

December 21, 2022

Mrs. Stephanie Halford  
Executive Director  
Grand Forks-East Grand Forks Metropolitan Planning Organization  
255 North 4<sup>th</sup> Street  
Grand Forks, ND 58203

**RE: GF-EGF MPO TITLE VI AUDIT – June 28, 2022**

Dear Stephanie,

The North Dakota Department of Transportation (NDDOT) has finished our review of the final Title VI documentation provided by the Grand Forks-East Grand Forks Metropolitan Planning Organization (MPO). The submittal addresses all comments and findings as identified in NDDOT's letter to FMCOG on September 28, 2022.

As it relates to this singular Title VI audit, the MPO is Title VI compliant. Compliance is subject to future audits of the MPO's Title VI program. Please continue to monitor your program and update as appropriate.

With gratitude,



Paul M. Benning, P.E.  
Local Government Engineer

38/mej

c:Heather Christianson – NDDOT Civil Rights  
Pam Todd – FHWA ND Division



Grand Forks - East Grand Forks

METROPOLITAN  
PLANNING ORGANIZATION

December 21, 2022

Michael Johnson  
NDDOT/Local Government  
608 East Boulevard Avenue  
Bismarck, ND 58505-0700

RE: Title VI/Nondiscrimination And ADA Program Implementation Plan FY2022

Dear Mike,

Following you will find the Grand Forks-East Grand Forks Metropolitan Planning Organization's approved Title VI/Nondiscrimination And ADA Program Implementation Plan FY2022.

Please let us know if you need anything further.

Thank you,

A handwritten signature in black ink that reads "STEPHANIE HALFORD". The signature is stylized with a large, sweeping initial 'S' and a long horizontal stroke at the end.

Stephanie Halford  
Executive Director

SH/pm



Grand Forks - East Grand Forks

METROPOLITAN  
PLANNING ORGANIZATION

**Title VI/  
Nondiscrimination  
And ADA Program  
Implementation Plan  
FY2022**

prepared by

**THE GRAND FORKS-EAST GRAND FORKS  
METROPOLITAN PLANNING ORGANIZATION  
255 North 4<sup>th</sup> Street  
Grand Forks, ND 58203  
Webpage: [www.theforksmpo.org](http://www.theforksmpo.org)**

**Adopted: March 18, 2020  
Updated/Adopted: December 20, 2022**

# GRAND FORKS-EAST GRAND FORKS METROPOLITAN PLANNING ORGANIZATION

## EXECUTIVE POLICY BOARD

Warren Strandell, Chairman; Polk County

Ken Vein, Secretary; GF City Council

Marc DeMers, EGF City Council

Tricia Lunski, GF City Council

Michael Powers, EGF Planning and Zoning

Allen Grasser, GF Planning and Zoning

Clarence Vetter, EGF City Council

Bob Rost, GF County

## MPO STAFF

Stephanie Halford, Executive Director

Teri Kouba, Senior Planner

Peggy McNelis, Office Manager



U.S. Department  
of Transportation  
**Federal Highway  
Administration**



U.S. Department  
of Transportation  
**Federal Transit  
Administration**

The preparation of this report has been financed in part through grants from the Federal Highway Administration and Federal Transit Administration, U.S. Department of Transportation, under the Metropolitan Planning Program, Section 104(f) of Title 23, U.S. Code, through the North Dakota Department of Transportation (NDDOT) and Minnesota Department of Transportation (MnDOT).

# **A RESOLUTION ADOPTING THE FY2020 TITLE VI/NONDISCRIMINATION AND ADA PROGRAM IMPLEMENTATION PLAN**

**WHEREAS**, Title VI of the Civil rights Act of 1964 and U.S. Department of Transportation (USDOT) regulations to implement the law (49 CFR, Part 21) require all recipients and sub-recipients of Federal Transportation Funds, such as the Grand Forks-East Grand Forks Metropolitan Planning Organization (GF-EGF MPO), to establish and maintain a Title VI Program that carries out the regulations and integrates the activities and considerations outlined in the UDOT's Policy Guidance Concerning Recipient's Responsibilities To Limited English Proficiency (LEP) Persons (70 FR 74087, December 14, 2005); and

**WHEREAS**, the Federal Transit Administration (FTA) issued Circular FTA 4702.1B, Title VI Requirements and Guidelines for FTA Recipients, on October 12, 2012 providing further guidance and instructions necessary to carry the USDOT Title VI regulations and policy guidance related to LEP persons; and

**WHEREAS**, a Title VI Non-Discrimination Plan has been developed for the GF-EGF MPO as its administrative and fiscal agent, which aims to meet these requirements; and

**WHEREAS**, the Title VI Program includes an updated Limited English Proficiency (LEP) Plan contained in Appendix B; and

**WHEREAS**, the GF-EGF PO intends that no person shall, on the grounds of race, color, and/or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any GF-EGF MPO program or activity, regardless of funding source; and

**WHEREAS**, the GF-EGF MPO, as its agent, intends that any agencies or firms with whom the MPO contracts will comply with the Title VI Program as appropriate and the GF-EGF MPO will take reasonable steps to ensure such compliance.

**NOW, THEREFORE, BE IT RESOLVED**, that the Grand Forks-East Grand Forks Executive Policy Board, as the designated Metropolitan Planning Organization (MPO) for the Grand Forks/East Grand Forks Metropolitan Area, approves the Title VI Non-Discrimination Plan dated March 18, 2020, which reflects the draft document dated December 2019 without change; and

**BE IT FURTHER RESOLVED**, in accordance with 23 CFR.334(a) the Grand Forks-East Grand Forks Executive Policy Board hereby certifies that the metropolitan transportation planning process is addressing major issues facing the metropolitan planning area and is being conducted in accordance with all applicable requirements of:

1. 23 U.S.C. 134 and 49 U.S.C. 5303, and this subpart;
2. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR Part 21;
3. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;

4. Sections 1101(b) of the Fixing America's Surface Transportation (FAST) Act (Pub. L. 114-357) and 49 CFR Part 26 regarding the involvement of disadvantaged business enterprises in the USDOT funded projects;
5. 23 CFR Part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-Aid Highway construction contracts;
6. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR Parts 27, 37, and 38/
7. The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
8. Section 324 of Title 23, U.S.C. regarding the prohibition of discrimination based on gender; and
9. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR 27 regarding discrimination against individuals with disabilities.

  
\_\_\_\_\_  
Warren Strandell, Chairman

12.21.2022  
\_\_\_\_\_  
Date

# TABLE OF CONTENTS

<b>Introduction</b> .....	<b>1</b>
<b>Title VI/Nondiscrimination And ADA Policy Statement</b> .....	<b>2</b>
<b>Title VI Assurance</b> .....	<b>3</b>
Appendix A of Title VI Assurance .....	7
Appendix E of Title VI Assurance.....	8
<b>Title VI Notice To The Public</b> .....	<b>9</b>
<b>Organizational Responsibilities</b> .....	<b>10</b>
<b>Title VI Complaint Procedure</b> .....	<b>11</b>
<b>Data Collection</b> .....	<b>16</b>
<b>Minority Representation</b> .....	<b>17</b>
Table 1 – MPO Employees .....	18
Table 2 – Executive Policy Board .....	19
Table 3 – Technical Advisory Committee .....	20
<b>Exhibits</b> .....	<b>21</b>
Exhibit A – Organizational Chart .....	22
Exhibit B – Limited English Proficiency .....	23
Exhibit C – Grand Forks-East Grand Forks MPO’s Private Sector Procedure Plan .....	34
Exhibit D – Environmental Justice Procedural Manual.....	37
Exhibit E – Title VI Complaint Form/Instructions/Procedure.....	69
Exhibit F – Title VI Complaint Log .....	74
Exhibit G – List Of Transit Related Title VI Investigations, Complaints And Lawsuits .....	76
Exhibit H – Request For Reasonable Accommodations.....	78
Exhibit I – Sign-In Sheet.....	82
Exhibit J – Public Participation Survey .....	84
Exhibit K – Title VI And Related Nondiscriminatory Authorities.....	97
Exhibit L – Definition Of Terms .....	100

## INTRODUCTION

The Grand Forks-East Grand Forks Metropolitan Planning Organization (GF-EGF MPO) is a Bi-State transportation policy-making organization that serves the Cities of Grand Forks, ND and East Grand Forks, MN, and is a recipient of federal financial assistance. Title VI of the Civil Rights Act of 1964 bars discrimination against anyone in the United States because of race, color, or national origin by any agency receiving federal funds.

The broader application of nondiscrimination law is found in other statutes, regulations, and Executive Orders which are detailed in this Title VI/Nondiscrimination and Americans with Disabilities Act (ADA) Program. The Federal-Aid Highway Act of 1973 added the requirement that there be no discrimination based on sex. Age was added in 1975 under the Age Discrimination Act. Disability was added through Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.

Additionally, the Civil Rights Restoration Act of 1987 defined “program” to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal financial assistance. Thus, sub-recipients are required to comply with Title VI and related nondiscrimination laws and regulations.

Title VI was further defined in 1994, Executive Order 12898 – Environmental Justice (EJ), directed federal agencies to identify and address the effects of all programs, policies, and activities on “minority populations and low-income populations.”

In 2000, Executive Order 13166 – Limited English Proficiency (LEP), was also signed into effect requiring federal agencies to assess and address the needs of otherwise eligible limited English proficient persons seeking access to the programs and activities of recipients of federal financial assistance.

Title VI regulations are for the protection of the public in regard to the GF/EGF MPOs activities and effects. The GF/EGF MPO is the primary recipient of federal financial assistance. Sub-recipients may include contractors, subcontractors, suppliers, consultants, cities, transit agencies, or any other entity receiving funds from the GF/EGF MPO.

The GF-EGF MPO is required to protect the public interest by developing a Title VI/Nondiscrimination and ADA Program for their benefit. Title VI Assurances are the foundation of our commitment to nondiscrimination. This Title VI/Nondiscrimination and ADA Program implementation plan identifies the implementation, compliance, and enforcement policies and procedures the GF-EGF MPO has developed to ensure compliance with Title VI at all levels.

Title VI and Related Nondiscrimination Authorities are listed in Exhibit H. A Definition of Terms is found in Exhibit J.





## TITLE VI/NONDISCRIMINATION AND ADA POLICY STATEMENT

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin. Specifically, 42 USC 2000d states that “No person in the United States shall, on the round 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.” In addition to Title VI, there are other Nondiscrimination statutes which include: Section 162(a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex), Age Discrimination Act of 1975 (age), and Section 504 of the Rehabilitation Act of 1973/ADA of 1990 (disability). Taken together, these requirements define an over-arching Title VI/Nondiscrimination and ADA Program. Title VI and the additional Nondiscrimination requirements are applicable to programs receiving federal financial assistance due to the Civil Rights Restoration Act of 1987.

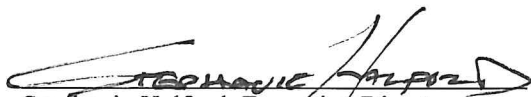
There are two Presidential Executive Orders that place further emphasis upon the Title VI protections of race and national origin. Executive Order 12898 ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations. Executive Order 13166 directs recipients of Federal financial assistance that to ensure compliance with Title VI, they must take reasonable steps to ensure that limited English proficiency persons have meaningful access to their programs.

I, as Executive Director of the Grand Forks/East Grand Forks Metropolitan Planning Organization (GF/EGF MPO), am personally committed to and support taking all steps to ensure that no person or groups of persons shall, on the grounds of race, color, national origin, sex, age, disability, limited English proficiency, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by the GF/EGF MPO, its recipients, sub recipients, and contractors.

The GF/EGF MPO Executive Director is appointed as the Title VI Liaison Officer and ADA Coordinator is granted the authority to develop, administer, and monitor the Title VI/Nondiscrimination and ADA Program as promulgated.

Further, I sub-delegate and charge the Senior Planner with the responsibilities to ensure compliance with Title VI/Nondiscrimination and ADA Program requirements in their respective program areas.

Anyone who believes that he or she has been discriminated against should contact Stephanie Halford, Title VI Coordinator and ADA Coordinator, 255 North 4<sup>th</sup> Street, Grand Forks, ND 58203 at (701) 746-2660. TTY users may call Relay North Dakota at 711 or 1-800-366-6888 (toll free).

  
Stephanie Halford, Executive Director

6/7/2022  
Date

## **USDOT STANDARD TITLE VI/NON-DISCRIMINATION ASSURANCES**

The Grand Forks-East Grand Forks Metropolitan Planning Organization has signed and implemented the U.S. Department of Transportation Standard Title VI Assurances and Non-Discrimination Provisions according to the USDOT Order 1050.2A.



Effective Date – 10/01/2014  
Posted 04/04/2019

**The United States Department Of Transportation (USDOT)**  
**Standard Title VI/Non-Discrimination Assurances**  
**DOT Order No. 1050.2A**

The Grand Forks-East Grand Forks Metropolitan Planning Organization (GF-EGF MPO) (herein referred to as the “Recipient”), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration is subject to and will comply with the following:

**Statutory/Regulatory Authorities**

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

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

**General Assurances**

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

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

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

## Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Federal-Aid Highway Program.

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:  
  
*“The GF-EGF MPO, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US.C §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminate against on the grounds of race, color, or national origin in consideration for an award.”*
3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. For the construction or use of or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:


- a. The period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. The period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and his Assurance.

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

The GF-EGF MPO gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal-Aid Highway Program. The ASSURANCE is binding on the GF-EGF MPO, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal-Aid Highway Program.

The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient:

Grand Forks/East Grand Forks Metropolitan Planning Organization

By:  Date: 6/7/2022  
 Stephanie Halford, Executive Director

# **The Grand Forks-East Grand Forks Metropolitan Planning Organization; Grand Forks, ND and East Grand Forks, MN**

## **Appendix A Of The Title VI Assurances**

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

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

including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.

**A**

## **The Grand Forks-East Grand Forks Metropolitan Planning Organization Appendix E Of The Title VI Assurances**

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

### **Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for People with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English Proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74086 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).



## TITLE VI NOTICE TO THE PUBLIC

### **Background**

Per FTA regulations, a Title VI Notice to the Public must be displayed to inform a recipient's customers of their rights under Title VI. At minimum, this includes posting the notice on the agency's website and public areas of the agency's office, including the reception desk, and the building common area. A depiction of the notice is provided below:

### *Notifying the Public Rights Under Title VI*

## **THE GRAND FORKS-EAST GRAND FORKS METROPOLITAN PLANNING ORGANIZATION**

- The Grand Forks-East Grand Forks Metropolitan Planning Organization (GF-EGF MPO) operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the GF-EGF MPO.
- For more information on the GF-EGF MPO's civil rights program, and the procedures to file a complaint, contact 701-746-2660; e-mail [Info@theforksmpo.org](mailto:Info@theforksmpo.org); or visit our office at 600 DeMers Avenue, East Grand Forks, MN 56721. For more information, visit [www.theforksmpo.org](http://www.theforksmpo.org).
- A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5<sup>th</sup> Floor – TCR, 1200 New Jersey Avenue, S.E., Washington, DC 20590.
- If information is needed in another language, contact 701-746-2660.

## **ORGANIZATIONAL RESPONSIBILITIES**

The Title VI/ADA Coordinator has the responsibility of overseeing compliance with applicable nondiscrimination authorities in each transportation planning and programming area and ensures compliance with provisions of the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21, administering Title VI complaint procedures, and insuring compliance with Title VI by recipients, sub-grantees, contractors and sub-contractors of the GF-EGF MPO. The Grand Forks-East Grand Forks Metropolitan Planning Organization (GF-EGF MPO) has appointed Stephanie Halford, MPO Executive Director, as its Title VI/ADA Coordinator.

### **Title VI Coordinator Responsibilities**

The Title VI Coordinator is granted the authority to develop, administer, and monitor the Title VI/Nondiscrimination and ADA Program, and also monitors other GF-EGF MPO programs, activities, and services for all funding sources including:

1. Process the disposition of Title VI complaints received by the GF-EGF MPO.
2. Collect statistical data (race, color, sex, age, disability, or national origin) of participants in and beneficiaries of state highway programs, e.g. affected citizens and impacted communities.
3. Conduct annual Title VI reviews to determine the effectiveness of program activities at all levels.
4. Conduct Title VI reviews of consultant contractors and other recipients of federal-aid highway fund contracts administered through the GF-EGF MPO.
5. Review GF-EGF MPO program directives. Where applicable, include Title VI language and related requirements.
6. Conduct training programs on Title VI and other related statutes for the GF-EGF MPO employees and recipients of federal highway funds. Post a copy of the Title VI Plan on the GF-EGF MPO website. Post the Title VI Plan in information stand in lobbies of the Grand Forks City Hall and the East Grand Forks City Hall; and on the GF-EGF MPO Website at: [www.theforksmpo.org](http://www.theforksmpo.org). Inform all employees that a copy of the Title VI Plan is available upon request. Instruct all new employees about the Title VI Plan during orientation.
7. Prepare a yearly report of Title VI accomplishments and goals, as required.
8. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English. Post the Title VI Plan on the GF-EGF MPO website and in the information stands in both City Halls lobbies.
9. Conduct post-grant reviews of the GF-EGF MPO programs and applicants for compliance with Title VI requirements.
10. Identify and take corrective action to help eliminate discrimination.
11. Establish procedures to promptly resolve identified Title VI deficiencies. Document remedial actions agreed to be necessary. Provide remedial actions within 90 days of identification of a deficiency.



## **TITLE VI COMPLAINT PROCESS**

### **SCOPE OF TITLE VI COMPLAINTS**

The Scope of Title VI covers all external Grand Forks/East Grand Forks Metropolitan Planning Organization (GF/EGF MPO) activities. Adverse impacts resulting in Title VI complaints can arise from many sources, including advertising, bidding, and contracts.

Complaints can originate from individuals or firms alleging inability to bid upon or obtain a contract with the GF/EGF MPO for the furnishing of goods and/or services. Examples include advertising for bid proposals; prequalification or qualification; bid proposals and awards; selection of contractors, subcontractors, material and equipment suppliers, lessors, vendors, consultants, fee appraisers, universities, etc.

Complaints can originate as a result of project impacts on individuals or groups. For example, social and economic, traffic, noise, air quality, access, accidents, and failure to maintain facilities.

### **FORMAL TITLE VI COMPLAINT PROCEDURE**

The GF/EGF MPOs Title VI Policy assures that no person or groups of persons shall, on the grounds of race, color, national origin, sex, age, disability, or income status\*, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by the GF/EGF MPO, its recipients, sub-recipients, and contractors. In addition, Executive Order 12898 (Environmental Justice) prohibits discrimination based on income status.

The GF/EGF MPO uses the following detailed, internal procedures for prompt processing of all Title VI complaints received directly by any of its divisions or districts having responsibilities under Title VI. These procedures include but are not limited to:

1. Any person or groups of persons who believe they have been aggrieved by an unlawful discriminatory practice under Title VI may individually, or through a legally authorized representative, make and sign a complaint and file the complaint with the GF/EGF MPO. Allegations received do not have to use the key words “complaint,” “civil rights,” “discrimination,” or their near equivalents. It is sufficient if such allegations imply any form of unequal treatment in one or more of the GF/EGF MPOs programs for it to be considered and processed as an allegation of a discriminatory practice.

