MEMPHIS URBAN AREA METROPOLITAN PLANNING ORGANIZATION

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It is the policy of the Memphis Urban Area Metropolitan Planning Organization (MPO) not to discriminate on the basis of age, race, color, national origin or disability in its hiring or employment practices, or in its admission to or operations of its program, services, or activities. All inquiries for Title VI and/or the American Disabilities Act, contact Carlos B. McCloud at 901-576-7156 or carlos.mccloud@memphistn.gov.
Contents

MPO Board and Committee Members........................................................................................................................... 4
Transportation Impacts Us All... ......................................................................................................................................... 5
  Get Involved!................................................................................................................................................................... 5
  How do I get involved?................................................................................................................................................. 5
I. Introduction ....................................................................................................................................................................... 6
  Title VI .............................................................................................................................................................................. 6
  Title VI Assurances .......................................................................................................................................................... 6
  Memphis MPO Title VI Responsibilities ...................................................................................................................... 6
II. Organization of the Memphis MPO .......................................................................................................................... 10
  MPO Core Functions ................................................................................................................................................... 11
  Major Activities of the Memphis MPO ........................................................................................................................ 11
  Staff of the Memphis MPO ....................................................................................................................................... 12
  Memphis MPO Organizational Structure ............................................................................................................... 12
III. Documentation ............................................................................................................................................................. 14
  Equal Opportunity / Affirmative Action ................................................................................................................. 14
  Title VI Coordinator .................................................................................................................................................... 14
  Data Collection and Demographic Analysis .......................................................................................................... 14
  Contracts and Allocations of Funds .......................................................................................................................... 14
  Contracting Opportunities ......................................................................................................................................... 15
  Civil Rights Law Suits and Complaints ..................................................................................................................... 16
  MPO Funding Sources and Allocation ..................................................................................................................... 16
  Civil Rights Activities ................................................................................................................................................... 18
  Title VI Components of MPO Major Plans .............................................................................................................. 18
IV. Public Involvement ..................................................................................................................................................... 21
  Public Involvement Strategies ................................................................................................................................... 21
  Public Involvement Tracking ...................................................................................................................................... 24
V. Community Impacts and Service Equity.................................................................................................................. 24
  Defining Community Needs ......................................................................................................................................... 24
  Community Values, Environmental Justice, and Civil Rights ................................................................................ 25
  Social, Economic, and Environmental Impacts of Plans and Programs.............................................................. 25
Coordinated Human Services Transportation Plan................................................................. 26

VII. Limited English Proficiency ............................................................................................... 27

Limited English Proficiency Plan............................................................................................ 27

Appendix A: Title VI Assurances .......................................................................................... 29

Appendix B: Title VI Complaints .......................................................................................... 30

   Memphis Urban Area MPO Discrimination Complaint Procedure ..................................... 30

   Title VI Complaint Forms .................................................................................................. 32

Appendix C: MPO Staff, TPB, and Committee Members ......................................................... 37

Appendix D: Memphis MPO Meeting Locations ................................................................. 42

Appendix E: Media Contacts .................................................................................................. 43

Appendix F: Memphis MPO Library Distribution ............................................................... 44

Appendix G: Public Involvement Tracking .......................................................................... 45

Appendix H: 2011-14 TIP Projects ....................................................................................... 47

Appendix I: Limited English Proficiency Outreach .............................................................. 48

Appendix J: Limited English Proficiency Plan of the Memphis Urban Area Metropolitan Planning Organization ........................................................................................................ 53

   Introduction ....................................................................................................................... 53

   LEP Guiding Principle ....................................................................................................... 53

   Laws and Policies Guiding Limited English Proficiency Plans ....................................... 54

   MPO LEP Assessment ...................................................................................................... 55

   Safe Harbor Stipulation .................................................................................................... 57

   Providing Notice to LEP Persons ..................................................................................... 57

   Language Assistance ......................................................................................................... 58

   MPO Staff Training ........................................................................................................... 58
**MEMBERSHIP OF THE TRANSPORTATION POLICY BOARD**

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- Governor, State of Mississippi
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- Shelby County Engineer (2 votes)
- Tennessee Department of Transportation
- Mississippi Department of Transportation
- Memphis Area Transit Authority
- International Port of Memphis
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- Town of Arlington, TN
- City of Bartlett, TN
- City of Braden, TN
- Town of Collierville, TN
- City of Gallaway, TN
- City of Lakeland, TN
- City of Germantown, TN
- City of Millington, TN
- City of Piperton, TN
- DeSoto County, MS
- City of Hernando, MS
- City of Horn Lake, MS
- City of Olive Branch, MS
- City of Southaven, MS
- City of Walls, MS
Transportation Impacts Us All…

The impact of transportation on a wide range of regional activities and institutions is tremendous. Without an efficient transportation network, it would be difficult to get where we want to go or to participate in global commerce. The transportation network is the driving force behind the economic health of the Metropolitan Planning Organization (MPO) Planning Area, as well as its ability to expand in the future. The MPO’s transportation network consists of many different modes of transportation including: air, bicycle, pedestrian, rail, road, transit, and water.

The input of a diverse group of stakeholders is an essential component of the transportation decision making process. Stakeholders include individual citizens as well as many different types of interest groups. Citizens, business owners, public officials, environmental groups, civic organizations, neighborhood associations, and advocacy groups all provide valued input regarding transportation needs.

Get Involved!

The Memphis MPO encourages that everyone get involved early in order to have the greatest impact on developing transportation solutions. Citizen input, verbal or written, is a vital component of the transportation decision making process, and citizen feedback will help to shape the quality of life for communities in the region. All residents of the MPO Planning Area have the right to participate in transportation planning and investment decisions that affect their daily lives. Insight and knowledge regarding the needs of a particular community, or the community at large are valuable additions to the planning process. The Memphis MPO follows federal guidelines regarding the transportation planning process. These guidelines require that the process be continuing, cooperative, and comprehensive (3-C).

- **Continuing**: Planning must be maintained as an ongoing activity and should address both short-term needs and the long-term vision for the region.
- **Cooperative**: The process must involve a wide variety of interested parties through a public-participation process.
- **Comprehensive**: The process must cover all transportation modes and be consistent with regional and local land-use and economic-development.

How do I get involved?

**Attend a Memphis MPO Meeting**

MPO meetings are publicized in local newspapers and can be found on our website: [www.memphismpo.org](http://www.memphismpo.org).

**Join our contact list**: Call (901) 576-7190 or sign up online at [www.memphismpo.org](http://www.memphismpo.org).

**Follow us on Facebook**: Memphis Urban Area MPO
I. Introduction

The Title VI Report of the Memphis Urban Area Metropolitan Planning Organization (Memphis MPO) is produced every four years to document the ongoing Title VI activities pursued by the MPO in the period between federal certification review by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). The goal of the Memphis MPO is to comply with all federal, state, and local nondiscrimination regulations and policies.

Title VI

Title VI of the 1964 Civil Rights Act states that “no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that is a recipient of federal financial assistance.” Title VI regulations apply to all organizations (government or not-for-profit) that receives federal funds. The Tennessee and Mississippi Departments of Transportation (DOTs) receive federal funds from the U.S. Department of Transportation, and distribute these federal funds to MPOs throughout states. As a result, all MPOs and transportation planning activities that are federally funded must comply with Title VI.

Title VI Assurances

The Memphis Urban Area Metropolitan Planning Organization (MPO) assures that:

- No person shall, on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity.
- Every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.
- Title VI language will be included in all written agreements should the Memphis MPO distributes federal planning funds to another governmental entity.
- It will prepare required reports, and perform other responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.

For a signed copy of Title VI Assurances for the Memphis MPO, please see Appendix A: Title VI Assurances.

Memphis MPO Title VI Responsibilities

Memphis MPO Title VI Policy

The primary Title VI goal of the MPO is to ensure that no one is denied the opportunity to participate in the metropolitan transportation planning process because of their race, color, or national origin. The MPO informs the public through regular legal notices published in all major newspapers and in newspapers that target minority populations in the metropolitan area. The MPO uses a variety of public involvement tools to engage and inform the public. These tools are described in this report in detail in Chapter IV: Public Involvement, and in the MPO’s Public Participation Plan.
For public comment, the MPO holds formal public meetings and review and comment periods for all its major activities, and conducts public hearings at all TPB meetings to allow persons the opportunity to comment on proposed transportation improvements.

The Memphis MPO believes that all transportation facility plans (roads, transit routes, bikeways, pedestrian systems, etc.) should be based on the need for the facility, regardless of the socioeconomic status of the community. Planning for transportation facilities should be based on the regional need for making logical transportation connections, not on whether the proposed route travels through low-income communities or affluent communities. These positions guide the MPO in reviewing its planning activities to ensure compliance with environmental justice (EJ) guidelines as well as Title VI regulations.

Executive Order #12898, issued by President Clinton on February 11, 1994, reaffirmed that each federal agency must make environmental justice part of its mission. Each agency must identify and address disproportionately high and/or adverse environmental or human health effects that any of its programs, policies and activities may have on minority and low-income populations. Further, each agency must work to prevent the denial, reduction or delay of benefits received by minority and low-income populations. Most importantly, each agency must develop policies and strategies to ensure full and fair participation by affected populations in transportation decisions. In accepting federal funding, the Memphis MPO pledges to adhere to and advance the principle of environmental justice and integrate this concept into the participation process.

The environmental justice policies of the Memphis MPO emphasize limiting the disproportionately negative effects on minority and low-income populations. Within the context of the metropolitan transportation planning, the transportation infrastructure and public transit system should provide an equitable distribution of benefits to the communities least represented in the planning process. Where needed, the transportation system should provide equal access to the benefits of employment, education, health care, shopping, and recreational needs.

The Memphis MPO places particular emphasis on reaching out to people who typically have not been participants in the transportation planning process, whether low-income, minority or ethnic groups, or communities with limited English proficiency (LEP). Special ad hoc committees may be formed as needed to solicit comments and input on issues specific to these communities. Partnerships with local organizations serving the interests of under-represented populations are vital to the transportation planning process and will continue to be strengthened. Memphis MPO staff and committee members actively participate in local meetings and projects. The Memphis MPO has increased its connection to underrepresented populations, and has begun enhancing its relationship with representatives of the Hispanic community.

The Memphis MPO has made great strides in strengthening its public involvement, Title VI, and Environmental Justice practices, and will continue to reach out to all segments of our community. Some of these efforts, which are described in more detail in this document in Chapter IV: Public Involvement, and in the MPO’s Public Participation Plan, include:

- Outreach to underserved communities through documents sent to libraries for public review and informational posters placed in libraries, community centers, public buildings, etc.;
- Media releases (radio and newspaper);
- Plans and documents available on the Memphis MPOs website;
• Public Notices run in La Prensa Latina (Spanish language newspaper), and the Tri-State Defender (African American newspaper);
• Flyers and posters for public meetings printed in Spanish;
• Distribution of flyers and posters for public meetings to senior centers, including several with high minority populations;
• Plans and documents provided in accessible formats when requested, executive summaries for major documents provided in Spanish on the MPO website;
• Web translation service provided for the MPO website;
• Transportation assistance to and from MPO public meetings and hearings provided when requested;
• Inviting representatives of organizations that represent minority, disabled and elderly members of our community to meetings and appropriate workshops; and
• Provision of translators at public meetings if requested.

