



# BNM Mobile

## EQUITABLE & SUSTAINABLE TRANSPORTATION

Bloomington-Normal & McLean County, Illinois

September 2018

**DRAFT FOR PUBLIC COMMENT**  
**JULY 31, 2018 – SEPTEMBER 14, 2018**



**TITLE VI PLAN 2018**

**PUBLIC ENGAGEMENT STRATEGY  
& LANGUAGE ASSISTANCE PLAN**

DRAFT

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# McLean County Regional Planning Commission

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Mark Wylie  
School District 87

## Section 1: INTRODUCTION

Access to transportation is a central concern in our daily lives. People rely on many types of transportation to get to school, commute to work, buy household goods and reach essential services such as health care. The need to move around the community for these and many other reasons is not limited to selected social, economic or age characteristics, or by ethnic and racial identity, but is a necessity for all people.

Today access to transportation is more vital than ever, despite the advent of online education, telecommuting, internet shopping and other shifts in how daily life is lived in our era. Not every person inhabits the world where the logistics of economic activity, education and mobility are defined by the space between a person and a smart phone. Access to and use of the relevant technologies can be difficult for people facing challenges such as poverty, physical or cognitive disabilities, constraints due to age, and the racial and ethnic discrimination that still permeates our society.

### In This Plan

This plan explains the steps that the McLean County Regional Planning Commission (MCRPC) takes to ensure that every person can participate in the planning work carried out by MCRPC. To assess what portion of the population falls within the parameters of Title VI civil rights protections, the plan describes the demographic characteristics of the planning area population, along with general characteristics of the community and planning area. It also analyzes their geographical distribution in the community, and with respect to important resources and infrastructure (Section 2). The plan incorporates the Public Participation Plan (Section 3) and Language Assistance Plan, to involve and assist community members for whom English is not their primary language due to national origin (Section 4). MCRPC organization and MPO functions are described in Section 5. Sections 6 and 7 of the plan deal with oversight and procedural requirements for maintaining Title VI compliance.

The MCRPC notification to the public of its Title VI Notice to the Public follows on page 2. This statement of our commitment to the statutory and regulatory processes for Title VI compliance, and to the civil rights protections embodied by Title VI and related or successor legislation, is available to the public through posting on our website and display in our offices, and upon request to our staff.

Title VI Notice to the Public  
*for the* McLean County Regional Planning Commission  
Metropolitan Planning Organization for the Bloomington-Normal Urbanized Area

The McLean County Regional Planning Commission (MCRPC) assures that no person shall on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 and related statutes, executive orders, and regulations, be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination under any program or activity receiving federal financial assistance.

The McLean County Regional Planning Commission further assures that every effort is made to ensure nondiscrimination in all of its programs and activities, regardless of funding source or support.

In the event that the McLean County Regional Planning Commission distributes federal assistance to a consultant, contractor or subcontractor, or other participant, MCRPC will incorporate Title VI adherence language in all written agreements and will monitor the consultant, contractor or subcontractor, or participant for compliance. The MCRPC Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports and undertaking other required responsibilities.

Any person who believes him/herself or any specific class of persons, to be subjected to discrimination prohibited by Title VI in any MCRPC program or activity may by him/herself or by representative file a written complaint with MCRPC by mail, email or other electronic transmission using the form found [here](#). Contact MCRPC via [mcplan.org](http://mcplan.org) or at 309-828-4331 for a complaint form or further information.

Complaints may also be made directly to the Federal Highway Administration; please direct inquiries to the Office of Civil Rights, 1200 New Jersey Avenue, SE, 8th Floor E81-105, Washington, DC 20590, by email at [CivilRights.FHWA@dot.gov](mailto:CivilRights.FHWA@dot.gov), or by telephone at 202-366-0693, by fax at 202-366-1599, or by TTY at 202-366-5132.

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By Vasudha P. Gadhiraju, Executive Director  
McLean County Regional Planning Commission

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Date



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PENDING FOR ADOPTION

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## History and Context

Efforts to conform federally funded programs conducted or administered by local or state governments are rooted in the United States Constitution, in the 5<sup>th</sup> Amendment guarantee of due process, and the 14<sup>th</sup> Amendment extending the Due Process Clause to the states. The century that elapsed between the ratification of the Reconstruction Amendments and the intense period of civil rights protest, advocacy and legislation in the 1960's saw considerable but incomplete change in the protection of the equal protection of these rights.

In 1962, Congress approved and President Kennedy signed an updated Federal-Aid Highway Act. This required that in urbanized areas, programs for Federal-Aid Highway projects approved after July 1, 1965 must be based on a "Continuing and comprehensive transportation planning process carried on cooperatively by states and local communities." This is generally referenced as the 3-C planning process.

The Federal-Aid Highway Act required that some urban area transportation projects using Federal funds be coordinated between levels of government<sup>1</sup>. This emphasis on a cooperative approach to transportation planning gave states and local governments of a certain size a direct stake and an opportunity to voice concerns and offer alternatives with respect to Federal transportation projects, and other projects supported with Federal funding.

However, the 3-C process alone was not sufficient to bring down the many barriers to transportation access used to restrict free use of the transportation system by

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Title VI of the Civil Rights Act (42 U.S.C. 2000-1) states that:

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

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*The Executive Order on Environmental Justice<sup>1</sup> amplified Title VI by providing that:*

*"each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."*

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*Executive Order 13166 on Limited English Proficiency expanded the reach of Title VI*

*"to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency"*

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<sup>1</sup> The expanding projected cost of the National Interstate and Defense Highways system, initiated by the 1956 Federal-Aid Highway Act, caused notable opposition to the interstate highway initiative. In addition, by the early 1960s, the secondary impacts and their concentration in low-income and/or minority neighborhoods had become evident.

all persons. As originally conceived, the process did not protect disadvantaged communities from disproportionate negative impacts resulting from highway locations that disrupted existing transportation options, or sliced through neighborhoods. In the development of the interstate system, such local concerns did not substantially alter the system, with decisions made on federal projects based on federal goals and purposes.

To address this and other inequalities in the use of federal power, additional federal action was needed, and as the 1962 Federal-Aid Act was being implemented, action came in the form of the Civil Rights Act of 1964 (CRA).

The Civil Rights Act was designed to embed in Federal law a full recognition of the Constitutional guarantees of civil rights across the full scope of the American population. This recognition was specifically applied to the numerous instances in which federal funding was applied to transportation, but also housing, education, economic development, and the myriad other federal investments that flowed from the New Deal and grew in the post-war period.

In a time when racial segregation was still accepted and openly practiced in a substantial portion of the country, and when legislative and judicial steps towards redress of specific discriminatory policy, although important, were confined to narrow issues, the Civil Rights Act created a new kind of guarantee<sup>2</sup>.

In 1964 access to transportation services was still routinely restricted to exclude people of color, including through the *de facto* use of the same “separate but equal” mindset that the *Brown* decision rejected so decisively. Throughout the country state and local governments continued old practices with the acquiescence or even encouragement of citizens satisfied with the *status quo*. However, where federal funding was applied to the means of transportation through Federal-Aid Highway legislation, the power inherent in the CRA became evident. Much as the military and industry wanted the Interstate highways to sustain preparedness for the Cold War and extend the distribution of goods in an expanding post-war economic boom, rapidly developing communities across the country wanted federal support to meet the needs and aspirations of their residents.

The civil rights strings attached to federal investment in community growth under the CRA demonstrated an indirect but potent incentive. The power of Federal funding employed

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<sup>2</sup> *Heart of Atlanta Motel v. United States* (1964) - In his concurring opinion in the *Heart of Atlanta* case, U.S. Supreme Court Justice Arthur Goldberg emphasized, “The primary purpose of the Civil Rights Act of 1964 ... is the vindication of human dignity and not mere economics.”

at all levels of government, with its accompanying requirements, could be and was imposed on governmental bodies down to the local level. This did not end discrimination in any sense, but it did establish a pathway to Congress and the courts to seek redress. Over decades this incentive to use Federal funding created oversight and regulatory action to serve the myriad purposes of the CRA.

This process is not yet complete, either generally or with respect to transportation access. As advocacy has prompted recognition of needs not originally contemplated, additional legislation has broadened the application of the Civil Rights Act of 1964 to include people limited in their use of the transportation system due to numerous factors, some only recently acknowledged. The best known example is the American With Disabilities Act, which recognized the substantial barriers to open transportation access for people with physical, mental and cognitive disabilities, and established a still-evolving framework of accessibility to resources, including transportation modes.

Executive orders required that in the process of building infrastructure, consideration would be given to the resulting impacts on the built environment, especially disadvantaged areas, and on the natural environment. The latter mandate was supported by infrastructure program requirements developed by the Environmental Protection Agency. More recently, access difficulties for people with limited ability to speak English have been acknowledged, and a process for bringing into the transportation planning process created.

Policy Statement

The McLean County Regional Planning Commission (MCRPC) assures that no person shall, on the grounds of race, color, national origin or sex, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination under any program or activity.

MCRPC further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities whether or not those programs and activities are federally funded. In the event MCRPC distributes federal aid funds to another governmental entity, MCRPC will include Title VI compliance language in all written agreements and will monitor for compliance.

MCRPC's Title VI Coordinator is responsible for initiating and monitoring Title VI activities, overseeing the preparation of required reports and overseeing other MCRPC responsibilities as required by Title 23 CFR part 200 and Title 49 CFR part 21.

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By Mary Jackson, Chair  
McLean County Regional Planning Commission

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Date

## Section 2: DATA & ANALYSIS

To plan effectively, we need to analyze as much reliable information as we can find about the people in our area and their needs and preferences, including transportation needs. This includes basic demographic information such as age, gender, racial or ethnic identity, national origin, disability status, English language ability and income status. These characteristics or circumstances are the core of the Civil Rights Act and successive or related legislation, executive orders and regulations.

When using surveys to collect information about the community, we ask that respondents provide some demographic information about themselves or their families. Although people generally respond to these questions, some leave the questions unanswered, or object to including the demographic questions at all.

Those who object often say that these factors “shouldn’t matter,” and that decisions about public infrastructure or services should be made without this community context. It is an historical truth that these considerations do matter, and that public policy and practice has been and sometimes continues to be designed to exclude people from exercising rights which the law recognizes are theirs.

### *MCRPC Data Standards*

MCRPC collects and analyzes demographic data on race, ethnicity, minority groups, income level, and language spoken at home, as well as participants and beneficiaries of federally funded programs. Our primary tool is U.S. Census data, supplemented with locally generated information, public opinion surveys, and self-identification on surveys and questionnaires. MCRPC uses this information in transportation planning for the following reasons:

- To determine any adverse impacts or benefits of potential projects on minority and low income neighborhoods.
- To ensure equality in evaluating project applications submitted for inclusion in the Long- Range Transportation Plan and the Transportation Improvement Program.
- To develop public outreach strategies.

The data collected are reviewed to ensure that MCRPC continues to meet the requirements of the Title VI Program.



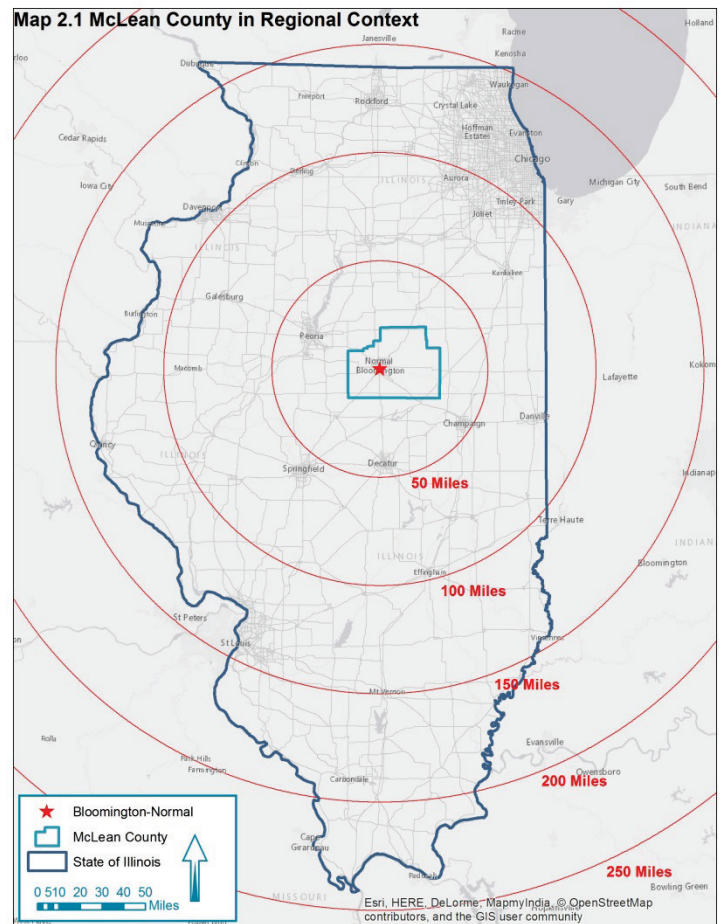
## Community Characteristics

The Bloomington-Normal urbanized area is located at the core of Central Illinois, and thus of the multistate Midwest region. Although as illustrated in Map 2.1, right, our urban center in McLean County is well connected to state and national transportation systems, the focus in this plan is on the transportation options available to our residents, particularly for people in groups or locations within the community that have traditionally been underserved by the transportation system.

