



Middle Rogue Metropolitan Planning Organization

Title VI Plan

Adopted January 2015

Updated August 2021

Middle Rogue Metropolitan Planning Organization

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Fred Saunders	Josephine County

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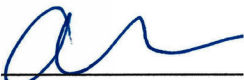
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Policy Statement

The Rogue Valley Council of Governments (RVCOG) hereby certifies that, as a condition of receiving federal financial assistance, it will ensure that:

- No person shall on the ground of race, color, national origin, gender, age, disability or income status be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity that is fully or partially covered by federal financial assistance;
- Efforts will be made to facilitate the participation of persons with Limited English Proficiency (LEP) in transportation planning activities sponsored by RVCOG;
- Will submit to the Oregon Department of Transportation (ODOT) an annual certification of compliance with the requirements of Title VI, per the requirements of 49 CFR Part 21 and 23 CFR.

Rogue Valley Council of Governments
Middle Rogue Metropolitan Planning Organization



Signature

Ann Marie Alfrey
Executive Director



Date

Background

Organization and Function of the Middle Rogue Metropolitan Planning Organization

In urbanized areas with a population over 50,000, the responsibility for transportation planning lies with designated Metropolitan Planning Organizations (MPO's). The Middle Rogue MPO (MRMPO) was created in order to ensure that existing and future expenditures for transportation projects and programs are based on a continuing, cooperative, and comprehensive (3-C) planning process. Oregon administrative rules define an MPO as "the organization designated by the Governor to coordinate transportation planning in an urbanized area of the state." This includes developing the area's long-range transportation plan that will address the region's projects, programs and policies for at least a 20-year period. It also includes maintaining a Metropolitan Transportation Improvement Program (MTIP), which is a short-range document listing transportation projects to be initiated within the MPO using federal funds, or deemed "regionally significant".

With an estimated population of just over 50,000, the MRMPO planning area includes the urbanized area of Grants Pass. This consists of the cities of Gold Hill, Rogue River, and Grants Pass, the unincorporated communities of Merlin and Foot's Creek, and surrounding rural areas in both Josephine and Jackson Counties.

The MRMPO is a function of the Rogue Valley Council of Governments (RVCOG), a voluntary association of local governments that provides a forum for coordinated problem solving and regional planning for Jackson and Josephine Counties. The Governor of Oregon designated RVCOG as the MRMPO on March 20, 2013. The RVCOG Board of Directors subsequently delegated responsibility for MRMPO policy functions to the MRMPO Policy Committee, a committee of elected and appointed officials from each jurisdiction within the urbanized area, including the Oregon Department of Transportation (ODOT). The Policy Committee is the MRMPO's decision-making board.

Purpose of the Title VI Plan

The purpose of this document is to comply with federal regulations under 49 CFR Part 21 and 23 CFR 200. The regulations require all recipients of federal funds comply with Title VI of the Civil Rights Act of 1964 and its subsequent federal acts, as shown under the Authorities section of this document on the following pages. The MRMPO is a recipient of Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) funds, and will likely use other federal funds under the ODOT Transportation and Growth Management (TGM) Program or similar programs.

Authorities

There are numerous Congressional Acts and federal regulations on civil rights and equitable treatment of all members of the public that apply to the various aspects of transportation planning practices. The following is the most relevant of these Acts to the transportation planning practices of the MRMPO:

- **Title VI of the Civil Rights Act of 1964**
Title VI of the Civil Rights Act of 1964 (42 USC 200d) states 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 Uniform Relocation Assistance Act of 1970**
The Uniform Relocation Assistance and Relocation Acquisition Act prohibits unfair and inequitable treatment of persons displaced or whose property will be acquired as a result of Federal and Federal-Aid programs and projects (42 USC 4601).
- **Section 504 of the Rehabilitation Act of 1973**
The Act (29 USC 790) states that:
“No qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance.”
- **Federal Highway Act of 1973**
The Act (23 USC 324) states that: *“No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance under this title or carried on under this title.”*
- **The Age Discrimination Act of 1975**
The Act (42 USC 6101) states that: *“No person shall on the basis of age, 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 Civil Rights Restoration Act of 1987**
The Act expanded the coverage of previously enacted federal statutes prohibiting discrimination in employment and other areas. It restored the intent of Title VI and applies to all programs and activities of Federal aid recipients and contractors whether those programs and activities are federally funded or not.
- **Americans with Disabilities Act (ADA) of 1990**
ADA (42 USC 126) prohibits discrimination against any individual on the basis of disability in regard to public services, public transportation, employment, housing, education, health, labor, communication devices and many more.
- **Environmental Justice (EJ) of 1994**
In February 1994 President Clinton signed Executive Order 12898 that directed

every Federal agency to make environmental justice part of its mission by identifying and addressing the effects of all programs, policies, and activities on *"minority populations and low-income populations."*

- **Limited English Proficiencies (LEP) of 2000**

Executive Order 13166 protects people with Limited English Proficiency (LEP). The law requires that federal agencies shall work to ensure that people with limited English Proficiency have meaningful access to their services without unduly burdening the fundamental mission of the agency.