MPO Title VI Coordinator Responsibilities

The Title VI Coordinator is responsible for ensuring that the Memphis MPO complies with Title VI regulations. The Title VI Coordinator responsibilities are as follows:

Ongoing Review of Title VI Program

• The Title VI Coordinator of the Memphis MPO continuously reviews the agency’s Title VI program to assure compliance with Title VI.
• In addition, the Coordinator reviews agency guidelines and publications, including those for consultants, to ensure that Title VI language and provisions are incorporated, as appropriate.

Title VI Report and Update

• An Annual Report and Update to the TDOT Title VI Office is prepared by the MPO staff every four years, coinciding with certification review of the MPO by federal transportation agencies. The Title VI Report is to include:
  o A report on the Title VI-related activities and efforts during the previous four year period, including accomplishments and program changes;
  o An update on Title VI-related goals and objectives for the upcoming four year period.

Programs

• Provide technical guidance regarding the development of Title VI policies for the MPO.
• Review the MPO’s program directives to ensure that Title VI and related requirements are included.

Reviews

• Review the MPO’s plans and documents to include Title VI language and related requirements.
• Review consultant selection procedures of the MPO.
• Review consultant’s compliance concerning Title VI regulations.

**Dissemination of Information Related to the Title VI Program**

• Information on the agency’s Title VI program is to be disseminated to the Memphis MPO staff and consultants as well as to the public.

**Resolution of Title VI Complaints**

• Any individual may exercise his or her right to file a complaint with Memphis MPO, if that person believes that she/he or any other program beneficiaries have been subjected to unequal treatment or discrimination, in their receipt of benefits/services or on the grounds of race, color, national origin, income, sex, or disability.
• The Memphis MPO will make a concerted effort to resolve complaints informally using the agency’s Complaint Procedures, as described in Appendix B: Title VI Complaints.
• As the Memphis MPO is a sub-recipient of federal funds, the primary recipient, either the Mississippi or Tennessee Department of Transportation (MDOT or TDOT) assumes the responsibility of the investigation and adjudication of Title VI complaint cases.

**Consultation & Reviews**

• Assist MPO personnel in communicating consulting opportunities to minority firms.
• Participate with TDOT in conducting Title VI on-site reviews of local jurisdictions.

**Training**

• Assist Memphis MPO in the distribution of information on training programs and activities regarding Title VI and related statutes.
• Coordinate Title VI training for MPO staff.

**Public Involvement**

• Assist MPO staff in achieving public involvement goals and objectives.
II. Organization of the Memphis MPO

The Memphis Urban Area Metropolitan Planning Organization (Memphis MPO), created in 1977, is responsible for the transportation policy development, planning, and programming for the counties of Shelby and Fayette, Tennessee, and DeSoto County, Mississippi. The Memphis MPO planning boundary covers all of Shelby County, the western four (4) miles of Fayette County, and the northern ten (10) miles of DeSoto County, including the city of Hernando. Federal Regulations require that a MPO be designated to carry out a comprehensive, continuing and coordinated transportation planning process for urbanized areas with a population of 50,000 or more. The Shelby County Department of Regional Services (DRS) is the fiscal and administrative agent for the Memphis MPO.
MPO Core Functions

- **Establish a setting**: The MPO functions as a fair and impartial setting for regional decision-making regarding transportation planning.
- **Evaluate Alternatives**: Realistically available transportation alternatives need to be appropriately scaled in relation to the issues facing the region.
- **Develop and Maintain a Long Range Transportation Plan (LRTP)**: The MPO must develop and update a fiscally constrained LRTP for the MPO Planning Area, covering a planning horizon of at least twenty (20) years. The LRTP shall foster mobility and access for people and goods, provide for an efficient multimodal system performance and preservation, and preserve quality of life.
- **Develop and Maintain the Transportation Improvement Program (TIP)**: The MPO must develop a program based on the LRTP that is designed to serve the area’s goals in a fiscally constrained manner.
- **Involve the Public**: The MPO shall involve the general public and all significantly affected groups in the four essential functions listed above.

It is a policy of the Memphis MPO to provide an active and representative forum for all segments of the Metropolitan Planning Area (MPA) in the development of common regional transportation goals, alternatives and plans. In addition to addressing federal mandates, the Memphis MPO will continue to update its policies, as it has done in the past, in order to conform to new regulations, utilize changing technology and trends, and maintain effective public participation strategies. The Memphis MPO recognizes that an effective participation process is a vital element in the development/implementation of transportation plans and programs. A primary goal of the process is an increase in public awareness of transportation services and programs.

Regulations guiding the public participation process for the Memphis MPO include:

- **Federal regulation 23 C.F.R. § 450.316** requires new participation techniques be included in public participation plans, such as the employment of visualization techniques, more information available online, and involvement of the public in the creation of public participation plans.
- **Executive Order #12898** of February 11, 1994, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.”
- **Executive Order #13166** of August 11, 2000, “Improving Access to Services for Persons with Limited English Proficiency”

**Major Activities of the Memphis MPO**

The Memphis MPO is responsible for three major transportation planning programs, the Long Range Transportation Plan (LRTP), the Transportation Improvement Program (TIP), and the Unified Planning Work Program (UPWP). The Memphis MPO is also responsible for the creation of the Public Participation Plan (PPP) and conducting special transportation studies. There are links to the following documents on the Memphis MPO’s website: [www.memphismpo.org](http://www.memphismpo.org) and hard copies are also available at the MPO offices, 125 N. Main Street, Suite 450, Memphis, TN 38103.
LRTP - the LRTP is a fiscally constrained document that guides the decision-making process for the selection and implementation of transportation projects in the Memphis MPO area. It outlines the policies and long-range and short-range actions that support an integrated and intermodal transportation system for the effective and efficient movement of people and goods. The LRTP’s planning horizon is at least 20 years. The document is reviewed and updated every four years.

TIP - the TIP is a document that lists each transportation project planned for the Memphis MPO area within a four-year timeframe. It is realistic in terms of available funding (fiscally constrained) as opposed to simply serving as a “wish list” of projects. The TIP has funding committed for the projects scheduled in the first two (2) years in non-attainment and maintenance areas. Projects may include roadway, congestion mitigation, transportation enhancement, and mass transit projects. All TIP projects stem from the LRTP. The TIP’s primary purpose is to serve as the financial programming document for the MPO.

UPWP - the UPWP, prepared every two years, identifies specific transportation work tasks that the MPO and its partner agencies will undertake during a single fiscal year. The UPWP outlines the planning studies that will assist in further defining the comprehensive and multimodal transportation plans for the MPO Planning Area.

Public Participation Plan - the MPO continuously seeks to create opportunities for every citizen to participate in planning, reviewing, and implementing its transportation projects and programs. To draw attention to this effort, the Memphis MPO outlines its plan of action in the PPP, which is updated every four years.

Staff of the Memphis MPO

The Memphis and Shelby County Department of Regional Services (DRS) serves as staff for the Memphis MPO under the direction of the MPO’s Transportation Policy Board (TPB). DRS is an office of the Memphis and Shelby County Division of Planning and Development (DPD), a joint City of Memphis/Shelby County agency.

Memphis MPO Organizational Structure

The membership of the Memphis MPO is governed by a 25-member Transportation Policy Board (TPB), which is advised and assisted by the voting members of the Engineering and Technical Committee (ETC). Providing technical assistance and advice to the TPB and ETC are five additional MPO committees: the Air Quality Committee, the Bicycle & Pedestrian Advisory Committee (BPA), the Citizens Advisory Committee (CAC), the Freight Committee, and the Transportation Safety Committee. Detailed lists of the MPO’s TPB, ETC, and other committees can be found in Appendix C: MPO Staff, TPB, and Committee Members.

• The Transportation Policy Board (TPB) consists of elected officials representing the fifteen cities and towns in the MPO Planning Area, as well as representatives from Shelby, Fayette, and DeSoto Counties. Additional board members include the Governors of Tennessee and Mississippi, officials from TDOT and MDOT, a representative from MATA, and officials from the Memphis and Shelby County Airport Authority and Port Commission.
• The Engineering and Technical Committee (ETC) is comprised of professional planners and engineers from local municipalities, regional governments, and other transportation related agencies. The ETC functions in an advisory role to the TPB as well as MPO staff. The ETC shall
direct staff in the development of plans and studies such as the LRTP. The Chairperson of this committee shall be the Memphis MPO Coordinator, and the vice-chairperson shall be the senior most ranking MPO staff member.

- **Air Quality Interagency Committee:** Membership shall include a representative from any local air pollution control program within the designated maintenance or non-attainment area, the respective State agency or agencies responsible for air quality control programs, the regional representative(s) of the EPA, MATA, and members of the ETC whose responsibility include air quality and are in a jurisdiction within a designated carbon monoxide, ozone or nitrogen oxide maintenance or non-attainment air quality area as determined by the EPA.

- **Bicycle and Pedestrian Advisory Committee:** The Bicycle and Pedestrian Advisory Committee (BPAC) meets as needed to advise the TPB and other MPO committees on planning strategies for bicycle and pedestrian transportation projects. The BPAC is comprised of representatives of the bicycle community, the disability community, and citizen organizations. The BPAC is chaired by the MPO Coordinator, with the senior most MPO staff member serving as vice-chairperson.

- **Citizens Advisory Committee:** The Citizen Advisory Committee (CAC) reports to the TPB any findings and suggestions on matters of transportation planning and administration within the Memphis MPO area. The CAC assists the MPO in the development and implementation of community outreach efforts for informing, educating, and engaging the public in the transportation planning process. The CAC is comprised of at least one representative designated by each jurisdiction or transportation agency on the MPO policy board. Additional appointees to the CAC may be designated by jurisdictions whose populations exceed 50,000 residents (up to one designee per 50,000 residents).

- **Freight Committee:** The Freight Committee is comprised of representatives of the major providers of transportation resources and modes that provide freight movement. The MPO works closely with local and regional chambers of commerce, freight, and logistic organizations to develop a comprehensive committee.

- **Transportation Safety Committee:** The Transportation Safety Committee (TSC) advises and assists the TPB and other MPO committees on issues of transportation safety. The TSC is responsible for promoting coordination of traffic safety programs and initiatives between member jurisdictions. The TSC is comprised of representatives of local law enforcement agencies, public safety officials, engineers, and public or private interest groups focused on transportation safety-related issues.

