



Fresno Council  
of Governments

**Title VI Program**  
***With Limited English Proficiency (LEP) Plan***

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March 2022

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## **Title VI: FCOG Program Checklist**

### **General Requirements (Chapter III)**

- Title VI Notice to the Public, including a list of locations where the notice is posted
- Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)
- Title VI Complaint Form
- List of transit-related Title VI investigations, complaints, and lawsuits
- Public Participation Plan, including information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission
- Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance
- A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees
- Primary recipients shall include a description of how the agency monitors its subrecipients for compliance with Title VI, and a schedule of subrecipient Title VI Program submissions
- A Title VI equity analysis if the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.
- A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program. For State DOT's, the appropriate governing entity is the State's Secretary of Transportation or equivalent. The approval must occur prior to submission to FTA.
- Additional information as specified in chapters IV, V, and VI, depending on whether the recipient is a transit provider, a State, or a planning entity

### **Requirements of MPOs (Chapter VI)**

- All requirements set out in Chapter III (General Requirements)
- Demographic profile of the metropolitan area
- A description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process
- Demographic maps that show the impacts of the distribution of State and Federal funds in the aggregate for public transportation projects
- Analysis of the MPO's transportation system investments that identifies and addresses any disparate impacts
- Description of the procedures the agency uses to ensure nondiscriminatory pass-through of FTA financial assistance (if requested)

- Description of the procedures the agency uses to provide assistance to potential subrecipients in a nondiscriminatory manner (if requested)

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have had a longstanding policy of actively ensuring nondiscrimination in federally funded activities under Title VI of the 1964 Civil Rights Act. In recent years, a renewed emphasis on Title VI issues and environmental justice has become a more integral focus of the transportation planning and programming process. This document establishes a framework for Fresno Council of Governments (Fresno COG) efforts to ensure compliance with Title VI and related statutes regarding nondiscriminatory delivery of services and benefits under federally funded programs or activities.

Fresno COG is committed to ensuring that no person is excluded from participation in, denied the benefits of, or discriminated against under its projects, programs or activities on the basis of race, color, creed, national origin, sex or age, as provided in the Title VI of the Civil Rights Act and 49 United States Code Section 5332. This document was prepared by Fresno COG consistent with FTA Circular 4702.1B, dated October 1, 2012.

### **Governance and the Board**

Fresno COG is a consensus builder, developing programs and solutions to issues that do not respect political boundaries. In 1967, incorporated cities and Fresno County elected officials established the agency, formalizing Fresno COG through a joint powers agreement. Fresno COG is a voluntary association of local governments. The agency undertakes comprehensive regional planning with an emphasis on transportation, provides citizens an opportunity to be involved in the planning process and supplies technical service to its members.

Fresno COG's member agencies are represented on its Policy Board by the mayor of each incorporated city and the chairman of the County Board of Supervisors, or designated representatives. The Policy Board is a governing body that establishes policy and guides work activities. It is assisted in making decisions by the Policy Advisory Committee (PAC), comprising the Chief Administrative Officer of each member agency, or their designated representatives. Staff from member agencies, tribal governments, interest groups and industry stakeholders comprise the Transportation Technical Committee (TTC), which also assists in the decision-making process.

The Fresno COG has a 'double-weighted' voting system, with each member having a singular agency vote, and a percentage weight based upon population. To approve any action the vote must pass two tests:

- 1) Agencies representing over 40 percent of the population must be in favor of an action, and
- 2) A majority of all the members must support the action; that is, at least nine of the sixteen members.

## Fresno County Population

Jurisdiction	2019 Population	Percentage Share
Clovis	120,124	12.2%
Coalinga	17,590	1.8%
Firebaugh	8,096	0.8%
Fowler	6,700	0.7%
Fresno	542,107	55.1%
Huron	6,206	0.6%
Kerman	16,016	1.6%
Kingsburg	12,380	1.3%
Mendota	12,595	1.3%
Orange Cove	9,649	1%
Parlier	14,576	1.5%
Reedley	25,227	2.6%
Sanger	26,617	2.7%
San Joaquin	3,701	0.4%
Selma	26,674	2.5%
Balance of County	138,263	14.0%
<b>Total Fresno County</b>	<b>986,521</b>	<b>100.00%</b>

*\*Source: 2019 American Community Survey 5-year estimates*

## Major Functions

Transportation Planning: These tasks are conducted in compliance with both federal and state requirements, generated by COG's designation as the Regional Transportation Planning Agency (RTPA) and Metropolitan Planning Organization (MPO) for Fresno County. As such, FCOG is responsible for regularly updating the Regional Transportation Plan (RTP), which sets forth development policies 25 years into the future for highways, transit systems, air transportation, rail transportation, bicycle and pedestrian facilities, and for developing an accompanying Sustainable Communities Strategy (SCS) required by California State Senate Bill 375 (SB 375). Fresno COG's most recent RTP/SCS was adopted in June 2018 for a plan period through 2042. The RTP/SCS seeks to support the region's Blueprint growth vision. It focuses on a more compact growth pattern; improving roadway safety and maintenance; investing in new options for walking, biking and transit; preserving agricultural land and productivity, and; connecting transportation and land-use planning to reduce greenhouse gas emissions and ensure public dollars are used efficiently.

The Draft 2022 RTP financially constrained list of projects has yet to be completed but is scheduled to be adopted in July 2022. The most recent, finalized project totals in the table below reflect the project distribution per mode, categorized by percentage of total dollar amount and percentage of total projects from the adopted 2018 RTP.

2018 RTP Revenues Programmed by Transportation Mode

	<b>Total Dollars</b>		<b>Number of Projects</b>	
Bicycle & Pedestrian	\$551,136,000	7.94%	523	16.73%
Streets & Roads Capacity Increasing	\$2,376,021,000	34.21%	372	11.90%
Streets & Roads Operations and Maintenance	\$2,767,824,300	39.85%	2147	68.68%
Transit	\$1,250,255,000	18.00%	84	2.69%
<b>TOTAL</b>	<b>\$6,945,236,300</b>	<b>100.00%</b>	<b>3126</b>	<b>100.00%</b>

Measure C: In 1986, Fresno County voters approved Measure C, a 1/2-cent sales tax for transportation purposes. The COG is required by statute to prepare a Measure C Expenditure Plan and, in 2006, the Measure C Extension Expenditure Plan. The plans are prepared in close consultation and coordination with the cities, the County, Caltrans and the Fresno County Transportation Authority (administrators of the 1/2-cent tax) and various other community stakeholder groups.

Air Quality Planning: Fresno County does not meet the federally required standards for clean air. Therefore, strategies for transportation management are important. Fresno COG continually works with the San Joaquin Valley Air Pollution Control District to achieve cleaner air through transportation planning.

Computerized Transportation Simulation Models: These models aid in providing base information relevant to general plans, circulation elements, and air quality analysis. This tool also predicts travel demand (transit and vehicles on streets) and congestion on existing and planned streets and freeways.

COG’s Traffic Monitoring Program: This program provides consistent data on countywide traffic. Selected sites are monitored through traffic counts, which Fresno COG and its member agencies use to determine traffic volumes to support the transportation model.

Fund Administration: MAP-21 restructured core highway formula programs that played a major role in previous RTPs’ financial forecasts. The FAST Act continued those changes. Activities under



some existing formula programs – such as the National Highway System Program, the Interstate Maintenance Program, the Highway Bridge Program and the Transportation Enhancement Program were incorporated into the following new core formula program structure:

- National Highway Performance Program (NHPP)
- Surface Transportation Block Grant Program (STBG)
- Congestion Mitigation and Air Quality Improvement Program (CMAQ)
- Highway Safety Improvement Program (HSIP Railway-Highway Crossings (set-aside from HSIP)
- Metropolitan Planning

The FAST Act replaced the Transportation Alternatives Program (TAP) under MAP-21 with a set-aside of funds under the Surface Transportation Block Grant (STBG) program to pay for transportation alternatives (TA). These set-aside funds include all projects and activities that were previously eligible under TAP, encompassing a variety of smaller-scale transportation projects such as: pedestrian and bicycle facilities; recreational trails; Safe Routes to Schools projects; community improvements, such as historic preservation and vegetation management and; environmental mitigation related to stormwater and habitat connectivity.

Fresno COG actively engages in all FAST Act implementation discussions and collaborates with Caltrans, the California Transportation Commission (CTC), local agencies, FHWA and other interested parties, to ensure that MPO input is provided.

Transportation Development Act administration concerns two types of funds: the Local Transportation Fund (LTF), derived from a portion of state sales tax that comes back to local government for bicycle and pedestrian facilities, public transportation, or streets and roads, and the State Transit Assistance Fund (STA), derived from a portion of the motor vehicle fuel sales tax, that supports public transportation services. Both funds are apportioned to member agencies on a population basis, though some of the STA funds are apportioned directly to transit operators based on their fare box revenues.

Rideshare Program: Fresno COG's Ridesharing agency hosts a website at [www.valleyrides.com](http://www.valleyrides.com). The site provides free commuter matching for those interested in carpooling or vanpooling in/from Fresno County. The program assists employers in setting up commute alternative programs for their employees, and they support and promote transportation options such as transit, bicycling and telecommuting.

Areawide Grant Application Clearinghouse: Fresno COG serves as a clearinghouse for federal grant applications that are reviewed to determine if proposals would duplicate activities of other agencies and assure there is no conflict with locally adopted plans and policies. The COG does not have the authority to approve or disapprove grants, but does forward its recommendations through the State Clearinghouse and on to the federal funding agency.

Member Agency Assistance: Fresno COG provides specialized technical assistance to member agencies, particularly those with limited staff and financial resources. These services have included fiscal management and computer applications support, traffic engineering studies, technical and/or special planning studies, and partnering as a grant co applicant.

Housing Planning: Fresno COG is involved in housing planning, aiding members with required State Housing Element compliance, most commonly associated with the Regional Needs Housing Allocation (RHNA) process. In 2015-16, Fresno COG also acted as the project coordinator for the region's first Multi-Jurisdictional Housing Element Update, in which 13 of the 16 member agencies elected to coordinate their respective Housing Elements into one document. The next update to the document will begin in 2020.

Freeway Service Patrol: Fresno COG, Caltrans and the California Highway Patrol implement a Freeway Service Patrol along Freeways 41, 99, 168 and 180 through the Fresno/Clovis Metropolitan Area. A private tow truck company is contracted to patrol Monday through Friday during morning and evening commute hours, providing either free on-the-spot quick-fixes or towing services to stranded motorists.

Fresno COG's One Voice: Fresno COG's advocacy effort unites Fresno County communities and regional interests in a voluntary and collaborative effort to seek federal and state funds annually for regionally significant projects.

For more detailed information related to programs and projects, please see the FY 2021-22 Overall Work Program and Budget at: <https://www.fresnocog.org/project/overall-work-program-owp/>

## General Reporting Requirements

FTA Circular 4702.1B provides instructions for this Title VI program update as they apply to Fresno COG in its role as a MPO. The reporting period covered in this document is Fiscal Years (FY) 2019-20, 2020-21 and 2021-22.

