



Mid-Region Council of Governments

Mid-Region Metropolitan Planning Organization, Rio Metro Regional Transit District, NM Rail Runner Express, Mid-Region Rural Transportation Planning Organization, Local Planning Assistance, Water Resources Management, Economic Development-District 3 Workforce Connection of Central New Mexico

website: www.mrcog-nm.gov & www.nmrailrunner.com

Mid-Region Council of Governments and Mid-Region Metropolitan Planning Organization

Title VI Plan

Adopted by the MRCOG Executive Board of Directors March 13, 2014
Adopted by the Metropolitan Transportation Board October 18, 2013
Adopted by the Mid-Region Rural Transportation Planning Organization Feb. 13, 2014

Este documento esta disponible en español de ser solicitado

Mid-Region Metropolitan Planning Organization

Mid-Region Council of Governments
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MRCOG TITLE VI PLAN AND POLICIES

General Overview

The Mid-Region Council of Governments (MRCOG) is a regional planning organization that develops policies and makes decisions about transportation planning in the greater Albuquerque region of New Mexico. It is a forum for cities, towns, villages, tribal governments, counties, transit agencies, and state agencies to address common regional issues.

MRCOG includes several organizational divisions such as the Mid-Region Metropolitan Planning Organization, Mid-Region Rural Transportation Planning Organization, Workforce Development-Central Region, Water Resources Management, Local Planning Assistance, and Economic Development-District 3. Several of these programs have their own governing bodies. In addition, MRCOG administratively houses the Rio Metro Regional Transit District under agreement with that district to provide staff, payroll services, office space, and other administrative functions.

Transportation Planning

MRCOG is designated under federal regulations as the Metropolitan Planning Organization (MPO) for the Albuquerque Metropolitan Planning Area (AMPA) which is a Transportation Management Area (TMA) as well. In addition, under state law MRCOG is designated as the Rural Transportation Planning Organization (RTPO) for Torrance County, portions of Sandoval County and the southwest corner of Santa Fe County that includes the Town of Edgewood. Work tasks and responsibilities with respect to transportation planning are detailed in the Unified Planning Work Program for the MPO and the Regional Work Program for the RTPO.

Governance, Boards, and Committees

MRCOG is governed by the MRCOG Board of Directors. The Board is composed of locally-elected officials. Member agencies may select senior staff members to serve as alternates.

The Mid-Region Metropolitan Planning Organization (MRMPO) is governed by the Metropolitan Transportation Board (MTB) which is composed of elected officials and agency representatives from within the Albuquerque Metropolitan Planning Area as well as representatives from the New Mexico Department of Transportation. Membership, officers and voting procedures are in accordance with the Bylaws adopted by the MTB. Standing and ad hoc committees provide the MTB with guidance on matters related to funding, congestion management, bicycle and pedestrian issues, intelligent transportation systems, freight, roadway access management, and other specific matters related to transportation planning.

The Mid-Region Rural Transportation Planning Organization (MRRTPO) is governed by the RTPO Committee which is also composed of elected officials and agency representatives from within the rural planning area as well as the New Mexico Department of Transportation. Membership, officers and voting procedures are in accordance with the Bylaws adopted by the RTPO Committee.

MID-REGION COUNCIL OF GOVERNMENTS TITLE VI POLICY STATEMENT

Mid Region Council of Governments (MRCOG) is committed to ensuring that no person is excluded from participation in, or denied the benefits of, or be subject to discrimination in the receipt of its services or programs on the basis of race, color, national origin or any other characteristics protected by law, including Title VI of the Civil Rights Act of 1964, as amended. Further, under the Americans with Disability Act (ADA) of 1990, no entity shall discriminate against an individual with a physical or mental disability under any program or activity, whether those programs and activities are federally-funded or not. In the event that MRCOG distributes federal funds to another governmental agency, MRCOG will include Title VI language in all written agreements and will monitor for compliance. MRCOG's Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports, and other MRCOG responsibilities as required by Title 23 of the Code of Federal Regulations (CFR) Part 200 and Title 49 CFR Part 21.