Oregon Title VI Annual Reporting Requirements

Oregon MPO's are required to prepare and maintain on file an annual Title VI Accomplishment Report. Each October the MRMPO must submit its report to the Oregon Department of Transportation (ODOT) Title VI Program Manager and ODOT Region 3 planning staff. Information contained in the report is to be included in the ODOT region Title VI reports and the subsequent state report for Federal Highway Administration (FHWA) and Federal Transit Administration (FTA). The following provides an example of information to be included in the MRMPO's annual Title VI Accomplishment report.

- Changes to the approved Title VI Plan.
- Changes to the Title VI Program reporting structure.
- Title VI complaints received.
- Planning activities performed and actions taken to promote Title VI compliance.
- Transportation studies or plans completed that provided Title VI related data.
- Public notification and comment solicitation efforts related to a draft Transportation Improvement Program (TIP).
- Public hearings held, including efforts to enhance participation and a summary of Title VI concerns raised and actions taken to address concerns.
- Presence of minorities and women in citizen participation efforts.
- Description of the process for issuing request for proposals (RFPs) and soliciting consultants.
- Actions taken to promote consultants' compliance with Title VI; number of consultants that have contracts with the MPO including dollar value; how many were Disadvantaged Business Enterprises (DBEs); efforts made to utilize DBE consultants; methods used during the review period to ensure Title VI related adherence to contract agreements.
- Actions taken to promote Title VI compliance regarding education and trainings, including monitoring and review processes, and their outcomes or status.
- Description of strategies for the upcoming year, including any significant problem areas.

Title VI Coordinator

The MRMPO Title VI coordinator is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of administration. As part of this responsibility, the coordinator ensures that MRMPO program administration complies with Title VI.

Title VI Coordinator responsibilities include:

- **Program Administration:** Implement the MRMPO Title VI Plan and update the document on a tri-annual basis.
- **Complaints:** Serve as the point of contact for civil rights complaints working directly with the Rogue Valley Council of Governments Executive Director.
- **Public Dissemination:** Engage in public awareness activities and provide Title VI and Environmental Justice support and information to the public or any requesting entity. Ensure public announcements or notices are posted of proposed planning activities, hearings and meetings, in newspapers, on the MRMPO website, by contact to organizations serving subject populations, or by other media reaching the affected community.
- **Legislative and Procedural Information:** Maintain current information on Federal laws, rules and regulations, ODOT guidelines, the current MRMPO Title VI Plan, Annual Title VI Reports, and other resource information pertaining to the implementation and administration of the MPO's Title VI program.
- **Annual Title VI Reporting:** Prepare annual Title VI reports to the Oregon Department of Transportation (ODOT) Office of Civil Rights. See page 3 of this plan for reporting details.
- **Data Collection:** Collect and maintain up-to-date data to support ongoing nondiscrimination activities.
- **Training:** Obtain adequate training and other support for MRMPO staff involved in Title VI compliance.
- **Project Evaluation:** Ensure that projects undertaken by the MRMPO support environmental justice principles.
- **Contact:** Serve as both the Title VI and Environmental Justice point of contact.

Agency:

Middle Rogue Metropolitan Planning Organization (MRMPO)
155 N. First Street
P.O. Box 3275
Central Point, OR 97520
Ph: (541) 664-6674 Website: www.mrmppo.org

MRMPO Title VI and Environmental Justice Contact:

Kelsey Sharp, Office Specialist II & Title VI Coordinator
Ph: (541) 423-1375 Email: ksharp@rvcog.org

MRMPO Planning Manager:

Karl Welzenbach
Ph: (541) 423-1360 Email: kwelzenbach@rvcog.org

The Middle Rogue MPO is in a contract with the RVCOG for its administrative services. RVCOG handles the MPO's financial and personnel issues.

