

AMATS Title VI

August 2012

Non-discrimination Implementation Plan



ANCHORAGE METROPOLITAN AREA TRANSPORTATION SOLUTIONS
(AMATS)

Title VI Non-Discrimination Implementation Plan

Approved by the
AMATS Policy Committee

Date: August 23, 2012



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AMATS Title VI Non-Discrimination Implementation Plan

Approved by AMATS Policy Committee August 23, 2012

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Anchorage Metropolitan Transportation Area Solutions (AMATS) is the joint Municipal-State transportation planning process responsible for planning and programming funds from the federal Highway Trust Fund allocated to the Municipality of Anchorage, the Metropolitan Planning Organization (MPO) designated to receive those funds.

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INTRODUCTION

Anchorage Metropolitan Transportation Area Solutions (AMATS) is the cooperative Municipal-State process for planning and programming surface transportation system improvements using federal funds allocated to the Municipality of Anchorage, the Metropolitan Planning Organization (MPO) designated to receive those funds. The Municipality fulfills its role as the recognized MPO through AMATS. Map 1 on the following page shows the AMATS Planning Area Boundary. AMATS has the responsibility to ensure, for all people, that its programs, plans and policies are carried out in a manner that is not discriminatory, regardless of race, color, national origin, or sex (gender). AMATS is committed to fulfilling this obligation.

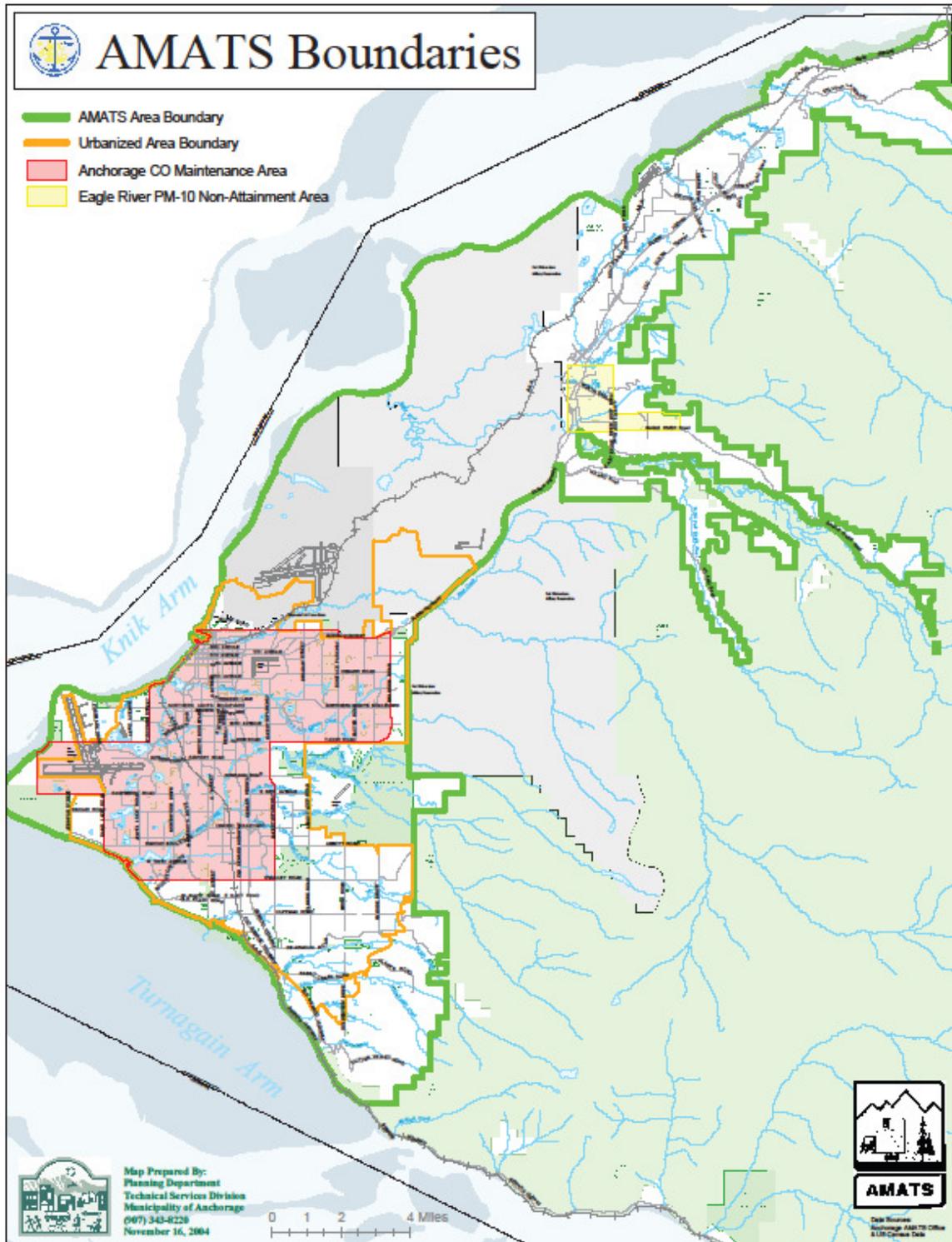
Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination based upon race, color, and national origin. Specifically, 42 USC 2000d states that *“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”* The Federal Aid Highway Act of 1973 (23 USC 324), and related federal regulations (23 CFR 200.5 (p)), prohibits discrimination on the basis of sex (gender).

Later Executive Orders placed further emphasis upon the Title VI protections of race and national origin, added low-income populations to the list of protected groups, and clarified that minority and limited English proficient populations are included under national origin. The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients and contractors, whether such programs and activities are federally assisted or not (Public Law 100259 [S.557] March 22, 1988).

Together these requirements form the legal basis for the Federal Highway Administration (FHWA) Title VI Program. According to 49 CFR 21.7 (b), recipients of federal financial assistance are required to provide for such methods of administration as determined by the Secretary of Transportation for a program to give reasonable guarantee that it, and other participants under the program including contractors and subcontractors, will comply with all requirements imposed or pursuant to Title VI related federal regulations. Guidance provided by FHWA, *Public Funds for Public Benefit: Subrecipient’s Guide to Implement Title VI*, outlines additional information to be addressed in a Title VI Nondiscrimination Plan.

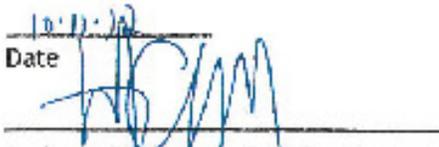
The State of Alaska and the Municipality of Anchorage have long recognized the importance of ensuring non-discrimination in the manner in which they conduct business and provide services to the public. This Title VI Non-Discrimination Implementation Plan documents a process specifically for ensuring non-discrimination by AMATS, and is consistent with non-discrimination policies of both the Alaska Department of Transportation and Public Facilities (ADOT&PF) and the Municipality of Anchorage, and FHWA Title VI requirements.

MAP 1: AMATS PLANNING AREA BOUNDARY (NOTE: Map with approved revisions will be available when finalized)



AMATS TITLE VI NON-DISCRIMINATION POLICY STATEMENT

It is the policy of Anchorage Metropolitan Area Transportation Solutions (AMATS), in accordance with Title VI of the Civil Rights Act of 1964 (42 USC 2000d *et seq*, Non-Discrimination on Basis of Race, Color, or National Origin), and other related non-discrimination statutes and regulations listed below, that no person shall, solely on the grounds of race, color, national origin, or sex (gender), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any transportation planning program or activity regardless of whether AMATS receives federal assistance from the U. S. Department of Transportation, including the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA).

