

BALTIMORE METROPOLITAN PLANNING ORGANIZATION

**BALTIMORE REGIONAL TRANSPORTATION BOARD
RESOLUTION #19-22**

**APPROVAL OF A TITLE VI PROGRAM
FOR THE BALTIMORE METROPOLITAN PLANNING ORGANIZATION**

WHEREAS, the Baltimore Regional Transportation Board is the designated Metropolitan Planning Organization (MPO) for the Baltimore region, encompassing the Baltimore Urbanized Area, and includes official representatives of the cities of Annapolis and Baltimore, the counties of Anne Arundel, Baltimore, Carroll, Harford, Howard, and Queen Anne's, as well as representatives of the Maryland Department of Transportation, the Maryland Department of the Environment, the Maryland Department of Planning, the Maryland Transit Administration, and Harford Transit; and

WHEREAS, the Baltimore Regional Transportation Board as the Metropolitan Planning Organization for the Baltimore region, has responsibility under the provisions of the Fixing America's Surface Transportation Act (FAST) to develop and execute a continuing, cooperative, comprehensive and performance-based transportation planning process for the metropolitan area; and

WHEREAS, Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin in programs or activities receiving federal financial assistance, and Presidential Executive Order 13166 requires recipients of federal funds to assess, monitor, and address the needs of Limited English Proficiency (LEP) individuals seeking assistance; and

WHEREAS, the Baltimore Regional Transportation Board, in accordance with the Federal Transit Administration's (FTA) most recent circular on Title VI compliance, FTA C 4702.1B, has updated their Title VI Assurances (Attachment 1) and developed a Title VI Policy Statement (Attachment 2). Both documents are included in the Title VI Program, (Attachment 3) and in planning activities to ensure non-discrimination in the metropolitan transportation planning process for the Baltimore region; and

WHEREAS, staff to the Baltimore Regional Transportation Board will monitor updates to Title VI regulations and guidance, and demographic trends in Limited English Proficiency (LEP) populations in the region; and will update the Title VI Program Report and its components as required; and

NOW, THEREFORE, BE IT RESOLVED that the Baltimore Regional Transportation Board as the Metropolitan Planning Organization for the Baltimore region approves the Title VI Assurances, Title VI Policy Statement and Title VI Program Report.

I HEREBY CERTIFY that the Baltimore Regional Transportation Board, as the Metropolitan Planning Organization for the Baltimore region, approved the aforementioned resolution at its May 28, 2019 meeting.

5-28-2019

Date



Valorie LaCour, Chair
Baltimore Regional Transportation Board

Baltimore Metropolitan Council Title VI Assurances

The Baltimore Metropolitan Council ("Recipient), HEREBY AGREES THAT as a condition to receiving any federal financial assistance, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d, et seq. ("Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances regarding its federal aid assisted programs:

1. That the Recipient agrees that each "program" and each "facility", as defined in the Regulations, will be (with regard to a "program") conducted or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with federal aid assisted programs, and in adapted form in all proposals for negotiated agreements:

The Baltimore Metropolitan Council, in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d, et seq., and Title 49, Code of Federal Regulations hereby notifies all bidders that it will affirmatively ensure that any contract entered pursuant to this advertisement will afford minority business enterprises full opportunity to submit bids in response to this invitation, and will not discriminate on the grounds of race, color, sex or national origin in consideration for an award.

3. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.
4. That where the Recipient received federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over, or under such property.
5. That the Recipient shall include the appropriate clauses regarding a covenant running with the land, in any future deeds, leases, permits, licenses and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under federal aid-assisted programs;

and (b) for the construction or use of, or access to space on, over, or under real property acquired or improved under federal aid-assisted programs.

6. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, or is in the form of personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
7. The Recipient shall provide for such methods of administration for the program, as are found by the official to whom s/he delegates specific authority, to give reasonable guarantee that it, other recipients, sub-recipients, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
8. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of, and for the purpose of obtaining, any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Recipient and is binding on it, other recipients, contractors, subcontractors, transferees, successors in interest, and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.