Detailed information regarding the members of the MPO staff, Engineering and Technical Committee, and Transportation Policy Board can be found in Appendix C: Memphis MPO Staff, TPB, and ETC.
III. Documentation

This section provides documentation of the Memphis MPO’s efforts to administer programs, policies, and activities that help prevent discrimination and “disproportionately high and adverse” effects on minority and low-income populations.

Equal Opportunity / Affirmative Action

The Memphis MPO staff is employed by the Division of Planning and Development, which is a joint City of Memphis and Shelby County Government Division and is subject to all administrative and personnel regulations of those governmental entities. Both the City of Memphis and Shelby County have Equal Employment Opportunity (EEO) and Affirmative Action (AA) plans with which the MPO staff must comply.

Title VI Coordinator

Carlos B. McCloud is the designated Title VI Coordinator for the Memphis MPO and has direct contact with the head of the department. See “MPO Title VI Coordinator Responsibilities” in Chapter I: Introduction for a list of duties.

Data Collection and Demographic Analysis

In order to comply with Title VI, the Memphis MPO staff continuously gathers and analyzes statistical data on race, color, national origin, income level, language spoken, and sex of the population of the MPO study area. This data is intended to examine the demographic makeup of the participants in, beneficiaries of, and those affected by the federally funded transportation system within the Memphis urban area. The data gathering and analysis process is regularly reviewed to ensure the sufficiency of the data for meeting the requirements of the Title VI program.

Contracts and Allocations of Funds

Contract administration by the MPO staff is conducted in accord with the policy and procedures of Shelby County Government. All MPO contracts are officially contracts of Shelby County Government and not of the MPO. Requests for Proposals (RFP) and Requests for Qualifications (RFQ) developed by the MPO staff are forwarded to and are handled by the Shelby County Purchasing Office. Regarding MPO contracts, all documents signed by the MPO and executed by our sub-recipients contain language relative to EEO and Title VI. Shelby County Government is an Equal Opportunity/Affirmative Action Employer.

Shelby County Government’s Contract Compliance Program requires that all vendors and contractors have a current, valid EOC Certification Number in order to do business with Shelby County Government, effective April 1, 2007. All firms, regardless of number of employees, must pre-qualify for EOC Contract Compliance Eligibility Number prior to submission of a bid for a contract.

The following are the Title VI assurance and nondiscriminatory clause excerpts from the MPO’s contract:

“The CONSULTANT is assumed to be familiar with and agrees that at all times it will observe and comply with all federal, state, and local laws, ordinances, and regulations in any manner affecting the conduct of the work. The proceeding shall include, but is not limited to, compliance with all Equal Employment Opportunity laws, the Fair Labor
Standards Act, Occupational Safety and Health Administration (OSHA) requirements, Title VI of the Civil Rights Act of 1964, and the Americans with Disabilities Act (ADA).

“The CONSULTANT hereby agrees, warrants, and assures that no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of the Contract or in the employment practices of the CONSULTANT on the grounds of handicap and/or disability, age, race, color, religion, sex, national origin, or any other classification, protected by Federal, Tennessee State constitutional or statutory law. The CONSULTANT shall upon request show proof of such nondiscrimination, and shall post in conspicuous places available to all employees and applicants notices of nondiscrimination.”

Contracting Opportunities

Primary Contractors

Between fiscal years 2009-2011, the Memphis MPO administered contracts for three (3) transportation studies: (1) Houston Levee Road/Center Hill Road Alternatives Study, (2) Poplar Southern Corridor Study, and (3) Direction 2040 Long Range Transportation Plan. The first two studies involved the analysis of either alternative alignments or improvement alternatives for major regional arterials. The Direction 2040 LRTP involves the development a comprehensive long range transportation plan which provides a framework for multimodal transportation investments through the year 2040.

Requests for Proposals (RFPs) for these projects were made through the Shelby County Purchasing Office and applicants were reviewed and selected based on their qualifications and the diversity of their primary and sub-contractor project teams.

The consulting firm of Parsons Transportation Group was selected for the Houston Levee Road/Center Hill Road Alternatives Study.

The consulting firms of Dalhoff Thomas Daws (DTD) and Kimley-Horn & Associates (KHA) were selected for the Poplar Southern Corridor Study.

The consulting firm of Kimley-Horn & Associates was selected for the Direction 2040 Long Range Transportation Plan.

Sub-Contractors

DTD and KHA retained the services of Trust Marketing (Poplar Southern Corridor Study) and the Carter-Malone Group (Direction 2040 Long Range Transportation Plan), respectively, for public involvement and outreach purposes. Trust Marketing is minority-owned, and The Carter-Malone Group is both minority-owned and female-owned. Both firms were retained for handling the public outreach elements of their respective contract studies, particularly outreach to low-income and minority communities.

Extensive media campaigns, including print, radio, televisions, and internet strategies were or are being employed by both Trust Marketing and The Carter-Malone Group in the execution of their respective contracts. Both firms have incorporated contact lists of stakeholders provided by the Center for Neighborhoods and the Memphis Area Transit Authority (MATA) in their outreach campaigns.
Civil Rights Law Suits and Complaints

The Memphis MPO is not currently, nor has it been in the previous four year period, involved in any civil rights lawsuits or complaints.

MPO Funding Sources and Allocation

The allocation of federal transportation funds is governed by the current federal transportation authorization legislation, the Safe, Accountable, Flexible, Efficient Transportation Equity Act, a Legacy for Users (SAFETEA-LU), enacted into law in August 2005. Federal funding to the Memphis MPO falls into two major categories:

1. Annual FHWA and FTA funds used for planning activities in the UPWP, and
2. Transportation funds used for roadway and transit projects in the TIP.

The UPWP contains all federally funded planning activities, the agencies involved, and the amount of funding allocated. It details transportation planning funds that are annually distributed by FHWA and FTA. Additionally, TDOT and MDOT provide funds for their own activities that are listed in the UPWP. The City of Memphis, Shelby County, DeSoto County, TDOT, and MDOT provide matching funds needed for FTA and FHWA planning tasks.

The TIP details all funded transportation improvement projects over a four-year period. This includes federal, state, and local surface transportation projects, congestion mitigation and air quality projects, enhancement projects, transit projects, and congressional earmark projects. The local metropolitan surface transportation projects to be included in the TIP are decided upon by the MPO.

The MPO allocates funding annually under SAFETEA-LU for local transportation projects under the Surface Transportation Program (STP). These funds may be used for any road or other project within Shelby, Fayette, or DeSoto County that is on either the State of Tennessee or State of Mississippi Functional Classification System. All road projects receiving funds under this TIP funding category are identified in the Memphis Metropolitan LRTP and have been evaluated for air quality conformity purposes.

All projects funded with metropolitan STP funds are prioritized in the TIP through a ranking system based on the ten transportation goals listed in the 2030 LRTP:

- Increased accessibility and mobility;
- Environmental Justice;
- Efficient land use and development patterns;
- Conservation of energy resources;
- Cost effectiveness;
- Regional planning;
- Encouraging non-motorized transportation modes;
- Increased safety and security;
- Congestion mitigation and air quality; and
- Improved freight facilities.
A total score for each project is then recorded and used to prioritize the projects that will be funded in the TIP.

Shelby County is currently designated a maintenance area for both carbon monoxide (CO) and for ground level ozone (O₃) and its precursors, oxides of nitrogen (NOx) and volatile organic compounds (VOC). As such, the county and its local jurisdictions are eligible to receive Congestion Mitigation and Air Quality (CMAQ) funds under SAFETEA-LU. These funds are for local projects designed to reduce congestion and improve air quality and are allocated to areas designated by the Environmental Protection Agency (EPA) as non-attainment or maintenance in regard to specific pollutants. TDOT is responsible for administering CMAQ funds to non-attainment or maintenance areas in Tennessee, including the ranking and selection of projects.

Projects seeking CMAQ funding are ranked on the following seven criteria:

- Emissions reduction
- Cost-effectiveness of project emissions reductions
- Projects that address SAFETEA-LU CMAQ priorities
- Innovative projects
- Projects that increase the diversity of regional initiatives
- Projects that contribute to long-term multimodal infrastructure in region
- Project potential for prompt and efficient implementation

The Memphis MPO is not required to be included in Transportation Enhancement (TE) grant applications. However, as a general rule, all transportation enhancement projects are reviewed and endorsed by the Memphis MPO, which may offer letters of support for project applications. Applications for TE funds are submitted by the local jurisdictions with a letter of endorsement by the Memphis MPO, and are then reviewed by a TDOT selection committee. The Governor approves the final awards for enhancement projects. Title VI reviews are conducted by TDOT prior to awarding the enhancement project contract to the local jurisdiction.

Figure 2: MPO Funding Allocations

<table>
<thead>
<tr>
<th>Funding Type</th>
<th>Source</th>
<th>Allocated To:</th>
<th>Allocation Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning (PL) Funds</td>
<td>FHWA</td>
<td>MPO</td>
<td>Allocation determined by TDOT &amp; MDOT</td>
</tr>
<tr>
<td>Metropolitan Surface Transportation</td>
<td>FHWA</td>
<td>All TN &amp; MS Jurisdictions</td>
<td>TIP ranking process</td>
</tr>
<tr>
<td>Program (STP-M)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Congestion Mitigation and Air Quality</td>
<td>FHWA</td>
<td>All Shelby County Jurisdictions or the Memphis MPO</td>
<td>TDOT administration and ranking process</td>
</tr>
<tr>
<td>Funding Type</td>
<td>Source</td>
<td>Allocated To:</td>
<td>Allocation Method</td>
</tr>
<tr>
<td>------------------------------------------</td>
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<td>----------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Federal Transit Administration (FTA)</td>
<td>FTA</td>
<td>MATA, MPO</td>
<td>Allocation determined by FTA</td>
</tr>
<tr>
<td>Transportation Enhancement Grants</td>
<td>FHWA</td>
<td>All TN &amp; MS Jurisdictions</td>
<td>Allocation determined by Governors</td>
</tr>
</tbody>
</table>

Civil Rights Activities

No Title VI complaints were filed against any members of the Memphis MPO during Fiscal Years 2009 to 2011.

Title VI Components of MPO Major Plans

Unified Planning Work Program

The bi-annual Unified Planning Work Program (UPWP) describes all planning activities and federal, state, and local funding directed to the Memphis MPO for transportation planning. The UPWP supports federally required activities such as the development of the Long Range Transportation Plan (LRTP), the Transportation Improvement Program (TIP), and the development and maintenance of the regional travel demand model. As a recipient of federal funding, including FHWA PL funds, compliance with Title VI is a federally required activity for the Memphis MPO. The Memphis MPO has integrated Title VI goals and objectives into its planning activities as part of the transportation planning process.

Staff Training

Under Task A, Program Administration, of the UPWP the Memphis MPO staff allocates funds to prepare the annual Title VI report, to attend transportation workshops and seminars, and to provide Title VI educational and awareness opportunities to members of the Memphis MPO.

