



## *2013 Title VI Program*

**Compliance with Federal Requirements under 49 CFR Part 21  
and 23 CFR Part 200**

Strafford Regional Planning Commission  
150 Wakefield Street ~ Suite 12  
Rochester, NH 03867

**Adopted: May 17, 2013**

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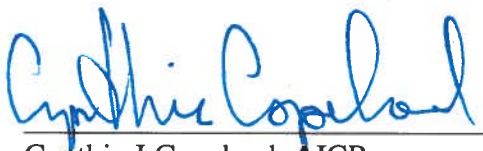
Public Comments received

## **Mission Statement**

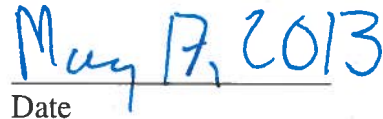
Our mission is to implement compliance with Title VI of the Civil Rights Act of 1964 to ensure that no person is excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation. We will provide leadership and guidance to promote and engage the participation of all people regardless of race, color, national origin, sex, age disability and socioeconomic status.

## Policy Statement

It is the policy of the Strafford Regional Planning Commission to carry out Title VI of the Civil Rights Act of 1964, as amended, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all Federal programs and activities. Pursuant to this obligation, no person shall, on the grounds of race, color, national origin, sex, age, disability, or income status be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in any program or activity carried out by the Strafford Regional Planning Commission. Strafford Regional Planning Commission further assures that every effort will be made to ensure nondiscrimination in all of its programs and operations, regardless of funding source. <sup>i</sup>



Cynthia J Copeland, AICP  
Executive Director



Date

## Authorities

Title VI of the Civil Rights Act of 1964  
23 CFR 200  
49 CFR 21  
The Civil Rights Restoration Act of 1987  
Public Law 100-259 ([S. 557] March 22, 1988).

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<sup>i</sup> NH DOT Draft Title VI Plan

## **Introduction**

**Title VI of the 1964 Civil Rights Act** provides that no person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (refer to 23 Code of Federal Regulations (CFR) 200.9 and 49 CFR Part 21).

The Strafford Regional Planning Commission is the designated Metropolitan Planning Organization for the Strafford Region, which includes eighteen municipalities as shown in Figure 1, and conducts a continuing, cooperative and comprehensive urban transportation planning process. In doing so, the Strafford Regional Planning Commission is the forum for cooperative transportation in the region.

The Metropolitan Planning Organization is a regional transportation planning program created in 1982 through federal legislation. This organization exists in order for the region to receive federal highway and transit funds. Metropolitan Planning Organizations are required in all Census-designated “urbanized areas” with a total population of 50,000 or more per current federal regulation.

The Metropolitan Planning Organization is responsible for regional transportation planning for the region. The Metropolitan Planning Organization is comprised of the Policy Committee, the Technical Advisory Committee and the Executive Committee. Each of the eighteen municipalities is a member of the Metropolitan Planning Organization through their association with the Strafford Regional Planning Commission.

The Technical Advisory Committee is comprised of municipal representatives, transit providers and state agencies. They provide local expertise to Metropolitan Planning Organization staff and make recommendations to the Metropolitan Planning Organization Policy Committee.

The Policy Committee is composed of all Strafford Regional Planning Commission Commissioners, transportation and transit providers and state agencies. The Executive Committee is comprised of the Strafford Regional Planning Commission officers and four other Commissioners elected by the Commissioners at their Annual Meeting. The Executive Committee is responsible for facilitating the administration of the Metropolitan Planning Organization, ensuring that policy and planning recommendations are brought before the Policy Committee and that the decisions of the Policy Committee are implemented.

The Metropolitan Planning Organization develops five key products: a Metropolitan Transportation Plan (the document that identifies transportation policies for the region), a Transportation Improvement Program (the list of projects to be implemented), Air

Conformity Analysis and Determination document, Public Participation Plan and a Unified Planning Work Program (the two year work plan and budget of the organization).

As stated in the Strafford Metropolitan Planning Organization 2011-2035 Transportation Plan, the Strafford Metropolitan Planning Organization encourages the public to participate in the transportation planning process through a variety of public participation techniques. The role of the Metropolitan Planning Organization is to provide information to the public and to facilitate active participation in the transportation decision-making process. Through discussions with the public, planners can get a better sense of the ideal location for a transportation project or where the public would like to see public transportation, bike shoulders, and sidewalks.

Per CFR 450 Part 322 (c), “There must be adequate opportunity for public official (including elected officials) and citizen involvement in the development of the transportation plan before it is approved by the MPO, in accordance with the requirements of §450.316(b)(1). Such procedures shall include opportunities for interested parties (including citizens, affected public agencies, representatives of transportation agency employees, and private providers of transportation) to be involved in the early stages of the plan development/update process. The procedures shall include publication of the proposed plan or other methods to make it readily available for public review and comment and, in nonattainment TMAs, an opportunity for at least one formal public meeting annually to review planning assumptions and the plan development process with interested parties and the general public. The procedures also shall include publication of the approved plan or other methods to make it readily available for information purposes.”

The awareness and involvement of interested persons in governmental processes are integral to successful transportation planning. The Public Participation Plan of the Metropolitan Planning Organization sets forth specific measures to heighten citizen education and responsiveness. Public involvement helps avoid, minimize, and mitigate project impacts by allowing the Metropolitan Planning Organization to identify issues while providing the best engineering solutions.

This mutual understanding can only be achieved through early, frequent and continued communication. When the public is engaged in the process, their insight helps assure projects suit community needs. This Plan identifies the methods the Metropolitan Planning Organization currently uses and will implement in the future to optimize public participation in developing transportation projects

## Regional Public Participation Goal and Objectives

### Goal

Provide information to the public to allow active participation in the transportation decision-making process.

