

# **Morgantown Monongalia Metropolitan Planning Organization**



## **Title VI Plan**

**March, 2023**

**Adopted: March 16th, 2023**

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## **Introduction & Title VI Plan**

Title VI of the Civil Rights Act of 1964 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.” Subsequent laws, regulations, directives, and executive orders enlarged the criteria for which discrimination is prohibited to include disability, sex, age, income, and limited proficiency in English. These related authorizations are identified in Appendix A. Two Presidential Orders are particularly important to these requirements. Executive Order 12898 requires that federal agencies address equity and fairness, known as Environmental Justice, toward low income and minority persons and populations. Executive Order 13166 requires federal agencies to ensure that people who have Limited English Proficiency (LEP) have meaningful access to federally conducted and/or funded programs and activities.

The Morgantown Monongalia Metropolitan Planning Organization (MMMPO) is a sub-recipient of federal aid. As a sub-recipient of federal aid, the MMMPO is mandated to comply with Title VI and subsequent nondiscrimination laws and regulations. In addition to complying with the requirements noted above Executive Orders 12898 (Environmental Justice) and 13166 (LEP) require the MMMPO to provide an overview of how it addresses the provisions of these Orders. This plan was developed to document the MMMPO’s ongoing efforts to ensure compliance with Title VI related rules and regulations as well as related statutes regarding non-discrimination and environmental justice.

## **MMMPO Profile and Organizational Structure**

In accordance with the requirements of Federal statute (23 USC 134), the MMMPO has been designated by the State of West Virginia and the US Department of Transportation as the lead agency for transportation planning in Monongalia County particularly for the urbanized area surrounding Morgantown.

The MMMPO was organized in 2003 due to population growth identified in the 2000 Census. The purpose of the MPO is to fulfill the requirements of federal regulations for urbanized areas with a population exceeding 50,000 that specify that there should be a regional forum for a continuous, cooperative, and coordinated, transportation planning process. The plans prepared by the MMMPO and the planning process utilized by the MMMPO should address the following:

- (A) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
- (B) increase the safety of the transportation system for motorized and nonmotorized users;
- (C) increase the security of the transportation system for motorized and nonmotorized users;

(D) increase the accessibility and mobility of people and for freight;

(E) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;

(F) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

(G) promote efficient system management and operation; and

(H) emphasize the preservation of the existing transportation system.

(23 US 134)

## **Structure**

The MMMPO is governed by a Policy Board which includes representatives of all of the incorporated communities in Monongalia County as well as West Virginia University, the Monongalia County Board of Education, the West Virginia Department of Transportation and Mountain Line Transit. Following is a list of the communities and agencies that sit on the MPO Policy Board. (Unless otherwise noted each agency has one vote on the Policy Board)

Blacksville, Granville, Monongalia County (3 members), Monongalia County Board of Education, Morgantown (3 members), Mountain Line Transit, Star City, Westover, West Virginia Department of Transportation, West Virginia University

The MMMPO's committee structure includes three committees that report to the Policy Board. The Technical Advisory Committee is made up of professional staff that reviews the MPO's operations and technical products. The Citizens Advisory Committee is made up of volunteers appointed to represent the constituents of the MMMPO's member agencies. The Policy Advisory Committee is made up of representatives of the business community and significant community groups. The PAC is to meet at least annually to advise the Policy Board on policy issues that may arise. The MPO's Bylaws specifies a minimum membership but the PAC may have representation from additional organizations as well.