Since 2008, the staff of the Memphis MPO has attended the following trainings on various transportation planning topics related to Title VI, Environmental Justice, and public involvement:

**2009**

- Advanced Freight Planning – NHI
- CommunityViz Scenario Planning Training – Kimley-Horn & Associates
- Integrating Freight in the Transportation Planning Process – NHI
- Local Government Guideline Manual Training – University of Tennessee
- Scenario Planning Workshop – FHWA
- Title VI Conference - AASHTO
- The Visualization Toolbox: A Practical Primer for Transportation – USDOT
**2010**

- Community Challenge and TIGER II Planning Grants – USDOT/HUD
- Introduction to Transportation Conformity – NTI
- A Livable Mid-South: Enhancing Socio-Economic Development through Transportation Policy – University of Memphis Intermodal Freight Transportation Institute
- MOVES Training – TNMUG
- Talking Freight – Promoting Economic Revitalization through Enhancing Freight Transportation – FHWA
- Title VI Training – TDOT
- West TN Sustainable Neighborhoods Conference – HUD

**2011**

- Financial Planning in Transportation – NTI
- Fiscal Constraint & Financial Planning Workshop – TDOT/FHWA
- Integrating Land Use & Transportation Planning – NTI
- Intro to Metropolitan Transportation Planning – NHI/NTI
- Lessons on How to Compete for a USDOT TIGER Grant – US DOT
- Planning for Operations Workshop – TDOT/FHWA
- Public Involvement in Transportation Decision Making – NTI

**Data Collection**

Under Task B, Data Collection and Maintenance (Surveillance), the MPO staff uses census information to identify federally funded transportation projects that would traverse low-income and minority communities.

**Public Participation**

Under Task F, Public Participation, the MPO staff performs the following activities:

- Follow guidelines set forth in the Public Participation Plan
- Maintain mailing list of citizens and advocate groups who wish to be informed on transportation plans, programs and projects in the Memphis area.
- Maintain the MPO website with information on public meetings, hearings, and related events.
- Place public and legal notices with media in the MPO study area, including media that serve minority and disadvantaged groups.
- Publish and distribute a quarterly MPO newsletter, entitled “Travel Times,” which is distributed electronically to all MPO members, key stakeholders, and interested parties.
- Evaluate and research public participation techniques.
- Translate report executive summaries to Spanish as required.
- Conduct public meetings and hearings as necessary.
Transportation Improvement Program (TIP)

In regard to the TIP, the Memphis MPO has implemented a public involvement policy regarding Local Surface Transportation Program (STP) projects selected for inclusion in the TIP. Once a project has been selected for inclusion in the TIP, the sponsoring governmental entity must hold a public meeting in the communities where the project will be constructed. At that meeting, representatives of the jurisdiction present plans for the proposed transportation improvement to the public. The public is then given the opportunity to comment and express their concerns on the project. The local government receives the comments and is given the opportunity to redesign the project plans based on the public's comments. The local government then submits revisions for the proposed TIP project along with documentation that a public meeting was held in that community.
IV. Public Involvement

The Memphis MPO, through FHWA guidance, believes that continued interaction with the entire community builds support and, more importantly, ensures that the public has the opportunity to help shape the substance of plans and projects. The Public Participation Plan is the Memphis MPO’s official policy on involving the public in the transportation planning process, providing an overview of the objectives for public involvement, and the activities of the Memphis MPO and the ETC.

Since 2009, the Memphis MPO has held more than 37 public meetings in diverse communities within the region related to major plans, projects, and studies conducted by the MPO. MPO staff work closely with project consultants to ensure that meetings are held in locations that are accessible to persons with disabilities and by public transit. See Appendix D: MPO Meeting Locations for an illustration of public meeting locations related to major MPO plans and studies since 2009.

MPO staff members also use GIS mapping and demographic information from the U.S. Census to enhance the accessibility to meetings and participation of groups traditionally underrepresented in the planning process. These groups include minorities, low-income families and individuals, and persons with limited English proficiency.

Greater participation from individuals with limited mobility, who often are the most affected by regional transportation decisions, is also sought by the Memphis MPO, using mapping, partnerships with groups representing these populations, and other techniques listed here and in the MPO’s Public Participation Plan.

The Memphis MPO works continuously to increase public participation in the transportation process, to improve its relationships with community groups and regional stakeholders, and to evaluate the effectiveness of its outreach efforts. The following strategies reflect the tools described in detail in the Memphis MPO’s recently updated Public Participation Plan, available in draft form at www.memphismpo.org.

Public Involvement Strategies

Techniques to Inform:

**Media Outreach** (See Appendix E: Media Distribution for a list of Media Contacts)

- Legal advertised notices of public meetings, hearings, and comment periods in The Commercial Appeal, The Tri-State Defender, La Prensa Latina, and The DeSoto County Times Television/news conferences
- Paid advertisements in local newspapers
- Radio announcements
- Press releases through the Shelby County and City of Memphis Public Relations Offices
- Featured stories in local media

**Data and Contacts Maintenance**

- Maintain master database of contact information for stakeholders and interested citizens
- Direct mailings targeting groups potentially impacted by transportation projects
- Email announcements sent to contact lists
• Library Distribution Sites: All MPO documents released for public review and comment are 
disseminated to the sixteen (16) libraries listed in Appendix F: Memphis MPO Library 
Distribution to afford the public the opportunity to review the documents and provide 
input. The documents are available in English and Spanish.
• Posters, flyers, and displays announcing meetings, events, and plans distributed to highly 
visible public places
• Faith community notices in religious organizations' bulletins, newsletters, and facilities
• Fact sheets on MPO plans, projects, and activities
• Newsletter: The Memphis MPO distributes a quarterly newsletter, Travel Times, which 
provides readers with information regarding transportation planning and citizen 
involvement. The primary purpose of the newsletter is to encourage public awareness and 
involvement in transportation planning and other related activities across the MPO 
Planning Area.
• Calendar of MPO events on the MPO website and Facebook page
• Display ads in regional media for MPO plans and projects to target wider audiences than 
with legal notices
• MPO logo and branding enhancing public awareness of the MPO and its activities

Interactive Devices

Website: www.memphismpo.org

The main mode of communication employed by the Memphis MPO to distribute information regarding 
regional transportation planning is our website. On the site, one can find information on the transportation 
planning process, as well as up-to-date information on current projects and events, such as:

• MPO Plans & Publications – Browse documents that are available for public review.
• MPO Projects & Studies – See how the Memphis MPO is working to further the goals of 
the Long Range Transportation Plan as well as area transportation needs.
• MPO Committees & Advisory Groups – Review minutes from past meetings, agendas for 
upcoming meetings, and find out who serves on each committee.
• Calendar – See where and when upcoming meetings will be held, along with what 
activities will be discussed.
• Partners in Planning – View links to agencies that participate in the transportation 
planning process with the Memphis MPO.
• Documents – View and download our library of documents and studies.

In order to make the information located at www.memphismpo.org available to the greatest number of 
interested parties, the Memphis MPO has incorporated an online translation tool into the site.

This tool, powered by Google™ Translate, allows site visitors to choose from multiple languages, the link is 
currently located along the left side of the MPO homepage.

Facebook Page: “Memphis Urban Area MPO”

The Memphis MPO has established a Facebook page with the user name “Memphis Urban Area MPO” as 
a means to provide the public with information via social media. Additionally, the MPO Facebook page is
viewed as an online forum where the general public can provide interactive feedback regarding transportation planning in the Memphis Planning Area.

**Memphis MPO Web 2.0 Policy**

The MPO’s Web 2.0 Policy is intended to set clear guidelines for user-posted comments and information on the MPO’s website and social media accounts. The policy is designed to limit obscene, discriminatory, or defamatory posts, and states that while the MPO will not edit public comments for display, it retains the right not to approve comments that do not meet the guidelines of the policy. The complete Web 2.0 Policy of the Memphis MPO is available on the MPO’s website and in its Public Participation Plan.

**Surveys**

The Memphis MPO may conduct, mail, in-person, or web-based surveys to obtain public input or to gage public opinion regarding regional planning issues.

**Comment Forms/Response Sheets**

The MPO provides forms at meetings and workshops, in MPO publications, and on the MPO website to solicit input about MPO plans, projects, and participation.

**Techniques to Involve:**

**Speakers Bureau**

- Project briefings presented to social organizations, neighborhood and civic groups, and other targeted audiences
- Facilitated meetings, workshops, and open houses allowing for more informal information and comment sessions
- Public meetings and hearings, including regularly scheduled ETC and TPB meetings, providing opportunity for recorded public comment

**Activities/Methods of Approach**

- Visualization techniques, including PowerPoint presentations, GIS mapping and analysis, and artist renderings that enhance understanding of transportation issues and decisions
- Visioning exercises and visual preference surveys to establish community goals
- Simulation exercises and “chip games” for scenario-based land use and transportation planning exercises
- Community fairs attended by MPO staff to provide information and promotional materials, obtain public comments, and generate new interested citizen contacts
- Guided tours bringing stakeholders together to increase awareness of project areas, including existing conditions and potential enhancements
- Focus groups and citizen surveys convened around specific issues related to MPO plans and projects
Advisory Groups

- Steering committees, focus groups, and stakeholder groups consisting of experts, individuals, or stakeholders that are representative of all interested parties pertaining to a specific project or study

Public Involvement Tracking

Since 2009, the Memphis MPO has updated the methods used to track participation at public meetings and community events and to evaluate the effectiveness of its outreach efforts. In addition to comment cards distributed to participants at these events, the MPO staff maintains records of its activities at community events and meetings to track the number of participants, distribution of promotional materials, and new contacts generated for its “Primary Stakeholders” and “Interested Citizens” distribution lists. See Appendix G: Public Involvement Tracking for the public comment and staff tracking forms.

V. Community Impacts and Service Equity

Defining Community Needs

The Memphis MPO strives to take into account the needs of low-income and minority populations in all its plans, studies, and documents. The MPO planning process reaches out to community organizations such as community development corporations (CDCs), neighborhood associations, disability community representatives, and the regional transit agency to form a more comprehensive understanding of the needs of these communities.

The Memphis MPO planning process seeks to utilize demographic information to examine the distribution of transportation improvements and burdens associated with projects across all communities within its planning area. The MPO examines the location of projects in its major transportation plans and programs in relation to the geographic location of underserved communities to improve transportation accessibility and mobility to protected communities. Among the methods used to identify potential imbalances in transportation improvements and studies are:

- Mapping and analyzing the most current U.S. Census data using Geographic Information Systems (GIS) to locate low-income and minority populations within its study boundary;
- Incorporating income information from the U.S. Census into the travel-demand forecasting model to assess the benefits to and burdens on targeted populations of existing and planned transportation system investments;
- Using mapping and data analysis to strengthen outreach efforts to the communities most directly impacted by transportation projects.

