



HEPMPO Title VI Plan



February 2022

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Resolution of Adoption



RESOLUTION NUMBER 2022-10

A RESOLUTION BY THE HAGERSTOWN/EASTERN PANHANDLE METROPOLITAN PLANNING ORGANIZATION (HEPMPO)

ADOPTION OF TITLE VI PLAN

RECITALS

WHEREAS, the Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) is required to comply with Title VI of the 1964 Civil Rights Act and subsequent nondiscrimination laws, Executive Order 12898 on Environmental Justice and Executive Order 13166 on Limited English Proficiency (LEP); and

WHEREAS, the Title VI Plan was developed to document the efforts HEPMPPO undertakes on a continual basis to ensure compliance with the rules and regulations associated with Title VI and related statutes regarding nondiscrimination and environmental justice; and

WHEREAS, the Title VI Plan establishes and outlines a formal complaint procedure and monitoring process; and

WHEREAS, the Technical Advisory Committee has reviewed and recommended Interstate Council adoption of Resolution 2022-10 approving the Title VI Plan.

WHEREAS, the Interstate Council of the MPO has completed its review and has determined that the final document has met all of the aforementioned items.

NOW, THEREFORE, BE IT RESOLVED that the Hagerstown/Eastern Panhandle Metropolitan Planning Organization formally adopts the attached amendment to the Title VI Plan.

PASSED AND DULY ADOPTED this 2nd day of February 2022.

HAGERSTOWN/EASTERN PANHANDLE
 METROPOLITAN PLANNING ORGANIZATION

By *Mark S. Baldwin*
 Mark S. Baldwin, Chairman *2/4/22*

Attest: *Debra Sue Eckard*

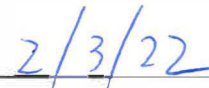
Policy Statement

The Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) 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 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. HEPMPO 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 sub-recipient, the Recipient will include Title VI language in all written agreements and will monitor for compliance.

HEPMPO’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 49 Code of Federal Regulation 21.



Matthew T. Mullenax, Executive Director



Date

Title VI Assurances

The Hagerstown/Eastern Panhandle Metropolitan Planning Organization (“Recipient”), HEREBY AGREES THAT as a condition to receiving any federal financial assistance, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d, et seq. (“Act”), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations 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 be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances regarding its federal aid assisted programs:


1. That the Recipient agrees that each “program” and each “facility”, as defined in 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 federal aid assisted programs, and in adapted form in all proposals for negotiated agreements:

"The Hagerstown/Eastern Panhandle Metropolitan Planning Organization, in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d, et seq., and Title 49, Code of Federal Regulations hereby notifies all bidders that it will affirmatively ensure that any contract entered pursuant to this advertisement will afford minority business enterprises full opportunity to submit bids in response to this invitation, and will not discriminate on the grounds of race, color, sex or national origin in consideration for an award."

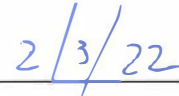
3. That the Recipient shall insert the clauses of **Appendix A** and **Appendix E** of this Assurance in every contract subject to the Act and the Regulations.
4. The Recipient will insert the clauses of **Appendix B** of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient received federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in **Appendix C** and **Appendix D** regarding 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 federal aid-assisted programs; and (b) for the construction or use of, or access to space on, over, or under real property acquired or improved under federal aid-assisted programs.
8. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, 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 official to whom s/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 or pursuant to the Act, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial endorsement 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 and is binding on it, other recipients, contractors, subcontractors, transferees, successors in interest, and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.



Matthew T. Mullenax, Executive Director



Date



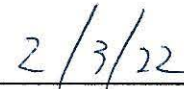
Declaración de Política

La Organización de Planificación Metropolitana de Hagerstown/Panhandle del Este (HEPMPO, por sus siglas en inglés) asegura que ninguna persona, por motivos de raza, color, origen nacional, o sexo, según lo previsto en el Título VI de la Ley de Derechos Civiles de 1964 y la Ley de Restauración de Derechos Civiles de 1987 (PL 100.259), quedará excluida de participar en, será negada los beneficios de, o estará sujeta a discriminación bajo cualquier programa o actividad. HEPMPPO asegura además que se harán todos esfuerzos para garantizar la no discriminación en todos sus programas y actividades, trátase de programas y actividades financiados por el gobierno federal o no. La Ley de Restauración de Derechos Civiles de 1987 expandió el alcance de la cobertura del Título VI mediante la ampliación de la definición de los términos "programas o actividades" para incluir a todos los programas o actividades de beneficiarios de la ayuda federal, los sub-beneficiarios y los contratistas/consultores, ya sea si tales programas y actividades son asistidos o no por el gobierno federal (Ley Pública 100259 [S.557] 22 de marzo de 1988). En el caso de que el beneficiario distribuya los fondos de ayuda federal a un sub-beneficiario, el beneficiario incluirá lenguaje del Título VI en todos los acuerdos por escrito y supervisará su cumplimiento.

El director ejecutivo de HEPMPPO es responsable de iniciar y supervisar las actividades del Título VI, la preparación de informes y otras responsabilidades como lo exige el Código de Regulaciones Federales (CFR, por sus siglas en inglés): 23 Code of Federal Regulations (CFR) 200 y 49 Code of Federal Regulations 21.



Matthew T. Mullenax, Director Ejecutivo



Fecha

Introduction

Title VI of the Civil Rights Act of 1964 states, "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 broadened the criteria for which discrimination is prohibited to include disability, sex, age, income, and limited proficiency in English. A list of these related authorities is provided in **Appendix F**. Of note are two Presidential Executive Orders regarding non-discrimination requirements. Executive Order 12898 mandates that federal agencies address equity and fairness, or Environmental Justice, toward low-income and minority persons and populations. Executive Order 13166 mandates that federal agencies ensure that people who have Limited English Proficiency (LEP) have meaningful access to federally-conducted and/or funded programs and activities.

The Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO), as a subrecipient of federal financial assistance, is required to comply with Title VI and subsequent nondiscrimination laws, as well as provide an overview of how HEPMPO addresses Executive Order 12898 on Environmental Justice and Executive Order 13166 on LEP. This plan was developed to document the efforts HEPMPO undertakes on a continual basis to ensure compliance with the rules and regulations associated with Title VI and related statutes regarding nondiscrimination and environmental justice.

State Title VI Compliance

As recipients of Federal Financial Assistance, the Maryland Department of Transportation (MDOT) and West Virginia Department of Transportation (WVDOT) are required to comply with the Title VI of the Civil Rights Act and other federal non-discrimination laws. Information about MDOT's Title VI compliance can be found [here](#). Information about WVDOT's Title VI compliance can be found [here](#).

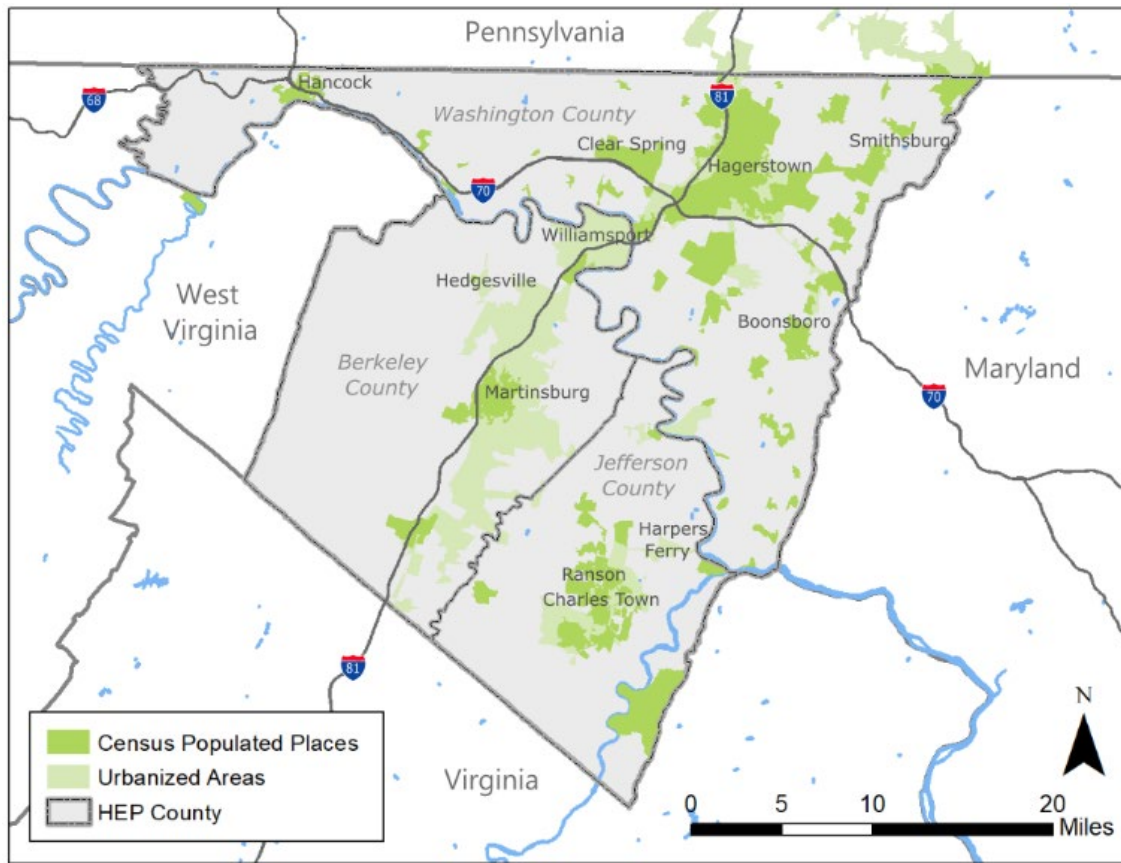
HEPMPO Organization & Profile

HEPMPO is the federal and state designated regional transportation planning body for the urbanized areas in Berkeley and Jefferson Counties in West Virginia, Washington County, Maryland and a small portion of Franklin County, Pennsylvania. The responsibility for Franklin County, PA Title VI Assurances is held by the Franklin County Metropolitan Planning Organization per the MOU in **Appendix G**.

HEPMPO was organized in 1996 as an expansion of the Hagerstown Area Metropolitan Planning Organization. HEPMPO coordinates the federally mandated transportation planning process in the Hagerstown-Martinsburg Urbanized Area, a designation resulting from the 1990, 2000, 2010, and 2020 Census.

HEPMPO's mission is to provide a cooperative forum for regional collaboration, planning and public decision-making for short and long-term solutions that support mobility needs, economic development, environmental sensitivities, and multimodal connectivity for a safe, secure and efficient transportation system.

Figure 1: Map of the HEPMPO Region



Structure

The structure of HEPMPO includes several committees and is governed by a Policy Board, known as the Interstate Council. The ISC is responsible for endorsing all MPO activities. In accordance with the HEPMPO’s bylaws, the ISC is comprised of 17 members: 15 voting and two non-voting members, representing state departments of transportation, public transit operators, and local elected officials from the following organizations:

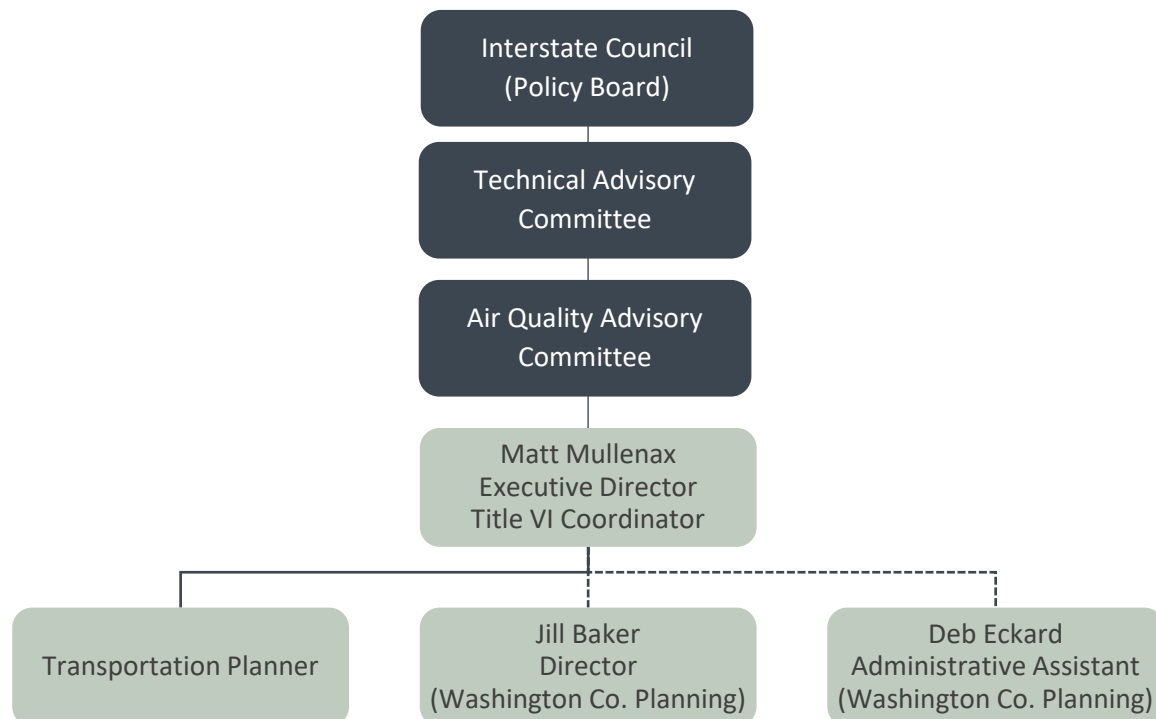
Voting Members

City of Hagerstown (2 Members)	West Virginia Department of Transportation
Washington County (2 Members)	Eastern Panhandle Transit Authority
Washington County Transit	City of Martinsburg
Washington County Municipalities	Eastern Panhandle Planning & Regional Development Council (Region 9)
Maryland Department of Transportation	
Berkeley County (2 Members)	
Jefferson County	Non-Voting Members
Jefferson County Municipalities	Pennsylvania Department of Transportation
	Franklin County, Pennsylvania

A Technical Advisory Committee (TAC) was established to provide technical assistance and recommendations to the ISC. The TAC is comprised of transportation professionals from Maryland and West Virginia, and includes representatives from other relevant organizations within the aviation, freight, economic development, engineering, and transit communities. The TAC is charged with five general responsibilities:

- Oversight of technical work;
- Coordination of the Long-Range Transportation Plan (LRTP);
- Compliance with State or Federal regulations;
- Review and recommendation of Transportation Improvement Program (TIP) projects and amendments; and,
- Review and recommendation of new projects and proposals.

The Air Quality Advisory Committee (AQAC) is a sub-committee of the Technical Advisory Committee charged with reviewing projects in the TIP, LRTP, or special studies for compliance with transportation conformity. This group meets on an as-needed basis and acts in an advisory capacity to the ISC.



A listing of the current members of the ISC, TAC and AQAC can be found online at <http://www.hepmpo.net/organization/> and the current minority representation can be found at **Appendix H**.

Title VI Coordinator and Responsibilities

The HEPMPO Executive Director is responsible for Title VI Coordination, ensuring the implementation and overall management of the HEPMPO Title VI Plan. Contact information for the Title VI Coordinator is below.



Matthew T. Mullenax

Executive Director

33 West Washington Street | 4th Floor, Suite 402 | Hagerstown, MD 21740

Phone: (240) 313-2080

Email: mmullenax@hepmo.net

Specific responsibilities of the Title VI Coordinator include:

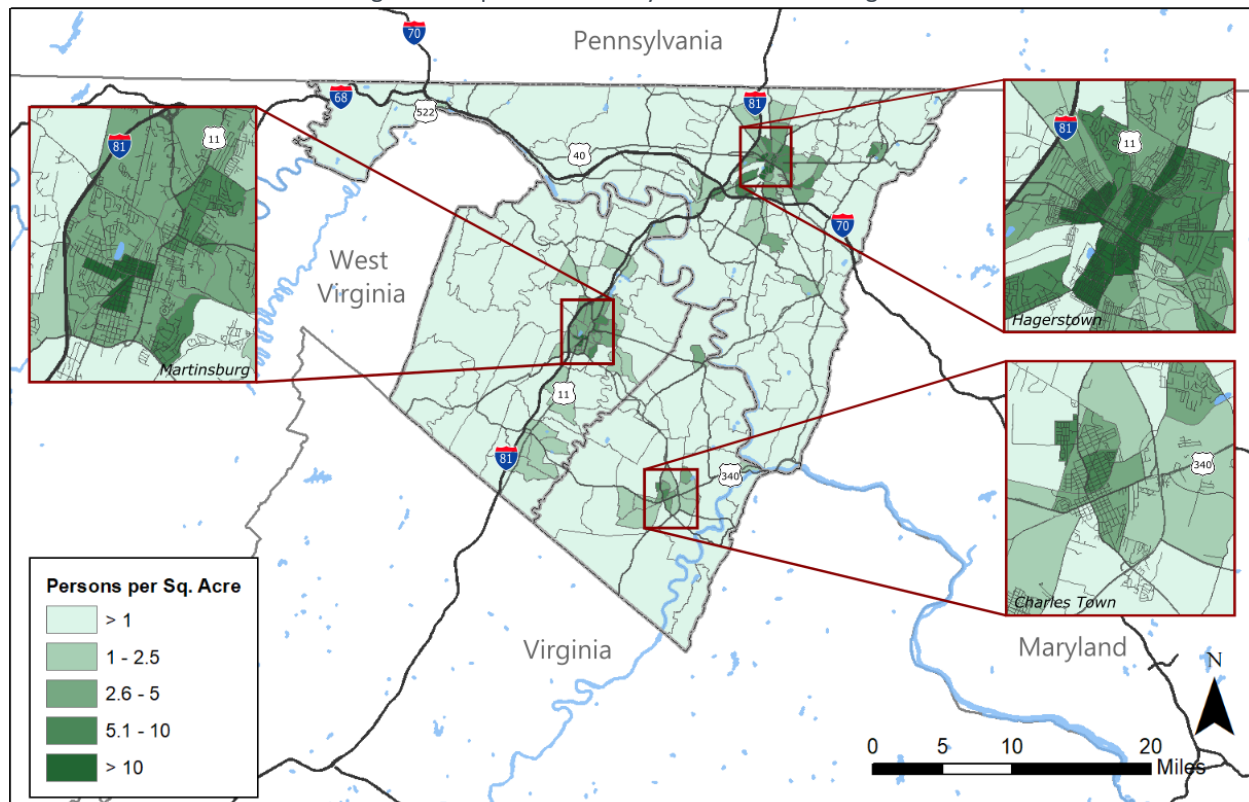
- Monitor and review agency programs, policies, and activities for Title VI compliance;
- Collect and review statistical data (race, color, sex, age, disability or national origin) to prevent or eliminate potential disparate impact or disparate treatment discrimination;
- Work with staff involved in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

Title VI Components

Regional Overview

HEPMPO region, as shown in **Figure 2**, includes Washington County, Maryland and Berkeley and Jefferson Counties, West Virginia. The total area of HEPMPPO is approximately 989 square miles, with a 2020 population of 334,482 persons (U.S. Census Bureau, 2020 Decennial Census, P1).

Figure 2: Population Density of the HEPMPPO Region



Source: 2020 Decennial Census, P1

Environmental Justice and Demographic Profile

Presidential Executive Order 12898, entitled “*Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*”, expanded the scope of previous guidance to include identifying and avoiding “disproportionately high and adverse” effects on minority and low-income populations. The United States Department of Transportation (U.S. DOT) Order 6640.23 requires the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) 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 and 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.

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

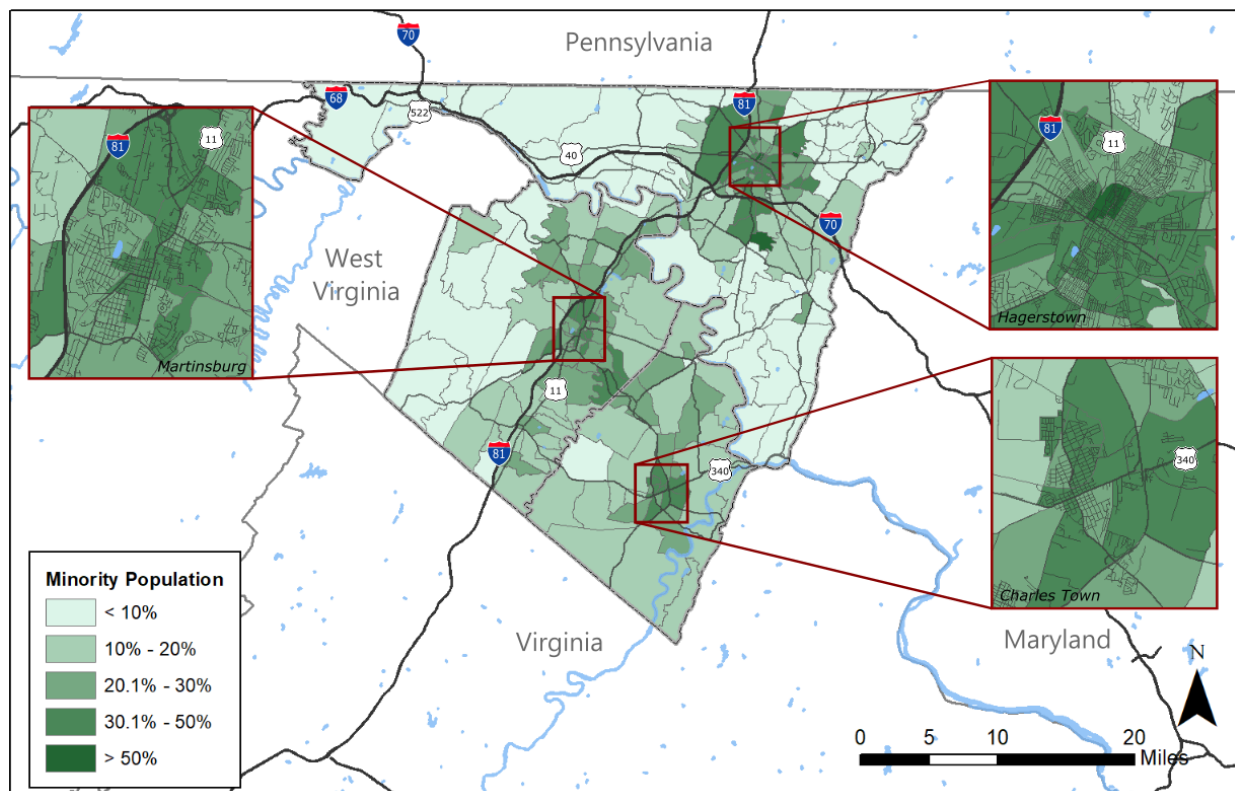
Environmental Justice has been expanded further since the original Executive Order and is now focused on four main groups: minorities, limited English proficiency (LEP), low-income population, and population with a disability. The following tables and maps provide a profile of the HEPMPO region for each of the identified environmental justice groups.

Table 1: Race and Ethnicity by County

Area	Black/African American		Asian		Hispanic	
	Total	%	Total	%	Total	%
Washington County	17,241	11.1%	3,083	2.0%	10,289	6.7%
Berkeley County	9,118	7.5%	1,445	1.2%	6,893	5.7%
Jefferson County	3,379	5.9%	817	1.4%	4,137	7.2%
HEPMPO Total	29,738	8.9%	5,345	1.6%	21,319	6.4%

Source: 2020 Decennial Census, P2

Figure 3: HEPMPO Minority Population



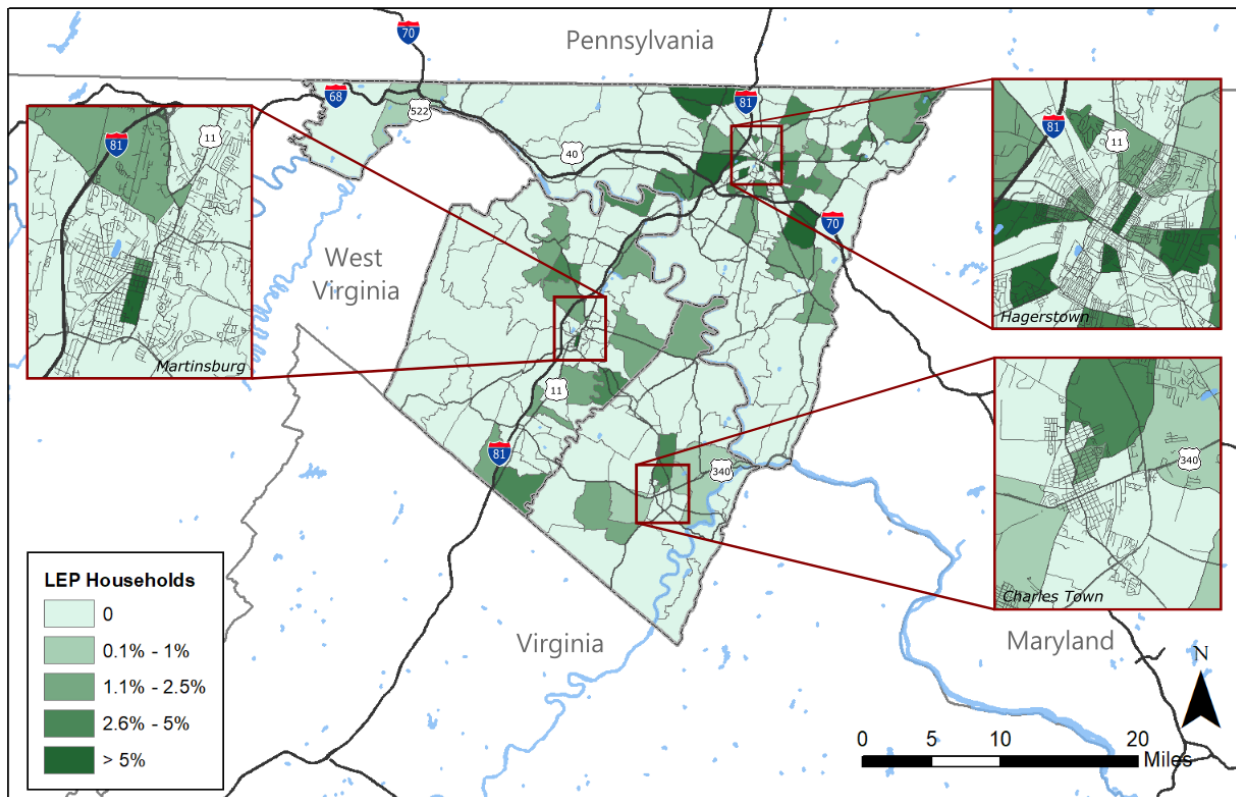
Source: 2020 Decennial Census, P2

Table 2: LEP Population by County

Area	LEP Households	% Households	LEP Population (Age 5+)	% Population (Age 5+)
Washington County	756	1.4%	3,519	2.5%
Berkeley County	277	0.6%	1,590	1.5%
Jefferson County	96	0.5%	830	1.6%
HEPMPO Total	1,129	0.9%	5,939	2.0%

Source: 2015-2019 ACS 5-year Estimates, S1601 and C16002

Figure 4: HEPMPO LEP Households



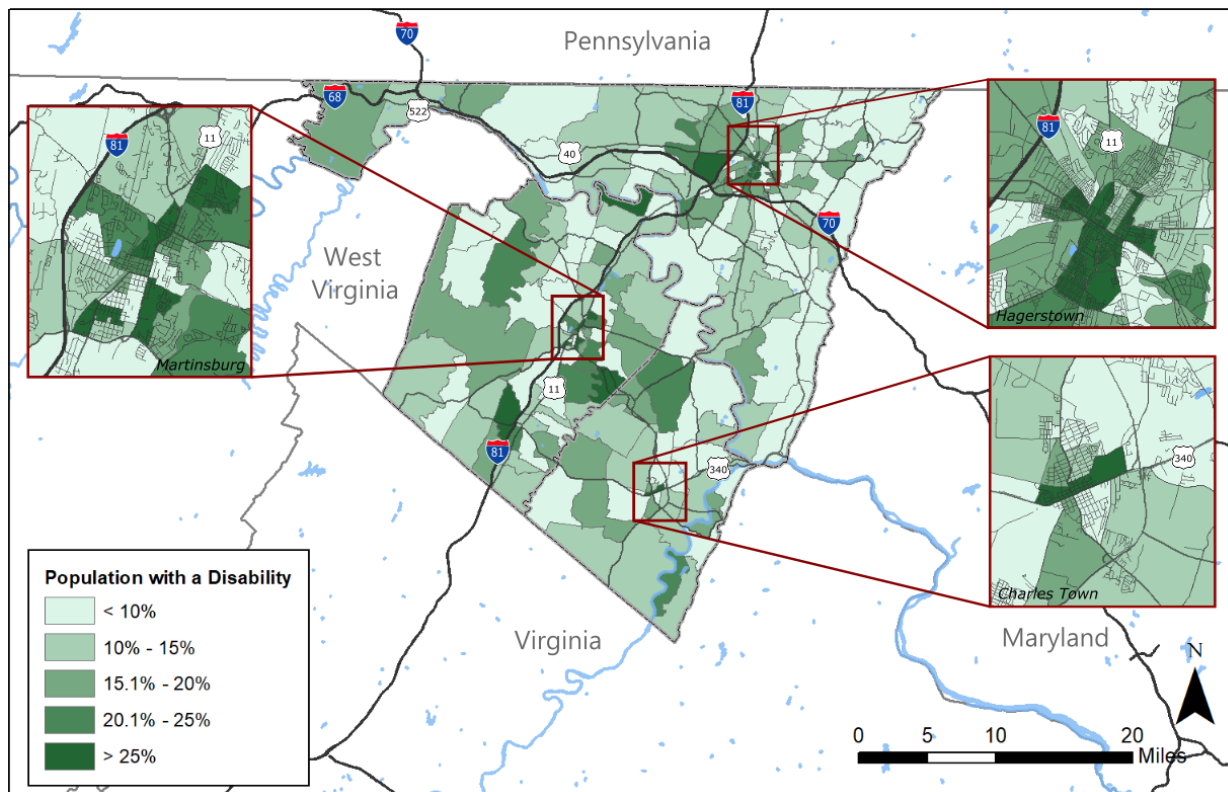
Source: 2015-2019 ACS 5-year Estimates, C16002

Table 3: Persons with a Disability Age 20-64 by County

Area	Persons with a Disability	% with a Disability
Washington County	11,664	14.2%
Berkeley County	9,286	13.4%
Jefferson County	3,719	11.32%
HEPMPO Total	24,669	13.41%

Source: 2015-2019 ACS 5-year Estimates, B23024

Figure 5: HEPMPO Population 20-64 with a Disability



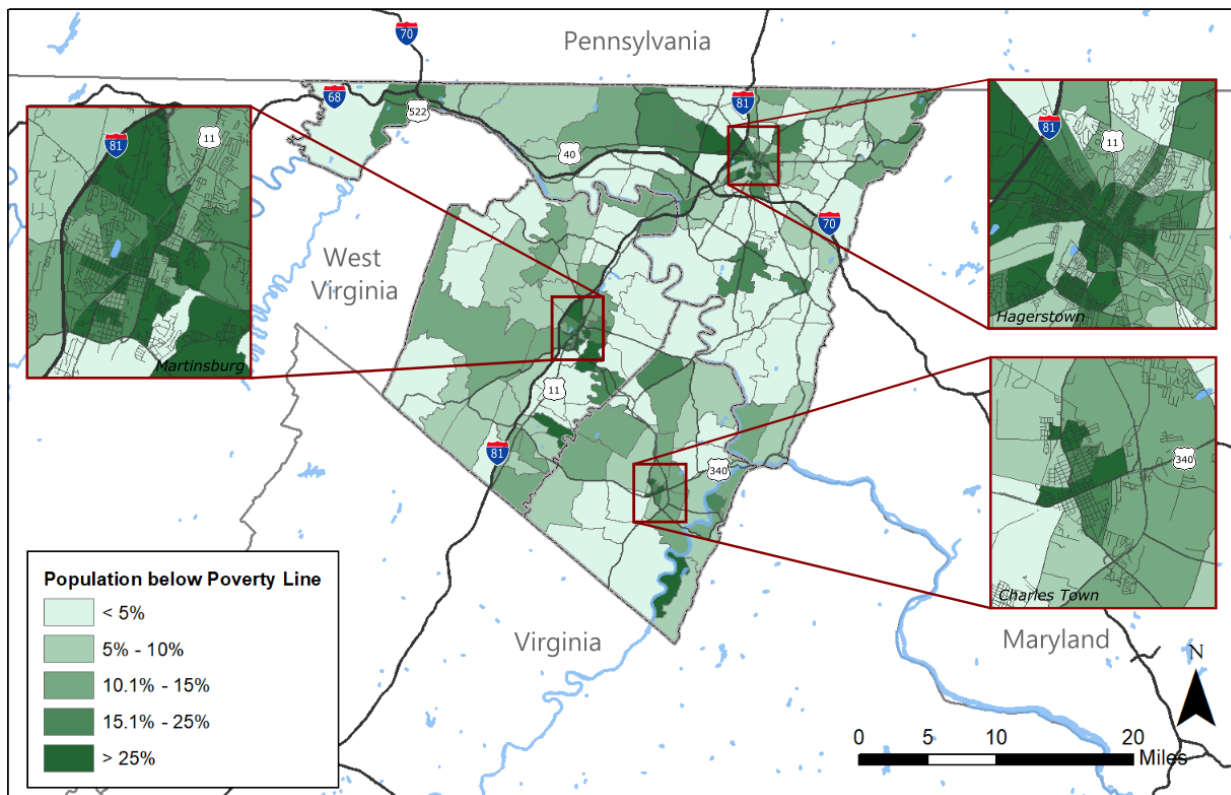
Source: 2015-2019 ACS 5-year Estimates, B23024

Table 4: Persons in Poverty by County

Area	Persons in Poverty	% in Poverty
Washington County	17,302	12.3%
Berkeley County	13,898	12.2%
Jefferson County	5,336	9.7%
HEPMPO Total	36,536	11.8%

Source: 2015-2019 ACS 5-year Estimates, C17002

Figure 6: Population in Poverty of the HEPMPO Region



Source: 2015-2019 ACS 5-year Estimates, C17002

Identifying Mobility Needs of Minority Populations

The goal of the HEPMPO's Public Participation Plan is to encourage public participation by engaging all people and organizations early and often in the transportation planning process through a variety of different methods. The Public Participation Plan identifies strategies and procedures that will ensure that the needs of minority populations are included and considered throughout the transportation planning process. Examples of the HEPMPO's current outreach and inclusion efforts to the minority population include:

- Holding public meetings at accessible locations and times
- Consulting and engaging organizations representing minority, low-income, and disabled groups and other interested parties to gain their input and views
- Utilizing website, local newspapers, and social media to keep the public interested, informed and involved
- Performing public outreach by attending meetings of other organizations, giving presentations to groups and citizens, and conducting public surveys
- Providing ADA and LEP assistance or alternative formats of publications upon request

Four-Factor Analysis

In accordance with Title VI of the Civil Rights Act and the U.S. Department of Transportation Circular FTA C 4702.1B *"Title VI Requirements and Guidelines 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 help determine how to ensure reasonable and meaningful access to HEPMPO 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 the recipient for LEP outreach, as well as the costs associated with that outreach.

1. Number and Proportion

The 2015-2019 American Community Survey (ACS) data was used to understand the language profile of LEP individuals in the HEPMPO region. Individuals who speak English less than "very well" are considered to be LEP individuals. **Table 5** shows languages used at home by individuals ages 5 and over who speak English less than "very well," and includes the number of LEP individuals and percentage of the population age 5 and over that speak each language. Approximately 2.0% of the region's population speaks English less than "very well", with Spanish being the most common language spoken.

Table 5: Primary Language by County (Population Ages 5+)

Area	Washington County	Berkeley County	Jefferson County	HEP Region	%
Total Population (Ages 5+)	141,450	108,182	53,402	303,034	-
Speak only English	130,841	102,391	49,960	283,192	93.5%
Speak a language other than English	10,609	5,791	3,442	19,842	6.5%
Speaks English Less than Very Well	3,519	1,590	830	5,939	2.0%
Spanish	2,227	999	452	3,678	1.2%
Indo-European languages	520	229	104	853	0.3%
Asian and Pacific Island languages	560	300	231	1,091	0.4%
Other languages	212	62	43	317	0.1%

Source: 2015-2019 ACS 5-year Estimates, S1601

2. Frequency

Due to the small size of the LEP population and the nature of services provided by HEPMPO, LEP involvement is currently infrequent. To date, no requests have been made for information by either individuals or groups.

3. Importance

HEPMPO approves the use of federal funds for future transportation projects as well as short-term transportation projects and services. HEPMPO does not own or operate roads or buses, and therefore does not provide any service or program that requires vital, immediate, or emergency assistance such as medical treatment or services for basic needs (food, housing, education, etc.). Further, involvement with HEPMPO or its subcommittees is entirely voluntary.

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

- Short Range Planning
- Transportation Improvement Plan (TIP)
- Traffic Data
- Geographic Information System (GIS)
- Long Range Transportation Planning
- Service
- Air Quality
- Transit Special Studies
- Administration

The impacts of transportation improvements resulting from these actions have an impact on all residents and efforts are made to encourage an understanding of the process and to provide opportunities to comment. As a result, HEPMPO is concerned with 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 and progress toward project planning and construction under the responsibility of local jurisdictions or state transportation agencies. These state and local organizations are required to have their own policies in place to ensure opportunities for LEP individuals to participate in the process that shapes where, how and when a specific project is implemented.

4. Resources

Because the LEP population in the region is not of a significant proportion at this time and the cost of translating large documents is high, HEPMPO has determined that full translation of regional transportation plans is not the most efficient use of limited funds.

However, the region is dynamic and continues to attract diverse ethnic and cultural populations. Further, HEPMPO values the diversity within the region, as well as the importance of full and fair participation in the transportation decision-making process by those individuals and groups who have been traditionally underserved. Therefore, the HEPMPO will continue to ensure access for all and the participation of those whose lives are affected by HEPMPO's plans and policies.

LEP Implementation Plan

Through the four-factor analysis, the HEPMPO has developed an implementation plan to address language assistance within the region. **Figure 7** summarizes key elements of the implementation plan.

Figure 7: HEPMPO LEP Implementation Plan

Free Translation Services

- Free on-line translation services including that powered by Google Translate, is available on HEPMPO's web site (www.hepmo.net) by clicking the "Translate Page" link at the top right of any page of the site. Google Translate enables visitors to translate any page of text into more than 60 languages. Users should be aware, however, that Google Translate has its limitations. It is useful for getting the basic understanding of the material, but it does not translate all linguistic nuances.
- As requested HEPMPO can assist in identifying other free translation services including those that may be available from local school districts and through the state DOTs.

Translation of Select Materials

- Because the number and proportion of LEP individuals in the region are low, and because the costs of translation services are high (between 15 and 20 cents per word), translation of all HEPMPO written materials is neither warranted nor affordable.
- HEPMPO has translated select materials, such as the Title VI Policy and Complaint Form, which are available in Spanish online and at the HEPMPO office.
- Should the need for oral or written translation of any other document arise, HEPMPO will make a reasonable attempt to provide translation services.

Use of Language Identification Cards

- Designated staff members at the HEPMPO office are prepared to use language identification cards when first encountering an individual with limited English proficiency. These point-to-your-language cards or posters help to identify the language the individual speaks. The concept was developed by the Census Bureau and is used by government and nongovernment agencies to identify the primary language of LEP individuals during face-to-face contact.

Communications and Public Involvement

HEPMPO believes that public input into the transportation planning process is essential to good decision-making. HEPMPO makes special efforts, as a matter of policy and a requirement of federal law, to the concerns of traditionally underserved communities, including low-income and minority communities and people with disabilities. HEPMPO uses traditional media, as well as social media, to disseminate information and to give notice for public comment opportunities.

Public Participation Plan

The [Public Participation Plan](#) (PPP) articulates HEPMPO's commitment to a transparent interface with the public and with relevant public agencies to support the regional transportation planning process, including the development of the Long Range Transportation Plan (LRTP) and the Transportation Improvement Program (TIP). The Public Participation Plan document provides an overall framework for participation in HEPMPO's process. On an ongoing basis, HEPMPO staff gathers information and evaluates the effectiveness of the public outreach methods.

Federal regulations require that MPOs define a process for providing interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process. The regulations define these constituencies as: citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties.

HEPMPO's Public Participation Plan was developed with the following objectives:

- Create a process that will improve and increase participation in the transportation planning process by all stakeholders
- Provide for early involvement in the planning process by stakeholders to ensure there are ample opportunities to participate in key decisions.
- Facilitate access to the transportation planning process by populations that typically lack formal access, such as low income, elderly, minorities, and persons with disabilities.
- Encourage involvement in the planning process by non-traditional participants.
- Foster a process that will result in transportation plans and projects that reflect the values of the communities that HEPMPO serves.

To meet these objects, the Public Participation Plan identifies strategies that will be utilized by the HEPMPO to fully inform and involve the public throughout the decision-making process. Strategies include:

- Open Meetings- Meetings will be open to public and allow for public comment
- Availability of Information - Written materials will be available to the public upon request
- Public Notification – Public notification and participation procedures will be used to encourage the early and continuous involvement
- Visualization Techniques – Use of static maps, interactive GIS demonstrations, model simulations, photographs, artist renderings, etc. to help inform and convey pertinent information

These strategies are intended to result in well-attended public meetings, local news coverage of programs, and more public interest in transportation issues within the MPO.

In addition to these strategies, the PPP highlights specific participation activities to ensure that all reasonable attempts are taken by the HEPMPO to reach all those interested and affected by the plans and programs of the MPO. Activities include:

- Utilizing the HEPMPO’s website, local newspapers, and social media to inform and involve
- Performing public outreach activities like surveys to be more visible in the community and seek input
- Collaborating with and consulting community organizations

These activities can be used together or separately and allow for the HEPMPO to simplify the access of various transportation-related documents and increase public awareness of both the role of HEPMPO and the metropolitan transportation planning process.

Recent Activities and Outreach to Minority Groups

To increase the public’s involvement in the planning process and encourage participation from all people, including those considered to be traditionally underserved, the HEPMPO utilizes a variety of public outreach activities. These activities include, attending other organization’s meetings, conducting public surveys, and giving presentations to the public. The following provides a summary of outreach to minority groups since the last submission of the HEPMPO’s Title VI Plan in 2019.

Long Range Transportation Plan (LRTP) (On-going)

Over the course of the LRTP process, the HEPMPO will conduct two sets of public meetings in each of the three counties. The first set of public meetings were held in June 2021 to discuss the transportation planning process, the goals and objectives, existing conditions and initial forecasts, as well as to introduce the public to the web-based survey, where tablets were provided for the public to complete the survey. The meetings were announced via public notice and social media posting. An example of this is shown in **Figure 8**. The second set of public meetings will be held in early 2022 in each of the counties with the purpose of providing an overview of Direction 2050, receiving public comments, and answering questions.

Figure 8: Social Media Post



The HEPMPO also utilized a web-based survey. The survey, which was open from June 1 through June 30, 2021, provided a unique perspective on community needs related to transportation, regional priorities, and highway, transit, and pedestrian projects. The survey consisted of ranking of the LRTP goals, mapping transportation related concerns, and questions focused on understanding the impact of Covid-19 on commuting patterns and behavior.

In addition, the HEPMPO specifically sought out public input from the environmental justice populations identified in the initial Title VI Plan through an intercept survey on June 29, 2021. The initial web-based survey was translated into Spanish as part of this outreach, as shown in **Figure 9**. The survey was conducted in-person by persons who were bi-lingual at businesses and public places in Charles Town, Martinsburg, and Hagerstown. Survey cards were also provided to those who wished to complete the survey later. The intercept survey locations, shown in **Table 6**, were picked to reach environmental justice populations with no automobiles and rely on transit. These locations are shown in **Figure 10**.

Figure 9: Spanish Survey

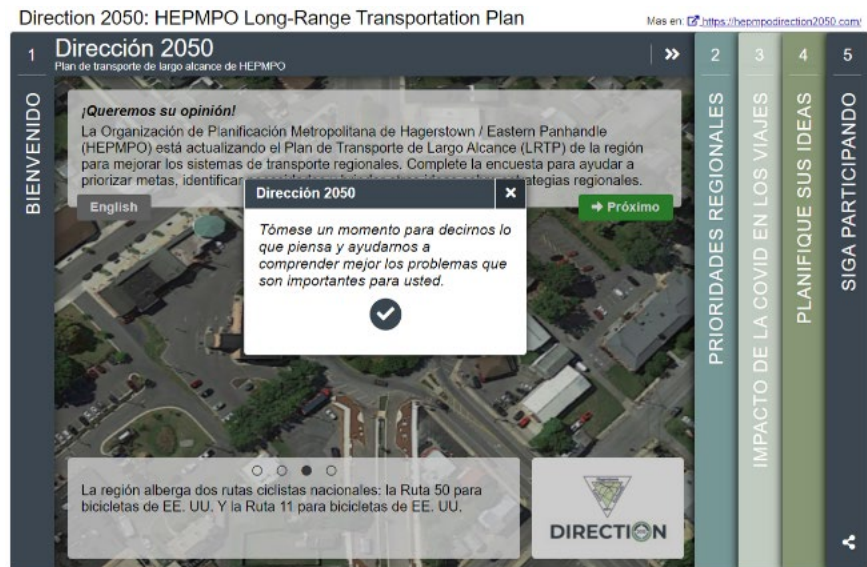
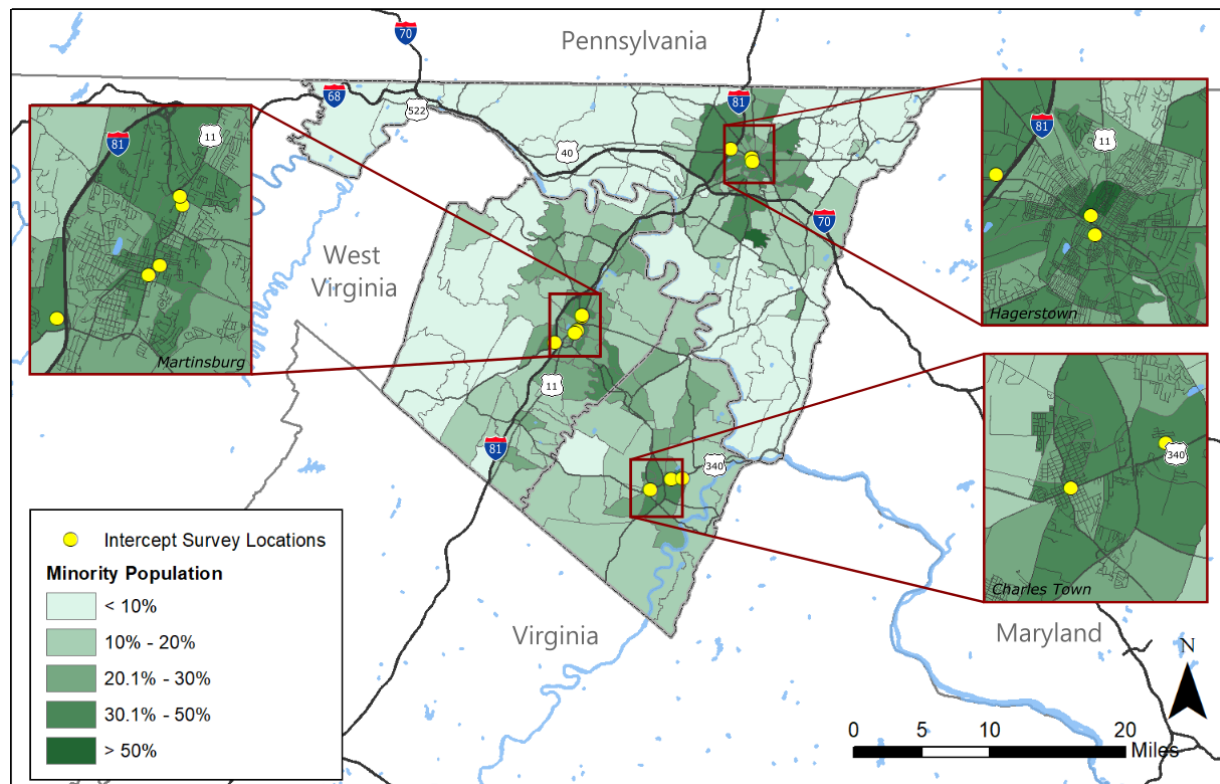


Table 6: LRTP Intercept Survey Locations

Location	Address	City	County
Five Below	180575 Garland Groh Blvd	Hagerstown	Washington
WCT Bus Transfer Station	123 West Franklin Street	Hagerstown	Washington
Washington County Free Library	100 South Potomac Street	Hagerstown	Washington
Big Lots	10 Eagle School Road	Martinsburg	Berkeley
Weis Market	400 Enterprise Circle	Martinsburg	Berkeley
Sav-A-Lot	205 Eagle School Road	Martinsburg	Berkeley
Caperton Train Station	229 East Martin Street	Martinsburg	Berkeley
Martinsburg-Berkeley County Public Library	101 West King Street	Martinsburg	Berkeley
Goodwill	160 Patrick Henry Way	Charles Town	Jefferson
Southern States	1040 Somerset Boulevard	Charles Town	Jefferson
Charles Town Library	200 East Washington Street	Charles Town	Jefferson

Figure 10: LRTP Intercept Survey Locations



Once the LRTP is drafted, the public will be provided with the opportunity to review the draft document in accordance with federal and state regulations. The public comment period will be open for 30 days and the draft document will be made available on the HEPMPO website as well as the LRTP project website.

WV9 Planning & Environmental Linkages Study (2021)

A combined virtual stakeholder and public workshop was held on March 4, 2021 to introduce the study, solicit feedback on the initial alternatives being considered, and discuss opportunities for providing feedback. Information about the data, time, location, and how to join the virtual workshop was advertised through the area newspaper, a public notice, and WVDOT website. Following the workshop, the public was able to provide comments through WVDOH's website or by submitting a comment form via email or mail to WVDOH from March 4th through April 15, 2021.

A second virtual public workshop was held on May 11, 2021. The workshop provided the study's preliminary findings and sought input on the findings as well as preliminary alternatives to be recommended to move forward to a future NEPA study. Information about the data, time, location, and how to join the virtual workshop was advertised through the area newspaper, a public notice, and WVDOT website. Following the workshop, the public was able to provide comments through WVDOH's website or by submitting a comment form via email or mail to WVDOH from May 12th until May 25, 2021.

Martinsburg Pike Corridor Vision Plan (2021)

The HEPMPO held a hybrid public meeting on June 15, 2021. The meeting included a brief presentation and a gave attendees an opportunity to provide comment on the proposed corridor. In addition to the

public meeting, the public was able to provide written comments via email, mail, or the project website from June 1st through June 30, 2021.

WV51 Feasibility Study (2021)

The HEPMPO, in coordination with the WVDOH, held a virtual public meeting on April 8, 2021, to introduce the study and seek public input on the proposed mobility improvements along the WV51 corridor. Information on the meeting date, location, time, and content was advertised through the area newspaper as well as WVDOH, HEPMPO, and Charles Town's social media. The public was also able to provide comments during a 30-day public comment period. In addition to the newspaper and social media posts, postcards were placed in mailboxes along the corridor advertising the public meeting as well as the 30-day public comment period.

US Bicycle Route 11 Designation Study (2020)

The HEPMPO held two public meetings. The first meeting, held in December 2019, introduced the project and solicited comments on the feasibility of the three proposed alternatives. The meeting included a brief presentation and a workshop component where participants provided their preference for the four key route criteria. HEPMPO also utilized survey, in conjunction with this meeting, to allow for participants to grade each of the four route criteria as well as other questions related to routing choices. The public was able to provide written comments for a month following the meeting.

The second meeting was held in February 2020. The three finalized alternative routes along with Level of Traffic Stress Analysis for each of the three routes were presented and the public was able to provide feedback on the route grading.

I-81 & I-70 TSMO Plan (2020)

A web-based survey was developed as part of the plan's community and business outreach. The survey, sent to local agencies, business organizations and industries, and other interest groups, gathered insights from a business perspective on interstate performance. Respondents identified potential safety problem areas and lower-cost strategies, such as incident response technologies, safety improvements, and signage, that would effectively manage and operate existing facilities to the fullest potential.

In addition to the survey, HEPMPO hosted a virtual public meeting in June 2020 to review the plan and solicit public comments. The public was able to also provide feedback during a 30-day public comment period. The meeting and public comment period was advertised on through social media and the area newspaper.

Eastern Panhandle Transit Authority Transit Development Plan (2020)

The HEPMPO utilized a web-based survey to gather insights and recommendations from the public and key stakeholders. The survey, which was open October 15th through November 15, 2019, consisted of ranking transit priorities, mapping destinations, including school and work, and answering general questions related to current transit use. The survey was also available in Spanish. Over 225 respondents identified the top transit priorities, barriers to transit, and frequented destinations in the region.

An on-board rider survey was also completed in November 2019. The survey solicited riders for input on ridership tendencies and satisfaction with the transit system.

With the Covid-19 Pandemic disrupting in-person meetings, a presentation with a video voice over was created and posted online for 30 days, allowing the public to provide comments and feedback regarding

the recommendations. In addition, a virtual question and answer session was held on June 9, 2020 to further provide opportunity for questions. Information for the presentation and the virtual session was publicized on social media, websites, and the area newspaper.

Weverton Crossing Feasibility Study (2019)

HEPMPO hosted a public meeting in Harpers Ferry to provide information about the feasibility of the railroad crossing and to seek public input. Information on the meeting date, location, time, and content was publicized on social media and the area newspaper. The meeting allowed for the public to talk with the project team, review display boards, and provide public comment. Public comments could also be provided online or in writing from May 15th to June 15, 2019.

Regional Traffic Safety Study (2019)

The HEPMPO utilized a web-based survey to gather insights and recommendations from the public and key stakeholders. The survey, which was open October 15th through November 15, 2018, consisted of ranking transportation safety issues, mapping safety concerns, and answering general safety questions. Over 400 respondents identified the top regional transportation safety concerns, common themes related to transportation safety, and specific areas of concern within the region.

The HEPMPO also held three public meetings in June 2019 in each of the counties to present findings on the Regional Traffic Safety Study. The meetings allowed for the public to talk with the project team and provide public comment. Information on meeting date, location, time, and content was publicized in area newspapers and on social media. These meetings were part of the larger 30-day public comment from May 15th to June 15, 2019.

Past Meeting Locations

The HEPMPO has held 27 public meetings at a variety of local venues, including libraries, schools, and county buildings, across the 3 counties. As noted in the PPP, HEPMPO attempts to hold public meetings in ADA accessible facilities that are located along transit routes in order to provide the best opportunity for minority populations and those persons potentially affected to attend and participate. **Table 7** provides is a list of all meetings, their locations, and dates.

Table 7: Meeting Locations

Project	Date	Location
LRTP 2050 Public Meetings	June 22, 2021	Hybrid Meeting WebEx / Martinsburg-Berkeley County Public Library, Martinsburg Room, 101 West King Street, Martinsburg, WV
	June 23, 2021	Hybrid Meeting WebEx / Ranson City Hall, 3 rd Floor Conference Room, 312 South Mildred Street, Ranson, WV
	June 29, 2021	Hybrid Meeting WebEx / Washington County Free Library, Conference Room 334, 100 South Potomac Street, Hagerstown, MD
WV 9 Planning & Environmental Linkages Study	May 11, 2021	Virtual Public Meeting, WebEx

Project	Date	Location
Martinsburg Pike Corridor Vision Plan	June 15, 2021	June 15, 2021, Hybrid Public Meeting, Web Ex / Shepherdstown Community Club's War Memorial Building, 102 East German Street, Shepherdstown, WV
WV 51 Feasibility Study	April 8, 2021	Virtual Public Meeting, Microsoft Teams
US Bicycle Route 11 Designation Study	December 4, 2019	Charles Town Library, Jefferson County Commissioner's Meeting Room, 200 East Washington Street, Charles Town, WV
	February 27, 2020	Ranson City Hall, 3 rd Floor Conference Room, 312 South Mildred Street, Ranson, WV
I-81 & I-70 TSMO Plan	June 11, 2020	Virtual Public Meeting, WebEx
EPTA 2020 TDP	June 9, 2020	Virtual Public Q&A Session, Microsoft Teams
Weverton Crossing Feasibility Study	May 30, 2019	Mather Training Center, Upper Classroom, 51 Mather Place, Harpers Ferry, WV
Regional Traffic Safety Study	June 4, 2019	Martinsburg-Berkeley County Public Library, Martinsburg Room, 101 West King Street, Martinsburg, WV
	June 5, 2019	Washington County Free Library, Conference Room 334, 100 South Potomac Street, Hagerstown, MD
	June 6, 2019	Ranson City Hall, Council Chambers, 312 South Mildred Street, Ranson, WV
Technical Advisory Committee & Interstate Council Meeting	March 20, 2019	Eastern WV Regional Airport, 2 nd Floor Conference Room, 170 Aviation Way, Martinsburg, WV
	May 15, 2019	Hagerstown Regional Airport, Fire Station Conference Room, 18434 Showalter Road, Hagerstown, MD
	August 21, 2019	Eastern WV Regional Airport, 2 nd Floor Conference Room, 170 Aviation Way, Martinsburg, WV
	October 16, 2019	Hagerstown Regional Airport, Fire Station Conference Room, 18434 Showalter Road, Hagerstown, MD
	January 15, 2020	Eastern WV Regional Airport, 2 nd Floor Conference Room, 170 Aviation Way, Martinsburg, WV
	March 18, 2020	Virtual Meeting, GoTo Meeting
	May 20, 2020	Virtual Meeting, GoTo Meeting
	August 19, 2020	Virtual Meeting, GoTo Meeting
	October 21, 2020	Virtual Meeting, GoTo Meeting
	January 20, 2021	Virtual Meeting, GoTo Meeting
	March 17, 2021	Virtual Meeting, GoTo Meeting
May 19, 2021	Virtual Meeting, GoTo Meeting	

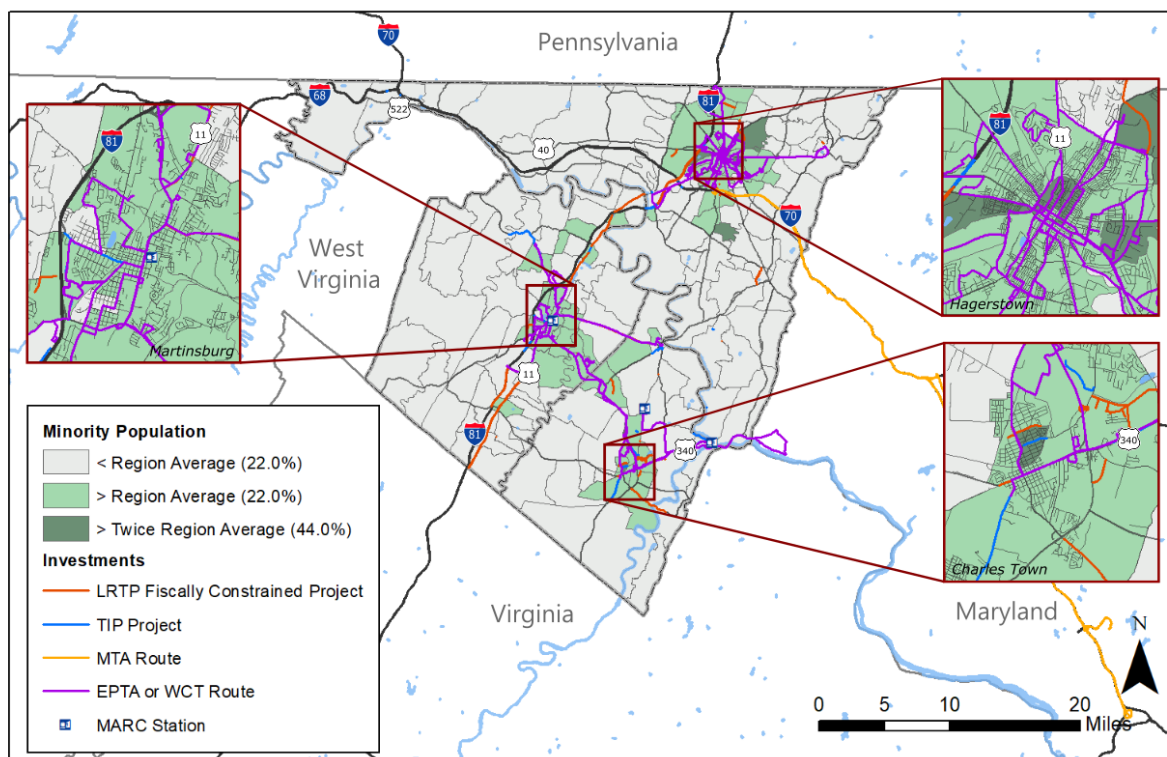
Project	Date	Location
	August 18, 2021	Hybrid Meeting, GoTo Meeting / Eastern WV Regional Airport, 2 nd Floor Conference Room, 170 Aviation Way, Martinsburg, WV
	October 20, 2021	Hybrid Meeting, GoTo Meeting / Eastern WV Regional Airport, 2 nd Floor Conference Room, 170 Aviation Way, Martinsburg, WV

Disparate Impact Analysis

In accordance with FTA regulations, the HEPMPO completed an analysis of impacts to identify if there were any disparate impacts on the basis of race, color, or national origins. If the analysis identified disparate impacts, the HEPMPO would determine whether there is a substantial legitimate justification for the policy that resulted in the disparate impact, and if there are alternatives that could be employed that would have a less discriminatory impact.

To ensure a beneficial impact to minority populations and an equitable distribution of transportation funds, the HEPMPO developed a map which examines HEPMPO’s transit and highway investments in relation to the identified Title VI Minority Census Block Groups. The analysis, shown in **Figure 11**, determined that there was no disparate impact in the distribution of funding.

Figure 11: Disparate Impact Analysis



Source: 2020 Decennial Census, P2

Monitoring Process and Complaint Procedures

Any person who believes she or he has been discriminated against on the basis of race, color, national origin or other applicable laws, by HEPMPO may file a Title VI complaint by completing and mailing, emailing, or faxing the HEPMPO's Title VI Complaint Form, found in Appendix I and [online](#), to the Title VI Coordinator at Hagerstown/Eastern Panhandle MPO.

A formal complaint must be submitted in writing within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. HEPMPO will process complaints that are complete.

Complaint Procedures

1. Once the complaint is received, HEPMPO will acknowledge receipt of the complaint within 5 business days and will review it to determine if HEPMPO has jurisdiction. The Complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by HEPMPO. HEPMPO has 30 days to investigate the complaint.
2. If more information is needed to resolve the case, HEPMPO may contact the Complainant. The Complainant has 30 business days from the date of the letter to send requested information to HEPMPO'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, HEPMPO can administratively close the case. A case can also be administratively closed if the Complainant no longer wishes to pursue their case.
3. After the Title VI Coordinator reviews the complaint, she/he 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 that the case will be closed. An LOF summarizes the allegations and details plans for remedial actions to provide redress. The written response shall be issued no later than 90 calendar days after the date 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 HEPMPO's resolution of the complaint, she/he may also submit a complaint to the Maryland Department of Transportation or West Virginia Department of Transportation for investigation based on the location of the alleged discrimination. 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 calendar days after the date of the alleged discrimination. Chapter IX of the FTA Circular 4702.1A, which outlines the complaint process to the United States Department of Transportation, may be obtained [online](#).

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Ave., SE, Washington, DC 20590.

Appendix A

Contractor Agreement

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant

thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

Appendix B

Clauses for Deeds Transferring United States Property

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the *Hagerstown/Eastern Panhandle Metropolitan Planning Organization* will accept title to the lands and maintain the project constructed thereon in accordance the Regulations for the Administration of the Federal-Aid Highway Program and the policies and procedures prescribed by the *Federal Highway Administration* of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Hagerstown/Eastern Panhandle Metropolitan Planning Organization all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the Hagerstown/Eastern Panhandle Metropolitan Planning Organization and its successors forever, subject, however, to the covenants, 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 will be binding on the Hagerstown/Eastern Panhandle Metropolitan Planning Organization, its successors and assigns.

The Hagerstown/Eastern Panhandle Metropolitan Planning Organization in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will 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 Hagerstown/Eastern Panhandle Metropolitan Planning Organization will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

Appendix C

Clauses for Transfer of Real Property Acquired or Improved Under the Activity, Facility, or Program

**CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED
UNDER THE ACTIVITY, FACILITY, OR PROGRAM**

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Hagerstown/Eastern Panhandle Metropolitan Planning Organization pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/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. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Nondiscrimination covenants, the Hagerstown/Eastern Panhandle Metropolitan Planning Organization will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Nondiscrimination covenants, the Hagerstown/Eastern Panhandle Metropolitan Planning Organization will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Hagerstown/Eastern Panhandle Metropolitan Planning Organization and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

Appendix D

Clauses for Construction/Use/Access to Real Property Acquired Under the Activity, Facility, or Program

**CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE
ACTIVITY, FACILITY, OR PROGRAM**

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the Hagerstown/Eastern Panhandle Metropolitan Planning Organization pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/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 ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, the Hagerstown/Eastern Panhandle Metropolitan Planning Organization will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, the Hagerstown/Eastern Panhandle Metropolitan Planning Organization will there upon revert to and vest in and become the absolute property of the Hagerstown/Eastern Panhandle Metropolitan Planning Organization and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

Appendix E

Contractor Agreement Regarding Non-discrimination Statutes and Authorities

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following nondiscrimination statutes and authorities; including but not limited to:

Pertinent Nondiscrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. §4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency,
- And resulting agency guidance, national origin discrimination includes discrimination because of Limited English Proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);

Appendix F

Authorities

Federal Statutes

Title VI of the Civil Rights Act of 1964, Pub. L. No. 88-352, 78 Stat. 252 (1964) (42 U.S.C. §§ 2000d-2000d-7) – provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The Age Discrimination Act of 1975 (42 U.S.C §§ 6101-6107) – prohibits age discrimination in Federally Assisted Programs.

The Federal-Aid Highway Act, (49 U.S.C. § 306) – Outlines responsibilities of the U.S. DOT and the Secretary’s authority to determine compliance with applicable Civil Rights statutes.

The Federal-Aid Highway Act, Pub. L. No. 97-449, 96 Stat. 2421 (1983) (codified as amended at 49 U.S.C. § 306) – added the requirement that there be no discrimination on the grounds of sex in DOT financial assistance programs.

The 1973 Federal-Aid Highway Act, Pub. L. No. 93-87, 87 Stat. 250 (1973) (23 U.S.C. § 324) – added the requirement that there be no discrimination on the grounds of sex in Title 23 programs.

The Civil Rights Restoration Act of 1987, Pub L. No 100-259, 102 Stat. 28 (1988) – restored the broad, institution-wide scope and coverage of the nondiscrimination statutes to include all programs and activities of Federal-aid recipients, sub-recipients and contractors, whether such programs and activities are federally assisted or not.

The Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, Pub. L. No. 91-646, 84 Stat. 1894 (1971) (codified as amended at 42 U.S.C. §§ 4601-4638) – provides for fair treatment of persons displaced by Federal and Federal-aid programs and projects.

The Uniform Relocation Act Amendments of 1987, Pub. L. No. 101- 246 – Updated the 1970 Act and clarified the intent of Congress in programs and projects which cause displacement.

Rehabilitation Act Amendments of 1986, Pub L. No. 99-506, 100 Stat. 1807 (1986) (42 U.S.C. § 2000d-7) – abrogated recipient state sovereign immunity from suit under Title VI.

The American with Disabilities Act, Pub. L. 101-336 – provides enforceable standards to address discrimination against individuals with disabilities.

The American with Disabilities Act, Pub. L. No. 101-336, 104 Stat. 327 (1990) (codified as amended at 42 U.S.C. § 12101 et seq.) – added the requirement that there be no discrimination on the grounds of disability, abrogated sovereign immunity, and provided enforceable standards to address discrimination against individuals with disabilities.

The Civil Rights Act of 1991, Pub. L. No. 102-166, 105 Stat. 1071 (1991) (codified in part at 42 U.S.C. § 1981) – in part, amended Section 1981 of 42 U.S.C. to provide a definition for the term “make and enforce contracts”, and to provide protection of the rights protected by this section against impairment by nongovernmental discrimination under color of State law.

Title VIII of the 1968 Civil Rights Act, Pub. L. No. 90-284, 82 Stat. 81 (1968) (codified as amended at 42 U.S.C. § 3601 et seq) – Requires fair housing practices in the sale or rental of housing, and zoning and planning by localities.

The National Environmental Policy Act of 1969, Pub. L. No. 91-190, 83 Stat. 852 (1969) (42 U.S.C. § 4321) – Requires the preparation of environmental impact statements for major federal agency actions affecting the human environment. Under NEPA, federal agencies and federal aid recipients are required to consider several alternative actions, including the “no-action” alternative, and to consider social, environmental and economic impacts, public involvement.

Title IX of the Education Amendments of 1972, Pub. L. No. 92-318, 86 Stat. 374 (1972) (20 U.S.C.A. § 1682) – makes financial assistance available to institutions of higher education.

Transportation Equity Act for the 21st Century, Pub. L. No. 105–178, 112 Stat. 107 (1999) (codified in part at 23 U.S.C. § 101) – in part, mandates expenditures in federally assisted transportation programs through Disadvantaged Business Enterprises.

Executive Orders

E.O. 12250, 28 C.F.R. Pt. 41, App. A (1980) – Orders DOJ Leadership and Coordination of Nondiscrimination Laws.

E.O. 12259, 46 Fed. Reg. 1253 (1980) – Orders HUD Leadership and Coordination of Federal Fair Housing Programs.

E.O. 12898, 59 Fed. Reg. 7629 (1994) – Orders Federal actions to address Environmental Justice in minority populations and low-income populations.

E.O. 13160, 65 Fed. Reg. 39775 (2000) – Orders nondiscrimination on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent in federally conducted education and training programs.

E.O. 13166, 65 Fed. Reg. 50121 (2000) – Orders Federal agencies and their recipients to improve access to federally sponsored programs for persons with Limited English Proficiency (LEP).

E.O. 13175, 65 Fed. Reg. 218 (2000) – Orders Consultation and Coordination with Indian Tribal Governments.

Regulations

23 C.F.R. §200 – FHWA’s Title VI Program Implementation and Review Procedures.

23 C.F.R. Part 420.121(h) – part of FHWA’s planning regulations that specify the applicability of Title VI of the 1964 Civil Rights Act and Restoration Act of 1987 to FHWA funded planning and research activities.

23 C.F.R. Part 450 –Federal Highway Administration’s Statewide and Metropolitan Planning Regulations.

23 C.F.R. Part 450.316(b) (2) & (3) – requires that the metropolitan planning process be consistent with Title VI of the 1964 Civil Rights Act and the recipient’s Title VI Assurances.

23 C.F.R. Part 633, Subpart A – specifies required contract provisions to be included in all Federal-aid construction contracts under Title VI and other federal provisions.

23 C.F.R. Part 633, Subpart B, Appendix A – specifies the types of contracts to which Title VI of the 1964 Civil Rights Act applies.

23 C.F.R. Part 771.105(f)—FHWA’s Policy on Title VI – expands on 23 C.F.R. 200.7 and names categories covered with wording similar to Title VI of the Civil Rights Act of 1964 – race, color, national origin, age, sex, handicap.

28 C.F.R. Part 35 – DOJ regulations governing nondiscrimination on the basis of disability in State and local government services.

28 C.F.R. Part 41 – Requires DOJ to coordinate the implementation of Section 504 of the Rehabilitation Act, and provides guidelines for determining discretionary practices.

28 C.F.R. Part 42, Subpart C – DOJ’s implementation of Title VI of the Civil Rights Act of 1964.

28 C.F.R. Part 42.200, Subpart D – “Nondiscrimination in Federally assisted Programs – Implementation of Section 815 (c) (1) of the Justice System Improvement Act of 1979” –implements E.O. 12138.

28 C.F.R. Part 50.3 – DOJ’s guidelines for the enforcement of Title VI, Civil Rights Act of 1964.

49 C.F.R. Part 21 – DOT’s implementation of Title VI of the Civil Rights Act of 1964.

49 C.F.R. Part 24 – DOT’s implementation of the Uniform Relocation and Real Property Acquisition Act for Federal and federally assisted programs requiring compliance with Nondiscrimination Statutes and Executive Orders.

49 C.F.R. Part 25 – DOT’s implementation of Title IX of the Education Amendments Act of 1972.

49 C.F.R. Part 26 – DOT’s implementation of Participation by Disadvantaged Business Enterprises in DOT Financial Assistance Programs.

49 C.F.R. Part 27 – DOT’s implementation of Section 504 of the Rehabilitation Act of 1973 as amended.

49 C.F.R. Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation.

49 C.F.R. Part 37 – Transportation Services for Individuals with Disabilities, implementing the transportation and related provisions of Title II and III of the ADA proscriptions included in Form FHWA 1273.

Administrative Guidance

DOT Order 1000.12 – Implementation of the Department of Transportation Title VI Program.

DOT Order 1050.2 – Standard Title VI Assurances.

DOT Order 5610.2 – U.S. Department of Transportation Order to Address Environmental Justice in Minority Populations and Low-Income Populations.

FHWA Order 4710.1 – Right-of-Way Title VI Review Program.

FHWA Order 4710.2 – Civil Rights Compliance Reviews of Location Procedures.

FHWA Order 4720.6 – Civil Rights Restoration Act of 1987 in FHWA Programs.

FHWA Order 6640.23 – Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

Joint FHWA/FTA Memorandum dated October 7, 1999 – Guidance on Implementing Title VI in Metropolitan and Statewide Planning.

DOJ Policy Guidance Document dated January 11, 2002 – Memo re: E.O. 13166, Improving Access to Services for persons with Limited English Proficiency.

DOJ Policy Guidance Document dated January 18, 2002 – Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons.

DOT Policy Guidance Document dated December 14, 2005 – Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) persons.

FTA C 4702.1B (October 1, 2012) –“Title VI Requirements and Guidelines for Federal Transit Administration Recipients.” Provides FTA financial assistance recipients with guidance on implementing Title VI regulations.

Appendix G

Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING
Coordination of the Transportation Planning Processes
Between
Franklin County Metropolitan Planning Organization
and
Hagerstown/Eastern Panhandle Metropolitan Planning Organization

I. Background and Purpose

- A. The Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) and the Franklin County Metropolitan Planning Organization (Franklin MPO) recognize that the Hagerstown, Maryland, Urbanized Boundary extends into Franklin County, Pennsylvania. The purpose of this agreement is to define the roles and responsibilities of the Metropolitan Planning Organizations (MPOs).
- B. This agreement provides the framework for the responsibilities of the Franklin MPO and HEPMPO in regard to the federally mandated transportation planning and programming for the Hagerstown Urbanized Area within Franklin County. Each MPO will coordinate with the other on planning and programming of studies and projects that will impact the economy, environment, transportation systems and quality of life for the citizens within their respective planning areas.

II. General Points of Understanding and Agreement

- A. We agree to collaborate in the planning, conduct and reporting of transportation related information at the state and regional levels. We agree to share information and plans in order to achieve the goals of state and regional transportation plans, and to assist, where appropriate, in the joint selection of projects, and improve the coordination of investment across borders.
- B. We agree to work together to achieve compliance with all federal planning regulations and guidance.
- C. We agree that staffs of both MPOs will meet as needed to review progress of cooperative efforts, to discuss key findings from program activities, and to discuss the scope, plans and implementation of activities under consideration for the next planning cycle.
- D. We agree that Franklin County will maintain a non-voting seat on the HEPMPO Board and a representative from the HEPMPO will have a non-voting seat on the Franklin County MPO Board.
- E. This agreement will be reviewed when either agency identifies the need for a review.

III. Specific Points of Understanding and Agreement

A. MPO Boundary

1. We recognize the Franklin MPO Boundary is the entire County of Franklin.

B. Long Range Transportation Plans (LRTPs)

1. We recognize the currently adopted Franklin County Metropolitan Planning Organization Long Range Transportation Plan is the transportation plan for Franklin County, Pennsylvania. This includes the portion of the Hagerstown Urbanized Area in Franklin County.
2. We agree the Franklin MPO should address planning/programming needs of the Hagerstown Urbanized Area within Franklin County. Findings of the Franklin MPO concerning its portion of the Hagerstown Urbanized Area will be incorporated in the Long Range Transportation Plan for the Franklin MPO.

C. Transportation Improvement Program (TIP)

1. We agree to work together on planning and programming transportation projects for the Hagerstown Urbanized Area within Franklin County where applicable funds are spent on projects and programs that improve the transportation system. However, the Franklin County MPO will program the projects for the section of the Hagerstown Urbanized Area within Franklin County.

D. Unified Planning Work Program (UPWP)


1. The Franklin MPO will develop and submit a work plan for all work in the Hagerstown Urbanized Area within Franklin County.
2. To help ensure the continuity of federal funds and help support the planning process within the two existing MPO planning area boundaries, each agency agrees to abide by the methodology and process currently used to allocate planning funds to the respective MPOs.

E. Other Planning Activities

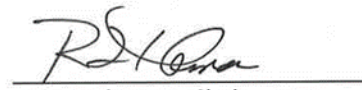
1. We agree to work together to identify the need for corridor projects that cross the MPO boundary.
2. We agree the Franklin MPO will address urban area boundary issues and review the functional classification of all public roads and streets within

Franklin County on a periodic basis. This review will be completed using the National Functional Classification System guidelines.

3. We agree to cooperate with planning and implementation of our respective management and monitoring systems, especially the congestion management processes (CMP) system.
4. We agree to coordinate air quality maintenance and conformity issues as they affect the regional attainment status and conformity of each MPO's Long Range Transportation Plan and Transportation Improvement Program. However, the Franklin County MPO will be responsible for air quality maintenance and conformity relative to the Hagerstown Urbanized Area within Franklin County.


Martin E. Brubaker, Chairman
Hagerstown/Eastern Panhandle MPO

June 5, 2013
Date


Robert Thomas, Chairman
Franklin County MPO

May 1, 2011
Date

Appendix H

Table of Minority Representation on Boards

Minority Representation on HEPMPO Boards

Board Name	Total	Black/ African American	Hispanic	Asian
Interstate Council	15	1	0	0
Technical Advisory Committee	17	0	0	0
Air Quality Conformity Advisory	13	2	0	0

Appendix I

Complaint Forms



Hagerstown-Eastern Panhandle Metropolitan Planning Organization

Complaint Form

Section I:				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
Section II:				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party:				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
Section III:				
I believe the discrimination I experienced was based on (check all that apply):				
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin				
<input type="checkbox"/> Other Protected Class _____				
Date of Alleged Discrimination (Month, Day, Year): _____				
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses.				



Hagerstown-Eastern Panhandle Metropolitan Planning Organization

Formulario de Quejas

Sección I:			
Nombre:			
Dirección:			
Teléfono (Hogar):		Teléfono (Trabajo):	
Correo Electrónico:			
Requisitos de formato accesible	Tipografía grande		Cinta de audio
	TDD		Otro
Sección II:			
¿Está presentando esta queja en su propio nombre?		Sí*	No
* Si su respuesta es "sí" a esta pregunta, vaya a la Sección III.			
Si su respuesta es "no", por favor provea el nombre y la relación de la persona por la que usted está sometiendo esta querrela:			
Por favor explique por qué usted ha sometido una querrela por otra persona:			
Por favor confirme que ha obtenido permiso de la parte perjudicada si usted está sometiendo la queja a nombre de otra persona.		Sí	No
Sección III:			
Creo que la discriminación que experimenté estuvo basada en (marque todas las respuestas correspondientes):			
<input type="checkbox"/> Raza <input type="checkbox"/> Color <input type="checkbox"/> Origen Nacional			
<input type="checkbox"/> Otra Clase Protegida _____			
Fecha de la discriminación alegada (día, mes, año): _____			
Explique lo más claramente posible lo que sucedió y por qué cree que experimentó discrimen. Describa a todas las personas que estuvieron involucradas. Incluya el nombre y la información de contacto de la(s) persona (s) que discriminó o discriminaron contra usted (si se conoce), así como los nombres y la información de contacto de cualquier testigo(s).			

Appendix J

Public Notices

Title VI Notice to the Public

In order to comply with 49 CFR Section 21.9(d), HEPMPO shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. For more information on HEPMPO's nondiscrimination obligations, contact HEPMPO's Title VI Coordinator, Matthew T. Mullenax at mmullenax@hepmo.net or (240) 313-2080. The paragraph below will be inserted into all significant publications that are distributed to the public. The text will be placed permanently on the HEPMPO website and in public areas of HEPMPO's offices.

"The Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations prohibiting discrimination in all programs and activities. For more information, or to file a Title VI related complaint, see www.hepmo.net or call (240) 313-2080. If information is needed in another language, then contact (240) 313-2080."

Any individual, group of individuals, or entity that believes he/she, they, or it have been subjected to discrimination prohibited by Title VI may file a formal complaint with HEPMPO's Title VI Coordinator by completing HEPMPO's Title VI Complaint Form and mailing it to Hagerstown/Eastern Panhandle MPO, 33 West Washington Street 4th Floor, Suite 402, Hagerstown, MD 21740. A formal complaint must be submitted in writing within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. HEPMPO will process complaints that are complete.

1. Once the complaint is received, HEPMPO will acknowledge receipt of the complaint within 5 business days and will review it to determine if HEPMPO has jurisdiction. The Complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by HEPMPO. HEPMPO has 30 days to investigate the complaint.
2. If more information is needed to resolve the case, HEPMPO may contact the Complainant. The Complainant has 30 business days from the date of the letter to send requested information to HEPMPO'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, HEPMPO can administratively close the case. A case can also be administratively closed if the Complainant no longer wishes to pursue their case.
3. After the Title VI Coordinator reviews the complaint, she/he 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 that the case will be closed. An LOF summarizes the allegations and details plans for remedial actions to provide redress. The written response shall be issued no later than 90 calendar days after the date 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.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Ave., SE, Washington, DC 20590; or with the Federal Highway Administration, at FHWA Office of Civil Rights, Chief Investigations and Adjunction, 400 7th Street SW, Room 4132, Washington DC 20590; or with the appropriate state agency at the following:

Maryland:

Maryland Department of Transportation
Office of Diversity and Equity
7201 Corporate Center Drive
Hanover, Maryland 21076
Telephone: 410-865-1126

West Virginia:

WV Department of Transportation
EEO Division
1900 Kanawha Boulevard, East
Building 5 Room 948 A
Charleston, WV 25305
Telephone: 304-558-3931

Public Notice Efforts for Title VI Plan

HEPMPO Website

The screenshot shows the HEPMPO website with a navigation menu at the top containing 'HOME', 'ABOUT US', 'TITLE VI', 'DOCUMENTS', and 'RESOURCES'. Below the menu is a large banner for the 'Draft Title VI Plan' featuring a photograph of a public meeting. The banner includes the HEPMPO logo, the text 'Draft Title VI Plan', and a call to action: 'Draft Title VI Plan Update Comment Thru 1/3/22!'. To the right of the banner is a 'WELCOME TO HEPMPO!' section with a description of the organization and contact information. A 'Translate Page' button is located at the bottom right of the page.

HEPMPO Metropolitan Planning Organization

HOME ABOUT US TITLE VI DOCUMENTS RESOURCES

HEPMPO Title VI Plan

November 2021
Draft Title VI Plan Update Comment Thru 1/3/22!


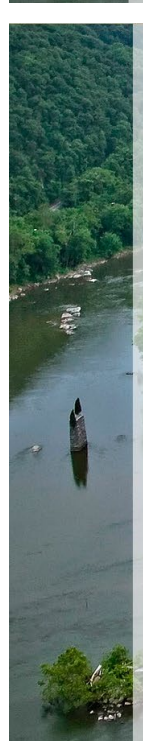





WELCOME TO HEPMPO!

The Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) is the federally designated regional transportation planning body for the urbanized area covering Berkeley and Jefferson Counties, West Virginia, Washington County, Maryland and a small portion of Franklin County, Pennsylvania.

We invite you to search our website, review the information, and provide us with your feedback regarding transportation issues facing the region today and in the future.

CONTACT US:
33 West Washington Street
Suite 402 - 4th Floor
Hagerstown MD 21740
(240) 313-2080
mmullenax@hepmo.net

Translate Page

NEWS	FOLLOW US 	UPCOMING EVENTS	ANNOUNCEMENTS
	<p>Hagerstown/Eastern Pa... 461 followers</p> <p>   </p> <p>Follow Page Transportation Future!</p> <hr/> <p>HEPMPO Title VI Plan</p>  <p>November 2021</p> <hr/> <p>Hagerstown/Eastern Panhandle Metropolitan Planning Organization 3 minutes ago</p>	<p>January 19, 2022 - 10:30am Technical Advisory Committee Meeting</p> <p>January 19, 2022 - 1:30pm Interstate Council Meeting</p> <p>March 16, 2022 - 10:30am Technical Advisory Committee Meeting</p> <p>March 16, 2022 - 1:30pm Interstate Council Meeting</p> <p>May 18, 2022 - 10:30am Technical Advisory Committee Meeting</p> <p>May 18, 2022 - 1:30pm Interstate Council Meeting</p> <p>August 17, 2022 - 10:30am Technical Advisory Committee Meeting</p> <p>August 17, 2022 - 1:30pm Interstate Council Meeting</p> <p>October 19, 2022 - 10:30am Technical Advisory Committee Meeting</p> <p>October 19, 2022 - 1:30pm Interstate Council Meeting</p>	<p>PUBLIC NOTICE: The Hagerstown /Eastern Panhandle MPO hereby notifies all interested persons that the proposed Title VI Plan Update, that is in Washington County, MD and Berkeley and Jefferson Counties, WV, is available for review and comment. Click here to download: Draft Title VI Plan Update.</p> <p>The Title VI Plan was developed to document efforts HEPMPO undertakes on a continual basis to ensure compliance with Title VI of the Civil Rights Act 1964 and related statutes regarding nondiscrimination and environmental justice.</p> <p>The public comment period will begin on Wednesday, December 1, 2021 and end on Monday, January 3, 2022. Copies may be obtained on the MPO website at www.hepmo.net; on display at the Washington County Free Library, Martinsburg-Berkeley County Library, Charles Town Library; the Washington County Transit office and the Eastern Panhandle Transit Authority office; or electronic copies may be requested from the MPO office located at 33 W. Washington Street, Suite 402, Hagerstown, MD 21740; Phone (240) 313-2081. Business hours are 8:00 am to 4:00 pm, Monday to Friday.</p> <p>Questions and written comments should be directed to Matthew Mullenax at (240) 313-2081, mmullenax@hepmo.net or at the above address. All comments must be received by no later than 12:00pm Monday, January 3, 2022.</p> <p>PUBLIC NOTICE: The Eastern Panhandle Transit Authority (EPTA) and the Hagerstown/Eastern Panhandle MPO (HEPMPO) hereby notify all interested persons that an input survey on the proposed EPTA Commuter Bus Service is open to the public.</p> <p>The public survey will be open from November 15 to December 15, 2021. The survey is available online at: https://forms.office.com/r/DUTEqBGxgA.</p> <p>The survey seeks input on possible bus departure and arrival times from Eastern Panhandle to Ashburn Silver Line Metrorail Station in Virginia, as well as information on work destinations and current commuting patterns.</p> <p>Questions and all written comments should be directed to Matt Mullenax at 240-313-2081, mmullenax@hepmo.net or mailed to the HEPMPO office at 33 W. Washington St., Suite 402, Hagerstown, MD 21740. Only written comments will be accepted.</p>

HEPMPO Facebook

Hagerstown/Eastern Panhandle Metropolitan Planning Organization

...

Intro

Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) - <http://www.hepmo.net>

Page · Government organization

33 W Washington St, Fl 4th, Ste 402, Hagerstown, MD, United States, Maryland

(240) 313-2080

mmullenax@hepmo.net

hepmo.net

Open now

Not yet rated (1 Review)

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Hagerstown/Eastern Panhandle Metropolitan Planning Organization

December 1, 2021 · 🌐

PUBLIC NOTICE: The Hagerstown /Eastern Panhandle MPO hereby notifies all interested persons that the proposed Title VI Plan Update, that is in Washington County, MD and Berkeley and Jefferson Counties, WV, is available for review and comment. Click here to download: <https://c666713d-dd04-4e6d-b967-64f6e43533a8.filesusr.com...>

The Title VI Plan was developed to document efforts HEPMPO undertakes on a continual basis to ensure co... See more

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Intro

Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) - <http://www.hepmo.net>

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mmullenax@hepmo.net

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Open now

Not yet rated (1 Review)



Hagerstown/Eastern Panhandle Metropolitan Planning Organization

December 1, 2021 ·

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The Title VI Plan was developed to document efforts HEPMPO undertakes on a continual basis to ensure compliance with Title VI of the Civil Rights Act 1964 and related statutes regarding nondiscrimination and environmental justice.

The public comment period will begin on Wednesday, December 1, 2021 and end on Monday, January 3, 2022. Copies may be obtained on the MPO website at www.hepmo.net; on display at the Washington County Free Library, Martinsburg-Berkeley County Library, Charles Town Library; the Washington County Transit office and the Eastern Panhandle Transit Authority office; or electronic copies may be requested from the MPO office located at 33 W. Washington Street, Suite 402, Hagerstown, MD 21740; Phone (240) 313-2081. Business hours are 8:00 am to 4:00 pm, Monday to Friday.

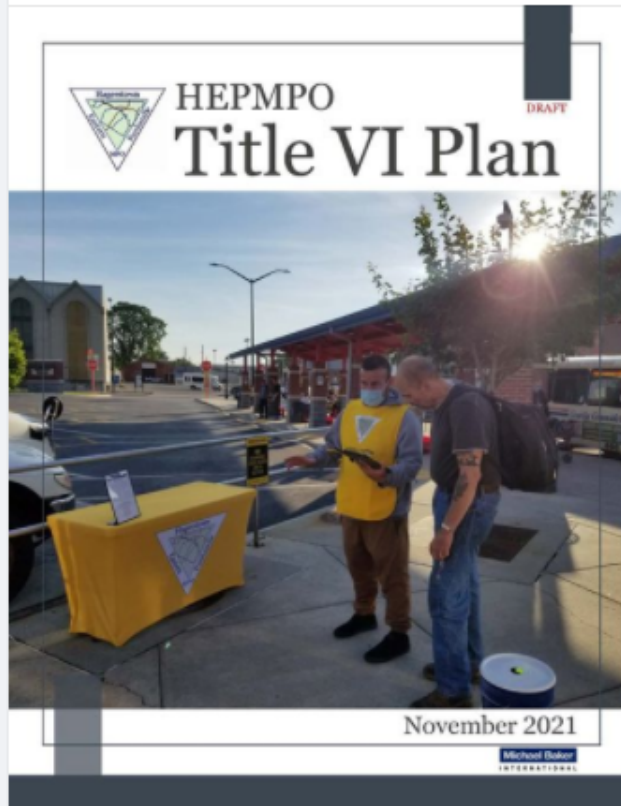
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Photos

[See All Photos](#)



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1

The Journal Public Notice

Public Notice

The Hagerstown/Eastern Panhandle MPO hereby notifies all interested persons that the proposed Title VI Plan Update, that is in Washington County, MD and Berkeley and Jefferson Counties, WV, is available for review and comment. The Title VI Plan was developed to document efforts HEPMPO undertakes on a continual basis to ensure compliance with Title VI of the Civil Rights Act 1964 and related statutes regarding nondiscrimination and environmental justice. The public comment period will begin on Wednesday, December 1, 2021 and end on Monday, January 3, 2022. Copies may be obtained on the MPO website at www.hepmo.net; on display at the Washington County Free Library, Martinsburg-Berkeley County Library, Charles Town Library; the Washington County Transit office and the Eastern Panhandle Transit Authority office; or electronic copies may be requested from the MPO office located at 33 W. Washington Street, Suite 402, Hagerstown, MD 21740; Phone (240) 313-2081. Business hours are 8:00 am to 4:00 pm, Monday to Friday. Questions and written comments should be directed to Matthew Mullenax at (240) 313-2081, mmullenax@hepmo.net or at the above address.

All comments must be received by no later than 12:00pm Monday, January 3, 2022.

12:1

(11)

Herald-Mail Public Notice

Public Notice

The Hagerstown/Eastern Panhandle MPO hereby notifies all interested persons that the proposed Title VI Plan Update, that is in Washington County, MD and Berkeley and Jefferson Counties, WV, is available for review and comment. The Title VI Plan was developed to document efforts HEPMPO undertakes on a continual basis to ensure compliance with Title VI of the Civil Rights Act 1964 and related statutes regarding nondiscrimination and environmental justice. The public comment period will begin on Wednesday, December 1, 2021 and end on Monday, January 3, 2022. Copies may be obtained on the MPO website at www.hepmo.net; on display at the Washington County Free Library, Martinsburg-Berkeley County Library, Charles Town Library; the Washington County Transit office and the Eastern Panhandle Transit Authority office; or electronic copies may be requested from the MPO office located at 33 W. Washington Street, Suite 402, Hagerstown, MD 21740; Phone (240) 313-2081. Business hours are 8:00 am to 4:00 pm, Monday to Friday. Questions and written comments should be directed to Matthew Mullenax at (240) 313-2081, mmullenax@hepmo.net or at the above address. All comments must be received by no later than 12:00pm Monday, January 3, 2022.

Appendix K

List of Investigations

LIST OF TRANSIT-RELATED TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS (GENERAL REQUIREMENT)

Background

All recipients shall prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin:

- Active investigations conducted by FTA and entities other than FTA;
- Lawsuits; and
- Complaints naming the recipient.

This list shall include the date that the transit-related Title VI investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to the investigation, lawsuit, or complaint. This list shall be included in the Title VI Program submitted to FTA every three years.

The sample below is provided for the purposes of guidance only.

SAMPLE List of Investigations, Lawsuits and Complaints

	Date (Month, Day, Year)	Summary (include basis of complaint: race, color, or national origin)	Status	Action(s) Taken
Investigations				
1.				
2.				
Lawsuits				
1.				
2.				
Complaints				
1.				
2.				

Appendix L

Definitions and Acronyms

DEFINITIONS

Beneficiary – any person or group of persons (other than States) entitled to receive benefits, directly or indirectly, from any federally assisted program, i.e., relocates, 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 in the process and express the community's needs and goals.

Compliance – condition that exists when a Recipient has effectively implemented all Title VI requirements and can demonstrate that there is no evidence of discrimination.

Deficiency Status – the interim period during which the Recipient has been notified of deficiencies, but has not voluntarily complied with Title VI.

Discrimination – the 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.

Disparate Impact -results when rules and laws have a different and more inhibiting effect on women and minority groups than on the majority because of race, color, national origin, gender, disability or age. This type of discrimination occurs when a neutral procedure or practice results in fewer services or benefits, or inferior services or benefits, to members of a protected group such as minorities or low-income populations. With disparate impact, the focus is on the consequences of a decision, policy or practice rather than on the intent.

Environmental Justice – to avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects on minority and low-income populations. To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process, and to prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

Facility – includes all, or any part of, structures, equipment or other real or personal property, or interests therein, and the provision of facilities, including the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

Federal Assistance – includes:

- 1.) Grants and loans of Federal funds,
- 2.) The grant or donation of Federal property and interests in property,
- 3.) The detail of Federal personnel,
- 4.) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the Recipient, or in recognition of the public interest to be served by such sale or lease to the Recipient and,
- 5.) Federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.

Limited English Proficient – an individual who does not speak English as a primary language and has limited ability to read, speak, write or understand English.

Minority - Blacks, not of Hispanic origin; Hispanics; Asians or Pacific Islanders; American Indians or Alaskan Natives.

Non-compliance – the condition that exists when a Recipient has failed to meet prescribed requirements and has shown an apparent lack of “Good Faith Effort” in implementing all or some of the Title VI requirements.

Persons – where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used: “White not of Hispanic origin”, “Black not of Hispanic origin”, “Hispanic”, “Asian or Pacific Islander”, “American Indian or Alaskan Native.” Additional subcategories based on national origin or primary language spoken may be used, where appropriate, on either a national or regional basis.

Person with a Disability -any person who: (a) has a physical or mental impairment which substantially limits one or more major life activities; (b) has a record of such an impairment; or (c) is regarded as having such an impairment.

Program – includes any project or activity for the provision of services, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the Recipient of Federal financial assistance or provided by others through contracts or other arrangements with the Recipient.

Protected Category – includes all categories of persons protected from discrimination under Title VI, including race, color, national origin, sex, age, disability, and income status.

Racial/Ethnic Identification – a person may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. However, no person should be counted in more than one racial/ethnic category. The following group categories will be used:

- 1.) The category white, (not of Hispanic origin); All persons having origins in any of the original peoples of Europe, North Africa, the Middle East, or the Indian Subcontinent.
- 2.) The category black (not of Hispanic origin); All persons having origins in any of the Black racial groups.
- 3.) The category Hispanic; All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- 4.) The category Asian or Pacific Islanders: All persons having origins in any of the original peoples of the Far East, Southeast Asia, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.
- 5.) The category American Indian or Alaskan Native: All persons having origins in any of the original peoples of North America.

Recipient – any State, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentally thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another Recipient, for any program.

Recipient includes any successor, assignee, or transferee thereof. The term Recipient does not include any ultimate beneficiary under any such program.

Secretary – the Secretary of Transportation as set forth in 49 CFR 21.17(g) (3) or the Federal Highway Administrator to whom the Secretary has delegated his/her authority in specific cases.

State Highway Agency – the department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term State would be considered equivalent to State Highway Agency if the context so implies.

Timetable – a measure relating to calendar days.

Title VI Compliance Review - an evaluation and determination of a nonexempt direct Federal or Federal-Aid Recipient's compliance with the equal opportunity requirements established in the Authorities listed in Section II of this document.

Title VI Program – the system of requirements developed to implement Title VI of the Civil Rights Act of 1964. References in this part to Title VI requirements and regulations shall not be limited to only Title VI of the Civil Rights Act of 1964. Where appropriate, this term also refers to the civil rights provisions of the other Federal related statutes to the extent they prohibit discrimination on the grounds of race, color, national origin, sex, disability, and age in programs receiving Federal financial assistance.

Title VI Coordinator – HEPMPO employee whose principal function is to direct the management of the Title VI Program to include developing policies, practices, procedures, and equal opportunity initiatives. The Title VI Officer provides direct support to the reviewing officers assigned to various departments within COG/TPB.

ACRONYMS

CAC	Citizens Advisory Committee
CFR	Code of Federal Regulations
CLRP	Constrained Long Range Plan
EIS	Environmental Impact Statement
EJ	Environmental Justice
EO	Equal Opportunity
E.O.	Executive Order
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
LEP	Limited English Proficiency
MARC	Maryland Area Regional Commuter
MDOT	Maryland Department of Transportation
MPO	Metropolitan Planning Organization
MTA	Maryland Transit Administration
NEPA	National Environmental Policy Act
NTP	Notice to Proceed
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act; A Legacy for Users
SIP	State Implementation Plan (air quality)
TEA-21	Transportation Equity Act for the 21st Century
TERMs	Transportation Emissions Reductions Measures
TIP	Transportation Improvement Program
USC	United States Code
USDOJ	United States Department of Justice
USDOL	United States Department of Labor
USDOT	United States Department of Transportation
WVDOT	West Virginia Department of Transportation