To obtain more information on the MRCOG's nondiscrimination obligations or the Title VI complaint procedure, please visit <http://www.mrcog-nm.gov/title-vi> or contact:

MRCOG Title VI Coordinator (Ms. Sandy Gaiser – Interim Coor. as of December 2015)
Mid-Region Council of Governments
809 Copper Avenue NW
Albuquerque, NM 87102
(505) 247-1750; (505) 247-1753 fax
email: sgaiser@mrcog-nm.gov or mrcog@mrcog-nm.gov

MRCOG FTA Grant Administration: The administration of Federal Transit Administration (FTA) grants by MRCOG fall under the *MRCOG Title VI Program* developed by the MRCOG Community Transportation Services Administrator under FTA guidance. These policies are included in this *MRCOG Title VI Plan* by reference, and are attached to this document as Appendix H. Further information can be obtained by contacting the MRCOG Title VI Coordinator at the address above.

Rio Metro Regional Transit District: The Rio Metro Regional Transit District has its own Title VI Plan available on their website at <http://riometro.org/title-vi> or by contacting Customer Service at 866-795-RAIL (7245) or by email at riometro@mrcog-nm.gov.

Workforce Connection-Central Region: Workforce Connection of Central New Mexico, as part of the state's Workforce Connection, complies with Title VI per New Mexico Administrative Code NMAC 11.2.21. Further information on this program can be obtained by contacting the Workforce Administrator at the MRCOG address and phone numbers noted above.

Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the ground of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving federal financial assistance (see 23 CFR 200 and 49 CFR 21). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of “programs and activities” to include all programs or activities of Federal Aid recipients, subrecipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100259 [S. 557] March 22, 1988).

Organization of the Title VI Plan

MRCOG's Executive Director is responsible for ensuring implementation of the agency's Title VI program. The Title VI Coordinator, under supervision of the Executive Director, is responsible for coordinating the overall administration of the Title VI program, plan, and Assurances.

Five areas of MRCOG's work program have been identified as applicable to Title VI regulations and are referred to as the five Title VI Program Areas:

- (1) Communications & Public Participation;
- (2) Planning & Programming;
- (3) Consultant Contracts;
- (4) Education & Training; and
- (5) FTA Grant Administration.

The agency's Title VI responsibilities fall into two main categories – "general responsibilities," applicable to all five Title VI Program Areas, and "Program Area responsibilities" that are specific to each Title VI Program Area. It is important to note that the first four Title VI Program Areas are extremely interrelated but they have been treated separately for the purposes of clarity and correspond to the organizational structure.

One staff member has been assigned to each Title VI Program Area as that area's Title VI Liaison. Staff persons assigned as Title VI Liaisons generally have prime responsibility for those areas of the agency's work program. Title VI Liaisons, under supervision of the Title VI Coordinator, are responsible for the day-to-day administration of the Title VI program and for carrying out the "Program Area responsibilities" in their assigned Title VI Program Area. Other staff members are assigned to assist the Liaisons or consulted and involved, as needed. Refer to Appendix A for an organization chart of staff with specific responsibilities in the agency's Title VI program.

GENERAL TITLE VI PROGRAM RESPONSIBILITIES

1. Data collection
Demographic data on race, color, national origin, income level, language spoken, and sex of the region's population is to be compiled and maintained by MRCOG. This demographic data will be used to develop public outreach efforts and to conduct environmental justice analyses.
2. Title VI Report
 - a. A Title VI Report shall be prepared and submitted annually to NMDOT (it shall be appended to the MPO's Annual Performance and Expenditures Report). Copies are provided to NMDOT's Office of Equal Opportunity and the Director of the NMDOT Transportation Planning and Safety Division. The report shall include:
 - Record of Title VI investigations, complaints, or lawsuits.
 - A copy of the Title VI notice to the public.
 - A summary of public outreach and involvement activities and a description of steps taken to ensure that minority persons had meaningful access to these activities.
3. Review of the Title VI Program
Prior to and during the MRMPO's quadrennial Federal Certification Review, the Title VI Coordinator and Liaisons will review the agency's Title VI program to assure compliance with Title VI. In addition, they will review agency operational guidelines

and publications, including those for contractors, to ensure that Title VI language and provisions are incorporated, as appropriate.

4. Dissemination of information related to the Title VI Program

Information on the agency's Title VI program is to be disseminated to agency employees, contractors, and beneficiaries, as well as to the public, as described in the "Program Area Responsibilities" section of this document, and in other languages when needed.

5. Resolution of complaints

Any individual may exercise his or her right to file a complaint with MRCOG, if that person believes that they or any other program beneficiaries have been subjected to unequal treatment or discrimination, in their receipt of benefits or services on the grounds of race, color, national origin, income, sex, or disability. MRCOG will make a concerted effort to resolve complaints informally at the lowest level, using the agency's Nondiscrimination Complaint Procedures, as described in Appendix B.