2. The complaint must be filed, in writing, no later than 180 calendar days after the date of the alleged discrimination. The GF-EGF MPO's Title VI Complaint Form must be used.
3. The complaint may also be filed with the U.S. Department of Transportation Office of the Secretary, 1200 New Jersey Avenue, SE (S-33), Washington, D.C. 20590. The complaint must be filed, in writing, no later than 180 days after the alleged discrimination, unless the time for filing is extended by the Secretary of the U.S. Department of Transportation.
4. Immediately, upon receipt of a Title VI complaint, the GF-EGF MPO determines a course of action. Possible courses of action include:
  - a. Title VI complaints filed against the GF-EGF MPO are referred to the North Dakota Department of Transportation (NDDOT) for processing. NDDOT notifies the Federal Highway Administration (FHWA) Division Office of the complaint.
  - b. Title VI complaints filed against the GF-EGF MPO recipients and subrecipients (e.g., contractors, subcontractors, material and equipment suppliers, lessors, vendors, consultants, fee appraisers, universities, etc.) are processed by the GF-EGF MPO in accordance with FHWA approved complaint procedures, as required under 23 Code of Federal Regulations Part 200. NDDOT is available to provide assistance.
    - i. A copy of the complaint, together with a copy of the GF-EGF MPO report of the investigation and recommendations are forwarded to the FHWA Division Office within sixty (60) days of the date the complaint was received by the GF-EGF MPO.
    - ii. A copy of the complaint, together with a copy of the GF-EGF MPO report of the investigation and recommendations, are provided to NDDOT, Local Government Division, 608 East Boulevard, Bismarck, ND 58505-0700, for informational purposes only.
    - iii. The FHWA Headquarters Office of Civil Rights makes the final agency decision.
5. The GF-EGF MPO reviews and determines the appropriate action regarding every complaint. The GF-EGF MPO will recommend to the FHWA Division Office, with a copy to NDDOT, not to proceed with or continue a complaint investigation if:
  - a. The complaint is, on its face, without merit.
  - b. The same allegations and issues of the complaint have been addressed in a recently closed investigation or by previous federal court decisions.
  - c. The Complainant's or injured party's refusal to cooperate (including refusal to give permission to disclose his or her identity) has made it impossible to investigate further.
6. If an investigation is to be initiated, the GF-EGF MPO determines the method of investigation and who will conduct the investigation.

7. The entire investigation process including the submission of the final report of the investigation and recommendations to the FHWA Division Office, with a copy to NDDOT, is to be carried out in a period not to exceed sixty (60) calendar days from the date the original complaint was received by the GF-EGF MPO.
8. The GF-EGF MPO acknowledges receipt of the allegation(s) within ten (10) working days. The complainant is notified of the proposed action to be taken to process the allegation(s). The notification letter contains:
  - a. The basis for the complaint.
  - b. A brief statement of the allegation(s) over which the GF-EGF MPO has jurisdiction.
  - c. A brief statement of the GF-EGF MPO jurisdiction over the recipient to investigate the complaint; and
  - d. An indication of when the parties will be contacted.
  - e. Depending on the nature of the complaint, the complaint will be referred to the following for final decision:
    - i. Federal Highway Administration (FHWA)
    - ii. U.S. Department of Justice
9. The GF-EGF MPO also notifies the FHWA Division Office and/or FTA Region 8 Office, with a copy to NDDOT, within ten (10) calendar days of the receipt of the allegations. The following information is included in the notification to FHWA:
  - a. Name, address, and phone number of the complainant.
  - b. Name(s) and address(es) of persons alleged to have been involved in the act.
  - c. Basis of alleged discrimination (i.e., race, color, sex, age, national origin, disability/handicap, or income status).
  - d. Date of alleged discriminatory act(s).
  - e. Date complaint was received by the GF-EGF MPO.
  - f. A brief statement concerning the nature of the complaint.
  - g. Other agencies (federal, state, or local) with which the complaint has been filed.
  - h. An explanation of the actions the GF-EGF MPO proposes to take to resolve the issues raised in the complaint.
10. The investigation consists of an in-depth, personal interview with the complainant by race, color, sex, age, national origin, disability/handicap, or income status; name of the complainant; a complete statement concerning the nature of the complaint, including names, dates, places, and incidents involved in the complaint; the date the complaint was

filed; and any other pertinent information the investigator(s) feels is relevant to the complaint. The interview(s) is recorded, either on audio tape or by an investigator taking notes. The investigator(s) arrange for the complainant to read, make necessary changes to, and sign the interview transcript or interview notes.

11. Following the interviews, the investigator(s) develop a report of the investigation and recommendations based on the facts. The report contains the investigator's(s') findings, conclusions concerning each issue raised in the complaint, and recommendations for corrective action. The report is the last document prepared by the investigator(s). Any other actions taken as a result of the investigator's(s') findings and conclusions are the responsibility of GF-EGF MPO management.
12. The complainant receives a letter from the GF-EGF MPO detailing the findings and any recommendations for corrective action to be taken based on the facts. All issues in the complaint are addressed. The complainant is informed that the FHWA Headquarters Office of Civil rights makes the final determination.
13. The GF-EGF MPO forwards the report of the investigation and recommendations to the FHWA Division Office, with a copy to NDDOT. Included with the report is a copy of the complaint, copies of all documentation pertaining to the complaint, the date the complaint was filed, the date the investigation was completed, and any other pertinent information.
14. The FHWA Office of Civil Rights makes the final agency decision.

\*Title VI of the Civil Rights Act of 1964 governs race, color, and national origin. Related Nondiscrimination Authorities govern sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability/handicap, 29 U.S.C. 790; and low income, E.O. 12898.

POSTED AT: GF City Hall Lobby 255 No. 4<sup>th</sup> St., Grand Forks, ND 58201 and EGF City Hall Lobby 600 DeMers Ave., East Grand Forks, MN 56721 – VITAL DOCUMENT – TRANSLATE IF SIGNIFICANT LEP POPULATION

# DATA COLLECTION

## A. Public Participation Survey

Data collection ensures that transportation programs, services, activities, facilities, and projects effectively meet the needs of “all persons” without discrimination, i.e., disproportionately benefiting or harming one group over another is a violation of Title VI. Timely and accurate data allows for better decision-making and provides support to the decisions made. Statistical data is collected on race, color, national origin, sex, age, disability, language most frequently spoken at home, public assistance recipient, how you heard about the event, date, city, county, division/district, Project Control Number (PCN), negotiation or relocation, consultant name, MPO, Transit Agency, and sub-recipient status.

East of the Title VI program areas, as appropriate, will maintain data to be incorporated in the FHWA Title VI Annual Goals and Accomplishments Report. The data gathering process will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI/Nondiscrimination and ADA Program Implementation Plan.

Data is collected and utilized in developing and implementing the Limited English Proficiency Plan. The data sources, identified populations, and program specifics are stated in the Limited English Proficiency Plan. See Exhibit B.

A Public Participation Survey is used to gather demographic data on the participants at public meetings/hearings. The intent is to gather a sufficient pool of data to determine whether the GF-EGF MPO is reaching all population groups and receiving input in the transportation decision making process.

The public and advocacy groups are informed about the Public Meetings according to the Public Participation Plan of the GF-EGF MPO at the following link:  
<http://www.dot.nd.gov/manuals/design/designmanual/Chapter%202.pdf>.

GF-EGF MPO and consultant staff disseminate the voluntary Public Participation Survey (SFN60149) to all public meeting/hearing participants.

The Public Participation Survey is located on the MPO web site under Title VI/Non-Discrimination/Public Participation Button at:  
[https://eastgrandforksmetro.hosted.civicle.com/public\\_participation/title\\_v\\_i\\_forms\\_instructions](https://eastgrandforksmetro.hosted.civicle.com/public_participation/title_v_i_forms_instructions). It is also shown in Exhibit I.

# **MINORITY REPRESENTATION FOR THE GRAND FORKS-EAST GRAND FORKS METROPOLITAN PLANNING ORGANIZATION**

## **INCLUDES STAFF, COMMITTEES AND EXECUTIVE POLICY BOARD**

### **Background**

The Grand Forks-East Grand Forks Metropolitan Planning Organization (GF-EGF MPO) is governed by its Executive Policy Board, which is comprised of elected officials from communities within its planning area. These officials are chosen by the corresponding jurisdictions. Per the MPO By-laws, every two years a new Chairman takes command, rotating between the two cities.

The GF-EGF MPO is an equal opportunity employer, and a breakdown of the sex and racial makeup of the MPO employees is shown in Table 1.

In addition to the Policy Board, the GF-EGF MPO has one permanent advisory committee, the Technical Advisory Committee. Similar to the Policy Board, members on this committee are chosen by local jurisdictions, with the intent that they represent a broad range of technical knowledge and experience. The committee includes both staff from local jurisdictions, as well as representatives from MnDOT, NDDOT, and persons with expertise on particular relevant subject matter (e.g. freight, economic development, and bicycle and pedestrian issues). A breakdown of the sex and racial makeup of both the Executive Policy Board and the Technical Advisory Committee are shown in Tables 2 and 3, respectively.



**TABLE 1: MPO EMPLOYEES**

EMPLOYEE CLASSIFICATION	EMPLOYEE	VACANT	SEX		RACE/ETHNICITY						
			M	F	WHITE	HISPANIC OR LATINO	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE AMERICAN	NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER	TWO OR MORE RACES
Executive Director	Stephanie Halford	No		X	X						
Senior Planner	Teri Kouba	No		X	X						
Senior Planner		Yes									
Planner		Yes									
Office Manager	Peggy McNelis	No		X	X						
Intern		Yes									
Intern		Yes									

When a vacancy occurs within the Grand Forks-East Grand Forks Metropolitan Planning Organization notification of said vacancy is posted on the MPO’s Website, in our local newspapers, and with the AMPO.

The MPO’s most recent vacancy was for an intern position. We reached out to the University of North Dakota’s Political Science and Geography Departments for candidates and ultimately offered the position to a female Geography/GIS student of Asian/Pacific Islander ethnicity.

**TABLE 2. EXECUTIVE POLICY BOARD**

MPO EXECUTIVE BOARD	APPOINTED BY	VACANT	SEX		RACE/ETHNICITY						
			M	F	WHITE	HISPANIC OR LATINO	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE AMERICAN	NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER	TWO OR MORE RACES
Allen Grasser	GF P&Z	No	X		X						
Mike Powers	EGF P&Z	No	X		X						
Bob Rost	GF County	No	X		X						
Warren Strandell, Chairman	Polk County	No	X		X						
Marc DeMers	EGF City Council	No	X		X						
Tricia Lunski	GF City Council	No		X	X						
Clarence Vetter	EGF City Council	No	X		X						
Ken Vein, Secretary	GF City Council	No.	X		X						

Per the MPO’s By-Laws, members of the MPO Executive Policy Board are appointed to two-year terms by the entities they represent. The MPO’s involvement consists only of notifying each entity when their representative’s term is expiring so they can ensure they continue to have representation on the board.

**TABLE 3. TECHNICAL ADVISORY COMMITTEE**

TECHNICAL ADVISORY COMMITTEE	APPOINTED BY	VACANT	SEX		RACE/ETHNICITY							
			M	F	WHITE	HISPANIC OR LATINO	ASIAN	BLACK OR AFRICAN AMERICAN	NATIVE AMERICAN	NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER	TWO OR MORE RACES	
Jason Peterson	NDDOT-GF District	No	X		X							
Nancy Ellis	EGF Planning	No		X	X							
Steve Emery	EGF Consult Eng.	No	X		X							
Ryan Brooks	GF Planning	No	X		X							
Nels Christianson	BNSF Railroad	No	X		X							
Patrick Hanson	MnDOT District 2	No	X		X							
Michael Johnson	NDDOT- Planning	No	X		X							
David Kuharenko	GF Planning	No	X		X							
Dale Bergman	GF CAT	No	X		X							
Nick West	GF County Engineer	No	X		X							
Lane Magnuson	GF County Planning	No	X		X							
Rich Sanders	Polk County Engineer	No	X		X							
Ryan Riesinger	GF Airport Authority	No	X		X							
Wayne Zacher	NDDOT – Planning	No	X		X							
Brad Bail	EGF Consult Eng.	No	X		X							
Jon Mason	MnDOT District 2	No	X		X							
George Palo	NDDOT – GF District	No	X		X							
Christian Danielson	GF Engineering	No	X		X							

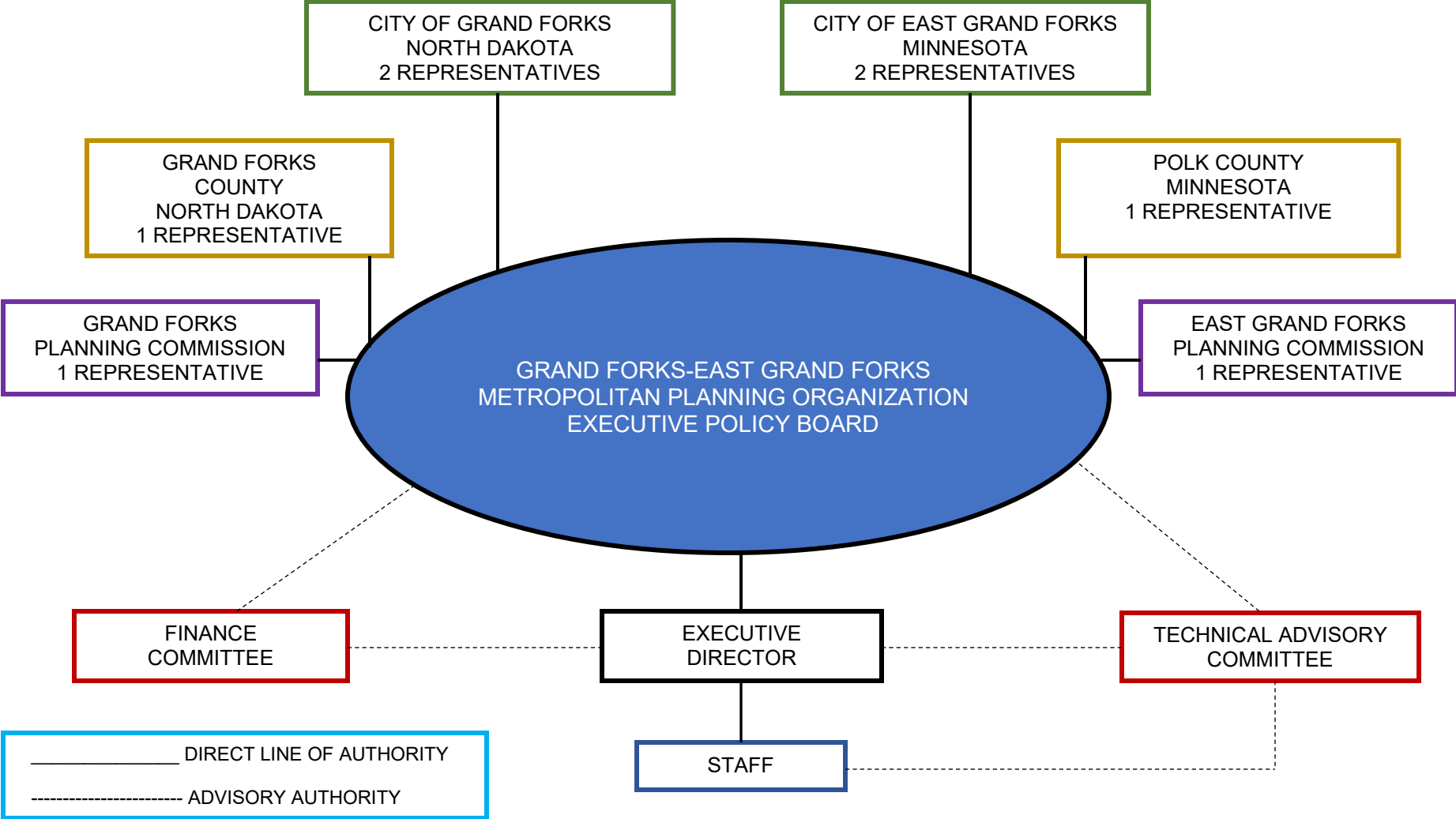
Per the MPO’s By-Laws members of the MPO Technical Advisory Committee are true ex-officio, and are appointed by the entities they represent because they hold a specific position. The MPO has no involvement in determining these appointments.

# **EXHIBITS**

**EXHIBIT A**

**ORGANIZATIONAL CHART**

# MPO ORGANIZATIONAL CHART



**EXHIBIT B**

**LIMITED ENGLISH  
PROFICIENCY PLAN**



Grand Forks - East Grand Forks

**METROPOLITAN  
PLANNING ORGANIZATION**

## **Updated 2019 Limited English Proficiency Plan**



### **TITLE VI/ADA COORDINATOR**

**Stephanie Halford, MPO Executive Director  
255 North 4th Street, Grand Forks, ND 58203  
600 DeMers Avenue, East Grand Forks, MN 56721  
(701) 746-2660**

**The preparation of this Report was financed, in part, through the U.S. Department of Transportation's Federal Highway Administration, and through local contributions from the Governments of Grand Forks, North Dakota, and East Grand Forks, Minnesota.**



## TABLE OF CONTENTS

	<u>Page</u>
<b>Introduction .....</b>	<b>1</b>
<b>Plan Summary .....</b>	<b>1</b>
<b>Meaningful Access: Four-Factor Analysis.....</b>	<b>2</b>
<b>Language Assistance .....</b>	<b>9</b>
<b>Language Assistance Measures.....</b>	<b>9</b>
<b>Staff Training.....</b>	<b>10</b>
<b>Translation Of Documents .....</b>	<b>10</b>
<b>Monitoring.....</b>	<b>11</b>
<b>Dissemination Of The GF-EGF LEP Plan.....</b>	<b>12</b>

## **INTRODUCTION**

This ***Limited English Proficiency (LEP) Plan*** has been prepared to address the **Grand Forks-East Grand Forks Metropolitan Planning Organization (MPO)** responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English proficiency language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 200d, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color, or national origin.

Executive Order 13166, titled ***Improving Access to Services for Persons with Limited English Proficiency***, indicated that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including the Grand Forks-East Grand Forks MPO which receives federal grant funds.

## **PLAN SUMMARY**

The MPO has developed this ***LEP Plan*** to help identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access services provided. As defined in Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write, or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP people that assistance is available.

In order to prepare this plan, the Grand Forks-East Grand Forks MPO used the four-factor LEP analysis which considers the following factors:

- The number or proportion of LEP persons in the service area who may be served by the MPO.
- The frequency with which LEP persons come in contact with the services.
- The nature and importance of services provided by the MPO to the LEP population.
- The interpretation services available to the MPO and overall cost to provide LEP assistance. A summary of the results of the four-factor analysis is in the following section.

