

**Idaho  
Transportation  
Department**

**Community Planning  
Association  
Of  
Southwest Idaho**

**Title VI Plan**

**February 2004**

**ITD EEO Office  
3311 West State Street  
P. O. Box 7129  
Boise, Idaho 83707-1129  
(208) 334-8852**

**COMPASS  
800 S. Industry Way  
Suite 100  
Meridian, Idaho 83642  
(208) 855-2558**

**Idaho Transportation Department**  
**Community Planning Association**  
**of**  
**Southwest Idaho**  
**Title VI Plan**

**TABLE OF CONTENTS**

<b>Introduction to Title VI.....</b>	<b>3</b>
<b>Title VI MPO Policy Statement.....</b>	<b>4</b>
<b>Title VI MPO Plan Objectives .....</b>	<b>5</b>
<b>Title VI MPO Compliance Monitoring.....</b>	<b>6</b>
<b>Nondiscrimination Complaint Porcedures for Federally-Assisted Programs or Activities.....</b>	<b>7</b>
<b>State Procedures, Manuals, and Directives Applicable to Federal-Aid Highway Programs and Title VI .....</b>	<b>8</b>
<b>Exhibits.....</b>	<b>9</b>
<b>Exhibit A - MPO Organizational Chart .....</b>	<b>10</b>
<b>Exhibit B - Standard State Title VI Assurances .....</b>	<b>11</b>
<b>Exhibit C - Questions for Annual Title VI MPO Review .....</b>	<b>20</b>
<b>A Brief History of MPOs .....</b>	<b>22</b>

## TITLE VI INTRODUCTION

As a recipient of federal financial assistance, the Idaho Transportation Department (ITD) is required to comply with various non-discrimination laws and regulations, including 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 assistance under this title or carried out under this title.”***

The Federal-Aid Highway Transportation Act of 1973 added **sex** to the list of prohibitive factors. **Disability** was added through Section 504 of the Rehabilitation Act of 1973. **Age** was subsequently added in 1975 under the Age Discrimination Act.

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the term “programs or activities” **to include all programs or activities of federal-aid recipients, subrecipients, and contractors, whether or not such programs and activities are federally-assisted.**

Title VI was further defined in 1994. Executive Order 12898 - Environmental Justice (EJ), directed federal agencies **to identify and address the effects of all programs, policies, and activities on “minority populations and low-income populations.”** In 2000, Executive Order 13166 - Limited English Proficiency (LEP), was also signed into effect requiring federal agencies to **assess and address the needs of otherwise eligible limited English proficient persons seeking access to the programs and activities of recipients of federal financial assistance.**

Under Title VI, the department’s efforts to prevent such discrimination must address, but not be limited to, a program’s impacts, access, benefits, participation, treatment, services, contracting opportunities, training opportunities, investigation of complaints, allocation of funds, prioritization of projects, and the functions of planning, project development, right-of-way, construction, and research.

The Equal Employment Opportunity (EEO) Office develops and oversees ITD’s Title VI plan and program compliance with the plan, which is effective upon review and approval by the Federal Highway Administration (FHWA). The EEO Office of ITD is also responsible for ensuring Title VI compliance by Idaho’s MPOs since they are sub-recipients of federal funds.

***Accordingly, ITD has developed this Title VI MPO Plan to help assure that all services, programs, and activities of the MPOs are offered, conducted, and administered fairly, without regard to race, color, national origin, gender, age, disability, economic status or Limited English Proficiency of any participants and/or beneficiaries.***

## TITLE VI MPO POLICY STATEMENT

The Idaho Transportation Department (ITD) and Idaho's Metropolitan Planning Organizations (MPOs) are committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. ITD and Idaho's MPOs assure that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ITD or MPO service, program, or activity. The MPOs and ITD also assure that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, ITD and the MPOs will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.