Responsibilities of the Title VI Coordinator

The Title VI Coordinator is responsible for supervising Title VI Liaisons in implementing, monitoring, and reporting on MRCOG's compliance with Title VI regulations. In support of this, the Title VI Coordinator will:

- Identify, investigate, and eliminate discrimination when found to exist.
- Process Title VI complaints received by MRCOG, as described in Appendix B.
- Meet with the Liaisons quarterly to monitor and discuss progress, implementation, and compliance issues.
- Periodically review the agency's Title VI program to assess if administrative procedures are effective, staffing is appropriate, and adequate resources are available to ensure compliance.
- Work with Liaisons to develop and submit the Annual Title VI Report.
- If a subrecipient is found to not be in compliance with Title VI, work with the Consultant Contracts Liaison and subrecipient to resolve the deficiency status and write a remedial action if necessary, as described in the Consultant Contracts section of this plan.
- Review important Title VI – related issues with the Executive Director, as needed.
- Assess communications and public involvement strategies to ensure adequate participation of impacted Title VI protected groups and address additional language needs when necessary.

Responsibilities of the Title VI Liaisons

The Title VI Liaisons, under the supervision of the Title VI Coordinator, are responsible for the day-to-day administration of the Title VI program, including implementation of the plan and Title VI compliance, program monitoring, reporting, and education within the assigned program area, as described in the "Program Area Responsibilities" section of this document. In addition, each Liaison is responsible for drafting text for their section of the Title VI Report, and maintaining the data and documentation necessary for that report. This includes reviewing guidelines and procedures for the assigned Title VI Program Area, and incorporating Title VI related language and provisions into agency documents, as appropriate.

PROGRAM AREA RESPONSIBILITIES

Program Area 1: Communications and Public Involvement

Note: The Communications & Public Involvement Program Area applies to and affects the agency work program as a whole, particularly agency efforts and responsibilities related to the Planning & Programming and Transit Grant Administration Program Areas. It has been treated as a separate program area for the purposes of clarity, and corresponding to agency organization. See Appendix F for the agency's adopted *Public Participation Procedures*.

The goal of MRCOG's communications and public involvement program is to ensure early and continuous public notification about, and participation in, major actions and decisions by MRCOG. In seeking public comment and review, MRCOG makes a concerted effort to reach all segments of the population, including people from minority and low-income communities, and organizations representing these and other protected classes. As stated in the adopted *Public Participation Procedures*, "explicit consideration is given to all comments received by MRCOG staff."

Operational Guidelines

- MRCOG's *Public Participation Procedures*
- MRCOG's Improving Access for People with Limited English Proficiency

Principles of MRCOG's Communications & Public Participation Program

- It is essential that the public participation process is open and accessible to everyone.
- Major public policy decisions may have significant impacts on various individuals and/or groups of people.
- Professionals should solicit and consider ideas and alternatives from all interested members of the public.
- Decisions should be based on consideration of all input, ideas and comments.
- The decision-making process should be open, objective, and consider all viewpoints.
- Staff will ensure that all relevant information necessary for an informed decision is considered in the development of any recommendation.
- Whenever possible staff should communicate directly with an organization or group rather than just the group's representative.
- Public notices should be clear, concise and convey all relevant information in a timely manner and should be disseminated using a variety of communication methods.

Elements of MRCOG's Communications & Public Participation Program

- Website – MRCOG maintains an extensive website www.mrcog-nm.gov, which is updated almost daily. The site includes information on agency's responsibilities, programs, publications, press releases; contact information for all MRCOG staff; a search function; the Title VI Plan, complaint procedures, and complaint form; and a comment form so visitors may comment directly to MRCOG on any subject. There is also a Public Participation page to encourage people to participate by signing up to receive the agency's *TravelTimes* newsletter, attending meetings, requesting a speaker, or contacting the Information Center for copies of plans, reports, or other information.
- Information Center (front desk) – MRCOG offices are open five days per week. MRCOG staff will provide documents for public review and copies for dissemination (some with a fee to cover photocopy costs). Every document that MRCOG produces contains contact information for that product. MRCOG staff routinely answers questions and responds to requests for information from residents, businesses, and agency staff from cities, tribal governments, towns, villages, and organizations throughout New Mexico.