## **MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS**

1. **The number or proportion of LEP persons in the service area who may be served or are likely to require Grand Forks-East Grand Forks MPO services.**

The MPO staff examined the U.S. Census Bureau American Community Survey 5-Year Estimates from 2013-2017 using the Age by Language Spoken at Home by Ability to Speak English for the Populations 5 Years and Over table. Staff was able to determine that approximately 6.2% or 4,044 people spoke a language other than English in the Grand Forks-East Grand Forks MPO area. Of the 4,044 people reporting they speak languages other than English, 1,465 or 2.2% of respondents speak English “less than very well”.

<b>MPO Area ACS* Data 2013-2017</b>			
	<b>MPO Area</b>	<b>Grand Forks</b>	<b>East Grand Forks</b>
<b>Total Population Age 5+ Years</b>	65,679	56,533	9,146
<b>Population Speaking English Less Than Very Well</b>	1,465	1,209	256
<b>Percent</b>	2.2%	2.1%	2.8%
<b>2 Times Percent</b>	4.5%	4.3%	5.6%

\*American Community Survey Census Block Group

**2. The frequency which LEP persons come in contact with Grand Forks-East Grand Forks MPO services.**

The MPO staff reviewed the frequency with which the Executive Policy Board, Technical Advisory Committee (TAC), and office staff have, or could have, contact with LEP persons. This includes documenting phone inquiries or office visits. To-date, the MPO has received **NO** requests for interpreters and **NO** requests for translated program documents. The MPO Executive Policy Board, Technical Advisory Committee (TAC), and office staff are mostly likely to encounter LEP individuals through office visits, phone conversations, and attendance at Executive Policy Board/Technical Advisory Committee (TAC) meetings.

**3. The Nature and importance of services provided by the Grand Forks-East Grand Forks MPO to the LEP population.**

The Grand Forks-East Grand Forks MPO adheres to the concept of “meaningfully greater” areas in its determination of the thresholds of populations of interest. A population is of a “meaningfully greater” interest, if it is two times the total percent population within the metropolitan boundary or if the geographic unit exceeds 50% of the minority population. These areas with “meaningfully greater” interest are identified as areas of high concentration. Meaningfully greater is a detailed screening “threshold level” analysis technique used to support

transportation long range, improvement, and state strategic improvement plans. The “threshold level” analysis does require a robust knowledge of Geographic Information System; coupled with a sound understanding of Census data. It does not require an intense data collection.

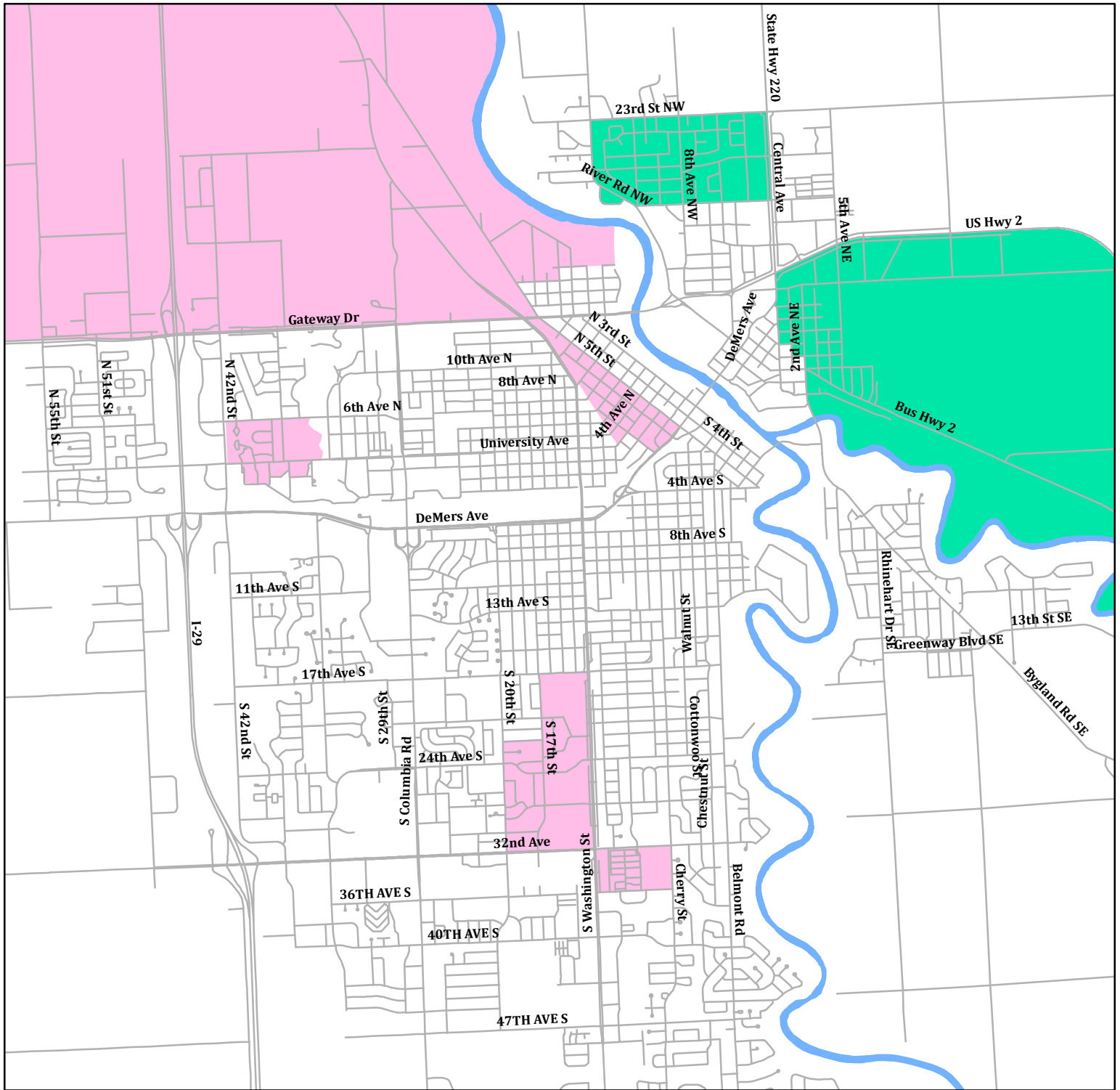
Data from the American Community Survey (ACS) at the Block group level (2013-2017) was used for the creation of the high concentration LEP map. All data from the ACS is estimated; thus, there are margins of error that were not taken into consideration. The U.S. Census Block Group is an appropriate geographic unit level of analysis to address MPO’s requirements.

The overwhelming majority of the population, 93.8% speaks only English. As a result, there are a few social, services, or professional and leadership organizations within the MPO service area that focus on outreach to LEP individuals. The MPO staff is most likely to encounter LEP individuals through office visits, phone conversations, notifications from maintenance staff of impacts on MPO service area services and attendance at meetings. With the areas identified as having “meaningfully greater” proportion of LEP population, MPO staff will examine in greater detail the necessity of distributing notices and other information in another language. The ACS Urban Area Data breakdowns the languages spoken in the Grand Forks-East Grand Forks Urban Area.

<b>Language Spoken At Home By Ability to Speak English For Age 5 Years &amp; Older ACS* Data 2013-2017</b>						
	<b>MPO Area</b>		<b>Grand Forks</b>		<b>East Grand Forks</b>	
	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>
<b>Speaks English</b>	61,635	93.8%	52,998	93.7%	8,637	94.4%
<b>Speaks Spanish</b>	856	1.3%	682	1.2%	174	1.9%
<b>Speaks Other Indo-European</b>	1,319	2.0%	1,220	2.2%	99	1.1%
<b>Speaks Asian &amp; Pacific Island</b>	977	1.5%	916	1.6%	61	0.7%
<b>Speaks Other</b>	892	1.4%	717	1.3%	175	1.9%
<b>Total Non-English Speakers</b>	4,044	6.2%	3,535	6.3%	509	5.6%
<b>Total Population</b>	65,679		56,533		9,146	

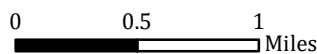
\*American Community Survey Census Block Groups

# High Concentration of Limited English Proficiency



## Limited English Proficiency

- EGF: 6% or Higher
- GF: 4% or Higher



MPO Area ACS* Data 2013-2017			
	MPO Area	Grand Forks	East Grand Forks
<b>Total Population Age 5+ Years</b>	65,679	56,533	9,146
<b>Population Speaking English Less Than Very Well</b>	1,465	1,209	256
<b>Percent</b>	2%	2%	3%
<b>2 Times Percent</b>	4%	4%	6%

\*American Community Survey

<b>Language Spoken At Home For Population 5 Years And Over</b>		
	<b>Total</b>	<b>Percentages</b>
All populations	60,311	
English Speakers	56,407	93.5%
Non-English Speakers	3,904	6.5%
Speaks Very Well	2,473	4.1%
Speaks Less Than Well	1,431	2.4%
Spanish Speakers	810	1.3%
French, Haitian, or Cajun Speakers	246	0.4%
German Or Other West Germanic Speakers	267	0.4%
Russian, Polish, Or Other Slavic Speakers	163	0.3%
Other Indo-European Speakers	608	1.0%
Korean Speakers	45	0.1%
Chinese (Incl. Mandarin, Cantonese) Speakers	479	0.8%
Vietnamese Speakers	50	0.1%
Tagalog (Inc. Filipino)	103	0.2%
Other Asian And Pacific Island Speakers	241	0.4%
Arabic Speakers	155	0.3%
Other And Unspecified Speakers	737	1.2%

Note: American Communities Survey Census Urban Area

**4. The resources available to the Grand Forks-East Grand Forks MPO and overall cost to provide LEP assistance.**

The MPO reviewed its available resources that could be used for providing LEP assistance, which of its documents would be most valuable to be translated if the need should arise, and contact local citizens that would be willing to provide voluntary Spanish (the most common language spoken after English) translation if needed within a reasonable time period. Other language translation, if needed, would be provided through a telephone interpreter line for which the MPO would pay a fee.

**LANGUAGE ASSISTANCE**

A person who does not speak English as their primary language and who has limited ability to read, write, speak, or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to the MPO services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into

another language and/or translation, which means the written transfer of a message from one language to another language.

How the MPO staff may identify an LEP person who needs language assistance:

- Post notice of LEP plan and the availability of interpretation or translation services free of charge in languages LEP persons would understand.
- All MPO staff will be provided with “I Speak” cards to assist in identifying the language interpretation needed if the occasion arises.
- All MPO staff will be informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year. Any contacts will be formally documented on a form and evaluated for frequency.
- When the MPO sponsors an informational meeting or event, a staff person may greet participants as they arrive. By informally engaging participants in conversation, it is possible to gauge each attendee’s ability to speak and understand English. Although translation may not be able to be provided at the event it will help identify the need for future events.

### *Language Assistance Measures*

Although there are a very low percentage of LEP individuals in the MPO service area, that is, persons who speak English “not well” or “not at all”, the MPO will strive to offer the following measures:

- The MPO staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating English.
- The following resources will be available to accommodate LEP persons:
  - The MPO website will have translation capability to convert from English to other languages.
  - Language interpretation/translations services will be pursued to accommodate the LEP request within a reasonable time period.
  - Language interpretation will be accessed for all other languages through a telephone interpretation services.

### **STAFF TRAINING**

The following training will be provided to all staff:

- Information on the Title VI Policy and LEP responsibilities.
- Description of language assistance services offered to the public
- Use the “I speak” cards.
- Documentation of language assistance request.
- Title VI Complaint Process.

*All contractors or subcontractors performing work for the Grand Forks-East Grand Forks MPO will be required to follow the LEP guidelines.*

## **TRANSLATION OF DOCUMENTS**

As stated earlier, the MPO website has the capability to translate from English to other languages. When it comes to printed items, the MPO weighed the cost and benefits of translating the documents, the likelihood of frequent changes in documents and other relevant factors, and at this time it is an unnecessary burden to have any documents translated.

Due to the very small LEP population, the Grand Forks-East Grand Forks MPO does not have a formal outreach procedure in place. Translation services have been identified and are limited in this region. However, when and if the need arises for LEP outreach, the MPO will consider the following options:

- The Grand Forks-East Grand Forks MPO has an outreach process including a Request for Reasonable Accommodations procedure that refers all request to the Grand Forks-East Grand Forks MPO ADA Coordinator for processing. The Grand Forks-East Grand Forks MPO has translation services identified and notices of accommodation are placed in public ads, meeting notices, flyers, and agendas.
- The Grand Forks-East Grand Forks MPO ADA Coordinator will assess requests for translation of documents based on the possible impacts and known LEP population using the Four Factor Analysis.
- The Grand Forks-East Grand Forks MPO will make every effort to provide the services in a timely manner.
- The Grand Forks-East Grand Forks MPO will pay for interpreter services and translation of vital documents when necessary.

The Grand Forks-East Grand Forks MPO has identified vital documents as those documents that are critical for obtaining the federal services and/or benefits, or that is required by law. These may include:

- Applications
- Consent and Complaint Forms
- Notices of Rights and Disciplinary Actions
- Notices advising LEP persons of the availability of free language assistance
- Letters or Notices that require a response

A “safe harbor” provision regarding the translation of documents is provided by the Department of Justice. The DOJ suggest providing written translations of vital documents for each eligible LEP language group that constitutes five percent of 1,000 persons, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. The safe harbor provision applies to the translation of written documents only.

The Grand Forks-East Grand Forks MPO will make every effort to translate vital documents, as practicable, upon receipt of request for reasonable accommodations for translation. Written



translation of the Grand Forks-East Grand Forks documents can range from translation of an entire document to translation of a short description of the document.

## **MONITORING**

**Monitoring and Updating the LEP Plan** – The Grand Forks-East Grand Forks MPO will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated every four years using the most current American Community Survey data. Updates will include the following:

- The number of documented LEP person contacts encountered annually.
- How the needs of the LEP persons have been addressed.
- Determination of the current LEP population in the service area.
- Determination as to whether the need for translation services has changed.
- Determine whether local language assistance programs have been effective and sufficient to meet the need.
- Determine whether the MPO financial resources are sufficient to fund language assistance resources needed.
- Determine whether the MPO fully complies with the goals of this LEP Plan.
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.

## **DISSEMINATION OF THE GRAND FORKS-EAST GRAND FORKS MPO LEP PLAN**

- Post signs in the MPO service area notifying LEP persons of the LEP Plan and how to access language services.
- Post on the MPO website the LEP Plan and how to access language services.
- State on agendas and public notices in the language those LEP persons would understand that documents are available in that language upon request within 5 business days at (701) 746-2660.
- Based on the limited LEP population and request for translation services, all initial documents will be published in English with the availability to translate upon request.
- Publish Press Releases
- Send copy of press release to advocacy groups and other agencies serving LEP populations.

## **APPENDIX A: LANGUAGE INDEX CARDS**

To be able to communicate with LEP persons, the Grand Forks-East Grand Forks MPO staff will make the following identification flashcards available at public meetings and other community input events.

Developed by the U.S. Census Bureau, these cards have the phrase “Mark this box if you read or speak “name of language”, translated into 38 languages. They were designed for use by government and non-government agencies to identify the primary language of LEP individuals during face-to-face contacts.

Once a language is identified, a relevant point of contact will be notified to assess feasible translation or oral interpretation assistance.

See Language Index Cards on the following pages.

Language Identification Flashcard ✓

Arabic

أنا أتحدث اللغة العربية

Armenian

Ես խոսում եմ հայերեն

Bengali

আমি বাংলা কথা বলতে পারি।

Cambodian

ខ្ញុំនិយាយភាសាខ្មែរ

Chamorro

Motka i kahhon ya yangin ûntûngnu' manitai pat  
ûntûngnu' kumentos Chamorro

Dinka

Rinṗ êkēnē yic tē yījam nē thunjäy ye tök, ku kor raan  
Bī yī geer thok.

Simplified Chinese

如果你能读中文或讲中文，请选择此框。

Traditional Chinese

如果你能讀中文或講中文，請選擇此框。

Croatian

Govorim hrvatski

Czech

Mluvím česky

Dutch

Ik spreek het Nederlands

English

I speak English

Language Identification Flashcard ✓

Farsi

من فارسی صحبت می کنم

French

Je parle français|

German

Ich spreche Deutsch|

Greek

Μιλώ τα ελληνικά

Haitian Creole

M pale kreyòl ayisyen

Hindi

मैं हिंदी बोलता हूँ ।

Hmong

Kuv has lug Moob

Hungarian

Beszélek magyarul|

Ilocano

Agsaonak ti Ilokano

Italian

Parlo italiano|

Japanese

私は日本語を話す

Korean

한국어 합니다

Language Identification Flashcard ✓

Laotian

ຂ້ອຍປາກພາສາລາວ

Polish

Mówię po polsku

Portuguese

Eu falo português do Brasil  
*(for Brazil)*

Portuguese

Eu falo português de Portugal  
*(for Portugal)*

Romanian

Vorbesc românește

Russian

Я говорю по-русски

Serbian

Ja говорим српски

Slovak

Hovorím po slovensky

Spanish

Yo hablo español

Somali

Waxaan ku hadlaa af-Soomaali

Tagalog

Marunong akong mag-Tagalog

Thai

พูดภาษาไทย

Language Identification Flashcard ✓

Tongan

Maaka 'i he puha ni kapau 'oku ke lau  
pe lea fakatonga

Ukrainian

Я розмовляю українською мовою

Urdu

میں اردو بولتا ہوں

Vietnamese

Tôi nói tiếng Việt

Yiddish

איך רעד יידיש

American Sign Language



I, ME



SIGN, SIGN LANGUAGE

## **EXHIBIT C**

# **GRAND FORKS-EAST GRAND FORKS MPO'S PRIVATE SECTOR PROCEDURE PLAN**



Grand Forks - East Grand Forks

METROPOLITAN  
PLANNING ORGANIZATION

# **Grand Forks-East Grand Forks Metropolitan Planning Organization's Private Sector Procedure Plan**

**Prepared by**

**The GF-EGF MPO**

**255 North 4<sup>th</sup> Street, Grand Forks, ND 58203**

**600 DeMers Avenue, East Grand Forks, MN 56721**

**Website: [www.theforksmpo.org](http://www.theforksmpo.org)**

**Adopted: 2019**



It shall be the procedure of the Grand Forks-East Grand Forks Metropolitan Planning Organization (MPO), together with the Cities of Grand Forks, North Dakota and East Grand Forks, Minnesota, to involve the private sector in the planning and provision of transit/paratransit service in the Metropolitan Area. 49 U.S.C. 5306(a) requires that plans and programs required for Federal Transit assistance must encourage the participation of private enterprise to the maximum extent feasible. The MPO's Public Participation Plan provides the full extent of the procedure.