### Objectives:

- Develop and implement an outreach program to educate members of the public about transportation, land use and air quality issues and their interrelationships; and about the transportation planning process and how they can be involved in it.
- Solicit the participation of local officials, community groups, and individual citizens in the transportation planning process.
- Reach out to under-represented persons and groups, including low-income, minority populations and Limited English Proficiency groups through local Limited English Proficiency community leaders to ensure that decisions are made with their input take into consideration.
- Inform the general public of the federally funded transportation projects for each fiscal year.
- Provide notice to the public that the Strafford Regional Planning Commission operates its programs or conducts its planning activities subject to the nondiscrimination requirement under Title VI and that members of the public can request additional information regarding the obligations of the Planning Commission
- Continually identify and implement ways to improve its public input process.
- Ensure no person is denied access to or participation in MPO programs
- Avoid disproportionate high and adverse impacts on communities
- Improve the public involvement process
- Involve the public by providing opportunities early and often in the transportation planning and decision making process
- Document public involvement process, comments and responses

## Public Participation Procedures/Strategies

A variety of public notification and participation procedures will be used to encourage the early and continuous involvement of citizens, jurisdictions, communities and other interests in the planning process.

To better involve underserved populations, the Strafford Regional Planning Commission will employ the following measures and strategies:

- Select meeting sites and times that are easily accessible, such as the Rochester Community Center
- Collect demographic information on public participants, as notated in our 2011 Comprehensive Economic Development Strategy document
- Maintain a demographic profile of the planning area using the most current and appropriate statistical information available on race, income and other pertinent data
- Regularly evaluate the effectiveness of all communications and public involvement efforts
- Maintain the Title VI complaint procedure available to the public on the Strafford MPO website
- Maintain records of complaints received and any materials related to the investigation, final determination and corrective actions
- Solicit and consider input from all groups and citizens concerned with, interested in, and/or affected by the Strafford Regional Planning Commission transportation plans or programs, through the use of public meetings and hearings and the use of “listening boxes” to retrieve public input
- As many residents in our region rely on their local and secondary newspapers for notification of community events, placing a public notice along with an event description can encourage residents to attend events. Combining this with an article highlighting any particular significant issues also helps communicate the project’s specific importance to these individuals and the region.
- Continue to maintain and update distribution lists which contain organizations, leaders that are engaged in issues affecting Title VI protected populations.
- Post public notices in locations or publications that serve the public such as public libraries, college campuses or employment training sites.
- Piggyback on other related events in the region, to provide information



## Examples of Current Public Involvement Strategies

<i>Planning Activity</i>	<i>Description</i>	<i>Public Involvement Tools</i>
Strafford Regional Planning Commission Transportation Improvement Program and amendments	The Transportation Improvement Program identifies transportation projects that are programmed to receive funding and lists federally funded and local projects.	<ul style="list-style-type: none"> <li>• 30 day public comment period</li> <li>• Public hearing at Policy Committee meeting</li> <li>• Approval by the Strafford MPO</li> <li>• Web notice</li> <li>• Notice in local newspaper</li> <li>• Document components of comments and process</li> </ul>
Strafford Metropolitan Planning Organization Public Participation Plan	The Public Participation Plan is the SMPOs official policy on involving the public in the transportation planning process.	<ul style="list-style-type: none"> <li>• 45 day public comment period</li> <li>• Sent to libraries in area</li> <li>• Public hearing at Policy Committee</li> <li>• Approval by the Strafford MPO</li> <li>• Web notice</li> <li>• Notice in local newspaper</li> <li>• Document components of comments and process</li> </ul>
Unified Planning Work Program (UPWP)	A document that incorporates all transportation planning and supporting comprehensive planning activities for two year period	<ul style="list-style-type: none"> <li>• 30 day public comment period</li> <li>• Public hearing at Policy Committee meeting</li> <li>• Approval by Policy Committee</li> <li>• Web notice</li> <li>• Notice in local newspaper</li> <li>• Sent to local libraries</li> <li>• Document components of comments and process</li> </ul>

## Sub-Recipient Title VI Compliance Responsibilities

The Strafford Regional Planning Commission shall comply with the following reporting requirements:<sup>i</sup>

- **Provide an Annual Title VI Certification and Assurance**  
The Strafford Regional Planning Commission shall submit an annual Title VI assurance and certification to NHDOT and is included in this document as Appendix A.
- **Develop Title VI Complaint Procedures**  
The Strafford Regional Planning Commission has developed procedures for investigation and tracking Title VI complaints that may be filed against the Planning Commission and making these procedures available to the public upon request. A copy of the Planning Commissions Title VI Complaint and Investigation Procedures is included in this document.
- **Record Title VI Investigations, complaints and lawsuits**  
The Strafford Regional Planning Commission shall prepare and maintain a list of any active investigations conducted by other entities other than the FTA, lawsuits or complaints naming the Strafford Regional Planning Commission alleging discrimination on the basis of race, color or national origin.

The Strafford Regional Planning Commission form for recording this information is also included in this document. The list shall comprise of all the records of active investigations, lawsuits and complaints. During the process, the Title VI Coordinator shall update the record form as necessary. Once there is a resolution and closure of an investigation, lawsuit or complaint, the Title VI Coordinator shall record such information on the form.

There are no Title VI complaints, investigations or lawsuits that have been filed against the Strafford Regional Planning Commission.