- Publications – Each year, MRCOG issues a multitude of publications, reports, and maps as part of the agency’s work program, and responds to and processes a large number of data requests. The information is used by planning and public works departments throughout the region, and can be accessed through the website and at MRCOG offices.
- Press releases – Press releases are routinely sent to several media contacts, including local print reporters, television stations and radio stations throughout Central New Mexico. These include several Spanish-language media outlets. All press releases include the abbreviated Title VI Notice to the public and contact information for agency staff.
- Meetings open to the public – All MRCOG board and committee meetings are open to the public (except for topics meeting the closed session criteria of the Open Meetings Act). Time for public comment is allowed at all meetings. Meeting dates and times are posted at least 72 hours in advance on the agency’s website and in the *TravelTimes* newsletter. All meeting agendas contain the following statement “Anyone requiring special accommodations is requested to notify the MRCOG at 505-247-1750 or email [the meeting contact] seven days prior to the meeting.”
- Opportunities for public comment – MRCOG routinely provides opportunities for public comment, and continues to work to find new and innovative ways to solicit public comments and involve all segments of the population in New Mexico’s Mid-Region. Comments are accepted by phone, fax, email, U.S. mail, and in person. Postage paid comment forms are provided at major public meetings and upon request. MRCOG responds to all comments received. See the *Public Participation Procedures* attached as Appendix F for details.
- Staff is accessible – Staff is accessible in person, on the phone, by mail, by fax, by email, or by online comment forms. Contact information for all staff is provided on the agency’s website.
- Mailings – MRCOG routinely uses direct mail and/or email to keep the public informed of the agency’s programs, public comment periods, meetings, and publications.
- Events – Events such as workshops, open houses, and forums are held as needed.

Contacts Database & *TravelTimes*

MRCOG maintains a comprehensive mailing list that is used to keep the public informed of the agency and its ongoing activities. *TravelTimes*, the MRCOG’s monthly newsletter, is distributed to households, organizations, citizen groups, neighborhood associations, and businesses throughout the Mid-Region of New Mexico. The newsletter contains news about current transportation planning events, national news and links, opportunities for participation in the transportation planning process and notices of upcoming meetings and workshops.

Opportunities for Public Comments

MRCOG routinely offers four different ways for people to comment on activities, programs, and decisions made at the agency, as follows:

- **Comments are accepted at any time** – Comments are accepted via an online comment form, by phone, fax, email, U.S. mail, and in person at any board or committee meeting. Contact information for all staff is provided on the agency website. MRCOG’s address and front desk telephone and fax number is included in every publication produced by MRCOG. MRCOG responds to all comments appropriately.
- **Citizen comments at agency meetings** – All MRCOG board and committee meetings are open to the public (except for topics meeting the closed session criteria of the Open

Meetings Act). MRCOG generally holds at least 50 of these meetings per year. The meeting dates are posted at least 72 hours in advance on the agency's web site, and in the monthly *TravelTimes* newsletter. Time for public comments is included on meeting agendas. No advance notice is required to speak during the public comment period at any meeting. Public comments and responses made during these times are kept on record in the official meeting summaries. All of the boards and committees maintain mailing lists; anyone can request to be added to a board or committee mailing list. MRCOG uses voluntary attendance forms at agency meetings open to the public to collect statistical data on meeting attendees to meet federal guidance designed to help track representation of all segments of the population.

- **Formal public comment periods for major activities** – Formal public comment and review periods are used to solicit comments on major planning and programming activities, such as , for example, the proposed distribution of funds, major amendments to the Transportation Improvement Program (TIP), changes to important MRCOG policies (such as the *Public Participation Procedures*), and major updates to the Metropolitan Transportation Plan (MTP). Generally, all documents for public review and comment are posted on the website and may be obtained at MRCOG office. The comment period is highlighted in the *TravelTimes* newsletter, in other agency publications, and on the home page of the website, and press releases are distributed throughout the region. Comments can be made in person at any MRCOG meeting, using a comment form on the agency's website, by email, by U.S. mail, fax, or telephone. MRCOG responds to all comments as deemed appropriate and forwards comments to other agencies for their response when appropriate. All comments received throughout the comment period are distributed, with the comment response, to the appropriate board or committee and are reviewed and considered prior to action.
- **Public Hearings** – MRCOG holds public hearings during major updates to the region's adopted Metropolitan Transportation Plan (MTP, the Transportation Improvement Program (TIP), and the *Public Participation Procedures*. Please refer to MRCOG's *Public Participation Procedures* (Appendix F) for further information, including how the term "major updates" is applied.

