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## **TITLE VI REPORT 2021**

*SUBMITTED AS SUB-RECIPIENT TO THE RHODE ISLAND DEPARTMENT OF  
TRANSPORTATION*

*October 18, 2021*

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## I. INTRODUCTION

This document was prepared to fulfill the following requirements: Chapter 23 CFR 200 Sub Chapter C – Civil Rights: Title VI Program and directives for the required reporting for sub-recipients of U.S. Federal aid and the U.S. Department of Transportation, Federal Highway Administration (FHWA), and Title 49 - Transportation, Subtitle A: Office Of The Secretary of Transportation: Part 21— Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964. It was prepared utilizing Federal Transit Administration (FTA) Circular 4702 1B as directed by FHWA Divisional Offices.

For additional information on the Division of Statewide Planning’s Civil Rights Program and our Title VI compliance please visit our website <http://www.planning.ri.gov/public-participation/title-vi-civil-rights.php>, or contact Benny L. Bergantino, Title VI Coordinator at [Benny.Bergantino@DOA.RI.GOV](mailto:Benny.Bergantino@DOA.RI.GOV) 401-222-1755.

### **Overview**

As a subrecipient of federal financial assistance from FHWA, the Division of Statewide Planning is required to fully comply with the Title VI of the Civil Rights Act of 1964, which provides:

*“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.<sup>1</sup>”*

The U.S. Department of Justice (DOJ), as the coordinating agency for Title VI, implemented its Title VI program in 28 C.F.R. Part 42 and issued guidance in two main documents: the Title VI Legal Manual and *The Complaint Investigation Procedures Handbook*.

Title VI authorizes and directs Federal agencies to enact “rules, regulations, or orders of general applicability” to achieve the statute’s objectives. The U.S. Department of Transportation (DOT) implemented its Title VI program in 49 C.F.R. Part 21. FHWA’s regulations can be found in 23 C.F.R. Part 200.

Title VI is further defined by Executive Order 12898 - *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, and Executive Order 13166 - *Improving Access to Services for Persons with Limited English Proficiency*.

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<sup>1</sup> Title VI served as the model for subsequent nondiscrimination laws based on receipt of federal funding, including Title IX of the Education Amendments of 1972 (sex) and Section 504 of the Rehabilitation Act of 1973 (disability). However, each of these laws is accompanied by its own regulations and requirements and is not interchangeable with Title VI.

## ***Discrimination Under Title VI***

There are two types of discrimination prohibited under Title VI and its related statutes: disparate treatment (i.e. intentional discrimination) and disparate impact/effects.

Disparate treatment discrimination occurs when similarly situated persons are treated differently because of their race, color, or national origin. Disparate impact discrimination occurs when a facially neutral policy, procedure, or practice results in different or inferior services or benefits to members of a protected group. In disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

The Division of Statewide Planning's efforts to prevent such discrimination must address, but not be limited to, the unintended discriminatory consequences of its policies and procedures; the allocation of funds and prioritization of projects; the impacts, access, benefits, participation, services, contracting and training opportunities of a program; and the investigation of complaints.

Specific forms of discrimination prohibited are listed below:

- Denial of services, financial aid, or other benefits provided under a program;
- Distinctions in the quality, quantity, or manner in which a benefit is provided;
- Segregation or separation of persons in any part of the program;
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others;
- Differing standards or requirements for participation;
- Methods of administration that directly or indirectly, or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination; and
- Discrimination in any activities or services related to a highway, infrastructure or facility built or repaired in whole or in part with federal funds.

## ***Key Definitions***

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

**Disparate Impact:** Discrimination that occurs when a facially neutral policy, procedure, or practice results in different or unequal treatment, and such policy or practice lacks a substantial legitimate justification. Under USDOT regulations, recipients may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin (49 C.F.R. 21.5(b)(2)).

**Disparate Treatment:** Intentional discrimination, or disparate treatment, happens when a recipient acts, at least in part, because of the actual or perceived race, color, or national origin of the alleged victims of discriminatory treatment.<sup>2</sup> Discriminatory intent need not be the only motive, but a violation occurs when the evidence shows that the entity adopted a policy at issue “‘because of,’ not merely ‘in spite of,’ its adverse effects upon an identifiable group.”<sup>3</sup> While one must show that the recipient was motivated by an intent to discriminate, the recipient’s decision makers do not have to have acted in “bad faith, ill will or any evil motive....”<sup>4</sup>

Federal financial assistance and Federal-aid (49 C.F.R. 21.23(c)) includes:

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

**Local Public Agency (LPA)** (23 C.F.R. 635.102): Any city, county, township, municipality, or other political subdivision that may be empowered to cooperate with the State Transportation Agency (STA) in highway matters.

**Metropolitan Planning Organization (MPO):** The policy board of an organization created and designated to carry out the metropolitan transportation planning process for each urbanized area with a population of more than 50,000 individuals. The Rhode Island Department of Administration’s Division of Statewide Planning serves as staff to the Rhode Island State Planning Council, which serves as the single statewide Metropolitan Planning Organization (MPO) for Rhode Island.

**Minority:** The Rhode Island Department of Transportation (RIDOT) uses the race and ethnicity categories established by the Office of Management and Budget in its October 30, 1997 Federal Register Notice: *Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity*. The race and ethnicity categories below are included in the definition of “Minority” provided by the Council on Environmental Quality *Environmental Justice Guidance Under the National Environmental Policy Act*, the U.S. Department of Transportation (USDOT) Order 5610.2(a), and FHWA Order 6640.23A.

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<sup>2</sup> *Doe ex rel. Doe v. Lower Merion Sch. Dist.*, 665 F.3d 524, 548 (3d Cir. 2011).

<sup>3</sup> *Pers. Adm’r of Mass. v. Feeney*, 442 U.S. 256, 279 (1979).

<sup>4</sup> *Elston*, 997 F.2d at 1406 (quoting *Williams v. City of Dothan*, 745 F.2d 1406, 1414 (11th Cir. 1984)).

1. *American Indian or Alaska Native*. A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment;
2. *Asian*. A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam;
3. *Black or African American*. A person having origins in any of the black racial groups of Africa. Terms such as "Haitian" can be used in addition to "Black or African American;"
4. *Hispanic or Latino*. A person of Cuban, Mexican, Puerto Rican, Cuban, South or Central American, or other Spanish culture or origin, regardless of race. The term, "Spanish origin," can be used in addition to "Hispanic or Latino;" and
5. *Native Hawaiian or Other Pacific Islander*. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

**Programs or Programs and Activities** (49 C.F.R. § 21.23(e)): All the operations of any of the following entities, any part of which is extended Federal financial assistance:

1. (i) A department, agency, special purpose district, or other instrumentality of a State or of a local government; or (ii) The entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;
2. (i) A college, university, or other postsecondary institution, or a public system of higher education; or (ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;
3. (i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—
  - a. If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or
  - b. Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or
 (ii) The entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or
4. Any other entity which is established by two or more of the entities described above.