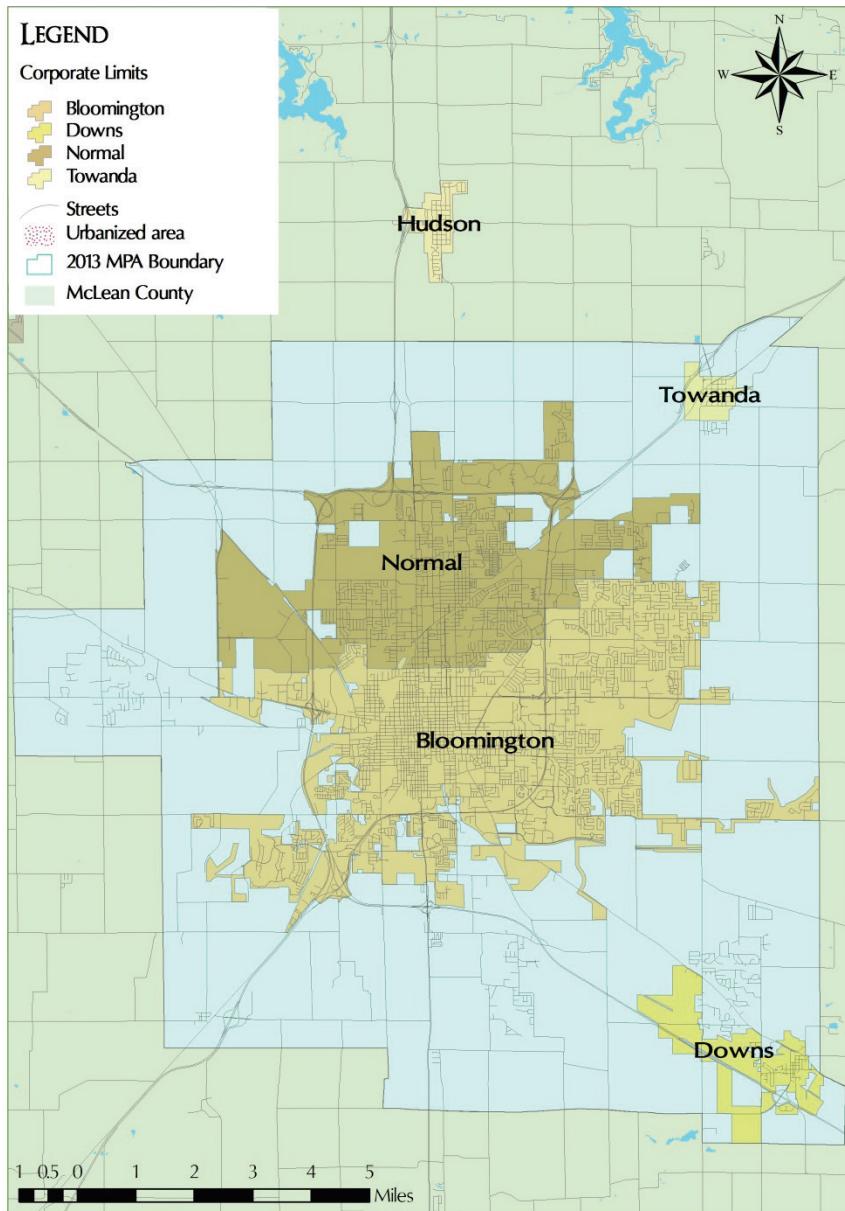
The MCRPC metropolitan planning area (MPA), initially defined by Census results and refined by the MPO and partner agencies, includes the urbanized area as if the 2010 Census, and the surrounding area which may be expected to develop over a 20-year period. The MPA is illustrated in the map on page 11, opposite. It is notable that in recent Bloomington and Normal comprehensive plans, more compact growth areas were defined and the importance of infill was emphasized. Following the 2020 Census and its definition of the urbanized area, it is likely that the metropolitan planning area will be revised in accord with the comprehensive plans, and in the updating of the long range transportation plan. It is expected that the villages of Downs and Towanda will remain within the MPA.

### *The Community*

Bloomington-Normal has an estimated population of 135,000 people, comprising more than three-quarters of the population of McLean County. Over the past few decades the best ongoing description of the Bloomington-Normal population has been “bigger.” Beginning in the 1960s and persisting into the mid-2000s, both municipalities experienced very rapid population growth, often the fastest in Downstate Illinois. Principal drivers for this growth included the employment expansion at State Farm, and the Illinois State







University transition from a small teachers' college in the 1950s to a major State university in the 1970s.

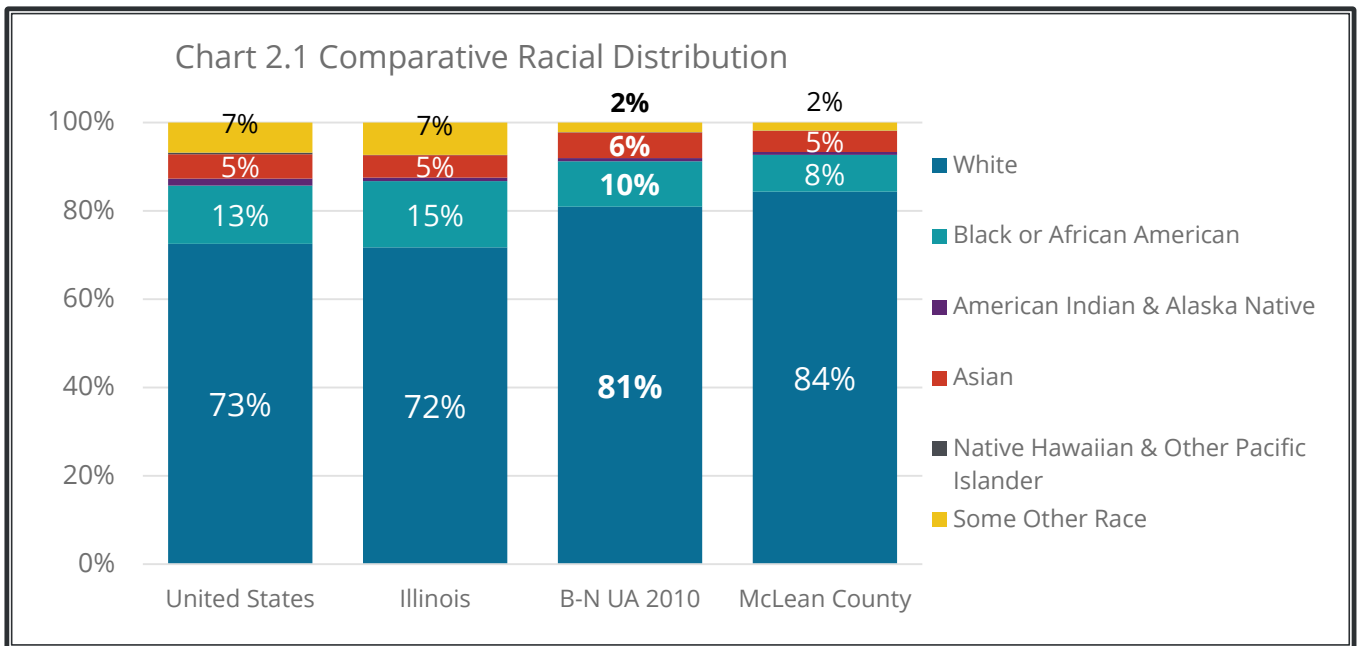
These changes alone were substantial, and created follow-on effects on the community's demographic profile and economic development. Each new State Farm staff member or ISU faculty member likely brought with them spouses who possibly joined the workforce, children needing schools, and everyone needing a place to live. Keeping pace with rapid growth and providing the resources and amenities to sustain it dominated development in the community for decades.

There is a persistent view that by the benchmarks of the region, Bloomington-Normal is an unusually diverse

community in terms of race and ethnic identity. However, this assumption is not supported by the data.

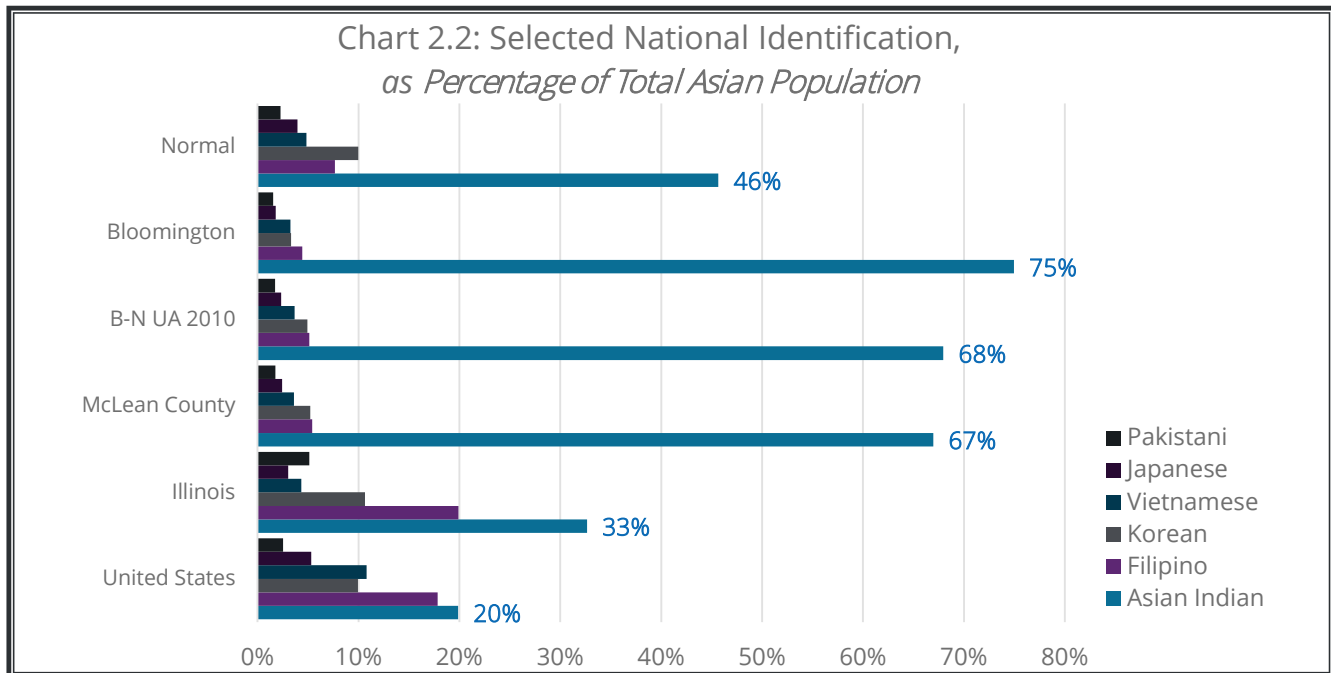
Based on the 2010 Census results, McLean County and the Bloomington-Normal urbanized area are notably less diverse in terms of racial and ethnic identification than the state or the country. As illustrated in Chart 2.1, *Comparative Racial Distribution*, as of the 2010 Census both the Bloomington-Normal urbanized area and McLean County as a whole were more homogenous by race than the Illinois or nation. Given the imbalance in population between the urban area (83.5% of total population) and the remainder of McLean County (16.5% of 2010 population), the urban statistics have a strong impact on the racial and ethnic distribution overall.