Strategies for Engaging Title VI Protected Groups

MRCOG uses extensive postal and electronic mailing lists to disseminate information and give notice for public comment opportunities. Both mailing lists include hundreds of community groups that represent Title VI protected groups throughout the region. MRCOG also sends press releases to newspapers that are published by and for Title VI protected groups. Groups representing Title VI populations are added to the agency's postal and electronic mailing lists regularly, as they are identified. As described in the next section, MRCOG routinely assesses the need for providing information in languages other than English. MRCOG also evaluates the effectiveness of all communications and public involvement efforts and makes appropriate adjustments to its communication strategy. MRCOG also keeps a list of potential interpreters in the event that a need for translation services has been identified or requested; this includes interpreters for American Sign Language.

- **Strategies for Engaging Individuals with Limited English Proficiency**

In 2011, MRCOG completed a "four factor analysis," as recommended by the U.S. Department of Justice (DOJ), to determine the extent of the need for translation services of its materials. The results of the analysis showed that English is spoken "Less than very well" by 8.5% of the population in the Albuquerque Metropolitan Planning Area. The language spoken at home of the overwhelming majority (87%) of this population is Spanish. MRCOG provides Spanish-language assistance through Spanish-speaking staff members

as necessary. For other languages that meet the “Safe Harbor” provisions of FR 70-74095, MRCOG will provide assistance as necessary.

- **Strategies for Engaging Tribal Governments**

Membership to all MRCOG boards and committees is open to all federally designated Tribal Nations in the four county region. Membership includes board seats, technical assistance, and funding opportunities. The level of participation varies with each tribal entity. Tribal governments whose jurisdictions are within (either wholly or partially) the Albuquerque Metropolitan Planning Area are entitled to choose full voting membership, advisory membership, or non-participating status on the Mid-Region MPO's Metropolitan Transportation Board. Tribal governments include their federally funded projects in the Transportation Improvement Program (TIP) and receive grants to build, maintain, and enhance their transportation network. All tribal governments receive MRCOG, MRMPO and MRRTPO meeting notices and publications, and tribal newspapers receive MRCOG and MRMPO news releases, regardless of the level of participation. All tribal governments are eligible to submit candidate projects for funding regardless of their chosen level of participation. MRCOG staff has received Government-to-Government Training offered by the State of New Mexico.

- **Strategies for Persons with Disabilities**

MRCOG will ensure that meetings are held in locations accessible to persons with physical disabilities. Documents written in Braille will be provided within seven days of receiving a request to allow the document to be produced in Braille by a commercial vendor. MRCOG also keeps a list of potential interpreters in the event that a need for translation services has been identified or requested; this includes interpreters for American Sign Language.

Title VI Liaison's Responsibilities

The Communications & Public Involvement Liaison is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the agency's public involvement process. The Liaison will:

- Ensure all communications and public involvement efforts comply with Title VI.
- Develop and distribute information on Title VI and agency programs to the general public. Provide information in languages other than English, as needed.
- Disseminate information to minority media and ethnic/gender related organizations, to help ensure all social, economic, and ethnic interest groups in the region are represented in the planning process.
- Include the abbreviated Title VI Notice to the Public (see Appendix D) in all press releases, the *TravelTimes* newsletter, which includes a monthly meeting calendar, and on the agency Web site.
- Notify affected, protected groups of public hearings regarding proposed actions, and make the hearings accessible to all residents. This includes the use of interpreters when requested, or when a strong need for their use has been identified.
- Ensure that any citizen advisory committee MRCOG creates has representation from appropriate Title VI populations.

Program Area 2: Planning & Programming

MRCOG is responsible for developing long-range and short-range transportation plans to provide efficient transportation services to the Mid-Region of New Mexico. A comprehensive transportation planning process is used, which entails the monitoring and collection of data related to transportation issues. MRCOG coordinates with NMDOT, cities, counties, tribal governments, and transportation providers, seeks public involvement, and provides technical support when needed. [Refer to “Program Area 1: Communications & Public Involvement” for a description of how interaction with the public is handled.]