**Recipient** (49 C.F.R. § 21.23(f)): Any State, territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal financial assistance is extended, directly or through another recipient,

including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary.

**State Transportation Improvement Program (STIP):** A statewide prioritized listing/program of transportation projects covering a period of ten-years, with four-year implementation, that is developed and formally adopted by an MPO consistent with the long-range statewide transportation plan, metropolitan transportation plans, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53.”

**Sub-recipient:** A recipient entity that receives federal funding from a Primary recipient (e.g. RIDOT to carry out a federal program).

## II. TITLE VI - NONDISCRIMINATION POLICY STATEMENT / NOTICE TO BENEFICIARIES

The Division of Statewide Planning affirms its full commitment with both Title VI of the Civil Rights Act of 1964 and FHWA’s Title VI/Nondiscrimination Program requirements, and pledges that **it does not and will not** exclude from participation in, deny the benefits of, or otherwise subject to discrimination any persons on the grounds of race, color, national origin, limited English proficiency, sex, age, disability, and income status from its programs or activities, whether or not such programs and activities are federally assisted.

*(A copy of the Division’s Nondiscrimination Policy Statement / Notice to Beneficiaries is presented in Appendix A and is also posted in a public space. Additional details on the Division’s nondiscrimination policies and procedures including instructions on how to file a discrimination complaint may be found on our website in multiple languages at <http://www.planning.ri.gov/public-participation/title-vi-civil-rights.php>. It can also be obtained by contacting the Title VI Coordinator, Benny Bergantino via telephone (401) 222-1755, mail or email - [benny.bergantino@doa.ri.gov](mailto:benny.bergantino@doa.ri.gov)).*

## III. TITLE VI - NONDISCRIMINATION ASSURANCES

As a sub-recipient, the Rhode Island Division of Statewide Planning, the organization for Rhode Island’s single Metropolitan Planning Program (MPO), provided a signed [RIDSP Title VI Non-Discrimination Assurances](#) to the Rhode Island Department of Transportation (RIDOT). The most recent one is dated August 6<sup>th</sup>, 2018. *(See Appendix B).*

In addition, in accordance with Title 23 CFR 450.336, the Rhode Island Division of Statewide Planning as staff to the Rhode Island State Planning Council, MPO for the State of Rhode Island hereby certifies to FHWA and FTA that the transportation planning process is addressing the major issues in the metropolitan planning area and

are being conducted in accordance with all applicable requirements set forth in the MPO Self-Certification (*see Appendix C*) which is always appended to the *Unified Planning Work Program*.

#### **IV. TITLE VI - COORDINATOR RESPONSIBILITIES**

The current Title VI Coordinator at Statewide Planning is Benny L. Bergantino, Principal Planner with 15 years of civil service experience.

The Title VI Coordinator is responsible for acting as the Division's single point of contact for Title VI Civil Rights and performing the tasks identified below:

- Monitoring progress, implementation, and compliance issues;
- Ensuring that no person is denied access to, or participation in MPO programs;
- Ensuring that full and fair participation is available to all potentially impacted communities in the decision-making process;
- Distributing Title VI information to MPO staff, committee members, sub-recipients and contractors, and the public; providing Title VI information on the MPO website, and providing Title VI training and/or materials upon request;
- Evaluating and ensuring that intergovernmental agreements or contracts with any subcontracting entities will include language that requires Title VI compliance including nondiscrimination and environmental justice language;
- Overseeing the collection of demographic data;
- Identifying and reporting complaints to the RIDOT Civil Rights Office;
- Providing information on requests concerning civil rights responsibilities and compliance;
- Updating and maintaining civil rights reports and associated records;
- Assembling an annual review of Statewide Planning for Title VI compliance by the MPO staff, Title VI Coordinator and RIDOT. The existing procedures for the Title VI review include: (a) The Title VI Coordinator prepares an annual report that covers the subject matter pertinent to our status as a sub-recipient outlined in 23 CFR 200 and FTA Circular 4702. 1B dated 10/01/2012; (b) the annual report is provided to the RIDOT Civil Rights Office; and, (c) if necessary, there is a follow-up and/or comments and questions are addressed. Additional information is provided to RIDOT upon request.
- Managing Disadvantaged Business Enterprise (DBE) Program.

#### **V. SUB-RECIPIENT REQUIREMENTS AND MONITORING**

As a condition to receiving any Federal financial assistance from the FHWA through the Rhode Island Division of Statewide Planning, any and all consultants are subject to and must comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); Nondiscrimination in Federally-Assisted Programs of the Department of



Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (49 C.F.R. Part 21) and other pertinent antidiscrimination directives that form the basis of State of Rhode Island Department of Transportation Title VI/Nondiscrimination Program, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601); Federal-Aid Highway Act of 1973 (23 U.S.C. 324); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C 794 et seq.) and 49 CFR Part 27; The Age Discrimination Act of 1975, as amended (42 U.S.C 6101 et seq.); The Civil Rights Restoration Act of 1987 (PL 100-209); Title II and III of the Americans with Disabilities Act (42 U.S.C 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38; Federal Highway Administration’s Title VI Program and Related Statutes (23 CFR 200); Executive Order No. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; and Executive Order No. 13166, Improving Access to Services for Persons with Limited English Proficiency. Please also see signed Sub-recipient Title VI Assurances and Non-Discrimination Provisions Form (*See Appendix C*).

Additionally, Title VI Non-Discrimination Assurances are placed into all Statewide Planning vendor and project consultant contracts, grants, and other cooperative agreements prior to award. Along with the Assurances being maintained by the Title VI Coordinator, Disadvantaged Business Enterprise (DBE) verification and utilization forms are also tracked. (*The status of these sub-recipient contracts, grants, and other cooperative agreements may be found in Appendix D*).

## **VI. TRAINING AND TECHNICAL ASSISTANCE**

Statewide Planning staff participates in Title VI and nondiscrimination training as it becomes available. An annual Title VI inter-office memorandum is sent to all staff with information about Title VI, the office’s responsibilities under the law and corresponding regulations, and how to identify and report discrimination.

The most recent trainings in Title VI and EJ consisted of attendance at:

- Community Engagement During COVID-19: Planning Ahead for 2021, sponsored by MetroQuest (Webinar), December 9, 2020
- Environmental (in)Justice During COVID-19, sponsored by Eno Center for Transportation (Webinar), December 10, 2020
- Equity Summit, sponsored by SmartGrowth America(Webinar), January 26-28, 2021
- The New Virtual Reality for Public Meetings and Social Distancing, sponsored by the Transportation Research Board and FHWA, (Webinar) March 23, 2021
- Forum on Equity and Public Engagement for Transportation Planning, sponsored by MetroQuest (Webinar), April 28, 2021

- Equity in Policy and Practice: Addressing Past Inequities in Planning for the Future, sponsored by Maryland Department of Planning and the American Planning Association (Webinar), April 30, 2021
- A Conversation on Transportation & Equity in Rhode Island, Sponsored by Green Energy Consumers Alliance (Webinar), June 8, 2021
- Transportation Equity at USDOT – Information Session, sponsored by USDOT (Webinar), June 25, 2021
- The Pivotal Role of Public Involvement in the Surface Transportation Bill, sponsored by MetroQuest (Webinar), August 25, 2021

This office will request additional program assistance in EJ, data collection and analysis, and limited English proficiency (LEP) training from RIDOT and FHWA. Furthermore, the Title VI Coordinator will participate in all relevant local seminars as they are made available and make all program supervisors aware of these opportunities too. The Title VI Coordinator will work with the Civil Rights Specialists at FHWA and RIDOT to assure full compliance of its Title VI Program and with FHWA specific requirements and protocols to be emphasized during the training sessions for Statewide Planning.