1. The early and often involvement of private operators in local planning process, which must comply with rigorous planning and private enterprise requirements and the joint FHWA/FTA planning regulations (FTA C 9030.1C).
  - A. Early notification to private transportation providers and potential providers of proposed services and opportunities,
  - B. Early consultation opportunities for participating in the development of transit/paratransit plans,
  - C. Reasonable opportunity for private operators to offer their own service proposals for consideration.
  
2. The early and often involvement of private operators in the development of each City's Program of Projects (POP), which are integrated with the MPO's Transportation Improvement Program (T.I.P.) (49 U.S.C. 5307© (1-7) (49 U.S.C. 5304) 23 C.F.R. 450.316(b)).
  - A. Make available to the private operator's information concerning the amount of funds available that will be programmed and the purposes the funds will be programmed for.
  - B. Develop a proposed T.I.P. for activities to be financed, in consultation with private operators.
  - C. Publish the proposed T.I.P. in sufficient detail and in such a manner as to afford private operators an opportunity to examine the proposed T.I.P. and to submit comments on it and on the performance of the service.
  - D. Consider comments and views received from the private operators and if deemed appropriate modify the proposed T.I.P.
  - E. Make available the Final T.I.P. to the private operators.

## **EXHIBIT D**

# **ENVIRONMENTAL JUSTICE PROGRAM MANUAL**



Grand Forks - East Grand Forks

METROPOLITAN  
PLANNING ORGANIZATION

# **ENVIRONMENTAL JUSTICE PROGRAM MANUAL**

## **PREPARED FOR:**

**Grand Forks-East Grand Forks Metropolitan Planning  
Organization (GF-EGF MPO)**

## **PREPARED BY:**

**Stephanie Halford, Executive Director  
Teri Kouba, Senior Planner  
Peggy McNelis, Office Manager**

**The preparation of this Report was financed, in part, through the U.S. Department of Transportation's Federal Highway Administration, and through local contributions from the Governments of Grand Forks, North Dakota, and East Grand Forks, Minnesota.**

**Approved: 2019**

**Updated: December 2022**

# TABLE OF CONTENTS

	<u>PAGE #</u>
<b>SUMMARY</b> .....	<b>1</b>
<b>1. INTRODUCTION</b> .....	<b>3</b>
<b>2. TRANSPORTATION PLANNING</b> .....	<b>4</b>
<b>3. ENVIRONMENTAL JUSTICE</b> .....	<b>5</b>
3.1 What is Environmental Justice? .....	5
3.2 Why Does The MPO Need To Address Environmental Justice .....	5
3.3 How Does Environmental Justice Improve Decision-Making .....	5
<b>4. STATUTORY AND REGULATORY REQUIREMENTS</b> .....	<b>6</b>
4.1 1964 Civil Rights Act, Title VI.....	6
4.2 Executive Order 12898.....	7
4.3 DOT Order 5610.2 .....	7
4.4 FHWA Order 6640.23 .....	8
4.5 FHWA And FTA Memorandum, October 7, 1999 .....	8
4.6 FTA Circular 4703.1 .....	9
<b>5. EVALUATION PROCESS</b> .....	<b>9</b>
5.1 Participation.....	9
5.2 Plans And Services.....	10
5.3 Alternatives And Projects.....	11
<b>6. IDENTIFYING ENVIRONMENTAL JUSTICE POPULATIONS</b> .....	<b>13</b>
6.1 Method To Find Minority Population(s).....	14
6.2 Method To Find Low-Income Population(s) .....	17
<b>7. ANALYTICAL FRAMEWORK</b> .....	<b>21</b>
7.1 Adverse Impacts And What Does “Significant” Mean? .....	21
7.2 What Does “Disproportionate” Mean? .....	21
7.3 Secondary And Cumulative Impacts.....	21

# TABLE OF CONTENTS

## PAGE 2

	<u>PAGE #</u>
<b>8. FUTURE ACTIONS.....</b>	<b>22</b>
8.1 Primary Assessment .....	22
8.2 Transit Coordination.....	23
8.3 Next Steps.....	25
<b>9. GLOSSARY AND ABBREVIATIONS .....</b>	<b>26</b>
9.1 Glossary .....	26
9.2 Abbreviations .....	27
<b>10. REFERENCES.....</b>	<b>30</b>

**TABLE OF CONTENTS**  
**PAGE 2**

**LIST OF TABLES**

	<u><b>PAGE #</b></u>
1. <b>EXAMPLE OF MINORITY POPULATION CENSUS BLOCK GROUP (GRAND FORKS) ND.....</b>	<b>15</b>
2. <b>HIGH CONCENTRATION OF MINORITY POPULATION IN MPO AREA (GRAND FORKS COUNTY) ND.....</b>	<b>15</b>
3. <b>LOW INCOME POPULATION CENSUS DATA EXAMPLE.....</b>	<b>18</b>
4. <b>HIGH CONCENTRATION LOW INCOME POPULATION IN MPO AREA .....</b>	<b>19</b>

**LIST OF MAPS**

	<u><b>PAGE #</b></u>
1. <b>HIGH MINORITY AREAS.....</b>	<b>16</b>
2. <b>LOW INCOME AREAS .....</b>	<b>20</b>
3. <b>HIGH MINORITY AND LOW-INCOME AREAS COMBINED .....</b>	<b>23</b>

# SUMMARY

The elaboration of this Procedural Manual is an attempt to articulate the Environmental Justice laws, regulations and policies established by a number of transportation-related federal agencies to ascertain that low-income and minority populations within our planning area are subject to “fair treatment and meaningful involvement of people from all races, cultures, abilities, and income during the development of projects, laws, regulations, and policies.”

This report describes the requirements of the Federal Highway Act, 1972, that requires our Grand Forks-East Grand Forks MPO to advance a 3C’s “continuing, comprehensive, and cooperative” planning process. The GF-EGF MPO is also responsible for ensuring that transportation programs in this region address the effects of all plans, programs, and policies on “disadvantaged populations” through a more comprehensive and inclusive approach during the transportation planning process. In this effect, “environmental justice” is advocated based on Title VI of the 1964 Civil Rights Act.

This Procedural Manual is designed to provide guidance to staff in meeting Environmental Justice (EJ) mandates and structuring a public participation plan at the project or study level. It describes the methodologies and procedures to implement the three basic principles of the Environmental Justice legislation.

The methods and analytical framework discussed in this Procedural Manual constitute a work in progress. As staff familiarize themselves with the work of comparable MPOS, enhance analytical skills, and describe the monitoring tools used thus far to comply with our Environmental Justice Program, this report will demonstrate our understanding and progress to-date. It lays out our path forward in the process of complying with EJ responsibilities.

This report is divided in ten sections:

- Section One briefly describes the legislative mandate of the GF-EGF MPO.
- Section Two discusses the importance of transportation, including its positive benefits and burdens.
- Section Three provides an overview of the concept of EJ. It addresses three fundamental questions as they relate to the work and mandate of the GF-EGF MPO.
- Section Four provides a brief introduction to the major pieces of legislation underpinning the EJ movement for the last 60 years.
- Section Five discusses our “thresholds” methodology and procedures implemented to demographically identify and geographically locate low-income and minority populations.
- Section Six provides our understanding of key parts of the legislation provided to advance the assessment of the concerns supported by the legislation.
- Section Seven describes how the principles of the EJ agenda are implemented. This section describes methods, techniques, data collection and analysis tools implemented to comply with mandate requirements.
- Section Eight provides our MPO’s coordination with regional transit provider and its approach to future actions.
- Section Nine provides a brief list of abbreviations and glossary to help with the interpretation of the spirit of the report.
- Section Ten gratefully acknowledges the work of colleagues in other jurisdictions. Their dedicated work has clearly influenced the structure of this report.

This Procedural Manual is designed to provide guidance to staff in meeting EJ principles. Our objective is to always provide fair treatment and meaningful participation to those involved in transportation decision-making activities.



# 1. INTRODUCTION

The Grand Forks-East Grand Forks Metropolitan Planning Organization (GF-EGF MPO) was established in 1982. The GF-EGF MPO is a United States Federally mandated and funded agency. It is dedicated to assuring that transportation investments are made in a manner that reflects the needs and aspirations of the region. Planning processes advanced by the agency strive to ensure that funds and resources are allocated appropriately.

Located in northeast North Dakota and northwest Minnesota, the planning area encompasses the Cities of Grand Forks, North Dakota and East Grand Forks, Minnesota. It also includes the urbanized areas and areas anticipated to be urbanized in the next 20-years in Grand Forks County, North Dakota and Polk County, Minnesota. MPOs are designated for each metropolitan area with a population exceeding 50,000. According to the U.S. Census (2010), the populations for the Cities of Grand Forks and East Grand Forks were 52,838 and 8,602, respectively.

The GF-EGF MPO's current governance structure comprises of an Executive Policy Board and a Technical Advisory Committee. Both include local elected and/or appointed official(s); representatives from Minnesota and North Dakota's state agency officials; all are supported by representatives from different modes of transportation; and non-voting members. Part of the GF-EGF MPO's function is to provide technical assistance and expertise to compile studies and identify solutions to metropolitan transportation-related problems.

The primary responsibility of the GF-EGF MPO is to fulfill the requirements of the Federal Highway Act of 1972. This requires those urban areas with a population of 50,000 or more to advance a 3Cs, "continuing, comprehensive, and cooperative" planning process. As a result, the agency manages and provides an impartial and effective regional forum for decision-making concerning transportation matters. The agency contributes to a realistic visioning, assessment, monitoring, and evaluation of proposed transportation plans, studies, and projects in accordance to the scale and complexity of the region. Most recently, under guidance received from Fixing America's Surface Transportation Act (FAST), the process has been enhanced incorporate a performance-based approach to transportation decision making and development of transportation plans. Accordingly, the current metropolitan planning process that considers planning products and services that, among others, support regional economic vitality, increase safety and security, promote accessibility and mobility of people and freight; promote energy conservation, enhance integration and connectivity, and promote the efficiency and preservation of the existing transportation system.

MPOs are legally required to produce multimodal plans and programs that support regional community development, improve quality of life and foster community social goals. In addition, MPOs establish and manage a fair and impartial setting for effective regional decision making in the metropolitan area; identify and evaluate alternative transportation improvement options, using data and planning methods to generate and evaluate alternatives.

However, the major work activities advanced by the MPO to meet specific federal requirements include:

- 1) Developing, updating fiscally constrained 20-year horizon metropolitan transportation plans (MTP). The purpose is to consider projects and strategies that will strive to meet the eight planning factors outlined by FAST.

- 2) Developing a unified planning work program (UPWP). This document outlines the transportation planning activities and resulting products to be developed by the GF-EGF MPO and other transportation planning agencies for the current and next fiscal year. It summarizes into one document all federally assisted, state, regional, and local transportation planning activities proposed to be undertaken in our region, including transportation studies and tasks to be performed by the GF-EGF MPO staff or consultant(s). The UPWP must be in place before funding assistance is requested from the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA).
- 3) Developing a short-range (four-year) program of transportation improvements (T.I.P.) in cooperation with the State Department of Transportation (DOT) and transit agencies. Updated annually, the T.I.P. is required to list all short-term transportation projects in the region using federal funds and/or regionally significant transportation projects. This, it includes a prioritized list of projects and a financial plan consistent with anticipated funding, and
- 4) Developing a Public Participation Plan outlining how the GF-EGF MPO will engage the public; describing activities to seek out and consider the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households; as well as a process for periodically reviewing the effectiveness of the plan to ensure a full and open participation process.

While advancing the tasks outlined, and fostering the core values previously described, the agency facilitates inter-governmental cooperation; and the active participation of interested parties, concerned citizens and residents in the planning process. The GF-EGF MPO prepares special studies and other planning documents such as transit, and bicycle and pedestrian plans.

Primarily, the GF-EGF MPO makes every effort to involve the public, including selected demographic groups and geographic communities deemed to have historically been disproportionately impacted by the outcomes of the proposed transportation projects. As a result, the GF-EGF MPO relies on a number of public involvement techniques to get feedback from participants; elucidate community's point of view and opinions; and techniques to enhance public involvement to facilitate transportation decision-making. These techniques are outlined in our current Public Participation Plan (PPP) which defines principles and strategies for public involvement throughout the transportation planning process.

## **2. TRANSPORTATION PLANNING**

Transportation is one of the most important human activities. Transportation provides access to land and influences the location of jobs, industrial, educational, economic, and social activities. The transportation-land use relationship determines the prevailing mode of transport that makes access possible and promotes mobility. As a result, access facilitates commerce, and greatly contributes to the realization of our regional comparative economic advantages and to our regional prosperity.

Investments in transportation bring important direct and indirect economic development benefits. These may include increased access to employment opportunities and income growth; improvements on basic mobility and accessibility; improved household wealth accumulation and housing affordability; as well as ready access to available schooling, health, recreational and commercial activities and facilities. Other positive benefits include increased property values and tax revenues. Investments in transportation greatly improve levels of service for users, and better air quality. Transportation positively impacts our communities; it also strengthens local, state, and federal economies.

Without transportation many activities taken for granted could have a detrimental impact in our communities if we were to do without them. Unfortunately, transportation also negatively influences the infrastructure, vehicles, and operation key elements of the transportation system. Some negative impacts of transportation include air, ground, and water pollution, excessive use of fossil fuels and corresponding emissions. At the community level, basic mobility and accessibility factors may be compromised. It is possible that changes brought about by the transportation system could make it more difficult for transit-dependent motor, pedestrian, or bicycle users to travel through or around certain communities.

Similarly, some social impacts result from the provision of transportation infrastructure and/or services; or from the user's experience with the transportation system. Some impacts include community severance and cohesion, accidents, noise, nuisance, temporal construction barriers, displacement of families or businesses, lower property values, slow sales of real estate properties, all these factors have significant public implications. Transportation projects, among others, have the potential to impact communities at the social, economic, and environmental level. These impacts and their effects at the geographic level have been viewed by some as deserving further attention. Historically, both the geographic distribution and adverse effects on minority and low-income populations have captured the attention of federal and state law. The law requires an assessment of these impacts, particularly, because members of these groups have been under-represented in the public decision-making process.

Historically, and unintentionally, some public agencies have been deemed to have discriminated against certain demographic groups, particularly disadvantaged ones. To prevent these practices from becoming recurrent a number of pieces of legislation have been enacted. These laws are

concerned with the unintended consequences of the impacts of transportation projects, particularly negative ones on low-income and minority populations. The next section will discuss the key statutory and regulatory requirements which provide foundation to develop, implement, and evaluate Environmental Justice programs integrating Environmental Justice into our transportation planning activities.

### 3. ENVIRONMENTAL JUSTICE

#### 3.1 What Is Environmental Justice?

Environmental Justice refers to the “**fair treatment and meaningful involvement of people from all races, cultures, abilities, and incomes** during the development of projects, laws, regulations, and policies.”<sup>1</sup> The concept of “environmental justice” has been entrenched in public affairs, community, and environmental activism for the last four decades. The movement sparked from the confluence of environmentalism and Civil Rights movements that flourished in the 1960’s and 1970’s in the United States. Advocates demanded the right to participate as equal partners at every level of decision-making.

The Environmental Justice movement has been heavily encouraged by concerned citizens who lived, worked, and played on, adjacently or in proximity to the most polluted environments: hazardous waste landfills, decommissioned industrial plants, and gas and oil depots. Unfortunately, these areas tended to historically house a disproportionate number of health threatening facilities. Most likely these are the areas where communities of color and low-income residents are the common denominator.

Most often, members of these communities lack organized community groups or are deficient in terms of local civic representation. Members of minority and low-income communities are unable to actively participate in the policy-making process and to gainfully utilize resources available to guarantee safe, healthy, and sustainable communities for all members.

There are three fundamental environmental justice principles:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- 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 requires consideration in all phases of planning. However, environmental justice concerns are more frequently raised during project development. Environmental justice concerns should be recognized during project development and subsequent phases.

Environmental justice focuses on enhanced public involvement and on the analysis of the distribution of benefits and impacts.

Environmental justice concerns arise when certain communities receive the benefits of improved accessibility and faster trips while others experience fewer benefits. Issues with taxation related to transportation, higher transit fares, route changes, lacking or poor restrictive representation in policy making bodies or poor air quality contribute to raise awareness on Environmental Justice concerns.

---

<sup>1</sup> Environmental Justice Key Terms - Modified 10/17/14 <http://www.epa.gov/region7/ej/definitions.htm>.

### **3.2 Why Does The GF-EGF MPO Need To Address Environmental Justice?**

The GF-EGF MPO serves as the primary forum where State DOTs, transit providers, local Agencies and the public develop local transportation plans and programs that address the metropolitan area's needs. We need to address Environmental Justice to ensure non-discrimination concerning enacted transportation-related laws, regulations, and policies.

To certify compliance with, and to address environmental justice, the GF-EGF MPO needs to:

- Identify residential, employment, and transportation patterns of low-income and minority populations so that their needs can be identified and addressed, and the benefits and burdens of transportation investments can be fairly distributed.
- Enhance their analytical capabilities to ensure that the long-range transportation plan and the transportation improvement program (T.I.P.) comply with the tenets of Environmental Justice.
- Evaluate and, where necessary, improve their public involvement processes to eliminate participation barriers and engage minority and low-income populations in transportation decision making.<sup>2</sup>

### **3.3 How Does Environmental Justice Improve Decision Making?**

The concept of Environmental Justice is based on the affirmation that all people, regardless of their race, color, national origin, or income, are able to enjoy equally high levels of environmental protection. A concept that originated in the environmental movement has grown up to encompass other areas of community concerns, including transportation.

In the legal and regulatory framework of Environmental Justice, when properly implemented, the key environmental justice's principles and procedures improve all levels of transportation decision making. For instance, their implementation helps to make transportation decisions that meet the needs of all people. As a result, the design of transportation facilities is more attuned to the community's character. Public involvement greatly strengthens community-based partnerships and affords opportunities for low-income and minority groups to enhance the quality and usefulness of transportation in their daily activities. Other benefits derived from the implementation of the three basic principles include improved data collection and analytical tools to evaluate the potential impacts of proposed works on protected populations.

Below is a summary list of the most important statutory and regulatory requirements supporting "environmental justice" laws, regulations and policies.

---

<sup>2</sup> FHWA Publication No. FHWA EP-00-013, An Overview of Transportation and Environmental Justice

## **4. STATUTORY & REGULATORY REQUIREMENTS**

### **4.1 1964 Civil Rights Act, Title VI**

Title VI 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.” Title VI bars intentional discrimination (i.e., disparate treatment) as well as disparate-impact discrimination stemming from neutral policy or practice that has the effect of a disparate impact on protected groups based on race, color, or national origin.

Title VI of the 1964 civil Rights Act is the most seminal civil rights and environmental justice legislation. Title VI was reinforced by the 1969 National Environmental Policy Act (NEPA), which required assessment of major federal actions affecting the human environment. Later, in 1987, the Civil rights Restoration Act of 1987 clarified that it was the intent of Congress to include all *programs and activities* of federal aid recipients, sub-recipients, and contractors that directly benefited from Federal assistance. The GF-EGF MPO is responsible for evaluating its plans and programs for Environmental Justice sensitivity. It is also responsible for conducting and for developing outreach efforts to low-income, minority, and other traditionally underserved populations, as part of the United States Department of Transportation certification requirements.

