

**SJTPO**

# **Title VI**

## **Implementation Plan**

Adopted May 24, 2021



**South Jersey  
Transportation  
Planning Organization**

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## Overview

The South Jersey Transportation Planning Organization (SJTPO) is the federally designated Metropolitan Planning Organization (MPO) for the four-county region composed of Atlantic, Cape May, Cumberland, and Salem Counties in southern New Jersey.

As a recipient of federal funding, the MPO is required to comply with various civil rights statutes, executive orders, and regulations that are intended to ensure that traditionally underserved populations are included in the planning process and have access to MPO activities. The primary civil rights authorities include:

- **Title VI of the Civil Rights Act of 1964**, which states that “no persons 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.”
- **Executive Order 13166—Improving Access to Services for Persons with Limited English Proficiency (LEP)**, which directs federal agencies, and recipients of federal funding, to provide meaningful language access to their services. Under Title VI, LEP is considered the primary marker of national origin.
- **Executive Order 12898—Federal Actions to Address Environmental Justice (EJ) in Minority Populations and Low-income Populations**, which requires federal agencies (and recipients of their funding) to address EJ concerns.
- **The Americans with Disabilities Act (ADA)**, which prohibits public entities from discriminating against persons with a disability or excluding them from participation in, or denying them the benefits of, their services, programs, or activities.

The Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) require MPOs to comply with these civil rights mandates by developing programs to include underserved populations and monitoring and reporting regularly on the programs’ success. This implementation plan addresses the reporting requirements under Title VI of the Civil Rights Act of 1964 and FHWA's annual reporting requirements under its Title VI/non-discrimination program. The report provides a detailed look at the demographic composition of the region, while including ways in which the SJTPO will maintain, monitor, and analyze information to ensure compliance. The demographic composition of the SJTPO region’s population includes:

- A highly diverse population that is 39 percent minority. Hispanic, Black and Asian people comprise the largest groups of minorities in the region. Hispanics are the largest of the three at 18.5 percent of total regional population.
- Over 30,000 households (or 14.7 percent) live below the poverty level.
- Approximately 9.3 percent of the population is considered LEP. Of that, the largest share are the 6.2 percent (or 34,711 persons) who speak Spanish or Spanish Creole and speak English less than very well.

- People with disabilities comprise 14.0 percent of the population.
- About 7.4 percent of the population is 75 and older.

The implementation plan makes the following commitments in keeping with laws and regulations covering MPOs:

- The SJTPO strives to ensure that all segments of the population have the opportunity to be involved in the transportation planning process.
- The SJTPO conducts extensive public outreach and is committed to accessible engagement, including for traditionally underserved residents and those with disabilities or limited English proficiency, as outlined in its Public Involvement Plan (PIP).
- The SJTPO's Title VI Coordinator is responsible for overseeing compliance and ensuring implementation of the Title VI program.
- The SJTPO's Title VI Complaint Procedure specifies the SJTPO's process for investigating Title VI complaints, while ensuring due process for complainants and respondents. Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has the right to file a formal complaint within 180 calendar days of the alleged occurrence. Complaints can be e-mailed to [TitleVI@SJTPO.org](mailto:TitleVI@SJTPO.org).
- Demographic and other data will be used to analyze and measure transportation investment benefits and burdens to the protected population, including minority and low-income residents, those with limited English proficiency or disabilities, zero-vehicle households, and older residents.
- The SJTPO consistently considers transportation equity when developing studies as listed within the Unified Planning Work Program (UPWP), selecting projects for inclusion in the Regional Transportation Plan (RTP), and programming projects in the Transportation Improvement Program (TIP). Taken as a whole, the transportation planning services provided by the SJTPO do not pose disproportionate or adverse impacts on minority populations.

## Section 1: Introduction

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### **Section 1.1: MPO Planning Process**

Federal legislation which authorizes funding for transportation improvements requires any urbanized area (UZA) with a population greater than 50,000 to have an MPO to plan for and make decisions on the use of that federal transportation funding. MPOs ensure that existing and future expenditures for transportation projects and programs are based on a continuing, cooperative and comprehensive (often referred to as 3C) planning process. Among other mandated functions, MPOs cooperate with State and public transportation operators to program federal funds for eligible transportation projects.

### **Section 1.2: Core MPO Products**

Under federal law, the SJTPO is responsible for producing the planning products described below.

- **Regional Transportation Plan (RTP)** — Updated every four years, the RTP sets out a vision for the development of the region's transportation infrastructure over 20+ years. It includes goals and strategies, as well as an analysis of regional trends.
- **Transportation Improvement Program (TIP)** — Updated every two years, the TIP is a four-year list of projects drawn from the RTP. To be eligible for federal funding, proposed projects must be approved by the SJTPO Policy Board for inclusion in the TIP.
- **Unified Planning Work Program (UPWP)** — Updated annually and guided by the RTP, the UPWP summarizes transportation planning activities to be conducted by the SJTPO staff, member agencies and other transportation agencies in the region.
- **Air Quality Conformity Determination** — The SJTPO is required to conduct an analysis of the air quality impacts of the RTP and TIP, called a conformity determination, to demonstrate that projects and programs conform to the New Jersey State Implementation Plan (SIP) for meeting and maintaining National Ambient Air Quality Standards (NAAQs).
- **Public Involvement Plan (PIP)** — Updated periodically, the PIP outlines how SJTPO is meeting all federal public involvement mandates. It is regularly updated to reflect SJTPO's current outreach activities. The PIP reaffirms SJTPO's commitment to an accessible, open, and inclusive planning process.
- **Congestion Management Process (CMP)** — Updated periodically, the CMP is a systematic process that provides for safe and effective integrated management and operation of the multimodal transportation system.
- **Access for All Transit Plan** — Updated every five years, the Access for All Transit Plan serves as the Coordinated Human Services Transportation Plan for the SJTPO region. This Plan identifies unmet transportation needs and recommends improvements and opportunities for coordination.

### **Section 1.3: SJTPO Structure**

The governing body of the SJTPO is the Policy Board. It consists of eleven voting members; one elected official from each county government, one municipal elected official from each county (specifically including the Mayors of Atlantic City and Vineland), and one representative each from the New Jersey Department of Transportation (NJDOT), New Jersey Transit (NJ TRANSIT), and the South Jersey Transportation Authority (SJTA). The Policy Board is informed by recommendations of the Technical Advisory Committee (TAC), a committee of planning and engineering experts in the region.

The TAC is a thirteen-member committee comprised of staff of each Policy Board member, as well as representatives of the New Jersey Turnpike Authority (NJTA) and the Delaware River and Bay Authority (DRBA). The FHWA, FTA, South Jersey Economic Development District



(SJEDD), and the Cross County Connection Transportation Management Association (CCCTMA) each have one non-voting representative on the TAC.

## **Section 2: Title VI Compliance**

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### **Section 2.1: FHWA and FTA compliance**

The SJTPO, as the subrecipient of federal funds through NJDOT, has committed that, as a condition to receiving any federal financial assistance from the United States Department of Transportation (USDOT), through FHWA, it will comply with all applicable laws and regulations relating to Title VI and non-discrimination. A formal statement of assurances is included in Appendix A.

### **Section 2.2: Why Title VI and EJ are Important in the Planning Process**

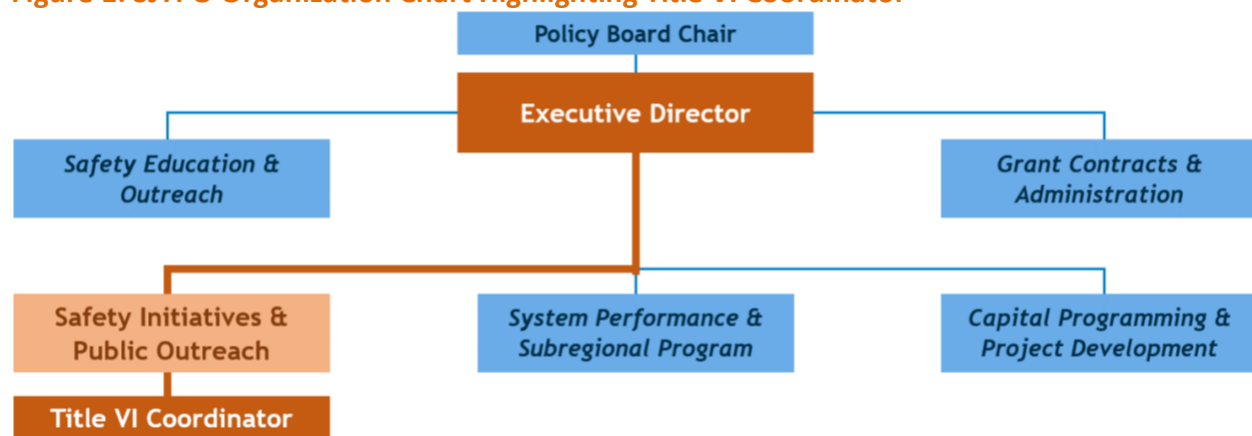
Title VI of the Civil Rights Act of 1964 and Executive Order 12898 on EJ are integral parts of the transportation planning and programming process throughout the United States, particularly in urban regions. As stated previously, the SJTPO produces the RTP, TIP, UPWP, Air Quality Conformity, which are required for the MPO to be certified as meeting federal requirements for metropolitan transportation planning and to receive federal surface transportation funds. All these documents, to various degrees, prioritize projects and programs that address the needs of populations under the EJ and Title VI programs. The commitment to Title VI and EJ has, and continues to be, reflected in the SJTPO's work program, publications, communications, and public involvement efforts.

This Title VI Implementation Plan institutes a framework to ensure compliance by SJTPO with regards to Title VI, the EJ Executive Order, and related statutes regarding nondiscrimination.

### **Section 2.3: Role of the Title VI Coordinator**

SJTPO's Public Outreach Coordinator serves as the Title VI Coordinator and is responsible for overseeing compliance and ensuring implementation of the Title VI program. The Coordinator of the Title VI Program is ultimately responsible for the day-to day administration and monitoring of Title VI and EJ activities and preparing all required reports. Other staff members are expected to provide information and support to assist the Title VI Coordinator to perform his/her/their tasks that pertain to non-discrimination regulations and procedures detailed in federal guidance and the SJTPO's Title VI Implementation Plan.

The Title VI Coordinator reports to the Program Manager of Safety Initiatives and Public Outreach, who reports directly to the Executive Director. This is highlighted in the organization chart, shown below.

**Figure 1: SJTPO Organization Chart Highlighting Title VI Coordinator**

In support of this, the Title VI Coordinator will:

- Ensure all SJTPO activities follow the Title VI Implementation Plan and monitor the implementation of the program and any related compliance issues.
- Ensure the collection of data related to this Title VI Implementation Plan, including statistical data (e.g., race, color, gender, age, disability, and language proficiency) for use in planning and monitoring by SJTPO, its subregions, consultants, and the public.
- Ensure that Title VI Implementation Plan information is disseminated to SJTPO staff, member agencies, consultants engaged in technical studies for SJTPO or member agencies, participants in the metropolitan transportation planning process, and the public.
- Ensure the inclusion of the Title VI Policy Statement in contracts and organizational materials, products and reports, and that Title VI Implementation Plan policies, provisions, and related requirements are provided, as applicable, to consultants, vendors or other parties under direct contract with the SJTPO.
- Identify, investigate, and address discrimination when found to exist relating to SJTPO's metropolitan transportation planning process, which includes all projects, studies, and programs.
- Monitor federal and state laws, rules, regulations, guidelines, and other resource information pertaining to SJTPO's Title VI Implementation Plan.
- Develop and maintain a list of interpretation or translation service providers.
- Assess communication strategies and address additional language needs as they arise.
- Prepare annual reports summarizing all of SJTPO's Title VI activities, accomplishments, and complaints.
- Periodically review the SJTPO's Title VI program to assess whether administrative procedures are effective, staffing is appropriate, and adequate resources are available to ensure compliance.

- Review important issues related to non-discrimination with the Executive Director, as needed.
- Coordinate with appropriate federal, state, and regional entities to periodically provide SJTPO's employees with training opportunities regarding non-discrimination.

The SJTPO will ensure that the metropolitan transportation planning process and its products and processes, including contracts, comply with this Title VI program. Routine compliance discussions will be held with the SJTPO's member agencies as part of annual program audits, and the member agencies will be encouraged to participate in related training, presentations, conferences, and webinars sponsored by NJDOT and/or FHWA and FTA.

SJTPO's Title VI Coordinator is responsible for advising staff about available training in support of Title VI compliance. This will be done in coordination with NJDOT, DVRPC, NJPTA, and the South Jersey Transportation Authority, who serves as SJTPO's administrative host. Information on related training, such as diversity and Equal Employment Opportunity (EEO)/Affirmative Action, is circulated and is also made available to the member agencies. Materials received by the agency on training and educational opportunities will be made available to all staff members, including any training from NJDOT and federally funded training provided by agencies such as the National Highway Institute and National Transit Institute.

#### **Section 2.4: Complaint Procedures and Activities**

SJTPO's Title VI Complaint Procedure specifies the process employed by SJTPO to investigate Title VI complaints, while ensuring due process for complainants and respondents. This process does not prohibit the SJTPO from attempting to informally resolve complaints where possible.

The Title VI Complaint Procedure applies to all external complaints relating to SJTPO's metropolitan transportation planning process, filed under Title VI of the Civil Rights Act of 1964 (including related Disadvantaged Business Enterprise (DBE) and EEO provisions), as well as other related laws as specified in this Title VI program, which prohibit discrimination on the basis of race, color, disability, sex, age, income, or national origin.

The Title VI Complaint Procedure is an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant. Intimidation or retaliation of any kind is prohibited by law. SJTPO will use procedures approved by FHWA to investigate complaints filed directly with the SJTPO against contractors and sub-recipients. This is in accordance with [23 CFR 200.9 \(b\) \(3\)](#). The SJTPO cannot investigate complaints filed against itself.

Under this procedure, any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has the right to file a formal complaint. The complaint must be filed within 180 calendar days of the alleged occurrence, when the alleged discrimination became known to the complainant, or when there has been a continuing course of conduct, the date on which the conduct was discontinued or the latest instance of the conduct.

Complaints shall be filed by completing and submitting the SJTPO's designated [Title VI Non-Discrimination Complaint Form](#) available on its website (a copy of the complaint form is also available in Appendix C for reference). Complaints can also be submitted without the complaint form, as long as the information required by the form is included in the complaint, including the complainant's name, mailing address, name of agency or department that discriminated, a description of the discrimination, identification of witnesses. Complaints can be e-mailed to [TitleVI@sjtpo.org](mailto:TitleVI@sjtpo.org). The complaint can also be mailed to the Title VI Coordinator, South Jersey Transportation Planning Organization, 782 South Brewster Road, Unit B6, Vineland, New Jersey 08361 or faxed to the Title VI Coordinator, SJTPO, at (856) 794-2549. "Title VI Complaint" should be noted in the subject line of the e-mail, letter, or fax.