## **2023 Morgantown Monongalia MPO Committee Membership Metropolitan Planning Organization Policy Board**

### **Officers**

Board Chairman: Michael Kelly, Board of Education

Board Vice - Chairman: Joe Statler, Blacksville

Board Treasurer: Mayor Patricia Lewis, Granville

Secretary: Bill Austin, AICP

### **Members**

#### Monongalia County Commission:

Jefferey Arnett

Tom Bloom

Sean Sikora

#### City of Morgantown City Council:

Jenny Selin

Bill Kawecki

Joe Abu-Ghannam

#### West Virginia University

Ron Justice, Chairman

#### Monongalia County Board of Education

Michael Kelly, Vice-Chairman

#### Town of Granville

Mayor Patricia Lewis, Treasurer

#### Star City

Steve Blinco, Recorder

#### City of Westover City Council

Mayor Steve Lucci

#### Blacksville

Delegate Joe Statler

Mountain Line Transit Authority

Dave Bruffy

West Virginia Department of Transportation-Division of Highways

Brian Carr

**CAC Members**

Christiaan Abildso (Chairman)

Thomas Zeni

Matthew Cross

Matthew Ridgway

Chip Wamsley

Chip Buzzo

Kelli LaNeve

Heather Britton

**TTAC Members**

Bill Austin, Morgantown Monongalia MPO (Chairman)

Maria Smith, Mountain Line Transit

Kara Greathouse, Federal Highway Administration

Brian Carr, WV Division of Highway

Damien Davis, City of Morgantown

Rickie Yeager, City of Morgantown

Fouad Shoukry, WV Division of Highway

Latina Mayle, Town of Granville

Jeremy Evans, WVU

Andrew Gast-Bray, Monongalia County

Emily Muzzarelli, City of Morgantown

Drew Gatlin, City of Morgantown

Michael Dougherty,

Chelsea Beytas, Federal Transit Administration

Ted Svehlik, WVU

## **Title VI Coordinator and Responsibilities**

The MMMPO Executive Director is responsible for Title VI Coordination, ensuring the implementation and management of the MMMPO Title VI Plan.

### **Title VI Coordinator Contact Information**

J. William B. Austin, AICP

Executive Director

Morgantown Monongalia MPO

243 High Street Room 026

Morgantown, WV 26505

(304) 291-9571

[baustin@plantogether.org](mailto:baustin@plantogether.org)

### **Title VI Coordinator Responsibilities**

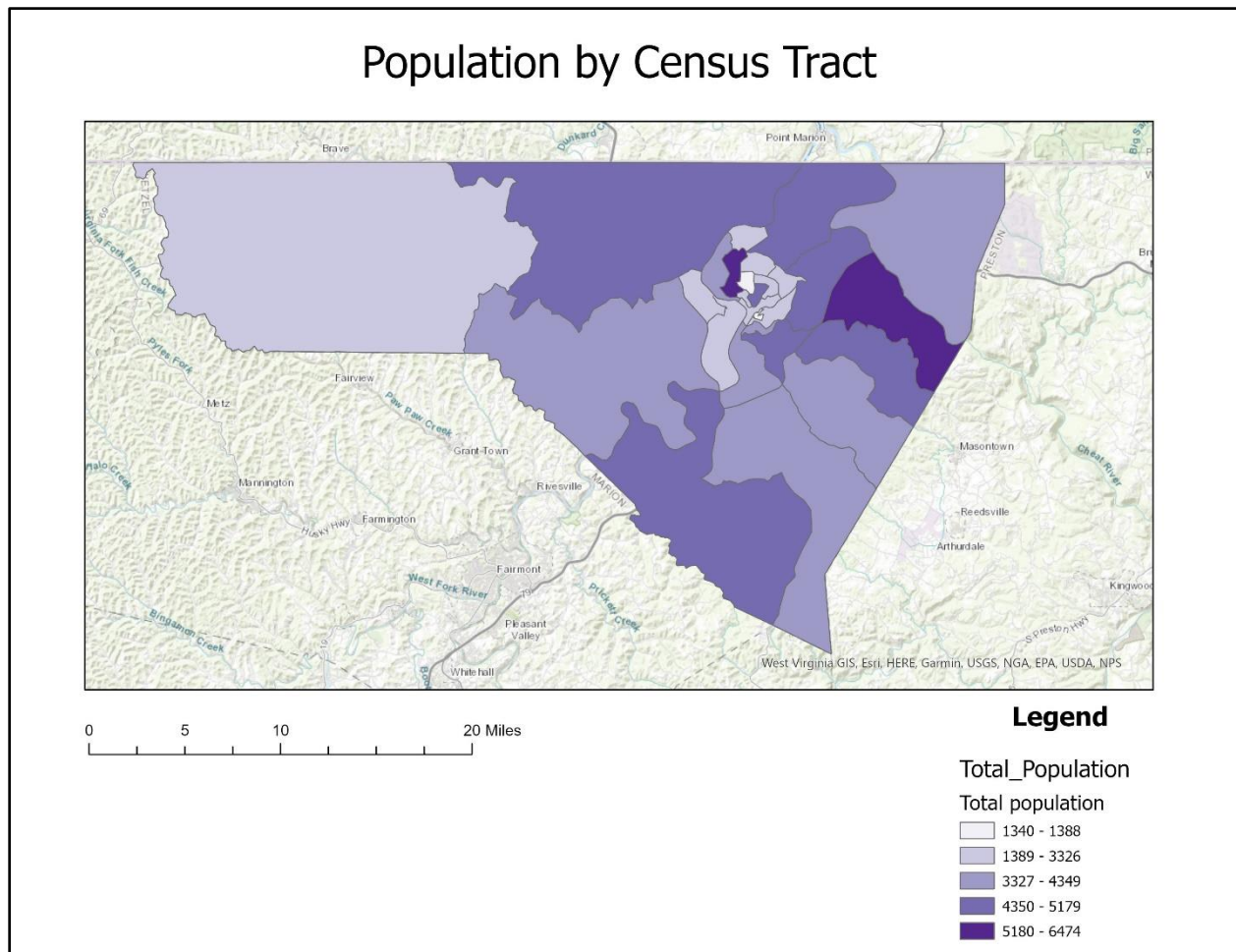
- Monitor and review agency programs, policies and activities for Title VI compliance;
- Collect and review statistical data (race, color, sex, age, disability or national origin) to prevent or eliminate potential disparate treatment discrimination;
- Work with staff involved in procurement or consulting contracts to ensure that Title VI compliance is met; and mitigating any issues if it is not met;
- Maintain a list of interpretation service providers;
- Periodically review and update the Title VI Plan;
- Attend trainings to keep aware of non-discrimination opportunities and procedures; and,
- Resolve Title VI complaints in a timely and thorough fashion.

## **TITLE VI Components**

### **Regional Overview**

As shown in the figure, the Morgantown Monongalia MPO encompasses the 366 square miles of Monongalia County, West Virginia and its incorporated municipalities including the City of Morgantown, the City of Westover and the towns of Blacksville, Granville, and Star City. The Census Bureau's

American Community Survey indicated that Monongalia County had an estimated total population of 105,695 as of 2021. The majority of residents reside around Morgantown.



Source: Total Population, 2021 American Community Survey 1-Year Estimates, S0101

In keeping with the requirements of Title VI of the Civil Rights Act of 1964 as amended, and with Executive Order 12898 which expanded the scope of previous guidance to include identifying and avoiding “disproportionately high and adverse impacts” on minority and low-income populations. The United States Department of Transportation (USDOT) Order 6640.23 requires the Federal Highway Administration and the Federal Transit Administration to implement the principles of environmental justice in all programs, policies, and activities. The three principles of environmental justice are:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision making process.



- The prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

Environmental Justice has been expanded since the original Executive Order and is now focused on four groups: minorities, Low English Proficiency (LEP), low-income populations, and populations with a disability.

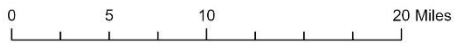
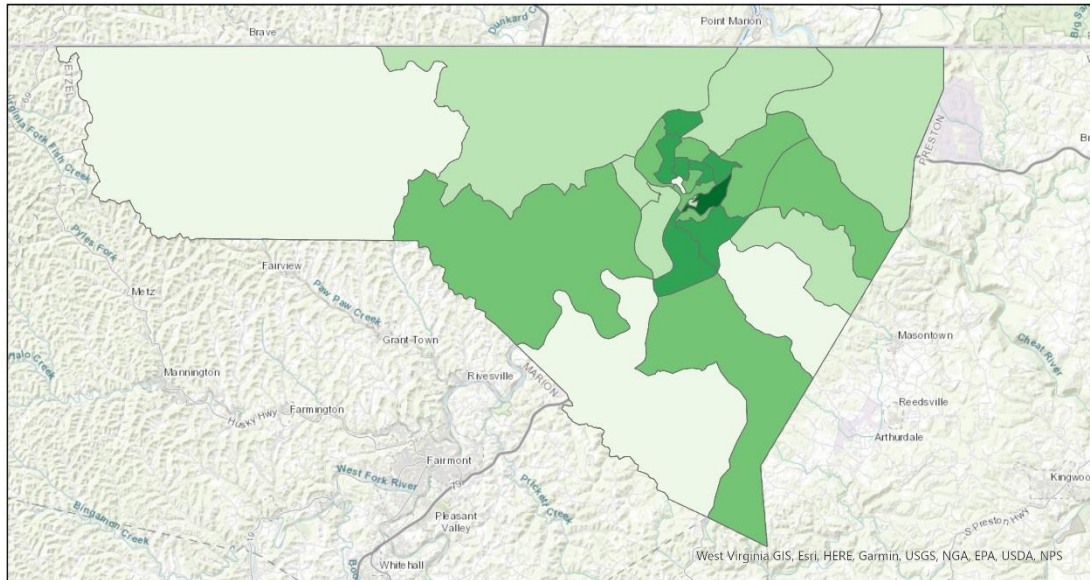
*Table 1: Race in Monongalia County Updated*

\*Total Population based on 2020: DEC Redistricting Data (PL 94-171), versus 2021 American Community Survey 1-Year Estimates. Second Data set does not include updated Race Population Estimates.

	Population Estimation	Percentage
<b>Total Population Monongalia County</b>	105,822	100%
Population of One Race:	99,340	93.9%
• White Alone	90,012	85.1%
• Black or African American alone	4,160	3.9%
• American Indian and Alaska Native alone	185	0.17%
• Asian alone	3,755	3.5%
• Native Hawaiian and Other Pacific Islander alone	71	0.07%
• Some other race alone	1,157	1.1%
Two or more races:	6,482	6.1%

Source: P1 Race, 2020: DEC Redistricting Data (PL 94-171), <https://data.census.gov/table?g=0500000US54061>

# Percent Minority Population by Census Tract

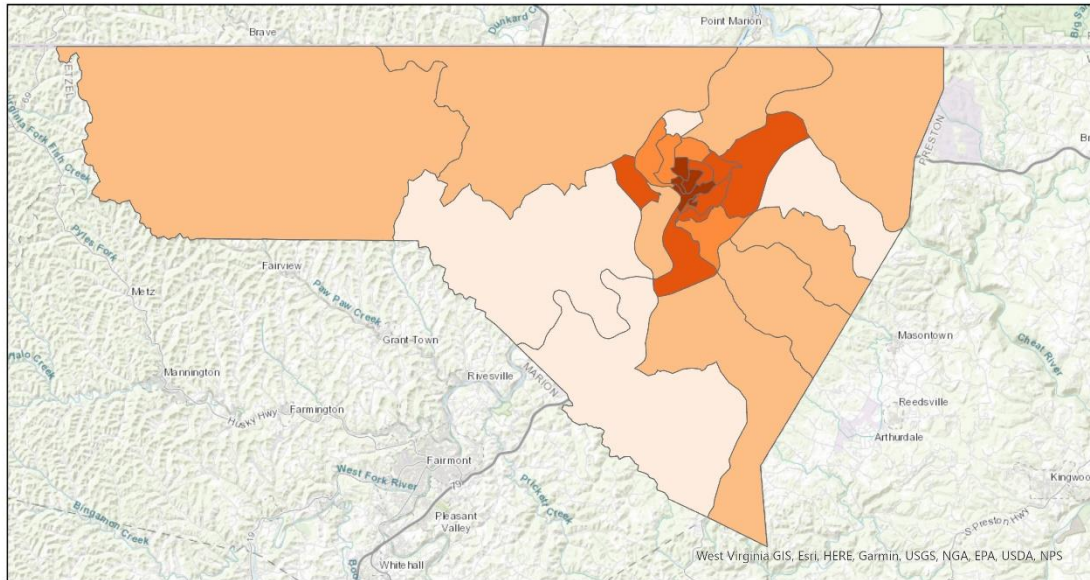


### Legend

Minority Population	
Percent Minority Population	
Lightest Green	0.5% - 5.2%
Light Green	5.3% - 9.1%
Medium Green	9.2% - 12.8%
Dark Green	12.9% - 23.0%
Darkest Green	23.1% - 29.7%

Source: Race, 2021 American Community Survey 1-Year Estimates, B02001

## Percent Below Poverty Level by Census Tract



Source: Poverty Status in Last 12 Months, 2021 American Community Survey 1-Year Estimates, B17010

## Four-Factor Analysis

In accordance with Title VI of the Civil Rights Act and the US Department of Transportation Circular FTA C 4702.1B “Title VI Requirements for Federal Transit Administration Recipients,” recipients are required to take “reasonable steps” to ensure meaningful access to their programs and activities by LEP persons.” The guidance recommends that the following four-factor analysis be used to determine how to ensure reasonable access to MMMPO activities.

- 1) The number and proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.
- 2) The frequency with which LEP persons come into contact with the program.
- 3) The nature and importance of the program, activity, or service provided by the program to people’s lives.
- 4) The resources available to recipient for outreach, as well as the costs associated with that outreach.

### *1. Number and Proportion*

The MMMPO utilized American Community Survey data to understand the language profile of LEP individuals in the MMMPO region. Individuals who speak English less than “very well” are considered to be part of the LEP population in the community. As shown in the table below 6.95% of Monongalia County’s population over 5 years old qualifies as LEP. There were 7347 County residents who report that they speak a language beside English at home.

	Population Estimation	Percentage
<b>Total Population</b>	105,695	100%
Population 5 years and over	100,658	95.2%
Speak only English	93,311	88.3%
Speak a language other than English:	7,347	6.95%
• Spanish	• 1,390	• 1.3%
• Other Indo-European Languages	• 2,200	• 2.1%
• Asian and Pacific Island Languages	• 1,630	• 1.5%
• Other Languages	• 2,127	• 2.0%

Source: S1601, Language Spoken at Home, 2021: ACS 5-Year Estimates Subject Table

### *2. Frequency*

Due to the relatively small size of the LEP population in Monongalia County and the nature of the services the MMMPO provides there is infrequent interaction with the LEP community. As of this 2023 Update, there have been no requests for services or information by either individuals or groups.

### *3. Importance*

The MMMPO approves the use of federal funds for long- and short-term transportation projects and transit services. The MMMPO does not own or operate roads, or buses and therefore does not provide any

services that requires vital, immediate or emergency assistance such as medical treatment or services for basic needs such as food or housing. Involvement with the MMMPO or its subcommittee's is strictly voluntary.

MMMPO provides opportunities for the public to comment on the use of federal funds for the key activities summarized below:

- Short range planning
- Transportation Improvement Program (TIP)
- Traffic Data
- Long Range Transportation Plan
- GIS
- Service
- Transit
- Special Studies
- Administration

The results of transportation improvements resulting from these actions may impact all residents and efforts are made to explain the process and provide opportunities to comment. The MMMPO is concerned with gathering input from all stakeholders and every effort is made to make the planning process as inclusive as possible.

Through, the regional transportation planning process, selected projects receive approval for Federal funding. The implementation process including project planning and construction come under the responsibility of the West Virginia Department of Transportation or local jurisdictions or agencies. These state and local agencies or jurisdictions are required to have their own policies in place to ensure opportunities for LEP individuals to participate in the project implementation process.

#### *4. Resources*

Because the LEP population is not a large part of the community at this time and the cost of translating the large number documents the MMMPO produces is high, the MMMPO has determined that full translation of regional transportation plans is not the most efficient use of limited funds. However, as the region grows and attracts a diverse population and given that the MMMPO values diversity in the area as well as the importance of full participation in the transportation decision-making process, the MMMPO will continue to ensure access and participation for all who may be impacted by the MMMPO's plans and policies.

## **LEP Implementation Plan**

-Free online translation services including that powered by Google Translate, is available on the MMMPO's website by clicking "translate" at the top right of any page of the site. As requested, the MMMPO will assist in identifying other free translation services available in the community.

-Translation of select materials. Because the number and proportion of the LEP individuals in Monongalia County is low and because the cost of translation services is high (15 to 20 cents per word), translation of all materials is neither warranted or affordable. MMMPO will translate select materials such as the Title VI Policy and Complaint Form in Spanish online at the MMMPO Office.

-Oral translation. Should the need for oral translation arise the MMMPO will make a reasonable attempt to provide translation services.

-Use of language identification cards. Designated staff members at the MMMPO office will be prepared to use language identification cards when first encountering individuals with limited English proficiency. These point to your language cards or posters help to identify the language the individual speaks.

## **Communications and Public Involvement**

The MMMPO recognizes that public involvement is a crucial part of its mission. As a public agency the Morgantown Monongalia Metropolitan Planning Organization (MMMPO) is required to maintain a "...continuous, comprehensive and cooperative planning process." (23 USC 104) This means the MMMPO is committed to providing a proactive, open, and transparent public involvement process that actively seeks engagement from stakeholders and the public at large. The MPO strives to engage underrepresented communities and stakeholders as well as the public at large as part of its continuous process to create an open decision-making process.

## **Best Practices**

The MPO strives to implement the Best Practices Policy to increase community engagement by:

- Working with local churches
- Reaching Out to Traditionally Underserved Populations
- Documenting Outreach Programs
- Leveraging Community Groups

## **Public Participation Plan**

The MPO's Public Participation plan may be found at the website:

[https://www.plantgether.org/files/ugd/613794\\_25eb5852520347e9b3be47a9add98768.pdf](https://www.plantgether.org/files/ugd/613794_25eb5852520347e9b3be47a9add98768.pdf)

The Public Involvement Policy also recognizes that there is a need to develop appropriate protocols to address the communities identified in Title VI, Executive Orders 12898, 13166 and other policies as previously noted. This Plan, as recognized in the Public Involvement Plan identifies the actions the MMMPO is taking now and will take in the future to address these issues.

### **Monitoring Process and Complaint Procedures**

Any person who believes he or she has been discriminated against by the MMMPO on the basis of race, color, national origin, or other applicable criteria under current law may file a Title VI complaint by completing and mailing or delivering the MMMPO's Title VI Complaint Form, found online at the MMMPO's website [www.plantgether.org](http://www.plantgether.org) under Documents – Policies & Regulations – General Policies – MMMPO Title IV Plan. The Complaint should be addressed to the MMMPO's Title VI Coordinator at the address below:

Morgantown Monongalia MPO

Attention Title VI Coordinator

243 High Street Room 026

Morgantown, WV 26505

A formal complaint must be submitted in writing within 180 days of the alleged occurrence or when the discrimination became known to the complainant. MMMPO's will process complete complaints.

### **Complaint Procedures**

1. Once the complaint is received, MMMPO will acknowledge the receipt of the complaint within 5 business days. The MMMPO will review the complaint to determine if it has jurisdiction over the complaint. The Complainant will receive a letter notifying her/him whether the complaint will be investigated by the MMMPO. The MMMPO has 30 days to investigate the complaint.
2. If more information is needed to resolve the case, the MMMPO may contact the Complainant. The Complainant has 30 business days from the date of the letter to send the requested information to the MMMPO's Title VI Coordinator. If the Title VI Coordinator is not contacted by the Complainant or does not receive the additional information within 30 business days,

MMMPO can administratively close the case. A case can also be administratively closed if a Complainant expresses a desire to no longer pursue their case.

3. After the Title VI Coordinator reviews the complaint, he/she will issue one of two letters to the Complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and the case will be closed. An LOF summarizes the allegations and details plans for remediation actions to provide redress. The written response shall be issued not later than 90 calendar days after the complaint is received.
4. If the Complainant wishes to appeal the decision, she/he has 30 days after the date of the LOF to do so.

If the Complainant is dissatisfied with the MMMPO's resolution of the complaint, he/she may also submit a complaint to the West Virginia Department of Transportation for investigation in accordance with Chapter VII, Title VI/Non-Discrimination Complaints, of Federal Transit Administration Circular 4702.1A, such a complaint must be submitted within 180 days of the alleged discrimination. Chapter IX of the FTA Circular 4702.1A, which contain the complaint process is available online at [www.fta.dot.gov](http://www.fta.dot.gov). Paper copies of the circular may also be obtained by calling FTA's Administrative Services Help Desk at 202-366-4865.

A person may also file a complaint directly to the Federal Transit Administration, at:

FTA Office of Civil Rights

Chief Investigations and Adjunction

400 7<sup>th</sup> Street SW, Room 4132

Washington, DC 20590



## Metropolitan Transportation Planning Process Certification

In accordance with 23 CFR 450 334, the West Virginia Department of Transportation and the Morgantown Monongalia Metropolitan Planning Organization, hereby certify that the transportation planning process is addressing the major issues in accordance with all applicable requirements of:

- I. 23 USC 134 49 5303 and this subpart, in non-attainment and maintenance areas, sections 174 and 176 (c) and (d) of the Clean Air Act as amended (42 USC 7504, 7506, c, (d), and 40 CFR part 93,
- II. Title VI of the Civil Rights Act of 1964 as amended (42 USC 2000d-1) and 49 CFR part 21
- III. 49 USC 5332 prohibiting discrimination on the basis of race, color, creed, national origin, or age in employment or business opportunity
- IV. Section 1101(b) of the SAFETEA-LU (Pub. L.109-59) and 49 CFR part 26 regarding the employment of disadvantaged businesses
- V. 23 CFR part 230, regarding the implementation of an equal opportunity program on Federal-aid highway construction projects
- VI. The provisions of the Americans with Disabilities Act of 1990 (42 USC 12101 et seq) and 49 CFR parts 27, 37 and 38
- VII. The Older Americans Act as amended ((42 USC 6101) prohibiting discrimination on the basis of age in programs or activities receiving Federal Financial Assistance
- VIII. Section 324 of title 23 USX regarding the prohibition of discrimination based on gender
- IX. Section 504 of the Rehabilitation Act of 1973 (29 USC 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities

Morgantown Monongalia MPO

West Virginia Department of Transportation

Signed\_\_\_\_\_

Signed\_\_\_\_\_

Title\_\_\_\_\_

Title \_\_\_\_\_

Date\_\_\_\_\_

Date\_\_\_\_\_

The Morgantown Monongalia Metropolitan Planning Organization assures that no person shall on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (L.P.100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. MMMPO further assures every effort will be made to ensure non-discrimination in all of its programs and activities, whether those programs and activities are federally funded or not. 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/consultants, whether such programs and activities are federally assisted or not (Public Law 100259 [S.557] March 22. 1988.) In the event the Recipient distributes federal aid funds to a subrecipient, the Recipient will include Title VI language in all written agreements and will monitor for compliance.

MMMPO’s Executive Director is responsible for initiating and monitoring Title VI activities preparing reports and other responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 29 Code of Federal Regulation 21.

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J William B Austin, Executive Director

Date