## VII. PROGRAM AREA REVIEW

### *The Division of Statewide Planning – Transportation Planning*

The Division of Statewide Planning, acting as staff to the State Planning Council /Metropolitan Planning Organization (MPO), prepares and maintains plans for physical, economic, and social development of the state; encourages their implementation; and coordinates the actions of state, local and federal agencies and private individuals within the framework of the state’s development goals and policies. The Transportation Planning Section is responsible for the development of the state’s Long-Range Transportation Plan (LRTP), State Transportation Improvement Program (STIP), Unified Planning Work Program (UPWP) and Public Participation/LEP Plan. These important documents are detailed below.

#### Long-Range Transportation Plan

The [State’s Long-Range Transportation Plan \(LRTP\) – Moving Forward Rhode Island 2040](#), is a multi-modal statewide transportation plan with a 20-year planning horizon. For the purposes of Federal coordination, the plan serves as a combined statewide transportation plan and metropolitan transportation plan. It outlines the goals, objectives, policies and strategies to guide transportation decisions toward improving the economic, social and environmental well-being of the state. The plan is updated every 5 years as the State of Rhode Island is currently classified as an air quality attainment area. The plan will be updated every 4 years should the MPO become an air quality non-attainment area. In addition, the LRTP is also adopted as an element of the State Guide Plan. As such, it becomes the basis for determining consistency of municipal comprehensive plans and other plans, programs and projects with the transportation

policies of the State. The current LRTP, Moving Forward Rhode Island 2040, was adopted by the State Planning Council (SPC) on December 10, 2020. Moving Forward RI is a departure from the LRTPs of the past for three primary reasons:

1. It is data-driven and goals-oriented plan;
2. The goals are SMART – Specific, Measurable, Achievable, Relevant, and Time-Based; and
3. It incorporates a Bicycle Mobility Plan and the first-of-its-kind Transit Master Plan.

In addition and importantly, this LRTP has been established in coordination with other statewide transportation plans and processes including but not limited to the Highway Safety Improvement Program, the Strategic Highway Safety Plan, the State Asset Management Plan for the National Highway System (NHS), the Rhode Island Freight and Goods Movement Plan, the Transit Master Plan, and the Congestion Management Process / Plan.

*The LRTP and accompanying reports can be found online at: <http://www.planning.ri.gov/planning-areas/lrtp/documents.php>.*

### State Transportation Improvement Program

The [State Transportation Improvement Program \(STIP\)](#) is a list of transportation projects the State of Rhode Island intends to implement using State, Federal Highway Administration (FHWA), Federal Transit Administration (FTA) funding, and other various funding sources. The STIP reflects investment priorities established in the LRTP and covers a minimum period of four (4) years. The STIP is developed in close cooperation with RIDOT and RIPTA as they are the primary agencies responsible for the implementation of the projects listed in the STIP. The STIP is multimodal, and as such, it includes the following types of projects: bridge, drainage, maintenance, pavement, traffic safety, transit, and active transportation. Municipalities are solicited during the STIP development process and must each hold individual public hearings on their STIP project requests to the State. The STIP must be fiscally constrained; meaning the list of projects in the STIP may not exceed the anticipated funding that is reasonably expected to be available over the first four-year timeframe. Unless otherwise provided for by federal requirements, projects utilizing federal funds must be included in a federally approved STIP. The SPC is responsible for adopting the STIP and adopted the most recent STIP on September 9, 2021 which covers the implementation of projects during fiscal years 2022 to 2031.

### Unified Planning Work Program

The [Unified Planning Work Program \(UPWP\)](#) is a statement of the transportation planning priorities and planning projects to be carried out within a metropolitan planning area in a given fiscal year. In Rhode Island, the UPWP is collaborative effort between the MPO, RIDOT, and RIPTA. It includes a discussion of the planning priorities facing the State and USDOT, identifies work proposed for the next one-year period by major activity and task; and indicate who will perform the work, the schedule for completing the work, the resulting products, the

proposed funding by activity/task, and a summary of the total amounts and sources of federal and matching funds. The SPC adopts a UPWP annually in June for the upcoming fiscal year.

## Public Participation Plan

A critical component of statewide planning is public involvement. The Rules and Standards of the State Planning Council, specifically Rule 1.5 Metropolitan Planning Organization: Transportation Planning, details public involvement in the development of these key documents. In addition, the Division utilizes the [2019 Public Participation Plan \(PPP\)](#) for engaging in community outreach when preparing plans. The PPP continuously seeks to create opportunities for the public to participate in planning, reviewing, and implementing its transportation projects and programs. The MPO updates the PPP on an as needed basis. That said, the following recommendations for improvements to the Division of Statewide Planning's PPP were implemented in FFY 2019: expand the contemporary public involvement strategies; capture all public participation activities accurately and completely in the PPP, including outreach to low-income, minority, and LEP populations; increase its efforts to measure the effectiveness of its public involvement strategies; ensure all outreach activities, including nontraditional strategies, consistently address accessibility needs including Section 508, ADA, and LEP provisions; and, develop additional methods for reaching low income populations and minority populations, including both direct engagement with these populations and engaging with community organizations and other grassroots groups.

In addition, in FFY 2021, a Statement on Virtual Public Outreach in Response to COVID-19 was added to the PPP as an appendix. The statement describes how the COVID-19 pandemic necessitated the immediate use of virtual and online public meetings. However, while public meetings were held online for over a year as part of social distancing protocol, public bodies have resumed in-person meetings. With the return to business as usual, it has become apparent that virtual meetings could continue to be beneficial and may be necessary at times, such as in emergency situations when in-person meetings and events are not possible or practicable. In these instances, virtual techniques such as remote or hybrid meetings may take precedence. The continued evolution of online platforms for virtual public outreach may also provide new opportunities for the MPO to expand the reach and accessibility of its public outreach efforts. Therefore, as state law allows, there will be flexibility in selecting online, in-person, or meetings in combination thereof based on the context of the setting and/or audience in order to increase the efficiency and effectiveness of the overall public outreach program. RISPC will also make every effort to ensure that people and groups are not disadvantaged by their level of access to online outreach platforms. *(The Statement may be found in Appendix E).*

## **VIII. DATA COLLECTION AND ANALYSIS**

Statewide Planning's sources of data collection include the American Community Survey 5-year estimates and US Census Bureau Decennial Census.