These results are not unexpected in the context of Central Illinois, and the nature of the regional economy. The presence of State Farm Insurance and the departure of Mitsubishi Motors are the most recent in a series of indicators that document the persistent drift away from manufacturing and other industrial pursuits and towards people working in offices and in retail. Universities and colleges, and two healthcare conglomerates provide a slight diversity in occupational type if not in race or ethnicity.



There is one ethnic group that occupies a larger section of the area population than might be anticipated, those identifying as Asian. In the urbanized area, 6% of the population is Asian, a higher proportion than found at the state and national levels. As shown in Chart 2.2, the total population of Asian residents is dominated by people identifying themselves as South Asian, originating predominantly from India, with a small percentage of the total from Pakistan.<sup>3</sup> The remaining Asian residents identify national origins in Southeast Asia, East Asia, Japan and the Philippines.

<sup>3</sup> The Census 2010 data on ethnicity or race does not directly indicate length of residence (or citizenship status) of people identifying with a specific ethnicity or national origin.



### Underserved or Challenged Population Groups

The transportation system only fulfills its purpose when everyone in the community has access to the services, goods and experiences they need, with whatever accommodations they may require to avail themselves of that access. This principal has been given the force of law through the enactment of Federal civil rights legislation over the past fifty years, extending protection against discrimination and unequal treatment experienced by people belonging to certain minority or ethnic groups, seniors and youth, people with disabilities and people with limited fluency in English. As these laws have been amended, and challenged in the courts, they have been amended and regulations created revising the definition of the protected groups.

As will be discussed in greater detail below, the laws require non-discrimination in any circumstances in which Federal funds are used. As well as applying to all Federal programs, these requirements also apply to any non-federal governmental activity or program which receives any Federal funding, and to non-profit or profit-making entities in the private sector. The use of such funding is controlled through contracts in which the recipient agency is required to satisfy program rules and restrictions; the most frequently cited example is a rule providing that passengers using certain programs for supported transportation not be subjected to trips longer than one hour. In some instances agencies are responsible for regulatory standards from multiple granting agencies, sometimes requiring that program activities meet multiple requirements.

Generally, such regulations are enacted to safeguard program participants or service providers. These safeguards have sometimes been established or enforced in the wake of injuries or fatalities to program participants, to prevent further occurrences.

With respect to transportation programs, and specifically those directed at elementary school age children, older people and people with disabilities, it is mandated that transportation services be accessible as well as available.

We begin this discussion with an examination of the geographical distribution these two vulnerable populations: children ten or under, and adults aged 60 or older, identifying where the aggregate of these groups meets or exceeds the threshold of 40% of the population in a Census block group. Map 3.1<sup>4</sup> on pg. 15 illustrates this distribution, and show proximity to vital neighborhood or community resources. These include full-scale grocery stores, offering fresh produce and a range of other fresh foods suitable for cooking, as opposed to the packaged food products found at convenience stores. The remaining essential resources, pharmacies and hospitals, address the importance of all levels of medical care to both age groups, but in particular the older adults.

As shown in Table 2.1, opposite, the estimate that 9% of the population of McLean County has some form of disability, and when broken down by age, people aged 65 and older account for as much as 75% of the total population of people with disabilities. It should be noted that the Connect Mobility transit service is limited to areas served by the fixed transit routes, which do not cover the entire incorporated area of Bloomington-Normal.

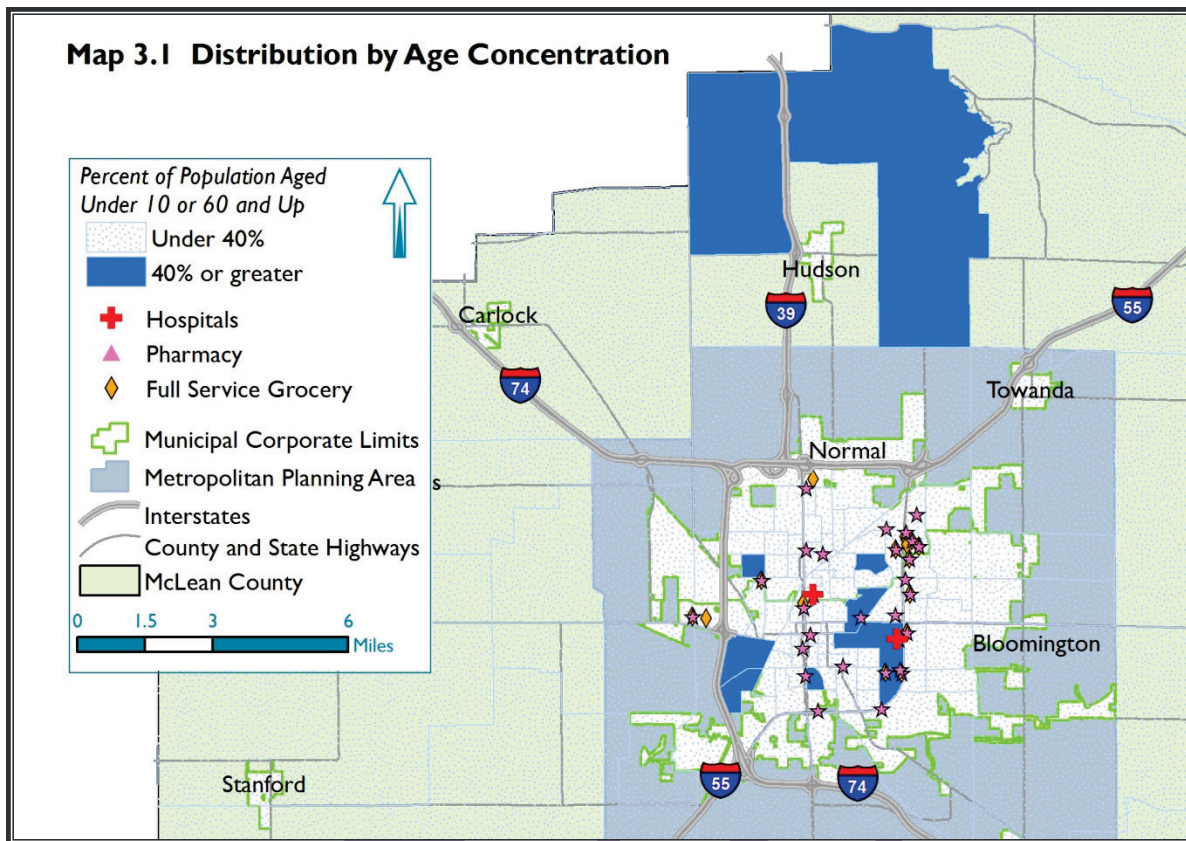
In the course of developing a short term plan for Connect Transit during the fall of 2018, MCRPC will generate more specific information about the travel patterns of older residents and people of any age with a disability. Working with these communities in both local and multi-county rural contexts, MCRPC has and will expand the available information regarding mobility challenges that are faced by people in urban and rural settings.

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<sup>4</sup> Maps in this chapter are drawn from the Long Range Metropolitan Transportation Plan 2045, adopted in 2017.

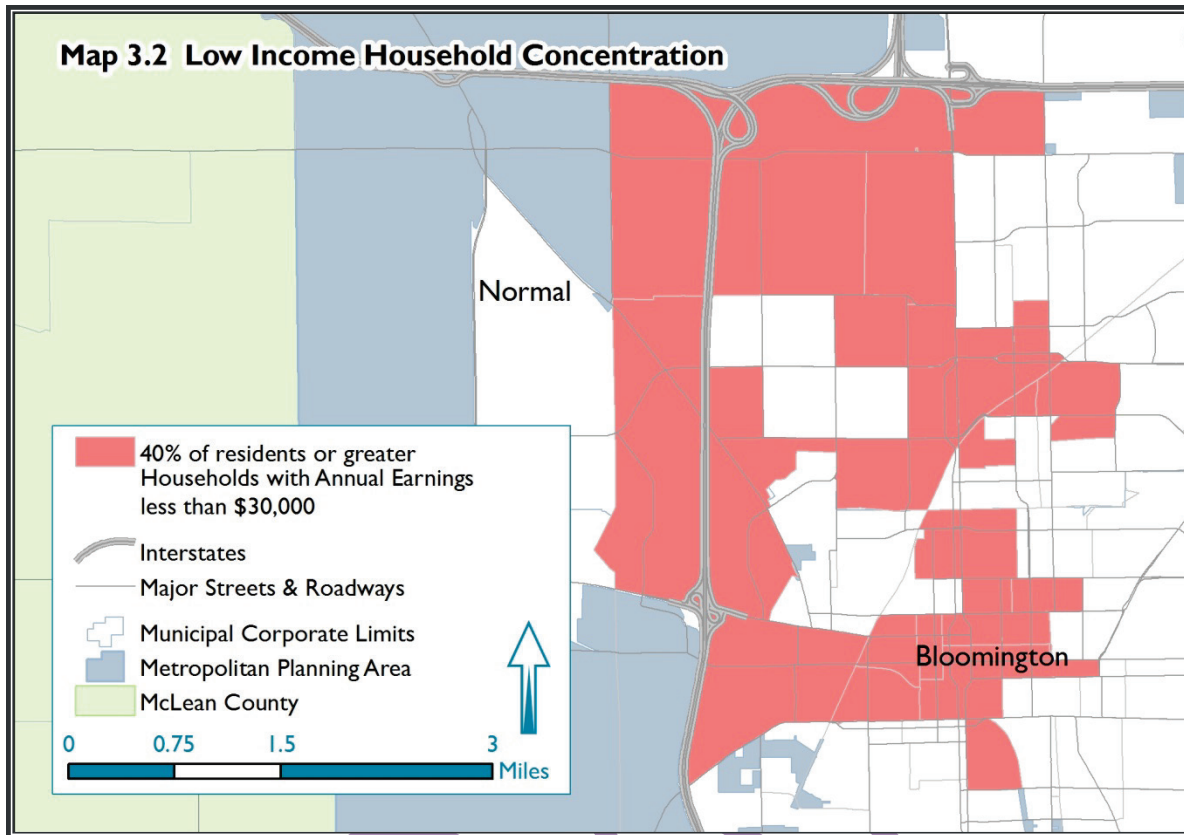
<b>Table 2.1</b> Estimated Number of People with a Disability	Percent with a disability
McLean County, Illinois	Estimate
Total civilian noninstitutionalized population	9.10%
<b>AGE</b> (by percentage of total disabled persons)	
Under 5 years	0.80%
5 to 17 years	4.30%
18 to 34 years	5.00%
35 to 64 years	8.70%
65 to 74 years	21.30%
75 years and over	51.50%
<b>DISABILITY TYPE</b> (where known)	
With a hearing difficulty	3.10%
With a vision difficulty	1.80%
With a cognitive difficulty	3.50%
With an ambulatory difficulty	5.20%
With a self-care difficulty	2.10%
With an independent living difficulty	4.00%
Source: U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates	





Focusing on the metropolitan planning area, several of the areas of concentration, particularly on the west side of Bloomington-Normal are not well-served by any of the three targeted community resources. For resident of West Bloomington, the lack of neighborhood access is made more acute by the distances to the nearest grocery stores and pharmacies, and the dangers for pedestrians in reaching those destinations.

Several areas of this population concentration include elder care facilities, such as assisted living facilities, nursing and rehabilitation for either short- or long-term care, and specialized facilities for people with cognitive conditions such as dementia. These facilities are often reliant upon payments from Medicare or Medicaid, and thus may be required to provide or facilitate transportation to residents, often using a vehicle obtained by the facility. MCRPC has worked to improve coordination between such facilities and paratransit service providers, through the Transportation Advisory Committee, and will continue these and other efforts as specified in the goals and strategies of this plan and its components.