---

Jeanne Urlezaga, Director  
COMPASS

---

Date

## **TITLE VI MPO PLAN OBJECTIVES**

The primary objectives of this Title VI plan are:

- To assign and clarify roles, responsibilities, and procedures for assuring compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives.
- To assure that all people affected (directly or indirectly) by ITD's federal-aid programs and projects or by any MPO activity receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, gender, disability, economic status or Limited English Proficiency.
- To help prevent discrimination and ensure nondiscrimination in all ITD and MPO programs and activities, whether those programs and activities are federally-funded or not.
- To establish procedures for identifying and eliminating discrimination when found to exist.
- To establish procedures to annually review MPO compliance with Title VI and to determine the effectiveness of MPO Title VI activities.
- To set forth procedures for the filing and processing of complaints by persons who believe they have been subjected to discrimination under Title VI in any MPO service, program, or activity.

## **TITLE VI MPO COMPLIANCE MONITORING**

### **Metropolitan Planning Organizations**

The Metropolitan Planning Organizations (MPOs) are responsible for the transportation planning process within their urbanized areas. Each MPO develops a 3-year Transportation Improvement Program (TIP), a long-range transportation plan, and develops and implements an annual Unified Planning Work Program (UPWP). The Program Area Coordinator (PAC) for the Division of Transportation Planning assists the MPOs in the transportation planning activities that require Title VI compliance and advises them on Title VI compliance issues.

The following are the MPOs for the state of Idaho:

- Community Planning Association of Southwest Idaho (COMPASS)
- Bannock Planning Organization (BPO)
- Bonneville Metropolitan Planning Organization (BMPO)
- Kootenai Metropolitan Planning Organization (KMPO)
- Lewis-Clark Valley Metropolitan Planning Organization (LCVMPO)

### **Compliance Monitoring of MPOs:**

#### **(by ITD's Division of Transportation Planning Program Area Coordinator)**

- Monitor overall strategies and goals of the transportation planning process to ensure Title VI compliance; Monitor the utilization of demographic information to identify minority and low-income populations and examine the distributions of the benefits/burdens of the MPO plans and activities on these groups;
- Monitor the service equities of the planning data collection and analyses for impacts on different socio-economic groups;
- Monitor the public involvement processes to improve effectiveness and reduce participation barriers for minority, disabled and low-income populations;
- Monitor Environmental Justice (E.O. 12898) issues to identify and locate minority and low-income populations that may be impacted by MPO planning programs;
- Monitor compliance with E.O. 13166, Limited English Proficiency, to improve access and understanding of MPO planning processes for those in the population confronted with language barriers;
- Ensure that female and minority-owned firms have an equal opportunity to participate in the consultant selection phase of any MPO activities.
- Monitor MPO accomplishments and problem areas.

## **NONDISCRIMINATION COMPLAINT PROCEDURES FOR FEDERALLY-ASSISTED PROGRAMS OR ACTIVITIES**

These procedures cover all complaints under the following acts: Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act (ADA) of 1990. Complaints may be filed by any person who believes that he or she has been excluded from participation in, been denied the benefits of, or otherwise subjected to discrimination under any ITD or MPO service, program or activity receiving Federal financial assistance, and believes the discrimination is based on race, color, national origin, gender, age, disability, economic status or Limited English Proficiency.

### **Complaint Reporting**

If the complainant elects to file a formal complaint with ITD or the MPO, it must be submitted in writing, signed and dated, within 180 days of the alleged discriminatory act (or latest occurrence). The complainant is strongly encouraged to bring any incidents of discrimination to the attention of ITD or the MPO as soon as possible after any such conduct occurs. Individuals may also file complaints directly with the U.S. Department of Transportation (USDOT) and the Federal Highway Administration (FHWA) within the 180 day time frame. All allegations, regardless of where they are reported, shall be forwarded immediately to the ITD EEO Officer or Manager.

### **Investigations**

All allegations of discrimination will be assigned to an investigator in a timely manner. Confidentiality will be maintained to the greatest extent possible. The ITD-assigned or other qualified investigator will gather all relevant information in a fair and impartial manner and will submit a report of findings to ITD's EEO Manager and the MPO Director. This report will include the nature of the complaint, remedy sought, and a summary of the investigative activities and findings. The EEO Manager will analyze the Investigative Summary Report and prepare a Statement of Decision, in consultation with ITD's Director when appropriate, reflecting ITD's final determination. (Any Title VI complaints by an MPO against ITD will be forwarded to and investigated by FHWA).