The Division of Statewide Planning periodically collects and conducts analysis of data regarding community boundaries for the determination of urban and rural delineations for the transportation funding formulas and highway functional classification. The collection of data pertaining to racial ethnic makeup, and income levels is provided by the US Census. Community services such as schools, hospitals, employment centers and shopping centers are often included in comprehensive plans submitted to the Division for review. The collection of data on the disabled population is covered in the American Community Survey but is also a function carried out by other departments and authorities such as the RI Department of Health and RI Public Transit Authority.

Exit surveys with attendee feedback from public hearings and workshops are conducted by the Division at public hearings and workshops. Survey results from several events are analyzed and used to enhance public engagement and outreach.

In FY 2016, at the request of FHWA, Statewide Planning developed new metrics for a Transportation Equity Benefit Analysis (TEBA) to reflect all Title VI protected and some additional disadvantaged area populations. These new metrics and TEBA method were used in the analysis of the FFY 2022-2031 STIP which may be reviewed in at: <http://www.planning.ri.gov/documents/tip/2021/Section%205-Transportation%20Equity%20Benefit%20Analysis.pdf>

As a result of the 2018 Recertification Review by the Federal Highway Administration and the Federal Transit Authority, FHWA and FTA recommended that to be consistent with Title VI, the MPO should expand the data collection and analysis to specifically include White, Black or African American, American Indian and Alaska Native, Asian and Hispanic or Latino. The analysis performed compared the allocation of investments among the Title VI protected classes and conducted a burdens and benefits analysis. This recommendation was identified under Activity 9: Planning Information in the *FY 2019 Unified Transportation Work Program*. This activity was completed in FFY 2021.

## **IX. ENVIRONMENTAL JUSTICE (EJ) PROCEDURE**

Rhode Island's MPO is committed to environmental justice and the equitable distribution of transportation projects and investments by ensuring non-discrimination in the state's transportation programs and its planning procedures and processes. Currently, Statewide Planning has two different methods for identifying trends or patterns of discrimination in two major program areas. The two methods are found in the State Transportation Improvement Program (STIP) and the Long-Range Transportation Plan (LRTP), *Moving Forward Rhode Island 2040*.

Statewide Planning worked with RIDOT and FHWA to develop a Transportation Equity Benefit Analysis, or TEBA. The TEBA provides a transportation equity analysis, bridging select population group (SPG) data with STIP project locations and investments to assess equitable distribution of transportation resources and access to

public transit. The Federal fiscal year (FFY) 2022-2031 STIP contains a demographic profile with maps and charts of the MPO area that includes an identification of locations of minority populations in the aggregate and a description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process.

*For a more detailed look at the new non-discrimination procedures and related Title VI demographics identification including mapping and results of the analysis please see the FFY 2022-2031 STIP which may be viewed at*

*<http://www.planning.ri.gov/planning-areas/transportation/tip-2022-2031.php>*

The LRTP, Moving Forward Rhode Island 2040, utilized a benefits and burden analysis for two key Title VI and Environmental Justice (EJ) transportation program areas, air quality and transit. The methodology of quantifying burdens and benefits on a macro-level was accomplished utilizing the “Location Quotient” method. Trends or patterns along with possible strategies to eliminate discriminatory affects with mitigation plans or measures are addressed either within the LRTP, in its proposed capital projects, or with changes to overall program area policy at a higher management level. For example, possible recommendations were included within the LRTP to mitigate burdensome discriminatory affects. Recently, the Title VI and EJ analysis was updated with the development of a the new LRTP as detailed in the Program Area Review section. The update builds on the previous method of analysis and uses the most current FHWA and FTA guidance as outlined in section VIII. Data Collection and Analysis. The updated LRTP was adopted on December 10, 2020.

*For a more detailed look at the LRTP Social Equity: Title VI and Environmental Justice Analysis please see <http://www.planning.ri.gov/documents/LRTP/LRTP-app/AppendixK.pdf>*

## **X. COMPLAINT PROCEDURE AND REPORTING**

As a sub-recipient of USDOT financial assistance, the Division of Statewide Planning Program has in place the following Title VI complaint procedure and will follow this complaint procedure and process that meets Title VI requirements.

**Submit complaint:** Any person who believes that he or she, or any specific class of persons, has been subjected to discrimination or retaliation, from the Division of Statewide Planning during the administration of federally funded programs, as prohibited by Title VI of the Civil Rights Act of 1964, as amended, and related statutes, may file a written complaint form (*see Appendix F*). Complaints may be submitted in writing to the Title VI Coordinator using the [Title VI/Civil Rights Complaint Form](#) or [Title VI/Civil Rights Complaint Form for other Languages](#). The complaint must be filed within 180 calendar days after the date the person believes the discrimination occurred.



**Submit written complaints to:**

Benny Bergantino, Title VI Manager  
Division of Statewide Planning  
235 Promenade Street, 2<sup>nd</sup> Floor, Suite 230  
Providence, RI 02908  
[Benny.Bergantino@DOA.RI.GOV](mailto:Benny.Bergantino@DOA.RI.GOV)

Complaints must be in writing and signed by the complainant and/or the complainant's representative. Complaints should set forth as complete as possible, the facts and circumstances surrounding the claimed discrimination and include the following information:

- Name, address, and telephone number of the complainant.
- A written statement of the complaint, including the following details:
  - (a) Basis of complaint (i.e., race, color, national origin or sex, disability, and age).
  - (b) The nature of the incident that led the complainant to feel discrimination was a factor.
  - (c) A detailed explanation of the alleged discriminatory act(s).
  - (d) The date or dates on which the alleged discriminatory event or events occurred and any witnesses.
  - (e) If applicable, name(s) of alleged discriminating official(s).
- Other agencies (state, local or Federal) where the complaint is also being filed (optional).
- Complainant's signature and date.

**Review and Response:** Upon receipt of the complaint, the Associate Director of the Division of Statewide Planning shall review and forward the complaint to the Rhode Island Department of Transportation Title VI Office.

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. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

**Submission of Complaint to the U.S. Department of Transportation:** In accordance with Federal Transit Administration (FTA) Circular 4702.1B, Chapter IX, a complaint must be submitted within 180 calendar days after the date of the alleged discrimination. Chapter IX of the FTA Circular 4702.1B, which outlines the complaint process to the Department of Transportation, may be obtained online at [www.fta.dot.gov](http://www.fta.dot.gov). Paper copies of the circular may be obtained by calling FTA's Administrative Services Help Desk, at 202-366-4865.

The Division of Statewide Planning's non-discrimination policies and procedures, including instructions on how to file a discrimination complaint, may be found at our website <http://www.planning.ri.gov/public-participation/title-vi-civil-rights.php>

As of September 30, 2021, there are no known Title VI complaints, investigations, lawsuits, or other reports of discrimination actions by Statewide Planning since submission of our last report.

## **XI. LIMITED ENGLISH PROFICIENCY PLAN (LEP)**

The Division of Statewide Planning, as a sub-recipient of federal financial assistance, must comply with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency and 70 Fed. Reg. 74087 - Dec. 14, 2005, Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons, which require that reasonable steps are taken to provide access to programs and services to persons with Limited English Proficiency (LEP).