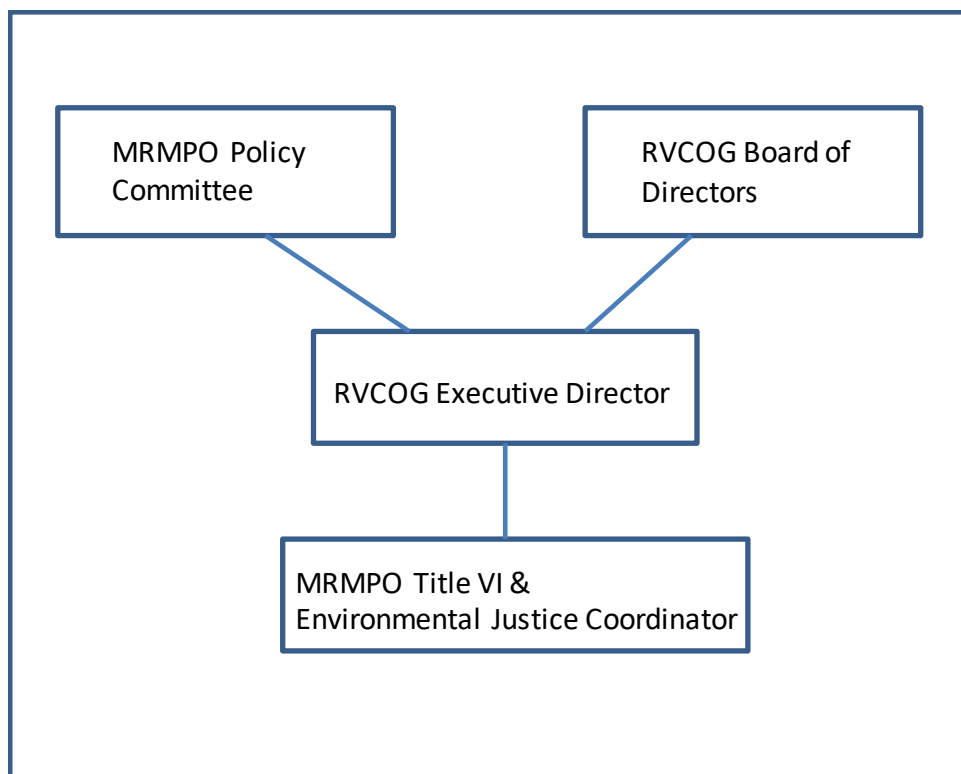
Agency:

Rogue Valley Council of Governments (RVCOG)
155 N. First Street
P.O. Box 3275
Central Point, OR 97520
Ph: (541) 664-6674 Website: www.rvcog.org

RVCOG Contacts:

Jodi Wilson, Human Resources Director
Ph: (541) 423-1335 Email: jwilson@rvcog.org

Ann Marie Alfrey, Executive Director
Ph: (541) 423-1334 Email: smorton@rvcog.org



Complaint Process

Informal Complaint:

Every effort will be made to obtain early resolution of informal complaints at the lowest level possible. **Informal complaints are those that have not been submitted or acknowledged in writing.** The option exists for informal mediation meeting(s) between the affected parties and the MRMPO Title VI Coordinator and the RVCOG Executive Director. The Title VI Coordinator and RVCOG Executive Director will make every effort to pursue a resolution to informal complaints.

Formal Complaint: (in compliance with 23 CFR 200.9(b)(3))

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a formal complaint (written) with the MRMPO Title VI Coordinator. A formal complaint must be submitted within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. A formal complaint must meet the following requirements:
 - a. Complaint shall be in writing and signed by the complainant(s).
 - b. Include the date of the alleged act of discrimination.
 - c. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the incident.
 - d. Allegations received by fax or e-mail will be acknowledged and processed once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established. ***The complainant is required to provide a signed, original copy of the fax or e-mail transmittal for MRMPO to be able to process it.***
 - e. Allegations received by telephone will be reduced to writing and provided to complainant for confirmation or revision before processing.
2. Complaints may be submitted to Kelsey Sharp, MRMPO Office Specialist II & Title VI Coordinator, through the following methods:
 - By Email: ksharp@rvcog.org
 - By Mail: MRMPO Title VI Coordinator
Rogue Valley Council of Governments
Post Office Box 3275
Central Point, OR 97502
 - By Phone: 541-423-1375
 - By Facsimile: 541-664-7927
3. Upon receipt of the formal complaint, the Title VI Coordinator will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. All formal complaints will be referred to the Oregon

Department of Transportation's (ODOT) Office of Civil Rights, for proper disposition pursuant to their procedures.