If information is needed in another language, the Title VI Coordinator can be contacted at (856) 794-1941. The Title VI Coordinator will provide appropriate assistance to complainants who need help filing a complaint, including those persons with disabilities, or who are limited in their ability to communicate in English. Complaints received by telephone will be recorded in writing by the Title VI Coordinator and will be processed after the complainant confirms and edits the statement, if necessary. Complaint forms that are prepared by the SJTPO Title VI Coordinator will be processed after they are forwarded to the complainant to be verified, signed, and returned to the SJTPO Title VI Coordinator.

The SJTPO will process written complaints that are complete. Complaints need to adhere to the following:

- Complaints must include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
- Complaints must present a detailed description of the issues, including the basis of the complaint (e.g., race, color, national origin); and names, agencies and job titles of those individuals perceived as parties in the complained-of incident.
- Complaints must include sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives federal financial assistance.

The Title VI Coordinator will acknowledge receipt of the complaint by letter or email (whichever is applicable) to the complainant(s) within 10 business days of receipt of the complaint. The letter or email will advise the complainant(s) that the complaint is being investigated and provide a date by which the complainant will receive a response, within 90 days of the receipt of the complaint. If a complaint is filed against the SJTPO, then it will be forwarded to NJDOT for processing and investigation.

Should additional information be needed to assess or investigate the complaint, the Title VI Coordinator will contact the complainant within 10 business days of the postmark of the acknowledgement of the complaint. The complainant's failure to provide the requested

additional information by the date specified by the Title VI Coordinator could result in the administrative closure of the complaint. If the complaint is rejected, the Title VI Coordinator will inform the complainant of the appropriate appeal authority and set up a timeline for an appeal.

With the complainant's consent, and in the best interests of all parties involved in the complaint, attempts may be made to resolve the matter informally. However, if the complainant is dissatisfied with the SJTPO's decision, he/she/they may bring the matter to the attention of the NJDOT, FHWA, FTA, US Department of Transportation (USDOT), and the US Department of Justice (USDOJ).

If the complaint has merit, the Title VI Coordinator will supervise a thorough investigation and submit a written Report of Findings to the SJTPO's Executive Director for a final determination. Within 60 days of the receipt of the complaint, SJTPO will notify the complainant of its findings, the proposed disposition of the matter, the avenues available for appeal, and the timeline to appeal if there is dissatisfaction with the SJTPO's decision. The proposed remedy will include the actions necessary to correct and prevent future occurrences.

SJTPO will issue letters of findings for all investigations processed or develop informal settlements for all complaints processed. In accordance with regulations at 23 CFR 200, SJTPO will forward a copy of the complaint and a copy of the its report of the investigation to the NJDOT and the FHWA Division Office, within 60 days of the date the complaint was received. The FHWA may grant an extension of an additional 60 days for justifiable reasons.

#### **Section 2.5: Record of Title VI Investigations, Complaints, or Lawsuits**

SJTPO must prepare and maintain a list of any active investigations, lawsuits, or complaints naming the SJTPO and/or its subrecipients, that allege discrimination on the basis of race, color, national origin, sex, age, disability, or retaliation. SJTPO also has the responsibility to periodically inform the NJDOT and FHWA Division Office of the status of all complaints and lawsuits.

If a Title VI complaint is made against the SJTPO, it will be logged and kept on record file at the SJTPO office. The Title VI Complaint Log will include the following information:

- Name of the complainant(s);
- Date complaint (or lawsuit) was received;
- Nature of the complaint;
- Name of the SJTPO's Title VI Coordinator or other SJTPO representative dealing with the complaint;
- Status; and
- Disposition of the complaint.

**Section 2.6: Compliance and Enforcement Procedures**

The MPO provides equal access to the transportation planning process and ensures its policies and programs are non-discriminatory and do not negatively impact minority and low-income individuals. SJTPO has developed a wide range of procedures to meet the general requirements of Title VI and is committed to ensuring that it complies with applicable federal regulations and procedures. The MPO utilizes the following monitoring and program review procedures to ensure compliance with Title VI and address deficiencies where needed:

- Completes Title VI assurance documentation required for federally funded projects or programs.
- Monitors SJTPO programs and activities on an on-going basis to ensure non-discrimination, through daily involvement and reviews of relevant MPO program activities and documents.
- Assesses communication strategies and addresses additional language needs as they arise.
- Develops Title VI discrimination complaint procedures and monitors complaint process.
- Provides training to staff and subrecipients on Title VI law and requirements.
- Ensures Disadvantaged Business Enterprise (DBE) participation on the procurement of services through RFP solicitation process.
- Develops and maintains subrecipient monitoring procedures to ensure compliance with Title VI.
- Participates in quarterly MPO Collaboration meetings with NJDOT, FHWA, FTA, and other MPOs.
- Periodically reviews data and data sources on minority and underserved populations.

**Section 3: Key Areas of Title VI Activities for SJTPO****Section 3.1: Planning and Programming**

As indicated earlier, the SJTPO is responsible for developing an RTP, TIP, UPWP, and air quality conformity, for the use in programming federal transportation funding for both planning activities and transportation projects within its planning area. As part of the Title VI requirements, the SJTPO's planning and programming activities seek to ensure compliance by looking at the most current and complete data on the region's residents each year in terms of age, race, income, English proficiency, disabilities, and zero-vehicle households. This data shall be used to analyze and measure transportation investment benefits and burdens to the protected population, including minority and low-income populations and others. Data gathering procedures will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI program. The SJTPO will use this information to inform not only the planning activities, but also support the TIP Project Evaluation Criteria to ensure equitable investments in the region.



An EJ and Title VI assessment of the metropolitan transportation planning process will be undertaken to reflect the SJTPO's RTP update every four years and the TIP update every two years to demonstrate that the burdens and benefits of transportation plans and programs are distributed equitably across racial and socioeconomic groups. Using this analysis staff and member agencies can assess the impacts that plans, programs, and projects may have on low-income and minority residents and other segments of the population.

In addition, the SJTPO will continue to provide the necessary data and guidance to subregions to ensure that planning studies funded through the SJTPO complete an EJ and Title VI assessment (where applicable).

### **Section 3.2: Public Outreach and Involvement**

#### ***Section 3.2.1: Four Factor Analysis***

Consistent with Title VI of the Civil Rights Act of 1964, USDOT's implementing regulations, and Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (65 FR 50121, Aug. 11, 2000), recipients must take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for LEP persons. This includes conducting a four-factor analysis to determine the specific language services that are appropriate to provide as part of the recipient's Language Assistance Plan, which will be discussed further in the next section.

The four-factor analysis is based on the framework provided in Section V of USDOT's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons.

#### **Factor 1: The number or proportion of LEP persons eligible to be served or encountered by SJTPO programs, services, or activities.**

LEP populations are comprised of persons who are unable to communicate effectively in English because their primary language is not English, and they have not developed fluency in the English language. Thus, people included in LEP populations may have difficulty speaking or reading English and will need translation to and from their primary language. USDOT has adopted the Department of Justice's Safe Harbor Provision, which outlines requirements for translation of written materials for LEP populations. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes 5 percent of the region's total population or 1,000 persons, whichever is less, then such action will be considered strong evidence of compliance with the recipient's written translation obligations.

To better understand the number or proportion of LEP persons in the SJTPO region, demographic data for people that speak English "less than very well" (as defined by the Census) was collected and analyzed. Due to limitations in data coverage and availability county level data for the 2015 American Community Survey (ACS) 5-year estimates was used. Table 1 details the LEP population, by language spoken based on ability to speak English. The five (5) language groups, highlighted in orange, fall under the "Safe Harbor" provision as explained in the USDOT

guidance; they will be referred to when identifying LEP individuals who may need language assistance.

**Table 1: LEP Population, by Languages Spoken (Safe Harbor Languages in Orange)**

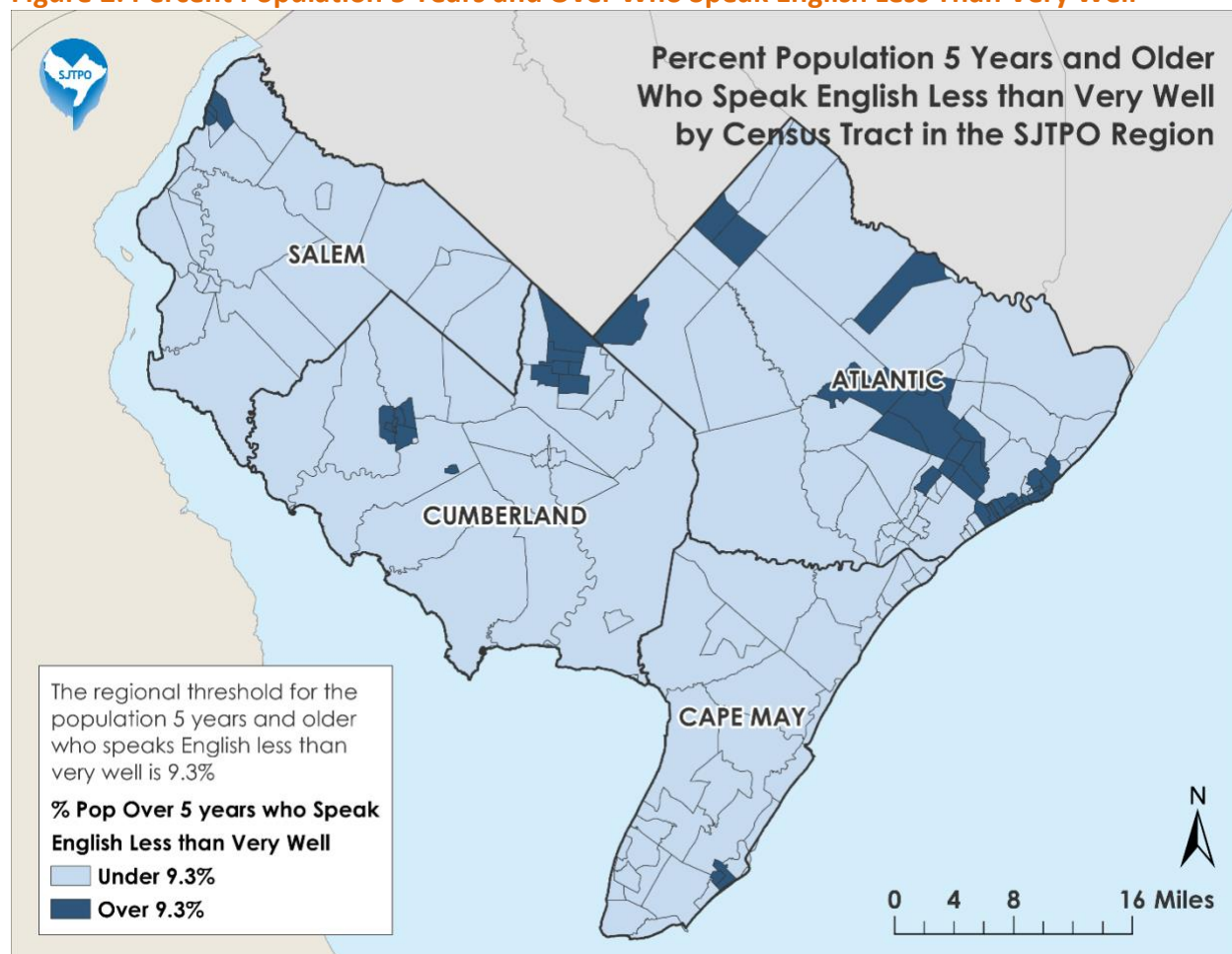
Geographic Area Name	SJTPO Region	Atlantic County	Cape May County	Cumberland County	Salem County
Total Population	571,568	265,429	92,560	150,972	62,607
Total (Age 5+)	557,984	258,822	91,308	146,466	61,388
Speak only English	434,716	187,888	82,287	108,326	56,215
Total LEP Population	51,707	29,806	3,480	16,060	2,361
Percent LEP Population	9.3%	11.5%	3.8%	11.0%	3.8%
Spanish or Spanish Creole	34,711	16,288	2,175	14,396	1,852
Chinese	2,495	2,244	54	156	41
Vietnamese	2,329	2,294	27	8	0
Other Indic languages	2,250	2,124	79	47	0
Gujarati	1,731	1,580	44	93	14
Russian	788	313	168	300	7
Tagalog	743	581	56	70	36
Italian	733	333	190	201	9
Korean	665	438	49	95	83
French Creole	569	506	0	49	14
Arabic	494	426	5	10	53
Hindi	423	252	0	149	22
Urdu	418	411	0	0	7
Greek	400	269	74	23	34
Other Slavic languages	376	138	136	23	79
Polish	360	174	88	72	26
French (incl. Patois, Cajun)	353	258	62	30	3
Other Asian languages	308	120	0	188	0
German	220	89	80	31	20
Other Indo-European languages	187	150	24	13	0
African languages	183	153	30	0	0
Serbo-Croatian	158	91	37	12	18
Japanese	137	31	48	58	0
Portuguese or Portuguese Creole	134	75	46	5	8
Armenian	108	108	0	0	0
Persian	96	80	6	0	10
Laotian	66	66	0	0	0
Thai	63	63	0	0	0
Other and unspecified languages	51	6	0	25	20
Other Pacific Island languages	48	48	0	0	0
Yiddish	35	35	0	0	0

<b>Hebrew</b>	29	29	0	0	0
<b>Mon-Khmer, Cambodian</b>	17	17	0	0	0
<b>Hungarian</b>	14	12	2	0	0
<b>Other Native North American languages</b>	11	0	0	6	5
<b>Scandinavian languages</b>	4	4	0	0	0
<b>Other West Germanic languages</b>	0	0	0	0	0
<b>Hmong</b>	0	0	0	0	0
<b>Navajo</b>	0	0	0	0	0

Source: ACS, 2015 5-year Estimates, Table B16001: "Language Spoken at Home by Ability to Speak English for the Population 5 Years and over."

As shown in the table above, the 9.27 percent of the SJTPO region's population that speak English less than very well are considered LEP. Of that, 6.22 percent or 34,711 people speak Spanish or Spanish Creole. This is the most significant LEP group in the SJTPO region. Following Spanish and Spanish Creole are Chinese (0.45 percent), Vietnamese (0.42 percent) Other Indic Languages (0.40 percent), and Gujarati (0.31 percent). Under the Safe Harbor Provision, SJTPO is obligated to provide translation of written materials related to the planning products and analyses into languages that meet or exceed the established 5 percent or 1,000-person threshold. The five languages or language groups noted above meet or exceed this threshold. For purposes of these operating procedures, Spanish/Spanish Creole is considered the primary LEP language, while the remaining four languages are considered secondary LEP languages. The secondary LEP languages will be evaluated for translation and other LEP services on a case by case basis.