As part of its compliance with Title VI, the Division must ensure that Limited English Proficient (LEP) individuals have meaningful access to Division programs and activities. As such, the Division has developed procedures—in accordance with USDOT guidance—to effect compliance regarding LEP.

LEP individuals are those individuals for whom English is not their primary language and have a limited ability to speak, read, write, and understand English. Failure to provide meaningful access to such individuals may result in national origin discrimination, which is prohibited by Title VI. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service;
2. The frequency with which LEP individuals come in contact with the program;
3. The nature and importance of the program, activity, or service provided by RIDOT to people's lives; and
4. The resources available to the Division and costs.

In FFY 2021, the Division of Statewide Planning revised the [LEP Plan](#). To carry out this effort, an updated four-factor analysis was performed, utilizing USDOT methodology and guidance, along with updates to the LEP populations and maps.

The LEP reflects the latest lead times for procuring both interpreters and translation service. There is currently a minimum of 5 days requested for interpreters, and a 2 day turn around for written translations for a 1-page document. The LEP Plan details the latest LEP related procurement procedures as utilized in the latest Master Price Agreement.

The Division of Statewide Planning's website is equipped with Google Translate to translate text into various other languages. Below is a list of Public Participation and Civil Rights webpages and the detailed information provided on each.

- [Public Participation](#)– Provides various ways the Division of Statewide Planning conducts its public outreach and participation program particularly related to the



following: Long Range Transportation Plan (LRTP), State Transportation Improvement Program (STIP), Unified Planning Work Program, and 2019 Public Participation Plan (PPP).

- [Title VI of the Civil Rights Act & Environmental Justice](#) – Discusses how the Division of Statewide Planning works to meet Title VI requirements. In addition, it provides the Division's: Title VI Plan/Report; Nondiscriminatory Assurances; Notice to Beneficiaries and complaint procedures.
- [Federal Protections](#) – Discusses key pieces of legislation and executive orders heavily influence how the Rhode Island Division of Statewide Planning conducts public engagement including public meetings, and the distribution of materials and communications.
- [Language Access & Translation Services](#) – Provides information on improving access to services for persons with limited English proficiency and the translation services available through Statewide Planning.
- [Documents Accessible for the Visually Impaired](#)– Provides key documents in a plain text format for the visually impaired.

\* The Division of Statewide Planning website is compliant with Section 508 of the Rehabilitation Act of 1973 via [webaccessibility.com](http://webaccessibility.com).

## **XII. PUBLIC PARTICIPATION HEARINGS, MEETINGS AND WORKSHOPS**

1. *During FFY 2021 State Planning Council's public hearings were held before the Transportation Advisory Committee. Below is a listing of the MPO task areas covered and the dates each hearing occurred.*

- Moving Forward RI: Transportation 2040, Long Range Transportation Plan – Held via ZOOM October 29<sup>th</sup> 2020 (Attendees 30).
  - \* During the 30-Day Public Comment Period, SmartComment software registered 24 commenters with 80 individual comments.
- FFY 2022-2031 State Transportation Improvement Program (STIP), Narragansett, RI - June 29<sup>th</sup> 2021 (Attendees 28).  
FFY 2022-2031 State Transportation Improvement Program (STIP), Providence, RI - June 30<sup>th</sup> 2021 (Attendees 19)
  - \* During the 30-Day Public Comment Period, SmartComment software registered 103 commenters with 271 individual comments.
- Historic Preservation State Guide Plan, Providence, RI – September 20<sup>th</sup> 2021 (Attendees\_0)

In addition to the public hearings, 11 virtual meetings, a workshop, a pop-up event, and 7 focus group meetings were held. *A listing of these meetings with attendee counts are provided below.*

<b>Public Virtual Events</b>		
<b>Date</b>	<b>Public Virtual Event</b>	<b>Attendees</b>
10/9/2020	Freight and Land Use Seminar ( <i>Session 2</i> ). Held via Adobe Connect	23
10/20/2020	The Impacts of COVID-19 on the Future of Transportation Funding. Held via ZOOM	21
10/23/2020	Freight and Land Use Seminar ( <i>Session 3</i> ). Held via Adobe Connect	17
11/6/2020	Freight and Land Use Seminar ( <i>Session 4</i> ). Held via Adobe Connect	16
11/6/2020	Freight and Land Use Seminar ( <i>Session 5/Action Planning</i> ). Held via Adobe Connect	13
11/13/2020	Transportation Planning and Natural Hazard Resilience Seminar: <i>Kick-off and Rhode Island Work To-Date</i> . Held via ZOOM	45
11/20/2020	Transportation Planning and Natural Hazard Resilience Seminar: <i>Resiliency &amp; Planning</i> . Held via ZOOM	40
12/11/2020	Transportation Planning and Natural Hazard Resilience Seminar: <i>Asset Management &amp; Nature-Based Infrastructure</i> . Held via ZOOM	46
12/11/2020	Transportation Planning and Natural Hazard Resilience Seminar: <i>Operationalizing Resilience Discussion &amp; Wrap-up</i> . Held via ZOOM	28
12/18/2020	National Freight Strategic Plan. Held via ZOOM	12
2/24/2021	DSP Municipal Training - Planning & Zoning. Held via ZOOM	16
	<i>Total</i>	277

<b>City of Newport Transportation Master Plan Workshop Event</b>		
<b>Date</b>	<b>Workshop Event</b>	<b>Attendees</b>
8/28/2021	City of Newport Transportation Master Plan. Newport City Hall	13
	<i>Total</i>	13

<b>City of Newport Transportation Master Plan Pop-Up Event</b>		
<b>Date</b>	<b>Pop-Up Event</b>	<b>Approx. Attendees</b>
8/28/2021	City of Newport Transportation Master Plan. Claiborne Pell Elementary School, 35 Dexter Street, Newport (Pop-up)	25
	<i>Total</i>	25

<b>RIPTA: One Click One Call Focus Groups</b>		
<b>Date</b>	<b>Focus Group Meetings</b>	<b>Attendees</b>
10/5/2020	#1 – Agency Partners	17
10/13/2020	#2 – Consumers/Advocates	11
10/14/2020	#2 – Consumers/Advocates	14
10/19/2020	#2 – Consumers/Advocates	16
12/2/2020	#3 – Transportation Providers	9
12/9/2020	#3 – Transportation Providers	13
	<i>Total</i>	80

2. A summary of outreach efforts for the hearings, meetings and workshops in FFY 2021 are listed below:

- Notices were posted on the Division of Statewide Planning and Secretary of State websites in English and Spanish. In addition, informational flyers were made available at event locations in English.
- On August 1, 2020, the Division of Statewide Planning contracted with a web-based public comments management software company, SmartComment. The SmartComment software provides the public with easy comment entry, interactive mapping, digital bracketing, and a comment dashboard to provide efficient management of comments and easily display comment analytics for ‘comment tracking’. SmartComment gives staff the ability to take an automated approach to something that was done manually before to increase productivity and efficiency. SmartComment was founded to vastly improve the public comment process for environmentally impactful projects, rule changes, permit applications, and for agencies and organizations that need comprehensive comment support.
- Direct email notification was sent to the over 1,400 planning and transportation contacts in the Division of Statewide Planning’s database. This database includes: all RI senators and representatives; state agencies, transportation providers, city/town council members; municipal CEOs, town and public works directors, planners, and transportation stakeholders; environmental justice agencies; universities; and members of the public who have signed up for public notifications.
- The Division of Statewide Planning monthly e-newsletter was utilized to provide notice for events and sent to more than 203 interested parties
- Event locations selected were accessible to individuals with disabilities. Any individual with physical or sensory impairments requiring assistance for a reasonable accommodation to participate, or any individual requiring the services of a spoken language interpreter, was instructed by the hearing notice as to how to request accommodation posted on the Division of Statewide Planning website and physical postings.

