

## MEMORANDUM

TO: RPC MPO Technical Advisory Committee  
FROM: Scott Bogle, Senior Transportation Planner  
DATE: September 20, 2021  
RE: Draft Title VI Civil Rights Plan

As a recipient of Federal funding, the Rockingham Planning Commission (RPC) Metropolitan Planning Organization (MPO) has a responsibility under the Title VI of the Civil Rights Act of 1964 to ensure that no person shall, on the grounds of race, color or national origin be denied the benefits of, or otherwise be subjected to discrimination in any program or activity carried out by the MPO. Subsequent federal legislation and MPO policy extend these protections on the basis of sex, age, religion and disability.

The MPO signs Certifications and Assurances to the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) confirming its policy of non-discrimination biennially as part of our Unified Planning Work Program (UPWP) contract with the NH Department of Transportation. Staff follow the provisions of these Assurances in hiring, contracting, public participation, analysis for the Long Range Transportation Plan, and other aspects of MPO operations.

The MPO adopted its current Title VI Civil Rights/Non-Discrimination Plan in 2017 and it is due for update. We would like to have the updated document in place for the upcoming MPO Planning Review with FHWA and FTA.

The Objectives of the Title VI Non-Discrimination Plan are as follows.

- A. To ensure that the level and quality of transportation service is provided without regard to race, color, or national origin;
- B. To identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
- C. To promote the full and fair participation of all affected populations in transportation decision-making;
- D. To prevent the denial, reduction or delay in benefits related to programs and activities that benefit minority populations or low-income populations; and
- E. To ensure meaningful access to programs and activities by persons with limited English proficiency.

The Title VI Plan is structured around the Civil Rights requirements for Federal funding recipients – identifying each requirement in turn and documenting how the MPO responds to it. The key documents related to Title VI requirements, beyond the Title VI Plan itself, are: 1) Certifications and Assurances the MPO signs as part of its UPWP contract; 2) the Title VI Notice to the Public regarding non-discrimination; and 3) Title VI Complaint Procedures & Complaint Form, for individuals who believe they have been discriminated against by MPO decisions or programs.

Beyond these elements, which are included as appendices, the other major components of the Title VI Plan include documenting public outreach efforts to identify the transportation needs of minority and low income residents of the MPO planning region; and a demographic analysis of minority and low income populations in the region as well as individuals with Limited English Proficiency (LEP). This analysis made use of data from the American Community Survey (ACS) 2018 five year data compilation. Data from the 2020 Census are not yet available at the municipal level though will provide the most reliable picture of racial and ethnic makeup in the region. Data on income and English proficiency are not covered in the decennial Census so must be drawn from the ACS.

Perhaps the most significant finding from the analysis is the continued growth of the Hispanic population in the region since the 2010 Census, and also since the analysis for the last Title VI plan. The Hispanic population in the MPO region has increased from 3,914 in 2010 to 4,794 in 2014 to 5,355 in 2018. This growth has been particularly concentrated in Salem. This growth is also reflected in the number of individuals identified as having Limited English Proficiency (LEP), which is operationalized as respondents to the ACS survey who respond that they “speak English ‘less than well’”. For the MPO region as it is currently configured, the LEP population includes to an estimated 2,561 individuals, or 1.4% of the total population. This is down slightly from 2,926 individuals identified from 2015 ACS data.

This is most significant in the number of Spanish speakers who are LEP in the region. The Census Bureau estimates this population currently at 968 individuals, or 0.5% of the total population FHWA and FTA regard a population of 1,000 LEP individuals within one language group as a threshold above which agencies are required to provide key documents in translation. Below this threshold Federal funding recipients do still have responsibilities to provide language interpretation assistance for meetings and other accommodations if requested.

RPC already translates its MPO Title VI Notice to the Public, Title VI Complaint Procedures and Title VI Complaint Form into Spanish. The RPC/MPO website features the Google Translate plug-in providing automatic translation of website content. Staff are securing translation services for a Spanish language version of the MPO overview brochure. Staff will work with NHDOT, FHWA and FTA to identify what other measures will be appropriate over the next several years and further develop the MPO Language Implementation Plan.

### **Requested Action**

Staff request that the MPO Technical Advisory Committee review the attached Draft Title VI Civil Rights Plan recommend changes if needed, and, following discussion at the September 23<sup>rd</sup> TAC meeting, vote to recommend adoption by the MPO Policy Committee.

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