The figure below illustrates the spatial distribution of the region as it relates to population 5 years and older who speak English less than very well.

**Figure 2: Percent Population 5 Years and Over Who Speak English Less Than Very Well**

Source: ACS, 2015 5-year Estimates, Table B16001

**Factor 2: The frequency with which LEP persons come in contact with these programs, services, or activities.**

The four-factor analysis identified Spanish/Spanish Creole as the most significant language spoken by the LEP population in the SJTPO region. Staff will continue to monitor the requests for language assistance to gauge outreach effectiveness to this population.

The SJTPO conducts regular Policy Board meetings, advisory committee meetings, and other public meetings throughout the year. Community outreach and the website are the main source of potential contact between the MPO and LEP persons. While the frequency of contact is difficult to anticipate, the SJTPO endeavors to accommodate the needs of the LEP community on a case by case basis. The need for and the specific mechanisms for conducting outreach opportunities to engage populations that are traditionally not involved in the transportation planning process are outlined in the SJTPO's Public Involvement Plan (PIP).

**Factor 3: The nature and importance of these program, service, or activity to LEP people's lives.**

The SJTPO programs use federal funds to plan for future transportation improvements and projects, and therefore, do not include any direct service or program that requires vital, immediate, or emergency assistance, such as medical treatment or services for basic needs (like food or shelter). Involvement by any member of the public with the SJTPO or its committees is voluntary.

However, consistent with federal policy the SJTPO must ensure that all segments of the population, (including LEP persons), have been involved or have had the opportunity to be involved in the transportation planning process. The impact of proposed transportation investments on underserved and underrepresented populations is part of the evaluation process for using federal funds in the RTP, TIP, and UPWP.

The SJTPO will place emphasis on language assistance for educational materials and public input related to the three major areas identified above as well as the PIP and the Access for All Transit Plan. These materials often are helpful with outreach related to other projects and studies being conducted in the region.

**Factor 4: The resources available to the recipient and the overall cost to the SJTPO of providing meaningful language assistance measures.**

The SJTPO is working to assess the following available resources that could be used for providing LEP assistance:

- Identifying which documents should be translated
- Identifying what volunteer language interpreters are readily available
- Identifying how to secure on-going interpreter and translation services, including working with NJDOT, DVRPC, and NJTPA regarding possible resource pooling

***Section 3.2.2: Language Assistance***

As a small organization, SJTPO has not yet been in a position to establish standing contracts with firms to offer regular translation or interpretation services. SJTPO has been in communication with NJDOT and neighboring MPOs – DVRPC and NJTPA – regarding possible shared services that serve this standing function. SJTPO has reached out to its member subregions to identify if they have these services available that could be shared, but they have generally indicated that they do not have these services available on an on-going basis. It is SJTPO's intent to offer both written translation and oral interpretation assistance measures in any language, upon request. Outside of technical service contracts, which often include such services, and until other means are identified, SJTPO will utilize work with individuals who make requests to utilize transcription tools to assist and ensure equitable opportunities are provided.

SJTPO secured a consultant to provide Multilingual Outreach Services, as a part of a one-time contract. This contract included the translation of the executive summaries of each of SJTPO's vital documents, assisting SJTPO in identifying appropriate stakeholders, and providing

multilingual interpreters at events to receive feedback on the Title VI and LEP Plans and PIP to allow SJTPO to update these documents in 2021.

### **Section 3.2.3: LEP Plan**

The SJTPO conducts extensive public outreach and is committed to accessible engagement, as outlined in its PIP (Appendix F). As part of this outreach, accommodations are made to ensure individuals in the SJTPO region with limited English proficiency are able to participate in the planning process. The SJTPO provides website translation services in a wide range of languages through Google translate. In addition, the following assistance is provided:

- **Written Translation of “Vital Documents”** — Executive summaries of select core planning products (RTP, TIP, UPWP, Access for All Transit Plan, and PIP) are translated into the primary LEP language. The LEP Plan will be translated along with the Public Engagement Guide to Transportation Planning in South Jersey, and other various Title VI materials.
- **Translation of Outreach Documents** — As part of its public outreach for the RTP, TIP, UPWP, and other core planning documents, the SJTPO will translate meeting flyers, fact sheets, and surveys into the primary LEP language. Outreach products will be translated into the secondary LEP and other languages as needed on a case by case basis.
- **Oral Translation Services** — Requests for translation services, which must be made seven (7) days in advance of a meeting, can be submitted to [TitleVI@sjtpo.org](mailto:TitleVI@sjtpo.org) or by calling (856) 794-1941 between the hours of 8 a.m. and 4 p.m. on weekdays.
- **Public Notice of Language Assistance** — The SJTPO will provide public notice of the availability of language assistance on an on-going basis through the following means:
  - Information on the availability of language assistance will be maintained on the SJTPO website, [www.SJTPO.org](http://www.SJTPO.org), along with instructions on how to access the assistance.
  - Brochures containing language assistance instructions will be made available at public meetings and are available in public areas of the SJTPO’s office.
  - SJTPO will work to identify local, non-English language media with the goal of posting language assistance notices directed at LEP individuals and their languages.

For location-specific planning projects and studies (such as a subregional study or technical study identified within SJTPO’s work program) funded by the SJTPO, project managers will provide language assistance consistent with the above SJTPO policies for its own meetings and key planning documents. This includes:

- As part of their Environmental Justice analysis, project managers will identify LEP populations within the study area as well as thresholds for language assistance. Oral, written, and website language assistance will be provided for the primary languages and



on a case by case basis for secondary languages. Participating counties/municipalities may also request translations into additional languages based on the needs of the population.

- Project managers must provide notice of availability of language assistance services under the Safe Harbor Provision. This can include brochures or flyers about language assistance services posted online and in public places, meeting handouts and notices submitted to non-English language media directed at LEP individuals in their primary language.
- All public meeting notices, project fact sheets, and surveys should be translated into the primary LEP language and any other languages as needed on a case by case basis, with other materials to be translated upon request.

### **Section 3.3: Subrecipient Compliance and Monitoring**

Title 49 CFR Section 21.9(b) states that if "a primary recipient extends federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part." The primary recipient has a responsibility to both provide assistance to and monitor subrecipients for compliance with USDOT's Title VI regulations. If the subrecipient is not in compliance, then the primary recipient is also not in compliance. The same applies to 2nd and 3rd tier subrecipients (e.g., SJTPO and its subrecipients of pass-through grants).

The MPO's Title VI Coordinator works with program managers to conduct periodic pre-grant and post-grant reviews of subrecipients of USDOT funds to ensure adherence to Title VI requirements. Reviews use a combination of desk audits and interviews, if required. Appropriate program staff members routinely update the Title VI guidelines provided to consultants, contractors, and subrecipients including Title VI language, provisions, and other related requirements.

Additionally, SJTPO verifies Title VI compliance by subrecipients and consultants in the contracting process. Submission of assurance forms and signature of the terms of the contract, which includes contract provisions for Title VI compliance, is used to verify the subrecipient's commitment to compliance by the consultant or subrecipient.

#### ***Section 3.3.1: Providing Assistance to Subrecipients***

The SJTPO will make available to its subrecipients information and resources regarding its Title VI program to assist subrecipients in achieving and maintaining compliance. This assistance will most likely be needed when the subrecipient is a first-time grantee or is not also a direct recipient; however, the following information and resources will be made available to all subrecipients, as needed:

- Demographic information on the race and limited English proficiency of residents served by the subrecipient. This information will assist the subrecipient in assessing the level and quality of service it provides to communities within its service area and in assessing the need for language assistance.

- Sample notices to the public informing beneficiaries of their rights under USDOT's Title VI regulations, procedures on how to file a Title VI complaint, and the recipients Title VI complaint form.
- Sample procedures for tracking and investigating Title VI complaints filed with a subrecipient, and when the subrecipient is expected to notify the primary recipient of complaints received by the subrecipient.
- Any other available information or data that will assist subrecipients in complying with Title VI.

### ***Section 3.3.2: Monitoring Subrecipient Compliance***

Monitoring subrecipients is a critical aspect of the SJTPO's Title VI program, as all subrecipients must be in compliance. At a minimum, for projects supported by USDOT funding, SJTPO will review the Title VI and LEP planning efforts of subrecipients to demonstrate compliance with requirements that apply, based on the type of organization and services being provided. Pre-award desk audit reviews of subrecipients will include evaluation of Title VI assurance forms and the SJTPO subrecipient Title VI compliance questionnaire (see Appendix H). The MPO will also review the Title VI/LEP process for subrecipients through program documents, website reviews, direct contact and/or surveys.

SJTPO will conduct reviews of a minimum of two subrecipients each year, one for each major pass-through program and one for other subrecipient activities, if required. Every year, SJTPO will identify subrecipients for a desk review, which will be conducted based on the assessment of risk of non-compliance and potential magnitude of the impact of non-compliance. Those subrecipients are identified based on one or more of the following criteria:

- SJTPO knows of or has received (formal or informal) complaints regarding the subrecipient.
- SJTPO staff identified the subrecipient as having known Title VI issues/concerns.
- The subrecipient has submitted problematic responses to the Title VI compliance questionnaire and/or submitted incomplete Title VI documentation following the questionnaire.
- The subrecipient receives a large amount of funding from SJTPO relative to other subrecipients.
- The subrecipient is new to SJTPO, receives a large amount of funding from SJTPO and requires Title VI training.

### ***Section 3.3.3: Consultant Contracts***

The SJTPO is responsible for selection, negotiation, and administration of its consultant contracts, as well as the administration of subcontracts with subrecipients of federal funds. The SJTPO operates under its internal contract procedures and all relevant federal and state laws. The SJTPO verifies Title VI compliance by consultants and subrecipients in the contracting process. Signature of the terms of the contract, which includes contract provisions for Title VI

compliance, is used to verify compliance by the consultant. In addition, the following Title VI language is included in the SJTPO's solicitations and Requests for Proposals (RFPs).

"SJTPO 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."

#### **Section 3.3.4: Remedial Action**

The goal for Title VI and regulatory enforcement is to achieve voluntary compliance. If deficiencies are found during a Title VI review, a letter reporting the deficiencies requiring corrective action will be issued. A compliance conference meeting or phone call with the subrecipient will be held within 30 days of issuing the deficiency report, during which the subrecipient will be able to propose remedial actions to correct the deficiencies. Recipients placed in deficiency status shall be given a reasonable time, not to exceed 90 days after receipt of the deficiency report, to voluntarily correct deficiencies. Subrecipients are expected to correct all deficiencies and provide periodic updates to the SJTPO's Title VI Coordinator. SJTPO will provide technical assistance, as needed, to ensure implementation of the subrecipient's corrective action plan. When the SJTPO has determined that a subrecipient's deficiencies are sufficiently corrected, the subrecipient will be formally notified in writing that the review process is complete and no further progress reporting is needed.

When a subrecipient fails to take appropriate corrective action in response to the reported deficiencies, the subrecipient moves from a deficiency status to noncompliance. Upon finding a subrecipient in noncompliance, the Title VI Coordinator shall immediately notify the subrecipient in writing of the violations and of the steps necessary to correct them. The subrecipient shall implement corrective actions within 30 days of receipt and acceptance of the notification of recommended corrective action. SJTPO will continue to provide technical guidance and support as appropriate.

If an attempt to secure voluntary compliance with Title VI does not occur within 30 days, or a reasonable period of time, the first step taken by the SJTPO will be to attempt to resolve the issue using normal administrative solutions. However, other sanctions, with the concurrence of NJDOT, may be applied such as withholding payments, suspending or terminating the subcontract, and/or refraining further financial assistance to subrecipients.

## **Section 4: SJTPO Demographic and Transportation Investment Profile**

The following information addresses Title VI reporting requirements for MPOs as described in FTA Circular 4702.1B. The SJTPO is not a provider of fixed route public transportation service;

therefore, requirements specific to MPOs serving as transit providers are not included in this section.

All MPO recipients must provide a demographic profile of the metropolitan area within their Title VI program. Data from the 2017 American Community Survey (ACS) 5-year estimates was collected for six different factors: minority population, low-income population, LEP persons, people with disabilities, zero vehicle households, and the older adult population in the SJTPO region. The representation for each factor as a percentage of the total population was used to illustrate the community composition. Additionally, the factors were mapped using GIS software and overlaid with the TIP projects to better understand the spatial relationship between transportation improvement projects and the specific population characteristics identified under Title VI and EJ. One of these maps showing Minority populations relative to project investments is shown in Figure 11.

#### **Section 4.1: Minority Population**

The SJTPO region contains a diverse population, of which 39 percent is considered minority. For the purpose of this analysis minority is defined as the total population minus White Alone-Non-Hispanic or Latino. The racial composition of the region is depicted in Table 2.