The following requirements are imposed on all FTA recipients and subrecipients to ensure that their programs, policies and activities comply with the Department of Transportation (DOT) Title VI regulations.

### **1. Annual Title VI Certification and Assurance**

The annual Title VI Certification and Assurances were provided to the FTA via an update in the FTA's Transit Award Management System (TrAMS). Fresno COG's certifications and assurances were last updated May 2019.

Fresno COG staff has also reviewed the latest Title VI triennial reports of transit operators that are required to submit them and has asked transit operators to ensure Fresno COG is provided a copy of their current Title VI reports.

## 2. Title VI Complaint Procedures and Complaint Form

Fresno COG has developed a complaint procedure and process for investigating Title VI complaints and is consistent with FTA guidelines found in the Circular. The complaint form and direction to public on how to file a complaint (attached under Appendix 3) are also posted on Fresno COG's website in English and Spanish.

Fresno COG's Executive Director and designated staff are responsible for carrying out FCOG's commitment to Title VI and is responsible for overseeing all Title VI-related activities, including the receipt and investigation of any Title VI complaints.

The complaint procedure has five steps, outlined below:

1. **Submission of Complaint:** Any person who feels that he or she, individually, or as a member of any class of persons, on the basis of race, color, or national origin, has been excluded from or denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance through Fresno COG may file a written complaint to the Fresno COG Title VI Coordinator.
  - a) Such complaint must be filed within sixty (60) calendar days after the date of the alleged act of discrimination.
  - b) Complaints shall be in writing and shall be signed by the Complainant and/or the Complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the alleged discrimination. At a minimum, the complaint shall include the following information:
    1. Name, mailing address, and how to contact the complainant (i.e. telephone number, email address, etc.).
    2. Basis of complaint (i.e., race, color, or national origin).
    3. Date of alleged discriminatory act(s).
    4. How, when, where and why Complainant alleges he or she was discriminated against. Include the location, names and contact information of any witnesses.
    5. Other significant information.
2. **Referral to Review Officer:** Upon receipt of the complaint, the Title VI Coordinator shall review, investigate and evaluate the complaint, in consultation with the executive director. The Title VI coordinator shall complete the review no later than 45 calendar days after the date Fresno COG received the complaint. If more time is required, the Title VI coordinator shall notify the complainant of the estimated timeframe for completing the review. Upon completion of the review, the Title VI coordinator shall make a recommendation regarding the merit of the complaint and whether remedial actions are available to provide redress. Additionally, the Title VI coordinator may recommend improvements to Fresno COG's processes relative to Title VI and environmental justice, as appropriate. The Title VI coordinator shall forward their recommendations to the executive director for concurrence. If the executive director concurs, he or she shall issue Fresno COG's written response to the complainant.

3. **Request for Reconsideration:** If the complainant disagrees with the response, he or she may request reconsideration by submitting the request, in writing, to the executive director within 10 calendar days after its receipt. The request for reconsideration shall be sufficiently detailed to contain any items the complainant feels were not fully understood by the Fresno COG Title VI coordinator. The executive director will notify the complainant of his decision either to accept or reject the request for reconsideration within 10 calendar days. In cases where the executive director agrees to reconsider, the matter shall be returned to the Title VI coordinator to re-evaluate in accordance with paragraph 2, above.
4. **Appeal:** If the request for reconsideration is denied, the complainant may appeal the executive director's response to the complaint by submitting a written appeal to Fresno COG's Policy Board no later than 10 calendar days after receipt of the executive director's written decision rejecting reconsideration.
5. **Submission of Complaint to the Federal Transit Administration.** If the complainant is dissatisfied with Fresno COG's resolution of the complaint, he or she may also submit a complaint to the Federal Transit Administration:

Federal Transit Administration's Office of Civil Rights  
Attention: Title VI Program Coordinator  
East Building 5<sup>th</sup> Floor – TCR  
1200 New Jersey Ave., SE  
Washington, DC 20590

6. For further information, including the complaint form, is available at [www.fta.dot.gov](http://www.fta.dot.gov).

### 3. Record of Title VI Investigations, Complaints and Lawsuits

In compliance with 49 CFR Section 21.9, FCOG maintains a file of any active transit-related Title VI active investigations conducted by entities other than FTA, lawsuits, and complaints naming FCOG. The files include a list that describes the date that the investigation, lawsuit or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit or complaint; and actions taken by FCOG in response, or final findings related to, the investigation, lawsuit or complaint. Since the last reporting period in 2016, Fresno COG has had no Title VI investigations, complaints or lawsuits filed against it.

### 4. Beneficiaries of Protection under Title VI

Fresno COG's Notice to the Public of Rights is included in Appendix 2. Notices are required to be posted in all publicly accessible locations. Fresno COG staff has verified the notices are posted on the website and public areas identified below.

- Notifications posted in Fresno COG's reception/lobby area, all publicly accessible meeting rooms (Sequoia, Ash, and Cypress).
- Notification on website <https://www.fresnocog.org/title-vi/>

## **Fresno COG Title VI Policy Statement:**

Fresno COG assures that no person shall on the grounds of race, color, or national origin, 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 subjected to discrimination under any agency-sponsored program or activity. Nor shall sex, age or disability stand in the way of fair treatment of all individuals.

Fresno COG further assures that every effort will be made to ensure nondiscrimination in all its programs and activities, whether those programs and activities are federally funded or not.

In the event Fresno COG distributes Federal aid funds to another entity, Fresno COG will include Title VI language in all written agreements and will monitor for compliance. Title VI compliance is a condition of the receipt of federal funds. Fresno COG's executive director and Title VI coordinator are authorized to ensure compliance with provisions of this policy and with the law, including the requirements of Title 23 Code of Federal Regulation (CFR) 200 and Title 49 CFR 21.

Fresno COG acknowledges its responsibility for initiating and monitoring Title VI activities, preparing required reports and other responsibilities as required by Title 23 CFR 200 and by Title 49 CFR 21.

Fresno COG also incorporates a notice of the availability of language assistance into its agendas to alert interested individuals on how to request translation services.

Fresno COG will comply with any requests made by FTA to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI.

## **5. Provide Meaningful Access to Limited English Proficiency (LEP) Persons**

Fresno COG is committed to taking reasonable steps to ensure that all persons have meaningful access to its programs, services, and information, at no additional cost to individuals making the requests.

To develop the LEP Plan, Fresno COG used the U.S. Department of Transportation's four-factor LEP analysis, which considers the following:

1. The number and proportion of LEP persons served or encountered in the eligible service population;
2. The frequency with which LEP persons come in contact with Fresno COG programs, activities or services;
3. The importance to LEP persons of Fresno COG's programs, activities and services; and
4. The resources available to Fresno COG and overall cost to provide LEP assistance.

Based on the "Determination of Need" outlined in the Plan, Fresno COG identified Spanish as the most prevalent non-English language in the region, and the one into which Fresno COG will translate key materials, including transportation information, Title VI information, and certain publicity and outreach materials.

Fresno COG will continue to offer translation assistance as described in the LEP Plan for Unmet Transit Needs hearings, RTP/SCS input opportunities, and other major decision-making processes, and will tailor public participation activities to reflect the unique LEP population(s) within Fresno County. For the RTP/SCS, Fresno COG will continue to seek partnerships with community groups that can assist in strengthening opportunities to meet language needs and gain LEP residents' input. Fresno COG's full LEP Plan is attached as Appendix 1.

## **6. Public Participation**

Fresno COG is required to submit a summary of public outreach and involvement activities undertaken since the last submission and a description of steps taken to ensure that minority and low-income population had meaningful access to these activities.

During the reporting period, Fresno COG continued to expand its outreach and involvement efforts. The efforts summarized below demonstrate the agency's commitment to an inclusive and transparent public engagement process to meaningfully include all populations; race, socio-economic classes and those living within the environmental and economically disadvantaged communities throughout the RTP/SCS process; and, that input received from environmental justice communities has been meaningfully considered.

### **Fresno COG's Public Participation Plan**

Fresno COG's Public Participation Plan (PPP) was adopted by its Policy Board in June 2020. The PPP provides direction for all public participation activities that Fresno COG conducts. It contains the public participation requirements, procedures, strategies and techniques Fresno COG standing committees and staff use for public outreach and participation. The PPP includes a separate outreach strategy for the Regional Transportation Plan update that specifically details strategies to enlist public participation, and states how the public may participate in each step of the RTP process. The full PPP is included under Appendix 4.

### **2022 Fresno COG Regional Transportation Plan Public Outreach Strategy**

Fresno Council of Governments developed and used a comprehensive, inclusive public outreach program that spanned a two-year period from 2020 through the 2022 Regional Transportation Plan (RTP) and Sustainable Communities Strategy's (SCS) final adoption.

Specifically owing to conditions established under the COVID pandemic, the outreach strategy relied largely on remotely conducted workshops and other tactics to include nontraditional, as well as traditional audiences, in the transportation planning process. It was designed to help ensure that environmental justice issues were addressed and interested parties had ample opportunity to understand and provide meaningful input while the RTP was in its early stages and throughout the planning process.

Fresno COG staff gathered data and feedback from multiple community-based organizations, stakeholders, partnering agencies, non-profit organizations and the public for the Policy Board

and other advisory committees to consider during RTP development and when selecting a preferred Sustainable Communities Strategy. The full RTP Public Outreach Strategy is available at <https://www.fresnocog.org/project/regional-transportation-plan-rtp/>.

### **Fresno COG’s Regional Transportation Plan (RTP) Roundtable**

The RTP Roundtable supported Fresno COG staff and COG standing committees in producing the 2022 Regional Transportation Plan and Sustainable Communities Strategy. It was vital that the RTP Roundtable considered issues that supported the 2022 RTP/SCSs’ development and provided comments and community-based consensus that supported the Policy Board’s final decision on the RTP. The Roundtable comprised 30 seats – 12 held by member agency staff, 15 seats open to a variety of stakeholder groups and three “at large” seats.

The RTP Roundtable members participated in 10 monthly meetings between October 2020 and September 2021, guiding RTP/SCS development and acting in an advisory capacity to Fresno COG’s Policy Board. A full list of committee members, minutes and agenda packets from all of the RTP Roundtable meetings are available on Fresno COG’s website.

### **Environmental Justice Advisory Subcommittee**

The Environmental Justice Advisory Subcommittee serves Fresno COG’s Transportation Technical Committee (TTC), with recommendations that feed into Fresno COG’s standard committee process. The subcommittee generally meets when Fresno COG staff, the TTC, the Policy Advisory Committee or the Fresno COG Policy Board requests recommendations on issues involving environmental justice (EJ) populations.