Michael B. Kelly, Executive Director

5-28-19

Date

Baltimore Metropolitan Council Title VI Policy Statement

The Baltimore Metropolitan Council (BMC) assures that no person shall, on the grounds of race, color, sex, or national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL100.259), be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination under any program or activity.

BMC further assures that 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. In the event BMC distributes federal aid funds to another governmental entity, BMC will include Title VI language in all written agreements and will monitor for compliance. BMC's Title VI officer is responsible for initiating and monitoring Title VI activities, overseeing the preparation of required reports and overseeing other BMC responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200 and Title 49 CFR Part 21.



5-28-19

Michael B. Kelly, Executive Director

Date

Title VI Program

To Ensure Nondiscrimination in all Programs and Activities

Baltimore Regional Transportation Board

May 28, 2019

Purpose Of This Plan

The purpose of this document is to detail the Baltimore Regional Transportation Board's (BRTB) Title VI program, and demonstrate its compliance with all applicable Title VI regulations and requirements.

On behalf of the BRTB the Baltimore Metropolitan Council (BMC) hereby gives public notice that it is the policy of our agency to ensure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related authorities and regulations in all programs and activities.

Title VI requires that no person in the United States of America shall, on the grounds of race, color, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which BMC receives federal financial assistance. Additional protections are provided in other federal and state authorities for discrimination based on income status, limited English proficiency, religion, sex, disability, age, gender identity (as defined in paragraph 249(c)(4) of title 18, United States Code) or sexual orientation.

Any person who believes they have experienced discrimination under Title VI has a right to file a formal complaint with the BRTB. Any such complaint must be filed with the Title VI Coordinator within 180 days following the date of the alleged discriminatory occurrence.

For more information on the BRTB's civil rights program, and the procedures to file a civil rights complaint, check the following resources:

- Call: 410- 732-0500; (TTY 800-735-2258)
- E-mail: titlevi@baltometro.org
- Visit: Baltimore Metropolitan Council
1500 Whetstone Way, Suite 300
Baltimore Maryland 21230
- Online: <https://www.baltometro.org/non-discrimination>.

If information is needed in another language, please contact 410-732-0500.

Si se necesita información de Título VI en español, llame al 410-732-0500.

