



Title VI Plan

Civil Rights, environmental justice and equity

December 2022

METRO RESPECTS CIVIL RIGHTS

Metro fully complies with Title VI of the Civil Rights Act of 1964 that requires that no person be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination on the basis of race, color or national origin under any program or activity for which Metro receives federal financial assistance.

Metro fully complies with Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act that requires that no otherwise qualified individual with a disability be excluded from the participation in, be denied the benefits of, or be subjected to discrimination solely by reason of disability under any program or activity for which Metro receives federal financial assistance.

If any person believes they have been discriminated against regarding the receipt of benefits or services because of race, color, national origin, sex, age or disability, they have the right to file a complaint with Metro. For information on Metro's civil rights program, or to obtain a discrimination complaint form, visit oregonmetro.gov/civilrights or call 503-813-7514.

Metro provides services or accommodations upon request to persons with disabilities and people who need an interpreter at public meetings. If you need a sign language interpreter, communication aid or language assistance, call 503-797-1700 or TDD/TTY 503-797-1804 (8 a.m. to 5 p.m. weekdays) 5 business days before the meeting. All Metro meetings are wheelchair accessible. For up-to-date public transportation information, visit TriMet's website at trimet.org.

Metro is the federally mandated metropolitan planning organization (MPO) designated by the governor to develop an overall transportation plan and to allocate federal funds for the greater Portland region.

The Joint Policy Advisory Committee on Transportation (JPACT) is a 17-member committee that provides a forum for elected officials and representatives of agencies involved in transportation to evaluate transportation needs in the region and to make recommendations to the Metro Council. The established decision-making process strives for a well-balanced regional transportation system and involves local elected officials directly in decisions that help the Metro Council develop regional transportation policies, including allocating transportation funds. JPACT serves as the MPO board for the region in a unique partnership that requires joint action with the Metro Council on all MPO decisions.

Project web site: oregonmetro.gov/civilrights

The preparation of this report was financed in part by the U.S. Department of Transportation, Federal Highway Administration and Federal Transit Administration. The opinions, findings and conclusions expressed in this report are not necessarily those of the U.S. Department of Transportation, Federal Highway Administration and Federal Transit Administration.

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I. POLICY STATEMENT

Metro is the directly elected regional government serving 1.7 million people living in the urbanized areas of the greater Portland region. It serves as the federal- and state-designated metropolitan planning organization for the greater Portland, Oregon metropolitan planning area.

Metro assures that no person will, on the grounds of race, color, national origin, English-language proficiency, immigration status, sex, age and disability status, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any of its programs or activities, whether federally funded or not. Additionally, Metro assures that it identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations to achieve an equitable distribution of benefits and burdens.

This plan's elements that protect against discrimination apply to Metro, its subrecipients, contractors and consultants. Metro's Title VI Coordinator and Office of Public Engagement are responsible for initiating and monitoring Title VI activities and preparing required reports.



Andrew Scott
Deputy Chief operating officer

12/29/2022

Date

II. PURPOSE AND BACKGROUND

No person, on the ground of race, color, national origin – including English-language proficiency and immigration status – sex, age or disability status will be excluded from participation in, be denied the benefits of, or be subjected to discrimination under Metro's programs. In addition, Metro will identify and address disproportionately high and adverse human health or environmental effects of programs, policies and activities on minority populations and low-income populations to achieve an equitable distribution of benefits and impacts.

This is Metro's Title VI Plan for submission to the Oregon Department of Transportation (ODOT) in accordance with guidance from the Federal Highway Administration (FHWA). This plan guides Metro's compliance with Title VI regulations (49 CFR part 21), the Executive Orders 12250 and 12898, the Moving Ahead for Progress in the 21st Century Act (MAP-21), and other applicable laws.

Metro submits this plan as the federal- and state-designated metropolitan planning organization for the Portland, Oregon metropolitan planning area that receives grant funding from the FHWA through ODOT for regional transportation planning and directly from the Federal Transit Administration (FTA) for regional transit planning and travel options programming. As a direct recipient of FTA funds, Metro separately submits a Title VI Program to the FTA, following the FTA's guidance document, Circular 4702.1B (Oct. 1, 2012). Metro's most recent Title VI Program was submitted to FTA on Sept. 21, 2022.

Metro is a directly elected regional government serving 1.7 million people living in the urbanized areas of the greater Portland region. Metro's Title VI Coordinator and Office of Public Engagement¹ are responsible for initiating and monitoring Title VI activities and for preparing this plan.

A. FHWA and Title VI, environmental justice, nondiscrimination and equity

Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) prohibits discrimination based on race, color and national origin in programs and activities receiving Federal financial assistance. More specifically, Title VI provides that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." The U.S. Supreme Court has held that discrimination based on English-language ability equates to national origin discrimination² and that

¹ The Office of Public Engagement is referred to in the Metro Charter as the Office of Citizen Involvement; Metro Charter, chapter V, Officers, Commissions and Employees, section 27(1), "The Metro Office of Citizen Involvement is created to develop and maintain programs and procedures to aid communication between citizens and the Council." The name has evolved in other references to be more inclusive to residents who may not be citizens of the United States.

² Lau v. Nichols, 414 U.S. 563 (1974)

undocumented immigrants are "persons" under the equal protection clause of the Fourteenth Amendment.³

The FHWA Title VI Program is broader than the Title VI of the Civil Rights Act of 1964 statute, encompassing other nondiscrimination statutes and authorities.⁴ This includes the Federal-Aid Highway Act of 1973 (23 U.S.C. § 324; prohibiting discrimination based on sex); the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.) and the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.). Together, these authorities forbid discrimination for agencies that accept federal funds because of race, color, national origin, English-language proficiency, immigration status, sex, age and disability status.⁵

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires the identification and addressing of disproportionately high and adverse human health or environmental effects of programs, policies and activities on minority populations and low-income populations to achieve an equitable distribution of benefits and burdens.⁶

Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (2021) states, "the Federal Government should pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. Affirmatively advancing equity, civil rights, racial justice, and equal opportunity is the responsibility of the whole of our Government."⁷

As stated by the FHWA:

Together, Title VI, [Environmental Justice], and other nondiscrimination authorities protect diverse segments of the population which may be at risk of being unduly impacted by, or which have been historically underrepresented, within the transportation decision-making process. Considering the needs of and potential impacts of projects on these populations may result in greater transportation equity

³ Plyler v. Doe, 457 U.S. 202 (1982)

⁴ FHWA, Environmental Justice Reference Guide (Background), April 1, 2015, [fhwa.dot.gov/environment/environmental_justice/publications/reference_guide_2015/section00.cfm](https://www.fhwa.dot.gov/environment/environmental_justice/publications/reference_guide_2015/section00.cfm)

⁵ "Although the Title VI *statute* protects persons from discrimination solely on the basis of race, color, and national origin, [Figure not included] shows that the FHWA Title VI *Program* includes other nondiscrimination statutes and authorities under its umbrella, including Executive Order 12898" (emphasis original), *Ibid*.

⁶ FHWA, Environmental Justice, Title VI, Non-Discrimination, and Equity, [fhwa.dot.gov/environment/environmental_justice/equity/](https://www.fhwa.dot.gov/environment/environmental_justice/equity/)

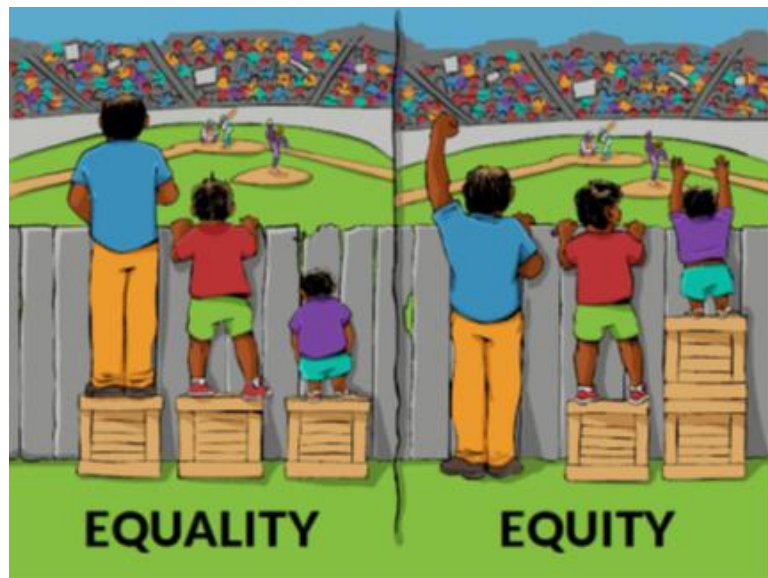
⁷ FHWA/FTA, Transportation Planning Capacity Building, [planning.dot.gov/planning/topic_transportationequity.aspx](https://www.fhwa.dot.gov/planning/topic_transportationequity.aspx)

as benefits are likely to be more equitably distributed amongst the affected communities.⁸

Even before Executive Order 13985 was issued, the FHWA emphasized equity as the goal for Title VI, environmental justice and other nondiscrimination efforts:

Equity in transportation seeks fairness in mobility and accessibility to meet the needs of all community members. A central goal of transportation equity is to facilitate social and economic opportunities by providing equitable levels of access to affordable and reliable transportation options based on the needs of the populations being served, particularly populations that are traditionally underserved.⁹ This population group includes individuals in at least one of the following categories: Low Income, Minority, Elderly, Children, Limited English Proficiency, or Persons with Disabilities. It is important to note that transportation equity does not mean equal. An equitable transportation plan considers the circumstances

impacting a community's mobility and connectivity needs and this information is used to determine the measures needed to develop an equitable transportation network. The graphic [to the right] illustrates the differences between equality and equity.



To attain an equitable transportation network, all components of Title VI, [Environmental Justice], and Nondiscrimination must be considered.¹⁰

B. Metro and Title VI, environmental justice, nondiscrimination and equity

As mentioned, Metro's Title VI Coordinator and Office of Public Engagement are responsible for Title VI activities and for preparing this plan. The Title VI Coordinator is the director of

⁸ FHWA, Environmental Justice, Title VI, Non-Discrimination, and Equity, [fhwa.dot.gov/environment/environmental_justice/equity/](https://www.fhwa.dot.gov/environment/environmental_justice/equity/)

⁹ Based on feedback from these communities, Metro currently uses the term "historically marginalized communities and older and young people," (sometimes shortened to simply "historically marginalized communities") rather than the term "traditionally underserved."

¹⁰ *Ibid*; graphic credited to Interaction Institute for Social Change.

communications, who reports to the deputy chief operating officer of Metro.¹¹ The Title VI Coordinator or their designee is responsible for supervising Title VI implementation, monitoring and reporting on Metro's compliance with Title VI regulations. The responsibilities of the Title VI Coordinator or designee include:

- identifying, investigating and eliminating discrimination when found to exist in connection with Metro programs
- collaborating in the development of methods to better identify historically marginalized populations, determine the needs and perspectives on the potential benefits and impacts of Metro's programs of those populations, and assess and monitor the potential benefits and impacts of Metro's programs for those populations (*see below, this section*)
- assessing communications, public engagement and language access strategies to ensure inclusion of historically marginalized populations (*see below, this section*)
- processing and investigating Title VI complaints regarding subrecipients, consultants or contractors of Metro and
- forwarding Title VI complaints directly against Metro to ODOT, as appropriate¹²
- periodically reviewing Metro's Title VI program for effectiveness, including staff levels, resources and language
- reporting significant Title VI issues directly to the Metro chief operating officer
- monitoring and reporting to ODOT progress, implementation and compliance issues quarterly
- submitting annual Title VI compliance to ODOT and reviewing the report to determine effectiveness of the Title VI program and compliance with regulations.

Collaborating in the development of methods to better identify historically marginalized populations

The Title VI Coordinator's designee coordinates with Metro's Research Center to develop improved methods to better identify historically marginalized populations within the greater Portland region. Through this collaboration, Metro most recently redesigned its methods for assessing populations of English-language learners (people with limited English proficiency) in 2015, with refinements due to data source changes through 2022.¹³ This refined method compares data on English-language learners in regional public schools and the American Community Survey to provide more detailed information than the datasets for the American Community Survey "other language" categories (e.g., "Other

¹¹ An organizational structure is provided below in this subsection.

¹² Per FTA guidance, Metro will investigate complaints directly against Metro in relation to FTA direct-funded programs such as the Regional Travel Options program and high capacity transit planning under an FTA grant. *See* Title VI Requirements and Guidelines for Federal Transit Administration Recipients, Circular 4702.1B, chapter III-5.

¹³ *See* Metro, Limited English Proficiency Plan, August 2015, oregonmetro.gov/sites/default/files/2015_limited_english_proficiency_plan.pdf.

Slavic, “African,” “Other Indo-European”) as well as accounting for mismatched borders between census boundaries and project area or city jurisdictional boundaries.

In 2016, a methodology was developed to account for mixed-ethnicity persons in comparing regional demographics with public engagement participation rates.¹⁴ The Research Center continues to research the availability of a reliable dataset around which build a methodology for mapping areas of higher numbers of people with disabilities. The Research Center is a division of the planning, development and research department, the director of which reports to the chief operating officer.

Assessing communications, public engagement and language access strategies to ensure inclusion of historically marginalized populations; collaborating in the development of methods to determine the needs and perspectives on the potential benefits and impacts of Metro’s programs of historically marginalized populations

The Title VI Coordinator coordinates with other departments (specifically, the parks and nature department, the garbage and recycling department, the housing department, and the planning, development and research department) to direct and assist communications staff in those areas in developing and implementing strategies for more inclusive storytelling through Metro News (oregonmetro.gov/news) to express the issues that are facing residents of the region and how that relates to Metro’s programs and plans. An example of this is in the Regional Snapshots (oregonmetro.gov/snapshot), which feature people of color, people with disabilities, older adults, youth and people speaking languages other than English to connect their stories to data around a Metro policy, program or project area.

The Title VI Coordinator coordinates with other departments (specifically, the parks and nature department, the garbage and recycling department, the housing department, and the planning, development and research department) to direct and assist community engagement staff in those areas to develop and implement public engagement strategies to ensure the inclusion of historically marginalized communities. This includes, for example, convening discussion groups with community partners to hear perspectives from the Native American or African immigrant community and managing consultant-led focus groups to hear perspectives from the Latinx or African American community.¹⁵

The Title VI Coordinator’s designee coordinates with the agency’s language access efforts to identify which languages need vital document translation to meet the Department of

¹⁴ See section IV.A., below.

¹⁵ Metro uses the term “discussion group” to refer to partner-coordinated discussions where participants know ahead of time that Metro will be participating and the purpose of the discussion. The discussion group agendas are usually co-created with and facilitated by a leader in a community based organization that serves the particular historically marginalized community that is the focus. “Focus groups” refers to a discussion led by a consultant, in a marketing focus group style, where a range of participants (within the historically marginalized community that is the focus) are recruited without necessarily knowing who the sponsor is; typically, Metro observes but does not participate.

Justice's Safe Harbor provision,¹⁶ implement language access notifications, and develop other language access practices and resources.

The Title VI Coordinator's designee advises Metro's planning, development and research department on what are considered – by historically marginalized communities – potential benefits and impacts of Metro's programs and projects and their perceived importance or severity, specifically in the areas of Metro's role as the metropolitan planning organization for the greater Portland region.

The Title VI Coordinator designates and coordinates with the American with Disabilities Act Title II Coordinator for issues related to Section 504 of the Rehabilitation Act to ensure inclusion of and methods to determine the needs and perspectives on the potential benefits and impacts of Metro's programs for people with disabilities.

Collaborating in the development of methods to assess and monitor the potential benefits and impacts of Metro's programs for historically marginalized populations

The Title VI Coordinator collaborates with the diversity, equity and inclusion department to develop methods to assess and monitor the potential benefits and impacts of Metro's policies, programs and projects for historically marginalized populations.

The Title VI Coordinator's designee collaborates with Metro's planning, development and research department on further developing methods for assessing and monitoring potential benefits and impacts of Metro's metropolitan planning organization programs and projects for historically marginalized communities – based on what the communities have identified as potential benefits and impacts and their perceived importance or severity.

The Title VI Coordinator designates and coordinates with the American with Disabilities Act Title II Coordinator for issues related to Section 504 of the Rehabilitation Act to assess and monitor the potential benefits and impacts of Metro's programs for people with disabilities.

Diversity, equity and inclusion at Metro

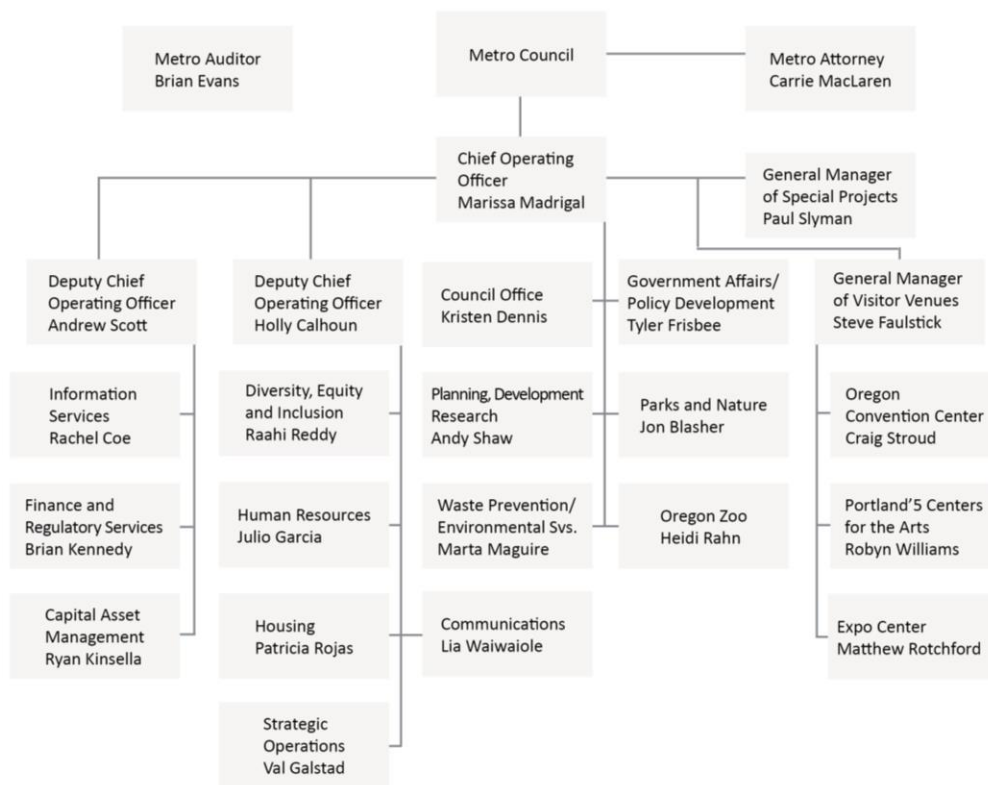
In addition to the coordination above, the Title VI Coordinator collaborates with Metro's diversity, equity and inclusion department. The work of the department addresses systemic inequities that impact our communities by providing support and tools to Metro staff, Metro Council and community partners to create an equitable region for all.

¹⁶ “The DOJ recipient provides written translations of vital documents for each eligible LEP language group that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.” Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed.Reg. at 41,464.

C. Reporting structure for Title VI, environmental justice, nondiscrimination and equity

Metro organizational structure

This chart shows Metro's organizational structure.



Metro Title VI reporting structure

Lia Waiwaiole, Metro director of communications, is Metro's Title VI Coordinator and reports to the deputy chief operating officer and has direct access to the chief operating officer on matters related to Title VI. Clifford Higgins is the Title VI general designee and program manager and reports to Andy Shaw, director of planning, development and research, who reports to the chief operating officer.

Raahi Reddy, Metro director of diversity, equity and inclusion, reports directly to the chief operating officer on matters of diversity, equity and inclusion policy and to the deputy chief operating officer on day-to-day department operations. The equity strategy program was an organizing framework initiated by the Metro Council in 2012 to move beyond Metro's Title VI responsibilities to incorporate and apply equity more consistently and robustly across agency programs, policies and services. Metro's strategic plan to advance racial equity, diversity and inclusion was adopted by the Metro Council in June 2016 and serves as a policy document that guides DEI efforts across the agency. The diversity, equity and inclusion department is organized to focus on:

- **organizational impact** (fostering a sense of belonging in the workplace and increasing capacity) centering diverse and marginalized staff and supports staff at all levels to increase equity literacy and capacities in producing racial equity outcomes
- **regional impact** (external focus on regional equity outcomes) providing expertise necessary to ensure that Metro’s policy analysis, program development and investment strategies advance racial equity.

Julio Garcia, director of human resources, reports to the deputy chief operating officer and is responsible for nondiscrimination in hiring and employee retention. The equal employment opportunity policy and notice states: “All qualified persons will be considered for employment without regard to race, color, religion, sex, national origin, age, marital status, familial status, gender identity, sexual orientation, disability for which a reasonable accommodation can be made or any other status protected by law. Assistance will be gladly provided upon request for any applicant with sensory or non-sensory disabilities.”