Operational Guidelines

Primary guidance is provided by:

- Federal Regulations 23 CFR 450
- MRCOG Articles of Agreement
- By-Laws of the Metropolitan Transportation Board
- Bylaws of the Mid-Region RTP
- Memorandum of Agreement Between the New Mexico Department of Transportation and the Mid-Region Council of Governments, Metropolitan Planning Organization (Master Agreement)
- Federal transportation acts such as SAFETEA-LU or adopted federal regulations
- State and Federal Clean Air Acts and Amendments

Key Planning and Programming Activities

The MRMPO branch of MRCOG is mandated by state and federal law to maintain the Metropolitan Transportation Plan (MTP), the region’s adopted, long-range plan, and the Transportation Improvement Program (TIP), a six-year program of federally funded and regionally significant projects in the region. The MRRTPO maintains long-range plans for rural areas and the Rural Transportation Improvement Program Recommendation (RTIPR).

MRCOG conducts and supports numerous state and federal planning, compliance, and certification programs, which enable counties, cities, tribal governments, transit agencies, and NMDOT to obtain state and federal funding. MRCOG also develops and advances a comprehensive economic development strategy, which is integrated with regional land use and transportation planning. The agency provides forecasts of population, housing, economic, and transportation trends that provide the basis for addressing current issues and exploring future needs and options that could benefit the region. MRCOG serves as a center for the collection, analysis, and dissemination of information vital to residents and governments in the region. The Articles of the Agreement of the MRCOG establishes the agency’s transportation, database, forum, and technical assistance responsibilities. The agreement highlights the following functions:

- Fulfill MPO responsibilities for the Albuquerque Metropolitan Planning Area, develop a regional transportation plan, review and approve expenditures of federal transportation funds, and identify short-range transportation system development needs and financial strategies.
- Fulfill RTP requirements prescribed by state law for portions of counties outside the AMPA; ensure that regional transportation and land-use plans are integrated; and ensure that state, regional, and local transportation plans are consistent.

- Maintain the MTP as the region's adopted transportation strategy, and prepare multi-county planning policies for the region.
- Develop and maintain a regional database, and forecast and monitor economic, demographic, and travel conditions in the region as the foundation for local and regional planning.
- Provide technical assistance to local governments, to state and federal governments, and to business and community organizations.
- Provide a forum for the discussion of emerging regional issues.

Major Programs of MRCOG

- **Metropolitan Transportation Plan (MTP)** -- Provide the long-range regional investment strategies to implement transit, roadway, and freight mobility; and non-motorized transportation; with consideration for the environment and air quality. Address full-cost planning, major investment studies, and discussions regarding how to finance transportation improvements.
- **Long Range Rural Transportation Planning** - Develop long range regional investment strategies for all modes of transportation in the MRCOG area outside the Albuquerque Metropolitan Planning Area.
- **Transportation Improvement Program (TIP)** – Maintain a TIP that incorporates all projects using federal funds, including funds managed by MRCOG and the state and all regionally significant projects, regardless of funding source; conduct ongoing analyses related to plan consistency, air quality, and financing; and provide training and assistance to agencies in the region. The TIP is incorporated without change into the Statewide Transportation Improvement Program (STIP).
- **Rural Transportation Improvement Program Recommendation (RTIPR)** - Develop an RTIPR which recommends to NMDOT a list of projects to receive funding. The RTIPR is developed in conjunction with NMDOT's development of the STIP.
- **Congestion Management Process (CMP)** – Develop the Congestion Management Process required by federal transportation law to monitor existing transportation system performance problems and identify potential solutions to guide decisions on use of federal transportation funds.
- **Intelligent Transportation Systems (ITS)** – Maintain the Regional ITS Architecture, develop GIS strategies to track ITS investments and deployments, and coordinate ITS activities in order to maximize the investments being made.
- **Policy, Plan, and Project Review** – Ensure that local, regional, and state planning efforts are compatible and mutually reinforcing, and work with local governments, tribal governments, countywide growth management planning groups, and state agencies in the review of policies, plans, and projects for consistency with state and regional planning goals.
- **Technical Services and Regional System Data** – Provide demographic, economic, travel, traffic count data, and geographic data to member jurisdictions, other agencies, businesses, and the public; assist in planning activities of member jurisdictions; collect, analyze, maintain, and improve data; and identify, monitor, and forecast trends.
- **Public Participation** – Develop and provide information materials on agency activities and services. Assist agency staff in reaching out to, involving, and meeting the needs of MRCOG members, other agencies, businesses, community organizations, and the public.
- **Unified Planning Work Program (UPWP)** - Develop a document which describes the work tasks to be completed in the one or two year period and how federal funds will be utilized for transportation planning purposes.