Identifying the size and location of low-income and minority population groups is a important first step toward assessing whether or not transportation system investments disproportionately burden or fail to meet the needs of any segment of the population. Low-income community data is utilized in the travel demand model to analyze demand for transit service.

Using census data, the MPO calculates percentages of low-income and minority populations for census geographies within the planning area, using an internally established threshold to determine whether a
particular geography contains a significant minority or low-income population. MPO staff uses the region-wide percentages of 35% for minority and 14% for low-income populations (these percentages may be subject to change based on updated 2010 Census data).

An example of mapping efforts designed to achieve these ends can be found in Appendix H: 2011-14 TIP Project Mapping.

Community Values, Environmental Justice, and Civil Rights

The impacts of local transportation systems on minority, low-income, and Limited English Proficiency communities are currently being evaluated during the development of the Memphis MPO's Direction 2040 Long Range Transportation Plan. MPO staff and its project consultant Kimley-Horn & Associates will continue to hold public and stakeholder meetings and to accept public comment through the end of the plan's development to evaluate transportation impacts, including:

- Regional traffic congestion
- Regional air pollution from mobile (on-road) sources
- Freight traffic through inner-city residential neighborhoods
- Regional transit availability
- ADA accessible sidewalks
- Regional bicycle and pedestrian connectivity
- Mobility for the Spanish speaking community
- Mobility options for the elderly, low-income communities, and persons with disabilities

Social, Economic, and Environmental Impacts of Plans and Programs

A Transportation Planning Report (TPR) is prepared for all federal and state funded projects in Shelby County and Fayette County by TDOT. The TPR discusses the initial purpose and need for the transportation facility and serves as the basis for future evaluation in the National Environmental Policy Act (NEPA) process. The TPR contains not only transportation options and alternatives, but also contains multi-modal alternatives as well. The transportation alternatives consist of various alignments within a specified corridor. TDOT then looks at potential multi-modal options. Specifically, TDOT evaluates the project to see if a transit component, bicycle and/or pedestrian component should be incorporated into the proposed transportation facility.

TDOT's Civil Rights Office collects Census data for the area in which the proposed transportation facility will be located. Specifically, the Title VI Office collects both socioeconomic and demographic data of the affected area. This data is used to evaluate the potential affects that a transportation project may have on a community. Upon completion of the TPR, TDOT forwards the report to FHWA.

Project sponsors must provide an analysis of the environmental impacts of the project on the communities in which it is located. Certain types of projects may be deemed to have, by nature, little or no environmental impact on a community and therefore are granted a Categorical Exclusion (CE). For projects which likely will have an impact, or for which the environmental outcomes are unsure, an Environmental Assessment (EA) must be conducted by the project sponsor. An EA is an exploratory report that evaluates the potential for significant impacts relative to federally funded projects. If the EA concludes that a federally funded road project will not cause a significant impact on the community, then FHWA will issue a Finding of No
Significant Impact (FONSI). If the EA concludes that there would be significant impacts on the community because of the proposed project, the project sponsor is responsible for preparing an Environmental Impact Statement (EIS). This report is an investigative report as required by the National Environmental Policy Act (NEPA) that quantifies the environmental impacts of the project. Social and economic concerns of the community affected are also addressed in the EIS.

Coordinated Human Services Transportation Plan

Since 2009, the Memphis MPO has continued to work with the Memphis Area Transit Authority (MATA) to develop a Coordinated Human Services Transportation Plan (CHSTP). This plan identifies the transportation needs of the region’s low-income, elderly and disabled populations and examines ways to coordinate service among regional service providers for the three populations. The key elements of this coordinated plan are:

- An assessment of transportation needs for individuals with disabilities, older adults, and persons with limited incomes.
- An inventory of available services that identifies areas of redundant services and gaps in service.
- Strategies to address the identified gaps in service
- Identification of coordination actions to eliminate or reduce duplication in services and strategies for more efficient use of resources; and
- Prioritization of implementation strategies

This plan is used to evaluate potential transportation projects that may be funded by FTA’s New Freedoms, Job Access Reverse Commute, and Disabled and Elderly programs. Memphis MPO staff work with MATA to evaluate effective transit projects which ensure greater mobility for low-income, elderly, and disabled populations.

MATA, with cooperation from the Memphis MPO, will periodically review and update the CHSTP. An update to the plan is scheduled to be completed sometime in the next two years.
VII. Limited English Proficiency

On August 11, 2000 President Clinton issued Executive Order 13166 – Improving Access to Services for Persons with Limited English Proficiency (LEP). The purpose of this Executive Order, consistent with Title VI guidelines drafter in 1964, was to improve the accessibility of federally funded services to eligible persons with limited English proficiency. As with Title VI, Executive Order 13166 is applicable to any federally funded agency and prohibits these agencies from restricting any person from enjoying any advantage or privilege enjoyed by others in receiving services or benefits that are federally funded because of race, color, or national origin. The regulations also prohibit use of any criteria or procedure that have the effect of discrimination, or having the effect of substantially impairing the objectives of the program in respect to individuals of a particular race, color, or national origin.

All federally funded agencies are required to take steps to provide meaningful opportunities for participation in their programs and activities to LEP participants. Factors considered in determining what constitutes reasonable steps toward ensuring meaningful access include:

- The number/percentage of LEP persons in the study/service area
- The frequency with which LEP individuals come in contact with the program
- The importance of the service/activity provided by the program
- The resources available to the recipient

In balancing the factors above to determine what reasonable steps the MPO must take to ensure meaningful access to the transportation planning process, the Memphis MPO carefully evaluates the need for both oral and written language assistance. In the area of written language assistance, the MPO has translated summaries of all of its major documents in Spanish and makes the translations available on its websites and at area libraries. Summaries of the Long Range Transportation Plan, the Unified Planning Work Program, the Transportation Improvement Program, and the Public Involvement Program are available in public libraries in both English and Spanish during the public review comment period and after they have been approved by state and federal agencies.

Additionally, all public and legal notices for Memphis MPO meetings are published in La Prensa Latina, the newspaper that targets the Spanish-speaking community. The MPO website offers translation service through the Google Translate® web service.

In the area of oral language assistance, the Memphis MPO requests in all of its published public notices that any person needing special assistance to ensure their ability to participate at public meeting and public hearing should contact our office no less than seven days before the meeting so that staff can obtain the translators needed for the meeting.

Limited English Proficiency Plan

Issues and public outreach efforts concerning citizens and communities with limited English proficiency, in particular the growing Hispanic population in the Memphis area, are addressed through several strategies described in the Memphis MPO’s Public Participation Plan and in its Limited English Proficiency Plan, which can be found in Appendix J. These outreach and participation strategies are being implemented to increase participation and input from communities in which language barriers may limit interaction with the transportation planning process. Public notices, flyers, brochures, and newsletters are being designed to
include more graphics and bullet lists, with visualization techniques such as facility maps being more heavily used. Executive summaries of all major MPO documents are available in Spanish, and map text used at public meetings is being revised to include Spanish translation as well.

Despite efforts of MPO staff, participation to date from the Hispanic community has been lacking. However, recent outreach efforts have generated growing interest — one outreach event yielded 75 participants, with 20 residents providing contact information. The MPO’s informational brochure, in Spanish, proved to be an effective means for communication with a predominately Spanish speaking audience in attendance at the event. Spanish signs asking attendees to please provide contact information were also beneficial, and a local leader with Latino Memphis was identified and contacted as a potential partner for further outreach.

MPO staff will continue to pursue increased participation from Limited English Proficiency communities, and the updated Public Participation Plan, available at the MPO offices or online at www.memphismpo.org, will include strategies for further outreach.

Examples of Spanish language translation MPO documents can be found in Appendix I: Limited English Proficiency Outreach. The full text of the LEP Plan can be found in Appendix J: Limited English Proficiency Plan of the Memphis MPO.
Appendix A: Title VI Assurances

MEMPHIS URBAN AREA METROPOLITAN PLANNING ORGANIZATION

TITLE VI ASSURANCE

The Memphis Urban Area Metropolitan Planning Organization assures that no person shall on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance from the Tennessee Department of Transportation (TDOT).

The Memphis Urban Area Metropolitan Planning Organization further assures every effort will be made to ensure nondiscrimination in all of its program and activities, whether those programs or activities were federally funded or not.

In the event the Memphis Urban Area Metropolitan Planning Organization distributes Federal Assistance to a consultant, contractor or subcontractor or other participants, the Memphis Urban Area Metropolitan Planning Organization will include Title VI language in all written agreements and will monitor the consultant, contractor or subcontractor and other participants for compliance. The Memphis Urban Area Metropolitan Planning Organization Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports and other responsibilities as required by 23 CFR 200 and 49 CFR 21.

As required by the contractual agreement, the Memphis Urban Area Metropolitan Planning Organization will comply with the applicable laws and regulations relative to nondiscrimination in federally or state assisted programs of the Tennessee Department of Transportation (TDOT).

__ signatures ____________  
MPO Administrative Head  

9/9/2011  

Date

_________  
MPO Title VI Coordinator  

9/9/2011  

Date
Appendix B: Title VI Complaints

Memphis Urban Area MPO Discrimination Complaint Procedure

Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color and national origin in programs and activities receiving federal financial assistance. As a sub-recipient of the Tennessee Department of Transportation, the Memphis Urban Area Metropolitan Planning Organization (MPO) has in place a Title VI complaint procedure.

1. Any person who believes that he or she, or any specific class of persons, has been subjected to discrimination or retaliation, by any Memphis Urban Area Metropolitan Planning Organization’s (MPO) programs or activities, as prohibited by Title VI of the Civil Rights Act of 1964, as amended, and related statutes, may file a written complaint. All written complaints received by the MPO shall be referred immediately by the MPO’s Title VI Coordinator, Carlos B. McCloud, to the TDOT’s Title VI Program Director for processing in accordance with approved State procedures.

   Written complaints may be sent to:

   Carlos B. McCloud, Memphis Urban Area MPO
   Title VI Coordinator
   125 N. Main Street, Suite 450
   Memphis, TN. 38103

2. Verbal and non-written complaints received by the MPO shall be resolved informally by the MPO’s Title VI Coordinator. If the issue has not been satisfactorily resolved through informal means, or if at any time the complainant(s) request(s) to file a formal written complaint, the Complainant shall be referred by the MPO’s Title VI Coordinator to the TDOT’s Title VI Program Director for processing in accordance with approved State procedures.

3. The MPO’s Title VI Coordinator will advise the TDOT’s Title VI Program Director within five (5) calendar days of receipt of the allegations. The following information will be included in every notification to the TDOT’s Title VI Program Director:

   (a) Name, address, and phone number of the Complainant.

   (b) Name(s) and address(es) of the Respondent.

   (c) Basis of complaint (i.e., race, color, national origin, sex, age, disability, religion, familial status or retaliation).