Gabriele Schuster, finance and regulatory services manager, reports to Caleb Ford, deputy chief financial officer, who reports to the chief financial officer, who reports to the deputy chief operating officer. She administers the equity in contracting program (formerly the minority-owned, women-owned, emerging small business, or MWESB, program).

Michelle Bellia, senior attorney, reports to Carrie MacLaren, Metro Attorney, who reports to the Metro Council. She is the lead attorney for issues related to Title VI.

Metro’s ADA Title II Coordinator is the designee for issues related to Section 504 of the Rehabilitation Act. Nathan Sykes, Deputy Metro Attorney, reports to Carrie MacLaren, Metro Attorney; he is the acting ADA Coordinator through the onboarding of a new accessibility program manager and is the lead attorney for issues related to Title II of the Americans with Disabilities Act/Section 504 of the Rehabilitation Act.

D. Authorities, guidance and references

Authorities and guidance

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., with the prescribed policies and procedures of 49 C.F.R. pt. 21 and 23 C.F.R. pt. 200)
- Civil Rights Restoration Act of 1987 (Pub.L. 100-259)
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- Executive Order 12250, Leadership and Coordination of Nondiscrimination Laws
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency
- Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government
- Federal-Aid Highway Act of 1973 (23 U.S.C. § 324)
- Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.)
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.)
- Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.)
- National Environmental Policy Act (42 U.S.C. § 4321 et seq., with the prescribed policies and procedures of 40 C.F.R. pts. 1500 through 1508 and 23 C.F.R. pt. 771)
- Federal Transit Administration [Title VI Requirements and Guidelines for Federal Transit Administration Recipients, Circular 4702.1B](#)
- Federal Transit Administration [Environmental Justice Policy Guidance for Federal Transit Administration Recipients, Circular 4703.1](#)
- Federal Highway Administration [Environmental Justice Reference Guide](#)
- Federal Transit Administration Office of Civil Rights [Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient \(LEP\) Persons, a Handbook for Public Transportation Providers](#)
- U.S Department of Transportation [External Civil Rights Complaint Processing Manual](#)
- Federal Highway Administration [Procedures Manual for Processing External Complaints of Discrimination](#)
- Oregon Department of Transportation [Guidelines for Addressing Title VI and Environmental Justice in Transportation Planning](#)
- Federal Transit Administration [Third Party Contracting Guidance, Circular 4220.1 F](#)
- Federal Highway Administration [Contract Administration Core Curriculum Manual, FHWA-NHI-134077](#)

- Department of Transportation, Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs, 49 C.F.R. part 26 (prescribed policies for 23 U.S.C. § 140)
- State of Oregon, Disadvantaged Business Enterprises, [ORS 200.045 Required Participants](#)
- State of Oregon, [ORS 659A.403 Discrimination in place of public accommodation prohibited](#)

Metro references

- [Strategic plan to advance racial equity, diversity and inclusion](#), June 2016
- [Public Engagement Guide](#), November 2013; scheduled for update by June 30, 2023 (serving the requirements of 23 C.F.R. 450.316(a) for a documented “process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process” and FTA C 4702.1B for a documented “outreach plan to engage minority and limited English proficient populations [and] other constituencies that are traditionally underserved, such as people with disabilities, low-income populations, and others.”)
- [Limited English Proficiency Plan](#), March 2022; scheduled for update October 2024
- [Administrative rules for equity in contracting](#), April 2017
- [Metro Council Resolution No. 17-4779](#), For the Purpose of Adopting Local Contract Review Board Administrative Rules and Interim Equity in Contracting Administrative Rules, April 2017

III. IDENTIFIED TASKS RELATED TO TITLE VI, ENVIRONMENTAL JUSTICE, NONDISCRIMINATION AND EQUITY

- Title VI compliance report for ODOT, annually
- Public Engagement Guide update by June 30, 2023
- Limited English Proficiency Plan:
 - update language hub (oregonmetro.gov/languagehub) and vital documents to include Thai, Hindi and Tegulu, identified in Metro's 2022 LEP Factor 1 analysis as qualifying under "safe harbor" guidance
 - continue actions listed through 2024 in the 2022 implementation plan
 - Update plan in 2024, including refreshed four-factor analysis
- FTA Title VI Program update in 2024
- Strategic plan to advance racial equity, diversity and inclusion (for the equity strategy's current implementation plan and progress tracking, see Appendix B):
 - Goal A: Metro convenes and supports regional partners to advance racial equity
 - Goal B: Metro meaningfully engages communities of color
 - Goal C: Metro hires, trains and promotes a racially diverse workforce
 - Goal D: Metro creates safe and welcoming services, programs and destinations
- Section 504 of the Rehabilitation Act and the Americans with Disabilities Act:
 - continue research into reliable data sets and methodology for identifying people with disabilities in the region.
 - continue implementation of scheduled ADA compliance upgrades to Metro Regional Center
 - continue implementation of scheduled ADA assessments and transition plans upgrades for parks facilities
 - develop and implement schedule of ADA transition plans for Metro programs

IV. NOTICE OF RIGHTS

Metro's Title VI notice to the public declares Metro's compliance with Title VI and related authorities and informs members of the public of the protections against discrimination afforded to them by Title VI.

A. Title VI notices

The paragraph below is posted at Metro's office facility and inserted in publications that are distributed to the public, including reports and agendas for Metro Council sessions and other meetings:

Metro fully complies with Title VI of the Civil Rights Act of 1964, Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act and other statutes that ban discrimination. If any person believes they have been discriminated against regarding the receipt of benefits or services because of race, color, national origin, sex, age or disability, they have the right to file a complaint with Metro. For information on Metro's civil rights program, or to obtain a discrimination complaint form, visit oregonmetro.gov/civilrights or call 503-813-7514. Metro provides services or accommodations upon request to persons with disabilities and people who need an interpreter at public meetings. If you need a sign language interpreter, communication aid or language assistance, call 503-797-1790 or TDD/TTY 503-797-1804 (8 a.m. to 5 p.m. weekdays) 5 business days before the meeting. All Metro meetings are wheelchair accessible. Individuals with service animals are welcome at Metro facilities, even where pets are generally prohibited. For up-to-date public transportation information, visit TriMet's website at trimet.org.

In addition, the posted notices and Metro Council and other meeting agendas include an abbreviated notice in languages that meet the Department of Justice Safe Harbor guidance on accessibility for people with limited English proficiency.^{17 18} This notice translates to:

Metro respects civil rights. For information on Metro’s civil rights program or to obtain a discrimination complaint form, visit oregonmetro.gov/civilrights.¹⁹

B. Posting locations

Metro publishes the longer version of its Title VI notice in all significant transportation planning documents, including but not limited to: metropolitan area long range transportation plan (most recent update known as the 2018 Regional Transportation Plan), Metropolitan Transportation Improvement Program, Draft Environmental Impact Statements, funding allocation reports and public comment reports.

Since Metro does not provide public transit service, the agency does not post the notice in vehicles.

As of Jan. 20, 2012, Metro’s Title VI notice appears on a web page for the topic, oregonmetro.gov/civilrights.²⁰ This web page makes the document more accessible because it can be found through searches on the agency’s web page and on common internet search engines. It is also linked from the homepage through a “Know your rights” link and from all Metro website web pages through the “Diversity, equity and inclusion” link. The notice also has been posted at three locations in the agency’s headquarters, the Metro Regional Center: the entrance to the Metro council chamber, the main entrance to the building near the security check-in desk and the Human Resources Department

As of Jan. 26, 2012, Metro published and posted the notice in English. Metro began including the translated versions in the agency’s headquarters on March 16, 2012. Metro began including the translated notices on Metro Council and other meeting agendas in September 2014.

Metro’s current translated Title VI notices are shown on the following pages.

¹⁷ “The DOJ recipient provides written translations of vital documents for each eligible LEP language group that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.” Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed.Reg. at 41,464.

¹⁸ As of September 2015, this notice is translated into 13 languages: Spanish, Vietnamese, Chinese, Russian, Korean, Ukrainian, Japanese, Arabic, Romanian, Tagalog, Somali, Mon-Khmer and Hmong. Based on 2015 demographic analysis as part of Metro’s updated Limited English Proficiency Plan, Metro will update these translated notices before December 2017 to include Nepali, Persian and Laotian. Hmong will be removed since it was added due to an analysis error in the previous plan.

¹⁹ The web page oregonmetro.gov/civilrights has the information addressed in chapter 2, How to file a Title VI discrimination complaint, translated into the corresponding languages, including the discrimination complaint form.

²⁰ Full URL: oregonmetro.gov/regional-leadership/diversity-equity-and-inclusion/know-your-rights-1

Notice provided with Metro Council and committee agendas (at 8.5x11; shown smaller here):

Metro respects civil rights

Metro fully complies with Title VI of the Civil Rights Act of 1964, Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act and other statutes that ban discrimination. If any person believes they have been discriminated against regarding the receipt of benefits or services because of race, color, national origin, sex, age or disability, they have the right to file a complaint with Metro. For information on Metro's civil rights program, or to obtain a discrimination complaint form, visit oregonmetro.gov/civilrights or call 503-797-1790. Metro provides services or accommodations upon request to persons with disabilities and people who need an interpreter at public meetings. If you need a sign language interpreter, communication aid or language assistance, call 503-797-1790 or TDD/TTY 503-797-1804 (8 a.m. to 5 p.m. weekdays) 5 business days before the meeting. All Metro meetings are wheelchair accessible. Individuals with service animals are welcome at Metro facilities, even where pets are generally prohibited. For up-to-date public transportation information, visit TriMet's website at trimet.org

Thông báo về sự Metro không kỳ thị của

Metro tôn trọng dân quyền. Muốn biết thêm thông tin về chương trình dân quyền của Metro, hoặc muốn lấy đơn khiếu nại về sự kỳ thị, xin xem trong www.oregonmetro.gov/civilrights. Nếu quý vị cần thông dịch viên ra dấu bằng tay, trợ giúp về tiếp xúc hay ngôn ngữ, xin gọi số 503-797-1700 (từ 8 giờ sáng đến 5 giờ chiều vào những ngày thường) trước buổi họp 5 ngày làm việc.

Повідомлення Metro про заборону дискримінації

Metro з повагою ставиться до громадянських прав. Для отримання інформації про програму Metro із захисту громадянських прав або форми скарги про дискримінацію відвідайте сайт www.oregonmetro.gov/civilrights. або Якщо вам потрібен перекладач на зборах, для задоволення вашого запиту зателефонуйте за номером 503-797-1700 з 8.00 до 17.00 у робочі дні за п'ять робочих днів до зборів.

Metro의 차별 금지 관련 통지서

尊重民權。欲瞭解Metro民權計畫的詳情，或獲取歧視投訴表，請瀏覽網站 www.oregonmetro.gov/civilrights。如果您需要口譯方可參加公共會議，請在會議召開前5個營業日撥打503-797-1700（工作日上午8點至下午5點），以便我們滿足您的要求。

Ogeysiiska takooris la'aanta ee Metro

Metro waxay ixtiraamtaa xuquuqda madaniga. Si aad u heshid macluumaad ku saabsan barnaamijka xuquuqda madaniga ee Metro, ama aad u heshid warqadda ka cabashada takoorista, booqo www.oregonmetro.gov/civilrights. Haddii aad u baahan tahay turjubaan si aad uga qaybqaadatid kullaan dadweyne, wac 503-797-1700 (8 gallinka hore illaa 5 gallinka dambe maalmaha shaqada) shan maalmo shaqa ka hor kullanka si loo tixgaliyo codsashadaada.

Metro의 차별 금지 관련 통지서

Metro의 시민권 프로그램에 대한 정보 또는 차별 항의서 양식을 얻으려면, 또는 차별에 대한 불만을 신고 할 수 www.oregonmetro.gov/civilrights. 당신의 언어 지원이 필요한 경우, 회의에 앞서 5 영업일 (오후 5시 주중에 오전 8시) 503-797-1700를 호출합니다.

Metro의差別禁止通知

Metroでは公民権を尊重しています。Metroの公民権プログラムに関する情報について、または差別苦情フォームを入手するには、www.oregonmetro.gov/civilrights。までお電話ください公開会議で言語通訳を必要とされる方は、Metroがご要望に対応できるよう、公開会議の5営業日前までに503-797-1700（平日午前8時～午後5時）までお電話ください。

សេចក្តីជូនដំណឹងអំពីការមិនរើសអើងរបស់ Metro

ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលបានកាតបណ្តឹងរើសអើងសូមចូលទស្សនាគេហទំព័រ www.oregonmetro.gov/civilrights។ បើលោកអ្នកត្រូវការអ្នកបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃច្រើន) ប្រាំពីរថ្ងៃ មុនថ្ងៃប្រជុំដើម្បីអាចឱ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក ។

إشعار بعدم التمييز من Metro

تحتزم Metro الحقوق المدنية. للمزيد من المعلومات حول برنامج Metro للحقوق المدنية أو لإيداع شكوى ضد التمييز، يُرجى زيارة الموقع الإلكتروني www.oregonmetro.gov/civilrights. إن كنت بحاجة إلى مساعدة في اللغة، يجب عليك الاتصال مقدماً برقم الهاتف 503-797-1700 (من الساعة 8 صباحاً حتى الساعة 5 مساءً، أيام الاثنين إلى الجمعة) قبل خمسة (5) أيام عمل من موعد الاجتماع.

Paunawa ng Metro sa kawalan ng diskriminasyon

Iginagalang ng Metro ang mga karapatang sibil. Para sa impormasyon tungkol sa programa ng Metro sa mga karapatang sibil, o upang makakuha ng porma ng reklamo sa diskriminasyon, bisitahin ang www.oregonmetro.gov/civilrights. Kung kailangan ninyo ng interpreter ng wika sa isang pampublikong pulong, tumawag sa 503-797-1700 (8 a.m. hanggang 5 p.m. Lunes hanggang Biyernes) lima araw ng trabaho bago ang pulong upang mapagbigyan ang inyong kahilingan.

Notificación de no discriminación de Metro

Metro respeta los derechos civiles. Para obtener información sobre el programa de derechos civiles de Metro o para obtener un formulario de reclamo por discriminación, ingrese a www.oregonmetro.gov/civilrights. Si necesita asistencia con el idioma, llame al 503-797-1700 (de 8:00 a. m. a 5:00 p. m. los días de semana) 5 días laborales antes de la asamblea.

Уведомление о недопущении дискриминации от Metro

Metro уважает гражданские права. Узнать о программе Metro по соблюдению гражданских прав и получить форму жалобы о дискриминации можно на веб-сайте www.oregonmetro.gov/civilrights. Если вам нужен переводчик на общественном собрании, оставьте свой запрос, позвонив по номеру 503-797-1700 в рабочие дни с 8:00 до 17:00 и за пять рабочих дней до даты собрания.

Avizul Metro privind nediscriminare

Metro respectă drepturile civile. Pentru informații cu privire la programul Metro pentru drepturi civile sau pentru a obține un formular de reclamație împotriva discriminării, vizitați www.oregonmetro.gov/civilrights. Dacă aveți nevoie de un interpret de limbă la o ședință publică, sunați la 503-797-1700 (între orele 8 și 5, în timpul zilelor lucrătoare) cu cinci zile lucrătoare înainte de ședință, pentru a putea să vă răspunde în mod favorabil la cerere.

Metro txoj kev ntxub ntxaug daim ntawv ceeb toom

Metro tributes cai. Rau cov lus qhia txog Metro txoj cai kev pab, los yog kom sau ib daim ntawv tsis txaus siab, mus saib www.oregonmetro.gov/civilrights. Yog hais tias koj xav tau lus kev pab, hu rau 503-797-1700 (8 teev sawv ntov txog 5 teev tsaus ntuj weekdays) 5 hnuv ua hauj lwv ua ntej ntawm lub rooj sib tham.

C. Vital documents

The following vital documents have been translated into Arabic, Chinese, Hmong, Japanese, Korean, Khmer, Lao, Persian, Romanian, Russian, Somali, Spanish, Tagalog, Ukrainian and Vietnamese:²¹

- nondiscrimination and Title VI civil rights notice
- nondiscrimination and Title VI civil rights complaint procedures
- discrimination and Title VI civil rights complaint form
- information about Metro's language line
- language and accessibility assistance notice
- notice of potential real property impacts (to be translated during specific National Environmental Policy Act (NEPA) process)
- notice of right to participate in formal comment period (to be translated during NEPA process or formal land use action)
- description about Metro programs and services
- notice of how to provide public testimony.

D. Full ADA Title II notice

Metro's ADA Public Notice under the Americans with Disabilities Act is communicated to all Metro employees, posted on Metro's website at oregonmetro.gov/accessibility,²² and available in alternate formats upon request. The notice states:

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), Metro will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment

Metro does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective and accessible communication

Metro will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Metro's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making

²¹ Metro will update these translated vital documents in 2022-23 to include Thai, Hindi and Telugu per the 2022 four factor analysis addressed in section V.B.

²² Direct URL: oregonmetro.gov/sites/default/files/2022/07/11/Metro-ADA-public-notice-20220711.pdf

information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to policies and procedures

Metro will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Metro offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Metro, should contact, ADA Coordinator Nathan Sykes at Accessibility@oregonmetro.gov, as soon as possible but no later than 72 hours before the scheduled event.

The ADA does not require Metro to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of Metro is not accessible to persons with disabilities should be directed to:

Nathan Sykes, Deputy Metro Attorney
ADA Coordinator 600 NE Grand Ave.
Portland, OR 97232-2736
accessibility@oregonmetro.gov
503-797-1544 | VOIP: 503-797-1804

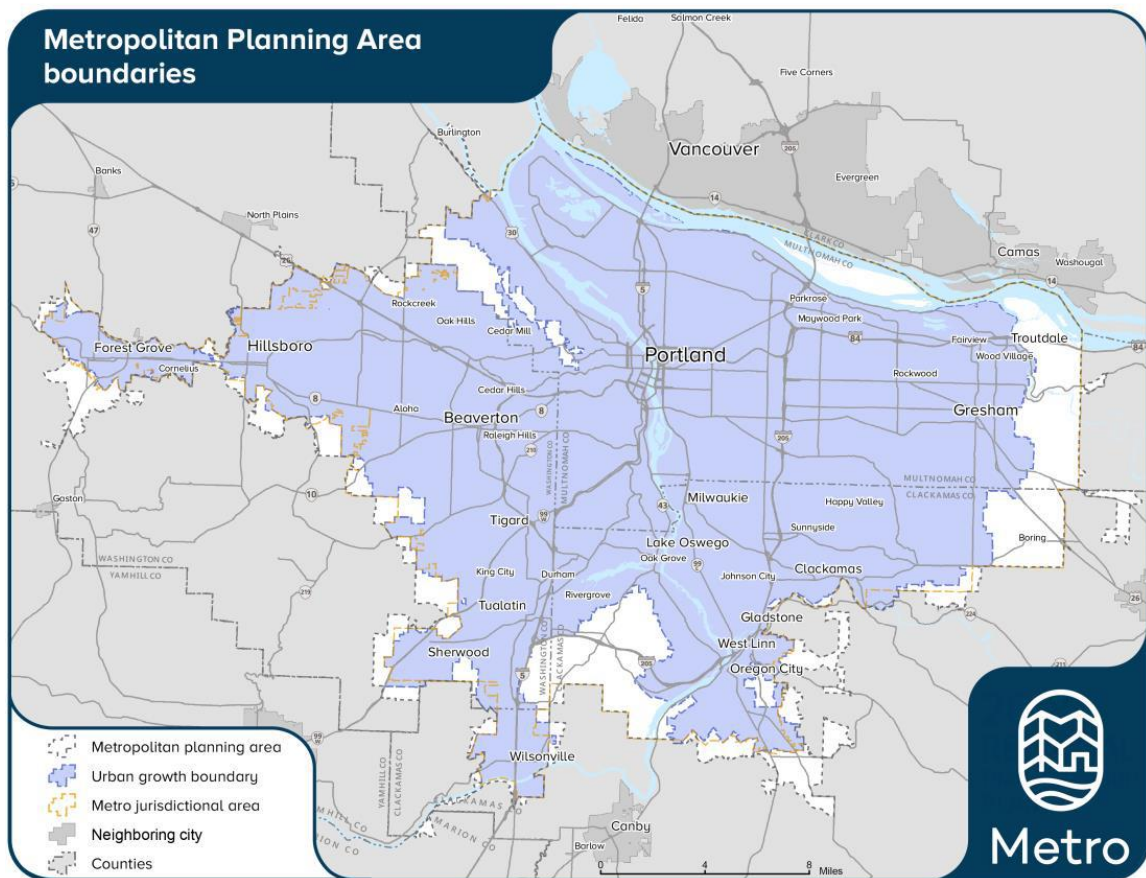
Metro will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

V. IDENTIFYING HISTORICALLY MARGINALIZED POPULATIONS

Metro continuously refines its data analysis to better identify historically marginalized populations.

A. Regional demographics: ethnicity, gender, age and income

The greater Portland region is the home to 1.7 million residents. Under its State of Oregon home rule charter, it has a jurisdictional boundary; as the federally-recognized metropolitan planning organization, it is responsible for those functions within a metropolitan planning area boundary. It also manages the urban growth boundary for the Portland metropolitan region.

