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TITLE VI REPORT 2023

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

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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 Rhode Island Division of Statewide Planning (RIDSP), the 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 401-222-1755.

Overview

As a subrecipient of federal financial assistance from FHWA, RIDSP 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.¹”

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*.

¹ 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.

RIDSP'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.² 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.”³ 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....”⁴

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.

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

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

⁴ *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

RIDSP 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 RIDSP’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).

III. TITLE VI - NONDISCRIMINATION ASSURANCES

As a sub-recipient, RIDSP, 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 September 14th, 2023. *(See Appendix B).*

In addition, in accordance with Title 23 CFR 450.336, RIDSP 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 (UPWP)*.

IV. TITLE VI - COORDINATOR RESPONSIBILITIES

The current Title VI Coordinator at RIDSP is Benny L. Bergantino, Principal Planner with 18 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 RIDSP 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 RIDSP, 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 RIDSP 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

RIDSP 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:

- Life Near the Highway: Examining Environmental Justice and Equity in Land Use and Transportation Planning, sponsored by the Urban Institute (Webinar), November 16, 2022
- Justice40 Initiative, sponsored by U.S. Department of Transportation (Webinar), November 17, 2022
- Climate Justice Hour, sponsored by the RI Office of Energy Resources and RI Department of Environmental Management, Southside Community Land Trust, January 9, 2023
- Transportation Equity: Community Building in Action – Career Series #1, sponsored by the Transportation Research Board (Webinar), February 8, 2023
- Transportation Equity: Community Building in Action – Career Series #3, sponsored by the Transportation Research Board (Webinar), March 22, 2023
- FHWA Leadership Panel on Equity in Roadway Safety, sponsored by the U.S. Department of Transportation, (Webinar) April 17, 2023
- Exploring Inequities in the Transportation Sector, sponsored by Metcalf Institute (Webinar), June 8, 2023

- Environmental Justice – What is it and Why Should I Care, , sponsored by Environmental Business Council New England, Inc. (Webinar), June 27, 2023
- Inclusive Transportation – Rethinking Transportation Planning and Engineering, (Webinar), sponsored by Maryland Department of Planning, September 19, 2023

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 RIDSP.

VII. PROGRAM AREA REVIEW

The Rhode Island Division of Statewide Planning – Transportation Planning

RIDSP, 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, the current LRTP, Moving Forward Rhode Island 2040, 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>.

Lastly, in the FY 2024 Unified Planning Work Program (UPWP), Project 6.3 will update the 2040 LRTP to a 2045 horizon and include updated data and analysis, cost estimates and funding sources, short-term and long-term goals, objectives, strategies, and performance measurements that reflect federal transportation priorities. The LRTP update will be designed to satisfy federal regulations related to a long-range statewide transportation plan and a metropolitan transportation plan. The schedule for implementation is estimated to be a 2.5-year planning process where staff will work to update elements of the LRTP in-house in FY24, with the possibility of adding a consultant in FY25 and FY26.

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 MPO adopts a UPWP annually in May 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, RIDSP 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 RIDSP'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*).

Lastly, in the FY 2023 UPWP, a Public Participation Plan Limited Update is scheduled. This special task will provide an update to the plan with a virtual engagement strategy and implementation plan that can be utilized in addition to traditional in-person meetings or events. This task is now estimated to be completed in late 2023, early 2024.

VIII. ADA COMPLIANCE AND ACCOMMODATIONS

[The Americans with Disabilities Act \(ADA\) of 1990, as amended \(42 U.S.C. § 12101 et seq.\)](#), prohibits discrimination on the basis of disability, as well as [Section 504 of the Rehabilitation Act of 1973 \(29 U.S.C. § 701\)](#) and [Section 508 of the Rehabilitation Act of 1973 \(29 U.S.C. § 794d\)](#). Together they are federal anti-discrimination laws that protect persons with disabilities. The ADA and the Rehabilitation Act of 1973 provides comprehensive civil rights protections to any qualified person with a disability, and it forbids discrimination not only in government programs, benefits and services, but also in employment practices, access to public accommodations, and information and communications technology.