10.11.12
Date

Robert A. Campbell, P.E., Chair, AMATS Policy Committee

Additional Authorities and Citations

- Title VI of the Civil Rights Act of 1964
- The Civil Rights Restoration Act of 1987
- 23 United States Code 324
- 42 United States Code 2000d to 2000-4
- 23 Code of Federal Regulations Part 200
- 23 Code of Federal Regulations Part 420.121(h)
- 23 Code of Federal Regulations Part 450.334(a)(3)
- 49 Code of Federal Regulations Part 21
- Executive Order 12250
- Executive Order 12898
- Executive Order 13166
- Executive Order 13175
- U.S. Department of Transportation Order 1050.2
- U.S. Department of Transportation Order 5610.2
- Federal Highway Administration Order 6640.23

ROLE OF ANCHORAGE METROPOLITAN AREA TRANSPORTATION SOLUTIONS (AMATS)

AMATS Role and Structure

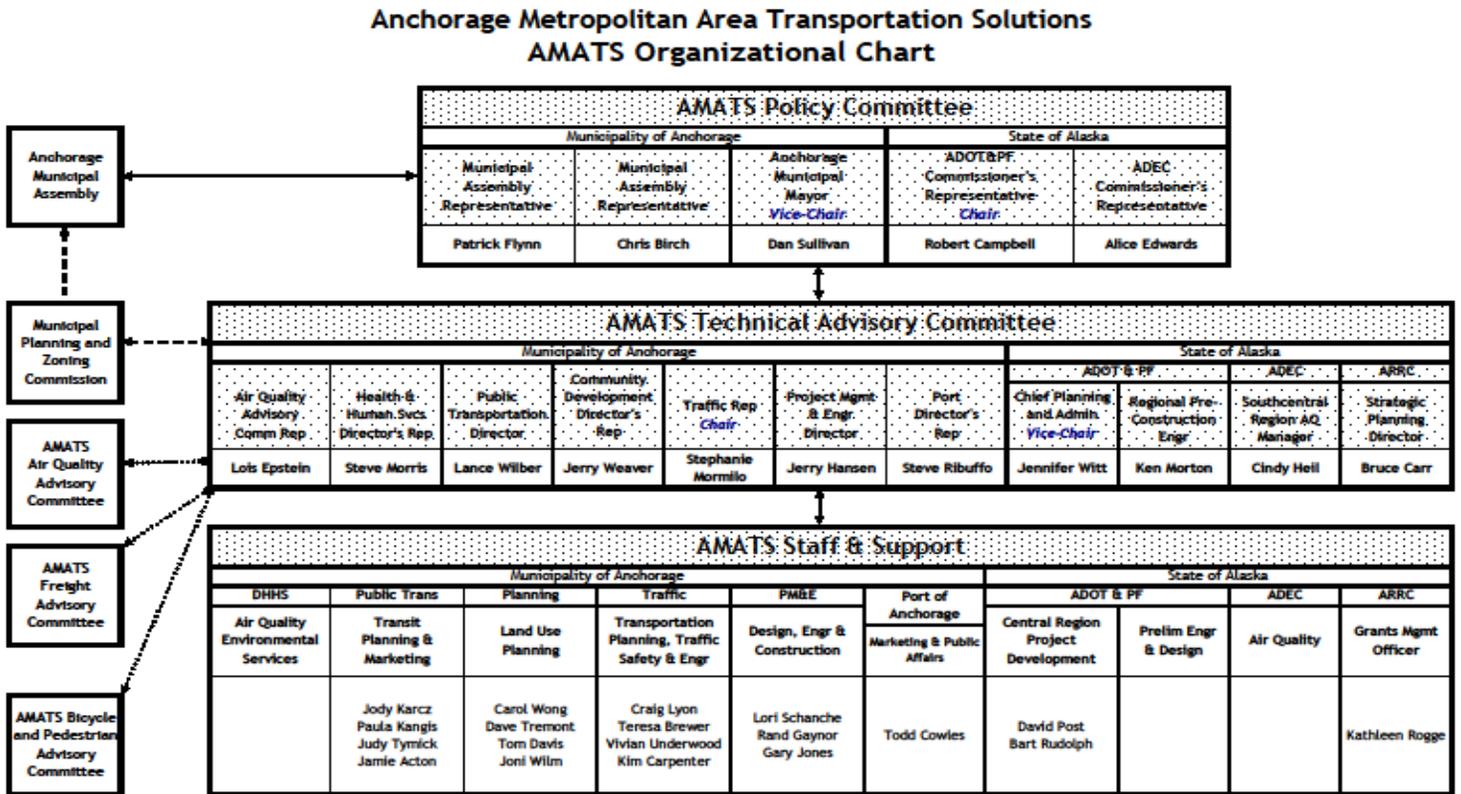
The participant groups in the AMATS planning and decision-making process are: AMATS Policy Committee; AMATS Technical Advisory Committee (TAC); Municipal Planning and Zoning (P&Z) Commission, acting in their capacity as Citizen’s Advisory Committee to AMATS; AMATS Air Quality Advisory Group, AMATS Freight Advisory Committee, Municipal Assembly; and AMATS staff, including the AMATS Coordinator. AMATS is currently in the process of forming two new sub-committees, the Bicycle and Pedestrian Advisory Committee and Intelligent Transportation Systems (ITS) Advisory Committee. Citizen’s Advisory Committees are formed on an *ad hoc* basis during development of key plans, such as the MTP. Each group plays a specific role in the process. **Figure 1** on the following page illustrates the current organizational structure.

The AMATS Policy Committee (PC) is the ultimate decision making authority over the transportation planning process. The PC is responsible for development and adoption of the the long-range (20-year horizon) *Metropolitan Transportation Plan (MTP)*; the list of projects programmed for funding over a 4-year period included in the *Transportation Improvement Program (TIP)*, the *Unified Planning Work Program (UPWP)* and budget (either annual or biennial) that specifies tasks to be performed by AMATS staff, and the *Public Participation Plan (PPP)*. The PC gives policy and overall direction to the AMATS Technical Advisory Committee; formulates transportation policy, goals, and objectives; monitors implementation of the MTP and TIP; provides guidance for development of an Air Quality Plan; and ensures public participation throughout the transportation and air quality planning process.

The five-member Policy Committee is comprised of two Anchorage Assembly members appointed by the Assembly, the Mayor of Anchorage or designee, and the Commissioners of the Alaska Department of Transportation and Public Facilities (ADOT&PF) and Alaska Department of Environmental Conservation (ADEC) or their designees. The ADOT&PF member serves as the Chairman.

The eleven-member Technical Advisory Committee (TAC) is subordinate to the Policy Committee, and is comprised of heads of various Municipal and State functions, and a representative of the AMATS Air Quality Advisory Group. The TAC is responsible for developing and maintaining AMATS transportation and air quality plans and programs. The TAC provides technical assistance and reviews and makes recommendations to the MOA Planning & Zoning Commission, the Assembly, and AMATS Policy Committee. The TAC is also responsible for preparing technical studies and the joint planning process certification to the Federal Highway Administration (FHWA). The Municipal Director of Traffic serves as the Chairman of the TAC.

FIGURE 1: AMATS ORGANIZATIONAL CHART



Agreements

The AMATS transportation planning process is guided by the *AMATS Inter-Governmental Operating Agreement* between the State of Alaska and the Municipality of Anchorage. The Operating Agreement includes Title VI Assurances, discussed under Administrative Procedures, below. The Municipality of Anchorage has also signed an Intergovernmental Agreement for Coordinated Transportation Planning Activities and Implementation of Transportation Improvements with the Native Village of Eklutna, the federally recognized tribe within the MOA.

AMATS Title VI Coordinator

The AMATS Coordinator serves as the AMATS Title VI Coordinator, and is responsible for ensuring implementation of the AMATS Title VI Implementation Plan. The AMATS Coordinator is a Municipal staff position created to oversee the day-to-day business of the federally funded transportation planning process, in cooperation with various Municipal Departments, and with ADOT&PF Central Region Planning and Engineering staff, the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA). The AMATS Coordinator is also the Municipality of Anchorage Transportation Planning Supervisor, managing a planning staff of three people who provide support to AMATS.