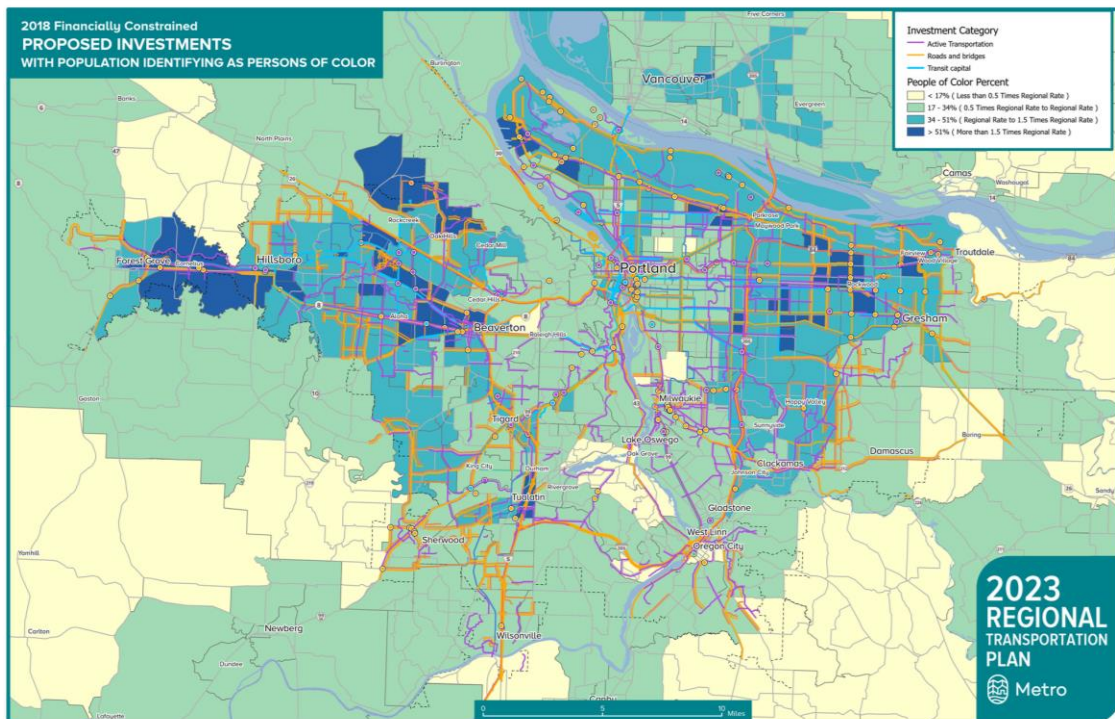


Metro developed a methodology to identify the demographic profile of both the Metro jurisdictional boundary and the metropolitan planning area. **Since the exercise is to determine the number of people of color and the locations of communities of color, this methodology also identifies people who self-identified as more than one race/ethnicity in the 2020 U.S. Census to be included in each of their identified categories, with the exception of “White alone, not Hispanic.”**

The chart below is based on the 2020 decennial U.S. Census for race/ethnicity, with the categories based on the 2016-2020 American Community Survey 5-year estimates. Note that the total population estimate is different for the two sources.

		Metro jurisdictional boundary		Metropolitan planning area	
Ethnicity (2020 Census)	<i>Population estimate</i>	1,735,637		1,751,305	
White (alone, not Hispanic)		1,144,227	65.9%	1,156,667	66.0%
Black or African American		92,317	5.3%	92,501	5.3%
American Indian/Native American or Alaska Native		59,441	3.4%	60,052	3.4%
Asian or Asian American		197,412	11.4%	197,867	11.3%
Pacific Islander		19,498	1.1%	19,591	1.1%
Hispanic, Latino or Spanish origin		240,675	13.9%	242,552	13.9%
some other race		202,113	11.6%	203,843	11.6%
Sex (2016-2020 ACS)	<i>Population estimate</i>	1,722,971		1,737,743	
Female		877,897	50.5%	870,363	50.5%
Male		852,608	49.5%	859,846	49.5%
Age (2016-2020 ACS)	<i>Population estimate</i>	1,722,971		1,737,743	
younger than 18		355,406	20.6%	358,048	20.6%
18 to 24		136,339	7.9%	137,762	7.9%
25 to 34		285,199	16.6%	286,524	16.5%
35 to 44		266,496	15.5%	268,284	15.4%
45 to 54		227,662	13.2%	229,761	13.2%
55 to 64		205,462	11.9%	208,193	12.0%
65 to 74		152,041	8.8%	153,943	8.9%
75 and older		94,306	5.5%	95,228	5.5%
Income, household (2016-2020 ACS)					
	<i>Household estimate</i>	624,849		687,062	
less than \$10,000		32,288	4.7%	32,332	4.7%
\$10,000 to \$19,999		39,533	5.8%	39,930	5.8%
\$20,000 to \$29,999		46,090	6.8%	46,320	6.7%
\$30,000 to \$49,999		94,447	13.9%	95,236	13.9%
\$50,000 to \$74,999		113,797	16.7%	114,717	16.7%
\$75,000 to \$99,999		89,855	13.2%	90,603	13.2%
\$100,000 to \$149,999		126,826	18.6%	128,084	18.6%
\$150,000 or more		68,390	20.4%	139,850	20.4%

The map below shows the distribution of people of color in the greater Portland region, based on 2020 U.S. Census data, compared to proposed investments from the 2018 Regional Transportation Plan.²³



B. English-language learners (people with limited English proficiency)

A person with limited English proficiency is one who does not speak English as their primary language and who has a limited ability to read, speak, write or understand English. Metro refers to residents of the region with limited English proficiency as English-language learners. Metro developed its latest Limited English Proficiency Plan in 2022 to provide language assistance for English-language learners seeking meaningful access to programs as required by Executive Order 13166 and USDOT's policy guidance. The LEP plan includes elements to ensure that English-language learners have access to the planning notices, processes and published information. Metro will also work toward ensuring multilingual material and documents and interpretation at meetings and events when needed.

In developing the Limited English Proficiency Plan, Metro conducted the four-factor analysis set out by the U.S. Department of Justice, which considers the following:²⁴

²³ See the Equity Evaluation for the 2018 Regional Transportation Plan, oregonmetro.gov/sites/default/files/2019/03/13/Transportation-Equity-Evaluation-Final-3.12.19.pdf, also available as Appendix E on the 2018 RTP library page: oregonmetro.gov/regional-transportation-plan ; maps based on 2022 metropolitan planning area.

²⁴ U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 FR 41455, June 18, 2002, issued pursuant to Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, Aug. 11, 2000, incorporated by U.S. Department of Transportation,

1. number or proportion of persons with limited English proficiency (LEP) eligible to be served or likely to be encountered by a program, project or service
2. frequency with which LEP individuals come in contact with the program, project or service
3. nature and importance of any proposed changes to people's lives
4. program, project or service resources available for language assistance and costs of language assistance.

The full four-factor analysis is available in Metro's Limited English Proficiency Plan.²⁵ There were several key findings revealed in the factor 1 analysis.

- Approximately 335,900 persons over the age of 5, or 20% of the Metro region's over-5 population, speaks a language other than English at home.
- Approximately 125,800 persons over the age of 5 speak a language other than English at home and speak English less than "very well". This population is 7.4% of the Metro region's over-5 population.
- Spanish is the second most predominant language, other than English, spoken in the region
- Seventeen non-native English language groups within Metro's service area have limited English proficient populations of 1,000 persons or more.

Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons, 70 FR 74087, Dec. 14, 2005.

²⁵ oregonmetro.gov/sites/default/files/2022/03/31/2021_LEPplan-Metro%28Portland%2COre%29.pdf

Of all languages spoken in the region, the table below shows the languages that are very near or exceed the limited English proficiency threshold of 1,000 persons. No languages meet the 5 percent of the service area population threshold.

Language spoken at home	Population age 5 and older speaking a language other than English at home	Population that is LEP, age 5 and older, by native language	Population that is LEP, age 5 and over, by native language, margin of error	Percent of total LEP population by native language	Percent of total regional population age 5 and older, LEP by language
Spanish	153,848	57,310	±2,575	47.3%	3.4%
Vietnamese	23,714	14,705	±1,492	11.7%	0.9%
Chinese	23,684	11,463	±1,037	9.1%	0.7%
Russian	15,736	6,447	±880	5.1%	0.4%
Korean	7,824	3,724	±590	3.0%	0.2%
Arabic	6,771	2,578	±666	2.0%	0.2%
Japanese	6,305	2,349	±394	1.9%	0.1%
Ukrainian *	<i>no ACS data</i>	2,149	±464	1.7%	0.1%
Tagalog	8,230	2,124	±444	1.7%	0.1%
Khmer	2750	1,526	±395	1.2%	0.1%
Romanian *	<i>no ACS data</i>	1,468	±295	1.2%	0.1%
Somali *	<i>no ACS data</i>	1,133	±240	0.9%	0.1%
Persian	4,012	1,122	±297	0.9%	0.1%
Thai*	<i>no ACS data</i>	965	±248	0.8%	0.1%
Hindi	6,050	898	±255	0.7%	0.1%
Lao	<i>no ACS data</i>	831	±213	0.7%	0.05%
Telugu	3,080	780	±302	0.6%	0.05%
Total, all non-English languages	288,696	126,493	±3,903	100.0%	8.6%

Data source: U.S. Census Bureau, American Community Survey 2015-2019, 5-year estimate, Table B16001, Language spoken at home, except:

* Languages not in ACS: estimates derived from Oregon Department of Education school language dataset for 2018-19; see Metro's 2022 Limited English Proficiency Plan, Appendix C, Factor 1 methodology, oregonmetro.gov/sites/default/files/2022/03/31/2021_LEPplan-Metro%28Portland%2C%20Core%29.pdf.

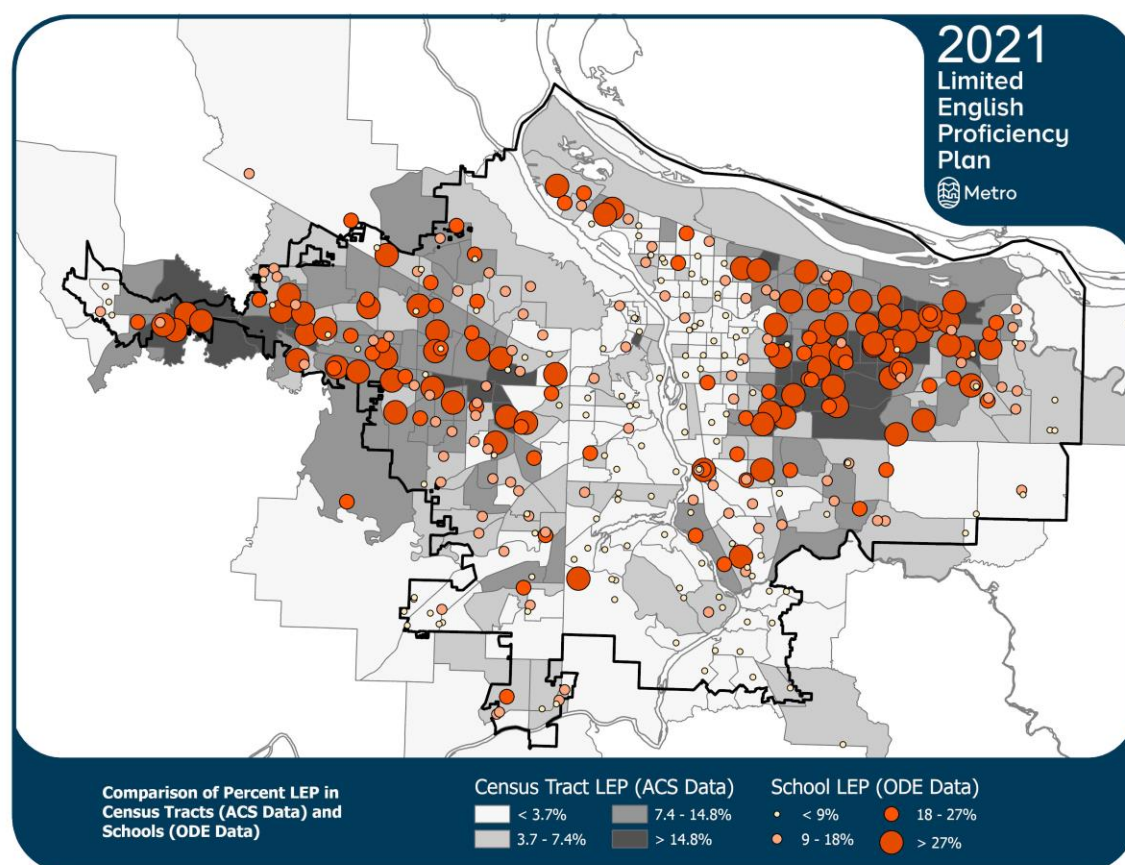
While Hmong and Nepali were on the list of languages that met the guidelines for translation in prior reports, they did not meet the safe harbor guidelines for translation of vital documents in the 2022 analysis. Documents considered vital as of 2018 are available in these languages on the Metro website.

Factor 1 analysis population data sources

The data sources recommended by the FTA²⁶ include the sources used to conduct the Factor 1 analysis in Metro's service area in order to understand the number or proportion of English language learners eligible to be served by Metro or encountered by Metro programs or services:

- 2015-2019 American Community Survey (ACS) 5-Year estimates, aggregated by census public use microdata areas (PUMAs)
- 2015-2019 American Community Survey (ACS) 5-Year estimates, aggregated by census tracts
- Oregon Department of Education (ODE): 2018-2019 school year enrollment data for school districts in Clackamas, Multnomah and Washington counties

The figure below shows the distribution of English-language learner populations for all languages in the Portland metropolitan region.



Source: 2015-2019 ACS, U.S. Census tract data, Table B16001; Oregon Department of Education, 2018-2019 enrollment data

²⁶ Federal Transit Administration Office of Civil Rights, Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons, a Handbook for Public Transportation Providers, April 13, 2007.

C. Project planning

Metro does not engage in direct transportation project implementation, though it does lead project development for high capacity transit projects through the Draft Environmental Impact Statement under the National Environmental Policy Act and develops and implements projects through its parks and nature department. During scoping for these projects, Metro's project management processes are designed to identify potentially affected populations, including historically marginalized populations, and meet the steps outlined in ODOT's Guidelines for Addressing Title VI and Environmental Justice in Transportation Planning.²⁷ For the purposes of identifying historically marginalized populations – and using the phases and steps outlined in the ODOT guidelines²⁸ – this includes:

- Phase I: Scoping
 - Step 1: Develop a demographic profile of the area.
 - Step 2: Conduct internal discussions with Metro staff about the history of planning area and collect any information about potential Title VI and environmental justice populations.
 - Step 3: Conduct external discussion with local agencies about the history of planning in the study area.
 - Step 4: Prepare draft purpose and need statement, goals and objectives (or, as in the ODOT guidelines, level of effort determination and statement of work for consultants), including language that project will meet the requirements of Title VI and address environmental justice/equity directives.
- Phase II: Public involvement analysis and outreach
 - Step 1: Define populations.²⁹
 - Step 2: Identify populations, including mapping and determining concentrations of historically marginalized populations and refining based on consultation with local agencies, social service organizations and community based organizations.
 - Step 3: Prepare public involvement plan.

²⁷ oregon.gov/ODOT/Planning/Documents/TitleVI-EJ_Guidance.pdf

²⁸ Phases III and IV are addressed below in section VII; considerations for Public Involvement addressed below in section VI.

²⁹ Historically marginalized populations for analysis include people of color, English-language learners, people with low income, younger people and older people. Best information possible will be used to determine distribution and effects on people with disabilities. If issues arise that indicate possible issues related to sex discrimination, additional analysis will be performed.

VI. ENGAGING WITH HISTORICALLY MARGINALIZED POPULATIONS

Metro's public participation planning includes strategies to engage with historically marginalized populations to integrate these perspectives into the analysis, planning goals and performance measures. Outreach will be tailored to meet the transportation, language and cultural needs of those communities.

A. Participation in decision-making

Metro plans for a geographically and demographically diverse region – a region that grows more diverse every year. Metro is committed to bringing a diversity of voices to the decision-making table to inspire inclusive and innovative solutions to the challenges of a changing region. Metro strives to be responsive to the people of the region, provide clear and concise informational materials and address the ideas and concerns raised by the community. Public engagement activities for decision-making processes are documented and given full consideration.

Principles of public engagement

Metro's public engagement practice and public involvement program is built on guiding principles adopted by the Metro Council in 1997.^{30 31} Metro believes that effective public engagement is essential to good government and the future of the region. Elected officials, staff, businesses and community members all play important roles in governing the region. Cooperation among Metro, cities, counties, public agencies, community organizations, businesses and interested residents results in the kind of contributions that, together with analysis and expertise, can create thoughtful, proactive policy decisions. Therefore, Metro commits to promote and sustain engagement and seeks to:

1. value active public engagement as essential to the future of the Metro region
2. respect and consider all resident input
3. encourage opportunities that reflect the rich diversity of the region
4. promote participation, based on public engagement opportunities, of individuals and of community, business and special interest groups
5. provide communications to encourage resident participation in Metro processes that are understandable, timely and broadly distributed
6. provide residents with an opportunity to be involved early in the process of policy development, planning and projects.

³⁰ Metro, Resolution No. 97-2433, For the Purpose of Adopting Metro Citizen Involvement Principles. rim.metro-region.org/webdrawer/rec/4002/view/; these principles are expected to be updated in conjunction with the updated Public Engagement Guide due June 30, 2023.

³¹ The adopted principles use the terms “citizen involvement” and “citizen”; this reference updates the terms to “public engagement” and “resident” to be more inclusive of residents who may not be citizens of the United States.

7. organize involvement activities to make the best use of residents' time and effort
8. provide financial and staff support to Metro's Office of Public Engagement
9. sustain ongoing networking among residents, local governments, Metro officials and staff
10. respond to residents' perspectives and insights in a timely manner
11. coordinate interdepartmental and inter-jurisdictional activities
12. evaluate the effectiveness of Metro public engagement.

Public Engagement Guide

Metro's Public Engagement Guide was adopted by the Metro Council in November 2013 and is scheduled for an update by June 30, 2023.³² The document presents policies and procedures for public involvement to ensure that Metro, as the federally-mandated and the state-designated metropolitan planning organization for the Portland metropolitan region, meets the spirit and intent of applicable federal and state public involvement laws, regulations and authorities contained in the Moving Ahead for Progress in the 21st Century Act (MAP-21) and the guidance in the State of Oregon's Statewide Planning Goal 1: Citizen involvement. It also ensures that Metro, as a recipient of federal dollars, promotes equity and environmental justice to meet the spirit and intent of Title VI of the Civil Rights Act of 1964, The Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, Executive Order 13166 on Limited English Proficiency, the National Environmental Policy Act of 1969, and the Americans with Disabilities Act of 1990. Lastly, it ensures that regional transportation plans and projects reflect public priorities and values, that transparency and accountability are part of Metro's planning and decision-making and that Metro promotes excellence in regional planning.

The Public Engagement Guide establishes consistent guidelines to ensure people have meaningful opportunities to be involved in the regional planning process. The guide also provides examples of the tools and techniques that Metro may use to communicate with and receive input from the public. Procedures detailed in the guide include outreach to communities underserved by transportation projects, public notices and opportunities for comment. The policies also include nondiscrimination standards that Metro, its subcontractors and all local governments must meet when developing or implementing projects that receive funding through Metro.

Office of Public Engagement

To supplement public engagement activities happening at the project and program level, the Office of Public Engagement was created by the Metro Council. The office supports and builds capacity for programs that create more inclusive, transparent and relationship-based public engagement practices. The office serves as a resource for current best practices for public engagement, supports the efforts of the diversity, equity and inclusion department,

³² oregonmetro.gov/public-engagement-guide

and develops strategies to engage historically marginalized communities and youth in regional decision-making. The office is advised by the Public Engagement Review Committee and reports on Metro's public engagement activities.

Public Engagement Review Committee The committee serves as a key component of Metro's efforts to develop successful public engagement processes.³³ The committee includes at least three at-large community members, three staff or board members from local community organizations and public involvement staff members from Clackamas, Multnomah and Washington counties.

Committee activities include:

- reviewing the annual public engagement report
- reviewing public engagement activities at the program and agency-practice level
- making recommendations to the Metro Council about engagement priorities.

B. Strategies for engaging historically marginalized populations

Engaging historically marginalized populations is key to integrating their perspectives in the analysis, planning goals and performance measures. As stated in ODOT's Guidelines for Addressing Title VI and Environmental Justice in Transportation Planning, there are several strategies for engaging with these populations, which may include efforts to:³⁴

- involve members of identified Title VI populations, members of organizations representing Title VI populations, and/or social service provider staff on advisory committees [*Transportation Policy Alternatives Committee, Metro Policy Advisory Committee, 82nd Avenue Transit Project Steering Committee* community leaders invited to participate in Community Leaders Forums, which allow for a more detailed review of issues and proposed policies and projects]
- use targeted media and outlets (e.g., community newspapers, newspapers in languages other than English, radio programs and websites, flyers sent home from school with students, flyers posted places like housing developments, social service offices, transit stops/centers, and grocery stores) [*community newspapers as standard practice; and posted flyers in social service offices as a standard practice for project-level engagement*]
- choose appropriate meeting times, dates and locations [*standard practice*]
- determine if protected populations in the study area have certain characteristics (e.g., single-parent households, seasonal workers, faith-based observances, age-related

³³ Metro Charter, chapter V, Officers, Commissions and Employees, section 27(2), "The Council shall establish by ordinance (a) a citizens' committee in the office of citizen involvement and (b) a citizen involvement process. The Council shall appropriate sufficient funds to operate the office and committee."