- \* On March 9, 2020, Rhode Island declared a of State of Emergency *due to COVID-19*. On March 16, 2020, the Governor issued Executive Order 20-05, allowing for certain public meetings to be held via phone or video conference. On June 24, 2021, the Executive Order permitting remote meetings expired.
- Translation service for the limited English proficient public was made available, as needed, for public hearing, meeting and workshop notices, informational event flyers, and attendee feedback surveys.

### **XIII. PUBLIC PARTICIPATION PLAN (PPP) PERFORMANCE REVIEW AND ANALYSIS**

The Division of Statewide Planning’s PPP was updated by the MPO in FFY 2019. It represents an ongoing strategy of public outreach for the SPC’s plans and programs. To maintain a successful participation program, Statewide Planning and the SPC periodically evaluate what works and what does not work in the public participation process and evaluation of attendee feedback survey questionnaires (rev. 2019-2020) are conducted or as part of an annual review. *(A copy of the Attendee Feedback survey questionnaire can be found in Appendix G).*

An evaluation of attendee feedback survey questionnaires for FFY 2021 was performed and the results presented herein. Nineteen (19) surveys were collected at two (2) public hearings: one held in Narragansett; one held in Providence, one workshop, and one pop-up event. All attendees were asked to complete a survey feedback form. The results were compiled and presented using three (3) performance measures to gauge the effectiveness of the MPO’s public involvement activity. The three performance measures evaluated include:

#### 1. Information Dissemination

- Were the participants at the events satisfied with the availability of information?
- Was the information provided in a timely manner?
- Was “noticed” to actively participate effective?

#### ***Statewide Planning Evaluation Results:***

100% of the attendees that responded to the survey were satisfied with the information provided and that it was delivered in a timely fashion. The two prime sources that served as forms of notification of the events were other and email. Almost 50% of the attendees that responded to the survey identified other as the prime source of notification.

## 2. Consultation

- Was there meaningful information and dialogue exchanged?
- Did the participants believe the event was at a time and location that was convenient?
- Did the outreach achieve desired outcomes such as was the event beneficial and did it provide information that was helpful to the participant?
- Is the public participation more demographically balanced, such as more participation of the underserved and minority populations?
- Is there a measurable trend of increased attendance/participation?

### ***Statewide Planning Evaluation Results:***

Of the respondents, 89% of attendees surveyed felt that the events were held at a convenient time, while 95% felt that the events were held in a convenient location.

Of the respondents, 100% of attendees surveyed felt that the events were beneficial and provided information that was helpful.

In terms of being demographically balanced, the results are inconclusive due to the result that in-person meetings resumed in July and the survey responses only accounted for 3 months.

Additional Attendee Feedback Survey data of interest:

- 100% of attendees that responded to the survey were white, non-Hispanic.
- 77% of attendees that responded to the survey had family incomes greater than \$75,000.
- 100% of attendees that responded to the survey identified that their primary language spoken at home was English.
- Only 1 (5.6%) attendee that responded to the survey identified themselves as “disabled”.
- The male to female attendee ratio that responded to the survey was 44% to 56%, respectively.

Lastly, the attendee survey feedback attendance records that were available to the Title VI Coordinator showed a significant increase in surveys completed (19) compared to 2020 (4). This was obviously a result of the COVID-19 Pandemic that virtually wiped out all in-person public participation events in FFY 2020.

## 3. Stakeholder Participation

- Were the participants satisfied with the opportunity to offer input?
- Did they believe their opinions were heard and mattered?

***Statewide Planning Evaluation Results:***

The attendees that responded to the survey showed that 94% attendees were satisfied with the opportunity to offer input, while 100% felt that their opinions were heard and mattered.

**XIV. SUMMARY**

This document was prepared to fulfill requirements of Title VI of the Civil Rights Act of 1964. Title VI Program requirements and directives is required reporting for sub-recipients of U.S. Federal aid and the U.S. Department of Transportation. This report is updated annually and documents efforts taken by the Rhode Island MPO to comply with FHWA's Title VI/Nondiscrimination Program requirements. If there are any questions about the content of this report, please contact, the Title VI Coordinator, Benny Bergantino via telephone (401) 222-1755, mail or email - [benny.bergantino@doa.ri.gov](mailto:benny.bergantino@doa.ri.gov).

**APPENDIX A**  
**TITLE VI - NONDISCRIMINATION POLICY STATEMENT**  
**/ NOTICE TO BENEFICIARIES**

# Title VI - Rhode Island Division of Statewide Planning's Notice to Beneficiaries

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The Division of Statewide Planning (Statewide Planning) operates its programs, services, and activities in compliance with federal nondiscrimination laws including [Title VI of the Civil Rights Act of 1964](#), the [Civil Rights Restoration Act of 1987](#), and related statutes and regulations. Title VI prohibits discrimination in federally assisted programs and requires that no person in the United States shall, on the grounds of race, color, or national origin (including limited English proficiency), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance. Related federal nondiscrimination laws administered by the [Federal Highway Administration](#), the [Federal Transit Administration](#), or both prohibit discrimination on the basis of age, sex, and disability. These protected categories are contemplated within Statewide Planning's Title VI Program consistent with federal interpretation and administration. Additionally, Statewide Planning provides meaningful access to its programs, services, and activities to individuals with limited English proficiency, in compliance with [US Department of Transportation](#) policy and guidance on federal [Executive Order 13166](#).

To request additional information about Statewide Planning's Civil Rights obligations please contact Benny Bergantino, Title VI Coordinator at [Benny.Bergantino@doa.ri.gov](mailto:Benny.Bergantino@doa.ri.gov) or (401) 222-1755. Persons wishing to file complaints under Title VI should do so within 180 days of the alleged occurrence. Complaints may be submitted in writing to the Title VI Coordinator using the [Title VI/Civil Rights Complaint Form](#) or [Title VI/Civil Rights Complaint form for other Languages](#), or by contacting Mr. Bergantino at the above telephone or email address. Reasonable accommodations will be provided to anyone needing assistance due to physical, sensory impairments or a disability to request information or file a complaint. This assistance is available by contacting Lisa Middleton at 222-2180 (voice) or #711 (R.I. Relay).