### **4.2 Executive Order 12898**

As the environmental movement continued is awareness raising activities; the movement has increasingly devoted its attention to the possibility of finding disparate environmental impacts in areas inhabited by low-income and minority populations. The Executive Order 12898, titled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” was issued by President Clinton in February 1994. The Order directs federal departments and agencies to identify and address disproportionately high and adverse human health or environmental effects of their policies, programs, and activities on minority and/or low-income populations. Although this executive order targeted the plans and actions of federal agencies, the effects of the order have poured to state and local governments.

For instance, regarding populations protected by Title VI, a project that has a disproportionately high and adverse impact may be carried out only if (1) there is a substantial need for the project, and (2) alternatives to it would have other adverse impacts or would involve costs of extraordinary magnitude.

Regarding populations protected by Executive Order 12898 but not by Title VI, a project that has a disproportionately high and adverse impact may be carried out only if alternatives or further mitigation measures are not practicable. Social, economic, and environmental considerations are to be taken into account in determining what is practicable.

Author Mary English indicates that “Executive Order 12898 goes beyond Title VI by addressing low-income as well as minority populations and by making it clear that unintentional, as well as intentional disproportionately high and adverse impacts are to be avoided. In her opinion, Executive Order 12989 is more limited than Title VI in one respect, however. While Executive Order 12898 focuses on the discriminatory distribution of burdens from a federal action, Title VI also considers the discriminatory distribution of benefits from the action.”<sup>3</sup>

### **4.3 DOT Order 5610.2**

The Order supports important strategies emanating from the U.S. Department of Transportation (DOT) to advance the principles of environmental justice in all Departmental programs, policies, and activities. In particular, the tenets of the Order are expected to be integrated into planning and programming, rulemaking, and policy formulation.

DOT Order 5610.2 was issued in April 1997 by the U.S. Department of Transportation in response to Executive Order 12898. The Order emphasizes the importance of addressing environmental justice concerns early in the development of a program, policy, or activity. The order requires that, where relevant, appropriate, and practical, information be obtained on the population served and/or affected on race, color, or national origin and income level. The Order proposed steps to guard minority populations and low-income populations against disproportionately high and adverse impacts. It elicits public involvement opportunities and considers the results and solicits input from affected minority and low-income populations in considering alternatives.

Among others, the Order provides guidance on how to identify and avoid discrimination and avoid disproportionately high and adverse effects on minority populations and low-income populations. It also offers direction on how to make determinations regarding disproportionately high and adverse effects on minority and low-income populations. It requires accounting for all mitigation and enhancements measures that will be implemented.

According to DOT’s 1997 order, environmental justice principles are to be incorporated into all DOT programs, policies, and activities. By extension, this applies to all state activities, including those that do not involve federal aid funds. State and metropolitan transportation planning is subject to environmental justice requirements. In addition, state and metropolitan transportation planning is subject to environmental justice requirements. In addition, state and metropolitan projects and programs must consider environmental justice requirements. Many of the projects with the potentially most significant impacts are undertaken at the state level. The Order was updated in 2012 and enacted under Order 5610.2.

### **4.4 FHWA Order 6640.23**

Order 6640.23, issued I December 1998, is the Federal Highway Administration’s response to DOT Order 5610.2. It echoes much of Order 5610.2, and it requires that findings identified during implementation of the order be included in planning or NEPA documentation. FHWA outlines that “at the start of the planning process, planners must determine whether Environmental Justice issues exist...”

---

<sup>3</sup> English, Mary R et al. (2007) Environmental Justice in Transportation Planning and Projects: A Desk Guide for Tennessee

However, FHWA also notes that “communities are constantly changing, so evaluation of human impacts must be given attention throughout planning, project development, implementation, operation, and maintenance” ([www.fhwa.dot.gov/environment/ejustice/facts](http://www.fhwa.dot.gov/environment/ejustice/facts)). A formal environmental justice assessment at the beginning of a plan, program, or project is essential, but it may not be sufficient. Subsequent assessments may be needed.

#### **4.5 FHWA and FTA Memorandum, October 7, 1999**

This is a memorandum issued by the Federal Highway Administration and the Federal Transit Administration. This rulemaking was issued as “Implementing Title VI Requirements in Metropolitan and Statewide Planning on October 7, 1999.” The Memorandum makes clear that Title VI and environmental justice must be considered, not only during project development, but also during planning processes. It also emphasizes that it applies equally to the projects and products of planning.

The appropriate time to verify the implementation of those provisions is during the planning self-certification reviews conducted for the GF-EGF MPO and through the statewide planning finding rendered at approval of the Statewide Transportation Improvement Program (S.T.I.P.).

#### **4.6 FTA Circular 4703.1**

In August 2012 the Federal Transit Administration (FTA) issued the Environmental Justice Circular 4703.1, which provided updated and clarified guidance on how to incorporate principles of environmental justice into the metropolitan transportation decision making process. Current Federal guidance directs MPOs to seek and consider the needs/interests of individuals, groups, and communities that are traditionally underserved by the transportation system (highway and transit), policies, and financial investments.

In response to these federal statutes, the Forks MPO incorporates Environmental Justice into all relevant aspects of the mandated transportation planning process according to supporting principles. In addition, the GF-EGF MPO, through its Public Participation Plan (PPP) addresses the needs and concerns expressed by residents in Limited English Proficiency (LEP).

The GF-EGF MPO carries out a number of activities to ensure disadvantaged persons, as they are defined in federal statutes, and regulations, do not suffer discrimination in the transportation planning and implementation phases. Among others, these activities include incorporating techniques and advance methodologies in public participation and outreach, and plan analysis.



## **5. EVALUATION PROCESS**

The GF-EGF MPO gives consideration to: a) Participation; b) Plans and Services; and c) Alternatives and Projects while implementing the advancement of the 3-Principles of Environmental Justice quoted earlier. These principles were defined by the United States Department Of Transportation (DOT) for the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA).

### **5.1 Participation**

- **Environmental Justice Principle:**

*To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.*

The outreach activities promoted by the GF-EGF MPO bring to the community sound opportunities to offer input concerning the planning of transportation initiatives. In addition, these public participation events also offer interactive conditions to assist residents and others in voicing their concerns and to participate in decision-making. Although applicable to some planning phases, most of these activities are advanced at the study-level.

The foundation of the products and transportation projects and initiatives considered at the GF-EGF MPO is open to community participation.

- **Grand Forks-East Grand Forks Metropolitan Planning Organization (GF-EGF MPO)**

- a) The GF-EGF MPO provides ample opportunity through effective public notices and outreach activities to engage low income and minority populations in our diverse transportation planning initiatives.
- b) It utilizes the interested person's lists to identify all concerned groups with the intent to foster relationships with relevant agencies and to establish direct contact for feedback on federally funded transportation plans and programs from these agencies.
- c) It has identified concentrations of low income and/or minority populations by geographically mapping demographic data to reflect environmental justice populations for use in the metropolitan transportation planning process.
- d) Places legal notices in local community newspapers, the GF-EGF MPO website, targeted mailings to neighborhoods and advocacy groups, issues press releases, and periodically prints newsletters.
- e) The GF-EGF MPO issues Public Notices for public comment period; it also issues notices for hearings for comments, reviews, and adoption of the Metropolitan Transportation Plan (MTP), the Transportation Improvement Program (TIP), and the Unified Planning Work Plan (UPWP).

- f) Targets letters and/or postcards announcing updates to the Metropolitan Transportation Plan and the Transportation Improvement Plan that may be sent to targeted audiences encouraging them to comment on the plan and/or program.
- g) Makes every effort to increase and enhance the current use of any or a combination of available public involvement materials: Flyers, Brochures, Visualizations, Maps, Drawings, Renderings, Photographs, Presentation, Fact-sheets, Charts and Graphs, Newsletters, and Web-sites.
- h) Enhances the use of any or a combination of available visualization techniques including Maps, Charts, Graphs, Web content, Slide-shows, Artist's renderings, and Animation Videos.
- i) Surveys basic demographic information of those participating at public meetings.
- j) Uses plain language and offers translation services when necessary.

## **5.2 Plans and Services**

- **Environmental Justice Principle:**

*To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.*

Valuable demographic, economic and social information to support goals, objectives, and policies adhered to by the GF-EGF MPO's plans, and initiatives is gathered – among others – to assure prompt, ample, and unencumbered participation. This level of involvement is afforded not only to those interested, but also to those prospectively impacted by the project.

- **Grand Forks-East Grand Forks MPO:**

- a) Identifies, highlights, analyzes, and addresses issues with projects within these areas for possible alternatives and/or mitigation recommendations in the MTP, TIP, or Unified Planning Work Program.
- b) The requirements of the GF-EGF MPO's plans, and programs include an environmental justice analysis. This policy will ensure that the burdens and benefits of planned transportation activities are equitably distributed across racial and socio-economic groups.
- c) Provides timely information about transportation issues and decision-making processes in a simple, efficient, and concise manner.
- d) In addition to current efforts, the GF-EGF MPO's staff (or designated consultants) evaluate the prospective impacts that planned programs and project would have on low-income and minority residents in such areas as transportation investments, mobility, walkability, and mode choice, effect of projects on travel times of area residents, and access to transit.

- e) In addition to current efforts, the GF-EGF MPO's staff (or designated consultants) investigate the impacts of the transportation plan or program on these populations and work with interest groups and/or neighborhood organizations to explore alternatives.

### **5.3 Alternatives and Projects**

- **Environmental Justice Principle:**

*To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.*

A State, MPO, or public transportation operator may undertake a multimodal, systems-level corridor or subarea planning study as part of the statewide and metropolitan transportation planning process. The results or decisions of this study may be used as part of the overall project development process consistent with FHWA regulations.

Environmental Justice determinations are made based on reasonably foreseeable adverse social, economic, and environmental effects, not population size. It is important to consider the comparative impact of an action among different population groups.

The expectation is that early consultation will help agencies identify key environmental factors and resources that will lead to more informed decision-making. Corridor and subarea studies can also help State and local planners understand the magnitude and scope of projects and allow planners to learn more about a particular corridor or subarea before moving forward with project development.<sup>4</sup>

- **Grand Forks-East Grand Forks MPO:**

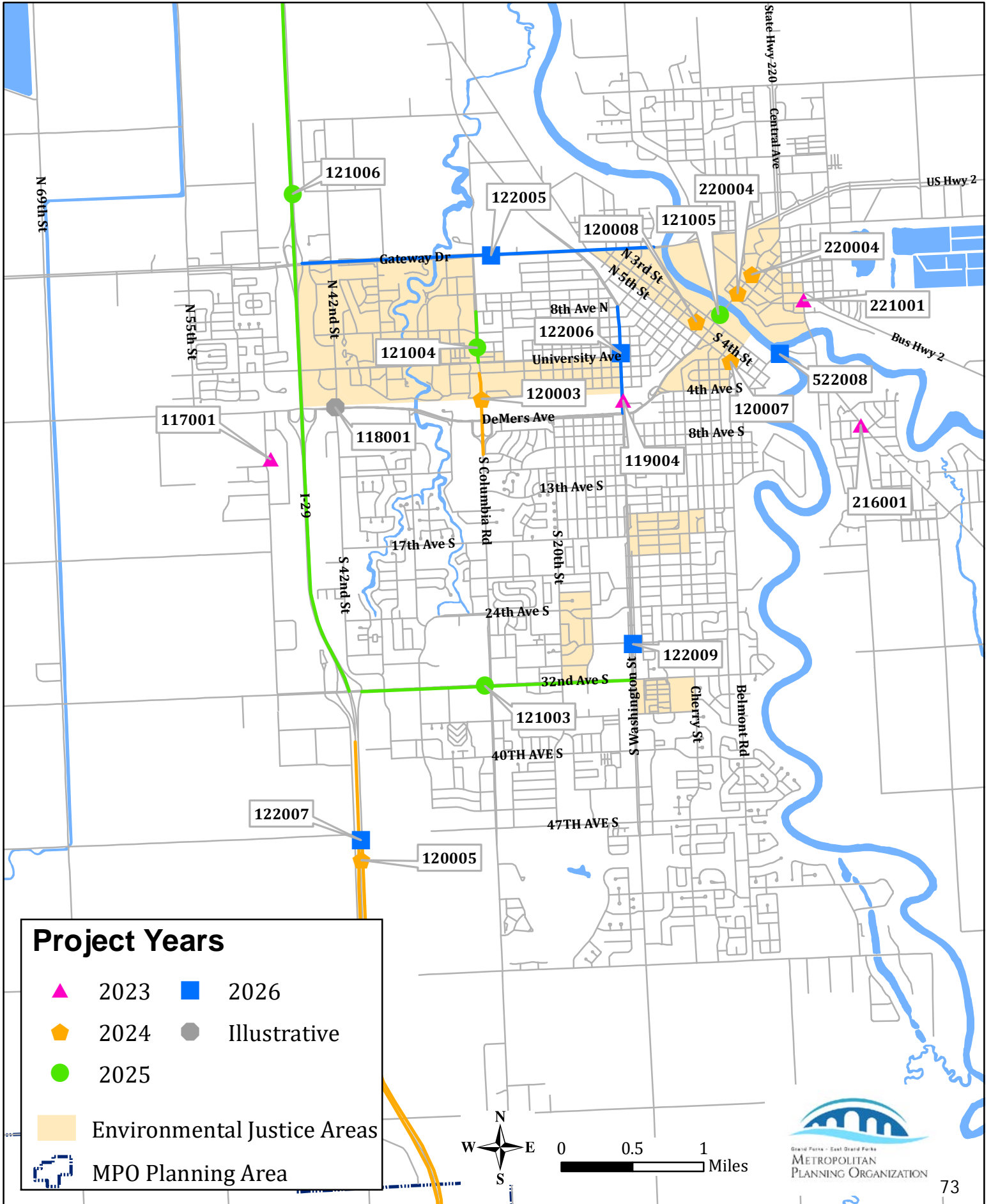
- a) Seeks help from possibly affected groups to develop possible alternatives as early as possible; discusses with them any perceived disproportionate effects the community is anticipating.
- b) Through analysis determines possible effects/impacts; and anticipates disproportionate effects. In addition to current efforts, the GF-EGF MPO's staff (or designated consultants) will discuss disproportionate effects – if any is anticipated; and will develop mitigation and remedial strategies – as appropriate – Strive for selecting alternatives that closely reflect needs and preferences of affected groups.
- c) Ensures that recommendations made in the project or study do not adversely impact Environmental Justice communities and/or ensure that the benefits and burdens of a specific recommendation are equitably distributed. In some instances, an Environmental Justice issue may be evident in a study area, but not be directly related to the residential population of a study area. For instance, there may be an issue that affects workers or other users of places or services within a study area.
- d) Utilizes geographical information systems (GIS) during the updates of the TIP and the MTP.
- e) Maps all federally funded candidate projects – at the study level- in relation to low-income and/or minority areas.

- f) The GF-EGF MPO staff, in addition to current efforts, is aware that a neutral policy or practice may have a disparate impact on protected groups. Thus, it will promote recommendations that would positively impact the Environmental Justice population groups identified.

---

<sup>4</sup> [http://environment.fhwa.dot.gov/integ/corridor\\_nepa\\_guidance.asp#toc111](http://environment.fhwa.dot.gov/integ/corridor_nepa_guidance.asp#toc111)

# 2023- 2026 Transportation Improvement Program



## **6. IDENTIFYING ENVIRONMENTAL JUSTICE POPULATIONS**

- **Introduction**

Two key reasons for understanding the demographic characteristics of an affected area are:

- To identify population groups who may need to be targeted for special outreach and consultation efforts, and
- To determine whether groups should be considered protected under the environmental justice standards specified in Executive Order 12898.

Both reasons are important. First, the main objective is to identify the populations protected by Executive Order 12898. Second, that the demographic analysis methods also are a prelude to determining appropriate outreach and consultation efforts, needed to advance a regional transportation vision. Other populations: such as the disabled, elderly, or those with a Limited English Proficiency, are protected by other federal statutes and regulations. The GF-EGF MPO has currently a Limited English Proficiency Plan in place.

- **Demographics**

In order to determine whether a group qualifies as a “protected population” under Executive Order 12898, at least the following issues need to arise:

- How to define protected populations (low-income and minority)
- Study area boundaries, and
- Population thresholds

The GF-EGF MPO serves two geographic areas that by virtue of their original settlement patterns and cultural backgrounds were originally populated by a variety of immigrant groups. Many settled in proximity to next of kin, country-people, or fellow worshippers. For instance, in North Dakota, except for the original settlers, the American Indian (5.4%), the number of those belonging to “minority” groups (8.5%) is rather small. Nevertheless, they also enjoy the protection and benefits derived from enacted civil rights laws, policies, and regulations.

In both North Dakota and Minnesota, newcomers came from many ethnic, religious, and cultural Eastern European backgrounds: Belgians, Czechs, Icelanders, Hungarians, Norwegians, Ukrainians, and Syrians. As a result, the number of those belonging to the remaining “minority” groups is rather small. Most recently, people from diverse ethnic backgrounds have moved to the GF-EGF MPO’s planning area attracted to emergent economic opportunities realized in the past few years from the oil exploration, and related supporting industries in North Dakota, which makes the largest geographic region within the planning area.

- **Department Of Transportation**

DOT and FHWA do not specify thresholds for determining whether a target population qualifies as “minority” and/or “low-income.” In fact, FHWA policy states that even if the minority or low-income population in a project, study, or planning area is very small, that does not eliminate

the possibility of a disproportionately high and adverse effect on this population. (<http://www.fhwa.dot.gov/environment/ejustice/facts/#QA>).

The GF-EGF MPO adheres to the concept of “meaningfully greater” areas in its determination of the thresholds of populations of interest. A population is of a “meaningful greater” interest if it is two times the total percent population within the metropolitan boundary or if the geographic unit exceeds 50% of the minority population. These areas with “meaningfully greater” interest are identified as areas of high concentration. Meaningfully greater is a detailed screening “threshold level” analysis technique used to support transportation long range, improvement, and state strategic improvement plans. The “threshold level” analysis does require a robust knowledge of Geographic Information System; coupled with a sound understanding of Census data. It does not require intense data collection.

Data from the American Community Survey (ACS) at the Block group level (2016-2020) was used for the creation of the high concentration Minority Map and the high concentration Low-Income Map. All data from the ACS is estimated; thus, there are margins of error that were not taken into consideration. The U.S. Census Block Group is an appropriate geographic unit level of analysis to address the GF-EGF MPO’s requirements.