Some of the ways in which RIDSP maintains ADA Compliance and Accommodations are listed below:

- RIDSP maintains and continuously updates a website at www.planning.ri.gov. As of July 2022, the website was updated to be more 508 compliant with an interface that is more user-friendly on mobile devices and tablets. Visitors to the RIDSP website will find a wide range of transportation planning resources and data and information about the various transportation related functions and activities.
- RIDSP provides accessibility to key PDF documents for the visually impaired on our website at <http://www.planning.ri.gov/public-participation/ptd-for-visually-impaired.php>.
- Virtual Zoom Meetings have direct-captioning and transcription options.
- With prior notice, RIDSP will provide Certified American Sign Language (ASL) and Special Technologies such as Communication Access Real-time Translation (CART).
- RIDSP selects event locations that are 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 RIDSP website and physical postings.
- RIDSP is represented on RIPTA's Accessible Transportation Advisory Committee (ATAC)
- RIDSP has initiated the coordination with RIDOT to engage municipalities in an assessment of municipal compliance with the ADA. These municipal ADA assessments are meant to gauge whether or not municipalities are in compliance with RIDOT Section 504 Regulations in 49 CFR Part 27 and if they are not,

provide assistance, training or resources needed to incrementally move municipalities closer to compliance. According to the ADA Title II, all State and local governmental agencies shall provide access to its facilities, programs, and services for persons with disabilities. As part of the ADA regulation requirement, a self-evaluation shall be conducted to ensure local governments identify the facilities, programs, and services that need modification or relocation to provide access and equal opportunities for people with disabilities within their jurisdiction. For state and local governments that employ 50 or more individuals an ADA Transition Plan is required and must be in place for recipients of U.S. Department of Transportation financial assistance (Section 504 regulations in 49 CFR Part 27).

IX. DATA COLLECTION AND ANALYSIS

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

RIDSP 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 RIDSP 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, RIDSP 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 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.

X. 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, RIDSP 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*.

RIDSP 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>

In the FY 2023 and FY 2024 UPWPs, RIDSP programmed a “Transportation Equity Analysis Platform”. The purpose of this platform is to better align social equity policies, decisions, and outcomes into our planning process as detailed in the Justice40 federal initiative. This work will include the development of an effective model to advance equity in various categories such as transportation, health, environment, and housing for underserved and marginalized groups, including low-income and communities of color. This social equity platform would significantly revamp and expand upon the equity methodology RIDSP currently utilized to evaluate transportation investments included in the STIP and LRTP. As part of this project, RIDSP has reviewed other DOT and MPO social equity analysis methodologies and tools to develop a set of best practices that can be implemented and deployed in Rhode Island to advance transportation investments to disadvantaged communities. Stakeholder and working group feedback has been provided and will be continued as we move through this project. Additionally, RIDSP staff is working to integrate collected data into a draft mapping platform.

In the future, deployment can include but is not limited to the development of Social Equity Performance measures for the STIP, a social equity online dashboard to track and monitor performance towards the equity goals, and an Equity Index Analysis that can be integrated into the E-STIP’s SWIFT project intake application. These items under the Equity Platform will better inform planners and decision makers in a quantitative way and help to protect these identified communities, as well as implement plans that deliver projects better suited to these areas. The outcome of this work will be a set of recommendations, actions, and methodology for equity analysis for the social equity platform that can be deployed to the MPO transportation planning process. This task has involved staff from other groups within RIDSP as well as other state agencies including but not limited to RIDEM, RIDOH, and RIDOT to ensure that equity and social justice considerations are integrated into all outreach and project development platforms.

XI. COMPLAINT PROCEDURE AND REPORTING

As a sub-recipient of USDOT financial assistance, RIDSP has the following Title VI complaint procedure in place 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 RIDSP 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, 2nd Floor, Suite 230
Providence, RI 02908
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 RIDSP 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. Paper copies of the circular may be obtained by calling FTA's Administrative Services Help Desk, at 202-366-4865.

RIDSP'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, 2022, there are no known Title VI complaints, investigations, lawsuits, or other reports of discrimination actions by RIDSP since submission of our last report.

XII. LIMITED ENGLISH PROFICIENCY PLAN (LEP)

RIDSP, 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, RIDSP 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 RIDSP and costs.

In 2023, RIDSP 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.

RIDSP'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 RIDSP 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 RIDSP 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 RIDSP 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 RIDSP.
- [Documents Accessible for the Visually Impaired](#)– Provides key documents in a plain text format for the visually impaired.