AMATS PRIMARY RESPONSIBILITIES AND TITLE VI CONSIDERATIONS

Planning and Programming Activities

Metropolitan Transportation Plan (MTP)

The MTP represents the federally funded long-range investment strategy for surface transportation facilities and services to ensure mobility and access throughout the AMATS region. The MTP addresses roadway, transit, freight, and non-motorized mobility and access, as well as transportation demand and system programs, and includes a financial plan. A Title VI related MTP goal is to develop an attractive and efficient transportation network that considers, among other things, the equity of all users, and social justice. Equity is addressed principally through pro-active outreach efforts that seek meaningful participation from minority, low-income, and limited-English populations and other traditionally under-served groups. Social justice is addressed by means of conducting an Environmental Justice (EJ) evaluation of MTP recommended improvements that is included as an Appendix in the MTP. The EJ analysis includes a discussion of the transportation needs of low-income and minority populations, and the relative benefits and burdens of MTP recommended projects, as well as any mitigation measures considered. Maps are included that compare the location of recommended roadway and transit improvements with overlays showing the location of minority and low income populations based on Census data.

Transportation Improvement Program (TIP)

The TIP programs federal funds for surface transportation improvements over a four-year period. Recommended roadway and safety projects, transportation enhancements, and congestion mitigation and air quality (CMAQ) projects are prioritized for inclusion in the TIP based upon ranking criteria for each category. Title VI is most clearly addressed in the CMAQ ranking criteria that specifically consider the benefit to minority or disadvantaged populations within the category of area and number of people served. AMATS has also developed Policies and Procedures that provide further guidance on TIP development and amendment.

Unified Planning Work Program (UPWP)

The UPWP identifies and describes all transportation and air quality planning, and operational activities to be undertaken by AMATS staff for a one or two year period. This document allows for the planning of staff Title VI training, and ensures that all areas of the Title VI work program are funded.

Public Participation Plan (PPP)

The PPP addresses Title VI issues by providing specific goals, objectives and strategies for reaching low-income, minority and limited-English speakers. The PPP also offers to staff tools to identify and mitigate barriers to public participation when planning outreach. Public participation is discussed in more detail in the following section, Public Outreach and Public Participation.

Title VI Mitigation Measures:

- **MTP Goals and Objectives:** Review the 2035 Anchorage MTP Goals and Objectives for opportunities to strengthen the commitment to Title VI and Environmental Justice. Consider adding objectives for the consideration of equity and social Justice (Goal 3, 2035 Metropolitan Transportation Plan: “Develop an attractive and efficient transportation network that considers the cost of building, operating, and maintaining the system; the equity of all users; public health impacts; community values; and social justice.”)
- **MTP and TIP Ranking Criteria:** Review MTP and TIP ranking criteria for opportunities to add or enhance Title VI related considerations, and make modifications where appropriate during the regularly scheduled updates to both documents. Ensure that the MTP and TIP ranking criteria reflect the MTP Goals and Objectives, specifically for Title VI related considerations.
- **TIP EJ Analysis:** For each new TIP, conduct an Environmental Justice evaluation of TIP projects, similar to that prepared for the MTP, and include the evaluation results as an Appendix to the TIP.
- **UPWP Title VI Tasks:** Incorporate Title VI strategies and mitigation measures from this Title VI Implementation Plan, when approved, and from the PPP, into the UPWP to ensure implementation of Title VI provisions of both plans.

Public Outreach and Public Participation

AMATS is committed to public outreach activities listed below, with the goal of being inclusive. An AMATS LEP Plan, with needs assessment, was developed and is included as Appendix E of this *Title VI Non-Discrimination Implementation Plan*.

- **Public Meetings:** Includes all regularly scheduled AMATS business meetings, and public meetings, hearings or workshops scheduled for specific projects or plan updates:
 - Hold public meetings in locations that are familiar and comfortable, such as schools, churches, and recreation centers, that are accessible by transit and in ADA accessible buildings.

- Vary meeting times and schedule input opportunities, such as listening posts, at different times throughout the day.
- Provide food at meetings to encourage people to attend.
- **Web site:** Maintain an extensive Web site which is updated frequently. The site includes information on the agency's responsibilities, programs, publications, upcoming meetings, and contact information. The Web site will also include the approved Title VI Non-Discrimination Implementation Plan, Title VI complaint procedures and complaint form, and key documents translated into other languages, as appropriate, as well as services available for people with disabilities upon request.
- **E-mail and Hot Topics Bulletins:** Use a comprehensive e-mail list to keep the public informed of the agency's programs, public comment periods, meetings and publications. AMATS is continually adding to and updating its e-mail list, and makes a concerted effort to include groups representing Title VI populations, and to invite any interested individuals or groups to be added to the e-mail list.
- **Municipal Boards and Commissions:** Give presentations and request feedback; follow up for how input was used by the project team and to obtain feedback on the effectiveness of the process.
- **Community Councils:** Give presentations and request feedback.
- **Events:** Partner with existing community-based, faith-based ,and healthcare and social service organizations
 - Give presentations to their boards of directors and request feedback from their constituents (i.e., United Way, Catholic Social Services, etc.)
 - Participate in their outreach events (Literary Council, Bear Paw Festival, etc.).
- **Publications:** Provide electronic and hard copies of plans, studies, and project reports. Hard copies are available at AMATS offices, or at public libraries.
- **Translated materials:** Arrange for translation of public meeting / hearing notices, project fact sheets, overview maps, vital documents, and project contact information, as appropriate. Disseminate to minority and ethnic organizations to reach as broad an audience as possible.
- **Interpretation Services:** Arrange for interpretation services on an as-needed, requested basis for public meetings. For office visits by people who may need language interpretation services, the MOA has a process in place through Employee Relations. AMATS can also provide interpretation services on an as-needed basis through services such as LanguageLine.

- **Listening Posts:** Set up booths as listening posts at grocery stores, coffee shops, and other gathering spots to engage the public on their turf, answer questions, and solicit feedback.
- **Title VI / EJ Outreach:** Continue to work with community leaders and organizations representing minority, low-income and LEP groups to determine the best means of connecting with them, and build on those relationships to continually refine AMATS communications protocols.
- **Self-Monitoring Activities:**
 - Record attendance data on the public meeting sign-in form, and summarize this information annually for the ADOT&PF Civil Rights Office.
 - Follow up with individuals after public meetings.

Title VI Mitigation Measures:

- **Title VI / EJ Outreach Evaluation:** Develop and implement a formal mechanism to evaluate the effectiveness of Title VI outreach activities. Develop methods and specific tasks to refine outreach strategies listed in the current PPP.
- **Translation Services:** Implement the approved LEP Plan by identifying key elements of documents to be translated into Spanish, Tagalog, and Korean, and arrange for the translation. Upon approval of this Title VI Plan, The Web site will be updated to indicate availability of translation services upon request, with the minimum lead time required to request services.
- **Interpretation Services:** Explore other on-demand resources, such as LanguageLine (used by the MOA Public Transportation Department) to provide language services on a one-on-one basis for staff. Upon approval of this Title VI Plan, The Web site will be updated to indicate this option, with the minimum lead time required to request services.
- **AMATS Public Participation Plan (PPP) Update:** Update the AMATS PPP with specific mitigation measures from the Title VI Plan and LEP Plan, and include a timeline for implementation.

Education and Training

AMATS has the responsibility to educate the public of federally funded programs and the rights afforded them by Title VI. This requires regular and comprehensive outreach and education efforts, particularly to low income and minority persons, and persons with limited English proficiency. This Plan includes the AMATS Limited English Proficiency Plan (**Appendix E**) to address these requirements. Outreach efforts to minority and low income persons are addressed in more detail in the section Public Outreach and Public Participation, above.

AMATS transportation planning staff is encouraged to participate in training for Title VI and related topics. Staff coordinates with the ADOT&PF Civil Rights Office and Research and Technology Transfer (T2) for information regarding upcoming training opportunities

Data Collection Procedures and Analytic Methods

Demographic data is used in meeting two primary Title VI related requirements: in developing a demographic profile for the LEP needs assessment (see Appendix E), and in identifying and mapping the location of low-income and minority populations for the MTP Environmental Justice evaluations. Data is also collected by AMATS to monitor Title VI information for public meetings (race, ethnicity and gender for each attendee).

Title VI Mitigation Measures:

- **Demographic Data Mapping:** Continue to refine and update the location maps of LEP populations for each of the three primary other-language groups (Spanish, Tagalog, and Korean) to assist staff in outreach efforts.