The complainant and appropriate personnel shall receive prompt written notification as to the findings and recommendations of the investigation. If the finding is adverse to the complainant, they will also be advised of their avenues for appeal. Copies of all Title VI complaints and investigative reports will be sent by ITD to FHWA within 60 days of receipt of the complaint.

Investigation files are confidential and will be retained according to ITD and MPO record retention schedules and federal guidelines.

**Dissemination** This plan and these non-discrimination complaint procedures will be made available to individuals inside and outside of the MPO.

## **STATE PROCEDURES, MANUALS, AND DIRECTIVES APPLICABLE TO FEDERAL-AID HIGHWAY PROGRAMS AND TITLE VI**

Manuals, plans, policies, programs, laws, regulations, executive orders and procedures establishing rules and guidelines for implementing Title VI are as follows:

- FHWA Title VI Program Guidelines for Federal-Aid Recipients
- Statewide Transportation Improvement Program (STIP)
- 49 CFR 21 (DOT Title VI Regulations)
- DOT Order 1050.2 (Standard Title VI Assurances)
- 23 CFR 200 (FHWA Title VI Program Statutes)
- 23 USC 109(h) (Highway Standards and Authority for no adverse social, economic or environmental effects on Federal-aid projects)
- Executive Order 12250 (DOJ Leadership and Coordination of Nondiscrimination Laws)
- Executive Order 12898 (Environmental Justice)
- Executive Order 13166 (Limited English Proficiency)
- Title VI of the Civil Rights Act of 1964 (42 USC 2000) (Non-discrimination in Federally Assisted Programs)
- Title VIII of the Civil Rights Act of 1968 (42 USC 3601-3639 – Fair Housing Act)
- Federal-Aid Highway Transportation Act of 1973 (23 USC 324)
- Section 504 of the Rehabilitation Act of 1973
- Age Discrimination Act of 1975
- Civil Rights Restoration Act of 1987