- **Identify and provide meaningful access to Persons with Limited English Proficiency (LEP)**  
The Strafford Regional Planning Commission will take steps to ensure meaningful access to information for individuals who are Limited English Proficient (LEP) by the following:

*Identifying the number of proportion of LEP persons eligible to be served or likely to be encountered by a program, activity or service of the sub-recipient.* Table 1 includes a comprehensive data table from the 2009-2011 American Census Survey regarding populations with Limited English Proficiency in the Strafford Regional Planning Commission region. This table summarizes the most common languages spoken at home in the region.

*Determine the frequency with which LEP individuals come in contact with the program.*

The following include the primary means of contact LEP individuals may come in contact with the Strafford Regional Planning Commission:

1. The website
  2. Public meetings or hearings
  3. Telephonically
  4. In-office visit
  5. Strafford Regional Planning Commission printed material
  6. Newspaper notices
  7. Public notices at local libraries
  8. Educational opportunities at communities
  9. FaceBook/Twitter/Blog
- **Notify beneficiaries of protection under Title VI**  
The Strafford Regional Planning Commission has established methods for notification to the public regarding its Title VI obligations, how to get more information regarding the Planning Commission's non-discrimination obligations and procedures for filing a discrimination complaint. The public notice is included in in this document. The public notice shall be posted on the Planning Commission's website and office.
  - **Provide additional Information upon request**  
The Strafford Regional Planning Commission will provide information should it be necessary to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI.
  - **Promote Inclusive public participation**  
These strategies include but are not limited to:
    - Participation in COAST Board of Directors meetings
    - Participation in Alliance for Community Transportation (ACT) meetings
    - Public hearings
    - Participation with COASTs biennial rider surveys
    - Public outreach meetings and information sessions
    - Meetings with municipal staff and education presentations to communities
    - Active community participation with our Technical Advisory Committee and Policy Committee
  - **Prepare and submit a Title VI Program**  
This document and attached appendices are intended to comprise the Planning Commission's Title VI Program submittal.

- **Annual Goals and Accomplishments Report and Implementation Plan**  
The Title VI Coordinator shall prepare the Strafford Regional Planning Commission Annual Title VI Goals and Accomplishments Report. The annual report will list major accomplishments and events, and will include an Implementation Plan that will outline the goals for the coming year.

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<sup>i</sup> Federal Transit Administration Title VI Circular 4702.1B

## Strafford Regional Planning Commission/MPO Members – As of April 1, 2013

### Executive Committee

Brian Tapscott, Chairman	Representing Somersworth
Victoria Parmele, Vice-Chairman	Representing Northwood
C. Thomas Crosby, Secretary-Treasurer	Representing Madbury
Sandra Keans, Member	Representing Rochester
Kenn Ortmann, Member	Representing Rochester
William Connor, Member	Representing Somersworth
Robert Jaffin, Member	Representing Rochester
Edmund Jansen, Jr., Alternate	Representing Rollinsford

### Commissioners/Policy Committee

Anthony Gaudiello	Representing Barrington
Edward Comeau	Representing Brookfield
Tom Clark, Marcia Gasses, Anthony McManus, Joshua Cote	Representing Dover
Wayne Burton, Brandon Anderson	Representing Durham
Scott Kemp, Caren Rossi	Representing Lee
Tom Crosby, Janet Wall	Representing Madbury
Lou Vita, Carol Vita	Representing Middleton
Dot Veisel	Representing New Durham
Scott Martin, Victoria Parmele	Representing Northwood
Dirk Grotenhuis	Representing Nottingham
Robert Jaffin, Sandra Keans, Kenn Ortmann, Leah Stevens	Representing Rochester
Edmund Jansen, Jr. Patrick Carroll	Representing Rollinsford
Brian Tapscott, William Connor, Paul Robidas	Representing Somersworth
Donald Coker	Representing Strafford
George Maglaras	Representing Strafford County Commissioners
Rad Nichols, Jeremy LaRose	Representing COAST Transit
Paul Lockwood, Felice Janelle	Representing NH DES-ARD
Nicholas Alexander, William Watson, Glenn Davison, Karla Kemp	Representing NH DOT
Stephen Pesci, Dirk Timmons, Beverly Cray	Representing UNH
Leigh Levine	Representing FHWA
Steven Ireland, Kevin Russell	Representing NHDOT-District 6
Tom Reinaur	Representing Southern Maine Regional Planning Commission
Cliff Sinnott	Representing Rockingham Planning Commission

## Strafford Regional Planning Commission/MPO Members (cont.):

### Technical Advisory Committee

Marcia Gasses	Representing Barrington
Ed Comeau	Representing Brookfield
Christopher Parker	Representing Dover
April Talon	Representing Durham
Caren Rossi, Julie Glover	Representing Lee
Wallace Dunham, Vice-Chairman	Representing Madbury
Jon Hotchkiss, Chairman	Representing Middleton
Don Vachon	Representing New Durham
Diane Hardy, Stephen Fournier	Representing Newmarket
Victoria Parmele	Representing Northwood
Patrick Carroll	Representing Rollinsford
David Sharples	Representing Somersworth
Rad Nichols, Jeremy LaRose	Representing COAST Transit
Paul Lockwood, Felice Janelle	Representing NHDES-ARD
Nicholas Alexander, William Watson, Glenn Davison, Karla Kemp	Representing NHDOT
Stephen Pesci, Dirk Timmons, Beverly Cray	Representing UNH
Leigh Levine	Representing FHWA
Steven Ireland, Kevin Russell	Representing NHDOT-District 6
Tom Reinaur	Representing Southern Maine Regional Planning Commission
Cliff Sinnott	Representing Rockingham Planning Commission