XIII. MPO RECERTIFICATION REVIEW

Every four years, an MPO must be certified by FHWA and FTA. To be certified means an MPO has met the federal transportation planning process requirements: this allows an MPO the ability to continue receiving federal transportation dollars. Through a series of virtual meetings on February 8, 9, and 10, 2022, the FHWA and FTA assessed Rhode Island’s transportation planning process. Representing the Rhode Island transportation planning process were staff from RIDSP (Rhode Island’s MPO staff), RIDOT and the Rhode Island Public Transit Authority (RIPTA). In addition, opportunities for public comment were provided via a virtual State Planning Council meeting on February 10, 2022, and a Transportation Advisory Committee meeting on February 17, 2022. The MPO was recertified on April 21, 2022. The review report is located at <https://planning.ri.gov/sites/g/files/xkgbur826/files/2022-05/4-21-2022-mpo-recert.pdf>. The Public Participation and Title VI recommendations are detailed below with RIDSP’s responses.

Public Participation Recommendation - RIDSP should ensure that the effectiveness of the PPP is evaluated on a regular basis and that the evaluation process is transparently coordinated with stakeholders

RIDSP Response –As a result of the recertification recommendation RIDSP has programmed a Public Participation Limited Update into the FY 2023 UPWP that will address the shifting framework of public participation meetings and provide innovations for public comment intake. This update provides RIDSP an opportunity to revisit the effectiveness of the PPP and better ensure that the PPP is evaluated on a more regular basis.

Public Participation Recommendation - While the planning partners have taken a multi-faceted approach to public engagement in their respective areas of responsibility, opportunities to enhance early outreach and education, processes for incorporation of comments received, and additional public and stakeholder outreach and engagement opportunities should be evaluated. The MPO should work to engage neighborhood organizations in the planning process as well.

RIDSP Response – Within the PPP Limited Update, RIDSP is working to provide more opportunities for early engagement by offering more frequent meetings at different times and locations including virtual sessions. This will provide RIDSP a chance to better implement public comments. RIDSP is exploring opportunities to better engage neighborhood organizations.

Title VI/LEP Recommendation - It is recommended that the MPO explore opportunities to provide summary documents of the MPO’s key documents in all Safe Harbor languages. The MPO must not solely rely on Google Translate plug-in on its website, as this tool is not an effective translation method.

RIDSP Response – RIDSP is in the process of posting translated PDF’s for the complaint form on the MPO website. In addition, the State has revamped websites for various departments, including RIDSP, which provides translation via Google translate but in a more accessible way than years prior. In future RFP’s for key documents, RIDSP will look to include translations to Safe Harbor languages as part of contracts moving forward.

Title VI/ADA Recommendation - The MPO will need to coordinate with RIDOT to develop a municipal ADA assessment, for which a summary of the results should be sent to FHWA/FTA annually.

RIDSP Response – On July 17th, 2023, RIDSP met with the RIDOT ADA Coordinator and staff associated with municipal ADA implementation. During this meeting, RIDOT indicated that ADA assessments are done on a case-by-case basis every year. Depending on which municipalities submit projects to RIDOT, ADA assessments are carried out with surveys to determine if the applicant municipalities are meeting ADA requirements. Understanding the existing process, RIDSP and RIDOT discussed the potential of changing this system to utilizing an annual survey that reaches out to all municipalities. After these surveys are completed, interested municipalities could then decide to participate in an instructor lead training for municipal designees/ADA coordinators so they would both come into compliance with designating an ADA coordinator and become eligible for future federal grant awards. RIDOT staff indicated that they could share some instructor information with RIDSP to begin this process and gauge municipal interest.

Title VI/ADA Recommendation - The MPO should continue to assess how it communicates with people with disabilities. Alternative methods of communication such as TTY (Teletypewriter), TDD (Telecommunication Device for the Deaf), and

relay services that will allow individuals with hearing-impairment to communicate through the telephone to receive information from the MPO. In addition to plain text documents RIDSP makes available to the visually impaired, large print, braille and electronic information must be made available upon request for persons with visual disabilities, to meet compliance with Section 508.

RIDSP Response – RIDSP will continue to offer services to those with disabilities on a case-by-case basis.

XIV. PUBLIC PARTICIPATION HEARINGS, MEETINGS AND WORKSHOPS

1. During FFY 2023 there were no State Planning Council public hearings that were held before the Transportation Advisory Committee (TAC), as there were no Major or Minor STIP Amendments submitted for action. However, on September 18, 2023, there was one hearing held to amend the *Rules and Standards of the State Planning Council*, but no members of the public attended nor were any comments received.