ENSURING COMPLIANCE WITH TITLE VI REQUIREMENTS: AMATS ADMINISTRATIVE PROCEDURES

Title VI Assurances

Every award of federal financial assistance must be accompanied by assurances that the program, and other participants under the program including contractors and subcontractors, will be conducted, or that a facility will be operated, in compliance with Title VI, Civil Rights Act of 1964. The AMATS Inter-Governmental Operating Agreement, Section 16 – Compliance with Title VI, Civil Rights Act of 1964, provides these assurances by AMATS. Section 16 is provided as an excerpt from the AMATS Inter-Governmental Operating Agreement in **Appendix A** of this

Title VI Non-Discrimination Implementation Plan. **Appendix B** of this Plan, Municipality of Anchorage Title VI Related Contract Provisions, is an excerpt from the mandatory contract provisions required for all Municipal contracts by the MOA Department of Law.

Notification of Benefits of Title VI Protected Classes

Information on the AMATS Title VI Non-discrimination Implementation Plan is required to be made available to participants, beneficiaries, and other interested persons. A Public Notice of Compliance with Title VI is posted on the AMATS Web site at the following link: <http://www.muni.org/Departments/OCPD/Planning/AMATS/Pages/TitleVI.aspx> Translated versions of this Notice into Spanish, Tagalog, and Korean will be posted to the AMATS Title VI Web page. (Please see also the section Education, Outreach and Mitigation Measures under AMATS Planning and Programming Activities, above).

Title VI Discrimination Complaint Procedures

Submission of Complaint

Any person who believes himself, or any specific class of persons, to have been excluded from or denied the benefits of, or subjected to discrimination on the basis of race, color, national origin, or sex (gender) under any AMATS plan, program, or activity, may by himself or by a representative file a written complaint with the AMATS Title VI Coordinator. The complaint form is provided in **Appendix C** of this AMATS Title VI Nondiscrimination Plan and is available for download at the following link:

<http://www.muni.org/Departments/OCPD/Planning/AMATS/Title%20VI/AMATS%20Title%20VI%20Complaint%20Form.pdf>

Hard copies of the complaint form are available from the AMATS Title VI Coordinator at 4700 Elmore Road. Upon request, the Title VI Coordinator will mail the complaint form.

The AMATS Title VI complaint form and procedures are translated into Spanish, Tagalog, and Korean, and will be posted to the AMATS Title VI Web page. The Title VI Coordinator works with ADOT&PF Civil Rights Office to translate complaints received in languages other than English.

Upon request, assistance in the preparation of any necessary written material will be provided to a person or persons, as requested.

A complaint must be filed not later than 180 days after the date of the alleged discrimination, or where there has been a continuing course of conduct, the date on which that conduct was discontinued, unless the time for filing is extended by the Secretary of Transportation.

Complaint forms should be mailed to:

AMATS Title VI Coordinator

Community Development Department
Municipality of Anchorage
P.O. Box 196650
Anchorage, AK 99519

Alternately, complaints may be mailed to the following:

ADOT&PF Civil Rights Office

2200 East 42nd Avenue, Room 310
Anchorage, AK 99508
Telephone: 1-907-269-0851
Toll free in Alaska only: 1-800-770-6236
Fax: 1-907-269-0847
Alaska Relay: 7-1-1
Web page: <http://www.dot.state.ak.us/cvlrts/index.shtml>

FHWA Alaska Division

Civil Rights Division
P.O. Box 21648
709 West 9th Street, Room 851
Juneau, AK 99802-1648
Telephone: 1-907-586-7418
Fax: 1-907-586-7420

U.S. Department of Justice

Civil Rights Division
950 Pennsylvania Avenue, N.W.
Office of the Assistant Attorney General, Main
Washington, D.C. 20530
Telephone: (202) 514-4609
(TTY): (202) 514-0716
Fax Numbers:
(202) 514-0293 | (202) 307-2572 | (202) 307-2839

Recording, Acknowledgement and Resolution of Complaint

Upon receipt, a complaint will be date stamped by the AMATS Title VI Coordinator. The date stamp is important for establishing the timeline for response.

Within five (5) working days of receipt of the complaint, the AMATS Title VI Coordinator shall acknowledge receipt to the Complainant by registered mail, and shall notify the AMATS Chairperson of the complaint for information purposes. The AMATS Title VI Coordinator shall determine the need for additional information from either the Complainant or from staff. The staff review shall be completed no later than 30 calendar days after the date the Title VI Coordinator received the complaint.

All Title VI complaints against AMATS, together with any additional information obtained during the staff review, shall be referred to the ADOT&PF Office of Civil Rights Office and/or the Federal Highway Administration (FHWA) Alaska Division Office for investigation. The ADOT&PF complaint process is available at the following Web site:

<http://www.dot.state.ak.us/cvlrts/titlevi.shtml> The ADOT&PF Civil Rights Office investigator shall work with the AMATS Title VI Coordinator and other staff to implement recommended improvements to any AMATS process relative to Title VI.

Record of Discrimination Complaints Received

The AMATS Title VI Coordinator shall maintain a log of all Title VI discrimination complaints received. This information will be compiled and included in the Annual Compliance Report prepared by the Title VI Coordinator, along with the disposition and resolution of each complaint.

Annual Title VI Compliance Report with Work Plan Element

AMATS will submit to ADOT&PF an annual Title VI Compliance Report for the previous Federal fiscal year ending September 30. The compliance report will include the following information for the reporting period:

- summary of reviews conducted by ADOT&PF or FHWA
- list of Title VI non-discrimination issues identified and how they were addressed
- summary (log) of any Title VI complaints filed, including basis for the complaint and complaint status
- summary of meetings held, with a demographic breakdown of attendees
- trainings attended by AMATS staff related to Title VI (diversity, etc.)
- efforts to reach protected populations, e.g., translations, interpreters, efforts to notify these populations, and any other efforts to comply with the Title VI Implementation Plan
- accomplishments for the previous Federal fiscal year including meetings with the ADOT&PF Civil Rights Office Title VI staff; Title VI reviews completed; and any program updates, including progress on developing key elements

- inventory of public meetings held, community outreach efforts, and data collected

Title VI Mitigation Measures:

The interim Work Plan for the remainder of 2012 shall consist of the following tasks:

- Develop Title VI Goals and review and update them annually.
- AMATS will review, evaluate and update the LEP Plan during the annual Title VI / Non-Discrimination Implementation Plan review and update.
- Review Title VI Coordinator and other staff responsibilities and approved mitigation measures to develop a timeline for implementing them.
- Amend the AMATS 2012-13 UPWP as necessary to include approved mitigation measures as UPWP tasks, and identify the responsible staff for implementation.

Implementation: Title VI Coordinator Responsibilities

The AMATS Title VI Coordinator is responsible for providing leadership for implementing, monitoring, and ensuring compliance by AMATS with Title VI and related requirements. Title VI Coordinator responsibilities are as follows:

- Periodically review AMATS Title VI administrative procedures and planning and programming activities for their effectiveness in meeting compliance requirements; identify opportunities to include or enhance Title VI and Environmental Justice; make recommendations for modifications to enhance Title VI compliance, where appropriate, to the AMATS Technical Advisory Committee and Policy Committee, and implement approved recommendations.
- Periodically meet with staff to determine progress made on Title VI Plan compliance implementation, to identify compliance issues and any deficiencies, and to determine if staffing is appropriate, and whether adequate resources are available to ensure compliance.
- Meet bi-annually with the ADOT&PF Civil Rights Office Title VI Specialist to discuss Title VI issues in general, and how to improve outreach to and inclusion of traditionally underserved populations.