The subcommittee assisted Fresno COG staff in defining the EJ parameters including: thresholds and criteria for EJ communities, including establishing the EJ indicator selection for the SCS scenarios; reviewing and commenting on the draft EJ analysis; EJ population demographics, and; expanded the EJ populations definition to include vulnerable communities for the environmental justice report within the 2022 Regional Transportation Plan. The subcommittee reports all advisory actions to the TTC through the EJ chairperson. Then the TTC’s recommendations are referred to the Policy Advisory Committee and Fresno COG Policy Board as needed. The committee also reported to the RTP Roundtable through the EJ’s chair, who held a seat on the Roundtable.

The Environmental Justice subcommittee has 13 positions to provide full, diverse and equitable representation from designated EJ populations:

- Four Fresno COG member agencies, one from each of the following geographies:
  - Local agency urban
  - East side local agency rural
  - West side local agency rural
  - County of Fresno
- Four representatives, one from each of the following ethnicities:
  - Hispanic

- African American
- Asian
- American Indian
- Two low-income representatives
- One senior (65 or older) representative
- One disabled person representative
- One youth representative

### **Fresno COG’s Mini-Grant Outreach Program**

Fresno COG provided three mini-grants to community-based organizations and agencies with existing community contacts, to solicit public input into key activities associated with the preparation of the 2022 Regional Transportation Plan (RTP) and the Sustainable Communities Strategy scenarios. Fresno COG staff exerted extra effort to engage underserved communities that are traditionally hard to reach. This program helped ensure that interested community residents, members of EJ communities and limited English populations had ample opportunity to understand and provide meaningful input on these plans early in the regional planning process.

In total, Fresno COG received three mini grant applications by March 26, 2020. Due to the COVID 19 pandemic and California’s shelter-in-place order issued March 17, 2020, the applicant pool was unusually small. However, Fresno COG entered into agreements with the following organizations to conduct virtual public outreach, obtaining input regarding community transportation needs.

- Jakara Movement
- Central Valley Partnership
- Inspiration Transportation

### **RTP Transportation Needs Community Engagement**

In partnership with Fresno COG staff, the three mini grant organizations worked from August through October 2020 gathering transportation project suggestions from residents via hard copy or online survey. This effort assisted Fresno COG’s member agencies with community outreach prior to the RTP call for projects deadline of Dec. 1, 2020. This outreach provided an opportunity for community members to participate in the RTP planning process, addressing needs while offering input early in the RTP development process. For this community engagement effort, Fresno COG executed an outreach plan using several communication strategies specifically designed for engaging disadvantaged communities and EJ populations.

- Online community survey available in English, Spanish and Punjabi
- Six e-newsletters send to our database of almost 4,980 email addresses in English and Spanish



- Seven social media posts in English and Spanish repeatedly posted on Facebook, Instagram, Twitter and LinkedIn
- Seven targeted English and Spanish social media “boosts” or advertisements on Facebook and LinkedIn which reached 37,871 people living in the Fresno County region.
- Flyers with QR code links to the surveys circulated through mini grantees and member agencies in English and Spanish
- Facebook Live community presentation explaining the Fresno COG, RTPs and the Transportation Needs Survey-posted to Facebook as well. Received 46 event responses and 25 comments
- Three mini-grants supplied to community-based organizations who successfully engaged underrepresented communities and communities of color

The suggestions and corresponding demographic data received were downloaded from the survey website, emails and social media posts following the survey closure. In total, the online survey had 3,765 views with 1,673 participants submitting 1,301 project suggestions. COG staff processed all of the project suggestions, combining written descriptions for each project into one excel spreadsheet, then breaking them down by local agency or transit line. Projects referencing a specific location were depicted on a map providing visual context.

All project suggestions were forwarded to corresponding local agencies for review and consideration prior to their RTP project submittals due date. The list of projects and mapping was also available to the public on Fresno COG’s PlanFresno.com website.

### **Spring Sustainable Communities Strategy – Indicators and Strategies Outreach**

#### *March/April 2021*

Fresno COG's Sustainable Communities Strategy (SCS) Strategies and Indicators online, interactive survey was open from March 26-April 25, 2021. It outlined five scenario concepts, asking the public what they liked and didn't like about each one. It also asked participants to prioritize groupings of SCS indicators. The survey was available in English and Spanish -- with hard copy versions available to download in English, Spanish, and Hmong. All survey options were accessible through direct links or through the [PlanFresno.com](http://PlanFresno.com) website.

Strategies specifically designed for engaging disadvantaged communities and EJ populations were:

- Videos explaining the SCS strategies and indicators in English and Spanish on Fresno COG's YouTube channel, posted on social media/websites and sent out via email
- Hard-copy surveys in three languages shared by community organizations at local community events
- Email-share requests sent from COG staff to member agencies, partnering agencies/businesses and community organizations
- Hosted a public Zoom webinar and a Facebook Live meeting, with the Facebook event recording posted on social media – available in English and Spanish

- Organic and boosted posts in English and Spanish on Fresno COG's social media channels -- Facebook, Instagram, Twitter, and LinkedIn

The survey was viewed 1,326 times receiving responses from 421 respondents. The outreach results were presented to Fresno COG's advisory committees and the Fresno COG Policy Board to assist them in selecting SCS performance indicators and to narrow five scenarios down to three.

## **Fall 2020 Sustainable Communities Strategy Scenario Outreach**

### *September/October 2021*

This segment of RTP/SCS outreach took the results from three modeled SCS scenarios back out to the public for review and comment. As Fresno COG was preparing the outreach presentation, staff engaged a professional focus group company to assist in fine-tuning the presentation. Due to the complexity of the subject matter, staff felt it prudent to make the material as understandable as possible without losing important content needed to provide informed and useful responses. One focus group was entirely Spanish-speaking.

Fresno COG released the three SCS scenarios and modeling results for public review and comment on Aug. 25, 2021 and public outreach ran through Sept. 26, using a four-pronged public participation approach that included the following strategies:

1. Fourteen geo-targeted, community-focused ads in English and Spanish on Google and Facebook
2. Online, interactive surveys, for scenario review and selection in English and Spanish, easily accessible via smart phone or computer
3. Eight workshops throughout the County of Fresno in the cities of Reedley, Coalinga, Sanger, Clovis, Kerman, Selma, Fresno and Mendota, held in the evenings with English/Spanish materials and Spanish interpreters. Fresno COG Staff worked with each host city to invite community members to attend meetings.
4. Five additional English/Spanish presentations given to rural, unincorporated residents and community organizations.
5. Two virtual workshops held in English and Spanish—one in the daytime and one in the evening

## **7. Demographics of Transit Related Non-Elected Committees**

Fresno COG has one transit-related, non-elected committee: the Social Service Transportation Advisory Council (SSTAC). The SSTAC's membership includes representatives from the region's public transit and private social service agencies, as well as people representing populations that are typically dependent upon public transit: senior citizens, people with disabilities, and low-income residents. The SSTAC reviews transit issues, conducts the annual Unmet Transit Needs (UTN) Assessment process, and collaborates on the allocation and distribution of Transportation

Development Act (TDA) funding required for public transit. The table below identifies the racial breakdown of the SSTAC's membership.

Racial Category	Number of Persons
Caucasian	6
Hispanic	5
Asian	1

When recruiting new members to transit-related, non-elected committees, Fresno COG makes every effort to reach out to a wide variety of groups and organizations to recruit members and encourage the participation of minorities interested in serving/

### 8. Construction of New Facilities Equity Analysis

A requirement to include a copy of the Title VI equity analysis conducted during the planning stage with regard to the location of any constructed facilities.

Fresno COG has not planned for or constructed any facilities during this reporting period.

### 9. Sub Recipient Title VI Compliance and Monitoring

Requirement for primary recipients to include a description of how the agency ensures its subrecipients are complying with Title VI, as well as a schedule of subrecipient Title VI Program submissions.

Fresno COG requires all subrecipients to enter into agreements with FCOG for projects and must comply with all applicable FTA regulations, policies procedures, directives, including and without limitation those listed directly or by reference. Applicants are also required to describe any lawsuits or complaints that have been received or acted on in the last year based on Title VI of the Civil Rights Act or other relevant civil rights requirements; and provide a status of lawsuits or an explanation of how complaints were resolved including corrective actions taken.

The following language is included in the all procurement request for proposal and attached to all contracts or agreements. Fresno COG will update the current contract boiler template to incorporate this language instead of including it as an attachment agreement.

#### **TITLE VI ASSURANCE**

*The Council of Governments, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-4 and Title 49, Code of Federal Regulations, department of Transportation, Subtitle A, Office of the Secretary, Part 21 Nondiscrimination in Federally Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority businesses enterprises will be afforded full*

*opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or nation origin in consideration of an award.*

Below are the listed transit operators/sub recipients who are required to submit a Title VI Plan.

Agency	Title VI Up-to-Date	Date of Plan
Fresno Area Express	Yes	6/30/2016 – 2019 Update Draft Plan Released for public comment August 2019
Fresno County Rural Transit Agency	Yes	6/30/2020
Fresno Economic Opportunities Commission	Yes	4/1/2017
Yosemite Area Regional Transportation System	Yes	10/2020

#### Assistance to Subrecipients

Fresno COG retains a copy of each agency report and provides extensive data and technical assistance to the region’s public transit operators, and to multiple social service agencies that provide transportation services for elderly and disabled populations within the region. As the MPO and RTPA, Fresno COG maintains a record of census and other demographic data for Fresno County. This public information is made available to public transit operators and private social service agencies to support the updating and development of their Title VI compliance information. In addition, SSTAC provides a forum for regional public and private social service transit agencies to collaborate on identifying and addressing the transportation needs of every population group within the region.

#### MPO Program-Specific Reporting Requirements

This section provides information under the “program-specific guidance” (Chapter VI) of the FTA Circular. The FTA recommends that MPOs have an analytical basis in place for certifying their compliance with Title VI. This section will include:

- a) A demographic profile of the metropolitan area that includes identification of the locations of socio-economic groups, including low-income and minority populations as covered by the Executive Order on Environmental Justice and Title VI;
- b) A metropolitan planning process that identifies the needs of low-income and minority populations; and
- c) An analytical process that identifies the benefits and burdens of metropolitan transportation system investments for different socioeconomic groups, identifying imbalances and responding to the analyses produced.

**1. Demographic Profile of Fresno County**

In 2019, for the second year in a row, Fresno County ranks first among counties in the nation with \$7.7 billion in agriculture production. Fresno County is the second largest county in the San Joaquin Valley by land area, encompassing 6,011 square miles, but the largest by population. The estimated population from the US Census Bureau, American Community Survey (2015-2019 five-year estimates) was 986,521 placing Fresno as the 10th most populous county of the 58 counties in California. Within Fresno County, there are 15 incorporated cities. The county contains a federally recognized urbanized area, known as the Fresno-Clovis Metropolitan Area (FCMA), with a population of 699,023. The City of Fresno is now the fifth largest city in the state, with a population of 542,107. Fresno County’s population growth has outpaced California and the United States. During the 50-year period from 1969-2019, Fresno County’s population increased by 145% compared to 101% and 63% for the state and nation respectively.