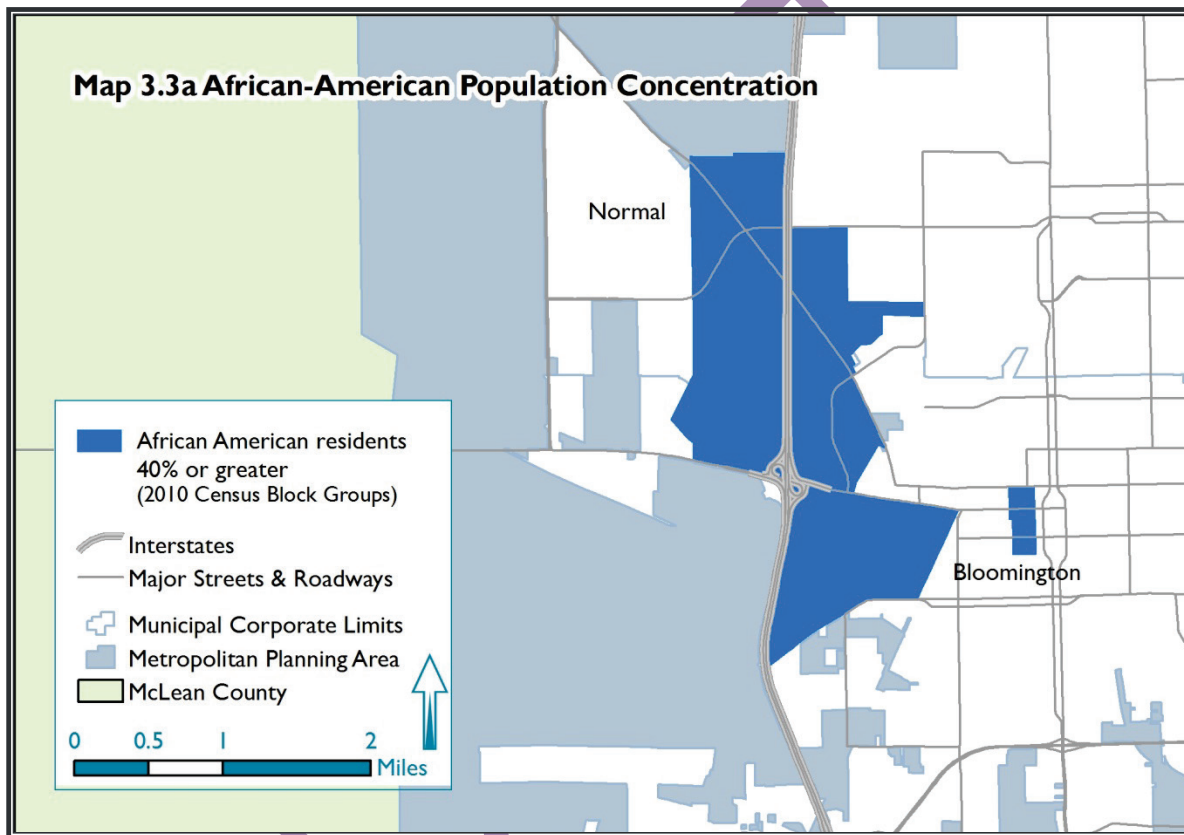
**Map 3.2** illustrates portion of Bloomington-Normal where at least 40% of households have annual incomes of less than \$30,000. Again, the west side of the community is the focus. In some instances these households, particularly in parts of Normal, may include student households where occupants are only transitional residents and are less likely to be employed full time. Other areas include relatively dense residential developments where rental costs are more affordable or partially subsidized housing may be available. Residents in these neighborhoods may have difficulty reaching school, employment and social services.

Neighborhood integration is a continuing challenge, and can arise from multiple causes. Maps 3.3a through 3.3c illustrate residential concentrations of the most represented racial or ethnic groups in Bloomington-Normal, as shown in Table 2.2. The next three maps shown areas of concentration by race or ethnicity, and Map 3.4 brings them together with transit and pedestrian/bicycle transportation options.

Table 2.2 McLean County Estimated Population by Race

	Estimate	As Percentage
Total Estimated Population	173,114	
<i>White alone</i>	<i>145,347</i>	<i>84.0%</i>
Black or African American alone	13,853	8.0%
Asian alone	8,136	4.7%
Hispanic	8,101	4.7%

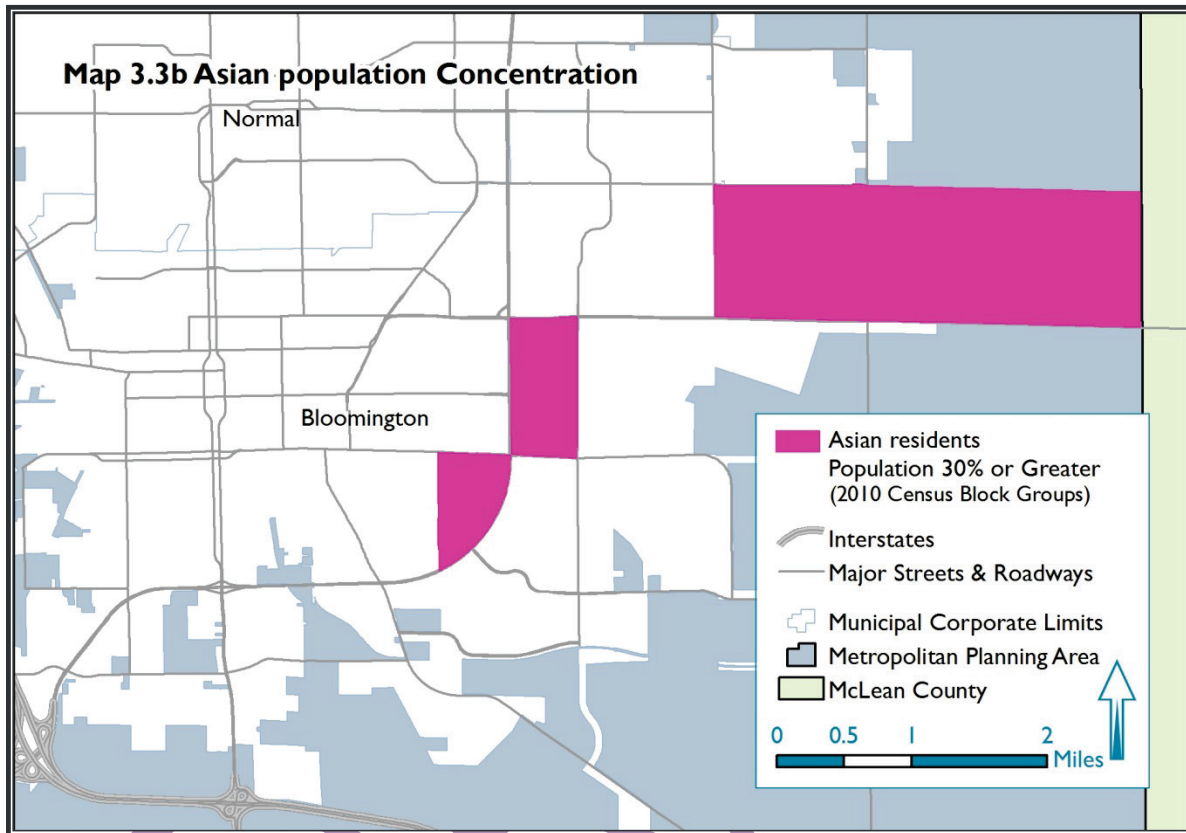
Source: U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates



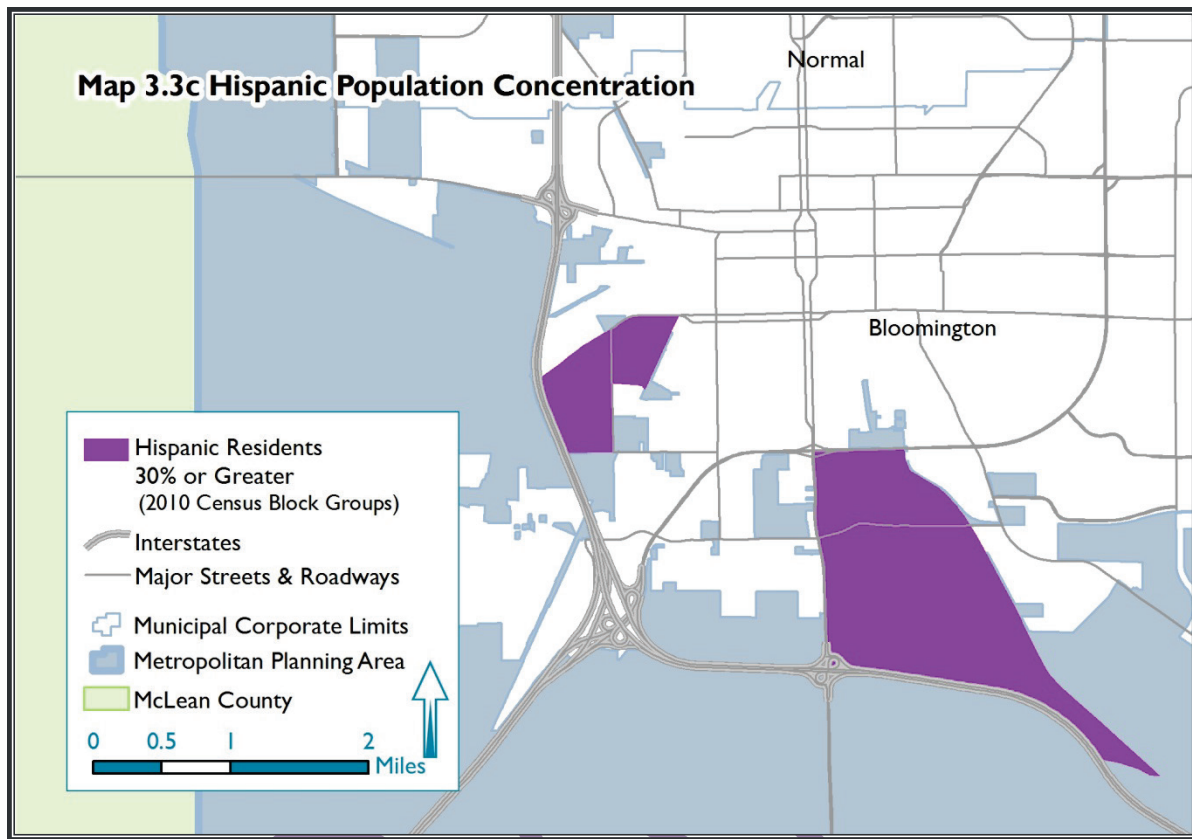
Map 3.3a locates neighborhoods where African-American residents are 40% of the population or greater. These include Census block groups immediately west of Downtown Bloomington, south of West Market Street to the I-55 interchange, and on both sides of I-55 north of West market/Route 9. As noted with respect to income, some of the block groups include properties managed by the Bloomington Housing Authority, including housing for seniors and people with disabilities, as well as privately-held developments with affordable units.



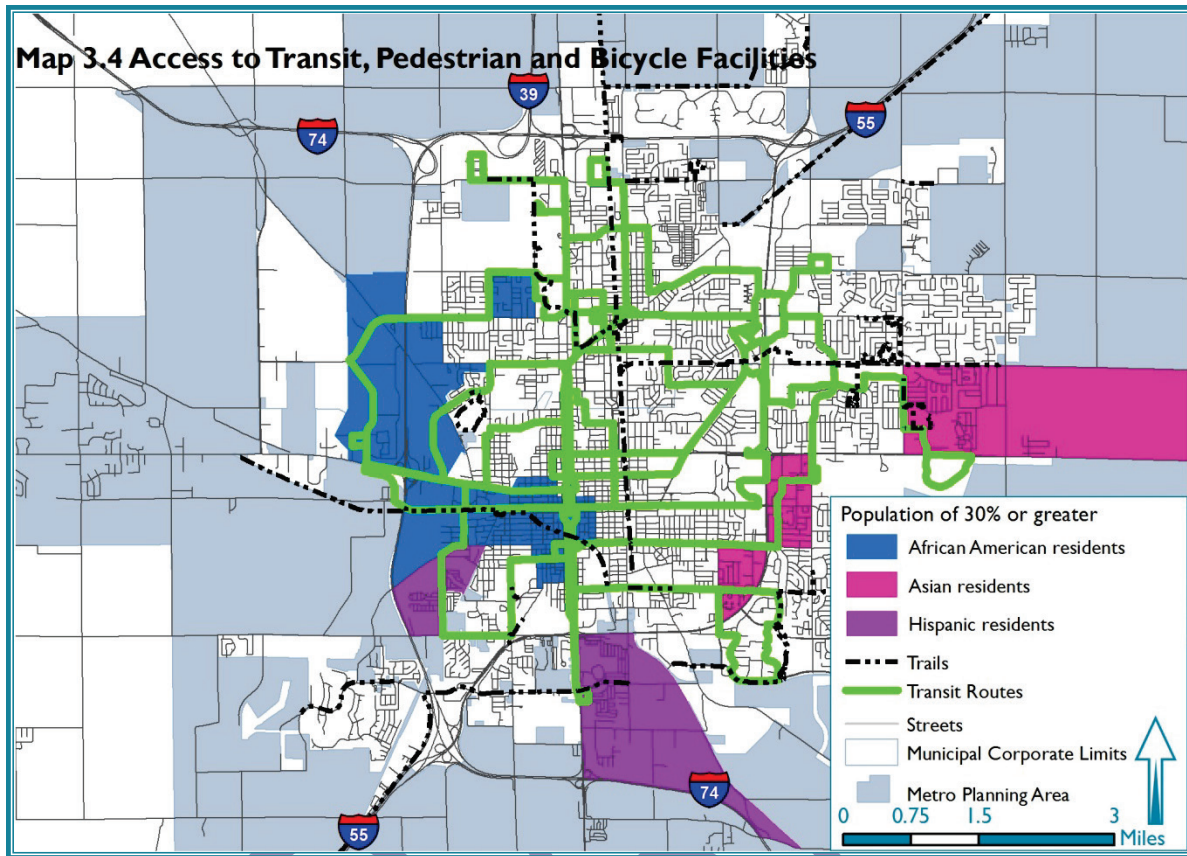
However, West Market Street (Route 9) west from White Oak Road is heavily traveled and carries considerable truck traffic. Attempting to navigate this area as a pedestrian or on a bicycle is a dangerous undertaking. There is some transit presence to offset this challenge.