4. In order to be accepted, a formal complaint must meet the following criteria:
 - a. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
 - b. The allegation(s) must involve a covered basis such as race, color, national origin, sex, income, age, or disability.
 - c. The allegation(s) must involve a program or activity of a Federal-aid recipient, subrecipient, or contractor.
 - d. The complainant(s) allegation must be detailed to specify all issues and circumstances of the alleged discrimination.
5. A formal complaint shall be investigated unless:
 - a. The complainant requests the withdrawal of the complaint.
 - b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
 - c. The complainant cannot be located after reasonable attempts.
6. Contact information for the state and federal Title VI administrative jurisdiction is as follows:

Oregon Department of Transportation
Mail: Office of Civil Rights Oregon Department of Transportation
Attn. Angela Crain, Office of Civil Rights Manager
955 Center St. NE, Suite 471
Salem, Oregon 97301

Phone: 503-986-4353
Email: Angela.M.Crain@odot.state.or.us

Federal Highway Administration Office of Civil Rights
Mail: 1200 New Jersey Avenue, SE
8th Floor E81-314
Washington, DC 20590

Phone: 202-366-0693
Fax: 202-366-1599
TTY: 202-366-5132

Federal Transit Administration Office of Civil Rights
Mail: Attention: Title VI Program Coordinator
East Building, 5th Floor – TCR
1200 New Jersey Avenue, SE
Washington, DC 20590

Phone: (202) 366-4043
TTY: 1-800-877-8339

Environmental Justice

Background

Executive Order 12898, “Federal Actions to Address Environmental Justice (EJ) in Minority Populations and Low-income Populations” was enacted in 1994 to reinforce Title VI of the Civil Rights Act of 1964. The Civil Rights Act states 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” (U.S. Code 1964).*

Executive Order 12898 states, *“Each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations” (Federal Register 1994).* The Executive Order clearly adds the minorities and low-income people to the list of protected class.

MRMPO receives federal funds and is therefore responsible for integrating environmental justice standards into its transportation planning and programming activities. These standards include the following:

- Avoid, minimize, or mitigate disproportionately high and adverse effects of its activities on minority populations and low-income populations.
- Ensure involvement of low-income and minority groups in the decision making process.
- Ensure low-income and minority groups receive their fair share of benefits.

Limited English Proficiency (LEP) (Executive Order 13166)

One of the categories covered under Title VI is national origin. A type of national origin discrimination includes discrimination based on a person’s inability to speak, read, write, or understand English. As a recipient of federal funds, the MPO must take reasonable steps to ensure that LEP persons have meaningful access to the programs, services, and information the MPO provides. Determination of “reasonable steps” are based on a four-factor analysis that takes into account the following: 1) the number and proportion of LEP persons in the MPO area who may be served or are likely to encounter an MPO program, activity or service; 2) the frequency with which LEP persons come in contact with MPO programs, activities or services; 3) the nature and importance of programs, activities or services provided by MPO to the LEP population; 4) the resources available to the MPO and overall costs to provide LEP assistance.

MRMPO Implications: As shown in Table 3 on page 11, the LEP population in the MRMPO planning area accounts for less than 1% of the total population (.42%, less than 200 persons). The MRMPO will upon request provide written/oral communications in Spanish, as well as conduct public outreach efforts to organizations that serve LEP populations in the MRMPO area.

Demographic Profile: MRMPO Area Likely-Underserved Populations

Below and the following pages contain tables, text, and maps that display information regarding Likely-Underserved populations within the MRMPO planning area. For purposes of this analysis, Likely-Underserved populations are defined as racial minorities, individuals living below the federal poverty level, those with Limited English Proficiency (LEP), and seniors (age 65+). Data gathered by the U.S. Census Bureau is used to identify such populations, which includes American Community Survey (ACS) 5-year estimates (2012-2016) and data collected from the 2010 U.S. Census decadal survey.

Data analysis will be conducted annually in conjunction with annual reporting requirements. The updated information will be incorporated into the MRMPO Title VI Plan, as needed.

Note: Levels of Geography Available for Mapping MRMPO Areas

The maps contained on the following pages identify concentrations of the area's minority, low-income, and senior populations. Due to the limited availability of population data for smaller communities such as those that comprise the MRMPO, a variety of census geographies had to be used for the mapping (ex: census tract, block group, census places). It should also be noted that for those Josephine County census tracts that lie partially within the MPO boundary, the data for the entire census tract was used. Please refer to the maps on the following pages for a visual depiction of the levels of geography used for this analysis.