   (d) Date of alleged discriminatory act(s).

   (e) Date complaint received by the MPO.

   (f) A statement of the complaint.

   (g) Other agencies (state, local or Federal) where the complaint has been filed.
31

Memphis Metropolitan Planning Organization: Title VI Report

2011

(h) An explanation of the actions the MPO has taken or proposed to resolve the allegation(s) raised in the complaint.

4. Allegations received by fax or email will be acknowledged and processed, once the identity (ies) of the complainant has been established. The complainant is required to mail a signed, original copy of the fax or email transmittal to be able to process it.

5. Allegations received by telephone will be reduced to writing and provided to complainant for confirmation or revision before processing.

6. Within ten (10) Calendar days, the MPO's Title VI Coordinator will acknowledge receipt of the allegation(s), inform the Complainant of action taken or proposed action to process the allegation(s), and advise the Complainant of other avenues of redress available, such as the TDOT's Equal Opportunity Office (EOO).

7. Within sixty (60) calendar days, the MPO's Title VI Coordinator will conduct and complete a review of the verbal or non-written allegation(s) and based on the information obtained, will render a recommendation for action in a report of findings to the MPO Coordinator.

8. Within ninety (90) calendar days of the verbal or non-written allegation(s) receipt, the MPO Coordinator 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 right to file a formal complaint with the TDOT's EOO, if they are dissatisfied with the final decision rendered by the MPO. The MPO's Title VI Coordinator will also provide the TDOT's Title VI Program Director with a copy of this decision and summary of findings.

9. The MPO's Title VI Coordinator will maintain a log of all verbal and nonwritten complaints received by the MPO. The log will include the following information:

   (a) Name of Complainant. (b) Name of Respondent.

   (c) Basis of Complaint (i.e., race, color, national origin, sex, age, disability, religion, familial status or retaliation).

   (d) Date verbal or non-written complaint was received by the MPO.

   (e) Date MPO notified the TDOT Civil Rights Office of the verbal or non-written complaint.

   (f) Explanation of the actions the MPO has taken or proposed to resolve the issue raised in the complaint.

10. A complaint may be dismissed for the following reasons:

   (a) The complainant requests the withdrawal of the complaint.

   (b) The complainant fails to respond to repeated requests for additional information needed to process the complaint.

   (c) The complainant cannot be located after reasonable attempts.
Title VI Complaint Forms

Memphis and Shelby County

Department of Regional Services

125 North Main Street, Suite 450, Memphis, Tennessee 38103

Tel: (901) 576-7190   Fax: (901) 576-7272

Mark H. Luttrell, Jr., Mayor, Shelby County

A. C. Wharton, Mayor, City of Memphis

MEMPHIS URBAN AREA

METROPOLITAN PLANNING ORGANIZATION

TITLE VI COMPLAINT FORM

COMPLAINANT

NAME______________________________________________________________

ADDRESS__________________________________________________________

TELEPHONE________________________________________________________

DATE RECEIVED____________________________________________________

Complainant alleges Title VI violation is based on:

_________ Race   _________ Color   _________ National Origin   _________ Gender

Complaint: __________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

32 | P a g e
Action Taken: 
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Problem Resolved? __________ Yes __________ No

Referred to:  ______________________________________________________________

Follow-up Needed? __________ Yes __________ No

Follow-up  ______________________________________________________________

Date Concluded  __________________________________________________________

Investigator  ______________________________________________________________
MEMPHIS METROPOLITAN PLANNING ORGANIZATION

TITLE VI COMPLAINT FORM

COMPLAINANT OF TITLE VI VIOLATION

We are asking for the following information to assist us in processing your complaint. If you need help in completing this form, please let us know.

Name: ______________________________________________________________________________

Street Address: _______________________________________________________________________

City, State, and Zip Code: _______________________________________________________________

Person against whom the Title VI violation occurred (if other than complainant):

Name: ______________________________________________________________________________

Street Address: _______________________________________________________________________

City, State, and Zip Code: _______________________________________________________________

Telephone Number(s): Home___________________________ Business__________________________

Does an attorney for this complaint represent you?  Yes_______________ No__________________

If yes, please complete the following:

Attorney’s Name: _____________________________________________________________________

Attorney’s Street Address: ______________________________________________________________

City, State, and Zip Code: _______________________________________________________________

Attorney’s Telephone Number: ___________________________

Which governmental agency(s) do you believed violated Title VI?

Name: ______________________________________________________________________________
Which of the following best describes the reason you believe the Title VI violation took place?

Race _______  Color _________  National Origin _________  Gender ____________

Date of alleged discrimination: _____________________________________________

In the space below, please describe the alleged Title VI violation. Explain what happened and whom you believe was responsible. (Please print or type)

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Have you tried to resolve this complaint through a grievance procedure other than a Title VI complaint?  ________________Yes  ________________No
If yes, what is the status of the grievance?

Name and title of the person handling the grievance procedure:

Name: ____________________________________________________________________________
Title: _____________________________________________________________________________

Have you filed a complaint of the alleged Title VI violation with a federal, state, or local agency; or with state or federal court? Yes__________  No___________

If yes, check all that apply:

   Federal Agency_________
   State Agency___________
   Local Agency__________
   Federal Court_________
   State Court___________

Please provide the name of the Agency where you filed your complaint:

Name: ___________________________________________________
Contact Person: ____________________________________________

Please sign below. You may attach any additional information you think is relevant to your complaint.

_____________________________________________ ______________________________
Signature of Complainant       Date
## Appendix C: MPO Staff, TPB, and Committee Members

### Memphis MPO Staff Members

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<tr>
<th>Position</th>
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### Memphis MPO Transportation Policy Board (TPB) Members

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### Memphis MPO Bicycle & Pedestrian Advisory Committee

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<td>Brad Corey</td>
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</tr>
<tr>
<td>Jessica Wilson</td>
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### Memphis MPO Citizens Advisory Committee

<table>
<thead>
<tr>
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<tr>
<td>Betty Anderson</td>
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<tr>
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<td>John Freeman</td>
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<td>Hay James</td>
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<tr>
<td>Arianne Jenkins</td>
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<td>Jim Isaacs</td>
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<tr>
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<td>Olar Hughes</td>
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<td>Bill Phillip</td>
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<td>Mary Margaret Ware</td>
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<td>William B. Strong</td>
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<td>Steven Sondheim</td>
<td>Sierra Club</td>
<td>White/Male</td>
</tr>
<tr>
<td>Jackie Yorkley</td>
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### Memphis MPO Freight Committee

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<td>Rusty Bloodworth</td>
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<tr>
<td>Buzz Fly</td>
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</tr>
<tr>
<td>Dan Callahan</td>
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<tr>
<td>John Dudas</td>
<td>Belz Enterprises</td>
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<tr>
<td>Beth Flanagan</td>
<td>Memphis Medical Center</td>
<td>White/Female</td>
</tr>
<tr>
<td>Frank Dryer</td>
<td>Loeb Properties</td>
<td>White/Male</td>
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<tr>
<td>James Hays</td>
<td>Airport Authority</td>
<td>White/Male</td>
</tr>
<tr>
<td>John Cameron</td>
<td>City of Memphis</td>
<td>White/Male</td>
</tr>
<tr>
<td>Julie Ellis</td>
<td>Attorney-Bultor Snow</td>
<td>White/Female</td>
</tr>
<tr>
<td>Larry Cox</td>
<td>Airport Authority</td>
<td>White/Male</td>
</tr>
<tr>
<td>Larry May</td>
<td>Cleo Wrap</td>
<td>Black/Male</td>
</tr>
<tr>
<td>Marty Lapinski</td>
<td>University of Memphis</td>
<td>White/Male</td>
</tr>
<tr>
<td>Rick McClanhan</td>
<td>City of Bartlett</td>
<td>White/Male</td>
</tr>
<tr>
<td>Dexter Muller</td>
<td>Greater Memphis Chamber</td>
<td>White/Male</td>
</tr>
<tr>
<td>Terica Lamb</td>
<td>T C Logistix</td>
<td>White/Female</td>
</tr>
<tr>
<td>Tony Brightman</td>
<td>Citizen, Memphis</td>
<td>White/Male</td>
</tr>
<tr>
<td>Stephen White</td>
<td>Federal Express</td>
<td>White/Male</td>
</tr>
<tr>
<td>Richard White</td>
<td>Airport Authority</td>
<td>White/Female</td>
</tr>
<tr>
<td>Paul Young</td>
<td>Memphis &amp; Shelby County</td>
<td>Black/Male</td>
</tr>
<tr>
<td></td>
<td>Office of Sustainability</td>
<td></td>
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<tr>
<td>Tom Word</td>
<td>MLG &amp; W</td>
<td>White/Male</td>
</tr>
<tr>
<td>Cliff Stockton</td>
<td>Greater Memphis Chamber</td>
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<tr>
<td>Pragati Srivastava</td>
<td>Memphis MPO</td>
<td>Asian/Female</td>
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<tr>
<td>Maura Sullivan</td>
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<td>White/Female</td>
</tr>
<tr>
<td>Kim Hackney</td>
<td>Shelby County</td>
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<tr>
<td>Tom Needham</td>
<td>Shelby County</td>
<td>White/Male</td>
</tr>
<tr>
<td>Darren Sanders</td>
<td>Shelby County</td>
<td>White/Male</td>
</tr>
<tr>
<td>James Collins</td>
<td>Kimley-Horn &amp; Assoc.</td>
<td>White/Male</td>
</tr>
<tr>
<td>Andre Dean</td>
<td>Greater Memphis Chamber</td>
<td>Black/Male</td>
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### Memphis MPO Safety Committee

<table>
<thead>
<tr>
<th>Member</th>
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<th>Race/Gender</th>
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</thead>
<tbody>
<tr>
<td>Herman Adair</td>
<td>City of Memphis</td>
<td>Black/Male</td>
</tr>
<tr>
<td>Becky Bailey</td>
<td>City of Bartlett</td>
<td>White/Female</td>
</tr>
<tr>
<td>Nat Baker</td>
<td>City of Horn Lake</td>
<td>White/Male</td>
</tr>
<tr>
<td>Brad Corey</td>
<td>Midsouth Trails</td>
<td>White/Male</td>
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<tr>
<td>Sharon Goldsworthy</td>
<td>Mayor Germantown</td>
<td>White/Female</td>
</tr>
<tr>
<td>Susan Helms</td>
<td>Lebonheur</td>
<td>White/Female</td>
</tr>
<tr>
<td>Arianne Jenkins</td>
<td>City of Horn Lake</td>
<td>White/Female</td>
</tr>
<tr>
<td>Robert Knecht</td>
<td>Citizen, Memphis</td>
<td>White/Male</td>
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<tr>
<td>Marty Lipinski</td>
<td>University of Memphis</td>
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<td>Richard Merrill</td>
<td>City of Memphis</td>
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<tr>
<td>Mike Merry</td>
<td>MDOT</td>
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<tr>
<td>Rick McClanahan</td>
<td>City of Bartlett</td>
<td>White/Male</td>
</tr>
<tr>
<td>Tom Needham</td>
<td>Shelby County Government</td>
<td>White/Male</td>
</tr>
</tbody>
</table>
Appendix D: Memphis MPO Meeting Locations