Table 7-1: Fresno County Demographics

Race/Ethnicity	Population	Percent
Hispanic or Latino	522,364	53.1%
White alone	289,650	29.4%
Asian alone	99,480	10.1%
Black or African American alone	44,209	4.5%
American Indian and Alaska Native alone	4,651	0.5%
Native Hawaiian and Other Pacific Islander alone	1,207	0.1%
Some other race alone	1,732	0.2%
Two or more races	21,228	2.2%
2019:ACS 5-year Estimates Data Profiles, Table DP05: ACS DEMOGRAPHIC AND HOUSING ESTIMATES		
Income below 150 % poverty level	335,832	34.7%
Income above 150 % poverty level	632,169	65.3%
Population for whom poverty status is determined	968,001	100%
Source: United States Census Bureau, American Community Survey, 2015-2019 5-year Estimates, , Table DP05: ACS DEMOGRAPHIC AND HOUSING ESTIMATES;Table C17002: RATIO OF INCOME TO POVERTY LEVEL IN THE PAST 12 MONTHS		

Fresno County has been plagued with high unemployment. The County’s 2019 unemployment rate was 7.4% in contrast to 4.2% for the State and 3.7% for the nation. Fresno County residents’ education rate lag behind those of California as a whole and the United States. Only 21.2% of persons 25 years of age and older in Fresno County have a bachelor’s degree or higher, compared with 33.9% for the State and 32.1% for the Nation. 13.8% of persons 25 years of age and older have less than a 9th grade education in contrast to 9.2% for the State and 5.1% for the Nation.

With high unemployment and low educational attainment, Fresno County is plagued with a low median household income. Fresno County’s median household income of \$53,969 is far below the State and Nation’s incomes of \$75,235 and \$62,843, respectively.

Fresno County residents are more ethnically diverse than that of California and the United States. In 2019, 70% of the County’s inhabitants were minority (non-white) compared to 63% for the State of California and 39% for the Nation. Furthermore, historical trends and demographic projections indicate that Fresno County’s Hispanic population is growing as the white population has been shrinking.

**Fresno County Demographics versus California and the Nation**

Comparison	Minority Population	Income below 150 % poverty level
Fresno County	70%	35%
California	63%	22%
United States	39%	22%

Source: United States Census Bureau, American Community Survey, 2015-2019 5-year Estimates

**Fresno County Demographic Changes**

Race/Ethnicity	2010	2020	2050
Hispanic or Latino	50.3%	53.1%	56.1%
White alone	32.7%	29.4%	26.3%
Asian alone	9.3%	10.1%	9.1%
Black or African American alone	4.8%	4.5%	5.0%
American Indian and Alaska Native alone	0.6%	0.5%	0.6%
Native Hawaiian and Other Pacific Islander alone	0.1%	0.1%	0.1%
Some other race + Two or more races	2.0%	2.4%	2.7%

Source: United States Census Bureau, 2010 Decennial Census Redistricting Data, Table P2, HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE

United States Census Bureau, American Community Survey, 2015-2019 5-year Estimates  
 California Department of Finance. Demographic Research Unit. Report P-2D: Population Projections by Total Hispanic and Non-Hispanic Race, California Counties, 2010-2060 (Baseline 2019 Population Projections; Vintage 2020 Release). Sacramento: California. March 2021.

**Defining the Environmental Justice Communities within Fresno County**

For the Draft 2022 RTP, which is scheduled for adoption in July 2022, staff used demographic data from U.S. Census American Community Survey 2015-2019 summary tables to develop a database with estimated socioeconomic and travel characteristics. This database helped map environmental justice communities within traffic analysis zones (TAZ). A TAZ is an area similar in size to a neighborhood or census block group. TAZs can range in size from approximately ½

miles square within a metropolitan area to much larger areas in low-density outlying areas. There are 1,963 TAZs within Fresno County. To evaluate travel related equity measures, Fresno COG's travel forecasting model produced estimates of travel characteristics of environmental justice communities compared to non-environmental justice communities across the county.

## **Minority**

"Minority population" means "any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy or activity."<sup>1</sup> Minority populations include persons who identify as any of the following groups as defined by the Census Bureau.<sup>2</sup>

Minority Persons include the following:

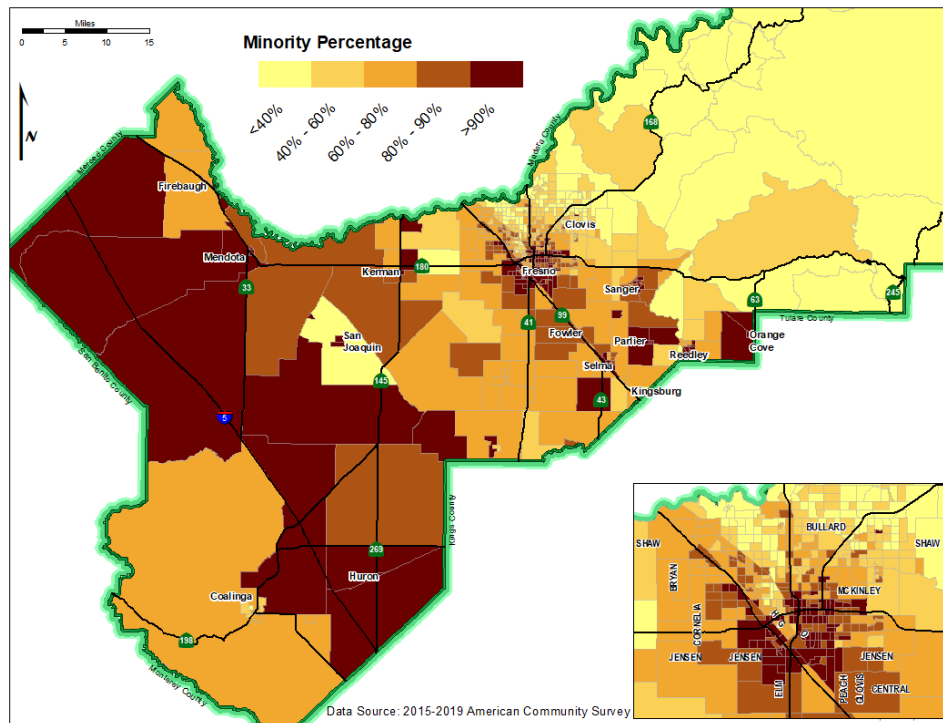
- Black or African-American – A person having origins in any of the Black racial groups of Africa.
- Hispanic or Latino – A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- American Indian or Alaska Native – A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.
- Asian – A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- Native Hawaiian or Other Pacific Islander – A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

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<sup>1</sup> DOT Order 5610.2(a) <https://www.transportation.gov/transportation-policy/environmental-justice/department-transportation-order-56102a>

<sup>2</sup> US Census Bureau's definitions for race and ethnicity: <https://www.census.gov/topics/population/race/about.html>

## Concentration of Minority Population



### Low-Income

Low-income population means any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy or activity.<sup>3</sup>

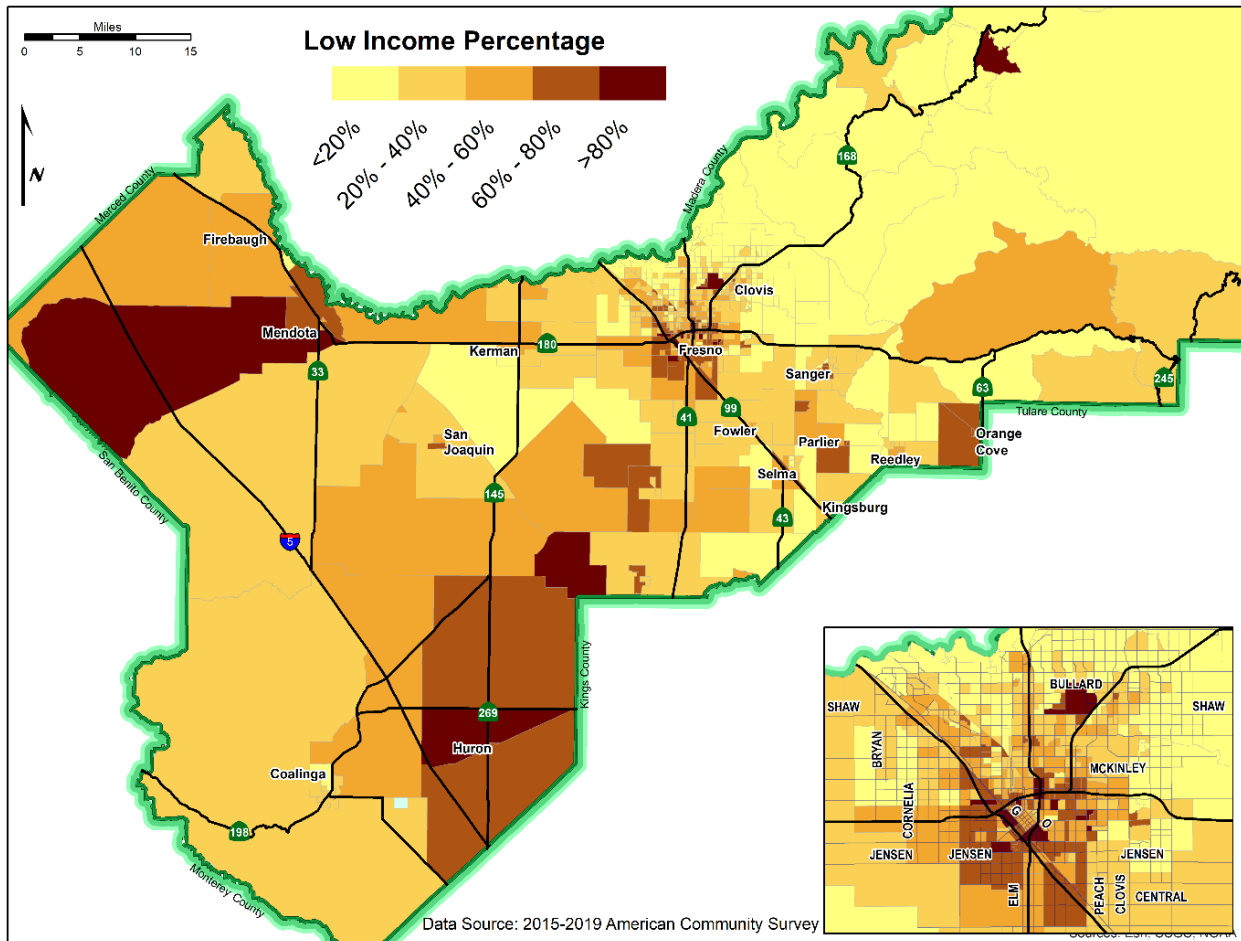
The Department of Health and Human Services (HHS) issues the annual federal poverty thresholds for individuals based on a combination of an individual's household composition, size and income in Fresno County. In 2021, 100% of the federal poverty level was \$12,880 a year for a single person living alone and approximately \$26,500 a year for a family of four. As of the 2015-2019 American Community Survey, approximately 20.5% of Fresno County's population was living below the federal poverty line.<sup>4</sup>

<sup>3</sup> The EJ Subcommittee defined persons as low-income if they live in a household with total income of less than 150% of the federal poverty level.