Public participation was seen during the public comment portion of the November 17, 2022, TAC meeting, when 21 members of the public made statements on RIPTA’s 2022-2026 Transit Asset Management Plan and Targets and the Off-System Bridge Transfer Concurrence Request put forth by RIDOT.

Lastly, during FFY 2023, two in-person/workshop meetings were held. These two meetings are listed below with attendee counts.

In Person/Workshop Events		
Date	Public Event	Attendees
6/2/2023	Planners' Roundtable Discussion: Changing Housing Legislation. Held in person at the Cranston Public Library	40
9/8/2023	Planners' Roundtable Discussion: Changing Housing Legislation. Held in person at the Warwick Public Library	30
	<i>Total</i>	70

2. A summary of outreach efforts for the hearings, meetings and workshops in FFY 2023 are listed below:
 - Notices were posted on RIDSP 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, RIDSP contracted with a web-based public comments management software company, SmartComment. The SmartComment software provides the public with easy comment entry, interactive mapping, 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. RIDSP continues to utilize this platform regularly and works with RIDEM and OER to manage public input.

- Direct email notification was sent to the over 1,300 planning and transportation contacts in RIDSP’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 RIDSP monthly e-newsletter was utilized to provide notice for events and sent to more than 250 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 RIDSP website and physical postings.
 - * 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.

XV. PUBLIC PARTICIPATION PLAN (PPP) PERFORMANCE REVIEW AND ANALYSIS

RIDSP’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, the RIDSP 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 H).*

An evaluation of attendee feedback survey questionnaires for FFY 2023 was not performed because no attendee feedback survey questionnaires were collected. The Division was busy closing out projects and performing interoffice and interagency tasks that did not warrant public participation; there were no State Transportation Improvement Program (STIP) major or minor amendments, (although administrative

adjustments were made, they did not warrant public hearings); and any project delays were the result of staffing shortages.

Under normal conditions survey results are 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?

RIDSP Evaluation Results:

An evaluation of attendee feedback survey questionnaires for FFY 2023 was not performed because no attendee feedback survey questionnaires were collected. The Division was busy closing out projects and performing interoffice and interagency tasks that did not warrant public participation; there were no State Transportation Improvement Program (STIP) major or minor amendments, (although administrative adjustments were made, they did not warrant public hearings); and any project delays were the result of staffing shortages.

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?

RIDSP Evaluation Results:

An evaluation of attendee feedback survey questionnaires for FFY 2023 was not performed because no attendee feedback survey questionnaires were collected. The Division was busy closing out projects and performing interoffice and interagency tasks that did not warrant public participation; there were no State Transportation Improvement Program (STIP) major or minor amendments, (although administrative adjustments have been made, they do not warrant public hearings); and any project delays were the result of staffing shortages.

3. Stakeholder Participation

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

RIDSP Evaluation Results:

An evaluation of attendee feedback survey questionnaires for FFY 2023 was not performed because no attendee feedback survey questionnaires were collected. The Division was busy closing out projects and performing interoffice and interagency tasks that did not warrant public participation; there were no State Transportation Improvement Program (STIP) major or minor amendments, (although administrative adjustments have been made, they do not warrant public hearings); and any project delays were the result of staffing shortages.

XVI. 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.

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

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

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 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 Thomas Mannock at 222-6377 (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."

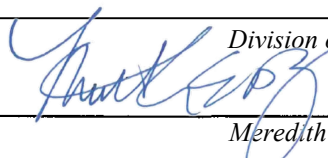
3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting 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 September 14, 2023

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 C

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 the FHWA and FTA that the transportation planning process is addressing the major issues in the metropolitan planning area and being conducted in accordance with all applicable requirements set forth in:


- a. 23 U.S.C. 134, 49 U.S.C. 5303, and this subpart.
- b. 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.
- c. Title VI of the Civil Rights Acts of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR Part 21.
- d. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity.
- e. 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.
- f. 23 CFR part 230, regarding the implementation of an equal employment opportunity on federal and federal-aid highway construction contracts.
- g. 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.
- h. 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.
- i. Section 324 of Title 23 U.S.C. regarding the prohibition of discrimination based on gender.
- j. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.