## **EXHIBITS**

A. MPO Organizational Chart

B. Standard State Title VI Assurances

Appendix A

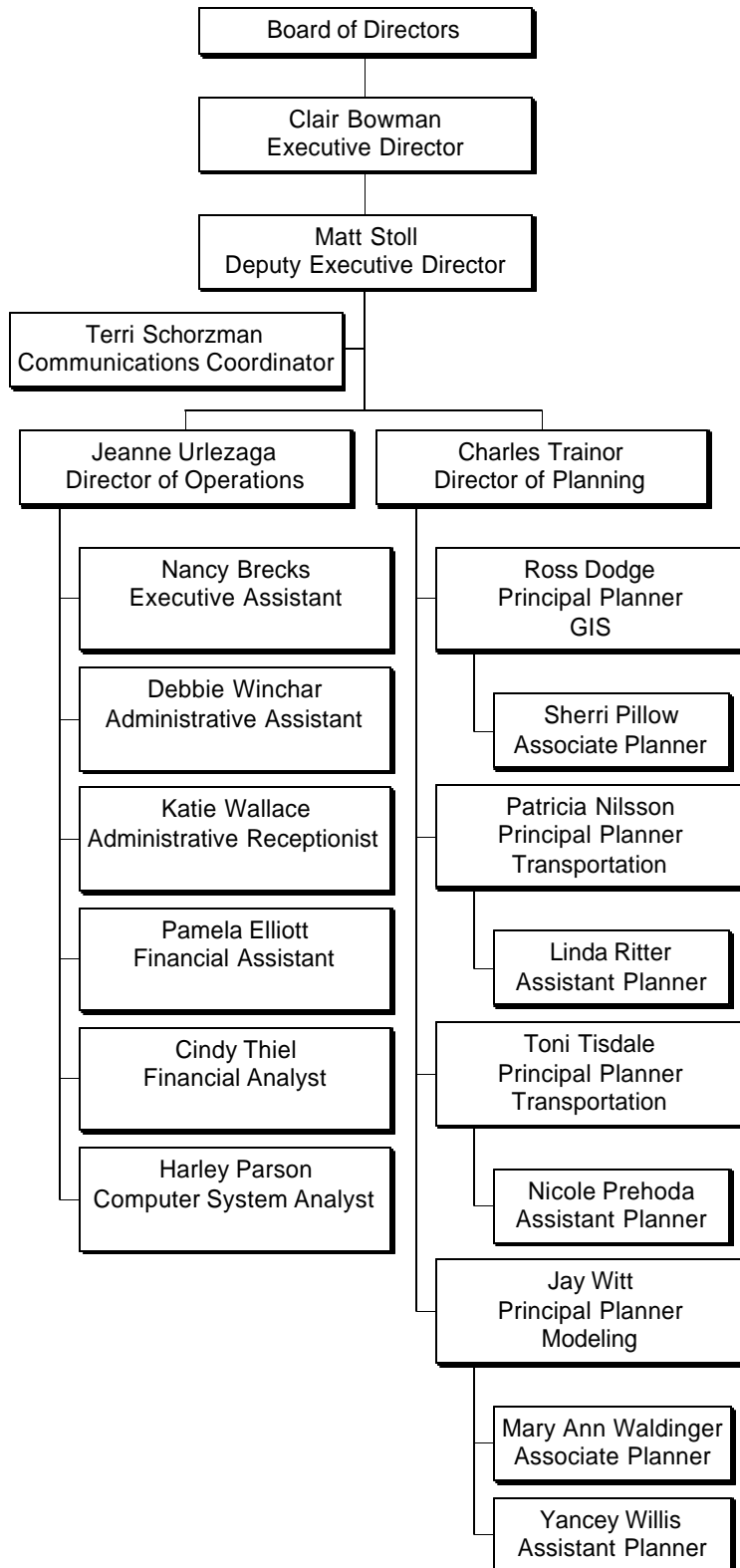
Appendix B

Appendix C

49 CFR 21.7(a) (1) and (2)

C. Questions For Annual Title VI MPO Review

**EXHIBIT A**  
**METROPOLITAN PLANNING ORGANIZATION ORGANIZATIONAL CHART**  
**COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO**  
**Organizational Chart - FY2004**



## EXHIBIT B

### STANDARD DOT TITLE VI ASSURANCES

The State of Idaho (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d - 42USC 2000d-7 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations"), Executive Order 12898 - Environmental Justice (hereinafter referred to as "EJ"), Executive Order 13166 - Limited English Proficiency (hereinafter referred to as "LEP") and other pertinent directives, to the end that in accordance with the Act, Regulations, Executive Orders and other pertinent directives, no person in the United States shall, on the grounds of race, color, national origin, gender, age or disability 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 the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) (1) of the Regulations, a copy of which is attached.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal-Aid Highway Program:

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) 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.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal-Aid Highway Program and, in adapted form in all proposals for negotiated agreements:

The **Idaho Transportation Department** in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d to 2000d-7 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to the advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, gender, age or disability in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the clauses of Appendix B of this assurance shall be included as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

## EXHIBIT B, continued

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 shall extend to rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal-Aid Highway Program; and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved under the Federal-Aid Highway 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 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 recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed by, or pursuant to, the Act, 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 Act, the Regulations, and this Assurance.

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 hereof to the Recipient by the Department of Transportation under the Federal-Aid Highway Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal-Aid Highway Program. The person or persons whose signatures appear herein are authorized to sign this Assurance on behalf of the Recipient.

Attachments: Signatures  
Appendices A, B, and C  
DOT Title VI Regulations

**EXHIBIT B, continued**

**STANDARD DOT TITLE VI ASSURANCES  
IDAHO TRANSPORTATION DEPARTMENT**

---

David S. Ekern, Director	Date
--------------------------	------

---

Susan K. Simmons, Division Administrator Division of Administration	Date
--	------

---

Robert J. Martin, Division Administrator Division of Aeronautics	Date
---	------

---

Jimmy D. Ross, Division Administrator Division of Highways	Date
---	------

---

Morris W. Detmar, Division Administrator Division of Motor Vehicles	Date
--	------

---

Laurence H. Falkner, Division Administrator Division of Public Transportation	Date
--	------

---

Charles M. Rountree, Division Administrator Division of Transportation Planning	Date
--	------

## 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 shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the "Regulations"), which are herein incorporated by reference and made a part of this contract.

