

The Public Involvement Policy also recognizes that there is a need to develop appropriate protocols to address the communities identified in Title VI, Executive Orders 12898, 13166 and other policies as previously noted. This Plan, as recognized in the Public Involvement Plan identifies the actions the MMMPO is taking now and will take in the future to address these issues.

Monitoring Process and Complaint Procedures

Any person who believes he or she has been discriminated against by the MMMPO on the basis of race, color, national origin, or other applicable criteria under current law may file a Title VI complaint by completing and mailing or delivering the MMMPO's Title VI Complaint Form, found in Appendix X and online at the MMMPO's website www.plantogether.org. The Complaint should be addressed to the MMMPO's Title VI Coordinator at the address below:

Morgantown Monongalia MPO

Attention Title VI Coordinator

82 Hart Field Road Suite 105

Morgantown, WV 26505

A formal complaint must be submitted in writing within 180 days of the alleged occurrence or when the discrimination became known to the complainant. MMMPO's will process complete complaints.

Complaint Procedures

1. Once the complaint is received, MMMPO will acknowledge the receipt of the complaint within 5 business days. The MMMPO will review the complaint to determine if it has jurisdiction over the complaint. The Complainant will receive a letter notifying her/him

- whether the complaint will be investigated by the MMMPO. The MMMPO has 30 days to investigate the complaint.
2. If more information is needed to resolve the case, the MMMPO may contact the Complainant. The Complainant has 30 business days from the date of the letter to send the requested information to the MMMPO's Title VI Coordinator. If the Title VI Coordinator is not contacted by the Complainant or does not receive the additional information within 30 business days, MMMPO can administratively close the case. A case can also be administratively closed if a Complainant expresses a desire to no longer pursue their case.
 3. After the Title VI Coordinator reviews the complaint, she/he will issue one of two letters to the Complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and the case will be closed. An LOF summarizes the allegations and details plans for remediation actions to provide redress. The written response shall be issued not later than 90 calendar days after the complaint is received.
 4. If the Complainant wishes to appeal the decision, she/he has 30 days after the date of the LOF to do so.

If the Complainant is dissatisfied with the MMMPO's resolution of the complaint, he/she may also submit a complaint to the West Virginia Department of Transportation for investigation in accordance with Chapter VII, Title VI/Non-Discrimination Complaints, of Federal Transit Administration Circular 4702.1A, such a complaint must be submitted within 180 days of the alleged discrimination. Chapter IX of the FTA Circular 4702.1A, which contain the complaint process is available online at www.fta.dot.gov. Paper copies of the circular may also be obtained by calling FTA's Administrative Services Help Desk at 202-366-4865.

A person may also file a complaint directly to the Federal Transit Administration, at:

FTA Office of Civil Rights

Chief Investigations and Adjunction

400 7th Street SW, Room 4132

Washington, DC 20590

Title VI Assurances

The Morgantown Monongalia Metropolitan Planning Organization (“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 Morgantown Monongalia Metropolitan Planning Organization, 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.

J. William B. Austin, Executive Director

Date