³⁴ ODOT, Guidelines for Addressing Title VI and Environmental Justice in Transportation Planning, Considerations for Public Involvement, p.17, oregon.gov/ODOT/Planning/Documents/TitleVI-EJ_Guidance.pdf

accessibility challenges) that may influence the choice of venue, date, or time of project-related meetings [*standard practice to the extent feasible*]

- identify if there are logical areas within the project study area that are frequented, or can be easily accessed, by those populations that are likely/potentially going to be impacted by project recommendations and outcomes [*standard practice*]
- hold meetings in locations where identified populations congregate, including meetings and events held at community sites (e.g., places of worship, schools, local businesses, and other gathering places) [*standard practice to the extent feasible for project-level engagement*]
- choose locations that are accessible by transit, walking or biking [*standard practice*]
- request to be put on the agenda(s) of regularly scheduled community, civic and business group meetings and ensure attendance of planning project representatives at community events [*standard practice for project-level engagement*]
- determine if the project's public involvement plan will need to be found consistent with the local jurisdiction's policies and practices and/or if it will need to be deemed acceptable to local partner(s) [*standard practice*].

In addition to the strategies outlined by ODOT, Metro also builds relationships with community based organizations that serve or advocate for historically marginalized communities to:

- partner in developing and facilitating discussion groups to hear the perspectives of their constituents [*2023 Regional Transportation Plan*]
- include their perspectives during stakeholder interviews [*2023 Regional Transportation Plan update*]
- distribute notices of comment opportunities through their networks [*standard practice as appropriate without taxing the relationship*]
- include representatives on advisory committees or for special review and feedback of draft policies or procedures [*see above*].

Metro continues to explore methods to reduce barriers to participation, including continued refinement of its practice of offering compensation to participants in several of these activities.

C. English-language learners

As a recipient of federal funding, Metro has taken steps to ensure meaningful access to the planning process, information and services it provides. Metro has updated its Limited English Proficiency Plan in 2022, and has scheduled another update in 2024, to provide language assistance for English-language learners seeking meaningful access to programs as required by Executive Order 13166, Title VI and USDOT's policy guidance.³⁵ The plan details

³⁵ oregonmetro.gov/sites/default/files/2015_limited_english_proficiency_plan.pdf

procedures for identifying populations of limited English proficiency, providing language assistance, training staff and notifying English-language learners that assistance is available.

The Limited English Proficiency Plan includes elements to ensure that English-language learners have access to the planning process and published information. Metro will also work toward ensuring multilingual material and documents and interpretation at meetings and events when needed.

Language assistance measures

Metro employs various methods and strategies to provide English-language learners with information critical to accessing programs and services. Metro's language assistance measures include:

Language resource guide Metro developed a language resource guide that outlines effective practice in written translation, helps staff identify steps to consider when translating materials for a program or a project, and provides resources for staff when an event calls for or a community member requires interpretation. The language resource guide is intended for Metro staff providing translation or interpretation services for community members who are English language learners.

Language line Metro maintains a contract with Certified Languages International for telephone interpretation services in up to 205 different languages.

Bilingual staff Metro continues to periodically update a list of volunteer staff interpreters who are available to provide language interpretation services on request. This list is made available to all Metro staff and provided during annual language training to administrative support and communications staff throughout the agency. The list currently identifies 15 employees who are available to help with interpretation of 13 spoken languages plus American Sign Language.

Metro's language hub (oregonmetro.gov/languagehub) Metro redesigned and launched a new website in May 2014. The new site has improved access for visitors that have a limited ability to understand English and connects them with key pages readable in, currently, 16 languages. There is a special emphasis on meeting the needs of the region's growing population of Spanish, Chinese, Vietnamese and Russian speakers.

Multilingual videos Metro contracted with Immigrant and Refugee Community Organization to hire local talent fluent in Spanish, Russian, Vietnamese and Chinese and produced four short videos to inform visitors about the various programs or services Metro provides. To view the videos, visit oregonmetro.gov/languagehub.

When issues or actions are known to affect areas where concentrations of English-language learners live, notices and announcements in the primary language(s) spoken in that area are placed in appropriate locations and community media. Key project or program information and questionnaires are translated. Interpreters will be present at events in which English-language learners affected by the project or program are expected to

participate or otherwise requested. Specific non-English-language discussion groups may be held to address project or program issues.³⁶

For regional programs, published notices for comment opportunities include translated notices on how to receive more information and participate, such as the one below for the Metropolitan Transportation Improvement Program. When appropriate and feasible, online engagement tools include translated options.

Tell us what you think | 30-day comment period

Give your thoughts on the schedule for investing federal and state transportation funds in the greater Portland region for 2021-24. The Metropolitan Transportation Improvement Program also demonstrates how the list of projects comply with federal regulations regarding air quality impacts and environmental justice.

April 3 through May 4, 2020
oregonmetro.gov/mtip

Submit comments April 3 through May 4, 2020: online at oregonmetro.gov/mtip | by mail to Metro Planning, 600 NE Grand Ave., Portland, OR 97232 | by email to transportation@oregonmetro.gov | by phone at 503-797-1750 or TDD 503-797-1804.

The Metro Council is scheduled to hold a **public hearing** 5 p.m. **Thursday, April 16** and will hold a **public hearing and take legislative action** in July 2020 at Metro Regional Center, 600 NE Grand Ave., Portland.


Esta es una notificación de su oportunidad para comentar sobre las prioridades de transporte en la región. Para recibir una traducción de la notificación pública completa en español, llame al 503-797-1888.

Đây là thông báo về cơ hội của quý vị được trình bày ý kiến đối với các ưu tiên về chuyên chở trong vùng. Muốn nhận được bản dịch đầy đủ của thông báo bằng Tiếng Việt, xin gọi số 503-797-1888.

本公告旨在通知您利用這個機會評議在您所在社區經營危險廢棄物設施的申請。要獲取完整的繁體中文翻譯版公告，請撥打503-797-1888。

Настоящим уведомляем, что у вас есть возможность оставить свой отзыв относительно приоритетов транспортного развития в вашем регионе. Русскую версию настоящего оповещения можно запросить по номеру 503-797-1888.

본 통지서는 지역 내 교통 관련 우선 사항에 대해 귀하의 의견을 제시할 수 있는 기회를 알려 드리기 위한 것입니다. 한국어로 번역된 통지서 전문을 받아보시려면, 503-797-1888로 문의하십시오.



D. Data collection and assessment

Metro requests race and ethnicity, gender, age, income and disability data from people who attend public events and public hearings. Providing this information is optional. To address public information request concerns and encourage participation, Metro has developed a form that does not identify individuals by name. Metro also collects information through web surveys and other comment tools. This information is analyzed to determine what voices may not be heard on the issue to determine additional outreach methods to those

³⁶ See, for instance, Powell-Division Transit and Development Project public engagement report for June 2015, oregonmetro.gov/sites/default/files/Public%20engagement%20summary%20June%202015.pdf.

communities, such as focused announcements through social media, discussion or focus groups, or specific consultation with community based organizations serving those communities. Information is also used to assess engagement events and processes to remove barriers to participation.

Participant information is reported to decision-makers – as with the example below³⁷ – to consider any bias that may come from underrepresentation of historically marginalized communities and to advise on additional outreach activities. This information will be evaluated over time to improve public outreach and engagement practices.

³⁷ This example uses data from earlier regional demographics, assessed for the 2018 RTP; *see* 2018 Regional Transportation Plan comment report, winter 2017, oregonmetro.gov/sites/default/files/RTP-winter-comment-report-051217.pdf.

WHO PARTICIPATED

Participants were asked to provide demographic information to help Metro know if we are hearing from a representative group of people that reflects our diverse communities and a broad range of experiences in our region. All but the ZIP code question (used in the county tallies) were optional. Groups that are underrepresented in respondent information by 4 percentage points or more are indicated.

	Count	Percent	Regional population
County			
Based on entered ZIP code	2648		
Clackamas	375	14%	17%
Multnomah	1802	68%	49%
Washington	417	16%	34%
Other	54	2%	n/a
Ethnicity			
Respondents were asked to pick all that apply and choose “other” or offer more specificity. ^{1 2 3}			
Respondents (2618) minus “prefer not to answer” or similar comment expressing dissatisfaction with the inclusion of the question (278) ⁴	2340		
White alone ⁵	2060	88%	73%
Black or African American	47	2%	5%
American Indian/Native American or Alaska Native	51	2%	2%
Asian or Asian American	87	4%	9%
Pacific Islander	13	>1%	1%
Hispanic, Latino or Spanish origin	86	4%	12%
other (please describe) or offer more specificity	18	>1%	6%
Income (household)			
Respondents (2621) minus “don’t know/prefer not to answer” (235)	2386		
less than \$10,000	45	2%	7%
\$10,000 to \$19,999	80	3%	9%
\$20,000 to \$29,999	105	4%	9%
\$30,000 to \$49,999	286	12%	18%
\$50,000 to \$74,999	459	18%	18%
\$75,000 to \$99,999	423	18%	13%
\$100,000 to \$149,999	601	25%	15%
\$150,000 or more	387	16%	11%

¹ Race/ethnicity categories were simplified to allow for correlation with U.S. Census data on race and ethnicity.

² Since respondents could choose more than one ethnicity, totals add to more than 100 percent.

³ “Other” responses were reviewed to provide consistent tallies in the other categories. For instance, if someone stated “White/Latina” in the other/more specificity space, staff verified that tallies would be entered in the “White” and “Hispanic, Latino or Spanish origin.”

⁴ Sixteen comments questioning, objecting to or protesting the inclusion of this question were removed from the “other” category, including “human” or the like, and were added as tallies to “prefer not to answer,” as appropriate. Responses of “American” (four responses) or “California native” (one response) were left as self-identified ethnicities in the “other” tally.

⁵ Since the ethnicity question is asked to determine if Metro is reaching diverse communities, responses were reviewed to calculate the number of respondents who indicated white and no other ethnicity.

	Count	Percent	Regional population
Gender			
Respondents (2596) minus “prefer not to answer” (7) or similar comment expressing dissatisfaction with the inclusion of the question or the inclusion of non-cisgender male/female options (31) ⁶	2565		
female	1209	47%	51%
male	1310	51%	49%
transgender female	6	>1%	not available
transgender male	6	>1%	not available
other identification	27	1%	not available
Age			
Respondents (2631) minus “prefer not to answer” (25)	2606		
younger than 18	7	>1%	23%
18 to 24	91	>1%	9%
25 to 34	691	27%	16%
35 to 44	787	30%	15%
45 to 54	490	19%	14%
55 to 64	327	13%	12%
65 to 74	187	7%	6%
75 and older	26	>1%	5%
Disability			
Respondents ⁷	2398		
ambulatory difficulty (serious difficulty walking or climbing stairs)	58	2%	not available
cognitive difficulty (because of a physical, mental or emotional problem, difficulty remembering, concentrating or making decisions)	48	2%	not available
hearing difficulty (deaf or serious difficulty hearing)	46	2%	not available
independent living difficulty (because of a physical, mental or emotional problem, difficulty doing errands alone)	9	>1%	not available
self-care difficulty (difficulty bathing or dressing)	2	>1%	not available
vision difficulty (blind or serious difficulty seeing, even when wearing glasses)	9	>1%	not available
no or not applicable/prefer not to answer	2226	93%	not available

⁶ Though no U.S. Census correlation for additional gender categories, these categories were expanded to be inclusive of more gender identifications.

⁷ The intention was to allow respondents to indicate more than one disability; due to programming error, this function was disabled. Six respondents noted this, two of whom added additional disabilities that were included in the total.

VII. ASSESSING BENEFITS AND IMPACTS FOR HISTORICALLY MARGINALIZED POPULATIONS

Metro routinely weighs the benefits and burdens of planning projects on all affected areas, including historically marginalized communities. For projects that have a defined geographic boundary, maps with demographic overlays will be used to determine whether concentrations of historically marginalized communities live in the affected area. Metro will continue to seek improvements in its practices for identifying and addressing disproportionately high and adverse effects on historically marginalized communities and for increasing equity in the region. Information from engaging with these communities will inform the analysis, planning goals and performance measures.

As stated in the Federal Highway Administration Environmental Justice Reference Guide, benefits and impacts of transportation projects on historically marginalized populations include:^{38 39}

- potential impacts:
 - disruption of community cohesion (e.g., access to schools, parks, medical facilities, religious institutions)
 - adverse employment effects
 - decline in tax base or property values
 - displacements
 - increased noise or emissions
 - diminished aesthetics
 - disruption to businesses, parking, access to transit
- potential benefits:
 - reduced travel times
 - reduced congestion
 - improved safety outcomes
 - improved travel options.

Several of these benefits and impacts may only be determinable at the project level, while some may be determinable at the programmatic level. The analysis of the benefits and

³⁸ FHWA, Environmental Justice Reference Guide (Background), April 1, 2015, p.14, [fhwa.dot.gov/environment/environmental_justice/publications/reference_guide_2015/section00.cfm](https://www.fhwa.dot.gov/environment/environmental_justice/publications/reference_guide_2015/section00.cfm)

³⁹ This document uses the term “benefits and impacts” to encompass FHWA guidance on disproportionately high and adverse human health or environmental effects and a “benefits and burdens” analysis (see FHWA Order 6640.23A and the FHWA Environmental Justice Resource Guide) as well as FTA guidance on disparate impacts on minority populations and disproportionate burdens on low-income populations (see FTA Circular 4702.1B).

impacts for historically marginalized communities will reflect the benefits and impacts for the wider population as well as those potential benefits and impacts identified while engaging with those communities. In order to demonstrate improved equity outcomes, the methods of this analysis will reflect how the plan's or program's goals will be met within and for these communities, as will performance and monitoring measures through implementation.

Project planning

As mentioned above, Metro does not engage in direct transportation project implementation, though it does lead project development for high capacity transit projects from scoping through the Draft Environmental Impact Statement under the National Environmental Policy Act. During alternatives analyses and project development for these, Metro's project management processes are designed to assess benefits and impacts for potentially affected populations, including historically marginalized populations, and meet the steps outlined in ODOT's Guidelines for Addressing Title VI and Environmental Justice in Transportation Planning.⁴⁰ For the purposes of assessing benefits and impacts on historically marginalized populations – and using the phases and steps outlined in the ODOT guidelines⁴¹ – this includes:

- Phase III: Solutions alternatives analysis
 - Step 1: Identify existing conditions and issues.
 - Step 2: Determine benefits/impacts (future conditions)
 - Step 3: Determine recommended projects/preferred alternative (alternatives evaluation)
 - Step 4: Prepare draft purpose and need statement, goals and objectives (or, as in the ODOT guidelines, level of effort determination and statement of work for consultants), including language that project will meet the requirements of Title VI and address environmental justice/equity directives.
- Phase IV: Reporting: Project level reporting of Title VI (environmental justice, equity) activities

The analysis of the benefits and impacts for historically marginalized communities will reflect the benefits and impacts for the wider population as well as those potential benefits and impacts identified while engaging those communities during the planning process.

⁴⁰ oregon.gov/ODOT/Planning/Documents/TitleVI-EJ_Guidance.pdf

⁴¹ Phases I and II are addressed above in section V.

VIII. GUIDANCE LOCAL JURISDICTIONS AND OVERSIGHT OF SUBRECIPIENTS

Metro provides Title VI guidance and self-certification for local jurisdictions for regional plans; includes criteria in allocation decisions; and performs oversight for subrecipients.

A. Regional Transportation Plan

As part of its metropolitan planning organization function, Metro develops and maintains the Regional Transportation Plan financially constrained project list – comprising projects with committed funding and projects that can be implemented with funding the region expects to have available under the life of the plan – for identified transportation priorities to qualify for federal transportation funds. Though not the enforcing agency, Metro provides guidance on public engagement and Title VI requirements to local jurisdictions and other agencies that will submit projects to Regional Transportation Plan. For the 2018 update, Metro refined its public engagement and nondiscrimination certification checklist, asking jurisdictions and agencies to certify via two forms:

- **Form A, Public engagement and nondiscrimination certification checklist for transportation system, subarea, topical, modal, and transit service plan or strategy development** Certification of projects not anticipated to be included in the 2018 RTP 10-year investment strategy (implementation in the 2018-27 timeframe) and to seek state or federal funding may be done through a certification of the related local transportation system, subarea, topical, modal or transit service plan or strategy.
- **Form B, Public engagement and nondiscrimination certification for projects submitted to the 10-year regional transportation investment strategy (2018-27 implementation)** Project sponsors of projects anticipated to be included in the 2018 RTP 10-year investment strategy (implementation in the 2018-27 timeframe) and to seek state or federal funding to be implemented are expected to:
 - *if project development completed*, have performed project level public engagement and analyzed potential inequitable impacts for people of color, people with limited English proficiency and people with low income compared to those for other residents
 - *if project development not completed*, attest to the intent to perform project level public engagement and analyze potential inequitable impacts for people of color, people with limited English proficiency and people with low income compared to those for other residents.

Forms A and B for public engagement and nondiscrimination certification are attached as Appendix C.

B. Regional flexible funds allocation

During Metro's regional flexible fund allocation process, which allocates funds from three federal grant programs – the Surface Transportation Program, the Congestion

Mitigation/Air Quality Program and the Transportation Alternatives Program – Metro requires project nominations to demonstrate the jurisdiction:

- used appropriate demographic data to develop a demographic profile of the area affected or served by the proposed project or program
- sought public comment in the planning of the project.
- made a concerted effort to reach all segments of the population, including people from minority and low-income communities, and organizations representing these groups and other protected classes and made efforts to remove barriers to participation to allow for all segments of the population to participate in the planning process.⁴²

For the latest allocation process, the prioritizing framework drew from the four priorities specified by the Metro Council as the main near-term capital and program investment priorities of the 2018 Regional Transportation Plan: Equity, Safety, Climate and Congestion Relief, with projects that perform well in the technical analysis demonstrating significant and measurable improvements in each of these criteria. For the equity criteria, direction to project sponsors for the overall goal, outcomes and potential performance measures:⁴³

Goal	Outcome(s) being measured	Performance measures to consider
Reduce barriers and disparities faced by historically marginalized communities, particularly for communities of color and people with low income.	<p>Increased accessibility</p> <p>Increased access to affordable travel options</p>	<ul style="list-style-type: none"> • Access to opportunity (jobs, school and other destinations people need to thrive) • Access to transit • Access to active transportation network/ system completeness in Equity Focus Areas, near transit, and/or on high injury corridors and TSMO and TDM programs

C. Subrecipient oversight

Subrecipients, such as those under the Regional Travel Options program, are monitored and supported in Title VI efforts by:

- notifying them of their responsibilities with under Title VI and other laws and regulations
- including Title VI in training on program and federal agency requirements
- requiring the posting of appropriate Title VI notices in their office
- requiring their quarterly invoice indicate how many complaints they have had in the quarter even if the number is zero.

⁴² Project nomination process for allocation of 2016-18 funds.

⁴³ 2025-27 Regional Flexible Funds Allocation program direction, oregonmetro.gov/sites/default/files/2021/11/29/2025-27-RFFA-program-direction-adopted-by-council-20210909.pdf; see also 2025-27 Regional Flexible Funds Allocation outcomes evaluation report, oregonmetro.gov/sites/default/files/2022/07/20/25-27_RFFA_OE%20Report_DRAFT%209-7-19-22.pdf.

Under its Title VI obligations, Metro requires all subrecipients to:

- name a Title VI coordinator
- proactively prevent discrimination as defined in Title VI and related authorities
- disseminate Title VI notifications and program information to the public
- include Title VI compliant language in all contracts to further subrecipients
- perform periodic self-assessments for Title VI compliance
- correct any deficiencies identified through self- assessment or complaint filed
- report quarterly to Metro on Title VI compliance.

Under its procedures to receive and investigate Title VI complaints, the subrecipient must:

- provide the public access to a defined complaint process and complaint form (subrecipient may use Metro's complaint form)
- maintain a complaint log with the:
 - filing date of any complaint
 - status of any investigation
 - response taken by the subrecipient to resolve the complaint.
- notify Metro when a complaint is lodged against the subrecipient or further subrecipient
- submit completed complaint investigation documentation to Metro.

If a subrecipient is found to be out of compliance, Metro will, in accord with the procedures and timeframes of FTA C 4702.1B VI.2 and 3:

- notify subrecipient of its noncompliance
- require, review and approve a remedial action plan from the subrecipient
- monitor action plan and perform a follow up review
- if voluntary compliance is not reached, place subrecipients on deficiency status and suspend federal payments.

Correction period for deficiency status is not to exceed 90 days.