### SRPC Staff

Cynthia Copeland, AICP	Executive Director
Tammy Butt, MBA	Finance Manager
Dan Camara	Senior GIS/Transportation Analyst
Marilyn Barton, PHR	Human Resources Specialist/Event Coordinator
Marc Ambrosi	Transportation Planner
Michelle Auen	Regional Planner
Gregory Jones	Regional Planner
Kyle Pimental	Regional Planner
Matthew Sullivan	Regional Planner

## **Strafford Regional Planning Commission**

### **Title VI Notice to Public<sup>1</sup>**

The Strafford Regional Planning Commission hereby gives public notice of its policy to uphold and assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI and related statutes require that no person in the United States of America shall, on the grounds of race, color, national origin, or sex be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program receiving Federal assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice regarding the Strafford Regional Planning Commission transportation programs has a right to file a formal complaint with the Planning Commission. Any such complaint must be in writing and submitted to the SMPO Title VI Coordinator within one hundred eighty (180) days following the date of the alleged occurrence. For more information regarding civil rights complaints, please contact:

**Title VI Coordinator  
Strafford Regional Planning Commission  
150 Wakefield Street ~ Suite 12  
Rochester, NH 03867**

**(603) 994-3500**

**TDD/TTY Access: (800) 735-2964**

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<sup>1</sup> NH DOT Draft Title VI Plan

## **Title VI Complaint and Investigation Procedures**

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, for alleged discrimination in any program or activity administered by The Strafford Regional Planning Commission (SRPC).

These procedures do not deny the right of the complainant to file formal complaints with other State or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the NH DOT may be utilized for resolution. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited under Title VI and related statutes may file a written complaint to the following address:

**Title VI Coordinator  
Strafford Regional Planning Commission  
150 Wakefield Street ~ Suite 12  
Rochester, NH 03867  
Phone: (603) 994-3500  
TTY Access: (800) 735-2964**

The following measures will be taken to resolve Title VI complaints:

- 1.) A formal complaint must be filed within 180 days of the alleged occurrence. Complaints shall be in writing and signed by the individual or his/her representative, and will include the complainant's name, address and telephone number; name of alleged discriminating official, basis of complaint (race, color, national origin, sex, disability, age, income status), and the date of alleged act(s). A statement detailing the facts and circumstances of the alleged discrimination must accompany all complaints.
- 2.) In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the SRPC Title VI Coordinator. Under these circumstances, the complainant will be interviewed, and the SRPC Title VI Coordinator will assist the Complainant in converting the verbal allegations to writing.
- 3.) SRPC will investigate complaints filed with the Department against contractors, consultants, or other sub-recipients. Complaints filed



directly with the SRPC against the SRPC shall be forwarded to the appropriate NH DOT agency for investigation.

- 4.) When a complaint is received, the Title VI Coordinator will provide written acknowledgment to the Complainant, within ten (10) days by registered mail. At the same time, the complaint will be forwarded to the State of New Hampshire Attorney General's Office and to the appropriate NH DOT agency.
- 5.) If a complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided sixty (60) business days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.
- 6.) Within fifteen (15) business days from receipt of a complete complaint, the SRPC will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) days of this decision, the Executive Director or his/her authorized designee will notify the Complainant and Respondent, by registered mail, informing them of the disposition.
  - a. If the decision is not to investigate the complaint, the notification shall specifically state the reason for the decision.
  - b. If the complaint is to be investigated, the notification shall state the grounds of the SRPC's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
- 7.) When the SRPC does not have sufficient jurisdiction, the Executive Director or his/her authorized designee will refer the complaint to the appropriate State or NH DOT agency holding such jurisdiction.
- 8.) If the complaint has investigative merit, the Executive Director or his/her authorized designee will assign an investigator. A complete investigation will be conducted, and an investigative report will be submitted to the Executive Director within sixty (60) days from receipt of the complaint. A copy of the investigative report shall be forwarded to the respective NH DOT agency within the same time period. The report will include a narrative description of the incident, summaries of all persons interviewed, and a finding with recommendations and conciliatory measures where appropriate. If the investigation is delayed for any reason, the investigator will notify the appropriate authorities, and an extension will be requested.

9.) The Executive Director or his/her authorized designee will issue letters of finding to the Complainant and Respondent within ninety (90) days from receipt of the complaint.

10.) If the Complainant is dissatisfied with the SRPC's resolution of the complaint, he/she has the right to file a complaint with the:

**Departmental Office of Civil Rights  
U.S. Department of Transportation  
400 7th Street, S.W., Room #10215, S-30  
Washington D.C. 20590**

**(202) 366-4648**

**(202) 366-5992**

**TTY Access: (202) 366-9696**

**DC Relay: (202) 855-1000**

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<sup>i</sup> NH DOT Draft Title VI Plan

## SMPO Title VI Complaint Form

Note: We are asking for the following information to assist in processing your complaint. If you need help in completing this form, please let us know.

**Complainant's Information:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip Code: \_\_\_\_\_  
Telephone Number (Home): \_\_\_\_\_  
Telephone Number (Work): \_\_\_\_\_

**Person Discriminated Against** (if someone other than complainant):

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip Code: \_\_\_\_\_  
Telephone Number (Home): \_\_\_\_\_  
Telephone Number (Work): \_\_\_\_\_

**Which of the following best describes the reason you believe the discrimination took place?**

Race/Color (specify): \_\_\_\_\_  
National Origin (specify): \_\_\_\_\_  
Sex: \_\_\_\_\_

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

**Describe the alleged discrimination. Explain what happened and who you believe was responsible** (if additional space is needed, add a sheet of paper).