**2. Nondiscrimination:**

The Contractor, with regard to the work performed during the contract, shall not discriminate on the grounds of race, color, religion, sex or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

**3. Solicitations for 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 procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor, of the Contractor's obligations of this contract and Regulations relative to nondiscrimination on the grounds of race, color, religion, sex, or national origin.

**4. Information and Reports:**

The Contractor shall provide all information and reports required by Regulations and/or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the Idaho Transportation Department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the Idaho Transportation Department or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

**5. Sanctions for Noncompliance:**

In the event the Contractor is in noncompliance with the nondiscrimination provision of this contract, the Idaho Transportation Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a. Withhold progress payments until it is determined that the contractor is found in compliance;

## APPENDIX A, continued

- b. Suspend the contract, in whole or in part, until the contractor or subcontractor is found to be in compliance with no progress payment being made during this time and no time extension made;
- c. Cancel or terminate the contract for cause in accordance with section 108.08 of the Contract Specifications;
- d. Assess against the contractor's final payment on this contract or any progress payments on current or future Idaho Federal-Aid projects an administrative remedy by reducing the final payment or future progress payment in an amount equal to 10% of this contract or \$7,700, whichever is less.

**6. Incorporation of the Provisions:**

The Contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to subcontractor or procurement as the Idaho Transportation Department or Federal Highway Administration may direct as a means of enforcing the provisions, including sanctions for noncompliance, provided, however, that in the event a Contractor becomes involved in, or is threatened with litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the Idaho Transportation Department to enter into such litigation to protect the interests of the State, and in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

## **APPENDIX B**

The following clauses shall be included in any and all deeds affecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

### **GRANTING CLAUSE**

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the state of Idaho will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 USC, 2000d to 2000d-7), does hereby remise, release, quit claim, and convey unto the state of Idaho all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

### **HABEDUM CLAUSE**

TO HAVE AND TO HOLD said lands and interests therein unto the state of Idaho, and its successors forever, subject, however, to the covenant, conditions, restrictions, and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the state of Idaho, its successors and assigns.

The state of Idaho, in consideration of the conveyance of said lands and interest in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that: (1) 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 with regard to any facility located wholly or in part on, over or under such lands hereby conveyed; and\* (2) that the state of Idaho shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended; and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation, and its assigns as such interest existed prior to the deed.\*

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

## APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the state of Idaho, pursuant to the provisions of Assurance 6(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for him/herself, his/her heirs, personal representatives, successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that in the even facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

### **INCLUDE IN LICENSES, LEASES, PERMITS, ETC.\***

That in event of breach of any of the above nondiscrimination covenants, the state of Idaho shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

### **INCLUDE IN DEED\***

That in the event of breach of any of the above nondiscrimination covenants, the state of Idaho, shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the state of Idaho and its assigns.

The following shall be included in all deeds, licenses, leases permits, or similar instruments entered into by the state of Idaho, pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for him/herself, his/her heirs, personal representatives, successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities; (2) that in

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

## **APPENDIX C, continued**

the construction of any improvements on, over or under such land the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination; and (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

### **[INCLUDE IN LICENSES, LEASES, PERMITS, ETC.]\***

That in event of breach of any of the above nondiscrimination covenants, the state of Idaho shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

### **[INCLUDE IN DEEDS]\***

That in the event of breach of any of the above nondiscrimination covenants, the state of Idaho, shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the state of Idaho and its assigns.