Moving to the east side of Bloomington, **Map 3.3b** shows neighborhoods where Asian residents constitute 30% of the population or more. These areas are clustered along Oakland Avenue near the main State Farm campus or north of East Empire Street between of Airport Road and Towanda-Barnes Road. There are grocery stores and pharmacies on Oakland Avenue, and some transit service exists in this area.



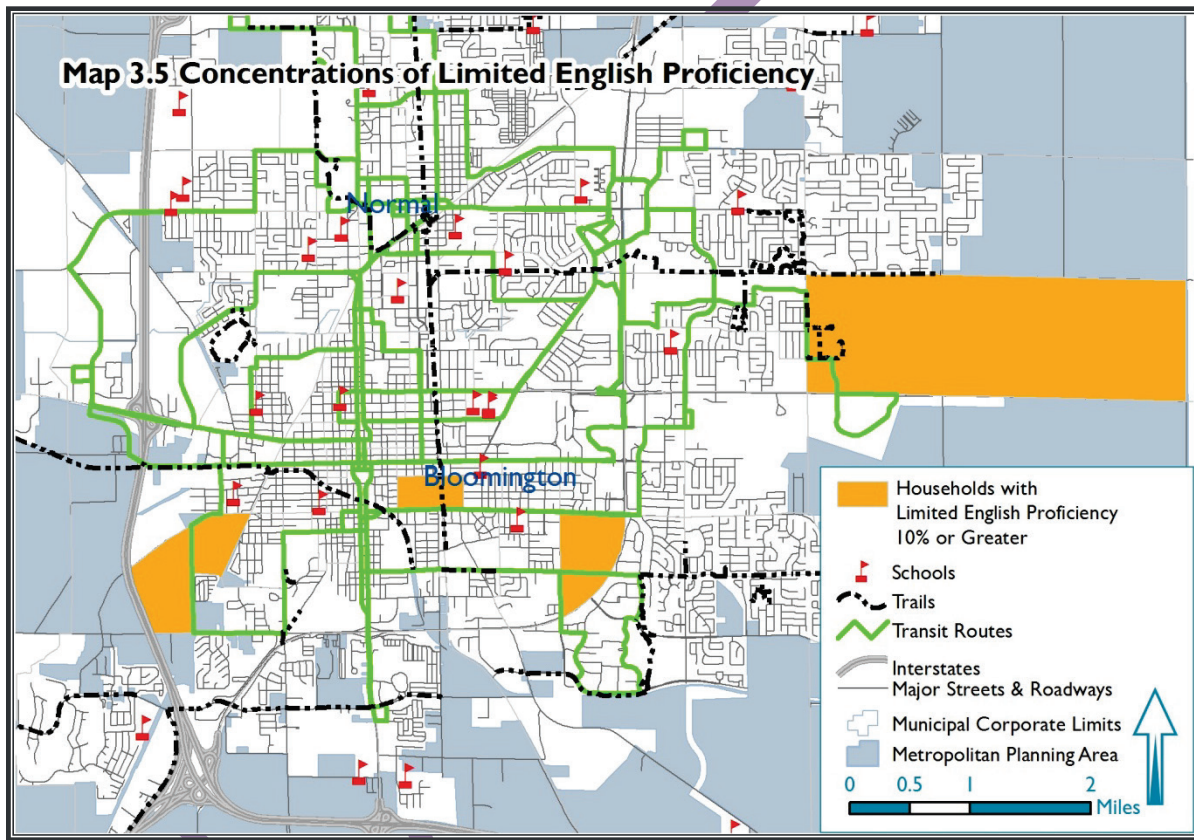
**Map 3.3c** illustrates neighborhoods where Hispanic residents constitute 30% or more of the local population. There is also a Hispanic neighborhood immediately south of the City of Bloomington and east of U.S. 51, which is outside of Connect Transit's service area. There have been multiple initiatives regarding these residential areas, some including the participation of rural public transit provider SHOW BUS, but a permanent solution is needed to ensure access for people in this group.



**Map 3.4** consolidates the neighborhoods with concentrated populations of minority residents with pedestrian/bicycle routes and transit routes added. As noted in the previous discussion of Connect Transit, some fixed route service has been sacrificed to expand the scope of Connect Mobility. There are areas of the incorporated areas of Bloomington and Normal, primarily at the edges of the community. The possibilities will be examined in the Connect Transit 5-year short-term strategic plan to be developed by Connect and MCRPC.

Title VI protection extends to the rights of people with limited proficiency in the English language, which can create barriers and difficulties in day-to-day life in general and access to transportation in particular.

**Map 3.5** identifies neighborhoods where 10% or more of households have limited command of English. These neighborhoods include Hispanic and Indian residents. These areas have some transit service, limited access to the trail system, and in some instances proximity to public schools.





## Section 3: Public Engagement Strategy

The Public Engagement Strategy, an element of the Title VI Plan, focuses on outreach and engagement practices designed to obtain input from those in disadvantaged or underserved groups or individuals. This effort involves an intensified application of MCRPC outreach practices, and consistent with the Long Range Metropolitan Transportation Plan 2045, the use of performance measures to evaluate progress and create new approaches to engaging these community members.

The MCRPC Public Participation Plan (PPP) defines a process for meaningful public input into transportation decision-making. This process includes offering an array of opportunities for the public to be informed and involved in the development of transportation plans and programs in the metropolitan area. MCRPC will proactively conduct outreach to educate and inform the public about transportation issues and options, and to draw input from the public on the issues and the process.

Two common threads run through MCRPC's public outreach approach, to move our work into the community where people gather, work and learn, and to cooperate with our participants and partners into a network of contacts that can substantially expand our outreach capabilities.

The first is to find people where they are, rather than summoning them to a presentation, open house or other static event. While formal public meetings and hearings, charrettes, focus groups and similar events remain valid exercises in soliciting public input and engagement, attendees often find them uncomfortable circumstances in which to express their views and ask questions about the planning process. In recent years MCRPC has found that direct engagement at community events, festivals, sports and other

competitions, cultural activities and the myriad other occasions taking place in Bloomington-Normal result in greater response.

Secondly, as a small agency with limited fiscal resources, MCRPC has found that working through individual and organizational associations substantially expands our ability to reach to disparate



communities, neighborhoods, affinity groups and the underserved communities that are the focus of our search for engagement from our Title VI groups. The image “Your Associations,” (previous page) reproduces a sketch created during an early discussion with local planning and public works staff illustrating the breadth of the information and outreach network for one person, and the possible outreach results when multiplied across the community.

These associations and connections are of even greater importance in reaching people in the communities and groups that are the focus of Title VI provisions. In some instances, there are communications barriers that make it difficult to reach people with concerns and to provide them with complete information about their transportation choices and rights. People are sometimes reluctant to

The Public Participation Plan adopted for the MCRPC 3-C transportation planning process is grounded in adaptive techniques for expanding direct public contact and leveraging partnerships with regional, governmental, non-profit and private sector agencies and entities. MCRPC maintains a robust and continuous relationship with the MPO-participant local governments, and sometimes uses their communications channels to broaden the scope of outreach efforts. For example, MCRPC has used access to mass mailings to residents (such as utility bills) and electronic contact systems to announce projects and explain ways to engage in the planning process to large portions of the public. More targeted information channels are also used to provide information and request input from and to specific areas of the community, users of public services and facilities and to agencies or institutions with specialized and relevant expertise.

The MCRPC Public Participation Plan is incorporated into the annually-updated MCRPC Transportation Improvement Program, and is here incorporated by reference in this Title VI Plan.

#### Public Participation Goal<sup>5</sup>

The goal of the Public Participation Plan is to have significant and ongoing public involvement, by all identified audiences and interested parties, in the public participation process for MCRPC transportation planning activities. The public participation process for transportation planning, including human services transportation planning, is aligned with and complementary to MCRPC public participation practices and policies for community, housing, economic development, environmental and energy planning.

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<sup>5</sup> Excerpts from the MCRPC Public Participation Plan; See the annually updated Transportation Improvement Program, Appendix 6

The goal for Title VI engagement is to provide full access to the planning process and its outcomes to anyone in the community who is part of an underserved or disadvantaged group. Progress in attaining this goal will be evaluated by keeping track of connections to and participation by people within the relevant groups.

### Objectives for Engagement

1. To understand the planning area demographics and determine what cultural, economic, language-based or accessibility barriers exist to public participation.
2. To provide general notification of meetings and forums for public input, in a manner that is understandable to all populations in the area.
3. To hold public meetings, events or activities in locations that are accessible to all area stakeholders and members of the community, including but not limited to members of ethnic, racial or faith-based minority groups, people with limited economic resources, people with disabilities, people of any age or educational attainment, and people with limited proficiency in understanding or speaking English.
4. To provide support for meeting and activity participation for persons including but not limited to persons identifying with the populations listed in Objective 3, above.
5. To provide methods for two-way communication and information and input from populations and persons who are less likely to attend meetings.
6. To convey the information in various formats to reach all stakeholder groups to the extent possible, using direct and network-based means of communication.

### Outreach Parameters

#### *Identification of Planning Stakeholders*

Stakeholders are those who are either directly or indirectly affected by an outreach effort, system or service plan or recommendations of that plan. Stakeholders include but are not limited to the following:

- Board of Directors/Trustees etc. – the governing board of an affected agency or other entity.

- Advisory Bodies – non-elected advisory bodies review current and proposed activities of MCRPC, and are active in the public engagement process. Advisory bodies provide insight and feedback.
- Public transit riders and clients
- Minority and low income populations, including limited English proficient persons
- Local jurisdictions and other government stakeholders
- Employers and other private organizations
- Partner agencies

Partner agencies are especially important, as they expand the network XXXXX

The current Public Participation Plan includes provisions for:

#### Public Notice

- Official notification is made of intent to provide opportunity for members of the general public to participate in public engagement plan development, including participation in open Board/council meetings, and advisory committees.

Public Engagement Process/Outreach practices (see also the discussion on pg. 23):

- Public meetings
- Open houses
- Rider forums
- Rider outreach
- Public hearings
- Focus groups
- Surveys
- Services for persons with disabilities\*

\*Notices of opportunities for public involvement include contact information for people needing any form of accommodations.

Events such as public meetings and/or open houses are held at schools, churches, libraries and other non-profit locations easily accessible to public transit and compliant with the Americans with Disabilities Act. To the extent possible, interpretation and translation services are provided when requested.

Outreach efforts to engage minority and limited English proficient (LEP) populations will begin with partner and stakeholder entities and expand as additional outreach pathways are developed.

#### Public Comment

- Formal public comment periods are used to solicit comments on major public involvement efforts around an agency service or system change.
- Comments are accepted through various means, including:
  - Dedicated email address;



- Website;
- Regular mail;
- Forms using survey tool for compilation;
- Personal outreach by staff.

Response to Public Input - All public comments are provided to the Technical and Policy committees prior to decision making. A publicly available summary report is compiled, including all individual comments.

#### Agency Consultation on Other Planning Activities

As the Metropolitan Transportation Plan and the Transportation Improvement Program are developed, MCRPC, in accordance with its networked communications and outreach process, shall consult with agencies and officials responsible for other planning activities in the metropolitan area affected by transportation in order to coordinate planning functions to the maximum extent practicable. MCRPC, as lead agency or through technical assistance, contributes to the planning processes of its constituent governments, agencies and partners. Such contributions involve the formulation of regional and local planning and development policy, and the implementation of program and project objectives.