Jonathan Womer
Chair, MPO

6 / 21 / 2023


Date



Meredith E. Brady
Secretary, MPO

June 19, 2023

Date

Approved as to form:

DOT Legal
6/19/2023

APPENDIX D
SUB-RECIPIENT COOPERATIVE AGREEMENTS AND CONTRACTS

RI DIVISION OF STATEWIDE PLANNING ACTIVE GRANTS AND OTHER CONTRACTS (OCT 2022 - SEPT 2023)

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)	8/25/2014	6/30/2024	\$623,200.00	\$76,000.00	Budget Amount Federal Funds Only; Amended Every Fiscal Year <u>80/20 Split</u>	Yes	NA	No	NA	NA
Statewide	PO#3768343	Statewide/Consultant	FHWA/FTA	ACTIVE	E-STIP Statewide Planning Suite 2022 (Prime: ESRI)	4/1/2022	3/31/2025	\$2,000,000.00	\$1,389,899.00	Amended 3/24/2023; <u>50/50 Split</u>	Yes	NA	No	NA	NA
Statewide	PO#3687165	Statewide/Consultant	FHWA	ACTIVE	Public Comment Software (Prime: SmartComment)	7/30/2020	7/31/2024	\$48,000.00	\$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	4/30/2024	\$376,316.79	\$201,116.03	<u>80/20 Split</u>	Yes	TrafInfo	No	NA	NA
					GHG Modeling Implementation Assessment Plan (Prime: AECOM)			\$250,000.00	\$209,739.85	Amended 2/8/23; <u>100 Split</u>					
Statewide	PO#3743037	Statewide/Consultant	FHWA/FTA	ACTIVE	E-STIP Manager Implementation Software - Maintenance (Prime: PMG)	9/1/2021	6/30/2024	\$393,125.00	\$77,980.00	Amended 4/7/2022 & 6/16/2023; <u>50/50 Split</u>	Yes	NA	No	NA	NA
Statewide	Journal	RIHPHC (CAMP)	FHWA/FTA	ACTIVE	Conducting Training for Rhode Island Municipal Historic District Commissions	7/21/2023	TBD	\$17,000.00	\$17,000.00	<u>80/20 Split</u>	Yes	NA	No	NA	NA
Statewide	Journal	URI (NEMO)	FHWA/FTA	ACTIVE	Development of an Online Stormwater Training Program for RI Municipal Boards	9/11/2023	TBD	\$60,000.00	\$60,000.00	<u>80/20 Split</u>	Yes	NA	No	NA	NA
							Totals	\$3,767,641.79	\$2,031,734.88						
Statewide	PO#3770499	RIPTA/Consultant	FTA/RIPTA	ACTIVE	Human Services Transportation Coordinated Plan (Prime: Nelson - Nygaard)	4/4/2022	12/31/2022	\$80,000.00	\$12,642.62	Budget Amount Federal Funds Only; <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	\$200,968.36	\$14,774.78	Amended 6/15/2021; 11/16/21; 12/20/21 <u>80/20 Split</u>	NA	NA	No	NA	NA
Statewide	PO#3756495	Statewide/Consultant	FHWA/FTA	ACTIVE	RI Freight Plan Update Appendix Studies (Prime: WSP USA Inc)	1/24/2022	3/31/2023	\$327,310.58	\$887.64	Amended 9/2/2022; <u>80/20 Split</u>	Yes	Valerie J. Southern	10%	\$32,731	Met
Statewide	PO#3712995	Statewide/Consultant	FHWA/FTA/NPT	ACTIVE	*Newport Transportation Master Plan (Prime: Toole Design)	3/4/2021	5/3/2023	\$394,968.00	\$288.96	<u>46/54 Split</u>	Yes	Valerie J. Southern/Green International Affiliates	10%	\$39,497	Met/Met
Statewide	PO#3761308	RIPTA/Consultant	FTA/RIPTA	ACTIVE	Rider Survey (Prime: ETC Institute)	2/1/2022	6/30/2023	\$200,000.00	\$44,530.10	Budget Amount Federal Funds Only; <u>80/20 Split</u>	Yes	NA	No	NA	NA
							Totals	\$1,203,246.94	\$73,124.10						

*Newport Transportation Master Plan also secured the services of two Non-DBE Subcontractors: SmartMobility (1) and Center for Southeast Asians (1).

APPENDIX E
COMPLAINT FORM

TITLE VI/CIVIL RIGHTS COMPLAINT FORM



Contact Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone Numbers:

(Home): _____ (Cell): _____ (Work): _____

Email: _____

Discrimination Complaint

Name of Staff Person(s) 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

APPENDIX F
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.