Minority Population

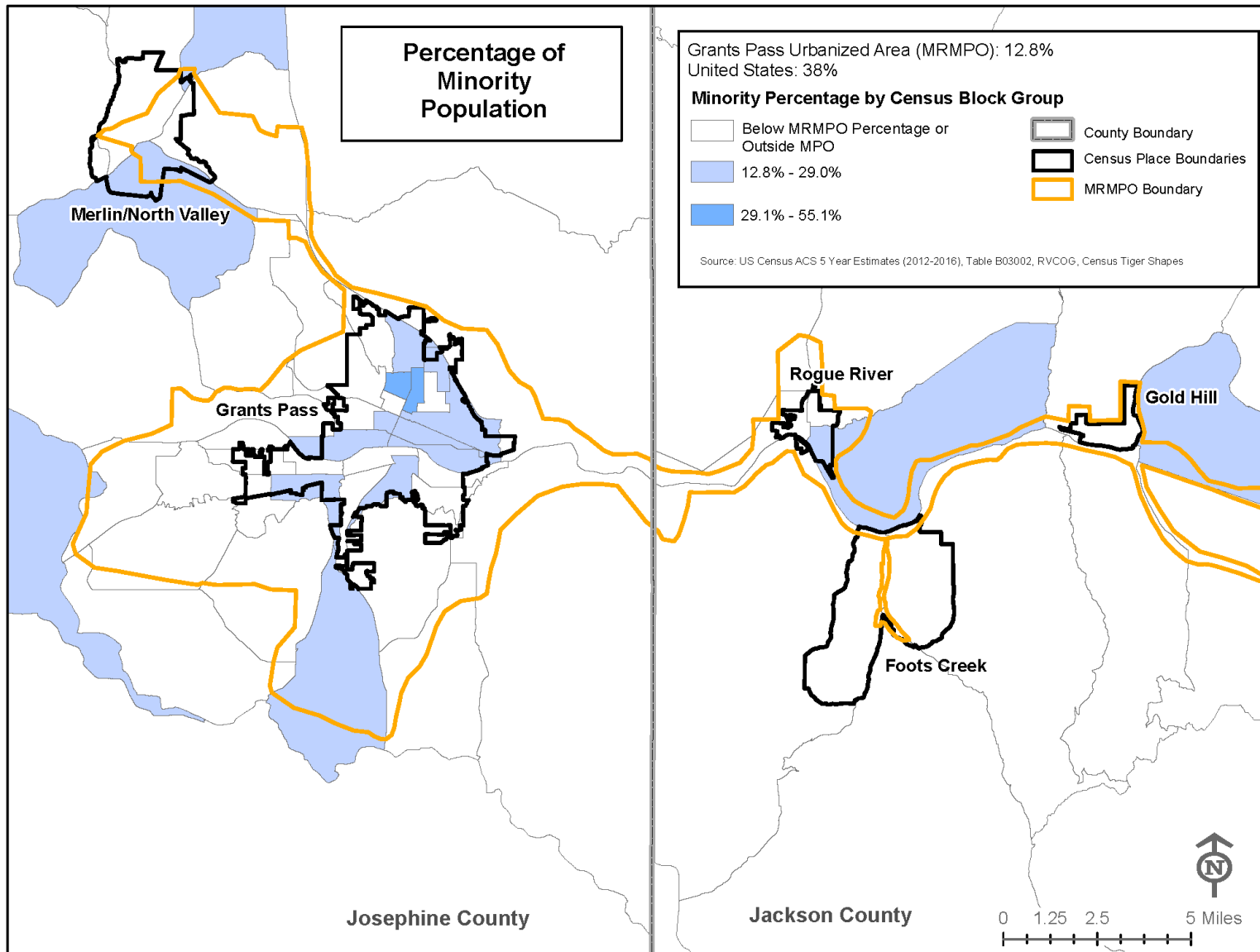
For purposes of this analysis, Minority is defined as persons who reported their ethnicity and race as a group other than non-Hispanic white-alone. Within the MRMPO Planning Area, the 2012-2016 ACS estimates 12.8% of the population belong to a minority group. Map 1 on the following page identifies block groups containing minority populations over the 12.8% area average. For comparison, the table below contains minority statistics at the national, state, county, and local levels.