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

**TITLE VI ASSURANCES**  
**49 CFR 21.7(a) (1) and (2)**

<p><b>§ 21.7 Assurances required.</b></p> <p>(a) <i>General.</i> (1) Every application for Federal financial assistance to which this part applies, except an application to which paragraph (b) of this section applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by, an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. Every award of Federal financial assistance shall require the submission of such an assurance. In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for 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 for as long as the recipient retains ownership or possession of the property, whichever is longer. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended to the program. The Secretary shall specify the form of the foregoing assurances, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.</p>	<p>(2) In the case where Federal financial assistance is provided in the form of a transfer of real property, structures, or improvements thereon, or interest therein, from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real 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. Where no transfer of property or interest therein from the Federal Government is involved, but property is acquired or improved with Federal financial assistance, the recipient shall agree to include such covenant in any subsequent transfer of such property. When the property is obtained from the Federal Government, such covenant may also include a condition coupled with a right to be reserved by the Department to revert title to the property in the event of a breach of the covenant where, in the discretion of the Secretary, such a condition and right of reverter is appropriate to the statute under which the real property is obtained and to the nature of the grant and the grantee. In such event if a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, the Secretary may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as he deems appropriate, to subordinate such right of reversion to the lien of such mortgage or other encumbrance.</p>
---	---

## EXHIBIT C

### QUESTIONS FOR ANNUAL MPO TITLE VI REVIEW

Annual Reviewing of MPO by ITD's EEO Officer and Division of Transportation Planning Program Area Coordinator:

The information below is obtained at the end of each fiscal year from each MPO and reviewed for compliance with Title VI. An on-site review is conducted with two MPOs annually, establishing a three-year review cycle.

- Strategies used to ensure that all components of the MPO transportation planning process comply with Title VI;
- Whether the MPO has developed a demographic profile of their metropolitan planning area that includes identification of minority and low-income populations;
- Whether the MPO has developed a process to seek to identify the needs of minority and low-income populations and to use demographic information to assess the distribution of benefits across these groups;
- What process is in place to assess the benefits/burdens of transportation system investments on minority and low-income populations on an analytic basis and whether an appropriate data source and tools are used to support the analysis;
- Whether a public involvement strategy for engaging minority, disabled and low-income populations in transportation decision-making is in place and what steps are being taken to reduce any participation barriers that have been identified;
- Determine if the public involvement process is routinely evaluated and whether there have been efforts made to improve effectiveness, especially with regard to minority, disabled and low-income populations and any other affected groups;
- What efforts have been made to engage minority and low-income populations in the public outreach effort and whether the public outreach effort utilizes media targeted to minority and low-income groups;
- What procedure the MPO has established for using issues/concerns raised by minority, disabled and low-income populations as well as other affected individuals and groups in the decision-making process;
- Composition of the MPO's workforce by position title, race and gender;
- The names, race and gender of the individuals on the MPO's Board of Directors and what criteria has been established for their selection and retention;
- Number of consultant agreements awarded and the dollar amount; Number of female and minority firms and the dollar amount;

### **EXHIBIT C, continued**

- Efforts made to ensure an equal opportunity for female and minority consulting firms to participate in the consultant selection process;
- Number of hearings, the location, and the times of day the hearings were held; The percentage of female and minority participation at the hearings;
- Number of public information meetings/open houses held; Percentage of female and minority participation;
- Efforts made to take Environmental Justice concerns into consideration in the transportation planning process;
- Whether there was any training received regarding Title VI or Environmental Justice;
- Review of the MPO internal complaint procedure/policy & how the procedure/policy is disseminated;
- Review MPO non-discrimination in employment policies including anti-harassment policy and reporting procedures;
- Status of any Title VI complaints received regarding any of the transportation planning and public involvement processes;
- Any significant Title VI activities or accomplishments made during the review period.
- Any significant Title VI activities or actions planned for the ensuing year.

ITD's EEO Office and the designated Planning Program Area Coordinator will assess the MPOs compliance with Title VI and make recommendations for changes when appropriate. Any problem areas identified during the annual review process will be reported to FHWA in the Title VI Assurances Update which is prepared and submitted by the EEO Office in October each year.