1. The McLean County Regional Planning Commission process for public review, participation and comment on the Transportation Improvement Program serves as the public participation process for the Connect Transit Program of Projects.
2. The nature of the consultation shall include comparison of metropolitan plans and transportation improvement programs, as they are developed, with the plans maps, inventories, and planning documents developed by other agencies.
3. Entities or individuals in Bloomington-Normal and McLean County, public and private, interested, involved or responsible for the following areas shall be included in the planning consultation process, as appropriate:
  - historic preservation
  - planned growth
  - economic development
  - disadvantaged/underserved communities
  - environmental protection
  - airport operations
  - freight movements

- land use management
  - natural resources, conservation
4. Interested parties whose early and continuous involvement shall be sought include but are not limited to:
    - affected public agencies
    - representatives of public transportation users and employees
    - freight shippers and providers of freight transportation services
    - private providers of transportation
    - representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled
    - citizens
  5. Interested parties shall have access to timely information about transportation issues and decision-making processes, and to avenues for direct involvement in the transportation planning process.
  6. Metropolitan transportation plans and transportation improvement programs shall be developed with consideration for governmental agencies and non-profit organizations receiving Federal assistance from a source other than the U.S. Department of Transportation for the design and delivery of non-emergency transportation services.
  7. The MPO, in cooperation with the Federal Highway Administration, shall provide to all interested parties access to an annual listing of Federally Obligated Projects.
  8. The MPO will consider the future development of an operations plan for consulting with other governmental agencies responsible for the development of plans affected by transportation in the metropolitan area.

Traditional Tools and Measurements		
Participation Tool	Quantitative	Qualitative
Contact and Network Lists	<ul style="list-style-type: none"> <li>• Number of Additions to Contact List</li> <li>• Diversity of Representation</li> <li>• Quantity of Networks Engaged</li> </ul>	<ul style="list-style-type: none"> <li>• Concise and Clear Information Portrayed</li> <li>• Effectiveness of Newsletter Format</li> </ul>
Public Events/Forums	<ul style="list-style-type: none"> <li>• Number of Events/Opportunities for Public Participation</li> <li>• Number of Comments Received</li> <li>• Number of Participants</li> <li>• Number of Methods Used to Reach Disadvantaged/Disabled Citizens</li> <li>• Diversity of Attendees</li> </ul>	<ul style="list-style-type: none"> <li>• Effectiveness of Meeting Format</li> <li>• Public Understanding of Process</li> <li>• Quality of Response Obtained</li> <li>• Timing of Public Participation</li> <li>• Meeting Convenience, i.e. Time, Location and Accessibility</li> <li>• Use of Public Input in Developing Plan</li> </ul>
Commission/Committee Meetings	<ul style="list-style-type: none"> <li>• Number of Comments Received</li> <li>• Number of Participants</li> <li>• Number of Methods Used to Reach Aged and/or Disabled Citizens</li> <li>• Diversity of Attendees</li> </ul>	<ul style="list-style-type: none"> <li>• Effectiveness of Meeting Format</li> <li>• Public Understanding of Process</li> <li>• Quality of Response Obtained</li> <li>• Meeting Convenience, i.e. Time, Location and Accessibility</li> </ul>
MCRPC Website	<ul style="list-style-type: none"> <li>• Number of MPO Documents</li> <li>• Number of Site "Hits" per Quarter</li> <li>• Number of Comments and Suggestions Submitted</li> </ul>	<ul style="list-style-type: none"> <li>• Timeliness of Document Updates</li> <li>• Announcement of Meetings</li> <li>• Accessibility of Information</li> <li>• Quality of Response Obtained</li> </ul>

The Public Participation Plan is reviewed every three years (from date of most recent adoption) by the staff of the Regional Planning Commission to assess the effectiveness of its procedures.

Staff shall submit recommended revisions or amendments to the Transportation Technical and Policy Committees.

Pursuant to 23 CFR 450.316(a)(3), action by the Technical and Policy Committees to adopt revisions to or amendment of the Public Participation Plan shall be preceded by a period of public review and comment of not less than 45 days.

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## Section 3: LEP Language Assistance Plan (LAP)

As the home of two universities, a very large corporation and two major hospitals with associated health care networks, the Bloomington – Normal area and McLean County are experienced in working with residents and businesses for whom English is a second (or third) language.

This Language Assistance Plan (LAP) has been prepared to address MCRPC's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964; Federal Transit Administration Circular 4702.1B, dated October 1, 2012, which states that the level and quality of transportation service is provided without regard to race, color, national origin or any other protected status or circumstance.

Executive order 13166, titled "Improving Access to Services for Persons with Limited English Proficiency," indicates 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 federal agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discriminations do not take place. This order applies to all state and local agencies which receive federal funds.

MCRPC intends the LAP to identify reasonable steps for providing language assistance to persons with limited English proficiency who wish to access services provided by MCRPC. 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, and the ways in which assistance may be provided.

American Community Survey data suggest that even in households where English is not the language used, at least 75% of such households are comfortable using English in other contexts. Moreover, the percentage of households speaking languages other than English is quite small, less than 5% at the most.

### Four-Factor Analysis

To prepare this plan, MCRPC considered the elements of the four-factor LEP analysis outlined below.

Element 1. The number and proportion of LEP persons eligible to be served or likely to be encountered in the metropolitan planning area:

A significant majority of people in the Bloomington service area are proficient in the English language. Based on aggregated American Community Survey data for 2012 through 2016, **2.9%** of the McLean County population five years of age and older speak English “less than very well” – a definition of limited English proficiency (LEP). The proportions vary in Bloomington and Normal, where 4.7% of Bloomington residents and 2% of Normal residents meet the definition. Spanish-speaking households in Bloomington are far more likely to face challenges in using English, reporting that nearly 26% qualify as LEP, where in Normal none of the Spanish-speaking households were identified as LEP. The MCRPC staff includes at least one Spanish speaker, and has access to translators through partner agencies. Table 3.1 illustrates this and other language group findings.

<b>Table 3.1 ACS Estimates LEP Households<sup>6</sup></b>	Total	Percent	LEP households	% LEP households
<b>McLean County</b>	Est.	Est.	Est.	Est.
All households	65,956	(X)	1,414	2.10%
<i>Households speaking --</i>				
Spanish	1,893	2.90%	358	18.90%
Other Indo-European languages	2,366	3.60%	463	19.60%
Asian and Pacific Island languages	2,183	3.30%	559	25.60%
Other languages	286	0.40%	34	11.90%
<b>Bloomington</b>	Est.	Est.	Est.	Est.
All households	31,678	(X)	1,097	3.50%
<i>Households speaking --</i>				
Spanish	1,361	4.30%	351	25.80%
Other Indo-European languages	1,435	4.50%	317	22.10%
Asian and Pacific Island languages	1,561	4.90%	413	26.50%
Other languages	98	0.30%	16	16.30%
<b>Normal</b>	Est.	Est.	Est.	Est.
All households	19,189	(X)	285	1.50%
<i>Households speaking --</i>				

<sup>6</sup> Source: U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates

Spanish	378	2.00%	0	0.00%
Other Indo-European languages	758	4.00%	138	18.20%
Asian and Pacific Island languages	555	2.90%	129	23.20%
Other languages	188	1.00%	18	9.60%

Although there are residents of East Asian origin, including speakers of Japanese, Chinese and Korean, the more prevalent language groups are from South Asia, as noted in the chart on pg. 11. The majority of these residents speak one or more of the languages originating in India. Overall there is a large and supportive community of residents of Indian origin, creating a pool of resources for LEP persons. MCRPC's Executive Director is the agency resource for this community.

Element 2. Frequency of contact by LEP persons with MCRPC's planning programs:

MCRPC staff members rarely encounter contact with LEP persons in situations where no other speakers of their language are present to assist. In some instances, MCRPC has encountered LEP persons while engaged in outreach at a community event planning and conducted by other parties. The only direct requests for interpreters have been for persons using American Sign Language. MCRPC has contracted with ASL interpreters on a number of occasions, usually in connection with Human Services Transportation planning activities.

Generally, the most likely connections with LEP persons will occur in the course of public outreach activities. When these activities are conducted in events organized by MCRPC, we make every effort to ensure that resources are on hand to address needs for translation when advised that LEP persons are expected to attend.

Element 3. The importance of programs, activities or services provided by MCRPC to LEP persons:

Outreach activities, summarized in the MCRPC Public Participation Plan and Title VI Engagement Strategy, include events such as public meetings and similar events held at a myriad of locations and community gatherings. Directly and with the assistance of partner agencies, MCRPC conducts specific outreach to LEP persons to determine needs and gaps, and the manner in which they are addressed. The MCRPC website is equipped with a translation feature, and MCRPC staff maintain a contact list of qualified translators to meet needs as requested.

Element 4. The resources available to MCRPC and overall cost to provide LEP assistance:

Resources for assistance to LEP persons are derived from MPO funding, and generally estimated for specific project requirements over the course of a program year. Because projects vary in the likely need for such services, actual costs are difficult to predict from year to year.

As noted with respect to Element 3, the MCRPC website has a translation utility available, and can draw from local providers of interpretation/translation when requested. For in-person contacts, some staff members are able to assist with some languages on an *ad hoc* basis. MCRPC will provide assistance and direction to LEP persons who request assistance as quickly as possible.

### Staff LEP Training

MCRPC Staff orientation and training materials include information on general Title VI obligations and procedures, and specifically on responsibilities to engage with and assist LEP persons. A Language Identification Flashcard document is available to staff members, and with other Title VI resources and guidance, is included in a document archive available to all MCRPC staff. The Title VI Coordinator will maintain a record of language assistance requests received, and steps taken to respond.

### Monitoring and Updating the LEP Plan

The LAP is a component of MCRPC's Title VI Plan requirement. MCRPC will update the plan as required, and evaluate its status at least every three years. The plan will be reviewed and updated when it is clear that higher concentrations of LEP individuals are present in the service area. Updates include the following data and performance measurements:

1. How the needs of LEP persons have been addressed, including through MCRPC partner agencies.
2. Determination the current LEP population in the planning area.
3. Determination as to whether the need for, and/or extent of, translation services has changed.
4. Determination whether local language assistance programs have been effective and sufficient to meet the needs.
5. Determine of whether MCRPC financial resources are sufficient to fund language assistance resources as needed.
6. Determine whether MCRPC has fully complied with the goals of this LEP Plan.
7. Determine whether complaints have been received concerning MCRPC addressing the needs of LEP individuals.



## Section 5: The Metropolitan Planning Organization

### MCRPC as a Metropolitan Planning Organization

Under Federal law, when an urban area reaches a population threshold of 50,000 people, a Metropolitan Planning Organization is established. This level of population was reached in the mid-1960s for the Bloomington-Normal urbanized area, and to meet the requirements of the law, the MPO was authorized in 1967 and organized in 1968.

The McLean County Regional Planning Commission (MCRPC) as a recipient of FTA and Federal Highway Administration (FHWA) planning funds via the Illinois Department of Transportation (IDOT), has worked consistently to fulfill the requirements of its role as the MPO for the Bloomington – Normal urban area and the urbanizing portions of McLean County. Please see the Community Characteristics discussion in Section 2 of this report for further details on the metropolitan planning area extent, population and history.

#### **MCRPC Mission**

We bring expert planning, deep local knowledge and vibrant public participation as we shape our future to promote opportunity, livability and sustainability.

### MCRPC Organizational Structure

The Regional Planning Commission consists of eleven members appointed to represent local governments and agencies (see page ii). Commission members are appointed for three-year terms, and often serve multiple terms in sequence. Distinct from many similar organizations in Illinois, MCRPC commissioners are not permitted to be current occupants of elected office. Each of the governmental participants represented on the Commission is a partner in the transportation planning process associated with the MPO.

In its MPO function, MCRPC is governed by a Policy Committee of elected and appointed members, and is advised by a Technical Committee which is made up of technical personnel from the seven member agencies. The MPO committees meet on a regular basis to discuss current progress and future needs in transportation planning. In addition to these committees, which make recommendations and decisions regarding transportation policy and programs, MCRPC administers several

advisory committees, including the Transportation Advisory Committee, and the Sustainable Transportation Advisory Committee. These operate under terms set forth in the Commission bylaws.