Table 1: Minority Population

United States	38.0%
State of Oregon	23.0%
Josephine County	12.3%
Jackson County	18.0%
MRMPO Area	12.8%
Grants Pass	14.2%
Rogue River	5.0%
Gold Hill	9.3%

Source: 2012-2016 ACS, Table B03002

Map 1: Minority Population



Low-Income Population

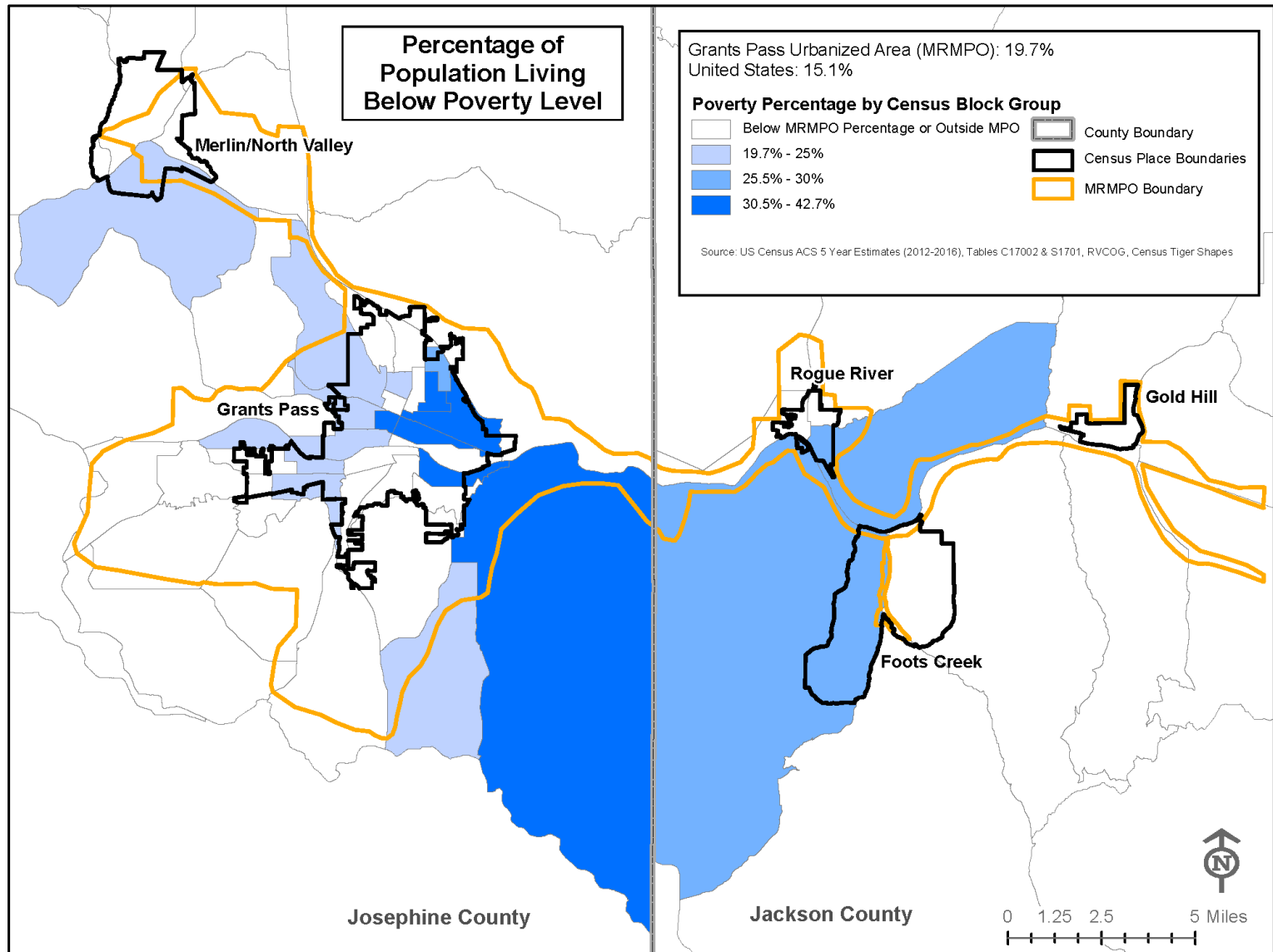
According to 2012-2016 American Community Survey (ACS) data, 19.7% of individuals living within the MRMPO Planning Area had an income below the poverty level in the previous 12 months. Map 2 on page 14 illustrates the higher concentrated areas of poverty by census block group. The identified block groups on the map contain low-income population percentages greater than the MRMPO area average of 19.7%.