Baltimore Regional Transportation Board

Member followed by

Empowered Representative

The Honorable Gavin Buckley, City of Annapolis

Ms. Sally Nash, Department of Planning & Zoning

The Honorable Steuart Pittman, Anne Arundel County

Mr. Ramond Robinson, Office of Transportation

The Honorable Bernard C "Jack" Young, City of Baltimore, BRTB CHAIR

Chair Mr. Frank Murphy, Department of Transportation

The Honorable Johnny Olszewski Jr., Baltimore County

Mr. Greg Carski, Department of Public Works

The Honorable Stephen Wantz, Carroll County, BRTB Vice-Chair

Ms. Lynda Eisenberg, Department of Land Use, Planning & Development

The Honorable Barry Glassman, Harford County

Mr. Alex Rawls, Department of Planning & Zoning

The Honorable Calvin Ball, Howard County

Mr. Bruce Gartner, Office of Transportation

The Honorable James Moran, Queen Anne's County

Mr. Steve Cohoon, Department of Public Works

Mr. Kevin Quinn, Maryland Transit Administration*

Ms. Holly Arnold, Capital Programming

The Honorable Pete Rahn, Maryland Department of Transportation

Ms. Heather Murphy, Office of Planning & Capital Programming

The Honorable Ben Grumbles, Maryland Department of the Environment*

Ms. Alexandra Brun, Air Quality Planning Program

The Honorable Rob McCord, Maryland Department of Planning*

Ms. Bihui Xu, Office of Smart Growth

Voting Representative from Eligible Public Transit Agency

Mr. Gary Blazinsky, Harford Transit

* Denotes non-voting members

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I. INTRODUCTION

Under the Title VI Civil Rights Act, programs or activities receiving federal financial assistance may not exclude persons from participating in, deny benefits to or subject anyone to discrimination based on a person's race, color, national origin or income status. This document outlines the roles, method of administration, and analysis that supports the Baltimore Regional Transportation Board's (BRTB) regional planning. This program document also represents the BRTB's commitment, obligations and compliance in regard to Title VI. The following background is provided to give context to the BRTB's responsibilities in this area. The BRTB is a group of local governments and state agencies working together to address transportation issues that touch the lives of every resident. Federal transportation law requires that the Governor of each state to designate a Metropolitan Planning Organization (MPO) for each urbanized area with a population of 50,000 or more. The BRTB was designated as the MPO for transportation planning for the Baltimore region. Funding for BRTB activities come from a variety of sources, with federal and state funding comprising the principle revenue source. The BRTB's membership encompasses diverse social, economic and cultural communities. The BRTB actively seeks public participation in all of its meetings and solicits public input in every area of planning and policymaking. The thoughts, opinions and ideas of the community are valued and are necessary for the BRTB to build a community that serves the diverse interests and needs of all within the region.

The BRTB is a thirteen-member Board representing the cities of Annapolis and Baltimore, the counties of Anne Arundel, Baltimore, Carroll, Harford, Howard, and Queen Anne's as well as the Maryland Department of Transportation, the Maryland Department of the Environment, the Maryland Department of Planning, the Maryland Transit Administration and Harford Transit; and is the federally established Metropolitan Planning Organization (MPO) for the Baltimore region.



As an MPO, the BRTB is directly responsible for making sure that any federal funding approved for transportation projects and programs is based on a continuing, cooperative and comprehensive (3-C) planning process. Almost all transportation projects and programs that receive federal transportation funding in our region go through this planning process. Public involvement is a key part of this process.

A Commitment to Nondiscrimination - The Baltimore Regional Transportation Board (BRTB) welcomes public participation in the transportation planning process regardless of race, color, national origin, age, sex, religion, disability, or family status.

The BRTB actively supports and follows nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964 and other federal and state authorities. We promote equity and fairness in our transportation planning work because it's the right thing to do – not just because discrimination is prohibited by law.

To meet its mission, the BRTB develops a long-range and a short-range transportation plan, as well as a report that details the impact on the region's air quality. It also develops a work plan and budget called the Unified Planning Work Program (UPWP). The UPWP includes a variety of studies and projects in areas such as public participation, environmental justice and transportation equity, and planning for various types of transportation (bicycle, pedestrian, freight, transit, etc.). In addition, the BMC provides GIS, modeling and data development. The UPWP also serves as a basis for the development of the short and long-range transportation plans, and related air quality analysis.

The BRTB is supported by a number of committees and advisory groups that focus on specific technical and policy areas. These currently include groups that focus on topics such as freight, bicycle and pedestrian, traffic incident management, air quality, and more. All meetings of the BRTB and subcommittees are open to the public. For a current calendar, visit <https://www.baltometro.org/meeting-events/upcoming>.

Relationship between the BRTB and BMC

The BRTB receives staff support through its host agency, the Baltimore Metropolitan Council (BMC). BMC is an organization of the region's elected executives who are committed to identifying regional interests and developing collaborative strategies, plans, and programs that will improve the quality of life and economic vitality throughout the region. BRTB meetings are generally held on the fourth Tuesday of each month at 9 a.m. at BMC offices located at 1500 Whetstone Way, Suite 300, Baltimore, MD.

Title VI Policy Statement

The Baltimore Metropolitan Council (BMC) assures that no person shall, on the grounds of race, color, sex, or national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL100.259), be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination under any program or activity.

BMC further assures that 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.

In the event BMC distributes federal aid funds to another governmental entity, BMC will include Title VI language in all written agreements and will monitor for compliance. BMC's Title VI officer is responsible for initiating and monitoring Title VI activities, overseeing the preparation of required reports and overseeing other BMC responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200 and Title 49 CFR Part 21.

About Title VI Assurances

As a recipient of federal fund, and in accordance with Title VI, BMC must submit a signed assurance to the United States Department of Transportation that it will not discriminate in the administration of its programs and activities. The assurance informs sub-recipients of their nondiscrimination obligations and provides a basis for the federal government to enforce compliance with the nondiscrimination laws. (See Appendix 1 for the complete Baltimore Metropolitan Council Title VI Assurances.)