- Establish procedures to address identified Title VI deficiencies; document mitigation actions agreed to be necessary, and provide remedial actions.
- Where appropriate, include Title VI language and related requirements in program directives.
- Assess communications and public involvement strategies to ensure adequate participation of impacted Title VI protected groups. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English. Post the Title VI Plan on the AMATS Web site.
- Continue to support and implement the Inter-Governmental Agreement between the Municipality of Anchorage and Native Village of Eklutna.
- Proactively consider the overall need for diverse representation of Title VI protected groups when considering nominations for new members on various committees
- Develop procedures to obtain and compile data based on Title VI regulations for inclusion in the Annual Title VI Compliance Report
- Develop and submit to ADOT&PF and FHWA the Annual Title VI Compliance Report to document Title VI efforts
- Provide Title VI guidance and a copy of the AMATS Title VI Plan to AMATS staff; instruct all new employees about the Title VI Plan.
- Distribute information on Title VI related training opportunities and encourage staff to participate; maintain a log of all training completed by staff.
- Process Title VI complaints received by AMATS as described in section above, “Title VI Discrimination Complaint Procedures”.
- Ensure inclusion of Title VI language in contracts and Requests for Proposals (RFP’s).
- Work with managers of projects and plans or studies early in the scoping process to ensure that public involvement includes specific tasks for reaching out to Title VI and EJ groups; for tracking outreach efforts, input received, and feedback provided; and evaluation of effectiveness of these efforts, with recommendations for any improvements needed.
- Review important Title VI-related issues with the AMATS Policy Committee Chair as needed.
- The Title VI coordinator shall work with managers of projects and plans or studies, early in the scoping process, including RFP and contract development, to ensure that the public involvement tasks include specific tasks for reaching out to Title VI and EJ groups; for tracking outreach efforts as well as the input received and feedback given to groups who provided comments; and for a written evaluation of effectiveness of these efforts, with recommendations for any improvements needed.

- Include Title VI-related activities and mitigation measures in the AMATS Unified Planning Work Program (UPWP) and ensure that they are implemented.
- The Title VI Coordinator shares with all AMATS staff information for training programs regarding Title VI and related statutes, and encourage all staff to participate in training.

The AMATS Title VI Coordinator may delegate to other staff members some of the day-to-day administrative duties of the Title VI Plan described above to ensure compliance.

CONTACT INFORMATION

AMATS Title VI Coordinator

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Marilyn Stewart-Richardson, Director, MOA Office of Equal Opportunity
William A. Earnhart, Assistant Municipal Attorney, MOA Legal Department
Dee Ennis, Assistant Municipal Attorney, MOA Legal Department
Vivian Underwood, Sr. Transportation Planner, MOA Community Development Department
Erika McConnell, Sr. Transportation Planner, MOA Community Development Department
Teresa Brewer, Sr. Transportation Planner, MOA Community Development Department
Joni Wilm, Associate Planner, MOA Community Development Department

APPENDIX A

AMATS TITLE VI ASSURANCES

**AMATS INTER-GOVERNMENTAL OPERATING AGREEMENT
FOR TRANSPORTATION AND AIR QUALITY PLANNING
2002
(EXCERPT)**

SECTION 16 – COMPLIANCE WITH TITLE VI, CIVIL RIGHTS ACT OF 1964

SECTION 16 -- COMPLIANCE WITH TITLE VI, CIVIL RIGHTS ACT OF 1964

- 16.1 The Municipality hereby agrees as a condition to receiving any Federal financial assistance from the US Department of Transportation, to comply with Title VI of the Civil Rights Act of 1964, 78 Statute 252, 42 USC. 2000d - 2000d-4 hereinafter referred to as the "Act") and all requirements imposed by or pursuant to Title 49 CFR, US Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the US Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations"), 49 CFR Part 26 Participation of Disadvantaged Business Enterprises in Department of Transportation financial assistance programs (see Section 14 of this document), and the Americans with Disabilities Act and other pertinent directives to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall on the grounds of race, color, sex, or national origin be excluded from participation in, be denied the benefits of, or activity for which the Municipality receives Federal financial assistance from the US Department of Transportation, including FHWA and FTA, and hereby gives assurance that it will promptly take any measure necessary to effectuate this Agreement. This assurance is required by 49 CFR Part 21, subsection 21.7A (1),
- 16.2 More specifically, and without limiting the above general assurance, the Municipality hereby gives the following specific assurance with respect to the project:
- 16.2.1 The Municipality agrees that each "program" and "facility" as defined in subsections 21.23 (b) and (e) of the Regulations, will be (with regard to a program) conducted or will be (with regard to a facility) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
- 16.2.2 The Municipality shall insert the clauses of this assurance in every contract subject to the Act and Regulations.
- 16.2.3 Where the Municipality received Federal financial assistance to carry out a program of managerial training, under section 10(a) of the UMTA Act of 1964, as amended, the assurance shall obligate the Municipality to make selection of the trainee or fellow without regard to race, color, sex, or national origin.
- 16.2.4 Where the Municipality receives Federal financial assistance to carry out a program under the UMTA Act of 1964, as amended, the assurance shall obligate the Municipality to assign transit operators, and to furnish transit operators, for charter purposes without regard to race, color, sex, or national origin.
- 16.2.5 Where the Municipality receives Federal financial assistance to carry out a

program under the UMTA Act of 1964, as amended, routing scheduling, quality of service, frequency of service, age/quality of vehicles assigned to routes, quality of stations serving different routes, and locations of routes may not be determined on the basis of race, color, sex, or national origin.

- 16.2.6 This assurance obligates the Municipality for the period during which Federal financial assistance is extended to the project, 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 Municipality 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 Municipality retains ownership or possession of the property.
- 16.2.7 The Municipality shall provide for such methods of administration for the program, as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other Municipal sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this assurance.
- 16.2.8 The Municipality agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, Regulations and this assurance.
- 16.3 This Assurance is given in consideration of and for the purpose of obtaining, any and all Federal grants, loans, contracts, property, discounts, or other Federal financial assistance extended after the date thereof to the Municipality by the FHWA and/or FTA programs and is binding on it, other Municipal sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants in FHWA and/or FTA programs. The person or persons whose signature appears below are authorized to sign this assurance on behalf of the Municipality.

APPENDIX B

MUNICIPALITY OF ANCHORAGE TITLE VI RELATED CONTRACT ASSURANCES

The following is an excerpt from an internal Municipality of Anchorage (MOA) contract guidance document provided by the MOA Department of Law. All provisions in Part II, General Contract Provisions, are mandatory. Other provisions of Section 2, Nondiscrimination, pertain to employment, and not to Title VI.

PART II GENERAL CONTRACT PROVISIONS [EXCERPT]

Section 2. Nondiscrimination.

- E. The Contractor shall comply with all applicable federal, state and municipal laws concerning the prohibition of discrimination including, but not limited to Title 5 and Title 7, Chapter 7.50 of the Anchorage Municipal Code.

APPENDIX C

AMATS TITLE VI DISCRIMINATION COMPLAINT FORM

The purpose of this form is to assist you in filing a complaint of discrimination on the basis of race, color, national origin, or sex (gender) arising with any AMATS plan, program, or activity. You are not required to use this form. It is important, however, to **include all information related to items marked with a star (*), whether or not this form is used.**

***1. Provide your name and address here:**

Name: _____

Address: _____

Telephone Number: Home: (____) _____ Work: (____) _____

***2. Provide the name of the person or group of people discriminated against here, if different from #1 above:**

Name: _____

Address: _____

Telephone Number: Home: (____) _____ Work: (____) _____

Please explain your relationship to this person or group of people:

***3. Please provide the name of the AMATS-related Agency, Department, Plan, Program, Services, Activity, or Individual that discriminated:**

Name of any individual (if known):

Name: _____

Address: _____

Telephone Number: (____) _____

***4. Please indicate below the base(s) on which you believe the discrimination was conducted?**

____ Race/Color: _____

____ National Origin: _____

____ Sex: _____

____ Religion: _____

____ Age: _____

____ Disability: _____

5. What are the most convenient time and place for us to contact you about this complaint?

6. If we are unable to reach you directly, please provide the name and phone number of a person who you give permission to tell us how to reach you, and/or to provide information about your complaint:

Name: _____

Telephone Number: (_____) _____

7. If you have an attorney representing you concerning the matters raised in this complaint, please provide the following:

Name of attorney: _____

Address of attorney: _____

Telephone Number of attorney: (_____) _____

***8. To your best recollection, on what date(s) did the alleged discrimination take place?**

Earliest date of discrimination: _____

Most recent date of discrimination: _____

***9. Please explain as clearly as possible what happened, why you believe it happened, and how you believe you were discriminated against. Please indicate who was involved. Be sure to include how other persons were treated differently from you (you may use additional sheets if necessary and attach a copy of written materials pertaining to your case).**

11. Please list below any persons (witnesses, fellow employees, supervisors, or others) if known, whom we may contact for additional information to support or clarify your complaint.