## **6.1 Method To Find Minority Population(s)**

- **Definition**

Executive Order 12898 and the DOT and FHWA Orders on Environmental Justice address persons belonging to any of the following groups:

- Black – a person having origins in any of the black racial groups of Africa.
- Hispanic – a person of Mexican, Puerto Rican, Cuban, Central or South America, or other Spanish culture or origin, regardless of race.
- Asian – a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent.
- American Indian and Alaskan Native – a person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.
- Native Hawaiian and Other Pacific Islander – a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

- **Department of Transportation**

The definition of “minority” according to the Appendix to DOT Order 5610.2 was augmented through a March 2000 bulletin from the Office of Management and Budget 52 (OMB Bulletin No. 0002, “Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement”).

- **Details**

For the purpose of this study, minority was defined as being any race and/or nationality except white. The American Community Survey (ACS) block group data was available for 2016-2020 in geodatabases. This format allowed for the joining of the various tables of information to the geographic block group unit in ESRI shape file format. Using this data, the total population for

all the block groups that make up the GF-EGF MPO area was added to find the total population for the GF-EGF MPO area. For the calculation of the GF-EGF MPO area's percent of the minority groups, the GF-EGF MPO's staff calculated the minority population for each block group. Because of the size of the groups, it was easier to find the white population total for the block group and then subtract it from the total block group population. Once that was done, the total non-white population was found by adding up each block group's non-white population. Dividing the non-white population by the total GF-EGF MPO area population, then multiplying that by 100 the percent of non-white population was found.

Using that method, the percent of non-white population in the GF-EGF MPO area, then multiplying that percentage by two (2) equals a threshold to be considered having a higher proportion of minority populations. Table 1 shows the numbers for the GF-EGF MPO area.

**TABLE 1: GF-EGF MPO AREA MINORITY POPULATION CENSUS DATA**

<b>GF-EGF MPO AREA ACS* DATA 2016-2020</b>			
	All Populations	White Only Populations	Minority Populations
GF-EGF MPO Total	70,747	60,337	10,410
GF-EGF MPO Percent		85.29%	14.71%
2 X Percent			29%

The information has been analyzed at the Census Block Group (BG) Level. A census block is the smallest geographic unit used by the United States Census Bureau for tabulation of 100-percent data (data collected from all houses, rather than a sample of houses). Typically, Block Groups have a population of 600 to 3,000 people. Usually, a Block Group covers contiguous areas.

After the percentage of minorities were found for each block group it was found that very few block groups had 24% or more minority population. In order to have a better representation of the populations in the GF-EGF MPO area it was decided to separately calculate the data between the North Dakota side and the Minnesota side of the GF-EGF MPO area. The percentages displayed in Map 1 are separated into two categories: 1) Block Groups in North Dakota above 25%, and 2) Block Groups in Minnesota above 17%. No block group within the GF-EGF MPO area has a minority population of 50% or greater, because of this the 2 times the percent of minority in each state was used. There was at least one block group in each state that was two times the state percent in the GF-EGF MPO area. This data is displayed in Table 2 below.



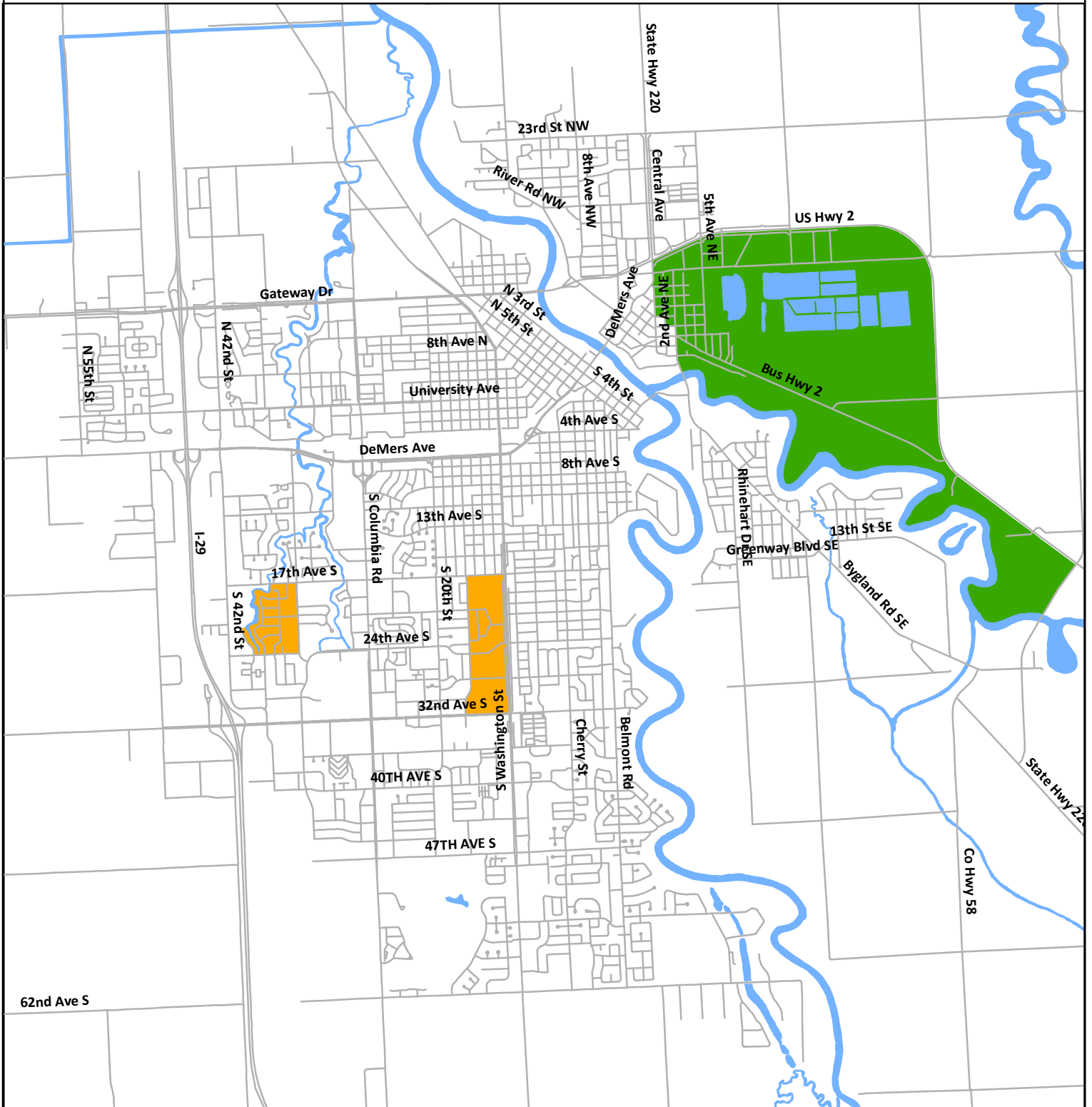
**TABLE 2: MINORITY POPULATION IN EACH STATE IN THE GF-EGF MPO AREA**

<b>GF-EGF MPO Area ACS* Data 2016-2020</b>		
	<b>Grand Forks</b>	<b>East Grand Forks</b>
<b>Total Populations</b>	60,618	10,129
<b>White Only Populations</b>	51,436	8,901
<b>Minority Populations</b>	9,182	1,228
<b>Percent Minority</b>	15.15%	12.12%
<b>2 X Percent</b>	30%	24%

\*American Community Survey

Map 1 was prepared by the GF-EGF MPO to highlight corresponding area of high concentration of the Minority Populations(s), and to facilitate the analysis and visualization process.

# High Concentration of Minority Population



MPO Area ACS\* Data 2016-2020

	Grand Forks	East Grand Forks	MPO
<b>Total Population</b>	60,618	10,129	70,747
<b>White Only Population</b>	51,436	8,901	60,337
<b>Minority Population</b>	9,182	1,228	10,410
<b>Percent Minority</b>	15.15%	12.12%	14.71%
<b>2X Percent</b>	30%	24%	29%

\*American Community Survey

- East Grand Forks: 24% and higher
- Grand Forks: 30% and higher



0 0.5 1  
Miles



## 6.2 Method To Find Minority Population(s)

- **Definition**

“Low-Income” is defined in the Appendix to DOT Order 5610.2 as: a person whose median household income is at or below the Department of Health and Human Services (HHS) poverty guidelines. However, FHWA guidance allows states to localities to use higher (that is, more inclusive) thresholds as long as they are not selectively implemented. Author Mary R. English, quoting “In Use Definitions of Environmental Justice Terminology in Long Range Transportation Plans, (Paul R. Lederer, Teak Kim, and Louis F. Cohn, University of Louisville, July 30, 2024).” Indicated that according to that study of the environmental justice practices of MPOs across the United States, 78 percent of MPOs use HHS guidelines, while others use a higher threshold to adjust for higher cost of living than the national average.

DOT, FHWA, and FTA environmental justice orders define low-income as “a person whose household income is at or below the Department of Health and Human Services (HHS) poverty guidelines.” In addition, a State or locality may adopt a higher threshold for low-income as long as the higher threshold is not selectively implemented and is inclusive of all persons at or below the HHS poverty guideline. It is under this understanding that the GF-EGF MPO is using the data available from the ACS 2016-2020 dataset. Further, the ACS Poverty data includes selected characteristics such as age, race, living arrangements, and education to establish a determination.

- **Department of Transportation**

However, according to updated Order 56102a (2012), the definition of Low-Income Population is enhanced to “means any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy, or activity.” Although, there is a number of demographic Poverty Guidelines to support our analysis; please notice that the threshold analysis presented in this report is based on data from the American Community Survey (ACS) block group (2016-2020) available in a geodatabase format.

- **Community Thresholds**

The 2016-2020 ACS gathers this information and uses it to come up with a ratio of income to the Census poverty threshold that is used for every member of the family to produce a total of individuals that are at a certain ratio. The Census poverty threshold is similar to the HHS. The Census has developed a number of experimental measures to determine poverty. In addition to accounting for household size, Census includes gender, age, race, living arrangements, and education level in their definition of poverty. The Census poverty thresholds are a little higher than the HHS thresholds. It includes people who would be considered in poverty under the HHS poverty guidelines.

At the national level, there is a distinction between poverty thresholds and poverty guidelines. Poverty thresholds figures vary by household size n number of dependents, whereas the poverty guidelines vary by household size only. Human Services Poverty Guidelines are used by some

agencies for administrative purposes, such as determining eligibility for federal and other programs such as poverty-reduction, revitalization of low-income communities and the empowerment of low-income families and individuals in both urban and rural areas to become self-sufficient.

- **Details**

The Census Bureau uses a set of income thresholds that varies by family size and composition to determine who is in poverty. If the Family’s total income is less than the family’s threshold, then the family and every individual in it is considered in poverty. When the family’s total income is divided by the family’s threshold the ratio of income to poverty number is established for everyone in the family.

The Census data gives a range of ratio numbers that individuals fall between in the table. Anyone with a ratio number of less than 1.00 is considered poverty. Anyone 2.00 and over (or 2 times the income threshold) is considered to have a healthy income. Although many individuals with a ratio number between 1.00 and 2.00 qualify for some assistance programs, they are considered working poor. In the GF-EGF MPO planning area, anyone with a ratio of 1.84 or less is considered low-income.

To obtain the total low-income population, that analysis added the low-income population for each block group. Once these numbers were figured they were divided by each other and then multiplied by 100. Using this method, it was found that the low-income population in the GF-EGF MPO area by multiplying that percentage by two (2) equals a threshold of 59% to be considered having a higher proportion of low-income populations. Table 3 shows the numbers for the MPO area.

**TABLE 3: LOW-INCOME POPULATION FOR THE GF-EGF MPO AREA**

<b>GF-EGF MPO Area ACS* Data 2016-2020</b>		
	<b>All Populations</b>	<b>Low Income</b>
<b>MPO Total</b>	67,205	20,164
<b>MPO Percent</b>		30%
<b>2 X Percent</b>		60%

\*American Community Survey

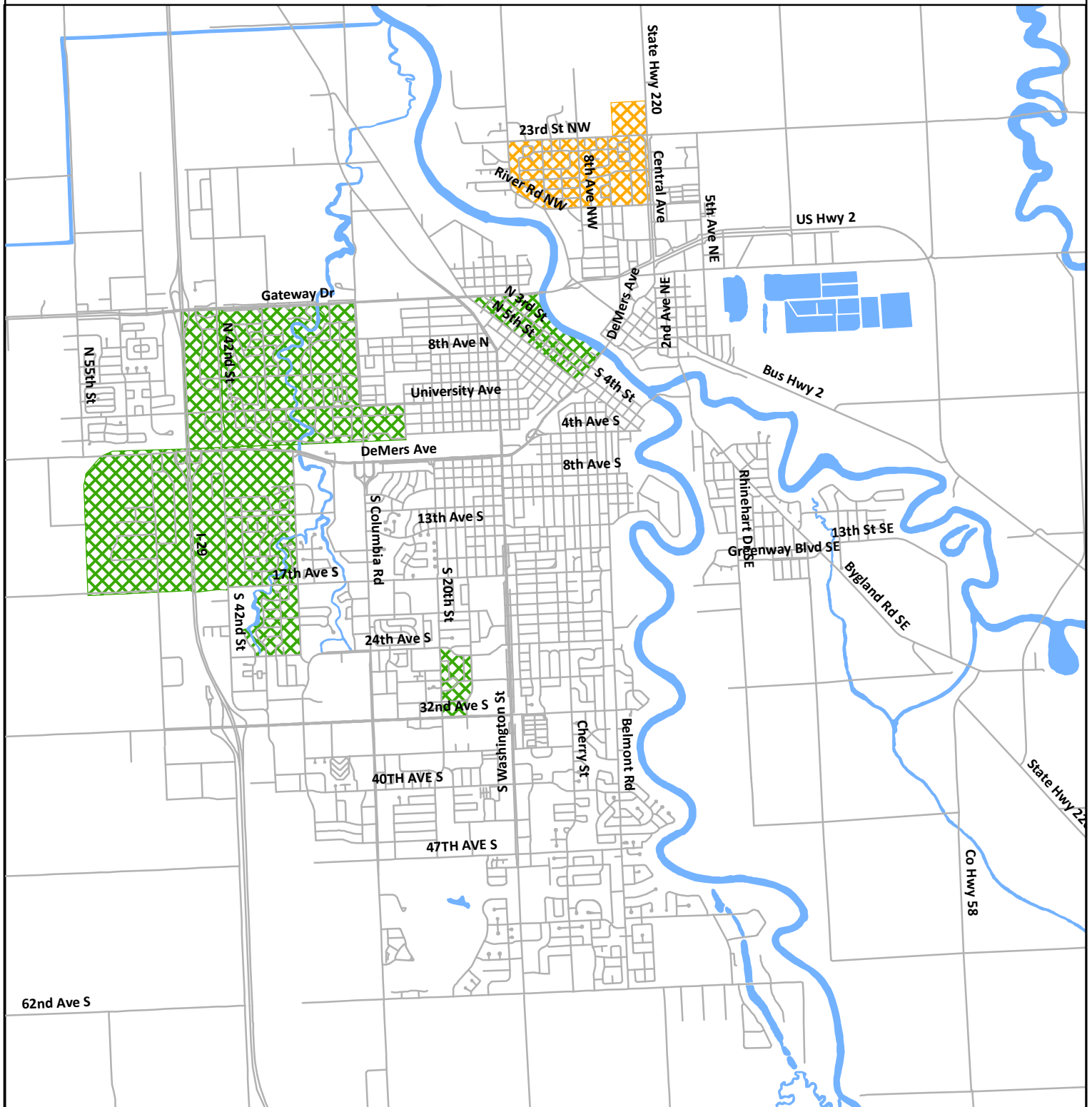
Our analysis indicates that only block groups within the GF-EGF MPO area that have a low-income population of 59% or greater are in North Dakota. In order to have a better representation of the populations in the GF-EGF MPO area it was decided to separately calculate the data between the North Dakota side and the Minnesota side of the GF-EGF MPO area. Our “meaningful greater” is either 2 times the average or 50% and greater within any block group. The percentages displayed in Map 2 are separated into two categories: 1) Block groups in North Dakota above 50%, and 2) Block groups in Minnesota above 2 times (47%). This data is displayed in Table 4 below.

**TABLE 4: LOW-INCOME POPULATION BY STATE IN THE GF-EGF MPO AREA**

<b>GF-EGF MPO Area ACS* Data 2016-2020</b>		
	<b>Grand Forks</b>	<b>East Grand Forks</b>
<b>Total Populations</b>	57,092	10,113
<b>Low-Income Populations</b>	17,527	2,637
<b>Percent Low Income</b>	30.70%	26.08%
<b>2 X Percent</b>	61%	52%

\*American Community Survey

# High Concentration of Low Income Population




MPO Area ACS\* Data 2016-2020

	Grand Forks	East Grand Forks	MPO
<b>Total Population</b>	57,092	10,113	67,205
<b>Low Income Population</b>	17,527	2,637	20,164
<b>Percent Low Income</b>	30.70%	26.08%	30.00%
<b>2X Percent</b>	61%	52%	60%

\*American Community Survey

 East Grand Forks: 50% and higher

 Grand Forks: 50% and higher



0 0.5 1  
Miles



## **7. ANALYTICAL FRAMEWORK**

The Statutory and Regulatory laws, Executive Orders, or programs guiding the environmental justice process are complex. For instance, the law calls for the assessment of disproportionately high and adverse impacts on protected populations. The law is also concerned with the nature and scope of social impacts, and their distributional effects across various segments of society. The questions below are posed to assess key tenets of the legislation: the disproportionately and adverse impacts on the protected populations.

### **7.1 Adverse impacts and what does “significant” mean?**

Adverse effects means the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment infirmity, illness or death; air, noise, and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community’s economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or nonprofit organizations; increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community; and the denial of, reduction in, or significant delay in the receipt of, benefits of DOT programs, policies, or activities.

### **7.2 What does “disproportionate” mean?**

Disproportionately high and adverse effect on minority and low-income populations means an adverse effect that: 1) is predominately borne by a minority population and/or a low-income population, or 2) will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

### **7.3 Secondary and Cumulative Impacts**

DOT Order 5610.2 states that:

Adverse effects mean the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic defects...(Emphasis added) Similarly, CEQ’s environmental justice guidance for NEPA (1997) directs agencies to consider, among other things, whether adverse effects will occur in a minority or low-income population that is already affected by cumulative or multiple exposures to environmental hazards.

## **8. FUTURE ACTIONS**

The elaboration of this Procedural Manual is an attempt to articulate the Environmental Justice laws, regulations, and policies established by a number of transportation related federal agencies to ascertain that low-income and minority populations within our planning area are subject to “fair treatment and meaningful involvement of people from all races, cultures, abilities, and incomes during the development of projects, laws, regulations, and policies.”

The order also requires that, where relevant, appropriate, and practical, information be obtained on the population served and/or affected on race, color, or national origin and income level. In this regard, this report presented the foundations of an initial “threshold” methodology devised by the GF-EGF MPO’s staff to identify the numbers, locations, and settlement patterns of low-income and minority populations. The purpose of this data gathering, and analysis endeavor is to proceed with an evaluation of prospective disproportionately high and adverse effects resulting from the planning and construction of transportation related facilities.