**APPENDIX B**  
**TITLE VI - NONDISCRIMINATION ASSURANCES**

## The United States Department of Transportation

### (USDOT) Standard Title VI/Non-Discrimination

#### Assurances

#### DOT Order No. 1050.2A

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

#### Statutory/Regulatory Authorities

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

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

#### General Assurances

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

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

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

#### Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Metropolitan *Planning Program*:

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

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

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

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

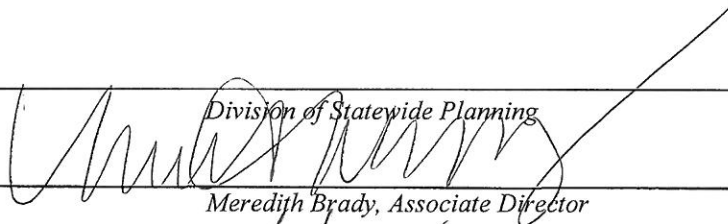
3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
  - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance

under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

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

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

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

by  \_\_\_\_\_  
Division of Statewide Planning  
Meredith Brady, Associate Director

DATED 8/6/2018

## APPENDIX A

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

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

**Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## APPENDIX E

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

### Pertinent Non-Discrimination Authorities:

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


**APPENDIX C**  
**MPO SELF-CERTIFICATION**

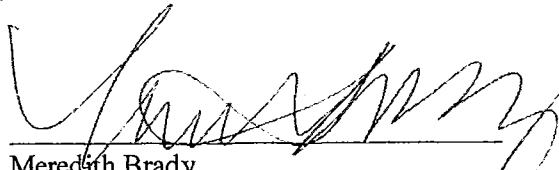
## Appendix E

### MPO SELF-CERTIFICATION

In accordance with Title 23 CFR 450.336, the Rhode Island State Planning Council sitting as the Metropolitan Planning Organization for the State of Rhode Island hereby certifies to FHWA and FTA that the transportation planning process is addressing the major issues in the metropolitan planning area and are being conducted in accordance with all applicable requirements set forth in;

- (1) 23 U.S.C. 134, 49 U.S.C. 5303, and this subpart;
- (2) In nonattainment and maintenance areas, sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506 (c) and (d)) and 40 CFR part 93;
- (3) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21;
- (4) 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
- (5) Section 1101(b) of the SAFETEA-LU (Pub. L. 109-59) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
- (6) 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
- (7) The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR parts 27, 37, and 38;
- (8) The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
- (9) Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender; and
- (10) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

  
\_\_\_\_\_  
Brett Smiley  
Chair, Metropolitan Planning Organization  
6/24/20  
\_\_\_\_\_  
Date:

  
\_\_\_\_\_  
Meredith Brady  
Secretary, Metropolitan Planning Organization  
06/16/2020  
\_\_\_\_\_  
Date:

*Agreed as to form:  
[Signature]  
DOT Leg*



**APPENDIX D**  
**SUB-RECIPIENT COOPERATIVE AGREEMENTS AND CONTRACTS**

**RI DIVISION OF STATEWIDE PLANNING ACTIVE GRANTS AND OTHER CONTRACTS FFY 2021**

**GRANT PROGRAM VENDOR AND CONSULTANT CONTRACTS**

Award	Purchase Order	Vendor/Agency	Source	Status	Grant Information	Start Date	End Date	Budget Amount	Balance	Comment/Status	Title VI Signed	DBE Subcontractor			
												DBE Name	DBE Goal	Amount	DBE Goal Status
Vendor	PO#3393404	URI (RIGIS)	FHWA/FTA/URI	ACTIVE	RIGIS (Prime: University of RI)	8/24/2014	7/30/2022	\$471,200.00	\$80,698.56	Budget Amount Federal Funds Only; Amended Every Fiscal Year <u>80/20 Split</u>	Yes	NA	No	NA	NA
Statewide	PO#3515882	Statewide/ Consultant	FHWA	ACTIVE	L RTP update (Prime: VHB)/Nelson - Nygaard - TMP)	5/12/2017	10/31/2021	\$1,420,418.00	\$1,538.36	Amended TMP 4/18/18 & 11/4/19 <u>80/20 Split</u>	Yes	ASG Planning, LLC	10%	\$93900/ \$59,918	Met/Met
Statewide	PO#3487103	Statewide/Consultant	FHWA/FTA	ACTIVE	E-STIP Statewide Planning Suite (Prime: ESRI)	2/1/2020	10/31/2022	\$1,524,284.00	\$1,021,192.36	<u>80/20 Split</u>	Yes	NA	No	NA	NA
Statewide	PO#3665851	Statewide/Consultant	FHWA/FTA	ACTIVE	E-STIP Manager Implementation Software (Prime: PMG)	2/5/2020	12/31/2021	\$486,000.00	\$89,200.00	Amended 9/15/2021 <u>80/20 Split</u>	Yes	NA	No	NA	NA
Statewide	PO#3668358	Statewide/Consultant	FHWA/FTA	ACTIVE	Land Use 2050 Orthophotography (Prime: Dept. of Interior/USGS)	2/21/2020	3/1/2023	\$129,000.00	\$57,816.37	Amended 6/15/2021 <u>70/30 Split</u>	NA	NA	No	NA	NA
Statewide	PO#3712995	Statewide/Consultant	FHWA/FTA/NPT	ACTIVE	Newport Transportation Master Plan (Prime: Toole Design)	3/4/2021	3/3/2023	\$394,968.00	\$295,558.23	<u>46/54 Split</u>	Yes	Valerie Southern/Green International Affiliates	10%	\$39,497	In Progress
Statewide	PO#3687165	Statewide/Consultant	FHWA	ACTIVE	Public Comment Software (Prime: SmartComment)	7/30/2020	7/31/2022	\$12,000.00	\$0.00	<u>80/20 Split</u>	Yes	NA	No	NA	NA
Statewide	PO#3719308	Statewide/Consultant	FHWA/FTA	ACTIVE	RISM (Prime: AECOM)	4/15/2021	4/14/2023	\$376,316.79	\$376,316.79	<u>80/20 Split</u>	Yes	TraInfo	No	NA	NA
Statewide	PO#3743037	Statewide/Consultant	FHWA/FTA	ACTIVE	E-STIP Manager Implementation Software - Maintenance (Prime: PMG)	9/1/2021	10/31/2022	\$64,000.00	\$64,000.00	<u>80/20 Split</u>	Yes	NA	No	NA	NA
							<b>Totals</b>	<b>\$5,088,186.79</b>	<b>\$1,986,320.67</b>						
Statewide	PO#3509258	Statewide/ Consultant	FHWA	CLOSED	RISM (Prime: AECOM)	3/15/2017	7/31/2021	\$522,347.84	\$27,040.50	Amended 12/31/2019, 2/7/2018, 3/7/2018, 12/31/2021, 2/10/2021 & 3/31/2021 <u>80/20 Split</u>	Yes	TraInfo.	10%	\$49,450	Met
Statewide	PO#3668163	RIPTA/Consultant	FTA	CLOSED	Mobility On-Demand Study (Prime: AECOM)	2/20/2020	6/30/2021	\$80,000.00	\$21,071.57	Budget Amount Federal Funds Only; <u>80/20 Split</u>	Yes	NA	No	NA	NA
Statewide	PO#3668356	RIPTA/Consultant	FTA	CLOSED	One-Call/One-Click (Prime: Nelson-Nygaard)	2/21/2020	6/30/2021	\$80,000.00	\$5,842.40	Budget Amount Federal Funds Only; <u>80/20 Split</u>	Yes	NA	No	NA	NA
Statewide	PO#3671932	RIPTA/Consultant	FTA	CLOSED	Human Services Transportation Integration Strategy (Prime: ASG Planning)	3/18/2020	6/30/2021	\$64,000.00	\$6,920.95	Budget Amount Federal Funds Only; <u>80/20 Split</u>	Yes	NA	No	NA	NA
							<b>Totals</b>	<b>\$746,347.84</b>	<b>\$60,875.42</b>						