Name / Address / Telephone numbers with Area Code:

12. Do you have any other information that you think may be relevant to the investigation of your allegations of discrimination?

13. What remedy are you seeking for the alleged discrimination?

14. Have you (or the person discriminated against) filed, or do you intend to file, a charge or complaint concerning the matters raised in this complaint with other agencies (such as, the Municipal Equal Rights Commission, Municipal Office of Equal Opportunity, ADOT&PF Civil Rights Office, Federal Highway Administration, Federal Transit Administration, U.S Department of Justice Office for Civil Rights, or Federal or State Court?)

Yes _____ No _____

Against what agency and department or program was it filed?

Address: _____

Telephone Number: (_____) _____

Date filed: _____

Complaint, Case or Docket Number:

Date of Trial/Hearing: _____

Location of /Court: _____

Name of Investigator: _____

Status of Case: _____

Briefly, what was the complaint about?

What was the result? Please feel free to use additional sheets to explain the present situation to us.

15. How did you learn that you could file this complaint?

***16. We cannot accept a complaint if it has not been signed. Please sign and date this complaint form below.**

(Signature)

(Date)

Once the form is completed, be sure to make one copy for your records.

Please mail this completed, signed Title VI Discrimination Complaint Form to:

AMATS Title VI Coordinator
Municipality of Anchorage Community Development Department
Transportation Planning Section
P.O. Box 196650
Anchorage, AK 99519

APPENDIX D

AMATS LIMITED ENGLISH PROFICIENCY (LEP) POLICY AND LEP PLAN

INTRODUCTION

Title VI of the Civil Rights Act of 1964, as amended and in its implementing regulations, prohibits discrimination on the basis of national origin. Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, signed on August 11, 2000, provides further clarification by requiring recipients of federal funds to follow guidelines to ensure that the programs and activities they normally provide in English are accessible to persons of limited English proficiency. Federal agencies and recipients of federal funds are to examine the services they provide and to develop and implement a system by which limited English proficient, or “LEP”, persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency.

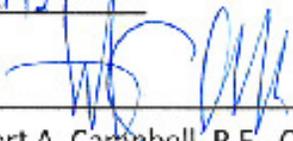
AMATS follows the U.S. Department of Transportation *Policy Guidance concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons* (December 14, 2005). The guidance provides four factors upon which recipients should assess language needs and decide what reasonable steps they should take to ensure meaningful access for such persons:

- The number or proportion of LEP persons served or encountered in the eligible service population
- The frequency with which LEP individuals come in contact with the program, activity, or service
- The nature and importance of the program, activity, or service provided by the program
- The resources available to the recipient and costs.

This AMATS LEP Plan has been developed based upon the U.S. DOT guidance.

AMATS LIMITED ENGLISH PROFICIENCY (LEP) POLICY

It is the policy of Anchorage Metropolitan Area Transportation Solutions (AMATS), in accordance with Title VI of the Civil Rights Act of 1964 (42 USC 2000d *et seq*, Non-Discrimination on Basis of Race, Color, or National Origin), and U.S Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons, that no person with limited English proficiency will be discriminated against nor denied meaningful access to and participation in the programs and services provided by AMATS. The AMATS Limited English Proficiency Plan will be used in assessing needs for language services, and in providing language services, without placing undue burdens on AMATS resources.

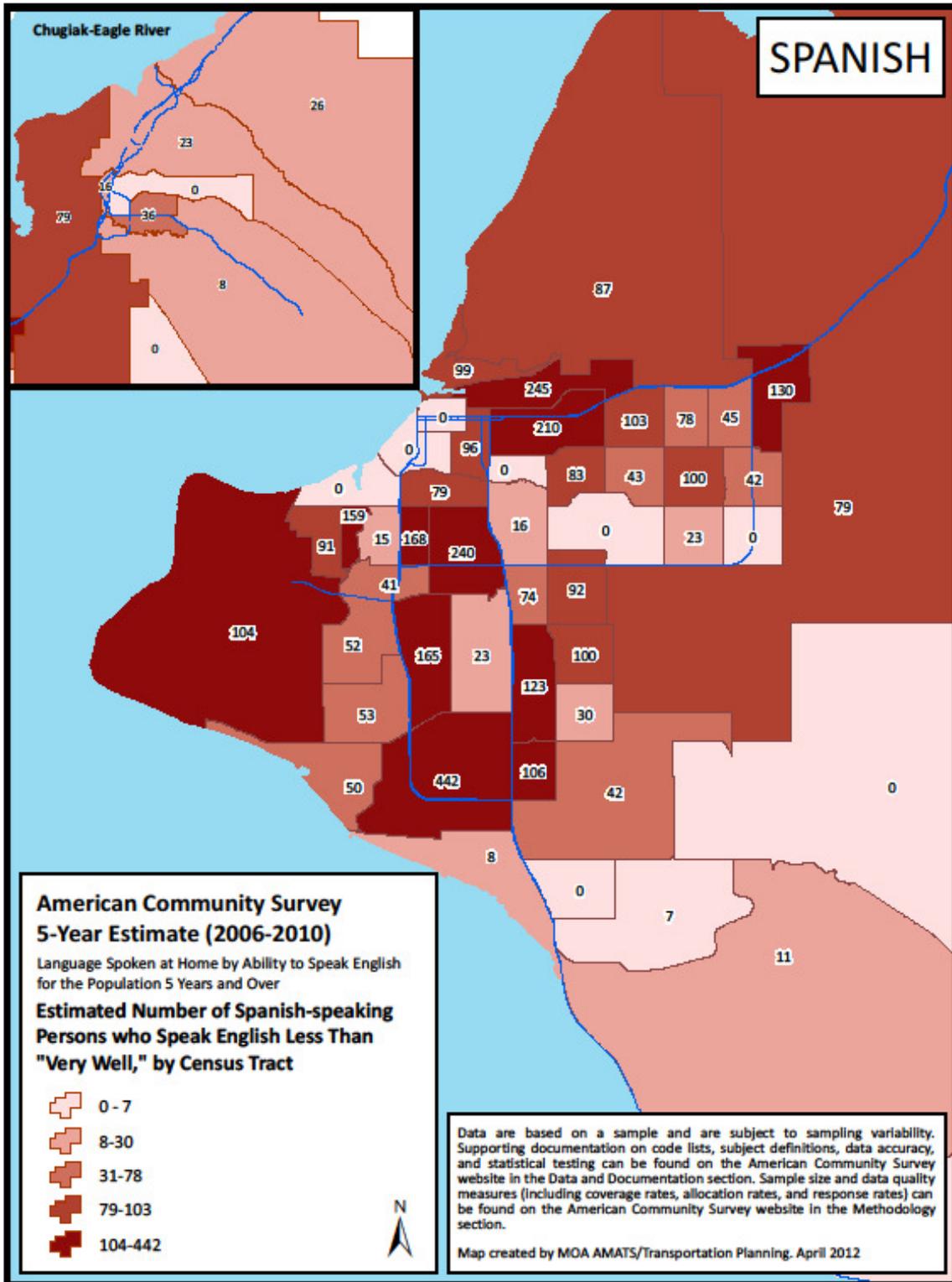
12/21/12
Date 
Robert A. Campbell, P.E., Chair, AMATS Policy Committee

DETERMINATION OF NEED (4-FACTOR ANALYSIS)