- **RTPO Work Program** - Develop a similar document to the UPWP which applies to the rural planning area.

Consideration of Title VI

Considerations of Title VI legislation are made throughout MRCOG's planning and programming activities, for example:

- **Data collection** – A large part of the agency's work program involves collecting, analyzing, and reporting on data for the Mid-Region of New Mexico. This includes information on population, housing, employment, poverty, income, wages, transportation, traffic, and growth. Member agencies and other groups use this data for activities such as planning and the distribution of funds.
- **Metropolitan Transportation Plan** - The development of the MTP includes environmental justice considerations from the outset. MRCOG sets out to ensure that the burdens and benefits of implementing projects in the MTP are distributed across groups without an undo burden on any group based on race, income, age, and disability. MRCOG's analysis includes:
 - (1) outreach and meaningful participation from minority and low-income population groups in the development of the plan, and
 - (2) an assessment to determine any discrimination of minority and low-income population groups in the distribution of impacts and benefits associated with the projects and programs advanced in the MTP.

Refer to the section on Environmental Justice of The MTP for a full review of environmental justice efforts related to development of the MTP. Future major updates of the plan will continue to include a comprehensive outreach and environmental justice analysis.

- **Transportation Improvement Program (TIP)** – The region's short-term, six-year TIP implements the MTP and policies established in the MTP. Included in the program of projects are those receiving federal funding and projects of regional significance. MRCOG's Metropolitan Transportation Board approves the TIP and all TIP amendments. One of the criteria used to identify projects to receive funds includes how well the project provides access for transportation users identified in the President's Order for Environmental Justice. The sponsors of all projects programmed in the TIP are required to comply with Title VI, the Americans with Disabilities Act and other applicable federal and state laws and regulations.

Title VI Planning Liaison's Responsibilities

The Planning Liaison is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the agency's planning process. In addition, the Liaison will:

- Ensure all aspects of the planning and programming process operation comply with Title VI.
- Prepare and update a demographic profile of the region using the most current and appropriate statistical information available on race, income, and other pertinent data. Make the document available to the public and member agencies on MRCOG's website and in the Information Center. (Appendix G is the Environmental Justice Demographic Profile for the Mid-Region of New Mexico.)
- Develop a process for assessing the distributional effects of transportation investments in the region as part of actions on plan and programming documents.

Program Area 3: Consultant Contracts

MRCOG is responsible for selection, negotiation, and administration of its consultant contracts. MRCOG operates under its internal contract procedures and all relevant federal and state laws.

Operational Guidelines

- MRCOG Procurement Policy
- MRCOG's "Disadvantaged Business Enterprise (DBE) Program"
- Title 48, Chapter 1, Part 31 – Contract Cost Principles and Procedures
- Title 23, CFR 172 – Administration of Engineering and Design Related Service Contracts

Contract Procedures

MRCOG's contract procedures are described in "Procurement Policies, Guidelines, and Procedures." MRCOG requires Title VI compliance by consultants (subrecipients of federal funds) with verification through the certification on the *RFP Proposal Form* whereby subrecipients accept the conditions governing the procurement. The process provides for sanctions for noncompliance. In addition, Title VI text is included in all MRCOG Requests for Proposals (RFP) and contracts.

Disadvantaged Business Enterprises (DBE) Program

MRCOG maintains a DBE Program that is updated as necessary along with corresponding DBE participation goals that are updated annually. MRCOG reports on DBE participation annually. At the end of each fiscal year, actual DBE participation is evaluated in comparison to established goals, and efforts are made to "create a level playing field" for DBE and non-DBE consultants when MRCOG does not meet the established goals.

The MRCOG DBE program and the NMDOT DPE program are similar; however, in the event of conflict between the two DBE programs, the NMDOT DBE program shall prevail.