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**List names and contact information of persons who may have knowledge of the alleged discrimination.**

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**Have you filed this complaint with any other federal, state, or local agency, or with any federal or state court?** Check all that apply.

Federal agency \_\_\_\_\_ State agency \_\_\_\_\_ Local agency \_\_\_\_\_  
Federal court \_\_\_\_\_ State court \_\_\_\_\_

**Please provide information about a contact person at the agency/court where the complaint was filed.**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip Code: \_\_\_\_\_  
Telephone Number (Work): \_\_\_\_\_

**Please sign below. You may attach any written material or other information that you think is relevant to your complaint.**

\_\_\_\_\_ Date \_\_\_\_\_  
Complainant Signature

Attachments: Yes \_\_\_\_\_ No \_\_\_\_\_

**Submit form and any additional information to:**

Cynthia Copeland, Executive Director  
Strafford Regional Planning Commission  
150 Wakefield Street, Suite 12  
Rochester, NH 03867  
Phone: (603) 994-3500  
Fax: (603) 994-3500  
Email: [srpc@strafford.org](mailto:srpc@strafford.org)  
[www.strafford.org](http://www.strafford.org)

**Strafford Regional Planning Commission  
Record of Title VI Investigations, Complaints and Lawsuits**

<b>Date of Complaint</b>	<b>Assigned Investigator</b>	<b>Nature of Complaint</b>	<b>Status</b>	<b>Actions/Resolution</b>

## 2013 Title VI Goals and Accomplishment Report<sup>1</sup>

**DATE:** XXXXX, XX, XXXX

**At (Office):** XXXXXXXXXXXX

**FROM:** XXXXXXXXXXXXXXX

**SUBJECT:** 2013 Title VI Goals and Accomplishments Report

**TO:** NH DOT Title VI Coordinator

The first portion of this report will outline progress toward the goals and objectives set forth in the Implementation Plan portion of the Department's Goals and Accomplishments Report. The progress made with respect to each goal should be addressed in detail and should include any compliance protocols implemented, internal or external reviews conducted, enforcement measures taken, and other actions taken to prevent or minimize adverse program or activity impacts.

In the second portion of this report, provide the status of any remaining tasks required to complete the goals and objectives outlined in the Implementation Plan. Include a timeline for the delivery of remaining items required to fulfill each goal.

**Cc:**

**Encls:** Attach any documentation of efforts to comply with Title VI, i.e. meeting minutes, compliance procedures.

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<sup>1</sup> NH DOT Draft Title VI Plan

## Glossary

<b>Adverse Impact</b>	The totality of significant individual or cumulative effects.
<b>ADA</b>	Americans with Disabilities Act
<b>Applicant</b>	Any public entity or organization that submits an application for federal financial assistance.
<b>Compliance</b>	The condition in which all requirements of Title VI of the Civil Rights Act of 1964, related statutes, and implementing regulations have been met.
<b>Executive Committee</b>	The EC is responsible for facilitating the administration of the SMPO, ensuring that policy and planning recommendations are Brought before the Policy Committee and that the decisions of Policy Committee is implemented.
<b>Environmental Justice</b>	Environmental Justice relates to public policy efforts to ensure That adverse human health or environmental effects of governmental activities do not fall disproportionately upon minority or low-income populations.
<b>LEP Person</b>	A person, whose primary language is other than English, and who speaks, reads, or writes English less than well.
<b>MPO</b>	The Metropolitan Planning Organization is a regional transportation planning program created in 1982 through federal legislation. The MPO is responsible for regional transportation planning for the region and is comprised of the Policy Committee and the Technical Advisory Committee
<b>Minority</b>	Any person or group of the following ethnic or racial background: Black, Hispanic, Native American, Asian, or Asian Pacific.
<b>Noncompliance</b>	A failure to meet the requirements of Title VI, related statutes, and implementing regulations or failure to implement an approved Title VI program.

<b>MPO Policy Committee</b>	The Policy Committee is comprised of all SRPC Commissioners, transportation and transit providers and agencies in the state and region.
<b>Sub-recipient</b>	Any entity that, through agreement, receives Federal financial assistance through a recipient.
<b>Title VI Program</b>	The system of requirements, procedures, actions and sanctions adopted by applicants, recipients, and sub-recipients which are deemed necessary and appropriate to comply with Title VI of the Civil Rights Act of 1964 and related statutes.
<b>Technical Advisory Committee</b>	The TAC is comprised of municipal representatives, transit providers and state agencies.
<b>Traditionally Underserved People</b>	This term denotes ethnic and minority groups, and low-income households where their culture and income levels have traditionally impeded their access to the public participation process.



## Appendix A

During the performance of this contract, the Strafford Regional Planning Commission, for itself, its assignees and successors in interest (hereinafter referred to as the "sub-recipient") agrees as follows:

**(1) Compliance with Regulations:** The sub-recipient shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

**(2) Nondiscrimination:** The sub-recipient, with regard to work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The sub-recipient shall not participate directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

**(3) Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by sub-recipient of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color or national origin.

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

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

(a) withholding of payments to the contractor under the contract until the

contractor complies, and/or

(b) cancellation, termination or suspension of the contract, in whole or in part.