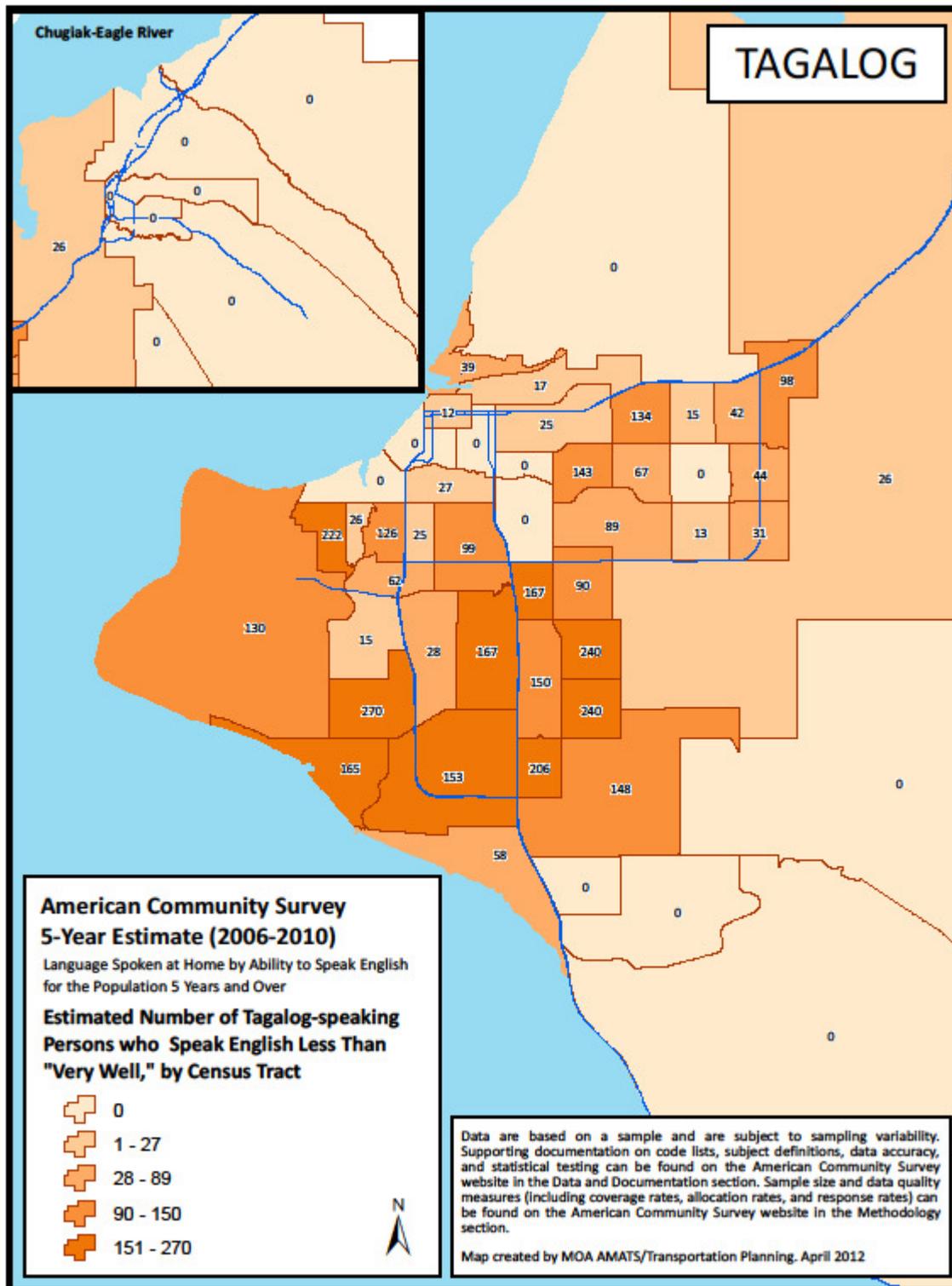
1. The number or proportion of LEP persons served or encountered in the eligible service population

According to the U.S. Census American Community Survey 5-year average (2006-2010) approximately 5.4% of the total Anchorage metropolitan area population, or 18,447, is limited English proficient, representing 39 different languages spoken at home other than English. Of the LEP population, 52.5% speak one of three languages other than English at home (Spanish, Tagalog, or Korean) as shown below in Table 1. Remaining languages are represented by LEP groups ranging in size from nine (9) to 775 people. The maps on the following pages show the distribution of these LEP groups in the Anchorage metropolitan area.

MAP 2: SPANISH SPEAKING LEP PERSONS - ANCHORAGE



MAP 3: TAGALOG SPEAKING LEP PERSONS - ANCHORAGE



MAP 4: KOREAN SPEAKING LEP PERSONS - ANCHORAGE

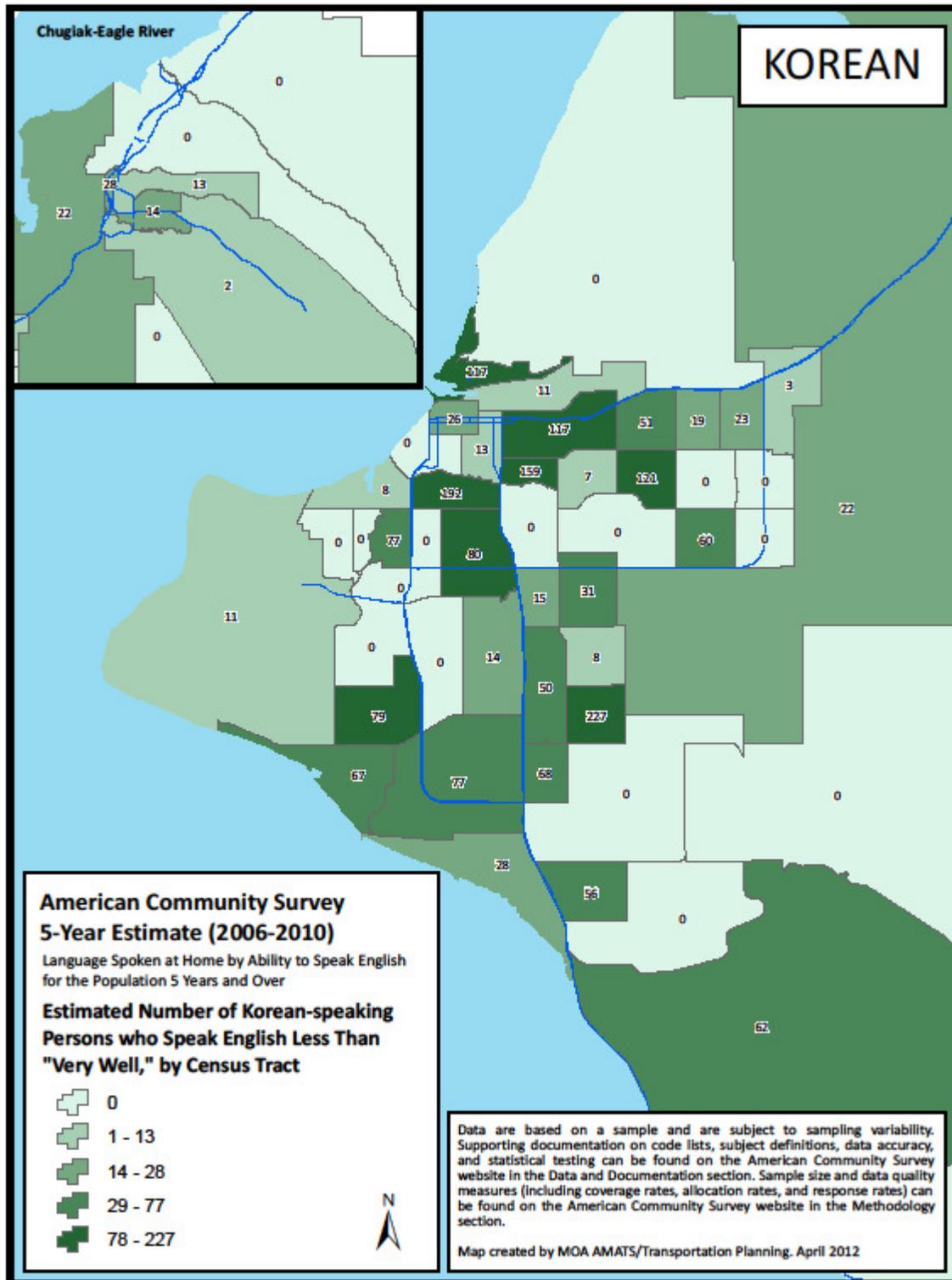


Table 1: Persons who Speak English Less Than “Very Well” by Language Spoken at Home for Anchorage Metropolitan Area

| Language Spoken at Home: | Number of People: | Percent of Total Anchorage Population (341,026) | Percent of Total Anchorage LEP Population (18,447) |
|--|-------------------|---|--|
| Spanish | 4,056 | 1.1% | 21.9% |
| Tagalog (Philippines) | 3,669 | 1.0% | 19.8% |
| Korean | 2,007 | 0.5% | 10.8% |
| Total top 3 languages Other than English | 9,732 | 2.6% | 52.5% |