### **8.1 Primary Assessment**

Striving to include all stakeholders in the transportation decision-making process, the methodology in place has assisted the GF-EGF MPO staff in the process of planning and advancing engaging public involvement activities for the benefits of those residing at or in proximity to the locations where GF-EGF MPO projects are being considered. This review has also facilitated the analytical evaluation of current plans and programs to see if any of them led to adverse impacts on these populations.

In this first phase of our Environmental Justice program, the GF-EGF MPO staff developed the data collection, analysis, and the methodology necessary to identify the low-income and minority populations in our region. We have evaluated, using available tools, long-range and improvement plans, and programs to see if any of them led to adverse impacts on these populations. In addition, we continued our proactive public outreach program. The aim is to include all citizens in the decision-making process.

The results indicated that neither low-income, nor minority populations are “disproportionally” or adversely bearing the brunt of the transportation projects, initiatives or plans produced by the GF-EGF MPO. That means that transportation planning activities performed by the GF-EGF MPO are not to the best of our understanding, known to have been disproportionately distributed regarding the designated target populations.

The exercise has been useful in helping the GF-EGF MPO staff to identify the demographic and socio-economic characteristics of a portion of the transient student population residing near the University of North Dakota’s Campus. Although a large portion of this population is geographically found within the Census Block corresponding to low-income residents, it is key to notice that some transportation related projects actually improve access, connectivity, and mobility for many of them. Moreover, access and mobility programs tend to improve their transportation choices and to reduce their expenses.

Another interesting finding is the geographic location of a segment of the minority population. Although very reduced in numbers, it appears many minorities, by virtue of their location, overlap with low-income residents. However, a closer look at their realities presents a quite



different view. Many residents on those census blocks enjoy transit access, bicycle and pedestrian accommodations, signalized intersections and other conveniences that increase their mobility, safety, and facilitate their participation in economic activities.



## 8.2 Transit Coordination

Grand Forks, North Dakota and East Grand Forks, Minnesota are direct recipients of Federal Transit Administration funds. The City of East Grand Forks contracts its public transportation services from Grand Forks. The City of Grand Forks' Public Transportation Department, also known as Cities Area Transit (CAT), is the public transportation provider. The agency operates thirteen routes Monday through Saturday. CAT provides area residents with quality, affordable transportation. The objective is to improve their quality of life and increase the region's economic vitality.

A primary Environmental Justice concern for service providers is the heavy reliance of disadvantaged populations on public transportation. These populations are constrained by little or no access to private motor vehicle transportation. They rely on transit to increase their mobility. Cities Area Transit (CAT) is a recipient of Federal Transit Administration financial assistance. Whether this aid is federal or not, the CAT is mandated to incorporate Environmental Justice (EJ) into its plans, projects, and activities.

The GF-EGF MPO is responsible for implementing and conforming to federal environmental justice regulations. CAT is represented at the GF-EGF MPO Technical Advisory Committee. As a member, it assists in the review of the GF-EGF MPO's projects and initiatives. For instance, the GF-EGF MPO has produced and reviewed, in corporation with CAT, the following Environmental Justice elements:

- Determined whether minority populations, low-income populations are present within the planning area.
- Identified and addressed the needs of minority and low-income populations in making transportation decisions, particularly concerning services provided.
- Cooperated through the process of identifying and addressing transit-related needs of Limited English Populations (LEPs).

Cities Area Transit, through its active participation at the GF-EGF MPO's Technical Advisory committee, has:

- Assisted in drafting the Public Participation Plan (PPP), which guides public participation processes and techniques.
- Drawn from the full array of forma techniques for citizen participation, including technical committees, advisory bodies, meetings, conferences, focus groups, surveys, and working with neighborhood groups.

When required, Cities Area Transit, in coordination with the GF-EGF MPO will:

- Assess whether there may be disproportionately high and adverse human health or environmental effects as a result of providing its services.

CAT follows the tenet of the Public Participation Plan (PPP) developed by the GF-EGF MPO. The agency makes efforts to coordinate with the GF-EGF MPO on the advancement of initiatives involving minority and low-income populations in its programs and activities.

CAT and the GF-EGF MPO, along with stakeholders, will work on implementing the characteristics associated with operation and provision of services that could potentially hinder

or make transit services more accessible to low-income, minority, vulnerable, or disabled populations.

Such a process requires performing assessment techniques for the determination of potential adverse health, safety, community, and environmental impact on the relevant demographic and geographic groups. The quantitative analysis could also facilitate the selection of alternatives and mitigation approaches to avoid, and/or minimize their impacts.

### **8.3 Next Steps**

Environmental Justice is an analysis performed at the GF-EGF MPO level as part of our long-range planning process. This analysis was performed as a component of the planning phase of specific projects. For specific projects, the emphasis is not just to consider potential impacts of project alternatives on the affected community, but also whether the community participated in project inputs and project meetings.<sup>5</sup>

At the GF-EGF MPO appropriate public involvement activities are developed early in the planning process or when projects are under programming. The next steps, described below, are meant to complement efforts already in place. In making efforts to articulate our Environmental Justice procedures, the GF-EGF MPO staff has come to a number of findings that, if considered and later implemented have the potential to strengthen the current Public Participation Plan, methods, and techniques.

Preliminary results indicate that:

- As the number of minorities and low-income people is almost nil in some planning areas; a consideration of the need to extend outreach efforts to include Limited English Population, age-groups, and members of Zero-vehicle households in our Environmental Justice Analysis. The purpose is to strengthen the population and to pinpoint the location of these “communities of concern.” For instance, DVRPC has recently implemented the methods known as the Indicators of Potential Disadvantage (IPD), in their Environmental Justice Program analysis.
- The GF-EGF MPO implements a people (demographic) and place (geographic)- based approach directed at locating minority and low-income populations in the area. However, the current analysis suggests an expansion of the population groups to include additional groups that may be experiencing specific transportation planning related challenges. This policy is reflected in the Environmental Justice approach outlined by Minnesota DOT in the Minnesota Go Statewide Multimodal Transportation Plan.
- Staff should strive to develop performance measures to succeed in meeting Environmental Justice requirements and goals. Continue to apply existing methodology and available geographic information, census analysis while developing new methods to identify and to understand Environmental Justice issues in relation to the functioning of these populations and their transportation needs.

---

<sup>5</sup> Durham-Chapel Hill-Carrboro (DCHC) metropolitan Planning Organization. (2014) Environmental Justice Report.

- The GF-EGF MPO could enhance its current efforts by enlisting representatives of minority/low-income groups to ensure that its efforts reflect the diversity of our current population. It could work to inform minority and low-income communities about specific plans or projects being developed in their area by generating additional materials to educate these communities about the transportation planning process and about options and services they may not be aware of, such as transit training or transportation enhancements for their communities.
- Provide the GF-EGF MPO's materials to government agencies, community organizations, homeowners associations, and civic groups to educate their memberships and to fill an educational goal in their communities. The objective is to assist them in reaching more informed transportation-related decisions.

## 9. GLOSSARY AND ABBREVIATIONS<sup>6</sup>

### 9.1 Glossary

**Adverse Effects** – The totality of significant individual or cumulative human health or environmental impacts. Includes social and economic impacts, which may include, but are not limited to, the following:

- bodily impairment, infirmity, illness, or death;
- air, noise, and water pollution and soil contamination;
- destruction or disruption of;
- human-made or natural resources;
- aesthetic values;
- community cohesion or a community’s economic vitality, and;
- the availability of public and private facilities and services;
- vibration;
- adverse employment impacts;
- displacement of persons, businesses, farms, or non-profit organization;
- increased traffic congestion;
- isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community;
- denial of, reduction in, or significant delay in the receipt of, benefits of transportation programs, policies, or activities.

**American Community Survey (ACS)** – This is an ongoing survey that provides vital information on a yearly basis about our nation and its people. The ACS creates period estimates, which means they represent the characteristics of the population and housing over a specific data collection period. These are the 1-year and 5-year estimates. Only the 5-year estimates provide data for geography at the census block group level.

**Beneficial Effects** – These are positive or “good” effects on the community.

**Block Group** – A subdivision of a census tract, a block group is the smallest geographic unit for which the U.S. Census Bureau tabulates sample data. Block groups average about 1,500 inhabitants.

**Community Cohesion** – The ability of people to communicate and interact with each other in ways that lead to a sense of community, as reflected in the neighborhood’s ability to function and be recognized as a singular unit. Physical attributes of a community, resident demographic characteristics, social values, and shared community activities and daily interaction of residents, business owners, and employees define the strength of the community’s cohesion.

**Disproportionately High and Adverse Impact on Minority and Low-Income Populations** – This is a type of adverse impact defined by the populations it affects. To qualify as this type of impact, the adverse impacts of a proposed project must be:

- Predominately borne by a minority and/or a low-income population or suffered by the minority population and/or low-income population at an appreciably more severe or

greater magnitude than the adverse impacts suffered by the non-minority population and/or non-low-income population.

**Environmental Justice (EJ)** – With respect to the development, implementation, and enforcement of environmental laws, regulations, and policies regarding Texas Department of Transportation (TxDOT) projects, Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income.

**GF-EGF MPO** – adheres to the concept of “meaningfully greater” areas in determination of population of interest it is two times the total percent population within the metropolitan boundary or if the geographic unit exceeds 50% of the minority population.

**Limited English Proficiency (LEP)** – This term applies to people who are unable to communicate effectively in English because their primary language is not English, and they have not developed fluency in the English language. A person with LEP may have difficulty speaking or reading English.

**Low-Income** – A person whose median household income is at or below the Department of Health and Human Services poverty guidelines for a family of four for the current year.

**Minority** – (as defined by EO 12898) – A person meeting any of the following criteria is considered a minority:

- **Black:** a person having origins in any of the black racial groups of Africa
- **Hispanic or Latino:** a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race
- **Asian American:** a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent
- **American Indian and Alaskan Native:** a person having origins in any of the original people of North America, South America, and Central America, who maintains cultural identification through tribal affiliation or community recognition
- **Native Hawaiian and Other Pacific Islander:** a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands

**Minority Population** – Minority populations can include any readily identifiable groups of minority persons living in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons, such as migrant workers or Native American, similarly affected by a proposed transportation project.

**Significant or Significantly** – As used in NEPA, a determination of significance requires considerations of both context and intensity.

- **Context** – Context is the concept that the significance of an action must be analyzed in several contexts, such as society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the proposed project setting, and both short and long-term impacts are relevant.
- **Intensity** – Intensity is a concept for measuring the severity of an impact. There are ten factors for determining the intensity of an impact, and these are outlined in 40 CFR 1508.27.

**Title VI** – Title VI of the Civil Rights Act is a substantive law, codified in 42 USC 2000d(1-7), and this law requires any recipient of federal funding to ensure non-discrimination for all persons under Title VI. It states that agency actions are subject to judicial review of compliance with title VI, which specifically mentions race, color, and national origin as protected classes.

**Title VI Program** – This FHWA program requires the consideration of age, gender, and disability in addition to race, color, and national origin classes listed in Title VI of the Civil Rights Act, for a recipient of federal funding.

## 9.2 Abbreviations

ACS	American Community Survey
ADA	Americans With Disabilities Act
CEQ	Council On Environmental Quality
CAT	Cities Area Transit
DOT	Department Of Transportation
EA	Environmental Assessment
EJ	Environmental Justice
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
LEP	Limited English Proficiency
NEPA	National Environmental Policy Act
MPO	Metropolitan Planning Organization
MTP	Metropolitan Transportation Plan
PPP	Public Participation Plan
TIP	Transportation Improvement Program
USDOT	United States Department Of Transportation



## 10. REFERENCES

Delaware Valley Regional Planning Commission (Meconi, Jane) (2015). The Planner's Methodology. Publication #TM14005.

Durham-Chapel-Hill-Carrboro Metropolitan Planning Organization (2014) Environmental Justice Report.

English, Mary R., et all (2007) Environmental Justice In Transportation Planning And Projects: A Desk Guide For Tennessee.

Environmental Justice Guidance Under The National Environmental Policy Act  
<http://ceq.eh.doe.gov/nepa/regs/ej/ej.pdf>

Environmental Justice In Planning And Permitting Decisions  
[http://www.goodwinprocter.com/publications/ELA\\_environment\\_justice\\_11\\_00.pdf](http://www.goodwinprocter.com/publications/ELA_environment_justice_11_00.pdf)

<http://www.fhwa.dot.gov/environment/ejgrphs/ejmain.gif>

FHWA/FTA Environmental Justice Web Page – <http://www.fhwa.dot.gov/environment/ej2.htm>

FHWA – <http://www.fhwa.dot.gov/environment/e/2000.htm>

Federal Transit Administration – <http://www.fta.dot.gov/office/planning/ep/subjarea/envjust.html>

Markovich, Julia; Lucas, Karen (2011) The Social And Distributional Impacts Of Transport: A Literature Review. Transport Studies Unit School Of Geography And the Environment – <http://www.tsu.ox.ac.uk/>

NATIONAL COOPERATIVE HIGHWAY RESEARCH PROGRAM (NCHRP) (2004) Effective Methods for Environmental Justice Assessment. NCHRP Report 532.

North Central Texas Council Of Governments (NCTCG) – <http://www.nctcog.org/trans/ej/>

Minnesota Go Minnesota Collaborative Vision For Transportation. Environmental Justice Analysis Statewide Multimodal Transportation Plan.  
<http://www.dot.state.mn.us/minnesotago/pdf/environmental-justice.pdf>

Parsons-Brinckerhoff (2008) SR 502 Corridor Widening. Social, Environmental Justice/Economic Discipline Report (Washington Department Of Transportation) – [http://www.wsdot.wa.gov/NR/rdonlyres/634ABF5#-8C8#-4B5B-9B50-EC15C030E84D/0/27AppendixO\\_SocialEJEconomic.pdf](http://www.wsdot.wa.gov/NR/rdonlyres/634ABF5#-8C8#-4B5B-9B50-EC15C030E84D/0/27AppendixO_SocialEJEconomic.pdf)

Syracuse Metropolitan Planning Area (2012) Environmental Justice Analysis.

WSDOT Environmental Manual (2014) M 31-11.13, Page 458-1, June 2014.

WSDOT (2013) Proposed Outreach Process For The Long-Range Statewide Transportation Plan And the Statewide Transportation Improvement Program.

Wilmington Area Planning Council (2003). Environmental Justice: Transportation Equity Analysis For The WILMAPCO Region.

# **EXHIBIT E**

## **TITLE VI COMPLAINT FORM/INSTRUCTIONS/PROCEDURE**

**To Electronically Access The Title VI Complaint  
Form/Instructions, Click On Or Go To The Following Link:**

[https://eastgrandforksmetro.hosted.civiclive.com/public\\_participation/title\\_v\\_i\\_forms\\_instructions](https://eastgrandforksmetro.hosted.civiclive.com/public_participation/title_v_i_forms_instructions)



**NON-DISCRIMINATION/ADA COMPLAINT FORM**

**January 2022**

**COMPLAINANT INFORMATION (Complete all items below.)**

<b>Name</b>		<b>Telephone Number</b>	
<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip Code</b>
<b>Email Address</b>			

**CAUSE OF DISCRIMINATION (Check all that apply.)**

<b>Title VI of the Civil Rights Act of 1964</b> <input type="checkbox"/> Race <input type="checkbox"/> National Origin <input type="checkbox"/> Color	<b>Other Nondiscrimination Statutes/Executive Orders</b> <input type="checkbox"/> Sex <input type="checkbox"/> Disability <input type="checkbox"/> Age <input type="checkbox"/> Limited English Proficiency
---	---

<b>Name of public entity complaint is against.</b>
<b>Provide an explanation of what happened and date(s) of the alleged discriminatory act and location.</b>

**WE CANNOT ACCEPT YOUR COMPLAINT WITHOUT A SIGNATURE AND DATE.**

<b>Complainant's Signature</b>	<b>Date</b>
--------------------------------	-------------

Any person or specific class of persons, who believes they were subjected to discrimination on the basis of race, color, national origin; or sex, age, disability, or limited English proficiency in the programs and activities of the Grand Forks-East Grand Forks Metropolitan Planning Organization (GF-EGF MPO) or its sub-recipients (e.g., a city, county, Metropolitan Planning Organization, Transit Agency, etc.) may by himself/herself or through his/her legally authorized representative, make, sign and date a written complaint and file such complaint with the GF-EGF MPO within 180 calendar days following the date of the last instance of the alleged discriminatory action. Complainants must complete in its entirety, sign, and date the GF-EGF MPO's External Complaints of Discrimination form (SFN 51795) and file by mail, in person, or e-mail. However, the complainant may call the GF-EGF MPO and provide the allegations by telephone. The GF-EGF MPO will transcribe the complainant's allegations into the complaint form and send the written complaint to the complainant for corrections, signature, and date.

To request accommodations, complainants may contact the Grand Forks-East Grand Forks Metropolitan Planning Organization at (701) 746-2660, or by mail at: 600 DeMers Avenue, East Grand Forks, MN 56721. TTY users may use Relay North Dakota at 711 or 1-800-366-6888.

**POSTED AT: Grand Forks City Hall at 255 North 4<sup>th</sup> Street, Grand Forks, ND 58203 or East Grand Forks City Hall at 600 DeMers Ave., East Grand Forks, MN 56721 – VITAL DOCUMENT – TRANSLATE IF SIGNIFICANT LEP POPULATION**

The GF-EGF MPO will review the complaint, gather additional information from the complainant if necessary, and refer the complaint to the NDDOT. It is also within your rights to file directly with the appropriate Federal agency that oversees the transportation activities, services or facilities.

### **FHWA JURISDICTION (Roads and Bridges)**

Title VI Complaints will be forwarded to the NDDOT. See NDDOT's External Complaints of Discrimination (SFN 51795) for processing information at: <https://www.dot.nd.gov/divisions/civilrights/titlevi.htm>.

### **FTA JURISDICTION (Public Transit)**

Complaints filed under Title VI, related statutes, and Section 504/ADA in which the GF-EGF MPO is named as the respondent will be forwarded by the GF-EGF MPO to NDDOT Civil Rights Division.

Title VI, related statutes, and Section 504/ADA complaints filed directly with the GF-EGF MPO against its sub-recipients or contractors will be processed by the GF-EGF MPO in accordance with the FTA approved complaint procedures under FTA C 4710.1, FTA C 4702.1B, 49 CFR 27.13(b).

The GF-EGF MPO may investigate complaints against its sub-recipients as follows:

1. The complaint will be reviewed within 10 business days to determine whether it contains all necessary information required for acceptance.
2. If the complaint is complete and no additional information is needed, the complainant will be sent a letter of acceptance along with the Complainant Consent/Release form (SFN 60741) and the Notice about Investigatory Uses of Personal Information fact sheet.