<sup>4</sup> HHS Poverty Guidelines for 2021 <https://aspe.hhs.gov/poverty-guidelines>



## Concentration of Low Income



### Equity Analysis

The EJ Subcommittee assisted Fresno COG staff in defining the EJ parameters including: thresholds and criteria for EJ communities, and establishing the EJ indicator selection for the SCS scenarios; reviewing and commenting on the draft EJ analysis, EJ population demographics, and expanded the EJ populations definition to include vulnerable communities for the environmental justice report within the 2022 Regional Transportation Plan.

### Defining Population Groups

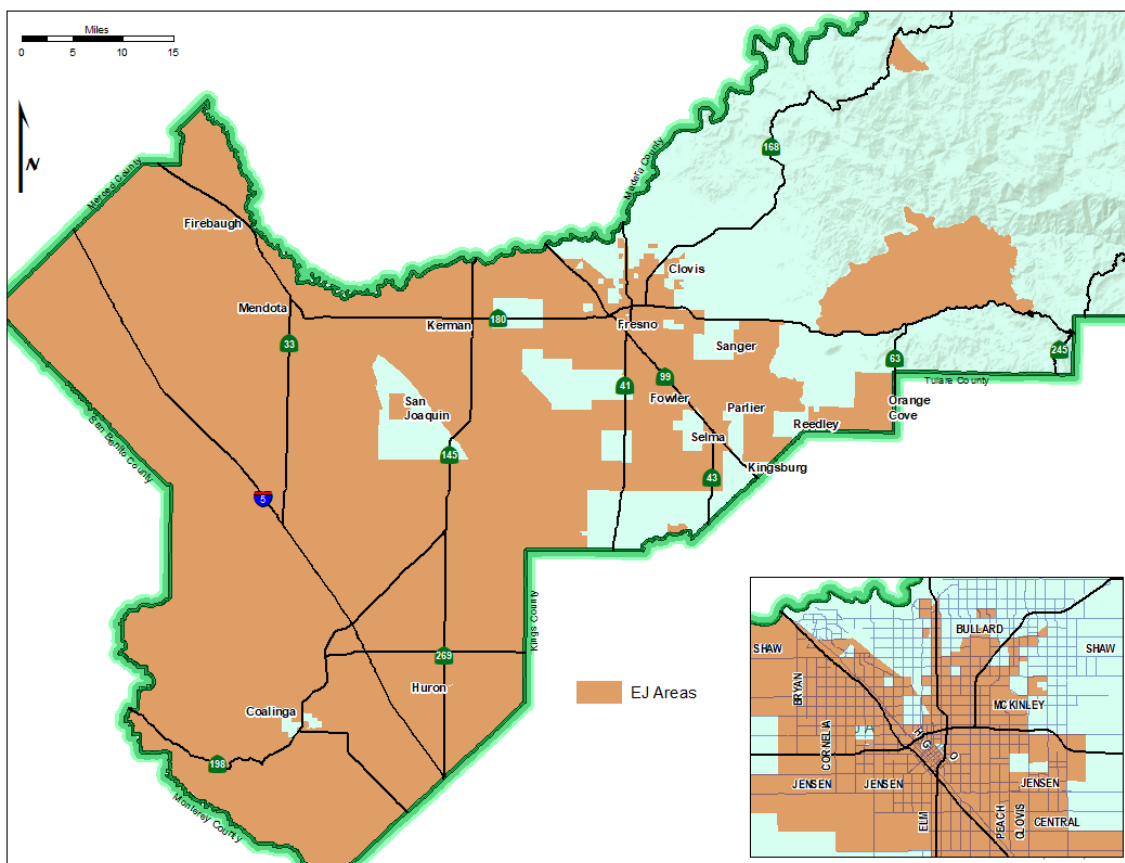
The EJ subcommittee defined the EJ area as the TAZs within Fresno County with a concentration of minority and/or low-income population equal to or greater than the Fresno County average. This methodology has been implemented by several other major metropolitan planning organizations in California in assessing equity in their regions. It is transparent and articulates an emphasis in measuring the impacts on minority and low-income communities. Fresno County averages are as follows:

- Minority Population: 70%
- Low Income (income <150% of Federal Poverty Level): 35%

Out of the 1963 TAZs in Fresno County, 1255 TAZs are considered EJ TAZs as defined by the EJ Subcommittee; 334 TAZs meet the Minority threshold, 151 meet the Low-Income threshold and 770 meet both thresholds. This definition of the EJ area includes 64% of Fresno County’s total population.

The EJ subcommittee also recommended the equity indicator – Access to Destinations (Jobs & Services) – that was used as one of the SCS indicators by which the public and other local stakeholders ranked the three SCS scenarios.

### Environmental Justice TAZs



Fresno COG took into consideration the CalEnvrioScreen 3.0<sup>5</sup> data to further understand burdens beyond what the current modeling capacity could provide. The California Environmental Protection Agency (CalEPA) and the Office of Environmental Health Hazard

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<sup>8</sup> CalEnviroScreen 4.0 was released in October 2021, and was not available when the 2022 RTP/SCS development started in 2020.

Assessment (OEHHA) developed the California Communities Environmental Health Screening Tool (CalEnviroScreen). CalEnviroScreen is a data-driven mapping tool that helps identify California communities most affected by multiple sources of pollution and most vulnerable to pollution's adverse effects. CalEnviroScreen uses environmental, health, and socioeconomic information to produce a numeric score for each Census tract in the state.<sup>6</sup>

CalEnviroScreen helps establish which areas have higher relative environmental burdens in an effort to increase environmental law compliance in disproportionately impacted areas. Additionally, CalEnviroScreen helps identify disadvantaged communities pursuant to SB 535 (De León, Chapter 830, Statutes of 2012), based on geographic, socioeconomic, public health and environmental hazard criteria.<sup>7</sup>

There are 119 census tracts in Fresno County that fall within the top 25% of highest-scoring Census tracts according to CalEnviroScreen. Census tracts with the highest scores are the most burdened by air pollution, environmental and other socio-economic factors. The State of California's Climate Change Initiative has worked to target Cap-and-Trade program expenditures and other funds to these designated Census tracts.

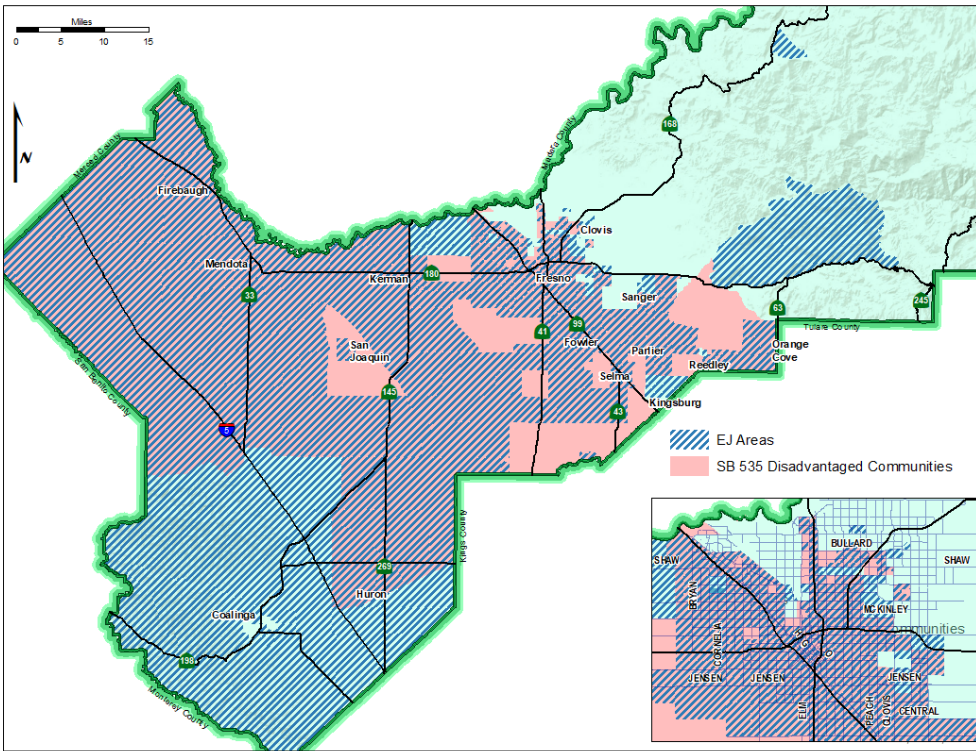
Below, maps of SB 353 and CalEnviroScreen that are overlaid with the EJ TAZs. Both maps illustrate that a majority of Fresno County census tracts identified in SB 535 (De Leon) Disadvantaged Communities and the CalEnviroScreen 3.0 directly overlap with the EJ TAZs. It further emphasizes that transportation investments focused in these areas are in line with the States priorities for mitigating neighborhoods that are most burdened and confirms that the designated EJ TAZs the 2022 RTP are appropriately captured.

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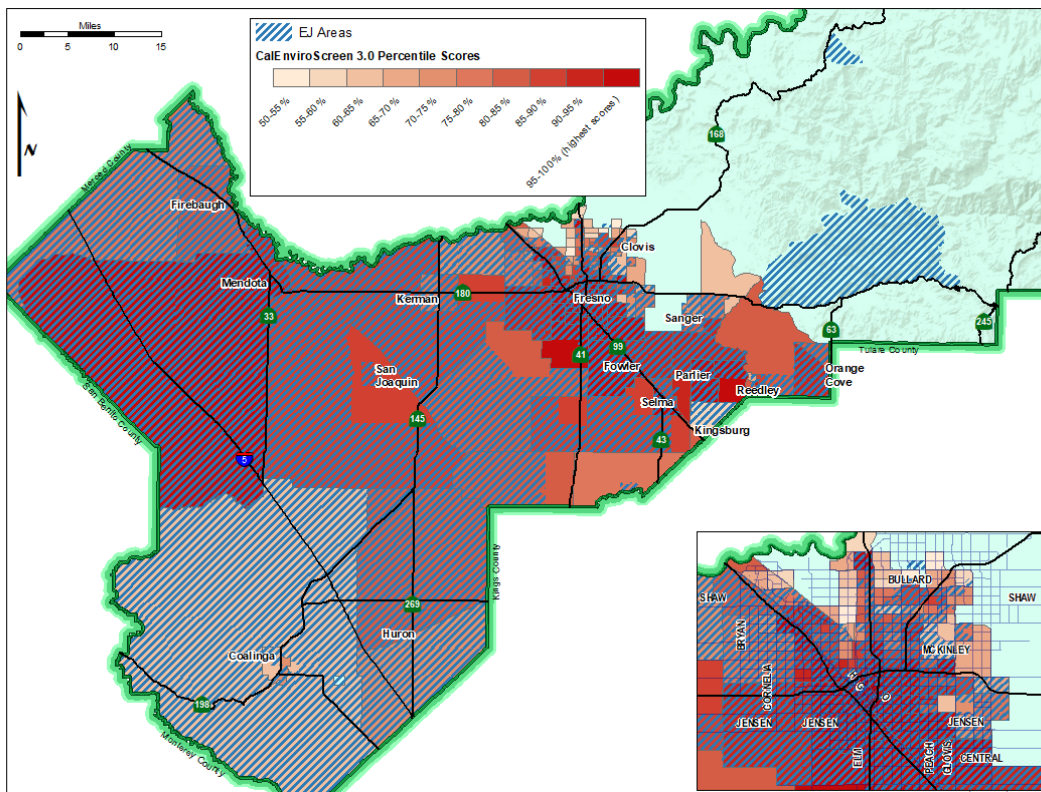
<sup>6</sup> California Environmental Protection Agency (CalEPA), California Communities Environmental Health Screening Tool: CalEnviro-Screen: <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-3.0>