IX. DISCRIMINATION COMPLAINTS AND INVESTIGATIONS

Metro provides instructions to the public regarding how to file a Title VI and Title II discrimination complaint and follows specific procedures for referring or investigating those complaints.

A. Instructions for filing Title VI complaints

The “Know your rights” web page, [oregonmetro.gov/civilrights](https://www.oregonmetro.gov/civilrights),⁴⁴ informs of the right to interpretive services and other accommodations to enable residents to participate in programs and decisions and describes key civil rights laws and orders, and their protections, of:

- Title VI of the Civil Rights Act of 1964
- Executive Order 12898 – Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- Americans with Disabilities Act of 1990.
- The Federal-Aid Highway Act of 1973
- The Age Discrimination Act of 1975

Under the heading, “Metro respects civil rights,” it states:

Metro fully complies with Title VI of the Civil Rights Act of 1964 that requires that no person be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination on the basis of race, color or national origin under any program or activity for which Metro receives federal financial assistance.

Metro fully complies with Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act that requires that no otherwise qualified individual with a disability be excluded from the participation in, be denied the benefits of, or be subjected to discrimination solely by reason of their disability under any program or activity for which Metro receives federal financial assistance.

If you believe you have been discriminated against regarding the receipt of benefits or services because of race, color, national origin, sex, age, disability or income level, you have the right to file a complaint with Metro.⁴⁵

⁴⁴ Full URL: <https://www.oregonmetro.gov/regional-leadership/diversity-equity-and-inclusion/know-your-rights-1>

⁴⁵ Metro is committed to ensuring access to every resident and compliance with all civil rights laws and orders and investigates complaints regarding discrimination on the basis of race, color and national origin (Civil Rights Act of 1964, 42 U.S.C. §2000d); sex (Federal-Aid Highway Act of 1973, 23 U.S.C. §324); age (Age Discrimination Act of 1975, as amended, 42 U.S.C. §6102); disability (Section 504 of Rehabilitation Act of 1973, 29 U.S.C §794 and Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §12132); and income level (Executive Order 12898).

This page also includes the instructions:

If you believe that you have been discriminated against, you may exercise your right to file a complaint with Metro. Every effort will be made to resolve complaints.

Submit a complaint via one of the following methods:

- for complaints of discrimination because of race, color, national origin, sex, age or income level:
 - [fill out the discrimination complaint form](#)
 - email clifford.higgins@oregonmetro.gov
 - mail to Clifford Higgins, Title VI coordinator, Metro, 600 NE Grand Ave., Portland, OR 97232
 - call 503-813-7514
 - fax 503-797-1797
- for complaints of discrimination because of disability:
 - [fill out the discrimination complaint form](#)
 - email nathan.sykes@oregonmetro.gov
 - mail to Nathan Sykes, ADA coordinator, Metro, 600 NE Grand Ave., Portland, OR 97232
 - call 503-797-1544
- visit Metro's administrative office at 600 NE Grand Ave. in Portland.

B. Title VI complaint form

The Title VI complaint form is available from the web page oregonmetro.gov/civilrights.⁴⁶

Discrimination complaint form

We are asking for the following information to assist in processing your complaint. If you need help completing this form, call 503-797-1932.

First name

Last name

Street address

City, state and ZIP code

Home phone number

Work phone number

Person discriminated against (if someone other than you)

Which of the following best describes the reason you believe the discrimination took place?
☐ race/ethnicity ☐ gender ☐ disability
☐ other

If other, please specify:

On what date(s) did the alleged discrimination take place?

Describe the alleged discrimination. Explain what happened and who you believe is responsible:

IMPORTANT: By hitting submit, you agree that: (1) you have read, understand and accept the terms for procedures for tracking and investigating Title VI complaints and (2) you affirm that the information above is true to the best of your knowledge.

Submit

SUPPLEMENTAL MATERIALS

You may send any written materials or other information that you think is relevant to your complaint to:

Clifford Higgins
Metro
600 N.E. Grand Ave.
Portland, Oregon 97232-2736
Phone: 503-797-1932
Fax: 503-797-1799
Email: clifford.higgins@oregonmetro.gov

⁴⁶ Direct URL: oregonmetro.gov/regional-leadership/diversity-equity-and-inclusion/know-your-rights/discrimination-complaint-form

The form asks for the following information:

- First name
- Last name
- Street address
- City, state and ZIP code
- Home phone number
- Work phone number
- Person discriminated against (if someone other than you)
- Which of the following best describes the reason you believe the discrimination took place?
 - race/ethnicity
 - gender
 - disability
 - other and if other, please specify
- On what date(s) did the alleged discrimination take place?
- Describe the alleged discrimination. Explain what happened and who you believe is responsible.

The form uses an “electronic signature,” informing users:

By hitting submit, you affirm that the information above is true to the best of your knowledge.

Complainants are also informed they may send written materials or other information they think is relevant to the complaint to the Title VI designee via mail or email.

If a complainant chooses to file a complaint via email, by phone or in person, the Title VI Coordinator or designee will perform preliminary intake to answer these questions and fill out a version of this form that may be printed and then reviewed and signed by the complainant.

C. Procedures for Title VI investigations and tracking complaints

FHWA and FTA have different processes for investigating and resolving Civil Rights complaints. Because Metro receives federal funds from FHWA through ODOT and directly from FTA, Metro has created the following decision and investigation processes to determine which agency has jurisdiction to investigate a Title VI complaint. Additionally, not all complaints of discrimination will be considered a "Title VI" complaint, but because Metro wishes to recognize and respect a broad view of civil rights, information on how to proceed with complaints that may be outside the scope of specific federal protection is also included.

Questions to determine jurisdiction and investigative process

1. Does the complaint allege discrimination, against an individual or class of people, based on race, color, national origin, sex or age? If yes, this is a “Title VI” complaint⁴⁷; continue to number 7. If no, continue to number 2.
2. Does the complaint allege discrimination, against an individual or class of people, based on disability? If yes, this is a “Section 504/ADA” complaint, which is investigated by Metro’s ADA Coordinator; refer to Metro’s ADA coordinator. If no, continue to number 3.
3. Does the complaint allege discrimination of the nature of disproportionately high or adverse human health or environmental effects on minority or low-income populations? If yes, this is a “Environmental Justice” complaint, which is treated as a Title VI complaint for the purpose of Metro’s procedure; continue to number 7.⁴⁸ If no, continue to number 4.
4. If the complaint does not allege discrimination of the nature described in questions 1, 2 or 3, it is not treated as a Title VI complaint; continue to number 5.
5. Does the complaint relate to public accommodations at the Oregon Zoo, Oregon Convention Center or Portland Expo and allege discrimination, against an individual or group, based on religion, sexual orientation or marital status? If yes, this is an Oregon “659A.403” issue; refer the complaint to the Office of Metro Attorney. If no, continue to number 6.⁴⁹
6. If the complaint does not allege discrimination of the nature described in questions 1, 2, 3 or 5, it may not be related to a legally recognized civil rights protection; consult with the Office of Metro Attorney, Metro’s equity program manager and the appropriate department director to determine the proper steps to resolve.⁵⁰
7. *[If the complaint relates to public accommodations at the Oregon Zoo, Oregon Convention Center or Portland Expo, this is also an Oregon “659A.403” issue; coordinate the investigation process with Office of Metro Attorney.]*
Does the program related to the Title VI (or Environmental Justice) complaint funded solely by direct FTA-to-Metro funding (e.g., Regional Travel Options, corridor projects

⁴⁷ FHWA’s Procedures Manual for Processing External Complaints of Discrimination provides for complaints under Title VI and related statutes: Title VI of the Civil Rights Act of 1964 (race, color, national origin), Federal Aid Highway Act of 1973 (sex) and the Age Discrimination Act of 1975 (age). See 2-1.B. Persons Eligible to File, p. 7. [fhwa.dot.gov/civilrights/programs/finalcomplaintmanual110410.cfm](https://www.fhwa.dot.gov/civilrights/programs/finalcomplaintmanual110410.cfm)

⁴⁸ USDOT’s External Civil Rights Processing Manual states, “Any individual, or his or her representative, who believes that he or she or any specific class of persons has been subjected to discrimination or retaliation prohibited by any civil rights authority listed in Section 1-2 (which includes EO 12898 on Environmental Justice), based on such characteristics as race, color, sex, age, national origin, religion, or disability may file a complaint with DOT.” DOT 1000.18, p. 9. September 2007. cms.dot.gov/sites/dot.gov/files/docs/externalcomplaintmanual-final_1.pdf

⁴⁹ State of Oregon, ORS 659A.403 Discrimination in place of public accommodation prohibited. oregonlaws.org/ors/659A.403

⁵⁰ Also refer to USDOT’s External Civil Rights Processing Manual, Section 1-2: Authorities, p. 2-6.

- working solely under FTA grants)? If yes, continue to number 8. If no, continue to number 9.⁵¹
8. For Title VI complaints **related direct FTA-to-Metro funded programs, Metro investigates Title VI complaints against Metro, its subrecipients, its consultants and its contractors**; refer to the notes on FTA considerations in the process below.
 9. For all Title VI complaints **not related to direct FTA-to-Metro funded programs**,⁵² **Metro investigates complaints against its subrecipients, consultants and contractors only**. If the complaint is against Metro, refer the complaint to ODOT's Office of Civil Rights. If the complaint is against one of Metro's subrecipients, consultants or contractors, follow the process below.

Accepting complaints in alternative languages and formats

Metro ensures that persons with limited English proficiency have meaningful access to its programs and activities, including its complaint procedures in accordance with EO 13166, Improving Access to Services for Persons with Limited English Proficiency. Complaints in languages other than English will be translated and responded to in the language in which they were sent.

Metro ensures that people with disabilities have access to its programs, services and activities, including its complaint procedure in accordance with Title II of the Americans with Disabilities Act of 1990. Reasonable accommodations should be made to facilitate the complaint process for a person with a disability, including transcribing a verbal complaint, translating and responding in Braille, and holding any meetings needed to resolve the issue at an accessible location.

It is important to recognize the need to modify practices to serve complainants with limited English proficiency and those with disabilities may extend beyond the complaint intake stage. Throughout the complaint resolution process, Metro will ensure these individuals understand their rights and responsibilities as well as the status of their complaint.

If the complainant is represented by an attorney

Complainants represented by an attorney should provide a letter of representation.

⁵¹ Per FTA guidance, Metro will investigate complaints directly against Metro in relation to FTA direct-funded programs such as the Regional Travel Options program and high capacity transit planning under an FTA grant. *See* Title VI Requirements and Guidelines for Federal Transit Administration Recipients, Circular 4702.1B, chapter III-5.

⁵² This includes programs unrelated to Metro's metropolitan planning organization role per the Civil Rights Restoration Act of 1987, which extends the scope and coverage of the nondiscrimination statutes to include all programs and activities of federal-aid recipients, subrecipients and contractors, whether such programs and activities are federally assisted or not. All programs not directly FTA-to-Metro funded will follow FHWA guidance because 1) the majority of Metro's federal funding comes from FHWA, and 2) FHWA guidance to recipients on Title VI complaints is more specific and less discretionary.

Processing complaints

The timeframes provided below are calculated to meet the FHWA requirement that investigative reports must be submitted to FHWA within 60 days of Metro's receipt of the complaint.⁵³

Reviewing Title VI complaints for completeness and jurisdiction

The complaint should be reviewed within 5 calendars days of receipt to determine whether it contains all the necessary information required for acceptance.

- If the complaint is complete, no additional information is needed and Metro has jurisdiction, the complainant should be sent an acceptance letter along with the complainant consent/release form and a notice about investigatory uses of personal information form.
- If the complaint is incomplete, the complainant should be contacted in writing or by telephone to obtain the additional information. The complainant should be given 10 calendars days to respond to the request for additional information. To save time later, the complainant should also be sent a complainant consent/release form and the notice about investigatory uses of personal information form.
- If the complaint is in a language other than English, the complainant should be sent a translated letter of receipt with information of potential next steps, including information needed to investigate a complaint and notification that if Metro lacks jurisdiction it will be referred. This letter should also include and consent/release form to move the process forward as Metro translates the complaint and a more specific response.
- If it becomes clear that Metro lacks jurisdiction over a complaint, the complaint should be referred to the appropriate agency. A referral letter should be sent to the agency along with the complaint and other documents. A letter should also be sent to the complainant stating that the complaint has been referred to another agency for investigation.

Notification of acceptance of complaints

After determining the complaint will be accepted for investigation by Metro:

- the complainant should be sent an acceptance letter along with the complainant consent/release form and a notice about investigatory uses of personal information form
- the respondent should be sent a notification letter; if needed, the respondent should also be sent a request for information.

⁵³ 23 CFR 200.9(b)(3).

The notification and acceptance letters should contain the following information:⁵⁴

- the basis for the complaint
- a brief statement of the allegations
- a brief statement of jurisdiction over the respondent to investigate the complaint
- an indication of when parties will be contacted
- cautionary statement that respondents or other persons shall not intimidate, threaten, coerce or discriminate against any person because he or she has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing under Title VI or any other laws or regulations related to nondiscrimination
- notice of availability of alternative dispute resolution and early resolution, if appropriate
- request for the respondent to submit a position statement responding to the allegations, if appropriate
- the Title VI Coordinator's (and, if different, the investigator's) contact information.

A request for information should be sent to the respondent. The investigator should contact the respondent to advise of the complaint and to determine the appropriate person to receive the request for information.

The respondent should be given 10 calendar days to respond to the allegations in writing.

Investigation

The investigator shall prepare an investigative plan, which is a working document intended to define the issues and lay out the blueprint to complete the investigation. The plan is an internal document to keep the investigation on track and focused on the issues and likely sources of evidence or corroboration. The investigative plan should include the following:⁵⁵

- Complainant's name and address
- Attorney for the complainant, name and address, if applicable
- Respondent's name and address
- Attorney for the respondent, name and address, if applicable
- Applicable laws
- Basis of the alleged discrimination (e.g., race, color, national origin, sex, age, disability)

⁵⁴ USDOT, External Civil Rights Processing Manual, 4-3 Notifying the complainant and recipient, DOT 1000.18, p. 22. September 2007.

⁵⁵ Compiled from FHWA, Procedures Manual for Processing External Complaints of Discrimination, 3-1 Investigative process, p. 15-16, and USDOT, External Civil Rights Processing Manual, 4-4 Developing an investigative plan, DOT 1000.18, p. 23. September 2007.

- Description of the allegations and issues, including identification of the specific action, policy or practice responsible for the alleged discrimination
- Theories of discrimination (e.g., intentional discrimination/disparate treatment or disparate impact/effects; see below)
- Background
- Name of persons to be interviewed
- Questions for the complainant
- Questions for the respondent
- Questions for witnesses
- Evidence to be obtained during the investigation
- Proposed activity schedule (including timeframes and anticipated sequence of on-site visits and interviews).

Theories of discrimination

USDOT, External Civil Rights Processing Manual, 4-4 Developing an investigative plan, DOT 1000.18, p. 23-24. September 2007.

Intentional discrimination Intentional discrimination may take many forms, but disparate treatment is one of the most common. Simply put, disparate treatment means that similarly situated persons are treated differently (i.e., less favorably) than others because of their race, color, national origin, sex, etc. Another type of intentional discrimination involves the use of policies or practices that explicitly classify individuals on the basis of their membership in a particular group. Such “classifications” may constitute unlawful discrimination if they are based on characteristics such as race, color, or sex.

To prove intentional discrimination, the investigator must show that a challenged action was motivated by an intent to discriminate. This requires a showing that the decision-maker was not only aware of the complainant’s race, color or national origin, but that the recipient acted, at least in part, because of the complainant’s race, color, or national origin.

If the record contains sufficient evidence to establish a prima facie case of discrimination, the investigating agency must then determine if the recipient can articulate a legitimate, nondiscriminatory reason for the challenged action. If the recipient can articulate a nondiscriminatory explanation for the alleged discriminatory action, the investigating agency must determine whether the record contains sufficient evidence to establish that the recipient’s stated reason was a pretext for discrimination. In other words, the evidence must support a finding that the reason articulated by the recipient was not the true reason for the challenged action, and that the real reason was discrimination based on race, color, or national origin.

Disparate impact The second primary theory for proving a Title VI violation is based on Title VI regulations and is known as the discriminatory “effects” or disparate impact theory. In contrast to disparate treatment, the disparate impact/effects theory does not require proof of discriminatory intent. Rather, disparate impact cases involve claims that a recipient is violating Title VI regulations by using a neutral policy or practice that has the effect of disproportionately excluding or adversely affecting members of a protected group, and the recipient’s policy or practice lacks a substantial legitimate justification.

In a disparate impact case, the focus of the investigation concerns the consequences of the recipient’s practices, rather than the recipient’s intent. To establish liability under disparate impact, the investigator must first ascertain whether the recipient used a facially neutral practice that had a disproportionate impact on a group protected by Title VI. If the evidence establishes a prima facie case, the investigating agency must then determine whether the recipient can articulate a substantial legitimate justification for the challenged practice.

To prove a substantial legitimate justification, the recipient must show that the challenged policy was necessary to meeting a goal that was legitimate, important, and integral to the recipient’s mission. If the recipient can make such a showing, the inquiry must focus on whether there are any equally effective alternative practices that would result in less adverse impact or whether the justification proffered by the recipient is actually a pretext for discrimination. If a substantial legitimate justification is identified, the third stage of the disparate impact analysis is the complainant’s demonstration of a less discriminatory alternative.

For a detailed discussion of Investigative Plans, including how to apply the appropriate legal theories and evidentiary standards, see the Department of Justice’s Investigation Procedures Manual.

Investigative log

An investigative log should be maintained which documents all activity related to the complaint.

Interviews

Interviews should be conducted with the complainant, respondent and appropriate witnesses during the investigative process. The main objective during the interview is to obtain information from witnesses who can provide information that will either support or refute the allegations. A list of major questions should be prepared to address the issues involved in the complaint.

Persons to be interviewed:

- Complainants are interviewed to gain a better understanding of the situation outlined in the complaint of discrimination. Complaints are often received through the web form, email or mail from complainants. The investigator should contact the complainant to ensure they understand the complainant's concerns. Sometimes the complainant's concerns may be totally different from what was written in the complaint.
- Respondent have the right to know the allegations raised in the complaint. Respondents are interviewed to provide an opportunity to respond to the issues raised by the complainant. The interview should include obtaining an understanding of the respondent's operation and policies relative to the allegations cited in the complaint.
- Witnesses: The complainant or respondent may have persons they wish the investigator to contact. Individuals who have information relevant to the allegations raised in the complaint of discrimination should be interviewed. The investigator will determine whether the testimony provided by a witness is relevant.

Preparing the investigative report

The investigator should prepare an investigative report setting forth all the relevant facts obtained during the investigation. The report should include a finding for each issue and recommendations for corrective action, where necessary. A copy of the investigative report should never be given to the respondent or complainant.

References should be used throughout the report to direct the reader to the appropriate supporting documentation in the investigative case file. For large case files, it is suggested that the report include an index of documents and a key referencing by tab the evidence in the file relied upon in making any recommendation or determination.

Final resolution

In most cases, Metro will complete its investigation and submit its investigative report and the complaint to ODOT's Office of Civil Rights and FHWA's Headquarters Office of Civil Rights within 60 days of receiving the complaint. Metro will also supply summary investigative report and recommendation to the complainant and respondent.⁵⁶ Metro may

⁵⁶ "A copy of the [investigative report] should never be given to the respondent or complainant." FHWA, Procedures Manual for Processing External Complaints of Discrimination, 3-10, Preparing an investigative report (IR)/report of investigation (ROI), p. 23.

choose to brief both the complainant and respondent in person within 15 days of submitting its report and recommendation.

FHWA's Headquarters Office of Civil Rights reserves authority to determine final resolution of the complaint and may:

- request or pursue additional investigation
- make a final decision and issue a letter of finding of violation or no violation or dismissal letter⁵⁷
- for complaints regarding programs not funded by FHWA, refer the complaint and investigative report to U.S. Department of Justice's Federal Coordination and Compliance (for Title VI and Environmental Justice complaints) or Disability Rights Section (for Section 504/ADA complaints).⁵⁸

Direct FTA-to-Metro funded programs In most cases, Metro will complete its investigation and submit its investigative report and the complaint to the FTA civil rights officer within 60 days of receiving the complaint. FTA guidance provides that Metro will provide final resolution by issuing one of two letters to the complainant: a closure letter or a letter of finding.⁵⁹ 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 summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member or other action will occur. Metro should consult with an FTA civil rights officer before issuing a final letter to the complainant and respondent.

Dismissals Except in relation to direct FTA-to-Metro funded programs, Metro may only recommend a dismissal of the complaint. FHWA will make all final decisions.⁶⁰ Metro may recommend a dismissal of the complaint (or dismiss a complaint related to a Direct FTA-to-Metro funded program) for the following reasons:

- the complaint is untimely filed
- the complainant fails to respond to repeated requests for additional information needed to process the complaint
- the complainant cannot be located after reasonable attempts

⁵⁷ FHWA's Procedures Manual for Processing External Complaints of Discrimination states, "A Title VI finding of violation, no violation, or dismissal is a Federal decision that cannot be delegated. Although an [state transportation agency] can conduct a Title VI investigation of its subrecipients or contractors and make a recommended finding to the Federal decision-making authority, the FHWA has delegated authority for all final decisions, dismissals, and [letters of findings]." 2.J.2, p. 13.

⁵⁸ See FHWA's Procedures Manual for Processing External Complaints of Discrimination, Appendix E-3, p. 90.

⁵⁹ See FTA Circular 4702.1B, [Title VI Requirements and Guidelines for Federal Transit Administration Recipients](#), Appendix C. Oct. 1, 2012.

⁶⁰ See footnote 57.

- there is no statutory or alleged basis for the complaint
- the complainant decides to withdraw the complaint.

Finding of violation or no violation Except in relation to direct FTA-to-Metro funded programs, Metro may only *recommend* a finding of violation or no violation. FHWA will make all final decisions and issue letters of findings.⁶¹

Appeals

Unless facts not previously considered come to light, Metro will not reconsider its investigative report and recommendation to ODOT and FHWA. If the complainant or respondent contests the presentation of facts in the investigative report or believes the recommended finding or corrective actions, as applicable, will not result in a satisfactory resolution, Metro should provide appropriate contact information for the party to submit its objections.⁶²

Letters of finding issued by the FHWA are administratively final; appeals must follow the agency's administrative appeals process.

Direct FTA-to-Metro funded programs FTA guidance provides for an opportunity for a complainant to appeal the closure letter or letter of finding, though it does not recommend a time frame to appeal.⁶³ Absent other direction from an FTA civil rights officer:

- the complainant should have 10 days after Metro issues its closure letter or letter of finding to request reconsideration
- the complainant should state the specific reason for the reconsideration and submit the request and statement to the Chief Operating Officer.
- the Chief Operating Officer should have 10 days to either accept or reject the request for reconsideration
- if accepted, the Chief Operating Officer should have 30 days from the receipt of the request to complete the reconsideration review and issue a determination letter.

D. Procedures for recording and reporting Title VI investigations, complaints and lawsuits

Recording complaints

Upon initial receipt, a complaint should always be date stamped, assigned a case number and recorded as part of list of active investigations, lawsuits and complaints related to Title

⁶¹ See footnote 57.

⁶² No specific process is recommended in FTA guidance for a party to contest Metro's report or recommendation.

⁶³ See FTA Circular 4702.1B, [Title VI Requirements and Guidelines for Federal Transit Administration Recipients](#), Appendix C. Oct. 1, 2012.

VI.⁶⁴ The date of receipt by the receiving office is crucial for determining jurisdiction and timeliness. Case numbers should follow the convention “Metro-ORYY-##” (YY= year; ##=complaint number for that year). The following is a sample of Metro's recording form, which is also used to track inquiries regarding possible Title VI complaints and other discrimination complaints.

Name of complainant		Name of affected person (if different)	
Address		Address	
City, State, ZIP Code		City, State, ZIP Code	
Phone			
Basis of complaint (race, color, national origin, sex, age, disability, other (specify)):			
Nature of complaint:			
Complaint recipient		Complaint investigator	
Date filed:	Dated investigation completed:		Date of disposition:
Key investigation steps and results:			
Disposition:			

Notification of acceptance of complaints

After determining the complaint will be accepted for investigation by Metro, the Title VI Coordinator or designee will notify:

- the Chief Operating Officer
- the Office of Metro Attorney

⁶⁴ Record required by FTA Circular 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients, p. III-5. Oct. 1, 2012.

- the civil rights officer of the appropriate jurisdiction (ODOT for FHWA funded programs, FTA for FTA funded programs).

Creating the investigative case file

The investigative case file is a structured compilation of all documents and information, within Metro's possession, pertaining to the case. An investigative case file should be established for each complaint that Metro accepts for investigation.

Complaints that are administratively closed for lack of jurisdiction, because they are untimely filed, for failure to exhaust local remedies, or for failure to state a claim over which Metro has jurisdiction do not require an investigative case file.

The purpose of the investigative case file is to establish a methodology for the systematic compilation and structured storage of all documents, records and information associated with the case. This is done in such a manner that the investigative case file: (a) provides the basis and supporting documentation for the investigative report and (b) allows a reader of the investigative report to easily verify the facts upon which they are based.

Distribution of the investigative case files

FHWA Headquarters Office of Civil Rights, USDOJ or FTA is responsible for all investigative case files regardless of the agency creating or possessing the physical documents. The appropriate federal office will provide copies of investigative case files in accordance with the Freedom of Information Act. Metro should consult with the ODOT's Office of Civil Rights, as appropriate, and the federal agency (FHWA or FTA) with authority over the complaint to determine distribution of physical and electronic copies of the investigative case file.

E. Instructions for Filing ADA Title II Complaints

The "Accessibility at Metro" web page, oregonmetro.gov/accessibility,⁶⁵ informs the rights of individuals under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. It includes information and instructions to file an ADA Title II Complaint, and outlines processing for such complaints.

Metro's ADA Grievance Procedure states:

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by Metro.

Instructions to file a complaint includes:

⁶⁵ Full URL: oregonmetro.gov/regional-leadership/accessibility-metro

The complaint should be in writing and contain information about the alleged discrimination including complainant's name, address, phone number, location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request. The complaint should be submitted by the grievant and/or their designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Nathan Sykes, Deputy Metro Attorney
ADA Coordinator
600 NE Grand Ave.
Portland, OR 97232-2736
accessibility@oregonmetro.gov
503-797-1544 | VOIP: 503-797-1804

F. ADA Title II complaint form

The Title II complaint form is available from the “Accessibility at Metro” web page, oregonmetro.gov/accessibility.⁶⁶

File an ADA complaint

If you believe you have been discriminated against regarding the receipt of benefits or services because of disability, you have the right to file a complaint with Metro.

First name

Last name

Street address

City, state and ZIP code

Phone number

Email address


Date of complaint

Year Month Day

Location of complaint

Description of complaint


☐ I'm not a robot

reCAPTCHA
Privacy - Terms

Submit

Complaint procedure

Learn more about the disability complaint process and what to expect after your complaint is submitted.

 Grievance procedure: Americans with Disabilities Act
88.96 KB Adobe Acrobat PDF | Published Jul 11, 2022

Supplemental materials

Send any written materials or other information relevant to your complaint to:

Nathan Sykes
ADA coordinator
Metro
600 NE Grand Ave.
Portland, OR 97232-2736
Phone: 503-797-1544
Fax: 503-797-1798
Email: accessibility@oregonmetro.gov

⁶⁶ Direct URL: oregonmetro.gov/regional-leadership/diversity-equity-and-inclusion/accessibility-metro/file-ada-complaint

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Title VI Plan: Civil rights, environmental justice and equity | December 2022

The form asks for the following information:

- First name
- Last name
- Street address
- City, state and ZIP code
- Phone Number
- Email Address
- Date of Complaint
- Location of Complaint
- Description of Complaint

Complainants are also informed they may send written materials or other information they think is relevant to the complaint to the Title II designee via mail or email.

If a complainant chooses to file a complaint via email, by phone or in person, the Title II Coordinator or designee will perform preliminary intake to answer these questions.

G. Procedures for investigating and processing ADA Title II complaints


Upon receipt of the complaint, it is assigned to a designated department representative in which the complaint arised. All Metro venues and departments each have pre-identified representatives to process and manage ADA Title II complaints.

Within 15 business days after receipt of the complaint, a department representative in which the complaint arose will meet with the complainant to discuss the complaint and the possible resolutions. Within 21 business days of the meeting, the department representative will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio file. The response will explain the position of Metro and offer options for substantive resolution of the complaint.

If the department representative does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 business days after receipt of the response to the ADA Coordinator. Within 15 business days after receipt of the appeal, the ADA Coordinator or designee will meet with the complainant to discuss the complaint and possible resolutions. Within 21 business days after the meeting, the ADA Coordinator or designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

Once a resolution is reached, the ADA Coordinator is responsible for filing full documentation and summary on the date, location, description of the complaint, resolutions identified, and resolutions implemented to address the complaint. All written complaints, appeals, and responses will be retained by Metro for at least five years from date of resolution.

Metro's Title II Grievance Procedure is available from the "Accessibility at Metro" web page. oregonmetro.gov/accessibility.⁶⁷



Americans with Disabilities Act Grievance procedure

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by Metro.

Filing a complaint

The complaint should be in writing and contain information about the alleged discrimination including complainant's name, address, phone number, location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or their designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Nathan Sykes, Deputy Metro Attorney
ADA Coordinator
600 NE Grand Ave.
Portland, OR 97232-2736
accessibility@oregonmetro.gov
503-797-1544 | VOIP: 503-797-1804

Department review

Within 15 business days after receipt of the complaint, a department representative in which the complaint arose will meet with the complainant to discuss the complaint and the possible resolutions. Within 21 business days of the meeting, the department representative will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio file. The response will explain the position of Metro and offer options for substantive resolution of the complaint.

ADA Coordinator

If the response the department representative does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 business days after receipt of the response to the ADA Coordinator.

Within 15 business days after receipt of the appeal, the ADA Coordinator or designee will meet with the complainant to discuss the complaint and possible resolutions. Within 21 business days after the meeting, the ADA Coordinator or designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

Records retention

All written complaints, appeals, and responses will be retained by Metro for at least five years from date of resolution. A grievance procedure is available to resolve complaints. Upon request, this notice is available in alternative formats such as large print or Braille.

Questions?

Nathan Sykes
Deputy Metro Attorney
ADA Coordinator
600 NE Grand Ave.
Portland, OR 97232

accessibility@oregonmetro.gov
503-797-1544
VOIP: 503-797-1804

Metro's Human Resources policies and procedures govern employment-related complaints of disability discrimination.

⁶⁷ Direct URL: oregonmetro.gov/sites/default/files/2022/07/11/Metro-ADA-grievance-procedure-20220711.pdf

X. EQUITY IN CONTRACTING

Each year, Metro spends millions of dollars on contracts with businesses that support efforts to provide public services for the residents of Clackamas, Multnomah and Washington counties. By actively involving minority-owned business enterprises, woman-owned business enterprises, service disabled veteran-owned businesses and emerging small businesses (collectively referred to as COBID-certified firms) in the pool for business opportunities, Metro helps expand economic opportunities in the region.

ODOT has an overall Disadvantaged Business Enterprise Goal of 11.6 percent Disadvantaged Business Enterprise usage, which has been approved by the Federal Highway Administration.⁶⁸ The 11.6 percent Disadvantaged Business Enterprise goal is broken into two parts, where 6.6 percent of Disadvantaged Business Enterprise usage will be race-conscious and 5.0 percent will be race-neutral. Metro's aspirational goals are generally between 12 percent and 15 percent of annual contract dollars, depending on how many capital/construction projects are budgeted.

In April 2017, Metro's minority-owned, women-owned, emerging small business program (MWESB) was reestablished as an equity in contracting program. Metro has a strong commitment to provide contracting opportunities to State of Oregon certified minority-owned businesses, woman-owned businesses, businesses that service-disabled veterans own and emerging small businesses.⁶⁹

Metro awards millions of dollars in contracts for products and services each year and actively solicits bids and proposals from businesses that are certified by the State of Oregon's Certification Office for Business Inclusion and Diversity (COBID).

A. Equity in contracting program

Under the program, Metro will engage in the following activities with the goal of increasing business with COBID Certified Businesses.⁷⁰

1. *Outreach* Engage in additional outreach procedures, including electronic notices of public contract solicitations, newsletters, attending regularly-scheduled contractor orientation programs, open houses and participation in local and regional outreach opportunities.
2. *Technical assistance* Provide technical assistance and information to outside third parties on feasible options for management assistance, bonding, insurance, certification and Metro procurement processes.

⁶⁸ Oregon Department of Transportation Disadvantaged Business Enterprise program, oregon.gov/ODOT/Business/OCR/Pages/Disadvantaged-Business-Enterprise.aspx

⁶⁹ Definitions set forth in ORS 200.005(5) and (7).

⁷⁰ Metro Council Resolution No. 17-4779, staff report, rim.metro-region.org/webdrawer/rec/470458/view/

3. *Package contracting opportunities* Examine alternatives for arranging public contract solicitations by type of work, subcontracting opportunities and partnerships so as to enhance the possibility of participation by COBID Certified Businesses.
4. *Internal Education* Provide periodic training and continuing education to Departments to ensure awareness of Program objectives and desired activities.

B. Equity in contracting rules

The equity in contracting rules apply to all Metro contracts and will increase COBID participation through formalizing and strengthening existing policies and adding two new policies.

- Consider COBID firms in small procurements.
- Contact a COBID firm from each state-certified category for intermediate procurements.
- Advertise for formal procurements in a minority publication.
- Scoring requirements for diversity total 20 percent in evaluating intermediate and formal proposals.
- Required COBID Marketplace allows for quotes accepted only from COBID firms for public improvement contracts up to \$50,000.
- Subcontractor equity program requires that contractors conduct outreach and negotiation with COBID subcontractors in formal public improvement contracts.
- (since 2017:) Optional COBID Marketplace allows for direct award to a COBID firm for personal services and qualifications-based selection contracts under \$50,000 (only one direct award allowed per vendor per department/venue).
- (since 2017:) Required pre-solicitation equity strategy meeting with procurement services for formal procurements.

C. Subcontractor equity program

Metro's subcontractor equity program is intended to incorporate the standards for good faith efforts described in ORS 200.045.⁷¹ The purpose of the program is to provide equitable opportunities for COBID Certified Businesses to participate in subcontract opportunities created through Metro public improvement contracts. Prime contractors are required to fulfill the following actions in order to comply with the subcontractor equity program.⁷²

⁷¹ ORS 200.045(2) If a public contract requires participation from a required participant and a bidder or proposer for the public contract is not a required participant, a contracting agency may award the public contract to the bidder or proposer only if the bidder or proposer:... (b) Has made good faith efforts to encourage required participants to participate in the public contract.

⁷² Metro Council Resolution No. 17-4779, procurement administrative rules, rim.metro-region.org/webdrawer/rec/470458/view/

1. Contractor contacts all COBID Certified Businesses who attend the project's presolicitation or prebid meeting to solicit bids for subcontracting or material supply opportunities.
2. Contractor identifies and selects specific economically feasible units of the public improvement contract that COBID Certified Businesses may perform in order to increase the likelihood that COBID certified subcontractors will participate in the public improvement contract.
3. Contractor advertises the project subcontracting opportunities in general circulation publications, trade association publications and publications that serve an audience or readership that consists primarily of minorities, women, service disabled veterans and emerging small businesses.
4. Contractor provides written notice of the subcontracting opportunities to a reasonable number of specific COBID Certified Businesses in sufficient time to allow such enterprises or businesses to participate effectively.
5. Contractor follows up on its initial solicitations of interest by contacting the enterprises or businesses to which the bidder or proposer provided notice to determine with certainty whether the enterprises or businesses are interested in the subcontracting opportunities.
6. Contractor provides interested COBID Certified Businesses with adequate information about plans, specifications and requirements for subcontracting or material supply work in connection with the public improvement contract.
7. Contractor negotiates with interested COBID certified subcontractors and does not without justifiable reason reject as unsatisfactory bids or proposals that COBID enterprises or businesses prepare.
8. Contractor advises and assists interested COBID certified subcontractors to obtain, when necessary, bonding, lines of credit or insurance that the contracting agency or contractor requires.
9. Contractor uses the services of minority community organizations, minority contractor groups, local, state and federal minority business assistance offices and other organizations that Metro identifies as providing assistance in recruiting COBID Certified Businesses for participation in public improvement contracts.

D. Federal nondiscrimination clause

Federal nondiscrimination clauses are included in appropriate contracts.

XI. PROGRAM ADMINISTRATION, GENERAL

A. Program assessment and monitoring procedures

Program assessment and monitoring by Metro's Title VI Coordinator or designee includes biennial review and annual reporting to the ODOT Title VI officer. In addition, any member of the public may inspect public reports, personnel rules, executive orders, resolutions and ordinances pertaining to public outreach, nondiscrimination and environmental justice. Residents may also request such project and program records through each department.

B. Annual reporting procedures

Each year, the Title VI Coordinator or designee reviews Metro's agency-wide Title VI program to ensure compliance with regulations. In addition, the coordinator or designee reviews agency operational guidelines and publications, including those for contractors, to ensure Title VI language and provisions are incorporated, as appropriate.

The Title VI Coordinator or designee will prepare and submit an annual Title VI Compliance Report to ODOT as required.⁷³ Content of the report will describe, at minimum:

- the previous year's Title VI-related activities and efforts, including accomplishments and program changes
- changes in organizational structure or Title VI personnel
- an accounting of any Title VI complaints submitted to Metro
- Title VI-related goals and objectives for the coming year.

C. Enforcement procedures

The Title VI Coordinator or designee is responsible for evaluation and monitoring compliance with Title VI requirements in all aspects of Metro's efforts to identify, engage and assess benefits and impacts for historically marginalized communities. The Title VI Coordinator or designee will:

- develop and distribute information on Title VI rights and guarantees within Metro programs to the general public and provide such information in languages other than English, as appropriate
- include a Title VI notice to the public, either full or abbreviated, in all news releases, Metro Council and advisory committee meeting agendas and the Metro website
- ensure that methods to identify historically marginalized communities comply with Title VI requirements and follow or exceed current best practices

⁷³ Reports to be retained for reasonable amount of time (estimated, 3 to 5 years) at oregonmetro.gov/civilrights.

- ensure that communications and public engagement efforts comply with Title VI requirements and follow or exceed current best practices
- disseminate information to minority media and organizations representing historically marginalized communities to engage fully diverse interest groups in the planning process
- notify affected and protected groups of public hearings regarding proposed actions and make the hearings accessible to all residents, including the use of interpreters when requested or an authentic need has been otherwise identified
- ensure meeting rooms at Metro and other locations are accessible to all
- collect evaluative information about public meetings and comment opportunities to track how well different segments of the population are represented, determine where special efforts should be made to engage underrepresented voices, and seek continually improving outreach methods
- process Title VI complaints in accordance with the Title VI complaint processing procedure (*see above, section VII.*)
- ensure that methods to assess the benefits and impacts for historically marginalized communities comply with Title VI requirements and follow or exceed current best practices
- if any area is found to be out of compliance, work with program staff and the Office of Metro Attorney to restore compliance and report status and corrective steps to the chief operating officer.

D. Training

Metro sends the Title VI Coordinator or designee to external Title VI trainings whenever available and feasible. Metro encourages staff to seek training to improve the agency's expertise in outreach to low income, communities of color, English language learners and underserved communities. Because of its role as a metropolitan planning organization, the agency often attracts guest speakers on planning topics that sometimes include environmental justice, equity or civil rights as part of their presentations.

APPENDIX A. FHWA TITLE VI IMPLEMENTATION PLAN CHECKLIST, INDEXED TO THIS PLAN

[fhwa.dot.gov/civilrights/programs/title_vi/guidance.cfm](https://www.fhwa.dot.gov/civilrights/programs/title_vi/guidance.cfm)

[fhwa.dot.gov/civilrights/programs/docs/Title%20VI%20Implementation%20Plan%20Checklist.pdf](https://www.fhwa.dot.gov/civilrights/programs/docs/Title%20VI%20Implementation%20Plan%20Checklist.pdf)

Standard DOT assurances

Does the Plan include a signed copy of the DOT Standard Title VI Assurances with Appendices “A,” “B,” “C,” “D,” and “E”?

Are the assurances signed with a current date?

Appendix E, DOT Standard Title VI Assurances

Organization and staffing

Does the Plan identify the Title VI Coordinator who has easy access to the head of the agency as well as others who have Title VI responsibilities in the agency?

Is there an organizational chart that identifies a Civil Rights Unit, and its placement in the agency?

Section II.B. Metro and Title VI, environmental justice, nondiscrimination and equity, p. 4

Section II.C. Reporting structure for Title VI, environmental justice, nondiscrimination and equity, p. 8

Program review procedures Does the Plan describe the nature of the recipient’s program areas and include procedures for conducting reviews of pertinent program areas?

Section II.B. Metro and Title VI, environmental justice, nondiscrimination and equity, p. 4

Section II.C. Reporting structure for Title VI, environmental justice, nondiscrimination and equity, p. 8

Section XI.B. Annual reporting procedures, p. 62

Section XI.C. Enforcement procedures, p. 62

Subrecipient review procedures Does the Plan describe the process for determining how many and which subrecipients will be reviewed each year and the process for conducting reviews of subrecipients?

Section VIII.C. Subrecipient oversight, p. 38

Data collection/reporting/analysis Does the Plan contain a process for collecting and reporting Title VI data on race, color, national origin for each of its program areas and in the subrecipient reviews??

Chapter V. Identifying historically marginalized populations, p. 19

Section VI.D. Data collection and assessment, p. 31

Title VI training Does the Plan describe the process the state uses to conduct Title VI training of staff members and subrecipients?

Section XI.D. Training, 63

Section VIII.C. Subrecipient oversight, p. 38

Complaint procedures Does the Plan contain complaint procedures which describe the process for investigations and disposition of Title VI complaints that conforms to the FHWA complaints procedures found in the FHWA Title VI Complaints Q and A?

Section IX.C. Procedures for investigating and tracking complaints, p.43

Dissemination of Title VI information Does the Plan contain community outreach and public education procedures as well as how the public outreach data is collected/analyzed to ensure effectiveness?

Section IV. Notice of rights, p. 13

Review of STA directives Does the Plan describe how the STA reviews directives to determine if there are Title VI implications, and interpret how directives impact Title VI program areas?

Section XI.C. Enforcement procedures, p. 62 (directives are reviewed during the staff process prior to issuance by Metro Council or chief operating officer)

Compliance and enforcement procedures Does the Plan outline Title VI Program compliance and enforcement procedures to eliminate and address discrimination, resolve deficiencies, etc. when noncompliance occurs?

Section XI.C. Enforcement procedures, p. 62

Limited English proficiency Does the Plan explain how LEP populations are identified as well as how the 4-factor analysis is applied to each in determining what translations are appropriate?

Section IV.C. Vital documents, p. 17

Section V. Identifying historically marginalized populations, B. English language learners (people with limited English proficiency), p. 21

Section VI. Engaging with historically marginalized populations, C. English-language learners, p. 29

**APPENDIX B. STRATEGIC PLAN TO ADVANCE RACIAL EQUITY
IMPLEMENTATION PLAN AND PROGRESS TRACKING**

Action #	Task Name	Lead department	Supporting department	Notes (2022)	Status (2020)	Notes (2020)
A	Goal A - Metro convenes and supports regional partners to advance racial equity					
A.1	In partnership with the community, develop and pilot regional public engagement forums to connect Community -based organizations to resources, engagement opportunities, contracting opportunities and staff at Metro and other public agencies across the region.	Comms	DEI		In progress	Due to the public health crisis, there were fewer opportunities for direct engagement with community based organizations, from both due to community capacity and focus and Metro's adjustment in work. Spring 2020 continued the effort to connect CBOs to Metro project managers to support the development of the transportation funding regional investment strategy; late 2020 included connecting CBOs to the opportunity study for Expo. A public engagement forum of community leaders on transportation issues was postponed to 2021.
A.2	Use existing committees and additional new opportunities to convene and work collaboratively with regional partners to advance equity related to public engagement, affordable housing, welcoming and inclusive parks and venues, safe transportation, equitable solid waste system and economic opportunity for communities of color through local government contracts and projects.	DEI			In progress	Collaboration with regional partners, community organizations and community experts did not slow down in 2020 as Metro advanced efforts to build the Supportive Housing Services program, prepared for the roll out of the Parks and Nature Bond, and geared up for local implementation of the Regional Waste Plan.
A.3	Conduct a market study to better understand the current composition of the construction trades workforce.	DEI				
A.4	Convene regional partners to discuss solutions to increase the number of skilled construction tradespeople of color available to work on large projects. This would include the following topics: enhancing apprenticeships, identifying technical and resources needs, and continuing to invest in and convene the Workforce Diversity Summit	DEI				
A.5	Convene regional partners to discuss solutions to increase the participation of local minority, women and emerging small businesses (MWESB) in government contracts (e.g. create joint workshop to advance COBID certification of these firms)	FRS	DEI		In progress	Monthly meetings with regional procurement staff from regional agencies. Meeting with State COBID Department to begin discussions about system improvements. COVID-19 has led to significant shrinking of COBID registered firms from going out of business or certification lapses. The pool is now the smallest it has ever been. Loss of a state certification program would be detrimental. 3,250 before COVID and now there are only 2,600 firms. Focus is now on outreach/community engagement to uncertified firms to get certification and education for businesses about what is required for being a business in Oregon and for certification.
B	Goal B - Metro meaningfully engages communities of color					
B.1	Develop and apply criteria to consistently partner and invest in existing community leadership programs that have greatest benefit to community. Criteria will include considerations for new partnerships.	DEI	Comms		In progress	The Civic Engagement Capacity Building grant program was launched in February 2021 and the selection process is underway. Waste Prevention and Environmental Services partnered with Unite Oregon and Centro Cultural to build capacity in Clackamas and Washington counties to inform development of the potential transfer stations. Parks and Nature also rolled out their first round of capacity building grants to support emerging organizations improve access to nature for under-represented communities and communities of color.
B.2	Work with communities to co-create community-specific public engagement plans that work to develop long-term community relationships, as opposed to episodic engagement.	Comms			In progress	The development and ongoing implementation of the Civic Engagement Capacity Building grant program will support long-term, trusted relationship building between Metro and community-based organizations as well as the Black, Indigenous and communities of color they serve. The program's first round of grantees will be announced in June 2021.
B.3	Identify and propose ways to improve youth engagement and youth involvement in Metro decision-making.	Comms			In progress	The youth-led equity cohort was cancelled due to COVID-19, but the Civic Engagement Grant program will invest in leadership development for youth of color to support their involvement in Metro decision-making.
B.4	Create a system to better coordinate engagement with communities of color across Metro departments. This system should include the maintaining of a record of community-based organizations' involvement with Metro to support relationship continuity.	Comms			In progress	Due to budget restrictions Metro did not acquire a relationship management tool to coordinate across the agency, however, COVID-19 pushed DEI and Communications staff to compile a comprehensive list of partners, grantees and grantee applicants for the purpose of better coordinating relationship management and outreach.
B.5	Utilize the racial equity analysis and decision support tool on four pilot projects representing each of Metro's four lines of business.	DEI			In progress	In winter 2021 Metro adopted the racial equity framework to support analysis and decision-making agency-wide and will be piloting the framework's use and evaluation for select projects during FY 21/22.
B.6	Provide training and support to Metro departments on the Racial Equity Analysis and Decision-Support Tool to most effectively meet specific departmental portfolio.	DEI			In progress	In winter 2021 Metro held its first training for the racial equity framework for project managers. Additional trainings are scheduled and a small cohort of project managers will be piloting the framework's use and evaluation for select projects during FY 21/22.
B.7	With the direct support of the DEI program, expand the pilot for utilizing the racial equity analysis and decision support tool within each department.	DEI			In progress	The racial equity framework is scheduled to be used agency-wide for the FY 22/23 budget process starting in early 2022 and roll-out for additional projects beyond the pilot projects will occur later that year.
B.8	Create a Metro Council-appointed body to provide community oversight on the implementation of the Strategic Plan.					

B.9	Develop equity performance measures to include in Metro's By the Numbers performance measurement program.	DEI		In progress	Equity performance measures will be created during the Impact Evaluation project which was put on hold, again, due to pressing issues related to COVID-19 and community calls for racial justice.
B.10	Create mechanisms to involve the community in the implementation and evaluation of the Strategic Plan.	DEI		In progress	The DEI Program will continue involving Metro's Committee on Racial Equity as we co-create a framework for evaluating progress towards the Strategic Plan's goals.
B.11	DEI program creates, publishes and submits annual equity report to Council, for publication and broad distribution.				
B.12	Create a framework to track and measure equity actions and investments across the agency.	DEI		In progress	An agency-wide framework will be developed in the Impact Evaluation project which is slated to re-start in late 2021. An approach, based in the Results Based Accountability framework, was piloted for the creation of the Supportive Housing Services evaluation metrics during the summer/fall of 2020. This process was co-led by Planning and Development and DEI and involved community members, subject matter experts and Metro staff.
B.13	Identify barriers and propose solutions to increase participation of communities of color in Metro engagement opportunities. Such barriers may include: public meeting times, lack of food and childcare, and location of meetings.	Comms	DEI	In progress	COVID-19 forced Metro Council and staff to adapt its approaches to public meetings and community engagement. Best-practices of providing stipends and interpretation services were continued and virtual access may have improved accessibility for some community members, however, other strategies like providing child-care or meals were temporarily discontinued.
B.14	Identify and propose the creation of new opportunities within public engagement activities for emerging and established community leaders to work with decision makers to help drive plan, policy and program outcomes.	Comms		In progress	Even within the context of COVID-19 Metro continued to find ways to deepen community partnerships and bring community leaders into decision-making processes, expansion that will continue as the Civic Engagement Capacity Building grant program is implemented in FY 21/22. Additional examples include collaborative and co-creative engagement on the Supportive Housing Services program and the Parks and Nature Bond. Metro Council also engaged in direct dialogue and partnership with Reimagine Oregon that informed a suite of decision-making aimed at protecting and investing in Black lives.
B.15	Identify and propose the creation of new opportunities within public engagement activities for decision-makers to receive direct community input and to meaningfully consider and discuss what they've heard.	Comms	DEI	In progress	Metro continues to evolve and increase opportunities to engage with Metro decision makers through forums, engagement activities, committees, granting and more.
B.16	Create financially supported volunteer seats on advisory boards and committees for youth of color, community members, and community-based organization representatives.	Comms	DEI	In progress	Three advisory committees, including the CORE, the Regional Waste Advisory Committee, and the Parks and Nature Equity Advisory Committee provide stipends for volunteer seats for community members and community-based organization representatives.
B.17	Conduct user testing to inform improvements to the accessibility and usability of digital tools for communities of color to get involved. Invest in outreach and promotion strategies to raise awareness of individual opportunities and online tools.	Comms	HR	In progress	Metro video, brochures, recruitment, Ask Metro and other promotional materials used more robust input from communities of color. The web upgrade work will include user testing. Our Big Back Yard and other Parks content has been evaluated with an audience emphasis on younger people of color. WPES content has been assessed with an audience focus of communities of color. Communications is working to develop a more robust support system for translation and trans-creation, with a Spanish-language trans-creation contract in place. Outreach and promotional budgets for 2020 and 2021 have been reduced due to the public health crisis and related budget reductions.
B.18	Metro departments set aside resources for contracting and partnering with CBOs or community groups for engagement. Results are included in quarterly management reports.	Comms		In progress	This work is successful and growing, with CBO contracts for engagement happening in departments across the agency. Recent examples include contracts in WPES with Unite Oregon and Centro Cultural to support robust engagement around the potential transfer station developments. The Social Vulnerability Project, led by the Research Center and DEI, also stipends seven CBOs to participate in a community advisory group to define and map social vulnerability across the region.
C	Goal C - Metro hires, trains and promotes a racially diverse workforce				
C.1	Department leadership work with DEI program staff to determine how equity, diversity and inclusion can be addressed as part of work duties.	HR	DEI	Not started	Long-term plans include reviewing all classifications and potentially identifying agency-wide competencies that could be embedded into job descriptions and work duties. This work has been done on individual work teams and across some departments but is not yet done agency-wide.
C.2	Determine diversity, equity and inclusion criteria so that they can be clearly incorporated as part of the performance management review (PACe) for all staff.	HR	DEI	In progress	Revamping the performance management system is a critical goal that will not be addressed until FY 22. HR is purchasing the performance management module in Peoplesoft which will support improved system capability. HR also plans on gathering feedback from key stakeholders (like ERGs) in revising the performance management process. Some managers and work teams already incorporate equity criteria into their performance reviews but it is not yet widely adopted.
C.3	Adopt policy that Metro management positions must attend required DEI related trainings.	DEI		In progress	HR and DEI have developed a curriculum and training plan to build DEI competency as part of the required trainings for Metro managers and will be implementing this in 2021.
C.4	Reassess Metro values to ensure diversity, equity and inclusion are equally recognized as guiding principles.	Comms	DEI	On hold	Communications has led an update of Metro's mission, vision and values that integrates DEI values. Roll out of this work was put on pause due to COVID-19.

C.5	Incorporate equity discussions into all Metro advisory committees to ensure that these bodies uphold the same commitment to equity.	DEI	In progress	Metro piloted DEI trainings for our advisory committees in 2019, including JPACT and MPAC, but no further work has been done to systemize training opportunities for Metro advisory committees.	
C.6	Create opportunities for staff across the entire organizational structure to discuss how to improve the organizational equity structures at Metro.	DEI	Complete	DEI will convene the first meeting of the agency-wide equity advisory team made up of equity practitioners in April 2021. Employee Resource Groups, including the new Black ERG, also advise leadership on a variety of workplace and equity issues.	
C.7	Staff and management from every department are actively involved in the implementation of the strategic plan and DAP through a clear and representative process.	DEI	In progress	Staff and management primarily advance the Strategic Plan by implementing their department-level DEI plans. The Zoo, P&D, P&N, and PES completed their plans in 2018. OCC, Expo and P5 have started work on their plans, with OCC almost completing their plan, but this work was put on hold because of COVID. HR, the Research Center and Communications have begun work on their plans.	
C.8	Develop an internal and external communication strategy to convey Metro's leadership commitment to diversity, equity and inclusion.	DEI	In progress	Metro has developed an internal Communications plan, has hired additional communications capacity to support DEI efforts, and has begun implementing new communications strategies including the bi-weekly DEI Intersections newsletter which highlights DEI efforts across Metro. Work on an external communications strategy was paused due to COVID but Communications continues to highlight equity efforts and engagement opportunities externally through a variety of platforms. Communications also used Metro's social media platforms to share space with leaders of color from across the region as part of its #sharethemic series.	
C.9	Identify and propose new opportunities for staff across Metro to develop and deepen relationships in formal and informal settings	DEI	In progress	COVID has created barrier to staff engagement but also created unprecedented opportunities (and needs) for Metro-wide staff engagement. In the last year the COOs office held multiple town halls, information sessions and informal virtual gatherings to build relationships and community among staff. The ERGs also met frequently to support staff and build community.	
C.10	Provide mandatory tailored trainings for all staff on racial equity and how it can be applied in their specific job duties.				
C.11	Identify and propose new ways to increase accessibility of DEI trainings for venue staff and temporary/seasonal/part-time/graveyard staff.	DEI	In progress	COVID-19 forced DEI to temporarily suspend its training program in the Venues, though it is being restarted in the coming months. Lessons learned about virtual engagement and access will be brought forward to support accessibility to folks from all work-sites and job types.	
C.12	Identify and propose a variety of new learning methods and trainings to reach all regular status staff.	DEI	In progress	COVID-19 forced DEI to shift to on-line trainings and shift training topics like Trauma Informed Care practices which have been highly utilized across the agency. Lessons learned about virtual engagement and access will be brought forward to support accessibility to folks from all work-sites and job types.	
C.13	Diversify hiring committees by department including considering gender, age and cultural group. Include community members where appropriate.	HR	Ongoing	This is a best practice that is currently utilized in many departments, per the recommendation of HR and DEI, and is widely recommended by Recruiters.	
C.14	In conjunction with HR, provide mandatory unconscious bias training to hiring managers and hiring committees.				
C.15	Create agency-wide policies regarding intern diversity and compensation.	DEI	In progress	Work was started but put on pause due to COVID-19. Some departments, however, do recruit for, focus on, and support underrepresented youth through their internship programs.	
C.16	Further the job market preparation of interns by providing skill building opportunities.	DEI	In progress	Intern program mainly put on hold during pandemic. No additional work has been done at the agency-wide level to support managers in providing skill building opportunities to interns.	
C.17	Create plan to address space limitations for interns.	DEI	Complete	The process for re-envisioning the Metro Regional Center took into account space requirements for interns as well as all Metro staff and the reconfiguration of space (e.g. drop-in-desks) and new approaches to work more generally (e.g. remote working options) should support interns in finding spaces that best suite their needs.	
C.18	Hire additional HR recruitment staff to strengthen relationships with community-based organizations, increase recruitment efforts and improve First Opportunity Target Area (FOTA) hiring.				
C.19	Partner with and invest in local communities of color and CBOs to attract more diverse applicant pools.	HR	Ongoing	Human Resources maintains a list of diversity-focused organizations/CBOs to post job opportunities.	
C.20	Identify and propose ways to connect existing community leadership programs with career opportunities at Metro.	Comms	DEI	Ongoing	Metro's past agency-wide partnership program resulted in a number of youth of color and others getting employment at Metro. While COVID-19 impacted Metro's ability to hire for new positions, community relationships continued to connect community leaders with the few job opportunities available.
C.21	Review and adjust recruitment processes and the criteria for job descriptions using accessible language so that more value is placed on applicant's skills and abilities beyond the purely technical.	HR	DEI	Complete	Completed. This project may require a second phase that dives deeper into the distinctions necessary for developing minimum qualifications, and when lived experience is a consideration.
C.22	Expand hiring interview format options for increased cultural sensitivity (e.g. panel, 1-1).	HR	In progress	Recruitment team is developing an SOP to identify inclusive best practices to consider during the interview, hiring and selection processes.	

C.23	Identify and propose new opportunities for potential applicants to learn more about job positions.	HR		Not started	Due to the pandemic and significant layoffs agency-wide, this has been postponed.
C.24	Create a pilot employee resource group for staff of color. Explore possibility to expand this format to other employee communities.				A Black Employee ERG was established in 2020.
C.25	Create a pilot professional mentorship program to cultivate front-line staff of color for leadership positions.	HR		Not started	Developing a Mentorship programs could be very value-added but would require additional FTE capacity to create, implement and manage the program.Didcussions are underway to assess feasibility in years to come.
C.26	Develop a succession plan for all levels in organization.	DEI	HR	Not started	Developing a success planning strategy that includes a diversity-focus would require additional FTE capacity to create, implement and manage the program.
C.27	Identify and propose ways to increase pathways for Metro staff to gain skills for career advancement	HR		In progress	Human Resources is currently expanding its suite of training opportunities to improve access to professional development for staff across the agency.
C.28	Provide support and training for hiring managers to assess job requirements, create accessible job announcements and understand the value of diverse hiring	HR	DEI	Ongoing	The Recruitment team conducted a roadshow to showcase new recruitment policies. Additionally, Human Resources launched a Supervisors Essentials Program that includes a segment on recruitment. The second tier of the Supervisors Essentials Program will include a learning that dives deeper into inclusive recruitment strategies and the role of managers.
C.29	Communicate job announcements using culturally specific languages, channels and organizations (e.g. tribal newspapers and Russian radio stations).	HR	Comms	Ongoing	Job announcements were updated to include more inclusive language to attract a wider and more diverse audience.
D	Goal D - Metro creates safe and welcoming services, programs and destinations				
D.1	Communicate available language resources and translation tools to staff and the public.				
D.2	Provide increased access for youth of color to Metro venues, parks and programs.(Examples include providing culturally relevant art events for Title 1 schools at Portland'5, nature education for Title 1 schools at the Oregon Zoo, and access to natural areas and programs at Metro parks.)				
D.3	Identify and propose ways to increase community cultural events held at all Metro properties (e.g. Día de los Muertos).	DEI		In progress	Prior to COVID-19 the venues held a variety of cultural events and culturally-specific programming including AAPI heritage month, Black Violin and a diverse range of performers for the Music on Main series. The Expo center has also held culturally- and historically-relevant events.
D.4	Identify and propose new opportunities for communities of color to learn about Metro programs and services.	Comms	DEI	In progress	Work continues to happen at the department level, in particular within WPES, to improve workforce development opportunities for communities of color. Metro's many grant programs continue to strive to expand communication networks to reach more communities of color and the organizations that serve them. Parks and Nature also developed a trauma-informed regional approach to water safety, including working with culturally-specific CBOs to dsitribute life jackets in summer 2020 and will expand the program in 2021.
D.5	Use newly standardized demographic questions across the agency and establish methods for disaggregating results for agency-wide public engagement efforts.	Research Center		In progress	Standard demographic questions were developed in 2019 and are widely used. Standard methods for disaggregating community engagement results have not been developed but there is growing consensus about the importance of and need for a central repository of community engagement information.
D.6	Recognize the connection of Metro destinations to specific communities of color and visibly acknowledge how these connections are foundational to guiding Metro's work. (For example, many Metro parks and natural areas are significant for the local Native American community).	DEI	Comms	In progress	A variety of work has been done towards this action, including displays created through the OCC renovation, Parks and Nature's presentations on the historic context of water for the Black community, and the work historians have been doing to understand the land being considered for new transfer stations. Metro continues to formalize and invest in relationships with Indigenous community members and tribal governments.
D.7	Reassess the guidelines for availability and usage of Metro properties for community-based organizations, and create awareness of those guidelines among communities of color.	DEI		In progress	COVID-19 put this work on pause, but this will be part of the conversation as Metro properties begin re-opening later this year. The MRC remodel, too, opens up new opportunities for sharing space with community-based organizations.
D.8	Within 12 months of this plan's adoption, pilot the development of department-specific plans of action to advance equity within programs, services, plans and policies in the following four departments: Parks and Nature, Planning and Development, Property and Environmental Services and the Oregon Zoo.				
D.9	With the direct support of the DEI program, expand the pilot for developing a specific plan of action to advance equity within the programs, services, plans, and policies of each remaining department and venue within 12 months.	DEI		In progress	Racial equity planning was put on hold in the Venues, but work continues in HR and Communications.