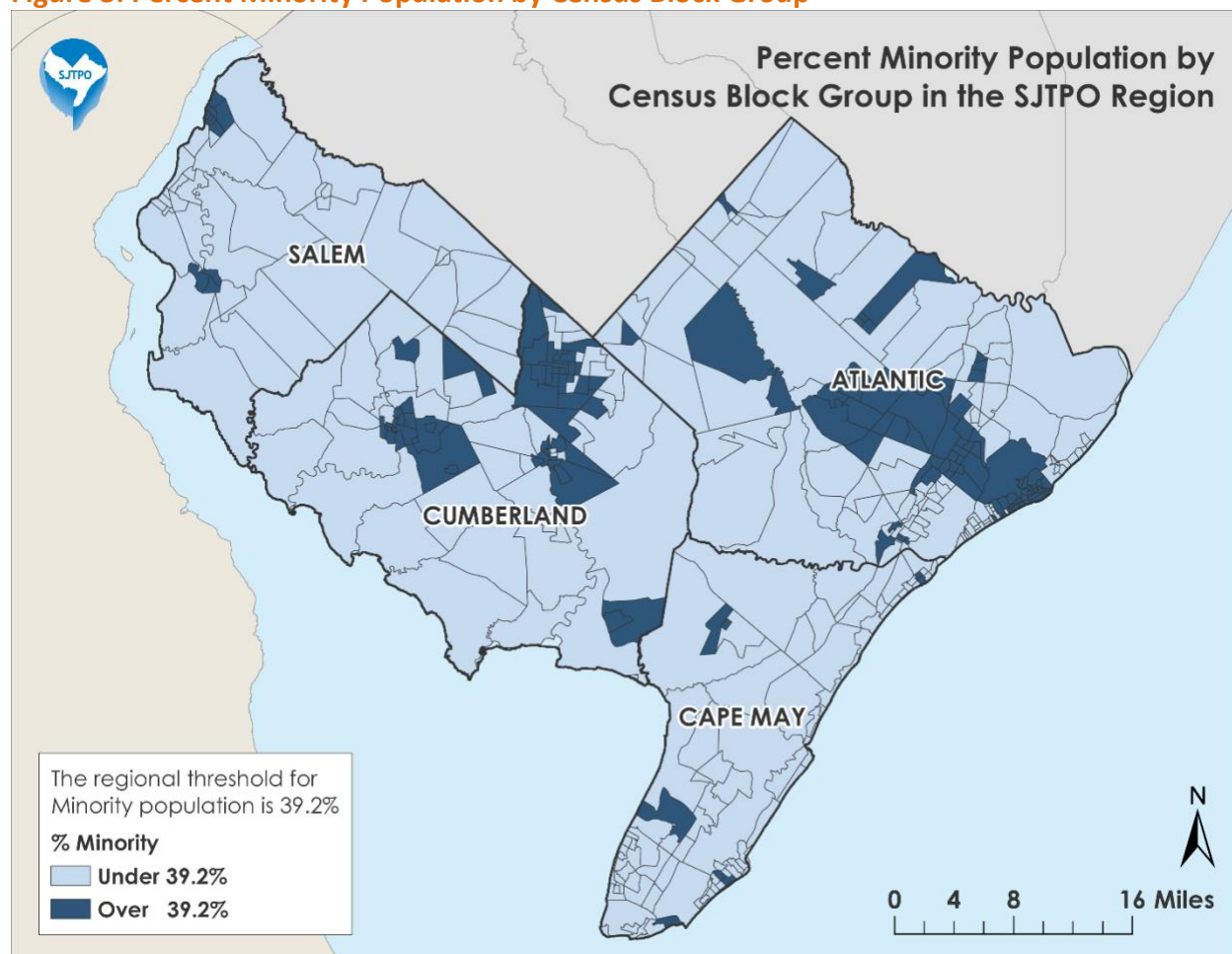
The table shows that Hispanic, Black, and Asian people comprise the largest groups of minorities in the region. The figure on the next page illustrates the minority population spatial distribution by block group.

**Table 2: Racial Composition of the SJTPO Region**

<b>Racial Minority</b>	<b>Population</b>	<b>% of Population</b>
<b>Hispanic or Latino</b>	108,706	18.5%
<b>American Indian or Alaskan Native</b>	2,301	0.4%
<b>Asian</b>	26,504	4.5%
<b>Black-African American</b>	83,762	14.3%
<b>Native Hawaiian-Other Pacific Islander</b>	178	0.0%
<b>Some Other Race</b>	30,111	5.1%
<b>Two or More Races</b>	20,329	3.5%
<b>SJTPO Total</b>	<b>230,050*</b>	<b>39.2%*</b>

Source: ACS, 5-year Estimates, 2013-2017, Table B03002

\* Note: SJTPO Total is not a reflection of each of the groups above directly added together, as Hispanic or Latino overlaps with racial minority group populations.

**Figure 3: Percent Minority Population by Census Block Group**

Source: 2013-2017 American Community Survey 5-Year Estimates (ACS1), B03002

Most of the minority population is concentrated in Atlantic and Cumberland Counties. Additionally, there are small pockets of minority population that exceed the regional threshold in Cape May and Salem Counties.

#### **Section 4.2: Low Income**

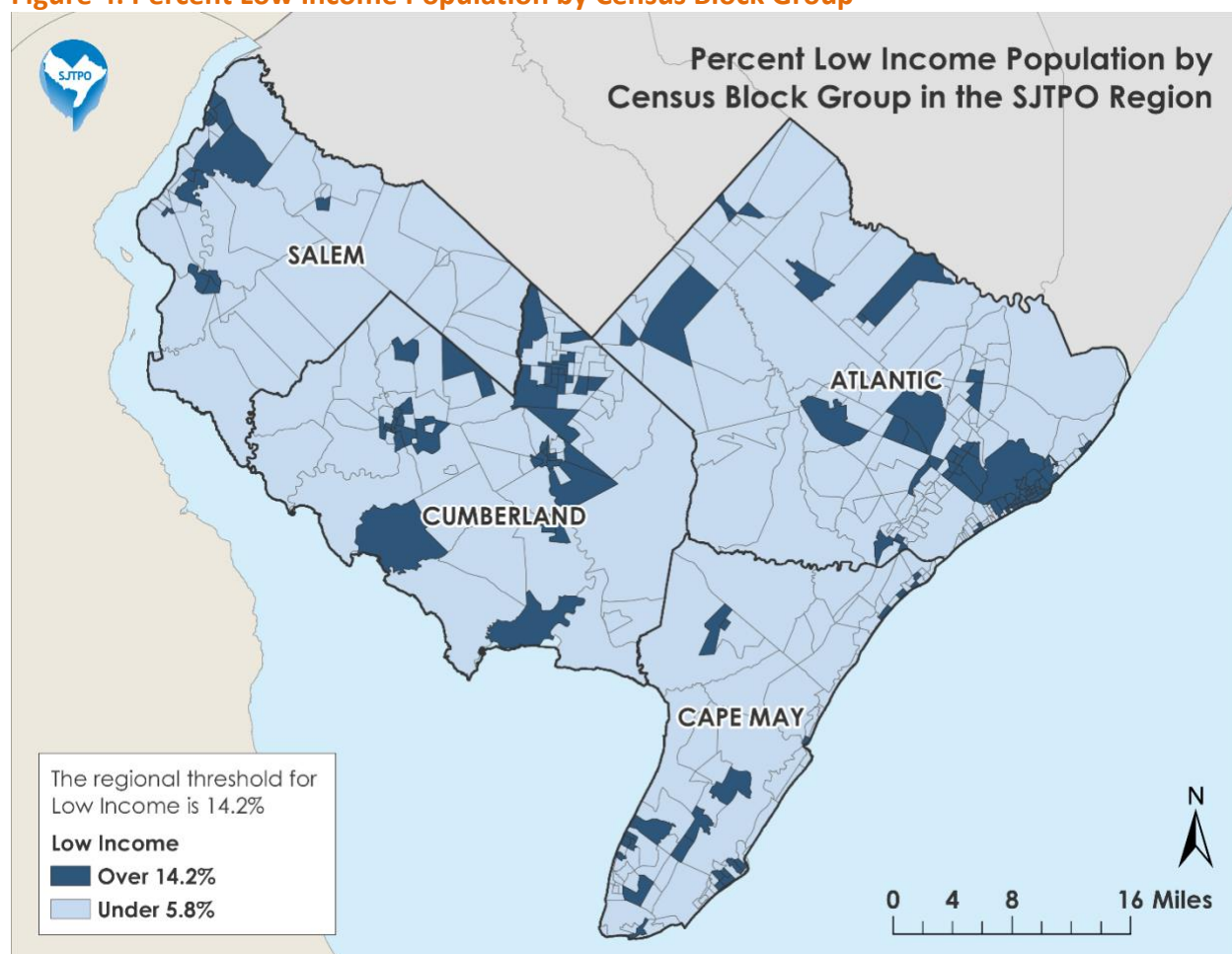
The ratio of income to poverty level in the past 12 months is used to calculate the percentage of low-income residents in the SJTPO region. The same metric is used to determine low-income populations in EPA's EJSCREEN tool. The national poverty level is used to determine the percentages of low-income persons living in the SJTPO region, as detailed by county in Table 3. Approximately 14.7 percent or approximately 30,500 households are living below the poverty level in the SJTPO region.

**Table 3: Low Income Households by County**

County	Total Households	Low Income Households	% Low Income Households
<b>Atlantic</b>	100,660	14,290	14.20%
<b>Cape May</b>	39,861	4,194	10.52%
<b>Cumberland</b>	50,596	8,935	17.66%
<b>Salem</b>	24,038	3,124	13.00%
<b>SJTPO</b>	<b>215,155</b>	<b>30,543</b>	<b>14.20%</b>

Source: ACS, 5-year Estimates, 2013-2017, Table C17017

Cumberland County has the highest percentage (17.66 percent) of low-income households compared to its total population, while Cape May has the lowest with 10.52 percent of its households identified as low income. Figure 3 illustrates concentrations of low-income people by block groups.

**Figure 4: Percent Low Income Population by Census Block Group**

Source: 2013-2017 American Community Survey 5-Year Estimates (ACS1), B03002



### **Section 4.3: Limited English Proficiency**

This is addressed through the four-factor analysis, covered in Section 3.2.1. The four-factor analysis includes the following:

1. The number or proportion of LEP persons eligible to be served or encountered by SJTPO programs, services, or activities.
2. The frequency with which LEP persons come in contact with these programs, services, or activities.
3. The nature and importance of these program, service, or activity to LEP people's lives.
4. The resources available to the recipient and the overall cost to the SJTPO of providing meaningful language assistance measures.

Some highlights of this analysis include that Spanish is the primary LEP language, with Chinese, Vietnamese, Other Indic Languages, and Gujarati as secondary LEP languages. It has also highlighted vital documents that will be translated into the primary language and will be translated upon request in other languages. More information on this four-factor analysis can be found in Section 3.2.1, including the LEP population in SJTPO region, including a table of English proficiency and map of LEP households.

### **Section 4.4: People with Disabilities**

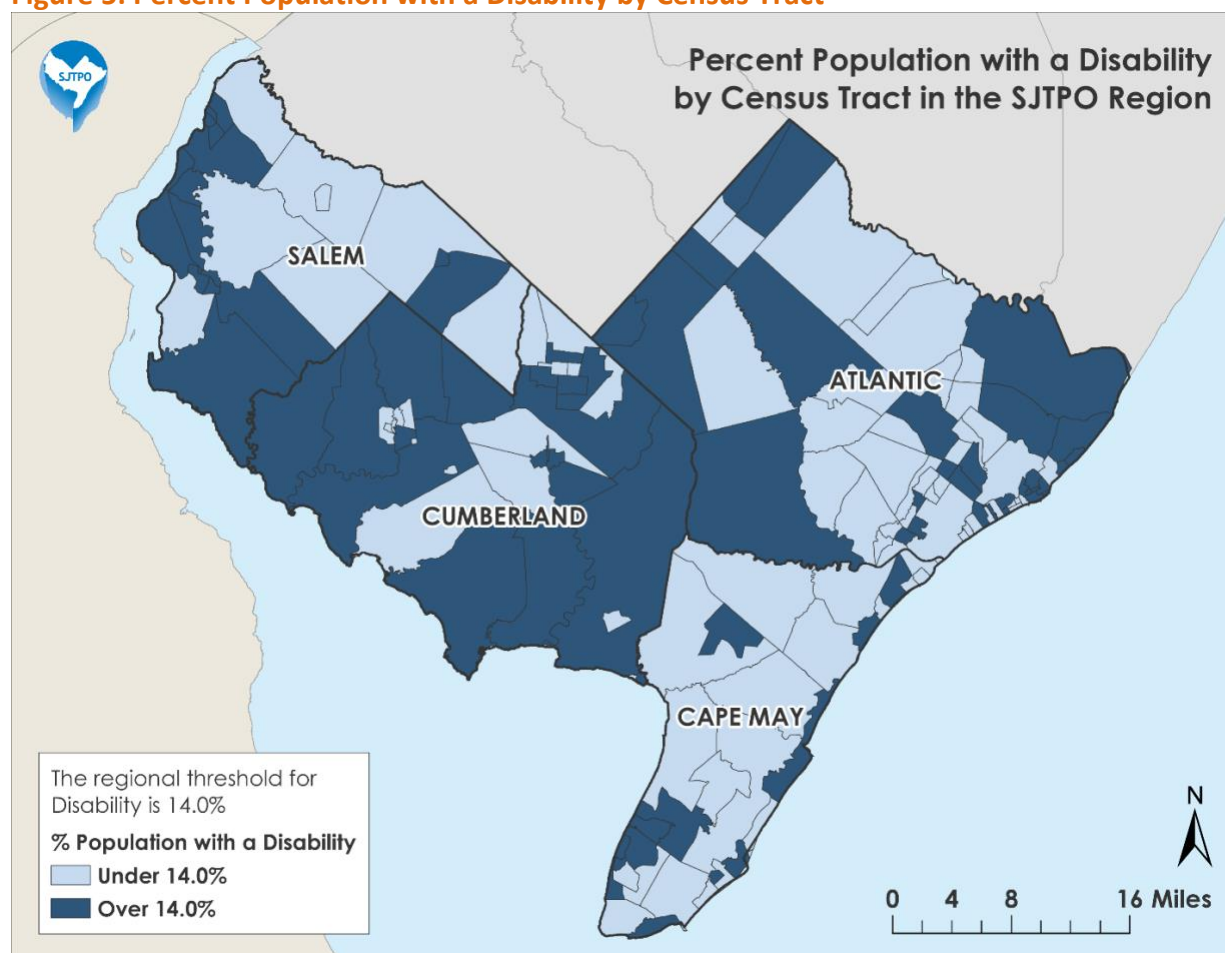
The Americans with Disabilities Act of 1990 (ADA) prohibits public entities from discriminating against people with disabilities or excluding them from participating in, or denying them the benefits of, the entities' services, programs, or activities. Although disability protections are not explicitly a part of Title VI, they are implied in the inclusive public participation requirements. For MPOs, this means that public meetings are held in accessible buildings and that "vital documents" are available in accessible formats to members of the public. The table below shows the breakdown of people with a disability by county.

**Table 4: Population with a Disability by County**

County	Total Population	Total Population with a Disability	% Population with a Disability
Atlantic	270,265	36,453	13.49%
Cape May	92,434	13,007	14.07%
Cumberland	143,496	20,519	14.30%
Salem	62,626	9,724	15.53%
<b>SJTPO</b>	<b>568,821</b>	<b>79,703</b>	<b>14.01%</b>

Source: ACS, 5-year Estimates, 2013-2017, Table S1810. Total population is defined as total civilian noninstitutionalized.

People with disabilities compose 14.01 percent of the regional population. By county, Salem has the largest percentage of people with a disability at 15.53 percent of its non-institutionalized population. Figure 4 on the next page illustrates the spatial distribution of the population by block group of people who have a disability.

**Figure 5: Percent Population with a Disability by Census Tract**

Source: 2013-2017 ACS B22010

Additional information was collected that allows the SJTPO to look at specific disability characteristics as defined by the U.S. Census. The disability types include hearing, vision, cognitive, ambulatory, self-care, and independent living difficulties. The table below illustrates the breakdown by type of disability by county and for the SJTPO region.