<sup>7</sup> SB 535, De León. California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund: [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201120120SB535](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB535)

### SB 535 Area / Environmental Justice TAZs



### CalEnviroScreen 3.0 / Environmental Justice TAZs



While all of the areas identified in the methodology outlined above, and shown in the maps below, are included for purposes of this analysis, the data has limitations. Some of the specific limitations will be discussed throughout the analysis discussion as needed, but there are several important caveats that apply to all the analysis, including:

- Whether areas qualify as “EJ” or “Non-EJ” depends on thresholds for block groups that quantify the residents of an area, but they are not monolithic. There are residents who do not have low incomes and/or who are not from minority groups who reside in EJ Communities. There are also low-income and minority residents who live in Non-EJ Communities.

With its current analytical tools, Fresno COG is not able to predict where people of color, or low-income populations, will locate in the future. As a result, and for purposes of this analysis, the EJ areas identified with base year data are assumed to be the same for 2046. With the continuing diversification of the Fresno region, which is reinforced by the Regional Housing Needs Allocation requirements, this assumption might or might not provide the best projection where the EJ or non-EJ communities would be in 2046.

## **2. Identifying the Needs of the Low-Income and Minority Populations**

Section 6 of the General Reporting Requirement above detailed Fresno COG’s extensive public outreach to low income and minority individuals through the mini-grant program. In addition, outreach included using traditional media platforms, social media, print and traditional workshops. All materials were presented in both English and Spanish, and could be made available in other languages if requested, translators were also available to ensure every effort was made to best solicit community input on transportation needs.

In 2017, Fresno COG launched the Fresno County Regional Long Range Transit Plan (LRTP). This plan will guide transit and multimodal investments and services in the Fresno region through 2050. The plan builds on Fresno COG’s 2018 Regional Transportation Plan (RTP) and prior transit planning studies, and will inform the 2022 RTP. More importantly, the LRTP will integrate appropriate and effective public transportation planning and projects into the fabric of the region’s overall circulation networks and systems.

The LRTP was developed in line with state and federal transportation goals, guidance and funding programs. It creates a blueprint for a sustainable, safe, innovative, integrated, and efficient transit system to enhance the region’s economy and livability for all.

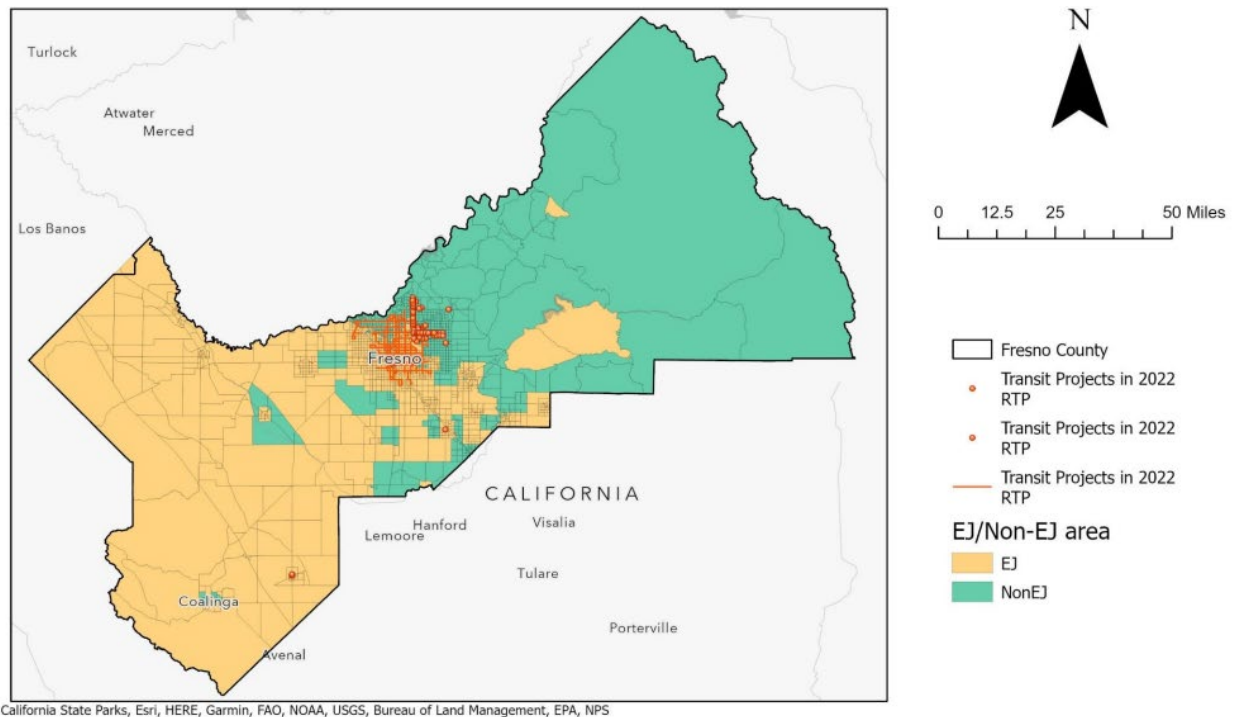
The plan development process was guided by a diverse steering committee comprising senior staff from all three transit operators, COG, City of Fresno and County staff, and community-based organizations. The Plan itself was developed by a multi-firm consulting team with diverse and extensive experience in transit and transportation planning. Substantial community engagement was undertaken, including workshops and pop-up outreach events in both urban and rural areas and a variety of surveys and stakeholder interviews. The final report was

approved by the FCOG Board in April 2019 and is available at <https://www.fresnocog.org/regional-long-range-transit-plan/>.

### 3. Demographic Maps Analyzing Funding Distribution

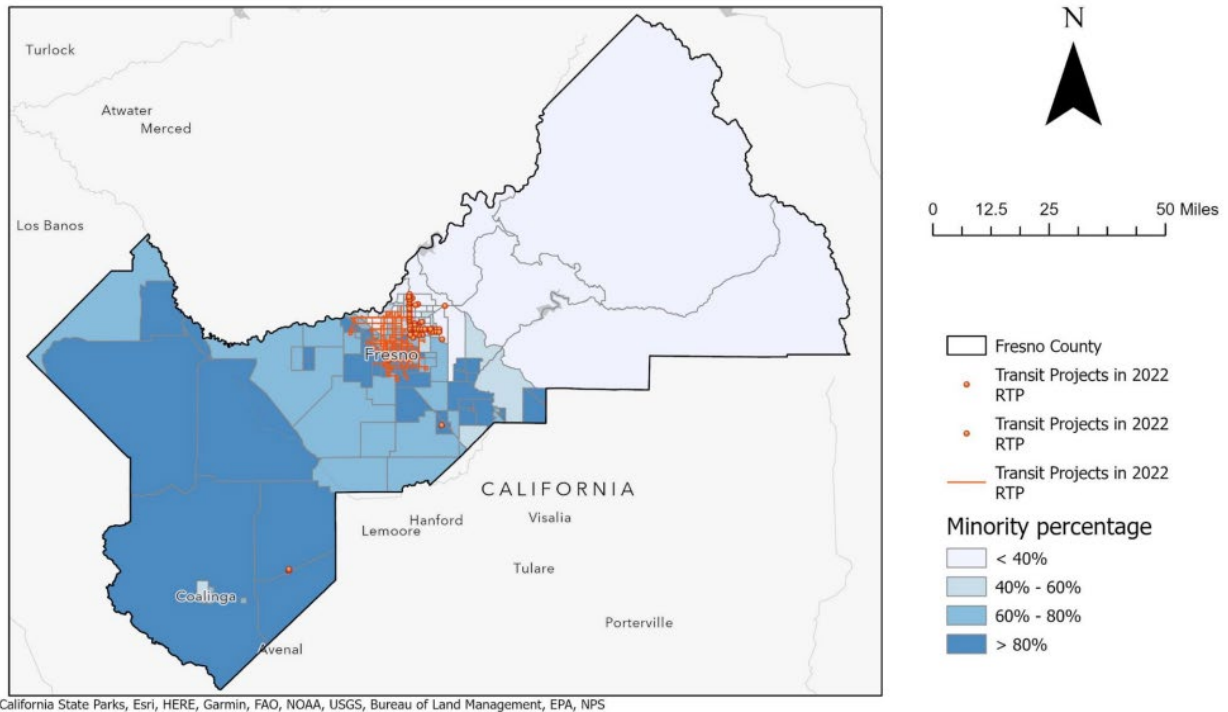
The following maps and charts below identify environmental justice communities and minority populations, and the distribution of funded transit projects in the county. The majority of transit funding is allocated to projects in EJ areas and areas with a large percentage of minority populations. 93% of transit funding was allocated to EJ areas. 88% of transit funded was allotted to census tracts with minority populations between 80 to 100%.

#### Environmental Justice TAZs & Transit Projects in 2022 RTP



Environmental Justice Area	Transit funding amount	Percent of total transit funding	Transit funding per capita
EJ area	\$954,707,160	93%	\$1,515
Non-EJ area	\$71,129,673	7%	\$201

## Minority Population Percentage by Census Tracts & Transit Projects in 2022 RTP



Minority Population Percentage	Transit funding amount	Percent of total transit funding	Transit funding per capita
0% - 40%	\$5,221,429	1%	\$46.79
40% - 60%	\$45,745,075	4%	\$243.90
60% - 80%	\$68,743,745	7%	\$226.95
80% - 100%	\$906,126,612	88%	\$2,369.13

### 4. Measuring the Benefits and Burdens

To measure the benefits and burdens of the Draft 2022 RTP proposed projects on disadvantaged communities, the EJ subcommittee and RTP roundtable approved the following eight quantitative performance measures:

- Transportation
  - Access to Jobs & Services
  - Travel Delay
  - Transit Productivity
- Financial Investments
  - Distribution of investments by mode
  - Distribution of road maintenance projects
  - Targeted active transportation investments
- Quality of life
  - Housing Mix

- Pollution Exposure

The performance measures compare the current (2019) transportation system to the future (2046) transportation system which assumes the construction of all projects proposed in the preferred scenario including transit, capacity increasing, bike and pedestrian, and maintenance and operational improvement projects. The newly developed Activity-Based Model (ABM) was applied in the EJ analysis. Documentation of the ABM is available on Fresno COG website at [Fresno Activity-Based Model Update](#). The land use and roadway projects assumptions are consistent with Scenario B, which the Fresno COG Policy Board selected as the preferred SCS scenario for the Draft 2022 RTP. Note that Fresno COG's last completed and Board-approved EJ analysis was for the Final 2018 RTP (see links in Appendix 6).