On October 1, 2012, the Federal Transit Administration (FTA) published *Circular C4702.1B: Title VI Requirements and Guidelines for Federal Transit Administration Recipients*, which placed a renewed emphasis on Title VI in the transportation planning process. This document details how the Board meets the requirements of the aforementioned authorities – in particular the requirements set forth in *FTA Circular C4702.1* – in the MPO planning process for the Baltimore region.

II. TITLE VI PROGRAM ADMINISTRATION

On April 25-27, 2016, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Environmental Protection Administration (EPA) staff conducted the most recent review of metropolitan transportation planning in the Baltimore region. The certification review was carried out in accordance with 23 U.S.C. 134(i)(5) and 49 U.S.C. 5303(k)(5), which requires FHWA and FTA to certify that all metropolitan areas with population of more than 200,000 meet requirements of 23 CFR 450 Subpart C at least every four years. The certification review considers all aspects of the planning process, including Title VI compliance.

The review team identified strengths as well as recommendations for improvement in the Baltimore MPO planning process. The team identified no corrective actions. Based on the review, FHWA and FTA certified the metropolitan planning process in the Baltimore region through July 2020.

In this area, the review team stated: “BRTB has designated a Title VI Coordinator, developed an effective mechanism to collect demographic and economic data on vulnerable populations including LEP populations. Furthermore, BRTB has effectively integrated Title VI requirements in their public participation and planning plans.

BRTB should continue to work in coordination with MDOT in the implementation of its Title VI requirements in the planning and public participation processes for their region. 49 CFR Part 21.7, 23 CFR § 450.334, FTA Circular 4702.1B.”

The BMC, on behalf of the BRTB, intends to continue to pursue Title VI activities as identified by the federal review team.

Title VI Reporting Requirements

FTA Circular C4702.1B requires that the BRTB, as a sub-recipient of federal funds from the Maryland Department of Transportation (MDOT), document compliance by submitting a Title VI Program to MDOT as the primary recipient.

Staff Roles and Responsibilities

The Executive Director of the BMC is responsible for the Title VI program, and leads a team with expertise in the policies and methods required to meet the requirements of FTA Circular C4702.1.

The Executive Director has designated a Title VI Officer, and has delegated the authorities needed to manage development and implementation of the Title VI program to the Title VI Officer. Since Title VI program elements are often interrelated, liaisons have been designated to coordinate Title VI program development and implementation with the

Baltimore Regional Transportation Board and its committees, the Transportation Division staff, and the public. An organizational structure is in place to insure the overall mission of BMC and Title VI compliance.

General responsibilities of the core Title VI team include:

Title VI Officer

General Responsibilities

- Implement, refine and monitor Title VI program.
- Manage compliance process with state and federal partners.
- Receive, investigate and respond to all Title VI complaints.
- Maintain a database to document the Title VI complaint process.
- Identify and coordinate Title VI-related professional development for staff as needed and oversee all Title VI-related professional development.

Liaison to the Board (BMC and BRTB)

- Inform the Board of Title VI related planning activities.
- Identify and coordinate Title VI related professional development opportunities.
- Coordinate Board response to any Title VI complaints.

Liaison to the Transportation Division

- Inform Division staff of and coordinate its response, both programmatic and analytic, to Board recommended Title VI related planning activities.
- Coordinate Title VI related professional development for staff as needed.
- Support Title VI Officer in complaint process.

Liaison to the Public

- Inform the Public Advisory Committee (PAC) of and coordinate its involvement with Title VI related planning activities.
- Coordinate Title VI related professional development activities available to the PAC, stakeholder organizations and individuals, and the Public as needed.
- Deliver Title VI specific information/training and Title VI compliant information to the PAC, stakeholder organizations and individuals, and the public in the most appropriate fashion.
- Implement, refine and maintain a contact relationship management (CRM) solution to maximize liaison contact with all interested parties.
- Maintain a database to chronicle all Title VI-related outreach activities.
- Support Title VI Officer in complaint process.

Staff Development

All BMC employees are encouraged to participate in professional development and

training within and outside of BMC. