



# **SALISBURY/WICOMICO** **Metropolitan** **Planning Organization**

## ***TITLE VI PLAN***

Salisbury/Wicomico Metropolitan Planning Organization  
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Federal Project Number: MD-81-0007

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**RESOLUTION BY THE  
SALISBURY/WICOMICO METROPOLITAN PLANNING ORGANIZATION COUNCIL  
ADOPTING THE TITLE VI PLAN  
RESOLUTION 07-2018**

**WHEREAS**, the Salisbury/Wicomico Metropolitan Planning Organization (S/WMPO) was established to conduct regional transportation planning activities for the S/WMPO area in accordance with Federal requirements;

**WHEREAS**, the S/WMPO Council is the governing body for the S/WMPO;

**WHEREAS**, the S/WMPO 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);

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

**WHEREAS**, the Title VI Plan was reviewed by the S/WMPO Technical Advisory Committee, which voted to forward a favorable recommendation on the Draft Title VI Plan to the S/WMPO Council for their review and action;

**WHEREAS**, the Title VI Plan was available for public review and comment for a period of no less than 30 days prior to an action of the S/WMPO Council, which no comments were received;

**WHEREAS**, on June 12, 2018, a Public Hearing was held to hear from proponents and opponents about the Title VI Plan, at which no public comments occurred at the Public Hearing;

**WHEREAS**, an electronic voting process, adopting the Title VI Plan, was administered to the S/WMPO Council in accordance of applicable provisions outlined in the Organization's Prospectus and Bylaws; and

**NOW, THEREFORE, BE IT RESOLVED**, on June 26, 2018, the S/WMPO Council does hereby adopt the Draft Title VI Plan.

6-26-18  
Date

Matthew E. Creamer  
Matthew E. Creamer, Chairman, S/W MPO Council

## 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 A**. Of note are two Presidential Executive Orders regarding non-discrimination requirements. Executive Order 12898 mandates federal agencies address equity and fairness, or Environmental Justice, toward low-income and minority persons and populations. Executive Order 13166 mandates federal agencies ensure people who have Limited English Proficiency (LEP) have meaningful access to federally-conducted and/or funded programs and activities.

The Salisbury/Wicomico Metropolitan Planning Organization (SWMPO), 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 SWMPO addresses Executive Order 12898 on Environmental Justice and Executive Order 13166 on LEP. This Plan was developed to document the efforts SWMPO 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.

The primary mission of the SWMPO is to perform transportation planning by establishing regional consensus on transportation planning, projects, and programs following prevailing federal transportation guidelines. The SWMPO coordinates with appropriate authorities and departments of all impacted state and local governments in an effort to assist with solving regional problems and implement regional goals and policies.

As the SWMPO works to fulfill its mission, its major goals include:

1. Facilitating efficient movement of people and goods;
2. Using existing facilities to the fullest extent practical;
3. Allocating limited financial resources to generate maximum benefit to the transportation system;
4. Limiting impacts on air quality, the built environment, as well as historic, cultural, and natural resources; and
5. Ensuring public involvement throughout the transportation planning and project development process.

While several other agencies implement transportation projects, the SWMPO serves in an overall coordination role, assisting with planning and programming funds for projects and operations. The SWMPO involves local transportation providers in the planning process by including transit agencies, state and local highway departments, maritime operators, and other entities within the region.

## SWMPO Organization

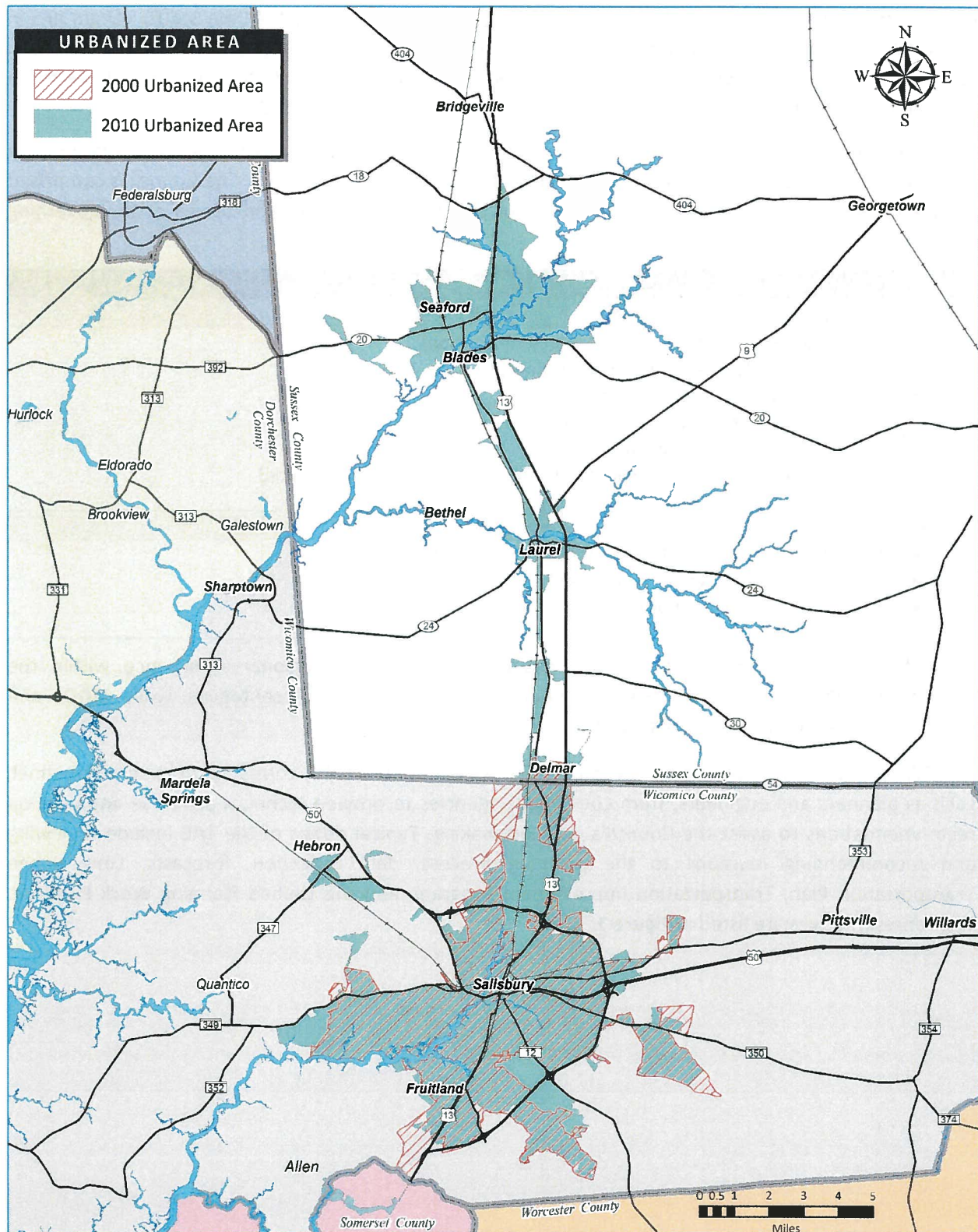
Based on the 2000 U.S. Decennial Census, an Urbanized Area (UA) consisting of the City of Salisbury, City of Fruitland, Town of Delmar, Maryland, and Town of Delmar, Delaware, as well as adjacent unincorporated areas of Wicomico County, Maryland, and Sussex County, Delaware met federal criteria requiring these jurisdictions establish an MPO.

A Memorandum of Understanding (MOU) formally establishing the SWMPO was executed by the following member jurisdictions and entities on January 21, 2004: Maryland Department of Transportation (MDOT); Delaware Department of Transportation (DelDOT); Wicomico County; City of Salisbury; City of Fruitland; Town of Delmar, Maryland; Town of Delmar, Delaware; and the Tri-County Council of the Lower Eastern Shore of Maryland. The MOU established the framework for the creation of the Organization, mandated the creation and adoption of bylaws and a prospectus, and recognized Wicomico County, acting through its Department of Planning, Zoning, and Community Development, as the lead local government. On February 19, 2004, Maryland Governor Robert L. Ehrlich, Jr. designated the SWMPO to serve as the federal and state designated regional transportation planning body for the UA covering portions of Wicomico and Somerset counties in Maryland and Sussex County, Delaware.

At the time of the original designation, the multistate UA encompassed approximately 43.23 sq. miles. The Maryland portion of the UA accounted for roughly 99 percent or 42.68 sq. miles; whereas, the Delaware portion covered 0.55 sq. miles or 1 percent of the UA. Because of a change in the U.S. Census Bureau's delineation criteria of an urbanized area, the SWMPO's 2010 Urbanized Area expanded significantly into the western portion of Sussex County, Delaware along U.S. Route 13A. The total area of the 2010 UA increased by 29.95 sq. miles or 69.3 percent compared to the 2000 UA for the SWMPO.

The boundary expanded to include the northern part of Somerset County, Maryland, the Town of Hebron, Maryland, and portions of the designated growth areas adjacent to Salisbury, Fruitland, and Delmar. Overall, the Delaware portion of the Urbanized Area expanded by 20.96 sq. miles or 3,810 percent between 2000 and 2010. For comparative purposes, the Maryland portion increased by 8.99 sq. miles or 21.1 percent. The 2010 UA encompasses 73.18 sq. miles, of which 51.67 sq. miles are in Maryland and 21.51 sq. miles are in Delaware.

Figure 1.1: SWMPO Urbanized Area Comparison – 2000 and 2010



## Organizational Structure

MPOs vary greatly in scale; while some are in major cities with large, full-time staffs, others are in smaller areas and rely on staff support from participating agencies. The area an MPO serves may span several counties or multiple states. There is no standard structure for MPOs, but most have three elements: an MPO Board or Council, Technical Advisory Committee, and MPO Staff.

The MPO Council is responsible for making regional transportation policy, planning, and programming decisions by prioritizing and choosing capital projects and operating strategies. The Council is comprised of 12-local elected officials and representatives of government agencies and serves as the governing body of the SWMPO (See [Figure 1.2](#)).

Figure 1.2: SWMPO Council	
<b>Maryland Members</b>	
<ul style="list-style-type: none"><li>• Maryland Department of Transportation (one position)</li><li>• Wicomico County, Maryland (three positions)</li><li>• City of Salisbury, Maryland (two positions)</li><li>• City of Fruitland, Maryland (one position)</li><li>• Town of Delmar, Maryland (one position)</li><li>• Tri-County Council for the Lower Eastern Shore of Maryland (one position)</li></ul>	
<b>Delaware Members</b>	
<ul style="list-style-type: none"><li>• Delaware Department of Transportation (one position)</li><li>• City of Seaford, Delaware (one position)</li><li>• Sussex County (one position)</li></ul>	

The SWMPO Council meets to act on transportation issues of regional significance within the Metropolitan Planning Area. Local government entities designate representatives, while MDOT and DelDOT designate their own representatives.

The SWMPO Council established a Technical Advisory Committee (TAC) consisting of expert personnel, such as planners and engineers, from constituent agencies to provide technical expertise and develop recommendations to assist the Council's decision making. Typical duties of the TAC include reviewing and recommending revisions to the planning process, data collection, forecasts, Long Range Transportation Plan, Transportation Improvement Program, and the Unified Planning Work Program. TAC representatives are listed in [Figure 1.3](#).

**Figure 1.3: SWMPO Technical Advisory Committee (TAC)**

<b>Members</b>
<b>State Agencies</b> <ul style="list-style-type: none"><li>• Maryland Department of Transportation (MDOT)</li><li>• Maryland Department of Planning (MDP)</li><li>• Delaware Department of Transportation (DelDOT)</li><li>• Delaware Office of State Planning Coordination</li><li>• Delaware Transit Corporation (DTC)</li><li>• Delaware Department of Natural Resources and Environmental Control, Division of Air Quality (DNREC)</li></ul>
<b>County Agencies</b> <ul style="list-style-type: none"><li>• Salisbury-Wicomico County Planning Commission</li><li>• Wicomico County Department of Public Works</li><li>• Wicomico County Department of Planning, Zoning, &amp; Community Development</li><li>• Sussex County Planning Department</li></ul>
<b>Municipal Agencies and Local Institutions</b> <ul style="list-style-type: none"><li>• City of Salisbury Department of Infrastructure and Development</li><li>• City of Fruitland</li><li>• Town of Delmar (Maryland and Delaware)</li><li>• Town of Hebron</li><li>• City of Seaford</li><li>• Delmarva Water Transportation Committee</li><li>• Salisbury University</li><li>• Shore Transit</li><li>• Salisbury Regional Airport</li></ul>
<b>Ex-Officio Members</b> <ul style="list-style-type: none"><li>• Federal Highway Administration (FHWA)</li><li>• Federal Transit Administration (FTA)</li><li>• Maryland Transit Administration (MTA)</li><li>• Maryland State Highway Administration (SHA)</li></ul>

A listing of the current members of the Council and TAC at [http://www.swmpo.org/org\\_structure.asp](http://www.swmpo.org/org_structure.asp).

The SWMPO is staffed with personnel from the Wicomico County Department of Planning, Zoning, and Community Development. The SWMPO Executive Director manages the daily operations of the organization as directed by the TAC and Council, and coordinates transportation planning projects and activities. In addition, the SWMPO Executive Director serves as the local liaison to state and federal agencies involved in transportation planning and programming within the region.

Other issues relative to the organizational structure, including, but not limited to officers, staff structure, committees, financial organization, voting procedures, and other similar items can be found in the SWMPO's Bylaws. The Bylaws can be viewed on the Organization's website at [www.swmpo.org](http://www.swmpo.org).

## Policy Statement

The Salisbury/Wicomico Metropolitan Planning Organization (SWMPO) assures 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. SWMPO further assures every effort will be made to ensure non-discrimination in all of its programs and activities, whether those programs and activities regardless of funding source (federal, state, or local).

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.

SWMPO'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.

Keith D. Hall

Keith D. Hall, Executive Director

7.29.24

Date

## Title VI Assurances

The Salisbury/Wicomico 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 Salisbury/Wicomico 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 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.
4. 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.
5. That the Recipient shall include the appropriate clauses 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.
6. 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.

7. 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.

8. 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 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.

Keith D. Hall

Keith D. Hall, Executive Director

7.29.24

Date

## Title VI Coordinator and Responsibilities

SWMPO Executive Director is responsible for Title VI Coordination, ensuring the implementation and overall management of this Title VI Plan.

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 Title VI compliance is met; and mitigating any issue if it is not met;
- Maintain a list of interpretation service providers;
- Periodically review and, if necessary, update this Title VI Plan;
- Attend trainings maintain and increase awareness of discriminatory practices;
- Resolve Title VI complaints in a timely and comprehensive manner; and
- Coordinate with persons of all abilities, income, race, and ethnicity.

## Environmental Justice

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

The SWMPO engages in planning and activities to identify and consider the needs and input of the public including interested parties and traditionally underserved persons (e.g. minority and low-income persons) by existing transportation systems.

Environmental Justice has been expanded further, since the original Executive Order, and is now focused on four main groups: minorities, LEP, low-income population, and population with a disability.

### Limited English Proficiency

**Figure 1.4** depicts the percentage and number of households with Limited English Proficiency (LEP). Of the six geographies, the SWMPO experiences the largest percentage of households with LEP. Approximately 1,204 households or 3.3 percent of total households situated in the SWMPO’s UA have LEP. In comparison, Wicomico and Sussex counties have comparable rates of households with LEP, 2.6 and 2.5 percent, respectively.

Figure 1.4: Limited English Speaking Households					
Maryland	Delaware	Wicomico Co.	Somerset Co.	Sussex Co.	SWMPO UA
3.1%	2.4%	2.6%	1.3%	2.5%	3.3%
68,151	8,265	968	110	2,056	1,204

Source: American Community Survey 2012 – 2016 5 Year Estimates

## Title VI Four Factors 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 the following four-factor analysis be used to help determine how to ensure reasonable and meaningful access to SWMPO 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; and
4. The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.

## Number and Proportion of LEP

To obtain an understanding about the language profile of LEP individuals in the SWMPO region, the 2016 American Community Survey was utilized to illustrate languages spoken at home by individuals ages 5 and over with LEP. For the major foreign languages spoken at households with LEP in the SWMPO UA, Spanish was the most prominent at 2.7%, followed by Korean and Vietnamese at 0.7% and 0.2%, respectively. See [Figure 1.5](#).

**Figure 1.5: Primary Language Spoke at Home for LEP individuals**

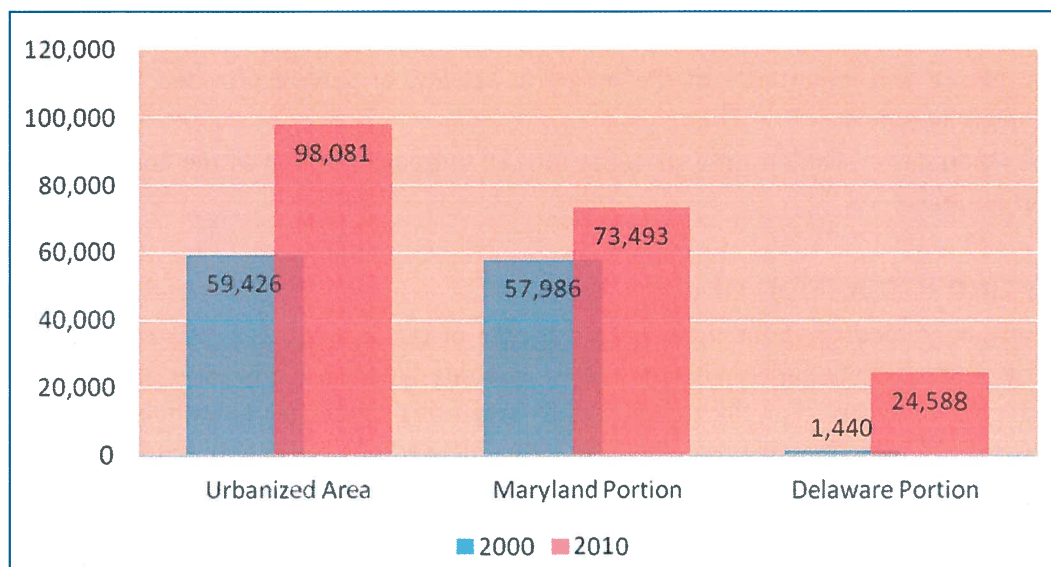
	Maryland	Delaware	Wicomico Co.	Somerset Co.	Sussex Co.	SWMPO UA
Pop. 5 and Over	5,562,816	870,642	95,051	24,721	195,756	92,733
Speak English only	4,603,986	758,393	84,945	22,868	175,675	80,538
Spanish	3.2%	2.8%	2.1%	1.0%	3.9%	2.7%
French	0.2%	0.2%	0.0%	0.0%	0.0%	0.0%
Italian	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
German	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Yiddish	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Greek	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Russian	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Polish	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Serbo-Croatian	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Hindi	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Chinese	0.5%	0.4%	0.0%	0.0%	0.0%	0.0%
Japanese	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Korean	0.1%	0.4%	0.7%	0.0%	0.0%	0.7%
Vietnamese	0.2%	0.0%	0.0%	0.0%	0.1%	0.2%
Arabic	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

Source: American Community Survey 2011 – 2015 5 Year Estimates

## Population

As represented by the data, this is a growing region. In 2000, the Salisbury, MD-DE UA had a total population of 59,426 and by 2010, the UA total population increased to 98,081. **Figure 1.6** shows the total population, Maryland, and Delaware portions of the population for 2000 and 2010. It is important to note, the boundary of the UA increased as a result of the 2010 Census. Therefore, the population increase between 2000 and 2010 is directly correlated to the expansion of the UA instead of significant population growth within the existing boundary prior to the 2010 Census. The UA expansion primarily occurred in portions of Sussex County, Delaware, along U.S. Route 13A between Delmar and Seaford.

**Figure 1.6: Urbanized Area Population (2000 and 2010)**



Source: 2000 and 2010 U.S. Census

## Minority Population

The U.S. Department of Transportation's Title VI requirements define "minority" to include black or African American, Hispanic (regardless of race), Asian, and American Indian or Alaskan Native populations. For the purposes of this analysis, minority population is defined as everyone other than non-Hispanic white alone.

As illustrated in **Figure 1.7**, Maryland had 42.8 percent minority population; whereas, Delaware's population was comprised of roughly 31 percent minorities. Of the five (5) geographies, Sussex County experienced the lowest percentage of minority population (21.9%). The minority composition of the UA was 37.3 percent.

Figure 1.7: Percentage and Total Minority Population				
Maryland	Delaware	Wicomico	Sussex	SWMPO UA
42.8%	30.6%	31.9%	21.9%	37.3%
2,551,662	287,693	32,433	38,433	37,350

Source: American Community Survey 2012 – 2016 5 Year Estimates

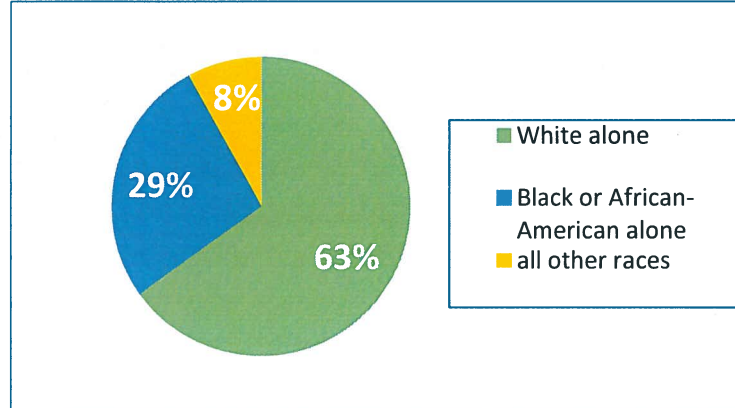
**Figure 1.8** shows the percentage minority composition by Census Tract for each county located within the UA. In the Maryland portion of the UA, Census Tracts #3, 102, and 9301.01 had the largest percentage of minority population, 88.2 percent, 84.2 percent, and 75 percent, respectively. Census Tracts #518.02, 504.06, 504.07, and had the highest percentage of minority population in the Delaware portion of the UA, 46.7 percent, 45.6 percent, and 35.3 percent, respectively.

Figure 1.8: Percentage Minority Population by Census Tract		
<i>Census Tract</i>	<i>Minority Population <sup>1</sup></i>	<i>Minority Population_Total<sup>1</sup></i>
<b>Wicomico</b>		
1	61.9%	3,925
2	39.9%	726
3	88.2%	1,405
4	34.5%	1,416
5	60.0%	1,909
101.01	31.0%	1,980
101.02	26.2%	945
102	84.2%	4,381
103	32.8%	2,650
104	15.6%	1,050
105.01	39.1%	1,932
105.02	34.3%	3,289
106.03	21.0%	1,508
106.05	11.2%	456
106.06	5.9%	251
107.02	26.4%	2,187
108	14.7%	966
<b>Somerset</b>		
9301.01	75.0%	5,058
9301.02	36.5%	1,473
<b>Sussex</b>		
504.01	17.1%	661
504.03	25.2%	920
504.05	17.4%	728
504.06	45.6%	2,080
504.07	35.3%	1,913
504.08	29.0%	1,226
517.01	9.1%	352
517.02	6.6%	339
518.01	10.8%	491
518.02	46.7%	2,206
519	13.4%	596

Source: American Community Survey 2012 – 2016 5 Year Estimates

The racial composition of the UA is 63 percent white alone, 29 percent black or African American alone, and 8 percent other races (Asian, American Indian, or Alaskan Native) or multiple races. Additionally, the Hispanic population, regardless of race, comprised 6 percent of the population. Refer to **Figure 1.9**.

**Figure 1.9: Distribution by Race in the SWMPO Urbanized Area**



Source: American Community Survey 2012 – 2016 5 Year Estimates

### Frequency

As a result of the limited size of LEP individuals and the type of activities performed by the SWMPO, LEP involvement is uncommon. At the time of this publication, no request have been submitted by an individual with LEP; however, the SWMPO will continue to develop and implement strategies to increase public involvement opportunities for persons with LEP.

### Importance

SWMPO approves the use of federal funds for transportation planning related projects and activities within the UA. SWMPO does not operate, maintain, or own transit buses or roads; therefore, no services or programs are provided or administered that require emergency assistance for medical treatment of the provisions of basic needs to survive. Involvement with SWMPO (Technical Advisory Committee or Council) is voluntary and public involvement is encouraged.

Public review and comment opportunities on activities using federal funding, include, but are not limited to the following regional planning activities:

- Unified Planning Work Program;
- Transportation Improvement Program;
- Long Range Transportation Plan;
- Prospectus and Bylaws;
- Public Participation Plan;
- Planning studies;
- Administration; and
- Air Quality.

Impacts from transportation improvements have potential impact on residents and visitors to the region. To better understand and mitigate impacts, SWMPO encourages public input from stakeholders

throughout the planning process. Implementation of transportation projects receiving federal funding and vetted through the MPO are implemented by state and local governments. These jurisdictions are required to develop plans and policies to ensure opportunities for LEP individuals to participate in the process.

## Resources

At the time of this publication, SWMPO determined the LEP population in the region is not of a significant proportion / threshold to justify the expense associated with translating documents. However, the SWMPO values the regional diversity, as well as the importance of participation in the transportation planning decision making process by individuals of all abilities. SWMPO will continue to ensure access for all interested parties affected by current and future SWMPO's plan and policies. In an effort to encourage public participation, the SWMPO staff will coordinate with the local chapter of the National Association for the Advancement of Colored People (NAACP) and other cultural-based organizations. Initial implementation activities consist of adding NAACP contact to the SWMPO e-mail list serv. This effort provides an alternative method of notifying the public about MPO related activities and meetings. In addition, the SWMPO desires to update their website in the near future. As part of the update, the new website will incorporate Title VI resources.

## LEP Implementation Plan

Through the four-factor analysis, the SWMPO developed an implementation plan to address language assistance within the region. The key elements of the implementation plan consist of the following:

- Modify SWMPO website to provide free translation services powered by Google Translate;
- Assist organization and stakeholders with the identification of other free web-based translation tools;
- Translate select materials, including, but not limited to the Title VI policy and Complaint Form, which will be available online and at the SWMPO Office;
- Make reasonable attempt to provide translation services (oral or written);
- Compile listing of translation providers in the SWMPO region;
- Purchase language training cards; and
- Obtain training for SWMPO staff on the use of language identification cards.

## Public Participation Plan

Public input into the transportation planning process is imperative to sound decision-making. SWMPO uses traditional media to disseminate information and to give notice for public comment opportunities. In addition, the following steps have been established to increase outreach participation to minorities and the low-income population:

- SWMPO meetings are open for the public to attend, which is a requirement of Maryland's Open Meeting Law;
- Opportunities for public comment are included on each meeting agenda;
- Meeting dates of the SWMPO Council, with time and location, are advertised on the MPO website [www.swmpo.org](http://www.swmpo.org), Salisbury Daily Times, and on the local government cable channel (PAC14) fourteen (14) days prior to the meeting dates;
- The agenda will be posted on the SWMPO website, as well as the bulletin board in the lobby of

the Government Office Building in Salisbury, which is where the majority of meetings are conducted;

- Unless during a private work session, written materials provided to the SWMPO committees will also be provided to the public upon request;
- A variety of public notification and participation procedures are used to encourage the early and continuous involvement of citizens, jurisdictions, communities and other interest in the planning process and the decisions and actions of the SWMPO; and
- Language services will be provided upon request through Schreiber Translations, Inc., AdAstra, or other translation service providers.

Federal regulations require MPOs define a process for providing interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process. The regulations define 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.

The SWMPO is committed to a transparent planning process with the public, public agencies, and partners in support of regional transportation planning process, including, the development of core work program items: Long Range Transportation Plan; Unified Planning Work Program; and the Transportation Improvement Program. Meeting advertising and public review requirements are set forth prior to an action of the governing body on the aforementioned core work program items.

The Public Participation Plan, which can be found at <http://www.swmpo.org>, was developed with the following objectives:

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

- Create a process to provide and encourage public participation during the various stages of the transportation planning and decision-making-process for all stakeholders;
- Facilitate access to the transportation planning process for populations lacking formal access to information, such as low income, elderly, minorities, and persons with disabilities;
- Encourage involvement in the planning process by non-traditional participants; and
- Foster a process that will result in transportation plans and projects representing the values of the communities within the SWMPO region.

## Complaint of Discrimination

Any person who believes she or he has been discriminated against, by the SWMPO, on the basis of race, color, national origin or other applicable laws, may file a Title VI complaint by completing and mailing the SWMPO's Title VI Complaint Form, found in **Appendix D** and online at [www.swmpo.org](http://www.swmpo.org) or via mail to the Title VI Coordinator, Salisbury/Wicomico Metropolitan Planning Organization, PO Box 870, Salisbury, MD 21803-0870, or fax (410) 548.4955.

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. SWMPO will process complaints that are complete.

### Procedures

1. Upon receipt of a completed complaint form, SWMPO will acknowledge receipt within 5 business days and will review it to determine if SWMPO has jurisdiction. The Complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by SWMPO. SWMPO has 30 days from the notification of receipt to investigate the complaint.
2. If more information is needed to resolve the case, SWMPO or authorized personnel representing the organization may contact the Complainant. The Complainant has 30 business days from the date of the letter requesting supplemental information to send the requested information to SWMPO'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, SWMPO reserves the right to 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 and notifies receipt of the completed form to the Complainant, 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; therefore, the case will be closed. An LOF summarizes the allegations and details plans for remedial actions to provide mitigation. The written response shall be issued no later than 90 calendar days after the date the completed complaint form 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 SWMPO's resolution of the complaint, she/he may also submit a complaint to the Maryland Department of Transportation or Delaware 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 at [www.fta.dot.gov](http://www.fta.dot.gov). Paper copies of the circular may be obtained by calling FTA's Administrative Services Help Desk, at 202-366-4865.

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.

# Appendix A

## 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 B

## Minority Representation on Boards

# Minority Representation on Boards

## Minority Representation on SWMPO Boards\*

Body	Total	Black/ African American	Hispanic	Asian
Technical Advisory Committee	18	2	0	0
Council	12	1	0	0

- Board memberships change and alternates are encouraged if a member is unable to attend. Therefore, the minority composition of the SWMPO Boards varies depending on the meeting.

# Appendix C

## Complaint Forms



# Salisbury/Wicomico Metropolitan Planning Organization

## Complaint Form

### Section I:

Name:

Address:

Telephone (Home):

Telephone (Work)

E-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, proceed to Section III.

If not, please supply the name and

Please explain reason(s) you've filed for a third party:

Please confirm you have obtained the permission of the aggrieved party.

Yes

No

### Section III:

I believe the discrimination I experienced was based on (check all that apply):

☐ Race ☐ Color ☐ National Origin ☐ 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 name and contact of the person(s) who discriminated against you (if known), as well as name(s) and contact information of any witnesses.

**Section IV:**

Have you previously filed a Title VI complaint with this

Yes

No

**Section V:**

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?

☐ Yes ☐ NoIf, yes check all that apply: ☐ Federal Agency ☐ State Agency ☐ Local Agency  
☐ Federal Court ☐ State Court

Please provide information about a contact person at the agency / court where the complaint

Name:

Title:

Agency:

Address:

Telephone:

**Section VI:**

Name of agency complaint is against:

Contact Person:

Title:

Telephone number:

**You may attach any written materials or other information you think is relevant to your complaint.**

Signature and date required below.

\_\_\_\_\_  
Signature\_\_\_\_\_  
Date

Please submit completed form to the Salisbury-Wicomico MPO Title VI Coordinator at:

Keith D. Hall,

Salisbury-Wicomico MPO

P.O. Box 870

Salisbury, MD 21803-0870

E-mail: [Khall@wicomocounty.org](mailto:Khall@wicomocounty.org)

Fax: (410) 548.4955



# Salisbury/Wicomico Metropolitan Planning Organization

## Formulario de Quejas

### Sección I:

Nombre:

Dirección:

Teléfono (Hogar):

Teléfono (Trabajo)

E-mail Address

Requisitos de formato accesible?

Tipografia

Cinta de

TDD

Otro

### Sección II:

¿Está presentando esta queja en su propio?

Si\*

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

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.

Si

No

### Sección III:

Creo que la discriminacion que experimente estuvo basada en (marque todas las respuestas correspondientes:

☐ Raza ☐ Color ☐ Origen Nacional ☐ Otra Clase Protegida

Fecha de la discriminacion alegada (dia, mes, año):

Explique lo mas claramente possible lo que sucedió y por qué 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), asi como los nombres y la informacion de contacto de cualquier testigo(s).

### Sección IV:

¿Ha presentado una queja del Título VI con esta agencia previamente?	Si	No
--	----	----

**Sección V:**

¿Ha presentado esta queja previamente con cualquier otra agencia federal, estatal, o local, o con cualquier corte federal o estatal?

☐ Si                      ☐ No

Si su respuesta es "sí", marque todas las entidades correspondientes:

☐ Agencia Federal              ☐ Agencia Estatal      ☐ Agencia Local

☐ Corte Federal              ☐ Corte Estatal

Por favor provea información sobre una persona de contacto en la agencia / tribunal donde se presentó la queja.

Nombre:

Título:

Agencia:

Dirección:

Teléfono:

**Sección VI:**

Nombre de la agencia en contra de quien es la queja:

Punto de contacto:

Título:

Teléfono:

Usted puede adjuntar cualquier material escrito u otra información que crea que es relevante a su queja.

Su firma y la fecha se requieren a continuación.

\_\_\_\_\_

Firma

\_\_\_\_\_

Fecha

Por favor envíe este formulario al Coordinador de Título VI de Salisbury-Wicomico MPO a:

Keith D. Hall,

Salisbury-Wicomico MPO

P.O. Box 870

Salisbury, MD 21803-0870

E-mail: [Khall@wicomicocounty.org](mailto:Khall@wicomicocounty.org)

Fax: (410) 548.4955

# Appendix D

## Public Notice

## **NOTICE TO THE PUBLIC UNDER TITLE VI**

### **SALISBURY/WICOMICO**

### **METROPOLITAN PLANNING ORGANIZATION**

The Salisbury/Wicomico Metropolitan Planning Organization (SWMPO) operates its programs and services without regard to race, color and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the SWMPO.

For more information on the SWMPO's Title VI program, and the procedures to file a complaint, contact Mr. Keith Hall, Title VI Coordinator, (410) 548.4860; or visit the SWMPO at 125 N. Division Street, Room 203, Salisbury, MD 21803. For more information, visit <http://www.swmpo.org/>.

A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5<sup>th</sup> Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

A copy of this Notice to the Public has been posted in the lobby of the Wicomico County Government Office Building, 125 N. Division Street, Salisbury, MD 21803 and on the SWMPO website <http://www.swmpo.org/>.

If information is needed in another language, contact Schreiber Translations, Inc., 1-800-822-3213, or Ad-Astra, 301-408-4242 or 1-800-308-4807.

# Appendix E

## List of Investigation and Complaints

Caption/Parties		Date (MM/DD/YY)	Summary (basis of complaint – race, color or national origin)	Status	Action(s) Taken
<b>Investigations</b>					
None to date					
<b>Lawsuits</b>					
None to date					
<b>Complaints</b>					
None to date					