## Appendix 1: Plan for Engaging Individuals with Limited English Proficiency (LEP)

Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency states that individuals who do not speak English well and who have a limited ability to read, write, speak, or understand English are entitled to 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 do all federal agencies have to develop LEP Plans as a condition of receiving federal financial assistance, recipients have to 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. Federal funding recipients range from state and local agencies to nonprofits and other organizations. Title VI covers a recipient's entire program or activity.

The US Department of Transportation (DOT) published *Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Person* December 14, 2005. 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. 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.*

The Limited English Proficiency Plan helps ensure access to the planning process and information published by Fresno COG where it is determined that a substantial number of residents in Fresno County do not speak or read English proficiently. Fresno COG shall provide appropriate assistance, auxiliary aids, a translator/interpreter for non-English speaking and hearing-impaired individuals and/or services when necessary if requested at least three working days in advance of the meeting. If Fresno COG is unable to accommodate a request for a public hearing, then the hearing will be continued to a date when accommodations are available.

An LEP Plan starts with an assessment to identify LEP individuals who need assistance. Implementation includes language assistance measures, staff training, notification procedures to LEP individuals and plan monitoring.

In addition to this LEP Plan, a separate, related document – Fresno COG’s Public Participation Plan (Appendix 5) – lays out opportunities for the public to get involved in the transportation planning process. Copies of Fresno COG’s Public Participation Plan can be found its website at: [Fresno COG's 2016 Public Participation Plan](#)

**Determination of Need**

In order to prepare this Plan, Fresno COG underwent the U.S. Department of Transportation’s four-factor LEP analysis, which considers the following:

1. The number and proportion of LEP persons served or encountered in the eligible service population.
2. The frequency with which LEP persons come in contact with Fresno COG programs, activities, or services.
3. The importance to LEP persons of Fresno COG’s program, activities, and services.
4. The resources available to Fresno COG and overall cost to provide LEP assistance.

**Factor 1: Number and proportion of LEP persons served or encountered**

For planning purposes, Fresno COG looked at American Community Survey data for people who speak English “less than very well” as limited English proficient persons. Table 1 shows the ability to speak English and languages spoken at home for persons 5 years of age and older. The six most frequently spoken languages in the region other than English are Spanish, Hmong, Laotian, Chinese and Cambodian. Table 1 also shows that Spanish-speakers are the only population representing more than 5 percent of the county’s population that is identified as not speaking English very well.

<b>Number of Persons Over 5 years of age with the Ability to Speak English Less Than "Very Well" within Fresno County</b>		
<b>Language</b>	<b>Estimate</b>	<b>Percent</b>
Spanish	130,600	41.7%
Asian and Pacific Island languages	22,606	42%
Other Indo-European languages	12,502	41.4%
Other languages	2,900	41.8%
Source: 2019 American Community Survey		

## **Factor 2: Frequency of LEP populations' contact with programs, activities and services**

Fresno COG's prior experience with limited English proficient persons has been primarily with Spanish speakers. Since 2010, Fresno COG has contracted with community-based organizations for each update of its long-range transportation plan to gather input from minority and low-income residents. Such meetings have been helpful in providing insight into the needs and concerns of residents who often do not participate in regional government. Material is translated into the language or languages recommended by the community group.

## **Factor 3: Importance to LEP population of programs, services and activities**

Most Fresno COG programs, activities, and services of importance to LEP persons, in general, are long-term in nature since staff primarily engages in planning activities. However, there are some programs Fresno COG administers that have a larger reach, such as the unmet transit needs outreach notices, a Taxi Scrip program for seniors, a variety of ridesharing programs and a farm worker transportation subsidy. All these program documents are printed in both English and Spanish. Fresno COG serves as the region's transportation accountant and planner rather than a direct provider of services. Fresno COG works to ensure that all segments of the population, including LEP persons, have the opportunity to be involved in the transportation planning process.

## **Factor 4: Resources available to Fresno COG and overall cost to provide LEP assistance**

Providing translation services that allow LEP populations to participate in Fresno COG's core planning and investment policies is a routine practice. Fresno COG works with many advocacy groups representing LEP persons to determine their needs and concerns for planning purposes. Workshops organized by mini-grant recipients for Fresno COG's 2022 RTP/SCS included presentations given in English. Each workshop had interpreters on hand to answer questions and interpret presentations. Translated materials were available at the workshops in five different languages: English, Spanish, Hmong, Punjabi and Laotian. In many cases, the presentations were displayed and delivered in more than one language.

Fresno COG has three staff members who speak Spanish fluently, another three staff who are fluent in Chinese and two fluent in Hindi.

## **Language Assistance Measures**

Fresno COG uses several techniques to provide productive opportunities for all interested Fresno County residents to participate in important decisions, regardless of language barriers. This is done in several ways, including:

General Practices:

- Extensive use of visual aids including maps, charts, and photographs to illustrate trends, options, etc.,

- Avoiding complex terminology and technical terms and adapting the presentation / document in a manner that is appropriate to the intended audience.
- Notices widely disseminated through new partnerships with community-based and interest organizations.
- Translation software for the Fresno COG website.
- Translation of key documents including brochures, fact sheets and important planning documents into Spanish.
- Multi-lingual instruction on how to request translation services.
- Tailoring public participation activities to reflect the unique LEP population with a respective community.
- Reviewing prior experiences with LEP populations to determine the types of language services needed.
- Personal interviews and audio recording devices to obtain oral feedback at workshops and meetings.
- Flyers for major community workshops and similar meetings that include instructions on how to request translation services.
- Contracting with a language translation firm for on-call assistance, establish a network of competent translators to call upon for service and have translators available at meetings as requested.
- Fresno COG's website includes Spanish language content including translated versions or summaries of selected documents.
- Public participation plans for Fresno COG's long-range plan include seeking out views of LEP populations.

#### Local Media

- Work with non-English language media outlets to place articles or public service announcements about Fresno COG's work or announce participation opportunities.
- Purchase advertising in non-English language newspapers, radio stations or television stations to announce public meetings for the planning activities, major corridors or to announce other important transportation news.

#### Work with Advocacy Groups

- Work to involve in Fresno COG's activities non-profit groups that advocate for persons with limited English proficiency.
- Partner with community groups who can assist in tailoring presentations, meeting materials and announcements to meet the language needs of local participants.

#### Staff Training

Fresno COG works to instill in staff an awareness of and sensitivity to LEP residents' needs. Staff is trained on procedures for accommodating LEP populations. Some of the issues covered include information about LEP guidance from the U.S. Department of Transportation, Fresno COG's contract with a language translation firm to assist all staff in translating documents and to obtain translation services for meetings, projects and services.

## **Safe Harbor Provision**

The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will be considered strong evidence of compliance with the recipient's written translation obligations. Translation of non-vital documents, if needed, can be provided orally. If there are fewer than 50 persons in a language group that reaches the five percent (5 percent) trigger, the recipient is not required to translate vital written materials but should provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials. Spanish is the only language that meets the 5% or 1,000 people criteria for Fresno County. Four other languages meet the 1,000 people criteria: Arabic, Tagalog, Vietnamese, and Chinese. Based on Fresno COG's prior experience, encounters with limited English proficient persons has been primarily with Spanish speakers. Given this experience, there is a low likelihood that Fresno COG will have significant encounters with LEP groups outside of Spanish. Fresno COG will continue to provide translation of vital documents in Spanish as required to satisfy this provision. Fresno COG will also continue to partner with community groups to translate outreach materials into the languages recommended by the community group, as discussed in the Four-Factor Analysis and Public Participation Plan.

## **Notification to LEP or Low Literacy Persons**

The public must be informed of their rights under Title VI. This will be done in several ways including:

- Notifications posted in Fresno COG's reception area and meeting rooms.
- Notification on fresnocog.org.
- Documentation that describes a LEP person's right to access Fresno COG services.
- Multi-lingual instruction on how to request translation services.
- Flyers for major community workshops and similar meetings include instructions on how to request translation services.
- Language on routinely printed or electronic announcements for public workshops on key planning efforts that alert interested individuals about how to request translation services.

## **Maintenance and Monitoring of the Fresno COG LEP Plan**

Fresno COG will monitor requests for translation and adjust practices to meet demand while maintaining a basic level of access by LEP populations to key programs and documents. Fresno COG's LEP Plan will be updated periodically as needed to reflect new developments.

## Appendix 2: Notifying the Public of Rights Under Title VI

### Notifying the Public of Rights Under Title VI

#### **Fresno Council of Governments**

- Fresno Council of Governments operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the Fresno Council of Governments.
- Fresno Council of Governments opera sus programas y servicios sin distinción de raza, color y origen nacional, de conformidad con el Título VI del Acta de Derechos Civiles. Cualquier persona que cree o que ha sido perjudicada por una práctica discriminatoria ilegal bajo el Título VI, puede presentar una queja con Fresno Council of Governments.
- For more information on Fresno Council of Governments civil rights program, and the procedures to file a complaint, contact 559-233-4148; email [TraiH@fresnocog.org](mailto:TraiH@fresnocog.org); or visit our website at [www.fresnocog.org](http://www.fresnocog.org). (click on "About COG" then the "Get Involved" tab)
- A complaint may be filed directly with the Federal Transit administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5<sup>th</sup> Floor – TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.
- If information is needed in another language, contact 559-233-4148.
- Si se necesita información en otro idioma, comuníquese con 559-233-4148.
- Yog tias koj muaj lus hnug ntxiv, thov hu rau 559-233-4148
- 如果信息需要用另一种语言翻译，请联系559-233-4148
- Եթե տեղեկատվությունը անհրաժեշտ է այլ լեզվով, դիմեք 559-233-4148
- Nếu thông tin là cần thiết trong một ngôn ngữ khác, liên hệ 559-233-4148

*(This notice is posted in the Fresno COG reception area and meeting rooms.)*

## Appendix 3: Complaint Procedures

### FRESNO COUNCIL OF GOVERNMENTS COMPLAINT PROCEDURES

As a recipient of federal dollars, Fresno COG is required to comply with Title VI of the Civil Rights Act of 1964 and ensure that services and benefits are provided on a non-discriminatory basis. Fresno COG has in place a Title VI Complaint Procedure, which outlines the process for local disposition of Title VI complaints and is consistent with guidelines found in the Federal Transit Administration Circular 4702.1B dated October 1, 2012. The complaint procedure has five steps, outlined below:

7. **Submission of Complaint:** Any person who feels that he or she, individually, or as a member of any class of persons, on the basis of race, color, or national origin, has been excluded from or denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance through Fresno COG may file a written complaint to the Fresno COG Title VI Coordinator. Such a complaint must be filed within 60 calendar days after the date the person believes the discrimination occurred.
8. **Referral to Review Officer:** Upon receipt of the Complaint, the Title VI Coordinator shall review, investigate and evaluate the Complaint, in consultation with the Executive Director. The Title VI Coordinator shall complete the review no later than 45 calendar days after the date Fresno COG received the Complaint. If more time is required, the Title VI Coordinator shall notify the complainant of the estimated time-frame for completing the review. Upon completion of the review, the Title VI Coordinator shall make a recommendation regarding the merit of the Complaint and whether remedial actions are available to provide redress. Additionally, the Title VI Coordinator may recommend improvements to Fresno COG's processes relative to Title VI and environmental justice, as appropriate. The Title VI Coordinator shall forward their recommendations to the Executive Director for concurrence. If the Executive Director concurs, he or she shall issue Fresno COG's written response to the Complainant.
9. **Request for Reconsideration:** If the Complainant disagrees with the response, he or she may request reconsideration by submitting the request, in writing, to the Executive Director within 10 calendar days after its receipt. The request for reconsideration shall be sufficiently detailed to contain any items the Complainant feels were not fully understood by the Fresno COG Title VI Coordinator. The Executive Director will notify the complainant of his decision either to accept or reject the request for reconsideration within 10 calendar days. In cases where the Executive Director agrees to reconsider, the matter shall be returned to the Title VI Coordinator to re-evaluate in accordance with Paragraph 2, above.
10. **Appeal:** If the request for reconsideration is denied, the complainant may appeal the Executive Director's response to the Complaint by submitting a written appeal to Fresno

COG's Policy Board no later than 10 calendar days after receipt of the Executive Director's written decision rejecting reconsideration.

11. **Submission of Complaint to the Federal Transit Administration.** If the complainant is dissatisfied with Fresno COG's resolution of the Complaint, he or she may also submit a complaint to the Federal Transit Administration:  
Federal Transit Administration's Office of Civil Rights  
Attention: Title VI Program Coordinator  
East Building 5<sup>th</sup> Floor – TCR  
1200 New Jersey Ave., SE  
Washington, DC 20590

12. For further information, including the complaint form, is available at [www.fta.dot.gov](http://www.fta.dot.gov).



**TITLE VI COMPLAINT FORM**

Title VI of the 1964 Civil Rights Act requires that “No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” If you feel you have been discriminated against in transit services, please provide the following information in order to assist us in processing your complaint and send it to:

**Fresno Council of Governments**  
**ATTN: Fresno COG Title VI Coordinator**  
**2035 Tulare Street, Suite 201**  
**Fresno CA 93721**

**Phone: 559.233.4148**  
**Fax: 559.233.9645**

Please print clearly:

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

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

City, State, Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ (home) \_\_\_\_\_ (cell)

Person discriminated against: \_\_\_\_\_

Address of person discriminated against:  
\_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Please check off why you believe the discrimination occurred:

\_\_\_ race or color

\_\_\_ national origin

Title VI Complaint Form - Page 2

What was the date of the alleged discrimination?

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Where did the alleged discrimination take place?

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Please describe the circumstances as you saw it:

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Please list any and all witnesses' names and phone number:

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What type of corrective action would you like to see taken?

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Please attach any documents you have which support the allegation.

Then sign and date this form and send to the Fresno COG Title VI Coordinator (address is listed on page 1).

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Your Signature

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Print your name

Date


## **Appendix 4: Public Participation Plan**

Also available at:

FCOG PPP - [https://2ave3l244ex63mgdyc1u2mfp-wpengine.netdna-ssl.com/wp-content/uploads/2020/07/2020-Fresno\\_COG\\_Public\\_Participation\\_Plan-Adopted-6\\_25\\_2020.pdf](https://2ave3l244ex63mgdyc1u2mfp-wpengine.netdna-ssl.com/wp-content/uploads/2020/07/2020-Fresno_COG_Public_Participation_Plan-Adopted-6_25_2020.pdf)

RTP Public Participation Plan - <https://2ave3l244ex63mgdyc1u2mfp-wpengine.netdna-ssl.com/wp-content/uploads/2020/03/Appendix-A-Fresno-COG-Draft-RTP-and-SCS-Public-Outreach-Strategy.pdf>

## Appendix 5: Sample Publicity



**2020 Transportation Needs Online Survey**

Fresno Council of Governments

**Don't forget! Share your transportation needs by October 22nd**

The Fresno Council of Governments (Fresno COG) is looking for transportation project suggestions that could become part of its 20-year Regional Transportation Plan or RTP.

The RTP is a long-term plan for the Fresno County region's transportation system that is updated every four years. Our last RTP included over 3,100 projects from around the region and we are in the process of updating that plan now.

Do you have suggestions for roadway, transit, bikeway, trail, or other types of improvements? Do the streets near you need repair? Are the roads you travel unsafe or congested? Would you benefit from a change to current bus stops or schedules? Does a new bikeway, trail, or sidewalk need to be added in your community?

**We want to know!** Please tell us by participating in a very brief, easy survey by October 22nd... Submit as many project suggestions as you would like. Your project suggestions will be forwarded to the appropriate agency for review, consideration and possible inclusion into the updated RTP or local plans.

[English Survey](#)

[Spanish Survey](#)

[Punjabi Survey](#)


**Share the survey link!** We also ask that you share the opportunity to provide project suggestions with your friends, coworkers, neighbors and family by forwarding [this link](#) to our survey homepage.

When the survey window closes, we will gather up the suggestions and forward them to our member agencies, the 15 incorporated cities in Fresno County and the County of Fresno, as well as transit agencies that serve the Fresno County region.

If you want to know more, visit our Fresno COG's Regional Transportation Plan website at [www.planfresno.com](http://www.planfresno.com)

*If you are unable to complete an online survey visit the [PlanFresno](#) website and submit your project suggestion via email. One of our Fresno COG staff members will contact you to follow up. You may also call our office to share your project suggestions at (559) 233-4148.*

**Wondering what a Regional Transportation Plan is all about? Watch this short video to learn more about them.**



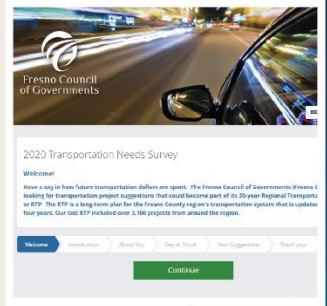
Fresno Council of Governments

**Fresno Council of Governments**  
www.fresnocog.org  
2035 Tulare Street Suite 201, Fresno, CA 93721  
Phone: 559.233.4148

Connect with us

[f](#) [t](#) [i](#)

[Visit our website](#)



**Fresno COG's 2020 Transportation Needs Online Survey**

Opportunity to submit transportation project need suggestions through an online portal in various languages:

- English
- Spanish
- Punjabi

**Fresno Council of Governments**  
Published by Brenda Thomas Veenendaal · June 24, 2021 ·

Hope to see you at one of these events this weekend. Stop by for some giveaways and information about our Road Safety studies!

**See you this weekend!**

**Clinica Sierra Vista Elm Community Health Center - Friday, 1-5 pm**

**Cherry Avenue Auction Saturday, 7 am to 2 pm**

**Riverdale Swap Meet Saturday, 4 to 9 pm**

Visit our Road Safety Plans booth!






**Fresno Council of Governments**  
Published by YouTube · April 14, 2021 ·

Si vive en el Condado de Fresno, ¡por favor tome esta encuesta hoy mismo y compártala con sus amigos y familiares! Necesitamos su opinión sobre cómo nuestra comunidad (Condado de Fresno) podría crecer en los próximos 25 años. Queremos saber qué es importante para usted. ¿Es acceso a trabajos y servicios? ¿Mejor calidad del aire? ¿Más diversas opciones de vivienda y transporte? O, ¿es otra cosa?

Su aporte se incluirá directamente en la actualización de la Estrategia de Comunidades Sostenibles de nuestra región -- un plan regional que utiliza estrategias de uso de la tierra y transporte que trabajan en conjunto para crear un futuro sostenible y alcanzable.

See Translation



YOUTUBE.COM  
Fresno COG's SCS Survey in Spanish

## **Appendix 6: 2018 RTP/SCS Environmental Justice Analysis**

Also available at:

RTP EJ Chapter - <https://www.fresnocog.org/wp-content/uploads/2017/02/2018-RTP-Chapter-7-Environmental-Justice-7-3-18.pdf>

RTP EJ Appendix H - <https://www.fresnocog.org/wp-content/uploads/2017/02/2018-RTP-Appendix-H-FINAL.pdf>

## Appendix 7: Resolution of Support

**BEFORE THE  
FRESNO COUNCIL OF GOVERNMENTS  
RESOLUTION NO. 2022-05**

**IN THE MATTER OF:**  
Fresno Council of Governments  
FTA Title VI Program

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RESOLUTION OF APPROVAL FOR THE  
FRESNO COUNCIL OF GOVERNMENTS –  
FTA TITLE VI PROGRAM CONCURRENCE

WHEREAS, the Fresno Council of Governments (Fresno COG) is required by the Federal Transit Administration (FTA) as a condition of receiving federal funding to update its program for compliance with Title VI of the Civil Rights Act of 1964; and

WHEREAS, Fresno COG is committed to a policy of nondiscrimination in the conduct of its business, including its Title VI responsibilities, and to the delivery of equitable and accessible transportation services;

WHEREAS, FTA Circular 4702.1b dated October 1, 2012, requires that designated recipients document their compliance by submitting a Title VI Program to their FTA regional civil rights officer once every three years; and

WHEREAS, Fresno COG's existing Title VI Plan will expire on March 31, 2022.

NOW THEREFORE BE IT RESOLVED that the Fresno Council of Governments hereby adopts the Title VI Program dated March 2022.

BE IT FURTHER RESOLVED that the adoption of the Title VI Program will become effective on April 1, 2022, and that the Executive Director is authorized to execute administrative modifications and file all certification of assurances, contracts or agreements, and any other documents required by the Federal Transit Administration in the execution and implementation of the Title VI Program.

THE FOREGOING RESOLUTION was passed and adopted by the Fresno Council of Governments this 24th day of March, 2022.

AYES: Clovis, Coalinga, Firebaugh, Fowler, Fresno City, Huron, Kerman, Kingsburg, Mendota, Parlier, Reedley, San Joaquin, Sanger, Selma, Fresno County

NOES: None

ABSTAIN: None

ABSENT: Orange Cove

ATTEST:

Signed:   
Fresno Council of Governments, Chair

I hereby certify that the foregoing is a true copy of a resolution of the Fresno Council of Governments duly adopted at a regular meeting dated above.

Signed:   
Tony Boren, Executive Director