Source: U.S.Census Bureau, American Community Survey 5-year estimates 2006-2010, Table B16001, Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over

2. The frequency with which LEP individuals come in contact with the program, activity, or service

No previous LEP requests for interpreters or translations have been received. Staff works with other agencies and organizations to identify and reach out to LEP populations, or to groups who represent them. Groups include MOA Equal Rights Commission, Bridge Builders, United Way, Catholic Social Services, Anchorage Literacy Project, faith-based groups, various cultural groups, and others. Staff also makes concerted efforts to connect with LEP community leaders and to attend meetings or to offer workshops with their groups.

For larger projects, such as the MTP update, area-wide outreach efforts have been used, such as newspaper inserts with plan or project information and public involvement opportunities translated into the three major LEP language groups (Spanish, Tagalog, and Korean). Copies of these inserts are also distributed to local restaurants, grocery stores, and shops. These efforts are expected to continue, particularly for future MTP updates.

3. The nature and importance of the program, activity, or service provided by the program

The primary activities of AMATS are producing the long-range Metropolitan Transportation Plan; the Transportation Improvement Program; and the Unified Work Plan that commits staff and resources to specific planning tasks, including public outreach. These documents shape the direction of infrastructure and service investments provided with federal funds. Because transportation is intrinsic to everyday life, consideration of fairness as it relates to Title VI

requires that efforts be made to identify and address the needs and issues of diverse groups across the community.

4. The resources available to the recipient and cost considerations.

For face-to-face inquiries requiring interpreting services in the office, Municipal staff queries the human resources database which provides the names of employees who are ready and able to assist with interpretation services. AMATS investigates using other services, such as LanguageLine, used by the Public Transportation Department for interpreter services on an as-needed basis in the event the first attempt is unsuccessful. Fee-based translation of key elements of the most important documents and interpretation services for public meetings are provided as discussed below under Language Assistance Measures.

MEETING THE REQUIREMENTS

Language Assistance Measures:

AMATS ensures that public notice be given for the availability of interpretation services upon request for public meetings, and for translation of key planning documents following U.S. Department of Justice Safe Harbor guidance. Evidence of compliance includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000 persons, whichever is less, of eligible persons served or likely to be affected. Translation can also be provided orally.

AMATS is committed to translating essential elements of key documents, such as the MTP, the TIP, the Public Participation Plan, the Title VI and LEP Plans, information and complaint process into top three languages spoken other than English: Spanish, Tagalog, and Korean, and to post these documents to the AMATS Web site. AMATS considers the need for other language translations as indicated. AMATS works with LanguageLine to provide translation services, and will arrange for certified interpretation services for public meetings upon request.

Outreach Efforts:

AMATS will notify LEP persons of the available interpretation and translation services free of charge. AMATS will identify the key elements of documents to be translated into Spanish, Tagalog, and Korean, and arrange for the translation to be completed. AMATS will continue to work with community leaders of other-language speaking groups to determine the most effective means of communication between them and AMATS in a language the LEP persons can understand.

Staff Training:

All AMATS staff will be provided with the LEP Plan and will be educated on procedures to follow to assist LEP persons. This information will also be part of the staff orientation process for new

hires. Training topics will also include:

- Understanding the Title VI and LEP policies and responsibilities
- Language assistance services that AMATS can make available
- Documentation of language assistance requests
- How to handle a Title VI and/or LEP complaint.

Monitoring, Evaluating and Updating the LEP Plan:

This plan is a living document, one that can be updated periodically. AMATS will review, evaluate and update the LEP Plan during the annual Title VI / Non-Discrimination Implementation Plan review and update. Copies of the LEP Plan will be provided, on request, to any person(s) requesting the document via phone, in person, by mail or e-mail. LEP persons may obtain copies or translations of the plan upon request. Any questions or comments regarding this plan should be directed to:

Municipality of Anchorage
Community Development Department
AMATS Coordinator / Title VI Coordinator
4700 Elmore Road
P.O. Box 196650
Anchorage, AK 99519-6650
(907) 343-7996 (phone)
908-343-7998 (fax)
lyonch@muni.org

APPENDIX E

DEFINITION OF TERMS

(Note: Most of the technical definitions provided below are found in 23 CFR 23 Part 200, or other related federal regulations.)

Alaska Department of Transportation/Public Facilities (ADOT&PF): The cabinet-level department responsible for the transportation systems and public facilities under acquisition, under construction, or owned by the State of Alaska, and the primary recipient of FHWA funds in the State of Alaska.

Affirmative Action: A good faith effort to eliminate past and present discrimination in all federally assisted programs and to ensure future nondiscriminatory practices.

Anchorage Metropolitan Area Transportation Systems (AMATS): The joint Municipal-State planning process responsible for balanced, cooperative, coordinated and comprehensive planning and programming of federal funding for transportation and air quality improvements within the urbanized boundaries of the Municipality of Anchorage, the designated Metropolitan Planning Organization (MPO) eligible to receive these funds.

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

Citizen Participation: An open process in which the rights of the community to be informed, to provide comments to the Government and to receive a response from the Government are met through a full opportunity to be involved and to express needs and goals.

Compliance: That satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made.

Contractor/Subcontractor: Any person, corporation, partnership, or unincorporated association that holds an FHWA direct or federally assisted construction contract or subcontract regardless of tier.

Discrimination : That act (or action) whether intentional or unintentional, through which a person in the United States, solely because of race, color, religion, sex, or national origin, has been otherwise subjected to unequal treatment under any program or activity receiving financial assistance from the Federal Highway Administration under Title 23 U.S.C. (**NOTE: For Title VI purposes, see Title VI Non-Discrimination Program, below.**)

Interpretation versus Translation: The immediate communication of meaning from one language (the source language) into another (the target language). An interpreter conveys meaning orally, while a translator conveys meaning from written text to written text.

Limited English Proficient (LEP) Individuals: Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP."

Low-Income: FHWA Order 6640.23 defines "low-income" as "a person whose household income is at or below the Department of Health and Human Services poverty guidelines. HHS's website: <http://aspe.hhs.gov/poverty/index.shtml>

Minority: A population defined as minority in FHWA Order 6640.23 (Black, Hispanic or Latino, Asian American, American Indian and Alaskan Native, and Native Hawaiian and Other Pacific Islander, including Hawaii, Guam, Samoa or other Pacific Islands.)

Noncompliance: A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all of the Title VI requirements.

Programs, Policies, and/or Activities (U.S. DOT FHWA Order 6640.23): All projects, programs, policies, and activities that affect human health or the environment, and that are undertaken, funded, or approved by FHWA.

Title VI (Civil Rights Act of 1964, as amended): This federal statute mandates that no person 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 Department of Transportation receives federal assistance from the U.S. Department of Transportation, including the Federal Highway Administration (FHWA). *See, 23 C.F.R. 200.1 et seq.*

Title VI Coordinator: The appointed representative for AMATS who monitors and reports to the ADOT&PF Central Region Title VI Specialist for Title VI issues and potential Title VI impacts that occur in AMATS plans, programs, and activities.

Title VI Non-Discrimination Program: The system of requirements developed to implement Title VI of the Civil Rights Act of 1964. Where appropriate, this term also refers to the civil rights provisions of other Federal statutes to the extent that they prohibit discrimination on the grounds of race, color, sex, or national origin in programs receiving Federal financial assistance of the type subject to Title VI itself.