**Table 5: Population by Type of Disability by County**

County	Atlantic	Cape May	Cumberland	Salem	SJTPO
<b>Total Population</b>	270,265	92,434	143,496	62,626	<b>568,821</b>
<b>Total Population w/ a Disability</b>	36,453	13,007	20,519	9,724	<b>79,703</b>
<b>% Pop. w/a Disability</b>	13.50%	14.10%	14.30%	15.50%	<b>14.00%</b>
<b>% Pop. w/ Hearing Difficulty</b>	3.20%	4.20%	3.30%	4.50%	<b>3.50%</b>
<b>% Pop. w/ Vision Difficulty</b>	2.40%	2.50%	2.80%	3.00%	<b>2.60%</b>
<b>% Pop. w/ Cognitive Difficulty</b>	5.20%	4.80%	5.70%	5.50%	<b>5.30%</b>
<b>% Pop. w/ Ambulatory Difficulty</b>	7.70%	7.50%	7.50%	8.00%	<b>7.70%</b>
<b>% Pop. w/ Self- Care Difficulty</b>	2.80%	2.80%	3.40%	2.90%	<b>3.00%</b>
<b>% Pop. w/ Independent Living Difficulty</b>	5.10%	5.00%	5.90%	4.90%	<b>5.30%</b>

Source: ACS, 5-year Estimates, 2013-2017, Table S1810. Total population is defined as total civilian noninstitutionalized.

When dealing with various transportation projects and programs it is vital to understand how they will impact a person with a disability. It is also important to recognize the type of disability. A person with a hearing disability will be affected in a vastly different way than a person with a vision disability. This data will also help support the SJTPO's outreach efforts and ensure inclusivity of persons with a disability, where applicable and warranted.

#### **Section 4.4: Zero- Vehicle Households**

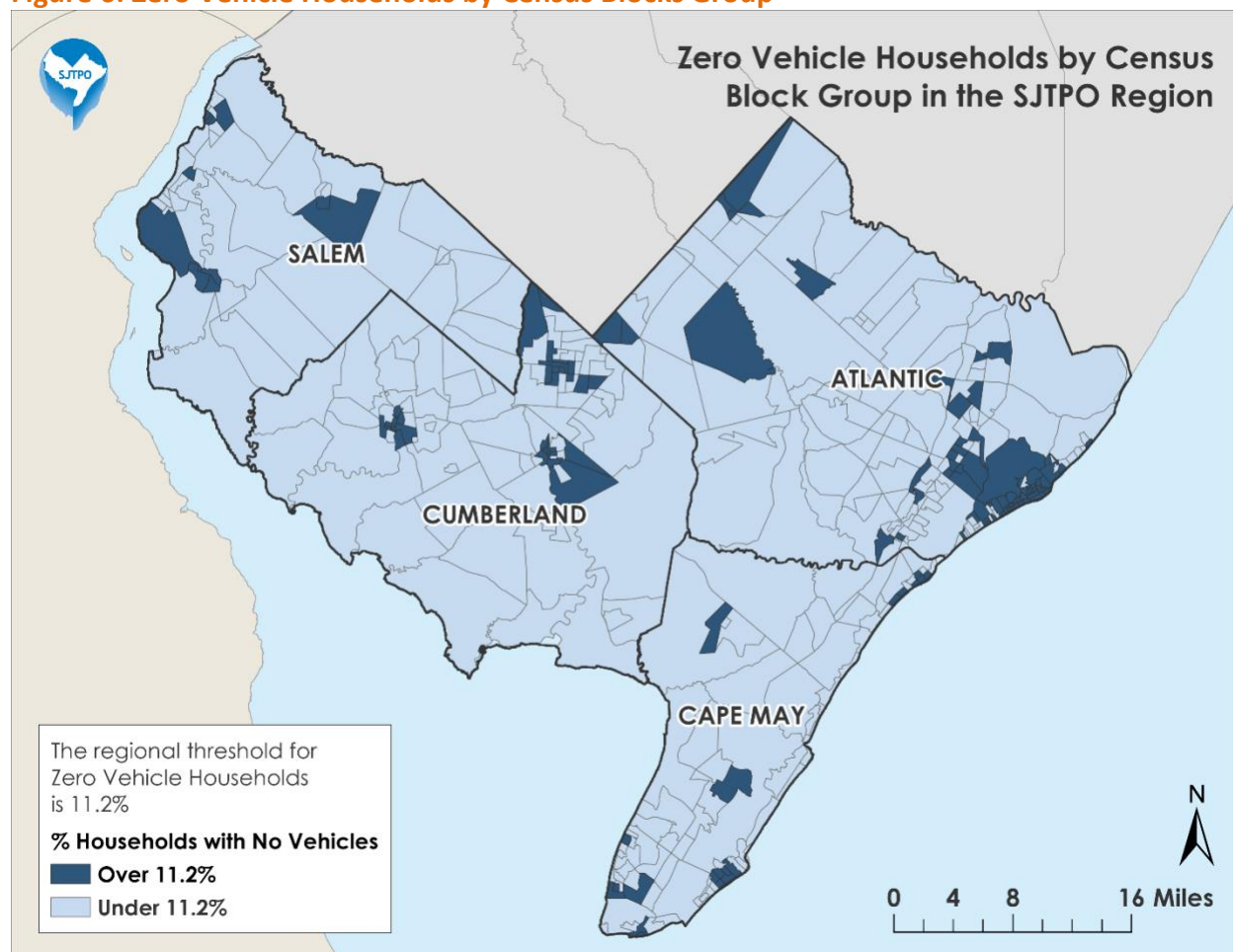
Over 11 percent of the region's households have no vehicle. Atlantic County, specifically Atlantic City and Pleasantville, which are both highly urban municipalities, have 13.65 percent zero-vehicle households. While Cape May and Salem Counties, only have 8.13 percent and 8.15 percent zero vehicle households, respectively. Table 6 depicts the percentage of zero-vehicle households by county and for the SJTPO region.

**Table 6: Zero-Vehicle Households by County**

County	Total Households	Households with No Vehicles	% Households with No Vehicles
Atlantic	100,660	13,736	13.65%
Cape May	39,861	3,241	8.13%
Cumberland	50,596	5,229	10.33%
Salem	24,038	1,958	8.15%
<b>SJTPO</b>	<b>215,155</b>	<b>24,164</b>	<b>11.23%</b>

Source: ACS, 5-year Estimates, 2013-2017, Table B25045

The figure below illustrates the distribution of zero-vehicle households by block group.

**Figure 6: Zero Vehicle Households by Census Blocks Group**

Source: following ACS table: ACS\_17\_5YR\_B25045\_with\_ann

#### **Section 4.5: Senior and Youth Population**

In order to understand the unique transportation needs of both senior and youth populations, data<sup>1</sup> was collected for the following age cohorts: 75 years and older, under 5 years old, and 5 to 17 years old. These age-specific needs could include proximity to amenities like day cares, schools, or adult living facilities, and accessibility to jobs or mass transit. Considering the distinctive needs of the age cohort better supports planning for transportation improvements.

In the SJTPO region, 7.4 percent of the population is 75 and older. Cape May County has the highest percentage of seniors, with 10.6 percent of residents. Table 7 details the senior population percentage for each county in the SJTPO region.

<sup>1</sup> ACS, 2017 5-year Estimates, Table B01001

**Table 7: Population 75 years and older by County**

County	Total Population	Total Population 75 years and Older	% Population 75 years and Older
Atlantic	272,926	18,898	6.9%
Cape May	94,549	10,054	10.6%
Cumberland	154,952	9,437	6.1%
Salem	63,776	4,846	7.6%
<b>SJTPO</b>	<b>586,203</b>	<b>43,235</b>	<b>7.4%</b>

Source: ACS, 2017 5-year Estimates, Table B01001

The figure below represents the spatial distribution by census block groups for the region.

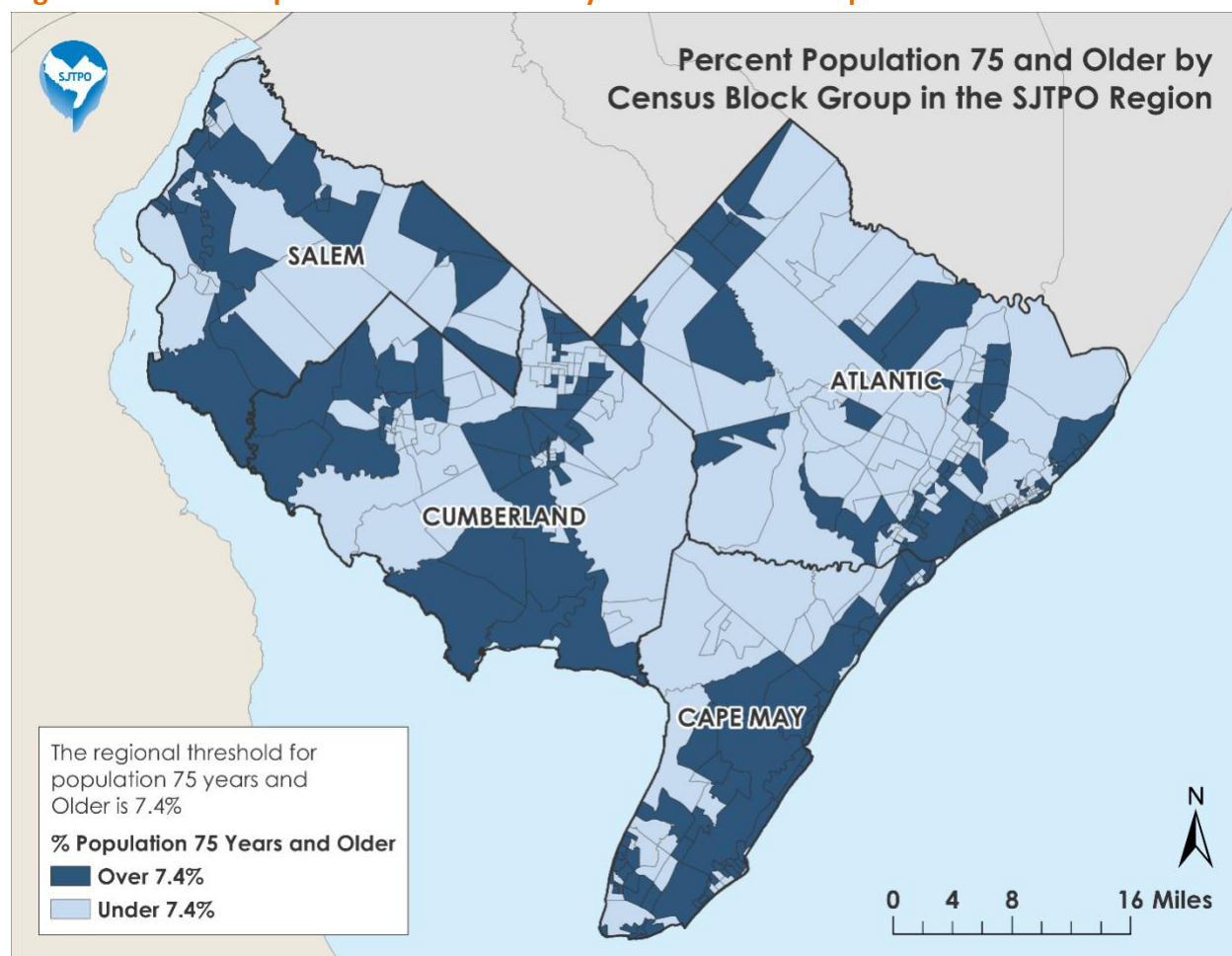
**Figure 7: Percent Population 75 and Older by Census Block Group**

Table 8 and Figure 8 show the percentage of population under 5 years old in the SJTPO region, as well as the spatial distribution of the population under 5 years old. Based on the data, 5.8 percent of the population in the SJTPO region is under 5 years old.



**Table 8: Population Under 5 years old by County**

County	Total Population	Total Pop. Under 5 years old	% Pop. Under 5 years old
<b>Atlantic</b>	272,926	15,767	5.8%
<b>Cape May</b>	94,549	4,483	4.7%
<b>Cumberland</b>	154,952	10,232	6.6%
<b>Salem</b>	63,776	3,531	5.5%
<b>SJTPO</b>	<b>586,203</b>	<b>34,013</b>	<b>5.8%</b>

Source: ACS, 2017 5-year Estimates, Table B01001

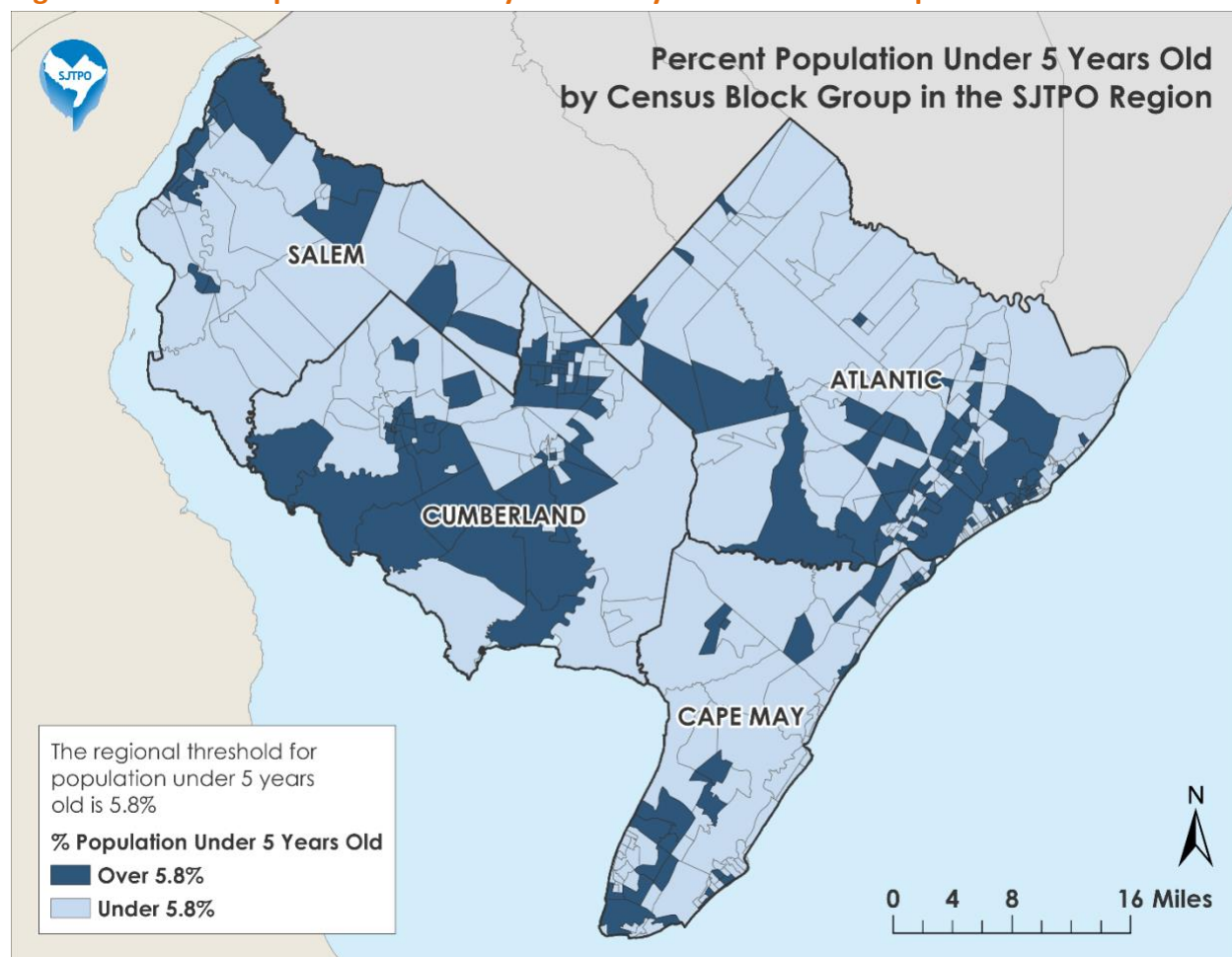
**Figure 8: Percent Population Under 5 years Old by Census Block Group**

Table 9 shows that 15.9 percent of the population in the SJTPO region is between the ages of 5 and 17 years old.