D.10	Communicate program and service announcements using culturally specific language and channels (e.g. tribal newspapers and Russian radio stations).	DEI	Comms	In progress	It is not standard practice to translate formal notices into multiple languages, however, it is now standard to include an offer for translation in multiple languages with every formal notice. Outreach opportunities targeted to specific communities are always translated accordingly. Specific departments use culturally specific language and channels on a project specific basis. For example, the Ask Metro program has transcultural programming for Latinx, Russian and African American communities and communicated through culturally specific channels.
E	Goal E - Metro's resource allocation advances racial equity				
E.1	Develop and implement agency-wide equity criteria for grants, investments and sponsorships to increase impact and investment consistency	DEI		In progress	Work is happening among grant managers to standardize equity-criteria and utilize best practices to improve racial equity outcomes and improve accessibility. No staff member or department is formally coordinating this work, however.
E.2	Develop and implement a budget tool to assist in making resource allocation decisions, including discretionary budget allocation, investments, contracts, grants, and sponsorships using a racial equity lens.	DEI		In progress	The racial equity framework is intended to support budget and resource allocation processes and will be used in full for the FY 22/23 budget process.
E.3	Conduct user testing to improve access to and awareness of digital tools to communicate all financial opportunities at Metro to communities of color (e.g. a page on Metro's website, a weekly email message to interested parties).	Comms	FRS	In progress	Certain best practices are now standard at Metro to improve access to financial opportunities for COBID firms. This includes providing 1:1 office hours, sharing opportunities with minority contractor organizations and hosting open-houses.
E.4	Research and choose methods to identify the contracting needs for firms in the region. These preparations include the identification of financial resources and coordination with jurisdictional partners, the Metro Attorney and procurement office.	FRS	DEI	In progress	This work is on hold as a result of COVID-19. Budget cuts resulted in a lack of funding to hire consultants to continue this.
E.5	Continue to invest in the social equity contracting program that focuses on the removal of barriers and the creation of accessible contracting opportunities for vulnerable business communities.				
E.6	Create an equity tool to legally determine waivers for contract requirements, such as insurance.				
E.7	Involve the COBID contractors in the development of RFPs and grants to increase accessibility, as long as they do not bid.	FRS		In progress	This work is currently on hold due to COVID-19. Requires staff time and procurement team also had staff who were laid off. No resources to compensate contractors.
E.8	Create policy to support the inclusion of diversity, equity and inclusion metrics into contract proposal evaluation.				
E.9	Require project managers to attend procurement training on developing requests for proposals (RFPs).	FRS	DEI	In progress	Procurement is unable to mandate training on this topic. Training continues to be offered and individual requests for training are increasing over time.
E.10	If applicable, establish a process that requires an explanation as to why a COBID contractor was not utilized.	FRS	DEI	In progress	FRS currently does not have staff resources to follow up on this content. Recommendation is to eventually establish contract management positions at Metro to follow through with data collection for COBID firms.
E.11	Increase intentional outreach to communities and community-based organizations regarding contracting opportunities, working through business partners.	FRS	DEI	In progress	Currently, procurement staff offer monthly 1:1 office hours and training on working with Metro for COBID certified firms and to encourage non-certified firms to pursue certification with the State of Oregon. Have a limited budget to find consultants to support firms in writing better proposals.
E.12	Increase Metro staff participation in professional networking opportunities for communities of color	DEI		In progress	Beyond the ERGs no additional work has been done to create formal spaces or opportunities for professional networking opportunities.
E.13	Continue to invest in providing regular and geographically and culturally accessible trainings that assist companies to become certified as COBID and help COBID vendors apply for RFPs.				

**APPENDIX C. 2018 REGIONAL TRANSPORTATION PLAN FORMS A AND B FOR
PUBLIC ENGAGEMENT AND NONDISCRIMINATION CERTIFICATION**

Form A. Public engagement and non-discrimination certification checklist for projects submitted from adopted transportation system, subarea, topical, modal, and transit service plans or strategies

2018 Regional Transportation Plan call for projects

Background and purpose

Use of this checklist is intended to ensure project sponsors have offered an adequate opportunity for public engagement, including identifying and engaging historically marginalized communities, during development of local transportation system plans, subarea plans or strategies, topical plans or strategies (e.g., safety), modal plans or strategies (e.g., freight) and transit service plans.

Metro is required to comply with federal (US. Department of Transportation, Federal Highways Administration and Federal Transit Administration) and state (ODOT) guidance on public engagement and on Title VI of the Civil Rights Act and other civil rights requirements. Documentation of the local actions described below may be requested by regulators; if such a request is unable to be met, the Regional Transportation Plan itself may be found to be out of compliance, requiring regional corrective action.

Instructions

Applicants must complete this certification, comprising the plan development checklist (section A), summary of non-discriminatory engagement (section B) and certification statement (section C), for plans that include the projects submitted to Metro for inclusion in the 2018 Regional Transportation Plan. Section D allows for documentation of projects emerging from plans that not currently adopted, but anticipated to be ahead of the RTP adoption, by the jurisdiction.

One completed certification form (Form A) is required for the list of projects submitted by the jurisdiction, agency or special district for the 2018 Regional Transportation Plan. An additional, separate completed certification form (Form B) is required for projects recommended to be included in the 10-year investment strategy (implementation in the 2018-27 timeframe) and to seek state or federal funding.

Project sponsors should keep referenced records on file in case of a request for information. Records should be retained until the related local transportation system plan, subarea plan or strategy, modal

Use this form (Form A) to certify a list of projects with implementation after 2027.

See also **Form B, Public engagement and non-discrimination certification for projects submitted to the 10-year regional transportation investment strategy (2018-27 implementation)** for projects anticipated to be included in the 2018 RTP 10-year investment strategy (implementation in the 2018-27 timeframe) and to seek state or federal funding to be implemented are expected to:

- *if project development completed, have performed project level public engagement and analyzed potential inequitable impacts for people of color, people with limited English proficiency and people with low income compared to those for other residents*
- *if project development not completed, attest to the intent to perform project level public engagement and analyze potential inequitable impacts for people of color, people with limited English proficiency and people with low income compared to those for other residents.*

plan or strategy or transit service plan is superseded – or the submitted projects have been completed – plus six years. Retained records do not have to be submitted unless requested by Metro, state regulators or federal regulators.

For plans currently in development

This form may attest to local transportation system plans, subarea plans or strategies, topical plans or strategies, modal plans or strategies, and transit service plans currently in development – but are anticipated to be adopted prior to the adoption of the 2018 Regional Transportation Plan – that include projects submitted to Metro for inclusion in the 2018 RTP.

Attach a list of projects that have not emerged from a currently adopted (at the time of the call for projects) plan, showing the project number (assigned by the project submission system), name and cost. See page 4 of this form (Form A) for example formatting.

Forward questions regarding this checklist to the Civil Rights program manager, Clifford Higgins at clifford.higgins@oregonmetro.gov or 503-797-1932.

A. Checklist

- ☐ At the beginning of the agency's transportation system, topical modal, subarea or transit service plan, a public engagement plan was developed to encourage broad-based, early and continuing opportunity for public involvement.

Retained records: public engagement plan and/or procedures

- ☐ During the development of the agency's transportation system, topical, modal, subarea or transit service plan, a jurisdiction-wide demographic analysis was completed to understand the locations of communities of color, people with limited English proficiency, people with low income and, to the extent reasonably practicable, people with disabilities, older adults and youth in order to include them in engagement opportunities.

Retained records: summary of or maps illustrating jurisdiction-wide demographic analysis

- ☐ Throughout process, public notices were published and requests for input were sent in advance of the project start, engagement activity or input opportunity.

Retained records: dated copies of notices (may be included in retained public engagement reports)

- ☐ Throughout the process, public documents included a statement of non-discrimination (Metro can provide a sample).

Retained records: public documents, including meeting agendas and reports

- ☐ Throughout the process, timely and accessible forums for public input were provided.

Retained records: descriptions of opportunities for ongoing engagement, descriptions of opportunities for input at key milestones, public meeting records, online and community survey results (may be included in retained public engagement reports)

- ❑ Throughout the process, appropriate interested and affected groups were identified, and contact information was maintained, in order to share plan information; updates were provided for key decision points; and opportunities to engage and comment were provided.

Retained records: *list of interested and affected parties, dated copies of communications and notices sent, descriptions of efforts to engage the public, including strategies used to attract interest and obtain initial input, summary of key findings; for announcements sent by mail or email, documented number of persons/groups on mailing list (may be included in retained public engagement reports)*

- ❑ Throughout the process, focused efforts were made to engage historically marginalized populations, including people of color, people with limited English proficiency and people with low income, as well as people with disabilities, older adults and youth. Meetings or events were held in accessible locations with access to transit. Language assistance was provided, as needed, such as translation of key materials, use of a telephone language line service to respond to questions or take input in different languages, and interpretation at meetings or events.

Retained records: *description of focused engagement efforts, list of community organizations and/or community members representing diverse populations with whom coordination or consultation occurred, description of language assistance resources and how they were used, dated copies of communications and notices, copies of translated materials, summaries of key findings (may be included in retained public engagement reports)*

- ❑ Public comments were considered throughout the process, and comments received on the staff recommendation were compiled, summarized and responded to, as appropriate.

Retained records: *summary of comments, key findings and changes made to final staff recommendation or adopted plan to reflect public comments (may be included in retained public engagement reports or legislative staff reports)*

- ❑ Adequate notification was provided regarding final adoption of the plan, including how to obtain more detailed information, at least 15 days in advance of adoption. Notice included information on providing public testimony.

Retained records: *dated copies of the notices; for announcements sent by mail or email, documentation of number of persons/groups on mailing list (may be included in retained public engagement reports or legislative staff reports)*

B. Summary of non-discriminatory engagement

Attach a summary (1-2 pages) of the key elements of the public engagement process for development of local transportation system plans, subarea plans or strategies, modal plans or strategies or transit service plans, including outreach to people of color, people with limited English proficiency and people with low income.

C. Certification statement

_____ (agency) certifies the information provided on this checklist is accurate.

As attested by:

(agency manager signature)

(name and title)

(date)

D. Project documentation for projects not from currently adopted plan

Form A may attest to local transportation system plans, subarea plans or strategies, topical plans or strategies, modal plans or strategies and transit service plans currently in development – but are anticipated to be adopted prior to the adoption of the 2018 Regional Transportation Plan – that include projects submitted to Metro for inclusion in the 2018 RTP.

Attach a list of projects that have not emerged from a currently adopted (at the time of the call for projects) plan, showing the project number (assigned by the project submission system), name and cost. This will allow Metro to verify the adoption of and project inclusion in the local transportation system plan, subarea plan or strategy, topical plan or strategy, modal plan or strategy, or transit service plan ahead of the Regional Transportation Plan adoption.

RTP Project ID	Project name	Project cost

Form B. Public engagement and non-discrimination certification for projects submitted to the 10-year regional transportation investment strategy (2018-27 implementation)**2018 Regional Transportation Plan call for projects****Background and purpose**

Use of this checklist is intended to ensure sponsors of projects seeking inclusion in the 2018 RTP 10-year investment strategy (implementation in the 2018-27 timeframe):

- *if project development completed*, have performed project level public engagement, including identifying and engaging historically marginalized populations, and analyzed potential inequitable impacts for people of color, people with limited English proficiency and people with low incomes compared to those for other residents
- *if project development not completed*, attest to the intent to perform project level public engagement, including identifying and engaging historically marginalized populations, and analyze potential inequitable impacts for people of color, people with limited English proficiency and people with low income compared to those for other residents.

Use this form (Form B) to certify each project submitted for the 10-year investment strategy (2018-27 implementation).

See also **Form A, Public engagement and non-discrimination certification checklist for transportation system, subarea, topical, modal, and transit service plan or strategy development** for certification of projects not anticipated to be included in the 2018 RTP 10-year investment strategy (implementation in the 2018-27 timeframe) and to seek state or federal funding may be done through a certification of the related local transportation system, subarea, topical, modal or transit service plan or strategy.

Metro is required to comply with federal (USDOT, FTA and FHWA) and state (ODOT) guidance on public engagement and on Title VI of the Civil Rights Act and other civil rights requirements. Documentation of the local actions described below may be requested by regulators; if such a request is unable to be met, the Regional Transportation Plan itself may be found to be out of compliance, requiring regional corrective action.

The completed checklist will aid Metro in its review and evaluation of projects.

Instructions For projects submitted to Metro for consideration for the 2018 RTP 10-year investment strategy, applicants must complete this certification, comprising the project development checklist (section A), summary of non-discriminatory engagement (section B) and certification statement (section C).

Project sponsors should keep referenced records on file in case of a request for information. Records should be retained until the submitted projects have been completed or removed from the Regional Transportation Plan, plus six years. Retained records do not have to be submitted unless requested by Metro, state regulators or federal regulators.

Forward questions regarding this checklist to the Civil Rights program manager, Clifford Higgins at clifford.higgins@oregonmetro.gov or 503-797-1932.

A. Checklist

This part of the checklist is provided in past tense for projects that have completed project development. Parenthetical notes in future tense are provided for applicants that have not completed project development to attest to ongoing and future activities.

- ☐ At the beginning of project development, a public engagement plan was (shall be) developed to encourage broad-based, early and continuing opportunity for public involvement.

Retained records: public engagement plan and/or procedures

- ☐ During project development, a demographic analysis was (shall be) completed for the area potentially affected by the project to understand the locations of communities of color, people with limited English proficiency, people with low income and, to the extent reasonably practicable, people with disabilities, older adults and youth in order to include them in engagement opportunities.

Retained records: summary of or maps illustrating demographic analysis

- ☐ Throughout project development, public notices were (shall be) published and requests for input were (shall be) sent in advance of the project start, engagement activity or input opportunity.

Retained records: dated copies of notices (may be included in retained public engagement reports)

- ☐ Throughout project development, public documents included (shall include) a statement of non-discrimination (Metro can provide a sample).

Retained records: public documents, including meeting agendas and reports

- ☐ Throughout project development, timely and accessible forums for public input were (shall be) provided.

Retained records: descriptions of opportunities for ongoing engagement, descriptions of opportunities for input at key milestones, public meeting records, online or community survey results (may be included in retained public engagement reports)

- ☐ Throughout project development, appropriate interested and affected groups were (shall be) identified and contact information maintained in order to share project information, updates were (shall be) provided for key decision points, and opportunities to engage and comment were (shall be) provided.

Retained records: list of interested and affected parties, dated copies of communications and notices sent, descriptions of efforts to engage the public, including strategies used to attract interest and obtain initial input, summary of key findings; for announcements sent by mail or email, documented number of persons/groups on mailing list (may be included in retained public engagement reports)

- ❑ Throughout project development, focused efforts were made to engage historically marginalized populations, including people of color, people with limited English proficiency and people with low income, as well as people with disabilities, older adults and youth. Meetings or events were held in accessible locations with access to transit. Language assistance was provided, as needed, such as translation of key materials, use of a telephone language line service to respond to questions or take input in different languages, and interpretation at meetings or events.

Retained records: *description of focused engagement efforts, list of community organizations and/or community members representing diverse populations with whom coordination or consultation occurred, description of language assistance resources and how they were used, dated copies of communications and notices, copies of translated materials, summaries of key findings (may be included in retained public engagement reports)*

- ❑ Throughout – and with an analysis at the end of – project development, consideration was (shall be) given to potential inequitable impacts of the project for people of color, people with limited English proficiency and people with low income compared to those for other residents, as identified through engagement activities.

Retained records: *description of identified populations and information about and analysis of potential inequitable impacts of the project for them in relation to other residents (may be included in retained public engagement reports)*

- ❑ There was a finding of inequitable impact for people of color, people with limited English proficiency or people with low income compared to those for other residents.
Submitted records: for a finding of inequitable impact*, attach analysis, finding and documentation justifying the project and showing there is no less discriminatory alternative.

*This form uses the term “inequitable impact” to encompass FHWA guidance on disproportionately high and adverse human health or environmental effects and a “benefits and burdens” analysis (see [FHWA Order 6640.23A](#) and the [FHWA Environmental Justice Resource Guide](#)) as well as FTA guidance on disparate impacts on minority populations and disproportionate burdens on low-income populations (see [FTA Circular 4702.1B](#)).

- ❑ Public comments were (shall be) considered throughout project development, and comments received on the staff recommendation were (shall be) compiled, summarized and responded to, as appropriate.

Retained records: *summary of comments, key findings and changes made to final staff recommendation or adopted plan to reflect public comments (may be included in retained public engagement reports or legislative staff reports)*

- ❑ Adequate notification was (shall be) provided regarding final adoption of the plan, including how to obtain additional detailed information, at least 15 days in advance of adoption. Notice included (shall include) information on providing public testimony.

Retained records: dated copies of the notices; for announcements sent by mail or email, documentation of number of persons/groups on mailing list (may be included in retained public engagement reports or legislative staff reports)

B. Summary of non-discriminatory engagement

Attach a summary (1-2 pages) of the key elements of:

- if project development completed, the public engagement process for this project, including outreach to communities of color, people with limited English proficiency and people with low income
- if project development not completed, the public engagement plan for this project *or* agency public engagement practice, including outreach to communities of color, people with limited English proficiency and people with low income.

C. Certification statement

_____ (agency) certifies the information provided on this checklist is accurate.

As attested by:

(agency manager signature)

(name and title)

(date)

APPENDIX D. METRO TRANSPORTATION-RELATED ADVISORY COMMITTEES

Typically, Metro committees are made up of elected officials, technical staff from the three counties and dozens of cities inside Metro's boundaries, and subject matter experts. Most also have seats reserved for members of the community.

When appointments and confirmations to advisory committees do not require specific jurisdictional, geographical or expertise representation, recruitment efforts attempt to reflect the demographic profile of the region in committee membership.

The committees below have a role in Metro's transportation programs, policies and processes.

The Joint Policy Advisory Committee on Transportation (JPACT) makes recommendations to the Metro Council on transportation needs in the region. JPACT comprises 17 members that serve as elected officials or representatives of transportation agencies across the region.

The Metro Policy Advisory Committee (MPAC) advises the Metro Council on the amendment or adoption of the Regional Framework Plan. MPAC comprises 21 voting members representing cities, counties and special districts, three of which are held by residents directly representing the public. Three Metro Councilors also participate as non-voting liaisons.

The Bi-State Coordination Committee is a standing advisory committee on bi-state issues and makes recommendations to the Southwest Washington Regional Transportation Council, the Joint Policy Advisory Committee on Transportation and Metro. Membership includes six from Clark County and seven from the greater Portland region. Its principal charge is to sustain a regional dialogue, to share information and encourage collaboration.

The Transportation Policy Alternatives Committee (TPAC) provides technical input to the Joint Policy Advisory Committee on Transportation on transportation planning and funding priorities for the region. TPAC's 21 members consist of technical staff from the same governments and agencies as JPACT, plus a representative from the Southwest Washington Regional Transportation Council, and six community members appointed by the Metro Council. In addition, the Federal Highway Administration and C-TRAN have each appointed an associate non-voting member to the committee.

Metro Technical Advisory Committee (MTAC) is a 35-member committee of planners, citizens and business representatives that provides detailed technical support to the Metro Policy Advisory Committee. Three positions held by residents directly representing the public.

Public Engagement Review Committee (PERC) serves as a key component of Metro's efforts to develop successful public engagement processes. The committee includes at least three at-large community members, three staff or board members from local community organizations and public involvement staff members from Clackamas, Multnomah and Washington counties.

The Transit-Oriented Development Steering Committee provides expert guidance, review and recommendations on Metro's transit-oriented development investment activities. The committee's mission is to create vibrant downtowns and main streets through public and private partnerships, investments and incentives for key development projects located near transit, and provide support for other alternative forms of transportation, such as walking and biking.

APPENDIX E. DOT STANDARD TILE VI ASSURANCES

The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination

Assurances

DOT Order No. 1050.2A

The (***Title of Recipient***) (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through (***Title of Modal Operating Administration***), is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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

General Assurances

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

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

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

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted (***Name of Appropriate Program***):

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard

to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all (***Name of Appropriate Program***) and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The (***Title of Recipient***), in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

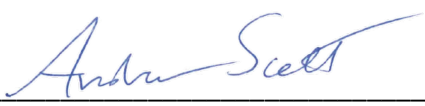
- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The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

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

[**Name of Recipient**] gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the (**Name of Appropriate Program**). This ASSURANCE is binding on [**insert State**], other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the (**Name of Appropriate Program**). The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Metro

(**Name of Recipient**)

by _____
(**Signature of Authorized Official**)

DATED 12/30/2022

APPENDIX A

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

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

unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the **(Title of Modal Operating Administration)** may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the **(Title of Recipient)** will accept title to the lands and maintain the project constructed thereon in accordance with **(Name of Appropriate Legislative Authority)**, the Regulations for the Administration of **(Name of Appropriate Program)**, and the policies and procedures prescribed by the **(Title of Modal Operating Administration)** of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the **(Title of Recipient)** all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto **(Title of Recipient)** and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the **(Title of Recipient)**, its successors and assigns.

The **(Title of Recipient)**, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the **(Title of Recipient)** will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the (***Title of Recipient***) pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, (***Title of Recipient***) will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the (***Title of Recipient***) will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the (***Title of Recipient***) and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by **(Title of Recipient)** pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, **(Title of Recipient)** will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, **(Title of Recipient)** will there upon revert to and vest in and become the absolute property of **(Title of Recipient)** and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX E

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

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

If you picnic at Blue Lake or take your kids to the Oregon Zoo, enjoy symphonies at the Schnitz or auto shows at the convention center, put out your trash or drive your car – we’ve already crossed paths.

So, hello. We’re Metro – nice to meet you.

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December 28, 2022