For Title VI or related statutes Complaints, the GF-EGF MPO is required to follow the FTA C 4702.1B to comply with reporting requirements of 49 CFR 21.9(b). The investigation information is recorded on the Transit Title VI – List of Investigations, Lawsuits, and Complaints (SFN 60805) and included in the Title VI/Nondiscrimination and ADA Program submitted to FTA every three years. Although, FTA regulations do not specify a time frame for the investigation of Title VI complaints, the GF-EGF MPO attempts to complete investigations within 90 days of receipt of the complaint from NDDOT.

For a Section 504/ADA complaint, GF-EGF MPO shall forward a copy of the complaint, together with a copy of the report of investigation within 90 days of receipt of the complaint to the NDDOT and the FTA Office of Civil Rights.

The FTA has delegated authority for issuing LOFs for Title VI, related statutes, and Section 504/ADA complaints processed by the FTA. LOFs issued by the FTA are administratively final.

The GF-EGF MPO has delegated authority for issuing LOFs for Title VI, related statutes, and Section 504/ADA complaints processed by the GF-EGF MPO against FTA funded sub-recipients or contractors. Closure letters or LOFs issued by the GF-EGF MPO under FTA jurisdiction on Title VI, related statutes, and Section 504/ADA complaints are administratively final. Individuals or a specific class of individuals, personally or through a representative, may submit a complaint to FTA within 180 days from the date of the alleged discrimination.

**POSTED AT: Grand Forks City Hall at 255 North 4<sup>th</sup> Street, Grand Forks, ND 58203 or East Grand Forks City Hall at 600 DeMers Ave., East Grand Forks, MN 56721 – VITAL DOCUMENT – TRANSLATE IF SIGNIFICANT LEP POPULATION**

## **Agencies Authorized to Receive and Process Complaints**

### **North Dakota Department of Transportation**

Civil Rights Division  
608 E. Boulevard Ave.  
Bismarck, ND 58507-0700  
Phone: (701) 328-2576  
Fax: (701) 328-0343  
TTY: 711 or (800) 366-6888  
Email: [civilrights@nd.gov](mailto:civilrights@nd.gov)

### **FHWA**

North Dakota Division Office  
4503 Coleman St. N., Suite 205  
Bismarck, ND 58503  
Phone: (701) 250-4204  
Fax: (701) 250-4395  
Email: [NorthDakota.fhwa@dot.gov](mailto:NorthDakota.fhwa@dot.gov)

### **Federal Transit Administration (FTA)**

Office of Civil Rights  
Attention: Compliant Team  
East Building, 5<sup>th</sup> Floor – TCR  
1200 New Jersey Ave., S.E.  
Washington, DC 20590  
Phone: (888) 446-4511

### **USDOJ-ADA Complaints**

U.S. Department of Justice (USDOJ)  
950 Pennsylvania Avenue, N.W.  
Civil Rights Division  
Disability Rights Section – 1425 NYAV  
Washington, DC 20530  
Fax: (202) 307-1197  
ADA Information Line:  
(800) 514-0301 (voice) or (800) 514-0383 (TTY)  
Main Section Telephone Number:  
(202) 307-0663 (voice and TTY)

### **United States Department Of Transportation (USDOT)**

Departmental Office of Civil Rights  
U.S. Department of Transportation  
Office of Civil Rights  
1200 New Jersey Ave., S.E.  
Washington, DC 20590  
Phone: (202) 366-4648  
Fax: (202) 366-5575  
TTY/Assistive Device: (202) 366-9696

### **USDOJ – Race, Color, National Origin Complaints**

Federal Coordination and Compliance Section – NWB  
Civil Rights Division  
U.S. Department of Justice (USDOJ)  
950 Pennsylvania Avenue., NW  
Washington, DC 20530  
Phone: (888) 848-5306 (English and Spanish)  
(202) 307-2222 (Voice)  
(202) 307-2678 (TDD)

### **United States Department Of Transportation (FHWA)**

Federal Highway Administration  
U.S. Department of Transportation  
Office of Civil Rights  
1200 New Jersey Ave., S.E.  
8<sup>th</sup> Floor E81-105  
Washington, DC 20590  
Phone: (202) 366-0693  
Fax: (202) 366-1599  
TTY: (202) 366-5132  
Email: [CivilRights.FHWA@dot.gov](mailto:CivilRights.FHWA@dot.gov)

### **GF-EGF Metropolitan Planning Organization**

600 DeMers Avenue  
East Grand Forks, MN 56721  
Phone: (701) 746-2660  
Email: [info@theforksmpo.org](mailto:info@theforksmpo.org)

# **EXHIBIT F**

## **TITLE VI/ADA COMPLAINT LOG**

**To Electronically Access The Title VI/ADA Complaint Log,  
Click On Or Go To The Following Link:**

[https://eastgrandforksmetro.hosted.civiclive.com/public\\_participation/title\\_v\\_i\\_forms\\_instructions](https://eastgrandforksmetro.hosted.civiclive.com/public_participation/title_v_i_forms_instructions)



**TITLE VI/ADA COMPLAINT LOG**

Reporting Year:
-----------------

Name:		
Address:	State:	Zip Code:

**Status of Complainant:**

Race:	Color:	National Origin:	Sex:	Age:	Disability:	Income Status:
-------	--------	------------------	------	------	-------------	----------------

Nature of Complaint (If you need more space please attach additional sheet[s]):
---

Recipient (Processor of Complaint):
-------------------------------------

Date Filed:	Date Investigation Completed:	Date of Disposition:
-------------	-------------------------------	----------------------

Disposition (If you need more space please attach additional sheet[s]):
---

Name:		
Address:	State:	Zip Code:

**Status of Complainant:**

Race:	Color:	National Origin:	Sex:	Age:	Disability:	Income Status:
-------	--------	------------------	------	------	-------------	----------------

Nature of Complaint (If you need more space please attach additional sheet[s]):
---

Recipient (Processor of Complaint):
-------------------------------------

Date Filed:	Date Investigation Completed:	Date of Disposition:
-------------	-------------------------------	----------------------

Disposition (If you need more space please attach additional sheet[s]):
---



# **EXHIBIT G**

**GRAND FORKS-EAST GRAND FORKS  
METROPOLITAN PLANNING ORGANIZATION  
LIST OF TRANSIT-RELATED TITLE VI INVESTIGATIONS,  
COMPLAINTS, AND LAWSUITS**

# TRANSIT TITLE VI-LIST OF INVESTIGATIONS, LAWSUITS, AND COMPLAINTS

North Dakota Department of Transportation, Local Government  
 SFN 60805 (8-2017)

Name of Transit Provider/Agency  
 Grand Forks-East Grand Forks Metropolitan Planning Organization

All recipients shall prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin:

- Active investigations conducted by Federal Transit Administration (FTA) and entities other than FTA;
- Lawsuits; and
- Complaints naming the recipient.

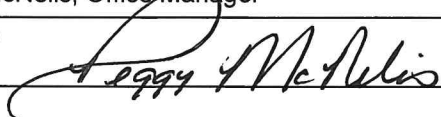
Providers must submit form upon receipt of notification of complaint and annually upon request by the NDDOT Transit Section. Please attach additional documentation as needed. If you have not had any investigations, lawsuits, or complaints, please enter "None" in each category on the annual report.

	DATE (MM/DD/YYYY)	SUMMARY OF ALLEGATION(S) (include basis of complaint: race, color or national origin)	CURRENT STATUS	ACTION(S) TAKEN/FINAL FINDINGS	
INVESTIGATIONS	1.	1/2022-12/2022	None	N/A	None
	2.				
	3.				
	4.				

LAWSUITS	1.	1/2022-12/2022	None	N/A	None
	2.				
	3.				
	4.				

COMPLAINTS	1.	1/2022-12/2022	None	N/A	None
	2.				
	3.				
	4.				

Name (Type or Print)  
 Peggy McNelis, Office Manager

Signature  Date  
 12/31/2022

# **EXHIBIT H**

## **REQUEST FOR REASONABLE ACCOMMODATIONS**

**To Electronically Access The Request For Reasonable Accommodations Form, Click On Or Go To The Following Link:**

[https://eastgrandforksmetro.hosted.civiclive.com/public\\_participation/title\\_v\\_i\\_forms\\_instructions](https://eastgrandforksmetro.hosted.civiclive.com/public_participation/title_v_i_forms_instructions)



**REQUEST FOR REASONABLE ACCOMMODATIONS**

North Dakota Department Of Transportation, Civil Rights  
SFN 60135 (2-2016)

Date
------

**PART 1**

Name		Daytime Telephone Number	
Street/Mailing Address	City	State	Zip Code
Preferred Method of Contact <input type="checkbox"/> Day Phone <input type="checkbox"/> Email <input type="checkbox"/> USPS		Email Address	
<b>Type of Event:</b> <input type="checkbox"/> Public Meeting/Public Hearing <input type="checkbox"/> Training <input type="checkbox"/> Other (Specify) _____			
Date of Event	And/or	Date Needed	Location of Event

**PART II: LIMITED ENGLISH PROFICIENCY (LEP)**

<input type="checkbox"/> Yes <input type="checkbox"/> No    Do you need language assistance for LEP?
Language Assistance
<input type="checkbox"/> Oral Interpretation (specify language) _____
<input type="checkbox"/> Written Translation (specify language) _____
Name of Documents

**PART III: AMERICANS WITH DISABILITIES ACT (ADA)**

<input type="checkbox"/> Yes <input type="checkbox"/> No    Do you need an accommodation for a disability?
Types of Accommodation
<input type="checkbox"/> Interpreter for deaf (specify ASL, tactile, etc.) _____

Assistive listening device (specify) \_\_\_\_\_

Physical location accessible for persons with a physical mobility impairment

Other (specify) \_\_\_\_\_

Nature of Disability (Medical documentation may be requested)

Physical Mobility Impairment (specify) \_\_\_\_\_

Speech Impairment (specify) \_\_\_\_\_

Visual Impairment (specify) \_\_\_\_\_

Hearing Impairment (specify) \_\_\_\_\_

Other (specify) \_\_\_\_\_

Alternative Format (Indicate first, second, third choice if possible)

Date Needed: \_\_\_\_\_

Braille

Large Print (font point size) \_\_\_\_\_  Audio Recording – MP3 \_\_\_\_\_

Other (specify) \_\_\_\_\_  CD/Flash Drive \_\_\_\_\_

Name of Documents

**For Office Use Only**

The accommodation request is:

Granted as requested     Granted with change - see additional info     Denied - see additional info

## INSTRUCTIONS

### General:

1. Requests for Reasonable Accommodations can be made by completing this form.
2. You may submit the completed form by Email to: [info@theforksmpo.org](mailto:info@theforksmpo.org) or

Mail to: GRAND FORKS/EAST GRAND FORKS MPO  
600 DeMERS AVENUE  
EAST GRAND FORKS, MN 56721

The GF-EGF MPO will contact you to discuss your request.

If you need assistance to complete the Request for Reasonable Accommodations form, please contact Stephanie Halford, Executive Director, GF-EGF MPO at (701) 746-2660 or by email at: [stephanie.halford@theforksmpo.org](mailto:stephanie.halford@theforksmpo.org). TTY users may use Relay North Dakota at 711 or 1-800-366-6888.

Appropriate provisions will be considered when the GF-EGF MPO is notified at least 10 days prior to the meeting date or 15 days prior to the date the written comments are due.

- Requests should be made as soon as possible
- Converting printed material may take several weeks to complete

### Part I

Complete all information in this section.

### Part II: Limited English Proficiency (LEP)

Check all boxes that apply to the type of language assistance that you are requesting.

### Part III: Americans With Disabilities Act (ADA)

Check all boxes that apply to the accommodation(s) that you are requesting.

# **EXHIBIT I**

## **SIGN-IN SHEET**



**SIGN-IN-SHEET**

North Dakota Department of Transportation Civil Rights SFN 59531

Page \_\_\_\_ of \_\_\_\_

		Division/District/Consultant	
Meeting Location	Meeting Type	Meeting Date	
Project Number	PCN		
Project Description			

Name (Please Print)	Title/Representing		
Address	City	State	Zip Code
E-Mail Address		Telephone Number	

Name (Please Print)	Title/Representing		
Address	City	State	Zip Code
E-Mail Address		Telephone Number	

Name (Please Print)	Title/Representing		
Address	City	State	Zip Code
E-Mail Address		Telephone Number	

Name (Please Print)	Title/Representing		
Address	City	State	Zip Code
E-Mail Address		Telephone Number	

Name (Please Print)	Title/Representing		
Address	City	State	Zip Code
E-Mail Address		Telephone Number	



# **EXHIBIT J**

## **PUBLIC PARTICIPATION SURVEY**



# EXHIBIT K

## Title VI And Related Nondiscrimination Authorities

### A. *Nondiscrimination Statutes*

- ▶ **Title VI of the Civil Rights Act of 1964**, 42 U.S.C. 2000d, provides: 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.
- ▶ **Section 504 of the Rehabilitation Act of 1973**, 42 U.S.C. 794, et seq., provides: No qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance.
- ▶ **Age Discrimination Act of 1974**, 42 U.S.C. 6101, provides: No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
- ▶ **Federal Aid Highway Act of 1973**, 23 U.S.C. 324, provides: No person shall, on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Assistance under this Title or carried on under this Title.
- ▶ **The Civil Rights Restoration Act of 1987**, P.L. 100-209, provides: Clarification of the original intent of Congress in Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973. The Act restores 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.
- ▶ **Title II of the Americans with Disabilities Act of 1990**, 42 U.S.C. 12131, et seq., provides: No qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a State or local government.

## **B. *Regulations***

- ▶ 23 Code of Federal Regulations (CFR) 1.36, Compliance with Federal Laws and Regulations
- ▶ 23 CFR 200, Title VI Program and Related Statutes-Implementation and Review Procedures
- ▶ 28 CFR 35, Nondiscrimination of the Basis of Disability in State and Local Government Services
- ▶ 28 CFR 36, Nondiscrimination on the Basis of Disability in Public Accommodations and in Commercial Facilities
- ▶ 28 CFR 42, Subpart C, Implementing Title VI of the Civil Rights Act of 1974
- ▶ 28 CFR 50.3, USDOJ's Guidelines Enforcement of Title VI of the Civil Rights Act of 1974
- ▶ 49 CFR 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964
- ▶ 49 CFR 27, Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance
- ▶ 49 CFR 28, Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation (DOT)
- ▶ 49 CFR 53, Federal Transit Laws

## **C. *Executive Orders (E.O.)***

- ▶ E.O. 12250, Leadership and Coordination of Nondiscrimination Laws
- ▶ E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- ▶ E.O. 13166, Improving Access to Services for Persons with Limited English Proficiency

## **D. *Directives***

- ▶ DOT Order 1000.18, Implementation of the DOT Title VI Program
- ▶ DOT Order 1050.2A, Standard Title VI/Non-Discrimination Assurances
- ▶ FHWA Notice 4720.6, Impacts of the Civil Rights Restoration Act (CRRA) on FHWA Programs
- ▶ DOT Order 5610.2(a), Actions to Address Environmental Justice and Minority Populations and Low-Income Populations

## **E. *Other References***

- ▶ USDOJ's Title VI Legal Manual
- ▶ USDOJ's Investigation Procedures Manual for the Investigation and Resolution of Complaints alleging Violations of Title VI and Other Nondiscrimination Statutes

- ▶ Americans with Disabilities Act Accessibility Guidelines (ADA Handbook Appendix B)
- ▶ Revised Draft Public Rights-of-Way Accessibility Guidelines (PROWAGJ) (2005)
- ▶ FHWA's Memorandum Clarification of FHWA's Oversight Role in Accessibility, Dated September 12, 2006

# Exhibit L

## DEFINITION OF TERMS

**AASHTO** – American Association of State Highway Transportation Officials.

**Administrative Program Area** – Identifies program areas that are required to have Title VI reviews according to an FHWA approved review schedule. 23 C.F.R. 200.9(b)5.

**Adverse Effects** – The totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to:

- ▶ Bodily impairment, infirmity, illness or death;
- ▶ Air, noise, and water pollution and soil contamination;
- ▶ Destruction or disruption of man-made or natural resources;
- ▶ Destruction or diminution of aesthetic values;
- ▶ Destruction or disruption of community cohesion or a community's economic vitality;
- ▶ Destruction or disruption of the availability of public and private facilities and services;
- ▶ Vibration;
- ▶ Adverse employment effects;
- ▶ Displacement of persons, businesses, farms, or nonprofit organizations;
- ▶ Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community; and
- ▶ The denial of, reduction in, or significant delay in the receipt of benefits of DOT programs, policies, or activities.
- ▶

**Advocacy Distribution List** – A mailing list of agencies, organizations, and individuals that provide services to underserved populations including individuals or groups of persons with limited English proficiency, disabilities, low-income, or minorities.

**Affirmative Action** – A good faith effort to eliminate past and present discrimination in all federally assisted programs, and to ensure future nondiscriminatory practices.

**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 MPO and to receive a response from the MPO are met through a full opportunity to be involved and to express needs and goals.

**Compliance** – That satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made.

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

**Disproportionately High and Adverse Effect** – An adverse effect that is:

- ▶ Predominately borne by a minority population and/or a low-income population, or;
- ▶ Will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population.

**Environmental Justice** – Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

FHWA further affirms three fundamental environmental justice principles:

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

**Federal Assistance** – Includes:

- ▶ Grants and loans of Federal funds;
- ▶ The grant or donation of Federal property and interests in property, the detail of Federal personnel, 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 of assisting the recipient, and;
- ▶ Any Federal agreement, arrangement, or other contract, which has, as one of its purposes, the provision of assistance.

**Low-Income** – A person whose median household income is at or below the U.S. Department of Health and Human Services poverty guidelines.

**Low-Income Population** – Any readily identifiable group of low-income persons (a person whose median household income is at or below the Department of Health and Human Services poverty guidelines) who live in a geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy or activity.

**Minority** – Means a person who is:

**Black or African American** – A person having origins in any of the black racial groups of Africa.

**Hispanic Or Latino** – A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

**Asian** – A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent.

**American Indian And Alaskan Native** – A person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

**Native Hawaiian Or Other Pacific Islander** – A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

**Minority Population** – Any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy, or activity.

**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 or Latino”, “Asian”, “Native Hawaiian or Other 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 a regional basis.

**Program** – Includes any highway, 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.

**Recipient** – Any State, City, County, Political Subdivision or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual to whom Federal assistance is extended, either directly or through another recipient (sub-recipient), for any program. Recipient includes any successor, assignee, or transferee thereof.

**Special Emphasis Program Areas** – Identifies major program areas that are required to have annual Title VI reviews to determine the effectiveness of program area activities at all levels. 23 C.F.R. 200.9(a)4(b)6.

**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 other Federal statutes



to the extent that they prohibit discrimination on the grounds of race, color, national origin, or sex in programs receiving Federal financial assistance of the type subject to Title VI itself. These Federal statutes are:

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d – 2000d-7)
2. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601-4655)
3. Title VIII of the Civil Rights Act of 1968, amended 1974 (42 U.S.C. 3601-3619)
4. 23 U.S.C. § 109h
5. 23 U.S.C. § 324
6. Subsequent Federal-Aid Highway Acts and related statutes.