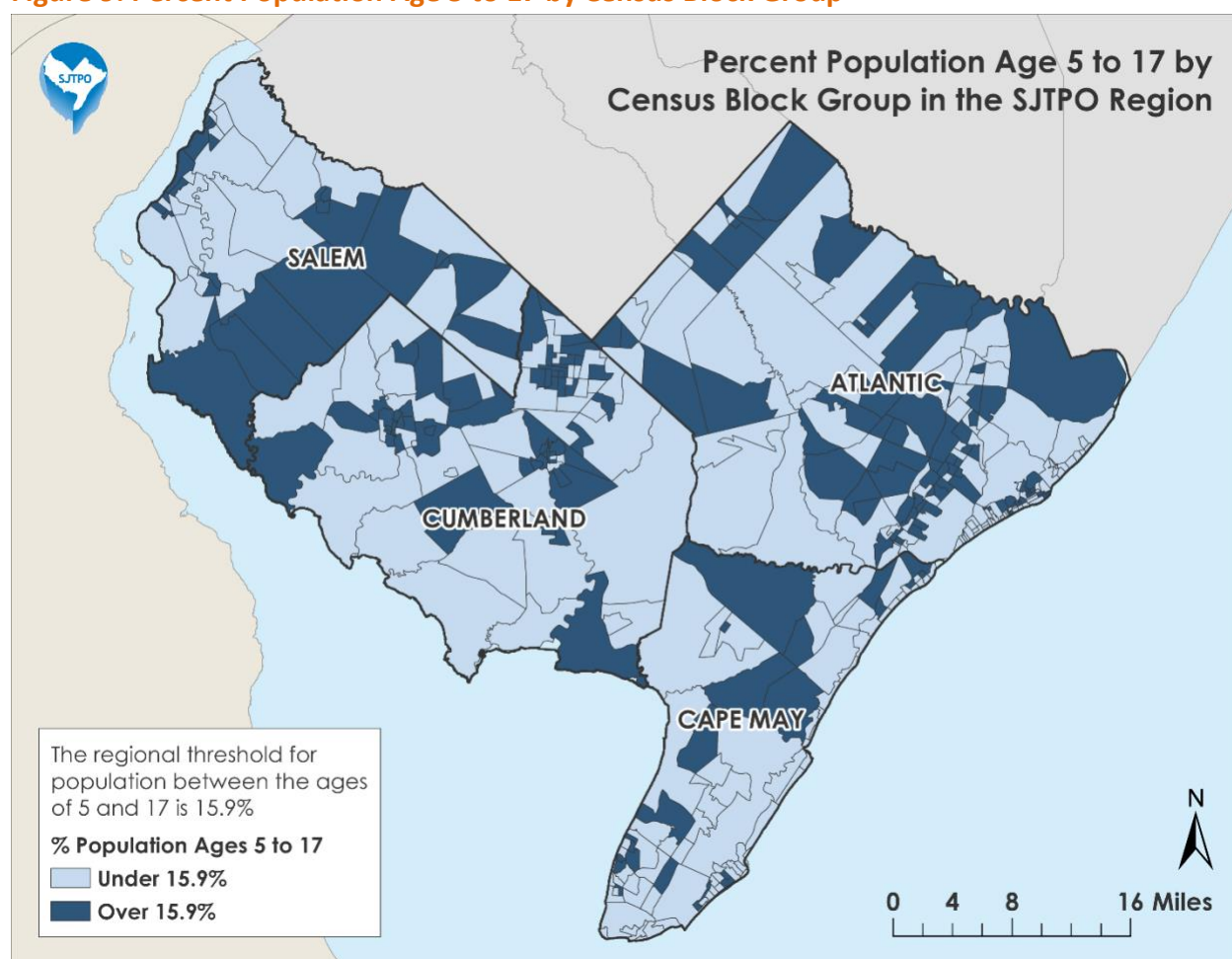


**Table 9: Population ages 5 to 17 years old by County**

County	Total population	Ages 5 to 17	Perc. Ages 5 to 17
Atlantic	272,926	43,955	16.1%
Cape May	94,549	12,382	13.1%
Cumberland	154,952	26,588	17.2%
Salem	63,776	10,551	16.5%
<b>SJTPO</b>	<b>586,203</b>	<b>93,476</b>	<b>15.9%</b>

Source: ACS, 2017 5-year Estimates, Table B01001

The figure on the next page depicts the spatial distribution by block group.

**Figure 9: Percent Population Age 5 to 17 by Census Block Group**

Source: ACS, 2017 5-year Estimates, Table B01001

#### **Section 4.6: Mobility Needs of Minority Populations**

MPOs are required to include in the Title VI Implementation Plan a description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process. In developing the SJTPO's planning activities, the SJTPO seeks out and considers the needs of those traditionally underserved by existing transportation systems,

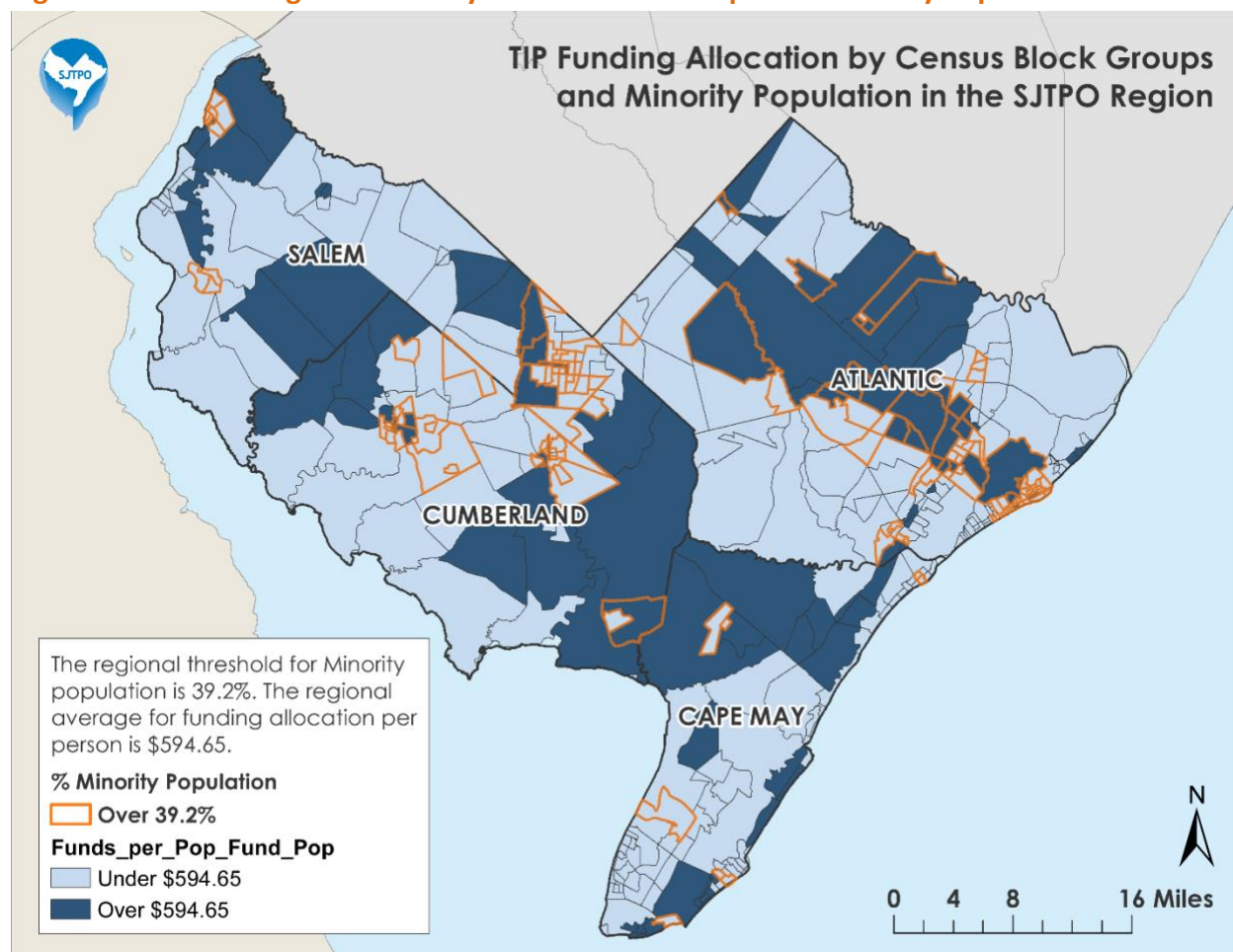
including minorities. The SJTPO strives to include all stakeholders, including protected populations, including minority and low-income residents, those with limited English proficiency or disabilities, zero-vehicle households, and older residents, in its planning activities.

The SJTPO is updating its Coordinated Human Services Transportation Plan, known as the Access for All Transit Plan, to be adopted early 2021. Like its predecessor, the plan will offer comprehensive recommendations for meeting the transportation needs of four target populations: persons ages 65 and older, low-income individuals, people with disabilities, and veterans. The planning process included extensive outreach to gather input from the stakeholders and target populations.

#### **Section 4.7: Transportation Improvement Program (TIP)**

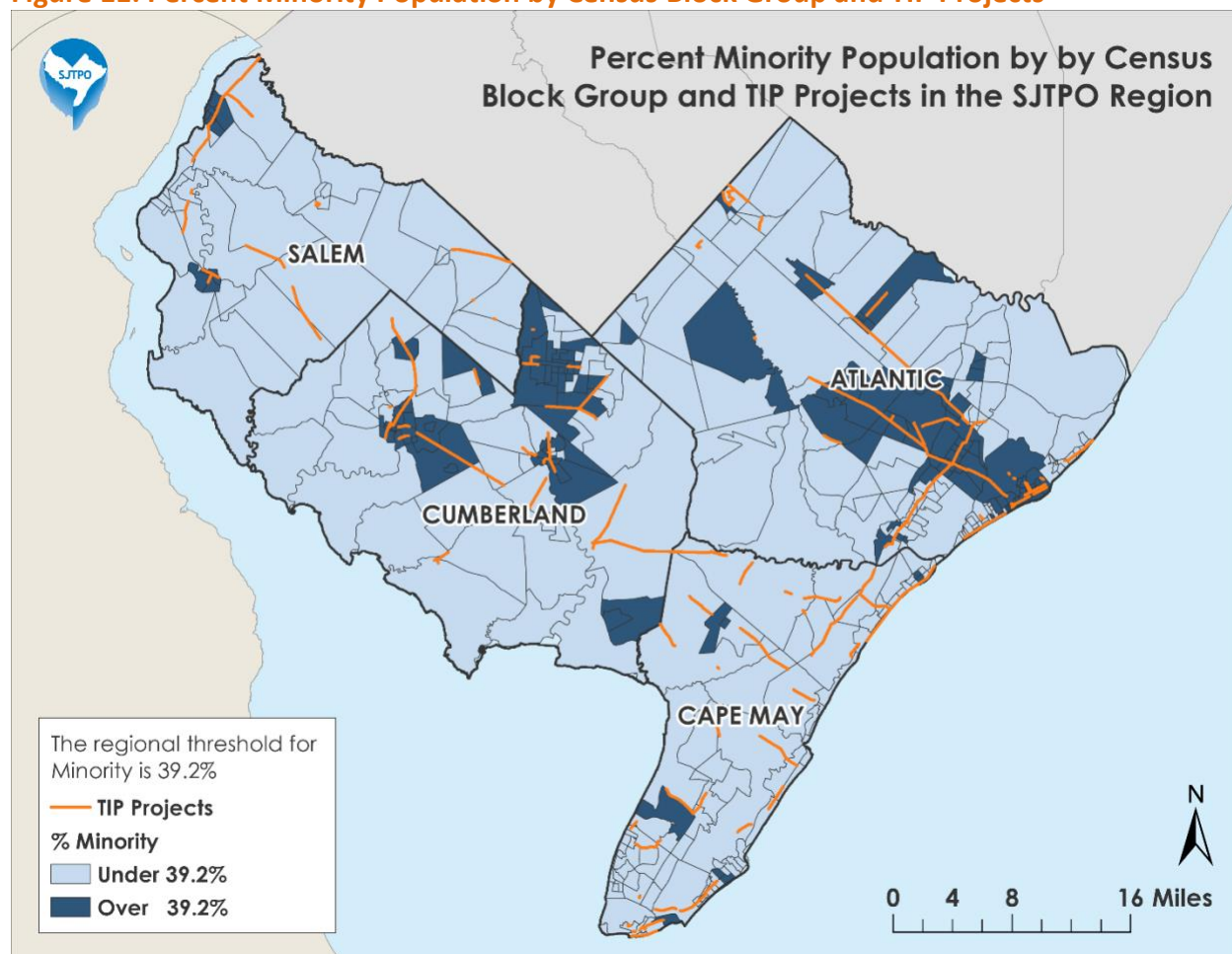
The TIP is a four-year, fiscally constrained, listing of projects and programs, including those that intend to use federal funds, all non-federally funded projects that are regionally significant, and other state-funded capital projects. Transportation projects must be included in the TIP to receive most types of federal funding. SJTPO updates and publishes the TIP every two years. It represents a consensus among MPO members and other major transportation interests in the region as to what improvements should have priority for available funds. SJTPO also publishes an Executive Summary for the TIP, is developing an interactive map of TIP-related projects, and maintains documentation of public comments and Policy Board actions to the TIP. It is important to note that the projects listed in the RTP match those listed in the TIP. The RTP similarly includes an Executive Summary and documentation of public comments.