Figure 3: Map showing MPO public meeting locations in relation to minority and low-income populations
Appendix E: Media Contacts

PRINT MEDIA

1. THE COMMERCIAL APPEAL (Official Notices)*
2. THE LA PRENSA LATINA (Official Notices)*
3. THE TRI-STATE DEFENDER (Official Notices)*
4. THE DESOTO COUNTY TIMES (Official Notices)*
5. THE BARTLETT EXPRESS
6. THE COLLIERVILLE HERALD
7. THE MEMPHIS DAILY NEWS
8. THE MEMPHIS FLYER
9. THE MID-SOUTH TRIBUNE
10. THE GERMANTOWN NEWS
11. THE MILLINGTON BLUE JACKET
12. THE NORTH SHELBY TIMES
13. THE SILVER STAR NEWS
14. THE SOUTHAVEN PRESS

TELEVISION MEDIA

1. WHBQ
2. WPTY
3. WMCTV
4. WREG

RADIO MEDIA

1. WKNO
2. CLEAR CHANNEL
3. FLYNN BROADCASTING

NOTE: *Indicates that all official notices are printed in the designated newspapers.
Appendix F: Memphis MPO Library Distribution

Figure 4: Library locations for public review of MPO documents

1. Arlington – 11968 Walker Rd Arlington, TN 38002
2. Millington – 4858 Navy Rd Millington, TN 38053
3. Bartlett – 5884 Stage Rd Bartlett, TN 38134
5. Cossitt – 33 South Front St Memphis, TN 38103
6. East Shelby Drive – 7200 East Shelby Dr Memphis, TN 38125
7. Germantown – 1925 Exeter Rd Germantown, TN 38138
8. Main – 3030 Poplar Ave Memphis, TN 38111
9. Frayser – 3712 Argonne St Memphis, TN 38127
10. Whitehaven – 4130 Millbranch Rd Memphis, TN 38116
11. Somerville – 216 West Market St Somerville, TN 38068
12. Hernando – 370 West Commerce St Hernando, MS 38632
13. Horn Lake – 2885 Goodman Rd Horn Lake, MS 38637
14. Olive Branch – 6619 South Cockrum Rd Olive Branch, MS 38654
15. Southaven – 8554 Northwest Dr Southaven, MS 38671
16. Walls – 7181 Delta Bluff Pkwy Walls, MS 38680
Appendix G: Public Involvement Tracking

MPO Staff Public Participation Tracking Form

This form is used by Memphis MPO staff to track the public participation for each public event hosted by the MPO or attended by staff members.

1. Event:
   a. Date:
   b. Conducted by:
   c. Attendees: (Number and Type: Citizen, Technical, and/or Business, Staff)

2. Summary of public comments/concerns/interest that need to be addressed:

3. Information Learned:

4. Follow-up with the Public:
   a. Follow-up Activities:

   b. Community Participation Evaluation Forms Collected:

5. MPO Recommendations for Future Public Participation Events:
**Memphis MPO Public Participation Evaluation Form**

The following form is available to attendees of meetings and events hosted or sponsored by the Memphis MPO. Comments on the public involvement activities of the MPO are also accepted by the staff at any time via email.

**Public Participation Evaluation Form**

Below are scores to rate the discussions and the process of the public participation meeting as well as your understanding about the issues, plans, or programs in your area that were discussed at the meeting.

Use the following ratings and circle the most appropriate response:

1 = Poor  2=Fair  3=Good  4=Very Good  5=Excellent

**Topics:**

1. Explanations of the issues, plans, or programs  
   Rating 1 2 3 4 5
2. Participation by MPO Planners at the meeting  
   Rating 1 2 3 4 5
3. Answers to questions raised  
   Rating 1 2 3 4 5
4. Relevance of meeting to understanding the issues, plans, or programs  
   Rating 1 2 3 4 5
5. How was the meeting run  
   Rating 1 2 3 4 5
6. Length/duration of the meeting  
   Rating 1 2 3 4 5

7. How did you hear about the meeting? (Check all that apply)
   — Radio/TV  — Email  — Newspaper  — Posters/Flyers  — Direct Mailing
   Other? (_____)

8. What topics should be discussed in the future?

9. What changes would you recommend for future participation in MPO meetings?

10. General comments. Is there anything else you would like to add?
Appendix H: 2011-14 TIP Projects

Figure 5: Map showing geographic distribution of TIP projects, with minority and low-income populations
Figura 6: Brochure de Lenguaje Español de MPO, frente
Resumen

Los Memphs y el departamento de transporte de servicios regionales de Shelby proporciona actividades de planificación de la comunidad que se extienden más allá de los límites del Condado de Shelby. Estas incluyen planeación de transporte y gestión de sistemas de información geográfica (SIG). Este grupo diverso de actividades reconoce el impacto en el condado de Shelby tiene en la región y en el condado de Shelby.

Memphis área urbana MPO Mission

El departamento de servicios regionales del Condado de Shelby de Memphis Metropolitana la área urbana de Memphis (MPO) bajo la dirección de Junta de política de transporte de MPO (TPB).

La MPO Memphis de la zona urbana se compone de quince ciudades o pueblos y tres condados. El límite MPO incluye todo el condado de Shelby y los cuatro kilómetros más al oeste del Condado de Fayette en Tennessee. La frontera también extiende a unos diez kilómetros al sur en el condado de DeSoto.

Qué Hacemos

- Plan de transporte de largo alcance (LRTP)
  El Plan de transporte gana larga guía el proceso de toma de decisiones para la selección y ejecución de proyectos de transporte en el área de MPO de Memphis.

- Programa de mejora del transporte (TP)
  El programa de mejora del transporte enuncia cada proyecto de transporte prevista para el área de MPO de Memphis en un plazo de cuatro años.

- Unificado de planificación de programa de trabajo (UPWP)
  La labor de planificación unificada programa identifica las tareas de transporte específica que la MPO y sus organismos asociados llevarán a cabo durante un año fiscal.

- Plan de participación pública (PPP)
  El Plan de participación pública contiene el proceso de participación pública para todo el transporte de planificación de programas, actividades y documentos que preparan la MPO de Memphis.
Figure 8: Spanish Language TIP Brochure, front
¿Qué es un TIP?
El Programa de Mejoramiento de Transporte o TIP es un plan de corto alcance, que enumera todos los proyectos de transporte previstos en la zona de Memphis MPO en un plazo de cuatro años. El TIP incluye proyectos como la mejora de la carretera, bicicletas, peatones, transporte público y otros. Todos los proyectos se derivan de TIP largo de la MPO Plan de Transporte (LRTP) y el objetivo principal de la punta es para servir como documento de programación financiera para la MPO.
El TIP es adoptado por el Consejo de Políticas de Transporte (TPB), de la MPO y se presentará ante el Departamento de Transporte de Tennessee (TDOT) y el Departamento de Transporte de Mississippi (MDOT). Tanto los puntos "juego incorporar la punta en todo el estado de sus Programas de Mejoramiento del Transporte (CTPI) que a su vez sean aprobados por la Administración Federal de Carreteras (FHWA) y la Administración Federal de Tránsito (FTA).

¿Qué organismos están involucrados?
Hay varias agencias involucradas en el desarrollo y preparación de la punta:
- TDOT
- MDOT
- Las jurisdicciones locales Tennessee
- Las jurisdicciones locales Mississippi
- Área de Memphis Transit Authority (MATA)

El mapa de la derecha identifica el límite Memphis MPO y la ubicación de los proyectos de carreteras incluidos en el TIP 2011-14.
Figure 10: Spanish Language Direction 2040 LRTP Poster [NOTE: Title VI Assurances not shown due to text size]
Appendix J: Limited English Proficiency Plan of the Memphis Urban Area Metropolitan Planning Organization

Introduction

The Memphis Urban Area Metropolitan Planning Organization (MPO) is responsible for continual, cooperative, and comprehensive transportation planning in the MPO planning area. This planning process guides the use of federal and state dollars spent on existing and future transportation projects or programs, and the Limited English Proficiency (LEP) Plan plays an integral role in the process. This document will detail the LEP Plan, developed in conjunction with best practice standards for public involvement.

LEP Guiding Principle

On August 11, 2000, President William J. Clinton signed Executive Order 13166, one of the goals of which is to improve the accessibility of services to eligible LEP persons. E.O. 13166 requires any agency receiving federal funds to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services without unduly burdening the fundamental mission of the agency. To assist agencies with this endeavor, the Department of Justice issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. As described in the LEP Guidance, recipient agencies must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Executive Order 13166 stated that individuals who do not speak English well and who have a limited ability to read, write, speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter. It reads in part:

*Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency’s programs and activities.*

Not only are all federal agencies required to develop LEP plans as a condition of receiving federal financial assistance; recipients must also comply with Title VI and LEP guidelines of the federal agency from which funds are provided.

Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds include state and local agencies, nonprofits, and other organizations and Title VI covers a recipient’s entire program or operation. Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.

In accordance with the Executive Order, the U.S. Department of Transportation (DOT) published *Policy Guidance Concerning Recipient’s Responsibilities to Limited English Proficient (LEP) Persons* in the December 14, 2005 Federal Register. The guidance explicitly identifies MPOs as organizations that must follow this guidance:
The guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state, and local transit operators, among many others. Coverage extends to a recipient’s entire program or activity, i.e., to all parts of a recipient’s operations. This is true even if only one part of the recipient receives the Federal assistance. For example, if DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state department of transportation—not just the particular highway program or project—are covered by the DOT guidance.

Laws and Policies Guiding Limited English Proficiency Plans

According to federal regulations, the Memphis MPO’s LEP Plan will be evaluated by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) as a part of the Memphis MPO’s regular federal certification review. The following matrix illustrates the laws, policies and considerations pertinent to the LEP Plan and the MPO review:

<table>
<thead>
<tr>
<th>Title VI of the Civil Rights Act of 1964</th>
<th>Limited English Proficiency Executive Order 13166</th>
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<tbody>
<tr>
<td><strong>Federal Law</strong></td>
<td><strong>Federal Policy</strong></td>
</tr>
<tr>
<td>Enacted in 1964</td>
<td>Enacted in August 2000</td>
</tr>
<tr>
<td>Considers all persons</td>
<td>Considers eligible population</td>
</tr>
<tr>
<td>Contains monitoring and oversight compliance review requirements</td>
<td>Contains monitoring and oversight compliance review requirements</td>
</tr>
<tr>
<td>Factor criteria is required, no numerical or percentage thresholds</td>
<td>Factor criteria is required, no numerical or percentage thresholds</td>
</tr>
<tr>
<td>Provides protection on the basis of race, color, and national origin</td>
<td>Provides protection on the basis of national origin</td>
</tr>
<tr>
<td>Focuses on eliminating discrimination in federally funded programs</td>
<td>Focuses on providing LEP persons with meaningful access to services using four factor criteria</td>
</tr>
<tr>
<td><strong>Annual Accomplishment and Upcoming Goals Report to FHWA</strong></td>
<td><strong>Annual Accomplishment and Upcoming Goals Report to FHWA</strong></td>
</tr>
</tbody>
</table>

The intent of this Limited English Proficiency (LEP) Plan is to ensure that residents in the Memphis MPO study area that do not speak or read English proficiently have access to the planning process and information published by the Memphis MPO. The Memphis MPO shall provide multilingual publications and documents and/or interpretation at meetings or events to the degree that funding permits based on current laws and regulations.