Table 2: Population Living Below the Poverty Level

United States	15.1%
State of Oregon	15.7%
Josephine County	19.5%
Jackson County	18.0%
MRMPO Area	19.7%
Grants Pass	20.4%
Rogue River	21.0%
Gold Hill	14.4%

Source: 2012-2016 ACS, Tables C17002 & S1701

Map 2: Population Living Below the Poverty Level



Limited English Proficiency (LEP) Population

Data on ability to speak English were derived from the answers to the American Community Survey questionnaire Item 14.c, where respondents were asked to indicate their ability (and others in their household age 5+) to speak English. For purposes of LEP population identification, only those that selected “Not well” or “Not at all” were used in this analysis.

Table 3: Those Who Speak English Less than “Well”

United States	4.2%
State of Oregon	3.1%
Josephine County*	<1.0%
Jackson County*	2.0%
MRMPO Area*	<1.0%
Grants Pass*	<1.0%
Rogue River*	<1.0%
Gold Hill*	<1.0%

Source: 2012-2016 ACS, Table B16004

*High margin of error due to small sample sizes.

Senior Population

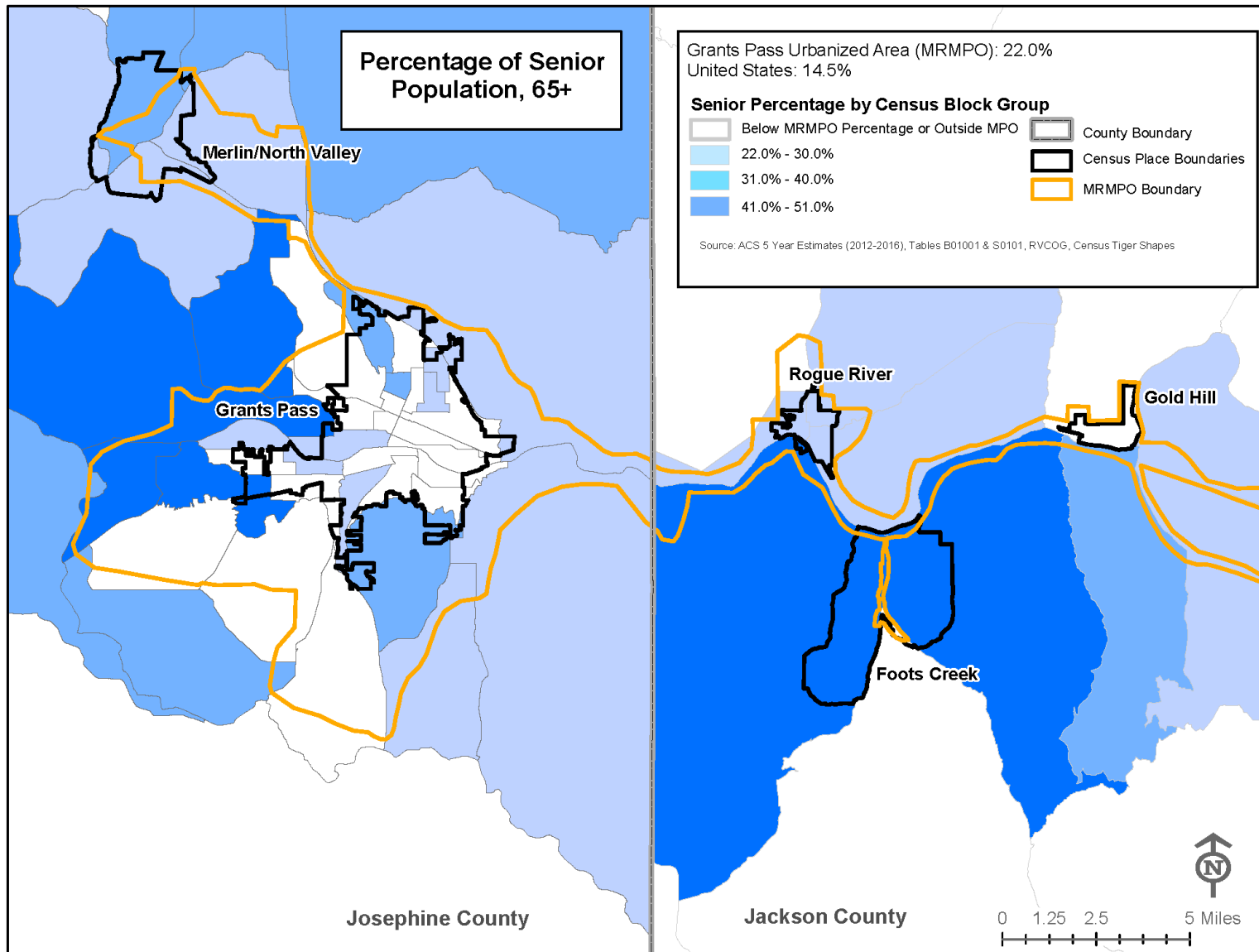
According to 2012-2016 ACS data, 22% of the population within the MRMPO area is age 65 or over. This regional percentage is used in Map 3, page 16, where senior populations higher than the MPO area percentage have been identified. The information in Table 4 below is provided for comparison purposes.