**APPENDIX E**

**STATEMENT ON VIRTUAL PUBLIC OUTREACH IN RESPONSE TO COVID-19**



## **Metropolitan Planning Organization Statement on Virtual Public Outreach in Response to COVID-19**

In accordance with the federal metropolitan planning regulations 23 CFR 450.316(a)(1), the State Planning Council (RISPC), acting as the Metropolitan Planning Organization (MPO) for the State of Rhode Island, is required to develop and employ a detailed Public Participation Plan and must periodically review the effectiveness of the procedures and strategies contained in the Plan to ensure a full and open participation process.

Rhode Island's current Public Participation Plan was adopted by the RISPC on June 13, 2019 and is guided by specific goals and outreach strategies sought to maximize public engagement at workshops, public meetings, hearings, and related community outreach events. These strategies apply to the Division of Statewide Planning (RIDSP) in application of duties charged to the MPO. State regulations also mandate the means by which public engagement occurs. Rhode Island's Open Meetings Act and the Rhode Island Public Records Act outline certain standards and procedures for noticing the public, disseminating information and documents, and conducting open meetings.

The public health emergency caused by the COVID-19 pandemic necessitated the immediate use of virtual and online public meetings. The Governor's Executive Order 20-02 declaring a state of emergency was issued on March 9, 2020. On March 16, 2020, emergency orders affecting the Open Public Meetings Act and the Public Records Act went into effect and enabled remote public meetings to take place. The order also provided relief to managing public records requests. Conducting open meetings were relieved from the restriction regarding the use of telephonic or electronic communication. As a result, all public meetings of the Technical Committee, Transportation Advisory Committee, and State Planning Council, were moved online and conducted over Zoom, the online meeting platform.

Over the past year, the RIDSP website at [www.planning.ri.gov](http://www.planning.ri.gov) was used to post electronic copies of meeting notices, agendas, and public documents in accordance with the Public Records Act. Remote meetings were the primary forum for holding meetings until the expiration of the Governor's Executive Order on June 24, 2021. While public bodies have reverted back to in-person meetings for the time being, it may be necessary, such as in emergency situations when in-person meetings and events are not possible or practicable, virtual techniques, such as remote or hybrid meetings, will take precedence.

The continued evolution of online platforms for virtual public outreach may also provide new opportunities for the MPO to expand the reach and accessibility of its public outreach efforts. As state law allows, there will be flexibility in selecting online, in-person, or combination thereof based on the context of the setting and/or audience in order to increase the efficiency and effectiveness of the overall public outreach program. RISPC will also make every effort to ensure that people and groups are not disadvantaged by their level of access to online outreach platforms.

**APPENDIX F**  
**COMPLAINT FORM**

**TITLE VI/ CIVIL RIGHTS COMPLAINT FORM**

**Contact Information**

**Name**

**Address:**

**City:**

**State:**

**Zip:**

**Home Phone:**

**Work Phone:**

**Email:**

**Discrimination Complaint**

**Name of Staff Person that You Believe Discriminated Against You:**

**Date of Alleged Incident:**

**You were discriminated because of:**

TITLE VI

- Color**
- National Origin**
- Race**

OTHER STATUTES

- Age**
- Disability**
- Sex**

**Explain as briefly and clearly as possible what happened and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently than you. Also attach any written material pertaining to your case such as any persons (witnesses, fellow employees, supervisors, or others), if known, whom we may contact for additional information to support or clarify your complaint. (Please be sure to provide contact information, and use additional sheets if necessary.)**

**Signature:**

**Date:**

**Email the completed form to or by U.S. Mail to: Benny.Bergantino@doa.ri.gov, Title VI Manager  
Rhode Island Division of Statewide Planning, 235 Promenade Street, 2nd Floor, Suite 230,  
Providence, RI 02908**

**APPENDIX G**  
**ATTENDEE FEEDBACK FORM**



## RI Division of Statewide Planning Attendee Feedback Survey



Event Date: \_\_\_\_\_ Time: \_\_\_\_\_

Event Description: \_\_\_\_\_

Event Location: \_\_\_\_\_

Providing information will assist the Division of Statewide Planning in improving our programs and services for all members of the public. The information you provide will be used to better understand who we serve. Responses are strictly voluntary and will remain anonymous. Thank you for participating at today's meeting.

### Please Mark Your Responses

Was this meeting held at a good time for you? If No, why?	YES	NO
Was this meeting held at a convenient location? If No, why?	YES	NO
How did you find out about this meeting?	<input type="checkbox"/> Email <input type="checkbox"/> Website <input type="checkbox"/> TV/Radio <input type="checkbox"/> Poster <input type="checkbox"/> Sec. State <input type="checkbox"/> Other	
Were you provided adequate notice of this event?	YES	NO
Did you get a chance to participate during this meeting?	YES	NO
Do you feel that your ideas were considered?	YES	NO
Was today's event beneficial and information helpful?	YES	NO
If you requested special accommodation, were your needs met?	YES	NO    Not Applicable
Were ADA accessible features satisfactory? If No, why?	YES	NO    Not Applicable

**Race:**    White    Black/African American    American Indian/Alaska Native    Asian    Native Hawaiian/ Pacific Islander    Some Other Race/Two or More

**Ethnicity:** Hispanic / Latino:     Yes                       No

**Age:**    18 and under     19-24     25-34     35-44     45-54     55-64     65 and over

**Family Income:**    Less than \$14,999    \$15,000-24,999    \$25,000-34,999  
                                   \$35,000-49,999     \$50,000-74,999    Over \$75,000

**Sex:**                       Male                       Female

**Is English your native language?**    Yes     No, Please tell us your native language: \_\_\_\_\_

**How well do you speak English?**    Very Well     Less Than Very Well     Not Well

**Disabled: \***     Yes                       No

\*Note: Individuals with disabilities are persons with a physical or mental impairment which substantially limits one or more major life activities including caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, and learning. (Codified as 29 U.S.C. 794.)

*Your response to the questions above is optional and confidential. It will help us to better meet your needs.*