Who Is a Limited English Proficient (LEP) Individual?

The United States Census Bureau defines an LEP individual as a person who does not speak English as their primary language and who has a limited ability in reading, writing, speaking, or understanding English “not well” or “not at all”.

How Does a Recipient Determine the Extent of Its Obligation to Provide LEP Services?

As a recipient of federal funding, the Memphis MPO must take reasonable steps to ensure meaningful access to the information and services it provides. According to the guiding policy there are four factors to consider in determining “reasonable steps:”

- Factor 1: The number and proportion of LEP persons in the eligible service area;
• Factor 2: The frequency with which LEP persons encounter Memphis MPO programs;
• Factor 3: The importance of the service provided by Memphis MPO programs;
• Factor 4: The resources available and overall cost to the Memphis MPO.

The policy gives recipients of federal funds substantial flexibility in determining what language assistance is appropriate based on a local assessment of the four factors listed above. The following is an assessment of need in the Memphis MPO study area in relation to the four factors and the transportation planning process.

**MPO LEP Assessment**

**Factor 1: The Number or Proportion of LEP Persons Served or Encountered in the Eligible Service Population**

In an effort to determine the profile of LEP persons the Memphis MPO reviews census data to measure the location and number of individuals within the study area that may be affected by the transportation planning process and/or beneficiaries of programs, activities, or services. Tables 1 and 2 on the following pages display the primary language spoken and number of individuals that are LEP.

For our planning purposes, we are considering people that speak English “not well” or “not at all” and only the top four language groups are included in the analysis.

Table 1, derived from the 2000 US Census, shows the number and percent of persons who are age five (5) and older, with regard to their English language skills, for the cities and the unincorporated portions of the Counties within the Memphis MPO study area. As indicated, 8.4% of the Memphis MPO area population is not proficient in English. Nearly 90% of LEP persons within the Memphis MPO study area reside in Shelby County, Tennessee, with the remaining 10% residing in DeSoto County, Mississippi. A small percentage of LEP persons within the Memphis MPO study area reside in Fayette County, Tennessee.

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Total Population 5 Years and Older</th>
<th>Number of LEP Persons (% of total LEP Population)</th>
<th>LEP Percentage of Total Population (by County)</th>
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</thead>
<tbody>
<tr>
<td>Shelby County, TN</td>
<td>862,314</td>
<td>76,745 (8.9%)</td>
<td>8.90%</td>
</tr>
<tr>
<td>Desoto County, MS</td>
<td>147,537</td>
<td>8,704 (10.1%)</td>
<td>5.90%</td>
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<tr>
<td>Fayette County, TN</td>
<td>3,650</td>
<td>139 (0.2%)</td>
<td>3.80%</td>
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<tr>
<td>Braden, TN</td>
<td>261</td>
<td>2</td>
<td>0.80%</td>
</tr>
<tr>
<td>Gallaway, TN</td>
<td>538</td>
<td>37</td>
<td>6.90%</td>
</tr>
<tr>
<td>Hickory Wythe, TN</td>
<td>2,308</td>
<td>66</td>
<td>2.90%</td>
</tr>
<tr>
<td>Piperton, TN</td>
<td>543</td>
<td>34</td>
<td>6.30%</td>
</tr>
<tr>
<td><strong>Total MPO Area (includes all cities and unincorporated county)</strong></td>
<td>1,013,501</td>
<td>85,588</td>
<td>8.40%</td>
</tr>
</tbody>
</table>

Table 1: Limited English Proficient Persons in the MPO Planning Area and Local Jurisdictions

2000 Census of Population and Housing US Census Bureau

Spanish speakers comprise the largest concentration of LEP individuals in the Memphis MPO’s study area, approximately 5% of the total MPO population. The second most common language group of the area’s LEP populations is Asian and Pacific Islander languages (Chinese, Vietnamese, Thai, Laotian, Korean and Japanese), representing 1.3%, followed by Indo-European languages (Dutch, Italian, Portuguese, Russian, French or German) at 1.2%, and 0.8% speaking “other” languages at home. Table 2, shows the number of LEP persons and percent of the total Memphis MPO population by language spoken at the individual’s home.
Factor 2: The Frequency with Which LEP Individuals May Come in Contact With Memphis MPO Programs, Activities, or Services

The LEP population in this region is expanding, which will increase the probability of future contact with the transportation planning process. To date, no requests have been made by either individuals or groups directly to the MPO for Spanish or other language interpreters or publications. The MPO currently provides Spanish version publications.

Factor 3: The Nature and Importance of the Program, Activity, or Service Provided by the Memphis MPO

Memphis MPO programs use federal funds to plan for future transportation 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 citizen with the Memphis MPO or its committees is on a voluntary basis.

However, the Memphis MPO 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 to be consistent with the goal of the Federal Environmental Justice program and policy.

The impact of proposed transportation investments on underserved and underrepresented population groups is part of the evaluation process in use of federal funds in four (4) major areas for the MPO:

- The biennial Unified Planning Work Program (UPWP)
- The four year Transportation Improvement Program (TIP)
- The Long Range Transportation Plan (LRTP), covering 20+ years
- The Coordinated Human Services Plan

Public involvement is a priority consideration in Memphis MPO plans, studies and programs. The impacts of transportation improvements resulting from these planning activities have an impact on all residents. Understanding and continued involvement are encouraged throughout the process. The Memphis MPO is concerned with input from all stakeholders, and every effort is taken to make the planning process as inclusive as possible as prescribed in the Memphis MPO Public Participation Plan (PPP).

As a result of the long range transportation planning process, selected projects receive approval for federal funding and progress towards project planning and construction under the responsibility of local jurisdictions or state transportation agencies. These state and local organizations have their own policies to

<table>
<thead>
<tr>
<th>LEP Persons</th>
<th>Spanish Language</th>
<th>Indo-European Languages</th>
<th>Asian &amp; Pacific Islander Languages</th>
<th>Other Languages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total 5 Years of Age and Older</td>
<td>50,701</td>
<td>12,567</td>
<td>14,126</td>
<td>7,760</td>
</tr>
<tr>
<td>Percentage of Total MPO Population</td>
<td>5.00%</td>
<td>1.20%</td>
<td>1.30%</td>
<td>0.80%</td>
</tr>
</tbody>
</table>

Table 2: Language Spoken at Home by LEP Persons – MPO Study Area
2000 Census of Population and Housing US Census Bureau
ensure LEP individuals can participate in the process that shapes where, how and when a specific transportation project is implemented.

**Factor 4: The Resources Available and Overall Cost to the Memphis MPO**

Given the size of the LEP population in the Memphis MPO area and current financial constraints, full multi-language translations of large transportation plan documents and maps is not considered as well as warranted at this time. However, continued growth of the Memphis MPO area and its Spanish-speaking population makes offering Spanish translations a sound community investment.

As a result, the Memphis MPO make available in Spanish executive summaries for the Long Range Transportation Plan, the Transportation Improvement Program, the Public Participation Plan, and other key documents. To accommodate the cost, these summaries may be presented in alternative formats, such as brochures or newsletters, which are designed to capture all of the significant points of the full document. The Memphis MPO will continue efforts to collaborate with state and local agencies to provide language translation and interpretation services when practical and in consideration of the funding available. The translation of these documents will begin after the final English version has been completed. Spanish language outreach materials from organizations such as federal, state, and local transportation agencies will be used when possible.

**Safe Harbor Stipulation**

Federal law provides a “safe harbor” stipulation so recipients of federal funding can ensure compliance with their obligation to provide written translations in languages other than English with greater certainty. A “safe harbor” means that if a recipient provides written translations under these circumstances, such action will be considered strong evidence of compliance with the recipient’s written-translation obligations under Title VI. Failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides for recipients a guide for greater certainty of compliance in accordance with the four factor analysis.

Compliance with written translation obligations under “safe harbor” includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000 persons, whichever is less, of eligible persons served or likely to be affected. Translation can also be provided orally. The “safe harbor” provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and reasonable to provide.

**Providing Notice to LEP Persons**

US DOT guidance indicates that once an agency has decided, based on the four factors, to provide language services, it is important that the recipient notify LEP persons of services available free of charge in a language the LEP persons would understand. Example methods for notification include:

1. Signage that indicates when free language assistance is available with advance notice;
2. Stating in outreach documents that language services are available;
3. Working with community-based organizations and other stakeholders to inform LEP individuals of MPO services and the availability of language assistance;

4. Using automated telephone voice mail or menu to provide information about available language assistance services;

5. Including notices in local newspapers in languages other than English;

6. Providing notices on non-English-language radio and television about MPO services and the availability of language assistance; and

7. Providing presentations and/or notices at schools and community based organizations (CBO).

The Memphis MPO will publicize the availability of Spanish interpreter services, free of charge, at least five (5) days prior to MPO Board and Committee meetings, workshops, forums or events which will be noticed on the MPO website, in meeting notices (packets), and using the following additional tools as appropriate:

- Signage
- Public outreach materials
- Community-based organizations
- Local newspapers
- Desoto, Fayette and Shelby Counties Library System

The Memphis MPO defines an interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language and transfers the meaning of written text from one language into another.

The Memphis MPO currently provides notices for meetings in La Prensa Latina, a Spanish-language newspaper serving the Hispanic community throughout the MPO study area. As covered under Title VI requirements for nondiscrimination, at each meeting, the MPO will provide Title VI material and include this material in an alternative language when applicable.

Language Assistance

As noted previously in this document, the Memphis MPO provides Executive Summaries for key documents available in Spanish. Key documents include the Long Range Transportation Plan, the Transportation Improvement Program, the Public Participation Plan, and other major studies and plans produced by the MPO.

The Memphis MPO also offers translation services on its website through the Google™ Translate web service.

MPO Staff Training

The Memphis MPO will incorporate the LEP Plan in the Title VI Report. In order to establish meaningful access to information and services for LEP individuals, the MPO will train its employees to assist in person, and/or by telephone, LEP individuals who request assistance.