Title VI Consultant Contracts Liaison's Responsibilities

The Consultant Contracts Liaison is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the agency's consultant contracts process. The Liaison will:

- Include Title VI language in contracts and Requests for Proposals (RFP) as described below:
 - Ensure the text in Appendix E (Title VI Assurance) is included in all agency contracts.
 - Notify all contractors that the text in Appendix E to DOT Title VI Assurance (minus section 6) should be included in all subcontracts.
 - Ensure that Title VI notification is included in all MRCOG RFPs.
- Maintain the Disadvantaged Business Enterprise (DBE) Program as described below:
 - Monitor, update, and maintain the agency's DBE Program.
 - Submit quarterly reports on DBE participation to NMDOT.
 - Establish and adjust DBE participation goals, as appropriate.
 - Review and evaluate DBE participation in relation to DBE goals, and continue efforts to "create a level playing field" for DBE and non-DBE consultants when MRCOG does not meet the established goals.

Remedial Action Related to Non-Compliance by Contractors

MRCOG will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with this Title VI program, both within MRCOG and with MRCOG's contractors. In conducting reviews of subrecipients, if a subrecipient is found to not be compliance with Title VI, the Title VI Consultant Contracts Liaison and Title VI Coordinator will work with the subrecipient to resolve the identified issues. If the issues cannot be resolved, MRCOG will issue a notification of deficiency status and remedial action for the subrecipient, as agreed upon by MRCOG and NMDOT, within a period not to exceed ninety (90) calendar days. MRCOG will seek the cooperation of the subrecipient in correcting deficiencies, and will provide the technical assistance and guidance needed for the subrecipient to comply voluntarily. Subrecipients placed in a deficiency status will be given a reasonable time, not to exceed ninety (90) calendar days after receipt of the notification of deficiency status and remedial action to be undertaken, to voluntarily correct deficiencies. If a subrecipient fails or refuses to voluntarily comply with requirements within the allotted time frame, MRCOG will submit to NMDOT, FHWA, and FTA two copies of the case file and a recommendation that the subrecipient be found in noncompliance.

A follow-up review will be conducted within one-hundred eighty (180) calendar days of the initial review to ensure the subrecipient has complied with the Title VI Program requirements in correcting the deficiencies previously identified. If the subrecipient refuses to comply, MRCOG may, with NMDOT's, FHWA's, and FTA's concurrence, initiate sanctions per 49 CFR 21.

Program Area 4: Education & Training

Minorities, women, veterans, individuals with a disability, and other individuals protected by Title VI and federal and state anti-discrimination laws are provided with equal opportunity and fair treatment in all employment-related decisions, including opportunities for education and training.

Operational Guidelines:

- MRCOG Employee Handbook
- MRCOG Affirmative Action Plan

Employees Encouraged to Participate in Training

All MRCOG employees are encouraged to participate in professional development and training. All materials received by the agency on training and education opportunities are made available to all employees, which includes all information on federally funded training, such as courses provided by the National Highway Institute (NHI), the National Transit Institute (NTI), the Transportation Research Board (TRB) and others.

Title VI Education and Training Liaison's Responsibilities

The Education & Training Liaison (Human Resources Manager) is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the education and training program. NMDOT along with other agencies provide information on training opportunities open to MRCOG staff and subrecipients. The Liaison will:

- Assist NMDOT in the distribution of information to MRCOG staff on training programs regarding Title VI and related statutes.
- Ensure equal access to, and participation in, applicable courses for qualified MRCOG employees
- Track staff participation in Title VI, NHI, NTI and TRB courses.

Program Area 5: FTA Transit Grant Administration

The FTA Transit Grant Administration Liaison is responsible for Title VI activities as required by FTA grant administration reporting requirements. The MRCOG Community Transportation Services Administrator has developed *MRCOG Title VI Program* under FTA guidance. These policies are included in this *MRCOG Title VI Plan* by reference, and are attached to this document as Appendix H.

FOR MORE INFORMATION ON MRCOG'S TITLE VI PLAN

For questions on the MRCOG's Title VI Plan or procedures, please contact the MRCOG Title VI Coordinator, by telephone at (505) 247-1750; by fax at (505) 247-1753; by email at tlucero@mrcog-nm.gov or mrcog@mrcog-nm.gov; or by U.S. mail at MRCOG, 809 Copper Avenue NW, Albuquerque, NM 87102. For information on MRCOG's work program or publications, including reports, data forecasting, maps, or other information available for use, contact the Information Center, at (505) 247-1750 or by email at mrcog@mrcog-nm.gov. For information on all of the above, including current public comment periods and meetings open to the public, visit MRCOG's website at www.mrcog-nm.gov. The MRCOG Title VI page is available at <http://www.mrcog-nm.gov/title-vi>.