As part of federal regulation FTA C 4702.1B, MPOs are required to provide a demographic map that overlays the percent of minority and non-minority populations as identified by Census or ACS data, at census tract or block group level, and charts that analyze the impacts of the distribution of state and federal funds in the aggregate for transportation purposes, including federal funds managed by the MPO as a designated recipient. For the purpose of this implementation plan, the ACS 5-year estimates for 2017 at the block group level were used. Figure 9 below illustrates those block groups above and below the minority regional threshold of 39 percent and the FY 2020-2024 TIP projects.

**Figure 10: TIP Funding Allocation by Census Block Groups and Minority Population**

Source: 2013-2017 American Community Survey 5-Year Estimates (ACS1), B03002

The FY 2020-2024 TIP projects were used to determine investment made in minority and non-minority communities. The TIP includes a number of state and regional programs and projects that cannot be associated with a specific geographic location and therefore are not mapped. These projects are therefore not included in the funding per resident calculation, below. Projects that are mapped and intersect with the minority communities were added to determine the total minority community transportation investment in the FY 2020-2024 TIP.

**Figure 11: Percent Minority Population by Census Block Group and TIP Projects****Table 10: Distribution of FY 2020-2024 TIP Investment by Minority and Non-Minority Populations**

Population by Census Block Groups	TIP Funds Allocated	Population	Funds per Residents
<b>Non-Minority</b>	\$181,749,769.85	332,827	\$546.08
<b>Minority</b>	\$166,836,262.10	253,376	\$658.45
<b>SJTPO Region Average</b>	<b>\$348,586,031.96</b>	<b>586,203</b>	<b>\$594.65</b>

Source: Minority Population - 2013-2017 American Community Survey 5-Year Estimates (ACS1), B03002

Table 10 above shows that \$658.45 in TIP funds are invested per resident in minority areas. While \$546.08 in TIP funds are invested per resident in non-minority areas. This shows that TIP funding allocation is higher in Minority Census Block Groups than the region as a whole, which reflects positively on the equity of investments in the region. As new project data becomes available, the analysis of the distribution of state and federal funds in the minority areas will be updated.

**Section 4.8: Disparate Impacts**

Recipients of funding, approved by the SJTPO, are required to analyze, based on the information provided in Section 4.7, if there are any disparate impacts on the basis of race, color, or national origin, sex, age, disability, or retaliation. The SJTPO consistently considers transportation equity when developing studies for the UPWP, selecting projects for inclusion in the RTP, and programming projects into the TIP. These three documents are complementary and inform each other. Efforts undertaken in the UPWP support the goals and objectives identified in the RTP and are often the foundation of the project development process for those projects that will eventually be included in the TIP.

Taken as a whole, the transportation planning services provided by the SJTPO do not pose disproportionate or adverse impacts on minority populations.

**Section 4.9: Analysis & Monitoring Projects and Processes**

As stated previously in Section 3.1, Planning and Programming, the SJTPO will seek to ensure compliance by looking at the most current and complete data on race, low income, LEP, people with disabilities, zero-vehicle households, and age of residents in its planning area. This data will be used to analyze and measure transportation investment benefits and burdens to minority populations. Data gathering procedures will be reviewed regularly to ensure it sufficiently meets the requirements of the Title VI program. SJTPO will continue to use this information to inform not only the planning activities, but also support the TIP scoring criteria to ensure equitable investments in the region.

**Section 5: Conclusion**

This SJTPO Title VI Implementation Plan has been prepared pursuant to Title VI of the Civil Rights Act of 1964, FTA Circular 4702.1B, Title VI, and Title VI Dependent Guidelines for Federal Transit Administration Recipients (October 1, 2012). The SJTPO Policy Board will consider approval of this plan at their September 28, 2020 meeting (See Appendix E for documentation confirming approval).

The Implementation Plan provides a necessary framework for ensuring:

- that federally assisted benefits and related services are made available and are equitably distributed,
- that the level and quality of federally assisted services are sufficient to provide equal access and mobility to all persons, and
- that adequate opportunities for all to participate in planning and decision-making processes occur.

Additionally, this plan serves as a foundation to ensure corrective and remedial actions are taken for all federal funding that passes through SJTPO's process to prevent discriminatory treatment of any beneficiary, provides procedures for investigating Title VI complaints, ensures that meaningful access to programs and activities is provided for LEP populations, and provides steps for informing the public of their rights under Title VI.



## Appendix A: Title VI Assurances

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### **The United States Department of Transportation (USDOT) Standard Title VI/ Non-Discrimination Assurances • DOT Order No. 1050.2A**

The **South Jersey Transportation Planning Organization ("SJTPO")** (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 **Federal Highway Administration ("FHWA")**, **Federal Transit Administration ("FTA")**, and **Federal Aviation Administration ("FAA")**, 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 **FHWA, FTA, and/or FAA**.*

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 **Unified Planning Work 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 activities as identified in the Unified Planning Work Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:
3. "SJTPO, 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."
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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 he/she/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.
11. 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, **SJTPO** 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 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 **DOT**. You must keep records, reports, and submit the material for review upon request to DOT, 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.

**SJTPO** 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 **Unified Planning Work Program**. This ASSURANCE is binding on **the State of New Jersey**, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the **various activities as identified in the Unified Planning Work Program**. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

South Jersey Transportation Planning Organization  
(Name of Recipient)

By \_\_\_\_\_  
(Signature of Authorized Official)

Dated \_\_\_\_\_

**APPENDIX A**

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, FHWA, FTA, and/or FAA, 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 FHWA, FTA, and/or FAA 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 FHWA, FTA, and/or FAA, 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 FHWA, FTA, and/or FAA may determine to be appropriate<sup>1</sup> 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 FHWA, FTA, and/or FAA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

#### **APPENDIX B: CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY**

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 South Jersey Transportation Planning Organization (SJTPO)** will accept title to the lands and maintain the project constructed thereon in accordance with ***(Name of Appropriate Legislative Authority)***, the Regulations for the Administration of the **Unified Planning Work Program**, and the policies and procedures prescribed by the **FHWA, FTA, and/or FAA** 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 **SJTPO** 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 SJTPO 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 **SJTPO**, its successors and assigns.

**SJTPO**, 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 **SJTPO** 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 1 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 L and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\*

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

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

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by SJTPO pursuant to the provisions of Assurance 7(a):

- A. The **(grantee, lessee, permittee, etc. as appropriate)** for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree **[in the case of deeds and leases add "as a covenant running with the land"]** that:
  1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, SJTPO 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, SJTPO 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 SJTPO and its assigns. \*

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

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

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by SJTPO 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, **SJTPO** 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, **SJTPO** will there upon revert to and vest in and become the absolute property of **SJTPO** 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**

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 11 and 111 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).

## Appendix B: Title VI Notice to the Public

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This Notice is also available on the SJTPO website at [www.sjtpo.org/TitleVI](http://www.sjtpo.org/TitleVI)

The South Jersey Transportation Planning Organization (SJTPO) hereby gives public notice that it is the policy of the SJTPO to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related nondiscrimination statutes and regulations in all programs and activities.

SJTPO assures that no person or group(s) of persons shall, on the grounds of race, color, age, disability, national origin, gender, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination through the federally-mandated metropolitan transportation planning process undertaken by SJTPO, whether the activities are federally funded or not.

It is also the policy of SJTPO to ensure that all its plans, programs, procedures, policies, and activities do not have disproportionate adverse effects on minority and low-income populations and provide proportionate benefits to these populations. Minority and low-income communities, as identified through the U.S. Census, will be engaged to facilitate their full and fair participation in the metropolitan transportation planning process. In addition, SJTPO will provide meaningful access to services for persons with limited English proficiency.

Regarding the distribution of federal-aid funds to eligible subrecipients, SJTPO will include Title VI language in all written agreements entered into through its administrative host, the South Jersey Transit Authority (SJTA), and will monitor those agreements for compliance.

SJTPO's Executive Director is responsible for initiating and monitoring the organization's Title VI Program, for preparing related reports, and for other requirements and responsibilities under Title 23 Code of Federal Regulations (CFR) Part 200 and Title 49 CFR Part 21.

Any person who believes they have been aggrieved by an unlawful discriminatory practice by SJTPO under Title VI has a right to file a formal complaint. Any such complaint must be filed in writing using the [form](#) provided or in person with SJTPO's Title VI Coordinator within one hundred eighty (180) days from the date of the alleged discriminatory act or upon notice of the discriminatory act. For more information on SJTPO's Civil Rights Program and the procedures to file a complaint, visit [www.sjtpo.org/TitleVI](http://www.sjtpo.org/TitleVI), email [TitleVI@sjtpo.org](mailto:TitleVI@sjtpo.org), contact (856) 794-1941, or visit the SJTPO office.

Jennifer Marandino, Executive Director

December 17, 2019

## Appendix C: Title VI Complaint Form

This form is also available on the SJTPO website at [www.sjtpo.org/TitleVI](http://www.sjtpo.org/TitleVI)



South Jersey  
Transportation  
Planning Organization

## Title VI Complaint Form

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Basis of Complaint (e.g.: discrimination based on race, disability, sex, age, national origin, retaliation):

\_\_\_\_\_

Date(s) of alleged discrimination(s):

\_\_\_\_\_

Agency or agencies where the discrimination(s) occurred:

\_\_\_\_\_

Name(s) and position(s) (if known) of Person(s) that discriminated against you:

\_\_\_\_\_

Please provide a detailed description of the circumstances of the incident(s) and how you were discriminated against. Please provide, if applicable, names and contact information of individuals who may have knowledge of the incident or are perceived as parties in the complained of incident Include any additional information supporting your complaint (please use additional pages as necessary):

Sign: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix D: Title VI Complaint Procedure

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This Procedure is also available on the SJTPO website at [www.sjtpo.org/TitleVI](http://www.sjtpo.org/TitleVI)

### **Purpose**

The SJTPO Title VI Complaint Procedure is written to specify the process employed by SJTPO to investigate complaints, while ensuring due process for Complainants and respondents. The process does not preclude SJTPO from attempting to informally resolve complaints. This procedure applies to all external complaints relating to any program or activity administered by SJTPO and/or its subrecipients, consultants, and contractors, filed under Title VI of the Civil Rights Act of 1964 (including its DBE and Equal Employment Opportunity components), as well as other related laws that prohibit discrimination on the basis of race, color, disability, sex, age, or national origin. Additional statutes include, but are not limited to, Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the ADA of 1990. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the Complainant. Intimidation or retaliation of any kind is prohibited by law.

### **Process**

An individual, or his/her/they representative, who believes that he/she/they has been subject to discrimination or retaliation prohibited by Title VI and other nondiscrimination provisions, has a right to file a complaint. Complaints need to be filed within 180 calendar days of the alleged occurrence, when the alleged discrimination became known to the Complainant, or when there has been a continuing course of conduct, the date on which the conduct was discontinued or the latest instance of the conduct.

Complaints shall be in writing and signed by the Complainant or the Complainant's representative. If complaints are received by telephone or in person, an SJTPO employee or other authorized representative shall formally interview the person to provide the basis for the written complaint. If necessary, an authorized person will assist the Complainant in writing the complaint. The complaint form can be made available in alternative languages or formats, if requested. Please call (856) 794-1941 for more information.

Generally, the written complaint should include the following information:

- name, address, telephone number, and e-mail of the Complainant;
- basis of the complaint, (e.g. race, color, national origin, sex, age, disability, retaliation);
- date(s) on which the alleged discrimination occurred; and agency or agencies where the discrimination(s) occurred;
- name(s) and position(s) of the person(s) who discriminated against the Complainant;

- a detailed description of the circumstances of the incident that led the Complainant to believe discrimination occurred;
- names, addresses, and phone numbers of people who may have knowledge of the alleged incident or are perceived as parties in the complained-of incident.

As an investigation moves forward, additional information may be required. Although this process does not preclude SJTPO from attempting to informally resolve complaints, the decision to resolve informally always rests with the Complainant, who may withdraw from the informal process at any time.

If a complaint is filed against SJTPO, the Organization will acknowledge receipt of the complaint by notifying the Complainant and immediately transmitting the complaint to the proper state and federal agency (e.g. Federal Highway Administration, Federal Transit Administration, New Jersey Department of Transportation) for investigation and disposition pursuant to that agency's Title VI complaint procedure. Complaints against SJTPO may also be sent directly to a federal agency. If a complaint is filed with an agency that does not have jurisdiction over the particular reason for discrimination, the complaint will be forwarded to an agency that does.

Complaints against SJTPO subrecipients, consultants, and contractors will be investigated directly by the Organization as follows:

- Within 10 days, the designated SJTPO Title VI coordinator will acknowledge receipt of the complaint to the Complainant, and notify the appropriate state and/or federal agency that a Title VI complaint has been received by the Organization;
- Within 60 days, an SJTPO employee will conduct and complete an investigation and, based on the information obtained, will render a recommendation for action in a report of findings to the SJTPO Executive Director. This report will include the nature of the complaint, remedy sought, and a summary of the investigative findings and activities. The complaint should be resolved by informal means, whenever possible. Such informal attempts and their results will be summarized in the report findings;
- Within 90 days of receipt of the complaint, an SJTPO employee will notify the Complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the Complainant of his/her/they appeal rights with state and federal agencies, if he/she/they is dissatisfied with the final decision rendered by SJTPO.

The SJTPO will maintain a log of all complaints received by the Organization.

Complainant may submit complaints against SJTPO, to the SJTPO, or may submit directly to the following federal agencies:

**Civil Rights Specialist**

Federal Highway Administration – New Jersey Division  
840 Bear Tavern Road, Suite 202 West Trenton, NJ 08628  
(609) 637-4200

**Title VI Manager**

New Jersey Department of Transportation  
Division of Civil Rights/Affirmative Action  
P.O. Box 600, 1035 Parkway Avenue, Trenton, NJ 08625-0600  
(609) 530-2336

**Title VI Program Coordinator**

Federal Transit Administration  
Office of Civil Rights  
East Building, 5th Floor – TCR, 1200 New Jersey Ave., SE, Washington, DC 20590  
(202) 366-4043

**Title VI Program Coordinator**

Federal Highway Administration  
Office of Civil Rights  
1200 New Jersey Avenue, SE 8th Floor, E81-314, Washington, DC 20590  
(202) 366-0693

**U.S. Department of Justice**

Office of Justice Programs Office for Civil Rights  
810 7th Street, NW Washington, DC 20531  
(202) 307-0690



## **Appendix E: Nondiscrimination (Title VI) Policy Statement**

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The following is the SJTPO's nondiscrimination policy statement, which covers all of its programs and activities:

SJTPO is committed to compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and all related nondiscrimination statutes, rules, regulations, and executive orders.