### MCRPC Policy Committee

The MCRPC Policy Committee consists of local elected and appointed officials of those agencies that have a primary interest in transportation; this is defined as jurisdictions which have within their boundaries transportation facilities which qualify for Federal transportation funding, and which have direct control of those facilities<sup>7</sup>. Each Member is expected to reflect the official position of his or her constituent agency and/or the public interests they represent. Holders of the following positions constitute the Policy Committee:

Member Entity	Designated Office/Position
McLean County Regional Planning Commission	Chairperson
McLean County Board	Transportation Committee, Chairman
City of Bloomington	Mayor
Town of Normal	Mayor
IDOT District 5	Program Development Engineer

This committee assumes the decision-making authority for MCRPC and establishes policies that guide and form the transportation planning process. The committee has a variety of responsibilities, which range from approving the annual Transportation Improvement Program (TIP), to guiding the defined the metropolitan planning area boundary. The current incumbents in these positions in 2018 are:

Mary Jefferson, MCRPC;  
William Caisley, County Board;  
Tari Renner, City of Bloomington;  
Chris Koos, Town of Normal; and  
Scott Neihart, IDOT District 5.

The Policy Committee members have designated proxies, usually the entities representatives on the Technical Committee.

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<sup>7</sup> Consequently, the villages of Downs and Towanda do not have representation on the MCRPC Policy Committee, and do not have permanent staff available to serve on the Technical Committee.

## MCRPC Technical Committee

The MCRPC Technical Committee consists of technical personnel from the seven participating governments and agencies, and currently includes:

Vasudha P. Gadhiraju	McLean County Regional Planning Commission Executive Director, Technical Committee Chair
Bill Wasson	McLean County, County Administrator
Jerry Stokes	McLean County, County Engineer
Steve Rasmussen	City of Bloomington, City Manager
Jim Karch	City of Bloomington, Director of Public Works
Pam Reece	Town of Normal, City Manager
Wayne Aldrich	Town of Normal, Director of Public Works
Carl Olson	Central Illinois Regional Airport, Executive Director
Isaac Thorne	Connect Transit, General Manager
Robert Nelson	IDOT, District 5, Planning & Services Chief
Dan Magee	IDOT, District 5, Federal-Aid Coordinator, Local Roads

The Technical Committee is the primary forum for the discussion of specific projects, intergovernmental cooperation on transportation issues and practices, oversight of planning studies and similar projects and the development of the Long Range Metropolitan Transportation Plan, the Transportation Improvement Program, the Unified Work Program, the Annual Report of Federally Obligated Projects and other plans and reports developed by the MPO. The Technical Committee is also the primary link between the transportation planning process and local government budget development and capital improvement planning.

## Advisory Committees

MCRPC endeavors to achieve diversity in the membership of advisory committees established to provide both expert and citizen insight into programs and projects pursued by MCRPC. In some instances, for example where committee membership is primarily drawn from leadership from participating organizations, or from experts located in the community, MCRPC may have limited options in recruiting a diverse pool of participants.

The current committees have the following membership by race or ethnicity:

Committee	Caucasian	Latino	African American	Asian American	Other	Total
Transportation Advisory Committee	TBD	TBD	TBD	TBD	TBD	
Sustainable Transportation Advisory Committee	TBD	TBD	TBD	TBD	TBD	
Regional Housing Advisory Committee	TBD	TBD	TBD	TBD	TBD	

## MCRPC Staff

MCRPC staff performs the daily operations of the agency, with technical knowledge in transportation systems planning and other related areas. The staff, working in conjunction with MCRPC member agencies, collects, analyzes, and evaluates transportation data to determine the transportation system requirements of the MPO. They also prepare materials for the Technical and Policy Committee meetings, as well as any other meetings and subcommittees. MCRPC Staff participate in all MCRPC meetings and provide technical input as needed. They also represent their agency at other meetings of importance to the planning activities in the region. At this writing the MCRPC Staff includes:

Vasudha P. Gadhiraaju, AICP	Executive Director
Jennifer Sicks, AICP	Transportation Planner
Lauren Gibson	Community Planner
Alyssa Cooper	Community Planner
Teresa Anderson	Assistant Planner
Jordan Brown	Office Manager

## Section 6: Complaint Process and Compliance

### MCRPC Staff Responsibilities

MCRPC Staff orientation and training materials include information on general Title VI obligations and procedures. Title VI resources and guidance are included in an electronic document archive available to all MCRPC staff.

The senior staff Transportation Planner will serve as the Title VI Coordinator for MCRPC with respect to programs and outreach. Any Title VI concerns with respect to direct employment by MCRPC (excluding program-related sub-recipients) will be administered by the Human Resources department of McLean County. The Title VI Coordinator will maintain a record of complaints received, manage the review and investigation process and document outcomes.

### Your Rights Under Title VI

The McLean County Regional Planning Commission (MCRPC) posts Title VI notices on our website, and in public areas of our office.

MCRPC operates its programs and services without regard to race, color, national origin, sex, age, disability, income level or limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964 and related legislation and regulations. MCRPC is an equal opportunity employer.

Any person who believes they have been discriminated against on the basis of race, color, national origin, sex, age, disability, income level or limited English proficiency by MCRPC may file a Title VI complaint by completing and submitting the MCRPC **Title VI Complaint Form**. Title VI complaints must be received in writing within 180 days of the alleged discriminatory complaint.

If you believe you have been discriminated against on the basis of race, color, national origin, sex, age, disability, income level or limited English proficiency by MCRPC, you may file a Title VI complaint by completing, signing, and submitting the agency's Title VI Complaint Form.

### How To File A Title VI Complaint With MCRPC

The complaint procedures apply to the beneficiaries of McLean County Regional Planning Commission (MCRPC) programs, activities, and services.

You may file a signed, dated complaint no more than 180 days from the date of the alleged incident. The filing should contain as much detailed information about the alleged discrimination as possible. The form must be signed and dated. The complaint should include:

- ☐ Your name, address and telephone number.
- ☐ Specific, detailed information (how, why and when) about the alleged act of discrimination.
- ☐ Any other relevant information, including the names of any persons, if known, the agency should contact for clarity of the allegations.

You may download the MCRPC Title VI Complaint Form at [www.mcplan.org](http://www.mcplan.org) or request a copy by writing to:

Jennifer Sicks  
McLean County Regional Planning Commission  
Government Center, Suite M-103  
115 East Washington Street  
Bloomington, IL, 61701

Information on how to file a Title VI complaint may also be obtained by calling Jennifer Sicks at 309-828-4331.

The above contacts can be used if information in another language is needed.

The MCRPC Title VI Complaint Form is also published as an appendix to the annual Transportation Improvement Program update, posted on the MCRPC website at <http://www.mcplan.org/departments/division.php?structureid=28>. The form is also attached as Appendix D to this report.

Complaints may be filed directly with the Federal Transit Administration, Office of Civil Rights, at:

1200 New Jersey Avenue, SE  
Washington, DC 20590, USA

By telephone at 888-446-4511 or accessed at <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/file-complaint-fta>.

MCRPC will process complaints that are complete. Once a completed Title VI Complaint Form is received, MCRPC will review it to determine proper jurisdiction, which may include consultation with the Illinois Department of Transportation, the Office of the Illinois Attorney General or the McLean County State's Attorney's Office. The complainant will receive an acknowledgement letter informing them whether or not the complaint will be investigated by MCRPC.

MCRPC will generally complete an investigation within 90 days from receipt of a completed complaint form. If more information is needed to resolve the case, MCRPC may contact the complainant. Unless a longer period is specified by MCRPC, the complainant will have ten (10) days from the date of the letter to send requested information to the MCRPC Title VI Coordinator.

If the requested information is not received within that timeframe the case will be closed. A case can be administratively closed if the complainant no longer wishes to pursue the case.

After the Title VI Coordinator reviews the complaint, the Title VI investigator will issue one of two letters to the complainant: a closure letter or letter of finding (LOF).

- A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed.
- A Letter of Finding (LOF) summarizes the allegations and provides an explanation of the corrective action taken.

If the complainant disagrees with MCRPC's determination, the complainant may request reconsideration by submitting the request in writing to the Title VI investigator within seven (7) days after the date of the letter of closure or letter of finding, stating with specificity the basis for the reconsideration. MCRPC will notify the complainant of the decision either to accept or reject the request for reconsideration within ten (10) days. In cases where reconsideration is granted, MCRPC will issue a determination letter to the complainant upon completion of the reconsideration review.



## Monitoring and Documenting Title VI Complaints, Investigations or Litigation

To date, MCRPC has not received any complaints under Title VI or any other Federal statute or regulation. All Title VI complaints will be entered and tracked in MCRPC's complaint log. Active investigations will be monitored for timely response on the part of all parties. The agency's Title VI Coordinator shall maintain the log.

Sample Title VI Complaint Log

Date complaint filed	Complainant	Basis of complaint	Summary of allegation	Pending status of complaint	Actions taken	Closure Letter (CL)	Letter of Finding (LOF)	Date of CL or LOF

## Contracting, Sub-recipient Assistance and Monitoring

MCRPC requires that potential sub-recipients submitting responses to requests for qualifications or requests for proposals document their understanding and compliance with non-discrimination requirements. Contract language is required to include non-discrimination assurances substantially equivalent to the content of Appendix C.

If requested in connection with a program activity, MCRPC will provide the following information or materials to sub-recipients:

- Sample public notices, Title VI complaint procedures, and the recipient's Title VI complaint form.
- Sample procedures for tracking and investigating Title VI complaints filed with a sub-recipient.
- Direction regarding obtaining demographic information of population served by sub-recipients.
- Technical assistance, or referral for technical assistance.
- Reviews of Title VI Programs; follow-up as necessary.

To ensure that any sub-recipient contracting with MCRPC is compliant, MCRPC will:

- Document process for ensuring all sub-recipients are complying with the general and specific requirements.
- Collect and review sub-recipients' Title VI Programs.

- Upon request from a qualified agency, MCRPC shall request that sub-recipients who provide transportation services verify that their level and quality of service is equitably provided.

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## Index of Appendices

Appendix A: Title VI Assurances and Appendices Thereto

Appendix B: Definitions, Abbreviations and Authorities

Appendix C: Nondiscrimination Clauses

Appendix D: MCRPC Title VI Complaint Form

Appendix E: Performance Measures for Amendment into the LRMTTP 2045

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## Appendix A: Title VI Assurances and Appendices Thereto

The text below is an example of the contract language used when engaging consultants or other entities in connection with an MCRPC project. Under the terms of the Illinois Grant Accountability and Transparency Act, projects undertaken by the MPO and under IDOT oversight are required to employ the contract language approved by GATA. GATA contracts must reflect the required assurances as set forth below.

The McLean County Regional Planning Commission (MCRPC), HEREBY AGREES THAT as a condition to receiving any federal financial assistance, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d, *et seq.* ("Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement.

MCRPC hereby gives the following specific assurances regarding its federal aid assisted programs:

MCRPC agrees to comply with all provisions prohibiting discrimination on the basis of race, color, or national origin of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 200d *et seq.*, and with U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act," 49 CFR part 21.

MCRPC assures that no person shall, as provided by Federal and State civil rights laws, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity. MCRPC further ensures every effort will be made to ensure non-discrimination in all programs and activities, whether those programs and activities are federally funded or not.

MCRPC further assures that meets the objectives of the above-cited requirements including MCRPC and its third-party contractors by promoting actions that:

- A. Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin.

- B. Identify and address, as appropriate, disproportionately high and adverse effects of programs and activities on minority populations and low-income populations.
- C. Promote the full and fair participation of all affected Title VI populations in transportation decision making.
- D. Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations.
- E. Ensure meaningful access to programs and activities by persons with Limited English Proficiency (LEP).

1. That the Recipient agrees that each "program" and each "facility", as defined in the Regulations, will be (with regard to a "program") conducted or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.

2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with federal aid assisted programs, and in adapted form in all proposals for negotiated agreements:

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

3. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.

4. That where the Recipient received federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over, or under such property.

5. That the Recipient shall include the appropriate clauses regarding a covenant running with the land, in any future deeds, leases, permits, licenses and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under federal aid-assisted programs;



and (b) for the construction or use of, or access to space on, over, or under real property acquired or improved under federal aid-assisted programs.

1. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, or is in the form of personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.

7. The Recipient shall provide for such methods of administration for the program, as are found by the official to whom s/he delegates specific authority, to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.