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

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

**Table 1**

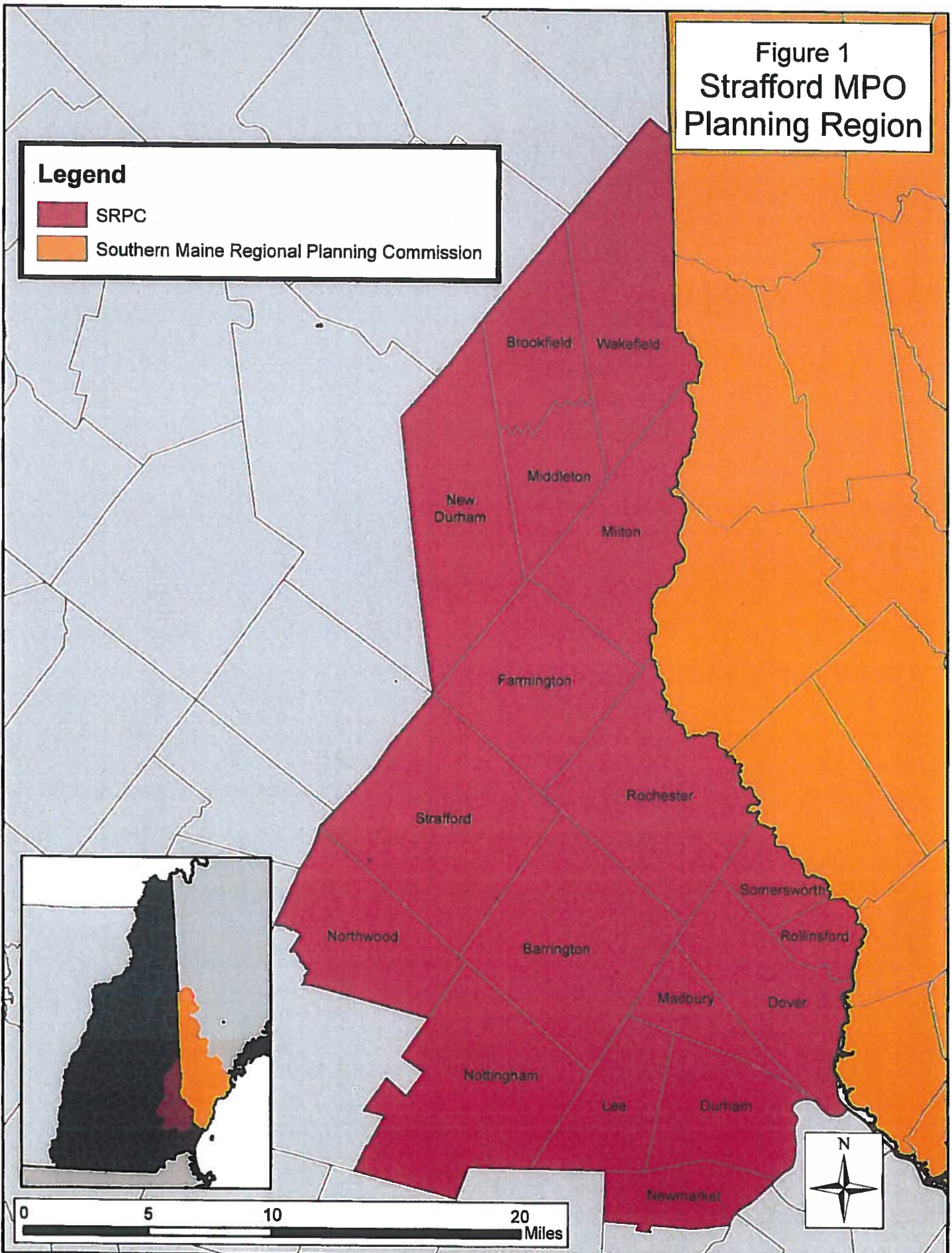
<b>Languages Spoken at Home in the Strafford Metropolitan Planning Organization Area</b>		
<b>Total Population 5 yrs &amp; Over</b>	<b>SRPC Region Total</b>	<b>Region Percent</b>
Total:	138,204	100%
Speak only English	129,214	93.50%
French (incl. Patois, Cajun):	2,493	1.80%
Spanish or Spanish Creole:	1,947	1.41%
Other Pacific Island languages:	855	0.62%
Chinese:	528	0.38%
German:	338	0.24%
Italian:	270	0.20%
Laotian:	236	0.17%
Greek:	220	0.16%
Other Indic languages:	208	0.15%
Other Asian languages:	181	0.13%
Vietnamese:	177	0.13%
Tagalog:	159	0.12%
Russian:	150	0.11%
Hindi:	143	0.10%
Other West Germanic languages:	117	0.08%
Arabic:	113	0.08%
Polish:	111	0.08%
Portuguese or Portuguese Creole:	102	0.07%
African languages:	87	0.06%
Mon-Khmer, Cambodian:	82	0.06%
Serbo-Croatian:	74	0.05%
Gujarati:	68	0.05%
Korean:	54	0.04%
Scandinavian languages:	41	0.03%
Japanese:	41	0.03%
Hungarian:	40	0.03%
Hebrew:	39	0.03%
Other and unspecified languages:	33	0.02%
Other Indo-European languages:	27	0.02%
Thai:	22	0.02%
Other Slavic languages:	17	0.01%
Other Native North American languages:	9	0.01%
Armenian:	4	0.00%
Persian:	4	0.00%

Source: U.S. Census Bureau, 2009-2011 American Community Survey

Figure 1  
Strafford MPO  
Planning Region

**Legend**

- SRPC
- Southern Maine Regional Planning Commission



## FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

### FEDERAL FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES FOR FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS

(Signature page alternative to providing Certifications and Assurances in TEAM-Web)

Name of Applicant: Stratford Regional Planning Commission

The Applicant agrees to comply with applicable provisions of Groups 01 – 24. \_\_\_\_\_

OR

The Applicant agrees to comply with applicable provisions of the Groups it has selected:

<u>Group</u>	<u>Description</u>	
01.	Required Certifications and Assurances for Each Applicant.	<u>X</u>
02.	Lobbying.	_____
03.	Private Sector Protections.	_____
04.	Procurement and Procurement System.	_____
05.	Rolling Stock Reviews and Bus Testing.	_____
06.	Demand Responsive Service.	_____
07.	Intelligent Transportation Systems.	_____
08.	Interest and Finance Costs and Leasing Costs.	_____
09.	Transit Asset Management and Agency Safety Plans.	_____
10.	Alcohol and Controlled Substances Testing.	_____
11.	Fixed Guideway Capital Investment Program (New Starts, Small Starts, and Core Capacity) and Capital Investment Program in Effect before MAP-21.	_____
12.	State of Good Repair Program.	_____
13.	Fixed Guideway Modernization Grant Program.	_____
14.	Bus/Bus Facilities Programs.	_____
15.	Urbanized Area Formula Programs and Job Access and Reverse Commute (JARC) Program.	_____
16.	Seniors/Elderly/Individuals with Disabilities Programs and New Freedom Program.	_____
17.	Rural/Other Than Urbanized Areas/Appalachian Development/Over-the-Road Bus Accessibility Programs.	_____
18.	Public Transportation on Indian Reservations and "Tribal Transit Programs.	_____
19.	Low or No Emission/Clean Fuels Grant Programs.	_____
20.	Paul S Sarbanes Transit in Parks Program.	_____
21.	State Safety Oversight Program.	_____
22.	Public Transportation Emergency Relief Program.	_____
23.	Expedited Project Delivery Pilot Program.	_____
24.	Infrastructure Finance Programs.	_____

FTA FISCAL YEAR 2013 CERTIFICATIONS AND ASSURANCES

FEDERAL FISCAL YEAR 2013 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE  
(Required of all Applicants for FTA funding and all FTA Grantees with an active Capital or Formula Project)

AFFIRMATION OF APPLICANT

Name of Applicant: Stratford Regional Planning Commission

Name and Relationship of Authorized Representative: Cynthia Copeland, Executive Director

BY SIGNING BELOW, on behalf of the Applicant, I declare that the Applicant has duly authorized me to make these Certifications and Assurances and bind the Applicant's compliance. Thus, the Applicant agrees to comply with all Federal statutes and regulations, and follow applicable Federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its authorized representative makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2013, Irrespective of whether the individual that acted on its Applicant's behalf continues to represent the Applicant.

FTA Intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply, as provided, to each Project for which the Applicant seeks now, or may later seek FTA funding during Federal Fiscal Year 2013.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 et seq., and Implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with a Federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature: Cynthia Copeland Date: June 25, 2013  
Name: Cynthia Copeland  
Authorized Representative of Applicant

AFFIRMATION OF APPLICANT'S ATTORNEY

For (Name of Applicant): Stratford Regional Planning Commission

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under State, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on the Applicant.

I further affirm to the Applicant that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA Project or Projects.

Signature: James H. Schulte Date: June 25, 2013  
Name: James H. Schulte  
Attorney for Applicant

Each Applicant for FTA funding and each FTA Grantee with an active Capital or Formula Project must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its signature in lieu of the Attorney's signature, provided the Applicant has on file this Affirmation, signed by the attorney and dated this Federal fiscal year.

## Key Differences Between Title VI and Environmental Justice

Key Aspects of the Authorities <sup>1</sup>	Title VI	Environmental Justice
<b>What is the basis for the authority?</b>	Federal statute provides that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance.	Executive Order: EO 12898- directs each Federal agency to "make achieving environmental justice part of its mission." The EO is intended to improve the internal management of the executive branch and not create legal rights enforceable by a party against the US.
<b>What is the purpose of the authority?</b>	Title VI prohibits recipients of Federal financial assistance (e.g., states, local governments, transit providers) from discriminating on the basis of race, color, or national origin in their programs or activities, and it obligates Federal funding agencies to enforce compliance.	EO 12898 calls on each Federal agency to achieve "environmental justice...by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low income populations...."
<b>To whom does the authority apply?</b>	Title VI is a Federal law that applies to recipients and subrecipients of Federal financial assistance (e.g., States, local governments, transit providers), and not to DOT itself.	EO 12898 applies to Federal agency actions, including DOT's and FTA's actions. Title VI is one of the tools used by Federal agencies to implement this directive.
<b>What does the authority require, and of whom?</b>	Under Title VI, DOT has the responsibility to provide oversight of recipients and to enforce their compliance with Title VI, to ensure that recipients do not use DOT funds to subsidize discrimination based on race, color, or national origin.	EO 12898 is a directive from the President of the United States to Federal agencies intended to improve the internal management of the Federal government. DOT issued its own Order implementing EO 12898, and updated the Order in May 2012 (Order 5610.2(a)).

## Key Differences Between Title VI and Environmental Justice

Key Aspects of the Authorities	Title VI	Environmental Justice
<p><b>What does the authority say with regard to negative effects or impacts?</b></p>	<p>In accordance with 49 CFR part 21 and Title VI case law, if an otherwise facially neutral program, policy, or activity will have a discriminatory impact on minority populations, that program, policy, or activity may only be carried out if (1) the recipient can demonstrate a substantial legitimate justification for the program, policy, or activity; (2) there are no comparably effective alternative practices that would result in less-disparate impacts; and (3) the justification for the program, policy or activity is not a pretext for discrimination.</p>	<p>In accordance with EO 12898 and the DOT Order on EJ, if a DOT program, policy, or activity will have a disproportionately high and adverse effect on minority or low-income populations, that program, policy, or activity may only be carried out if further mitigation measures or alternatives that would reduce the disproportionately high and adverse effects are not practicable. In determining whether a mitigation measure or an alternative is "practicable," the social, economic (including costs) and environmental effects of avoiding or mitigating the adverse effects will be taken into account.</p>
<p><b>Does the authority create any rights or remedies?</b></p>	<p>Title VI allows persons alleging discrimination based on race, color, or national origin by recipients of Federal funds to file administrative complaints with the Federal departments and agencies that provide financial assistance. Persons alleging intentional discrimination (i.e., disparate treatment) may bring a court action seeking to enforce Title VI but cannot do so with regard to allegations of discrimination based on agency disparate impact regulations. Disparate impact claims may be filed with the Federal agency.</p>	<p>EO 12898 establishes the Executive Branch policy on environmental justice; it is not enforceable in court and does not create any rights or remedies.</p>