SJTPO assures that no person or group(s) of persons shall, on the grounds of race, color, age, disability, national origin, gender, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination through the federally-mandated metropolitan transportation planning process undertaken by SJTPO, whether the activities are federally funded or not.

It is also the policy of SJTPO to ensure that all its plans, programs, procedures, policies, and activities do not have disproportionate adverse effects on minority and low-income populations. Minority and low-income communities, as identified through the U.S. Census, will be engaged to facilitate their full and fair participation in the metropolitan transportation planning process. In addition, SJTPO will provide meaningful access to services for persons with limited English proficiency.

Regarding the distribution of federal-aid funds to eligible subrecipients, SJTPO will include Title VI language in all written agreements entered into through its administrative host, the South Jersey Transportation Authority (SJTA), and will monitor those agreements for compliance.

SJTPO's Executive Director is responsible for initiating and monitoring the organization's Title VI Program, for preparing related reports, and for other requirements and responsibilities under Title 23 Code of Federal Regulations (CFR) Part 200 and Title 49 CFR Part 21.

Jennifer Marandino, Executive Director  
South Jersey Transportation Planning Organization

September 28, 2020

## **Appendix F: Board Approval of Title VI Implementation Plan**

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## **SOUTH JERSEY TRANSPORTATION PLANNING ORGANIZATION**

### **RESOLUTION 2105-16: Adopting the SJTPO Title VI Implementation Plan**

**WHEREAS, the South Jersey Transportation Planning Organization (SJTPO) is the Metropolitan Planning Organization (MPO) designated under Federal law for the southern region of New Jersey including Atlantic, Cape May, Cumberland, and Salem Counties; and**

**WHEREAS, Title VI of the Civil Rights Act of 1964 requires that “no persons 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;” and**

**WHEREAS, SJTPO, as a recipient of federal funding, is required to adhere to Title VI of the Civil Rights Act of 1964 and subsequent laws, court precedents, policies, and guidance; and**

**WHEREAS, guidance from the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) requires MPOs to develop and maintain a Title VI Implementation Plan; and**

**WHEREAS, the Title VI Implementation Plan must detail the assurance and procedures that SJTPO and its subrecipients must follow to adhere to Title VI; and**

**WHEREAS, the Title VI Implementation Plan must detail the process by which a member of the public who feels their rights under Title VI have been violated can file a complaint and have that complaint fairly investigated; and**

**WHEREAS the Title VI Implementation Plan must designate a Title VI Coordinator to oversee this process, with Melissa Melora serving in this role for SJTPO; and**

**WHEREAS, SJTPO’s current Title VI Implementation Plan was adopted on September 28, 2020; and**

**WHEREAS, The Title VI Implementation Plan has been re-released with a 45-day public comment period from March 4, 2021 to April 18, 2021 to uphold SJTPO’s commitment made when the current Plan was adopted in September of 2020 to allow for a more robust comment opportunity by the public; and**


**WHEREAS, members of the public, including members of disadvantaged communities, affected public agencies, private transportation providers, and all interested parties have had the opportunity to participate and have their views considered in the development of the revisions to the SJTPO Title VI Implementation Plan; and**

**NOW, THEREFORE, BE IT RESOLVED, that the Policy Board of the South Jersey Transportation Planning Organization hereby adopts the SJTPO Title VI Implementation Plan.**

**BE IT FURTHER RESOLVED, that the Policy Board authorizes the Executive Director to review and approve subsequent changes to the Title VI Implementation Plan, as needed, to adhere to federal guidance, and to implement the Title VI Implementation Plan accordingly.**

**Certification**

**I hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Policy Board of the South Jersey Transportation Planning Organization at its meeting of May 24, 2021.**

  
\_\_\_\_\_  
**John W. Risley, Secretary/Treasurer**

## Appendix G: Public Involvement Plan

For complete document click [here](#).

# PUBLIC INVOLVEMENT PLAN

Adopted May 24, 2021



South Jersey  
Transportation  
Planning Organization

[www.sjtpo.org](http://www.sjtpo.org)

782 South Brewster Road, Unit B6 • Vineland, New Jersey 08361  
P: 856-794-1941 • F: 856-794-2549

LEONARD DESIDERIO, CHAIRMAN • JENNIFER MARANDINO, EXECUTIVE DIRECTOR

## Appendix H: Sub-Recipient Title VI Questionnaire

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23 Code of Federal Regulations (CFF) Part 200 requires that the South Jersey Transportation Planning Organization (SJTPO), conduct periodic review of subrecipients of federal-aid highway funds to ensure they are complying with Title VI of the Civil Rights Act of 1964. Title VI states that “no person in the United States shall be excluded from participation, denied the benefits of, or be subjected to discrimination in any Federally-funded program, policy or activity on the basis of race, color or national origin.”

SJTPO has developed this questionnaire as a means of determining sub-recipient compliance; helping sub-recipients understand their Title VI responsibilities; and assisting SJTPO and NJDPT in planning future training and technical assistance.

This assessment in part of SJTPO’s Compliance Review process and has been designed to take on a few minutes of your time. Please email or mail the completed questionnaire with attachments, to Melissa Melora, Title VI Coordinator, by no later than \_\_\_\_\_. SJTPO, 782 S. Brewster Rd., Unit B6, Vineland, NJ 08361.

Form, questions or concerns may be email to [TitleVI@sjtpo.org](mailto:TitleVI@sjtpo.org) or you may contact Ms. Melora at (856) 794-1941.

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### Questionnaire

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1. Please provide the name, title, and contact information of the person responding to questionnaire.
  - Name:
  - Title:
  - Email:
  - Phone:
  - Name of your Agency:
  - Mailing Address:
2. Who is the Title VI Coordinator or contact person for your agency? Does this person accept complaints from the public? If not, who does? Please include title, email, and telephone number for each person listed.
3. Does your agency have a signed Title VI Policy Statement? Yes                      No
  - a. If yes, please provide link to policy statement.



4. Does your agency have a current Title VI/Nondiscrimination Plan?      Yes                      No  
a. If yes, is the plan available online to the general public? (please    provide    link    or  
attach a copy).  
Yes                      No
5. In the past three years, has your agency been named in a discrimination complaint or lawsuit?  
Yes                      No  
a. If yes, when and what was the nature of the complaint or lawsuit and the outcome?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Does your agency have a written discrimination complaint process?      Yes                      No  
a. If yes, please provide a copy as an attachment.
7. Has your agency have a written discrimination complaint process?      Yes                      No  
a. If yes, by what mechanism? (please provide as attachment).
8. Does your agency have a Limited English Proficient (LEP) Plan?              Yes                      No  
a. If yes, please provide link or attach a copy.
9. Does your agency provide free translation services for persons with Limited English Proficiency (LEP)? Explain.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
10. How does your agency ensure that Limited English Proficient (LEP) individuals have access to the agency's programs and services? Explain.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
11. In the past twelve months, what has your agency done to receive and consider input from all citizen groups, especially minority, low income, disabled and transit-dependent? **Provide attachment, if applicable.**

12. Does your agency have a method to collect racial and ethnic data on citizens impacted by your projects? If so, please describe.

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13. Has your agency provided written Title VI Assurance to SJTPO?      Yes      No  
a. If yes, please provide link or attach a copy.

14. Does your agency include the required DBE assurance language at 49 CFR 26.13 (a) and (b) verbatim in all financial agreements, contracts and subcontracts (see Exhibit A)?

Yes      No

15. Does your agency physically include the Civil Rights Special Provisions (FHWA-1273) in all contracts and ensure they are included in all sub-contracts, including the third-tier?

Yes      No

16. Does your agency monitor DBEs compliance on its contract agreements? If so, where is this documented? If a DBE is not performing, what corrective actions or steps are taken? Who is notified or non-compliance?

Yes      No

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17. Would your agency like Title VI training or other Civil Rights technical assistance from SJTPO?

Yes      No

18. Please list each attachment provided with the assessment.

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## Appendix I: Public Comments and Responses

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**Public Comment Period:** Thursday, March 4, 2021 – Sunday, April 18, 2021

**Virtual Public Meetings:** Thursday, March 18, 2021 at 6:00 PM (English)  
Saturday, March 20, 2021 at 10:00 AM (Spanish)

### Public Comments from Virtual Public Meetings

1. **COMMENT:** You mentioned being able to provide accommodations, when requested. Can you explain in further detail?

**RESPONSE: SJTPO:** *Providing accommodations is new to staff. A Spanish Civil Rights in Outreach virtual public meeting took place on Saturday, March 20, 2021. The interpreter was provided through the consultant for the Multilingual Outreach Services Study. When the Study concludes, staff will not have an interpreter or translator readily available. Thus, staff must research and contact professional translation providers to better understand how to establish a contract for such services. In terms of additional accommodations, staff is currently able to provide closed captioning, such as for a hearing impairment, through PowerPoint and GoToWebinar, which is the conferencing platform staff use for virtual public meetings. Researching how staff can provide an array of accommodations is imperative.*

2. **COMMENT:** You also have accommodations on your website, which is a great feature.

**RESPONSE: SJTPO:** *Thank you for mentioning the accommodations menu available on each page of the SJTPO website ([www.sjtpo.org](http://www.sjtpo.org)). The menu offers an array of accommodations, such as text spacing, bigger text, color contrast of the screen, and highlighting of links. The accommodations menu is provided by USERWAY, which ensures SJTPO's website is Americans with Disabilities Act (ADA) accessible.*

3. **COMMENT:** During the polling questions you mentioned in-person and virtual public meeting options. Once we are able to gather in-person safely, do you think you will continue to offer a virtual option?

**RESPONSE: SJTPO:** *At this time, staff intends to continue to offer a virtual option once it is safe to hold in-person public meetings. Staff understands that people are busy. The times staff schedules public meetings may not work for everyone. Additionally, members of the public may not want or be able to travel a certain distance from their home or workplace. However, moving forward from the COVID-19 pandemic, it will be important for staff to not rely solely on virtual outreach. Staff is concerned that not all segments of the public, specifically individuals that may not have access to reliable devices and internet, are able to*

*have their voices heard. Once it is deemed safe to gather, staff will host traditional, in-person public meetings.*

4. **COMMENT:** How do I join the Community Outreach and Engagement Committee.

**RESPONSE: SJTPO:** *Thank you for your interest in the Community Outreach and Engagement Committee (COEC). The Committee is to be comprised of members that work with and are involved in local community organizations and non-profit groups that serve or otherwise represent the voices and needs of our diverse region. The main objective of the COEC is for members to provide feedback on SJTPO's public involvement opportunities as well as spread the word about these involvement opportunities. More information will be forthcoming.*

5. **COMMENT:** Without any translation providers under contract, how would you translate documents in other languages?

**RESPONSE: SJTPO:** *SJTPO's consultant for the Multilingual Outreach Services Study has assessed automated translations services. The consultant has deemed Google Translate as the most useful automated translation tool for facilitating conversations via the public participation and engagement process. SJTPO staff is cognizant of professional translation services remaining the best choice for accuracy, understanding, and cultural appropriateness. However, until a contract with such a vendor is able to be secured, SJTPO will utilize Google Translate to bridge the gap.*

#### **Public Comments from Facebook**

6. **COMMENT:** Does this mean you stand for equality or equity?

**RESPONSE: SJTPO:** *Thanks for the question! For anyone else reading who might not know, in this context, equality would be to treat everyone exactly the same in trying to achieve our objective, in this case informing the public and getting feedback on our projects and programs. Equity would be doing what we (reasonably) can to give everyone an equal opportunity to learn about our work and give feedback, including making accommodations to meet the needs of a variety of different people. Some examples of this could include holding meetings at different times so people with different work schedules can attend, providing options for individuals with visual or audible impairments or those who may not be able to fully read and speak English. There are some specific federal guidelines that direct exactly how and when we need to do some of these things, which are discussed in the [Title VI Implementation Plan](#), [Limited English Proficiency \(LEP\) Plan](#), and [Public Involvement Plan \(PIP\)](#), but in short to work to not only meet our federal requirements but also serve our region's diverse population, we do our best to serve the region equitably.*

7. **COMMENT:** Save tax dollars first. Lighten your director high paying jobs. Place the common man/woman [on] your board and committees. Then talk equality and equity. How many people currently in management are considered minorities[?] Time to step up to the plate. By the way[,] more bicycle lanes don't count as projects.

**RESPONSE: SJTPO:** *Thank you for your comments. Regarding the spending of tax dollars, transportation improvement projects undergo various stages of scrutiny and work to make them a reality, including evaluations to ensure projects deliver the greatest benefit possible for their expenditure and to scrutinize costs against available funds. Unfortunately, projects, studies to develop projects, and staff with the expertise to implement both of those, are all expensive. That said, SJTPO staff are very focused on how to best utilize our federal funds in an efficient manner and leverage those funds to do the most and most valuable work possible for the region.*

*Regarding bicycle lanes, they are rarely, if ever implemented on their own, but are generally one of a series of proven safety improvements on a project, and often incorporated into repaving. As safety is a federal, state, and local priority, and bicycle and pedestrian crashes are greatly over-represented in New Jersey it is important that the safety of all users of our roadway network is addressed.*

*We agree, we would like to see more diversity among our staff. However, when advertising for open positions we have received limited diversity among applicants. We do have strong female representation on our staff, including our Executive Director, and in a male-dominated field, we are pleased with that. But your point is well-taken and we will look for ways to do better on upcoming advertisements.*

*Regarding our committees, membership on our Technical Advisory Committee (TAC) and Policy Board are largely shaped by federal guidance. Our Policy Board members are generally elected officials of our local jurisdictions who are not paid by SJTPO to participate. The TAC is primarily comprised of the planning and engineering staff of those jurisdictions. However, staff is currently in the process of developing a Community Outreach and Engagement Committee (COEC) that will be comprised of members that work with and are involved in local community organizations and non-profit groups that serve or otherwise represent the voices and needs of our diverse region.*

#### Comments from Stakeholders and Planning Partners

8. **COMMENT (from FHWA):** Sub-Recipient Procedures: More information is needed regarding SJTPO's subrecipient review procedures. Include how often reviews will be done. See

commendable practices for examples. Title VI Training: Include how training will provided to sub-recipients.

**RESPONSE: SJTPO:** *Thank you for the comments. These comments were received prior to adoption of the Title VI Implementation Plan in September of 2020. These two comments were not able to be addressed prior to that adoption. Based on these comments, SJTPO made some additions in Sections 2.6, 3.3, 3.3.2, 3.3.3, and 3.3.4. These additions add specificity to the subrecipient review procedures as well as adding some support to the training task.*