# Metropolitan Planning Organizations

## A Brief History\*

---

While the earliest beginnings of urban transportation planning go back to the post-World War II years, the federal requirement for urban transportation planning emerged during the early 1960's. **The Federal-Aid Highway Act of 1962** created the federal requirement for urban transportation planning largely in response to the construction of the Interstate Highway System and the planning of routes through and around urban areas. The Act required, as a condition attached to federal transportation financial assistance, that transportation projects in urbanized areas of 50,000 or more in population be based on a continuing, comprehensive, urban transportation planning process undertaken cooperatively by the states and local governments -- the birth of the so-called 3C, "continuing, comprehensive and cooperative planning process.

By July, 1965, all the 224 existing urbanized areas had an urban transportation planning process underway. At that time, qualified planning agencies to conduct the transportation planning process were lacking in many urban areas. Therefore, the Bureau of Public Roads (predecessor to the Federal Highway Administration) required the creation of planning agencies or organizational arrangements that would be capable of carrying out the required planning process. Hence, Metropolitan Planning Organizations (MPOs) quickly came into being because of the growing momentum of the highway program and the federal financing of the planning process. However, some MPO-like organizations had existed since the 1950's to prepare special urban transportation studies under the auspices of the state highway agencies in some major areas such as Chicago, Detroit, New York, and Philadelphia.

The Housing and Urban Development Act of 1965 amended the Section 701 Urban planning assistance program established under the Housing Act of 1954 by authorizing grants to be made to "...organizations composed of public officials whom he (the Secretary of HUD) finds to be representative of the political jurisdictions within a metropolitan or urban region..." for the purposes of comprehensive planning. This provision encouraged the formation of regional planning organizations controlled by elected rather than appointed officials. It gave impetus to the formation of such organizations as councils of governments, and encouraged local governments to cooperate in addressing problems in a regional context. With the formation of these organizations, initially, the majority of MPOs were regional councils. However, since the 1980's, a number of MPOs have been formed which are either "free-standing", or are housed within city or county organizations. Currently, less than half of the MPOs are housed within regional councils.

The urban transportation planning process flourished during the 1960's and 1970's. This was a period of emphasis on development and implementation of the technical foundation for the 3C planning process, and the technical capacity building within the MPOs. By 1968 most urbanized areas had completed or were well along in their 3C planning process, and the

## **ABOUT MPOs: A BRIEF HISTORY (continued)**

emphasis shifted to implementing a continuing transportation planning process to maintain the responsiveness of planning to the needs of local areas. During the 1970's, improvements were made to the planning process to require shorter-range capital improvement programs along with long-range plans, to better integrate urban transportation planning at the local level, and to place more emphasis on non-capital intensive measures to reduce traffic congestion as alternatives to major construction projects. Environmental concerns and the energy crises of the 1970's gave further impetus to shorter term planning horizons and a corridor level focus as well as the integration of environmental and energy concerns within the planning process.

The decade of the 1980's ushered in a new mood in the nation to decentralize control and authority, and to reduce federal intrusion into local decision-making. The joint FHWA/UMTA urban transportation planning regulations were rewritten to remove items that were not specifically required by statute. The new regulations required a transportation plan, a transportation improvement program (TIP) including an annual element, and a unified planning work program for areas of 200,000 or more in population. The planning process was to be self-certified by the states and MPOs as to its conformance with all requirements when submitting the TIP. Essentially, only the end products were specified while the details of the process were left to the states and MPOs. This represented a major shift in the evolution of urban transportation planning. The result was an urban transportation program and process that languished, and the loss of much of the technical capacity that has been built up in the MPOs.

ISTEA reversed the trend of deterioration with its renewed emphasis on the metropolitan transportation planning process. The legislation was designed to put in place a framework to guide the operations, management and investment in a surface transportation system that is largely in place. ISTEA strengthened the metropolitan planning process, enhanced the role of local elected officials, required stakeholder involvement, and encouraged movement away from modal parochialism toward integrated, modally mixed strategies for greater system efficiency, mobility and access.

*\*Excerpts from U.S. DOT's 1988 Report - Urban Transportation Planning in the United States: An Historic Overview*

**“Simple  
justice requires  
that public funds,  
to which all taxpayers  
of all races contribute,  
not be spent in any fashion  
which encourages, entrenches,  
subsidizes or results  
in racial discrimination.”**

**John F. Kennedy**