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

THIS ASSURANCE is given in consideration of, and for the purpose of obtaining, any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Recipient and is binding on it, other recipients, contractors, subcontractors, transferees, successors in interest, and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.

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## Appendix B: Definitions, Abbreviations and Authorities (Statutes, Regulations and Guidance)

The following terms, definitions, abbreviations and authorities may be cited with respect to Title VI programs and requirements.

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

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

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

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

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

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

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

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

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

**Facility** – includes all, or any part of, structures, equipment or other real or

personal property, or interests therein, and the provision of facilities, including the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

**Federal Assistance** – includes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Timetable** – a measure relating to calendar days.

**Title VI Compliance Review** – an evaluation and determination of a nonexempt direct Federal or Federal-Aid Recipient's compliance with the equal opportunity requirements established in the Authorities listed in Section II of this document.

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

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

## Concept Definitions

**Legislation.** The term legislation is a law which has been promulgated (or enacted) by a legislature or other governing body. The term may refer to a single law, or the collective body of enacted law, while "statute" is also used to refer to a single law. Example document types include: 23 USC, SAFETEA-LU, NEPA, and Title VI. Additionally court decisions are treated with same effect as legislation in the administration of the PGC.

**Regulation.** The term regulation is an agency statement of general applicability and future effect, which has the force and effect of law, that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency. Regulation is codified in the Code of Federal Regulations (CFR). Executive Orders are also considered regulation. Executive Orders are codified in 3 CFR. For example, 23 CFR and 49 CFR are commonly referenced in the PGC.

**Policy.** The term policy is an internal agency statement of general applicability and future effect, other than a regulatory action, that sets forth a course of action, plan, or procedure on a statutory, regulatory, or technical issue or an interpretation of a statutory or regulatory issue. Policy assists the agency with implementing a program, and is often cited with regulation to verify program compliance. The agency expectation is that policies will be implemented and adhered to without deviation. FHWA Policy is issued in accordance with FHWA Order 1321.1C FHWA Directives Management. Directives, Policy Memorandums, and Non-regulatory Supplements are examples of existing policy document types.

**Guidance.** The term guidance is an agency statement of general applicability and future effect, other than a regulatory or policy action, that provides advice and assistance on a statutory, regulatory, policy, or technical issue. Guidance is used to influence decisions and actions to achieve an expected program outcome. The term implies an agency expectation that the content will be considered in making specific decisions or actions that is within the user's discretion. Guidance can be either external or internal in nature. Technical Advisories and Memorandums are commonly used to transmit guidance documents.

**Information.** Information is the act of informing, or giving permanent and long-lasting definite knowledge acquired. The content is educational in nature. No agency expectation is implied that the user should consider it in their actions or decisions for specific situations. However, users should be aware that the information is available if they need general background reference on the topic. Information is transmitted in a number of forms including: memoranda, reports, email, guides, handbooks, primers, desk references, tool kits, questions and answers, etc.

## Abbreviations

AAP	Affirmative Action Plan
CAC	Citizens Advisory Committee
CFR	Code of Federal Regulations
CLRP	Constrained Long Range Plan
EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission
EIS	Environmental Impact Statement
EJ	Environmental Justice
EO	Equal Opportunity
E.O.	Executive Order
FAST	
FHW A	Federal Highway Administration
FTA	Federal Transit Administration
GFE	Good Faith Efforts
IDOT	Illinois Department of Transportation
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
LEP	Limited English Proficiency
MAP-21	Moving Ahead for Progress in the 21st Century
MPO	Metropolitan Planning Organization
NEPA	National Environmental Policy Act
NTP	Notice to Proceed
OEO	Office of Equal Opportunity
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act; A Legacy for Users
TEA-21	Transportation Equity Act for the 21st Century
TIP	Transportation Improvement Program
USC	United States Code
USDOJ	United States Department of Justice
USDOL	United States Department of Labor
USDOT	United States Department of Transportation



## **Authorities**<sup>8</sup>

- Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq);
- Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324);
- Age Discrimination Act of 1975;
- Section 504 of the Rehabilitation Act of 1973;
- Americans With Disabilities Act of 1990;
- Civil Rights Restoration Act of 1987;
- 49 CFR Part 21;
- 23 CFR Part 200;
- USDOT Order 1050.2;
- Executive Order #12898 (Environmental Justice);
- Executive Order #13166 (Limited-English-Proficiency).

## **Federal Statutes**

**Moving Ahead for Progress in the 21st Century Act (MAP-21) (07/06/2012)**

**The Age Discrimination in Employment Act of 1967, as amended (02/20/2009)**

**The Equal Pay Act of 1963 (02/20/2009)**

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

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

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

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

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<sup>8</sup> From <https://www.fhwa.dot.gov/civilrights/programs/tvi.cfm>, last modified on June 29, 2017

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

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

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

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

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

**The American with Disabilities Act, Pub. L. 101-336** – provides enforceable standards to address discrimination against individuals with disabilities.

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

**The Civil Rights Act of 1991, Pub. L. No. 102-166, 105 Stat. 1071 (1991) (codified in part at 42 U.S.C. § 1981)** – in part, amended Section 1981 of 42 U.S.C. to provide a definition for the term “make and enforce contracts”, and to provide protection of the rights protected by this section against impairment by nongovernmental discrimination under color of State law.

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

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

**Title IX of the Education Amendments of 1972, Pub. L. No. 92-318, 86 Stat. 374 (1972) (20 U.S.C.A. § 1682)** – makes financial assistance available to institutions of higher education.

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

### **Executive Orders**

**E.O. 12250, 28 C.F.R. Pt. 41, App. A (1980)** – Orders DOJ Leadership and Coordination of Nondiscrimination Laws.

**E.O. 12259, 46 Fed. Reg. 1253 (1980)** – Orders HUD Leadership and Coordination of Federal Fair Housing Programs.

**E.O. 12898, 59 Fed. Reg. 7629 (1994)** – Orders Federal actions to address Environmental Justice in minority populations and low-income populations.

**E.O. 13160, 65 Fed. Reg. 39775 (2000)** – Orders nondiscrimination on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent in federally conducted education and training programs.

**E.O. 13166, 65 Fed. Reg. 50121 (2000)** – Orders Federal agencies and their recipients to improve access to federally sponsored programs for persons with Limited English Proficiency (LEP).

**E.O. 13175, 65 Fed. Reg. 218 (2000)** – Orders Consultation and Coordination with Indian Tribal Governments.

### **Regulations**

**23 C.F.R. §200** – FHWA's Title VI Program Implementation and Review Procedures.

**23 C.F.R. Part 420.121(h)** – part of FHWA's planning regulations that specify the applicability of Title VI of the 1964 Civil Rights Act and Restoration Act of 1987 to FHWA funded planning and research activities.

**23 C.F.R. Part 450** –Federal Highway Administration's Statewide and Metropolitan Planning Regulations.

**23 C.F.R. Part 450.316(b) (2) & (3)** – requires that the metropolitan planning process be consistent with Title VI of the 1964 Civil Rights Act and the recipient's Title VI Assurances.

**23 C.F.R. Part 633, Subpart A** – specifies required contract provisions to be included in all Federal-aid construction contracts under Title VI and other federal provisions.

**23 C.F.R. Part 633, Subpart B, Appendix A** – specifies the types of contracts to which Title VI of the 1964 Civil Rights Act applies.

**23 C.F.R. Part 771.105(f)**—FHWA's Policy on Title VI – expands on 23 C.F.R. 200.7 and names categories covered with wording similar to Title VI of the Civil Rights Act of 1964 – race, color, national origin, age, sex, handicap.

**28 C.F.R. Part 35** – DOJ regulations governing nondiscrimination on the basis of disability in State and local government services.

**28 C.F.R. Part 41** – Requires DOJ to coordinate the implementation of Section 504 of the Rehabilitation Act, and provides guidelines for determining discretionary practices.

**28 C.F.R. Part 42, Subpart C** – DOJ's implementation of Title VI of the Civil Rights Act of 1964.

**28 C.F.R. Part 42.200, Subpart D** – "Nondiscrimination in Federally assisted Programs – Implementation of Section 815 (c) (1) of the Justice System Improvement Act of 1979" – implements E.O. 12138.

**28 C.F.R. Part 50.3** – DOJ's guidelines for the enforcement of Title VI, Civil Rights Act of 1964.

**49 C.F.R. Part 21** – DOT's implementation of Title VI of the Civil Rights Act of 1964.

**49 C.F.R. Part 24** – DOT's implementation of the Uniform Relocation and Real Property Acquisition Act for Federal and federally assisted programs requiring compliance with Nondiscrimination Statutes and Executive Orders.

**49 C.F.R. Part 25** – DOT's implementation of Title IX of the Education Amendments Act of 1972.

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

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

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

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

### **Administrative Guidance**

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

**DOT Order 1050.2** – Standard Title VI Assurances.

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

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

**FHWA Order 4710.2** – Civil Rights Compliance Reviews of Location Procedures.

**FHWA Order 4720.6** – Civil Rights Restoration Act of 1987 in FHWA Programs.

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

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

**DOJ Title VI Legal Manual** (September, 1998) Processing Complaints Filed Under Title VI of the Civil Rights Act of 1964 (Title VI) and the Americans with Disabilities Act of 1990 (ADA)

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

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

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

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

## Appendix C: Nondiscrimination Clauses

The following nondiscrimination clauses are included in MCRPC Requests for Proposals and other solicitations for submission, subject to requirements by the Illinois Department of Transportation.

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

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

DBE Assurance – The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

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

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

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

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

Race, Color, Creed, National Origin, Sex – In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e, the Contractor agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor,” 41 CFR Parts 60 et seq., (which implement Executive Order No. 11246, “Equal Employment Opportunity”, as amended by Executive Order No. 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” as amended by Executive Order No. 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” 42 U.S.C. § 2000e note), and with any applicable Federal Statutes, executive orders, regulations, and Federal policies that may in the future affect activities undertaken in the course of this Project. The Contractor agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, creed, national origin, sex, or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the Contractor agrees to comply with any implementing requirements the funding federal agency may issue.

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

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

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





## Appendix D: MCRPC Title VI Complaint Form

### Title VI Complaint Form McLean County Regional Planning Commission

The McLean County Regional Planning Commission (MCRPC) is committed to ensuring that no person is excluded from participation in or denied the benefit of services it provides on the basis of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964, as amended.

Title VI complaints must be filed within 180 days from the date of the alleged discrimination. To file a complaint this completed form must be returned to the McLean County Regional Planning Commission, located at 115 East Washington Street, Suite M-103, Bloomington, Illinois, 61701. **Faxed or e-mailed forms are not accepted.** Hand delivery is recommended to ensure that the complaint is received and filed within the statutory deadline. Delivery services providing delivery confirmation are also acceptable.

#### Section 1

Your Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Street Address: \_\_\_\_\_  
City, State, & Zip Code: \_\_\_\_\_

#### Section 2

1. Are you filing this complaint on your own behalf? ☐Yes ☐No
2. If you answered "No" to question 1, please describe your relationship to the person (complainant) for whom you are filing and why you are filing for a third party.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Have you obtained permission from the aggrieved party (complainant) to file this complaint on his or her behalf? ☐Yes ☐No

### Section 3

4. Have you previously filed a Title VI complaint with the McLean County Regional Planning Commission? ☐Yes ☐No

5. Have you filed this complaint with any other federal, state, or local agencies? ☐Yes ☐No

If you answered "Yes" to question 5, please list other agencies with which this complaint has been filed. If you need more room, please attach any additional information to this form.

Agency: \_\_\_\_\_  
Contact Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_

Agency: \_\_\_\_\_  
Contact Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_

### Section 4

Which of the following best describes the reason for the alleged discrimination of this complaint?

Race  
Color  
Sex  
Age  
National Origin  
Disability/Handicap  
Harassment  
Income Status

Please describe the alleged incident on which this complaint is based, and how you feel you were discriminated against, including how others may have been treated differently than you.

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Date of Incident: \_\_\_\_\_

Provide the names and titles of person(s) who allegedly discriminated against you. If you require additional space or have additional written material pertaining to your complaint, please attach to this form.

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### **Section 5**

I affirm that I have read the above charge and that it is true to the best of my knowledge, information, and belief.

Complainant's Signature: \_\_\_\_\_

Print or Type Name of Complainant: \_\_\_\_\_

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

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### **For Office Use Only**

Date Received: \_\_\_\_\_

Received by: \_\_\_\_\_

Action by: \_\_\_\_\_ Date \_\_\_\_\_

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