<sup>1</sup> Federal Transit Administration Title VI Circular 4702.1B



April 23, 2013

Subject: Public Notice: 30 - Day  
Public Comment Period for update to the Strafford Metropolitan Planning Organization,  
Environmental Justice and New Title V1 Documents.

Comments received:

I observed that the font size, tint, set, is different on all documents, will the final documents all be of the same-shared characteristics.

**Response:** *Thank you for your comment. We used the standard font size.*

Consider, incorporating alphabetic or numerical tables for acronyms, glossary's, appendixes, references, past amendments, recent revised annotations where appropriated.

**Response:** *Thank you for your comment.*

Executive orders should be bold or underlined, consideration given for color-blindness, braille system availability, underlining, amendments, more paragraphs; draft documents normally have all pages in the document marked as draft.

**Response:** *Thank you for your comment.*

Any tool that would make it easier for the everyday man to comprehend the documents. Will a lawyer be employed to review documents before forwarding to the Executive Committee for approval?

**Response:** *Thank you for your comment.  
This is an MPO document, therefore, it is considered for TAC and Policy Committee actions.*

Aside from the final documents,  
Consider a dummied down version for John Q Public for your WEB SITE, Remember that, if your only conversation is spoken in Klingon, then only Klingons would comprehend it.

**Response:** *Thank you for your comment. These documents will be on our website in the required format.*

2013 - Title V1 Program Draft, page 4

Policy Statement by Executive Director.

“That no individual be discriminated, or excluded from the benefits of ANY PROGRAM

or ACTIVITY carried out by the Strafford Regional Planning Commission.

**Response:** *Thank you for your comment. This is the standard assurance.*

And, Statements of : “That the Strafford Regional Planning Commission further assures that every effort will be made to insure Non-Discrimination in All of its Programs and Operations “Regardless of Funding source.

**Response:** *Thank you for your comment. This is the standard assurance.*

You should refer to, and include any pertinent Code 23 and CFR guiding documents on the Executive Directors Opening Statement page. The more document nomenclature, then more enhanced the opening statement. An explanation of separation of funding sources is needed.

Some individuals might find these opening statements as a contradiction to the State of New Hampshire RSA Chapter 36, Regional planning Commissions purposes, and find defects in your opening statements.

**Response:** *Thank you for your comments. Opening statement meets standards per direction of NHDOT.*

Next:

Title VI: Environmental Justice Plan.

Page 9, Fixed transit routes to included new Rochester, Somersworth, and PNS. Other newly established routes and operations.

**Response:** *Thank you for your comment. We will include the COAST Commuter Clipper Route.*

Page 10, data based on 2000 census? Did we not just have a census conducted by the U.S. Dept of Census Bureau?

**Response:** *Thank you for your comment. We are using the most recent published census data.*

Page 13, Vice -Chairman Position (Victoria. P.) should be listed under the (Brian. T.) Chairman. Members as members, Alternates as alternates.

**Response:** *Thank you for your comment.*

Page 14, Technical Advisory Committee.

Members are missing from the listing, i.e., Mr. Ed Comeau, who else, all lists should be current.

**Response:** *Thank you for your comment. This will be corrected.*

Formal TAC Committee Officer Identification of the Chairman, Vice-chair are missing from the listing.

**Response:** *Thank you for your comment. This will be corrected.*

Finally, how often is the NHARP commission's staff required to update the subject documents?

**Response:** *Thank you for your comment. There is a yearly report that is required (an example of this is included in the document) and if there are any new requirements/updates from FTA or FHWA, updates would be made then.*

## RESOLUTION OF ADOPTION

### RESOLUTION ADOPTING TITLE VI document FOR THE STRAFFORD METROPOLITAN PLANNING ORGANIZATION.

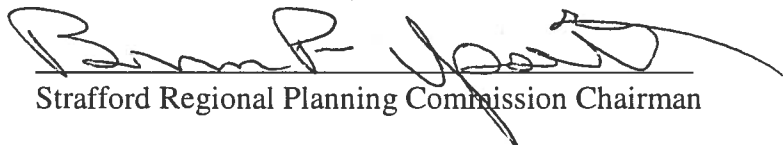
WHEREAS, the urban transportation planning process is encouraged to have a TITLE VI document, which defines organizational responsibilities, public participation and strategies, compliance and a summary of implementation measures;

#### NOW THEREFORE BE IT RESOLVED THAT:

The Strafford Regional Planning Commission, acting as the Strafford Metropolitan Planning Organization, adopts the TITLE VI document dated May 17, 2013

The undersigned duly qualified Chairperson of the Strafford Regional Planning Commission, acting as the Strafford Metropolitan Planning Organization hereby certifies that the foregoing is a true and correct copy of a resolution, adopted at legally convened meeting of the Strafford MPO Policy Committee held on the following date: May 17, 2013.

May 17, 13  
Date

  
Strafford Regional Planning Commission Chairman