Table 4: Population Age 65+

United States	14.5%
State of Oregon	15.9%
Josephine County	24.6%
Jackson County	20.2%
MRMPO Area	22.0%
Grants Pass	20.2%
Rogue River	25.7%
Gold Hill	14.5%

Source: 2012-2016 ACS, Tables B01001 & S0101

Map 3: Senior Population



Public Participation

MRMPO Public Participation Plan

The MRMPO has an adopted Public Participation Plan that describes methods, strategies and desired outcomes for public participation, addressing outreach to a broadly defined audience of interested parties. The purpose of the plan is to provide all interested parties with reasonable opportunities to comment on the MRMPO's plans, programs and projects. The plan is intended to encourage, facilitate and follow through on public comments, concerns and suggestions by establishing procedures for providing full public access to information and decisions, timely public notices, and early and continuing public involvement in plan development.

Strategies for Involving Likely-Underserved Populations

To better involve Likely-Underserved Populations, MRMPO may employ a combination of the following measures:

- Consulting with community organizations that serve Likely Underserved communities (such as social, religious, non-profit, and government entities)
- Purchasing advertisement and/or placing public notification in publications serving Likely-Underserved communities
- Providing assistance, upon request, and with 48 hours notice, to the hearing and visually impaired, those not fluent in English, and others requiring assistances at all MPO meetings, hearings and public events. Public notices of these events shall notify the public of this opportunity. Meetings shall be held in ADA-compliant venues and RVCOG staff Spanish translators are available
- Selecting meeting sites that are accessible by transit and centrally located to be reasonably accessible by means other than the automobile

The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination

Assurances

DOT Order No. 1050.2A

The Middle Rogue Metropolitan Planning Organization (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through Oregon Department of Transportation, is subject to and will comply with the following:

Statutory/Regulatory 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);
- 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure 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 otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the Oregon Department of Transportation.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Federal Transportation Aid program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard

to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal Transportation Aid Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

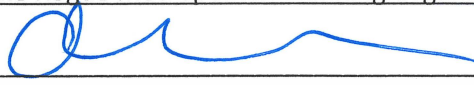
"The Middle Rogue Metropolitan Planning Organization, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts 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 will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom they delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, Middle Rogue Metropolitan Planning Organization also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Middle Rogue Metropolitan Planning Organization access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Middle Rogue Metropolitan Planning Organization. You must keep records, reports, and submit the material for review upon request to Middle Rogue Metropolitan Planning Organization, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

Middle Rogue Metropolitan Planning Organization gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal Transportation Aid Program. This ASSURANCE is binding on Oregon, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal Transportation Aid Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Middle Rogue Metropolitan Planning Organization
by 
Ann Marie Alfrey, Executive Director
DATED 8/24/2021

APPENDIX A of USDOT Assurances

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 Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Oregon Department of Transportation, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** 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 Non-discrimination 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 Oregon Department of Transportation 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 Oregon Department of Transportation, 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 Oregon Department of Transportation 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 Oregon Department of Transportation 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 of USDOT Assurances

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 Middle Rogue Metropolitan Planning Organization will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Transportation Aid Program, and the policies and procedures prescribed by the Oregon Department of Transportation 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, Non-discrimination 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 Middle Rogue 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 Middle Rogue 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 Middle Rogue Metropolitan Planning Organization, its successors and assigns.

The Middle Rogue 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 Middle Rogue 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, Non-discrimination 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 of USDOT Assurances

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 Middle Rogue Metropolitan Planning Organization pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for themselves, their 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 Non-discrimination covenants, Middle Rogue 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 Non-discrimination covenants, the Middle Rogue 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 Middle Rogue 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 of USDOT Assurances

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 Middle Rogue 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 Non-discrimination covenants, Middle Rogue 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, Middle Rogue Metropolitan Planning Organization will there upon revert to and vest in and become the absolute property of Middle Rogue 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 of USDOT Assurances

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 non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination 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 Non-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);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).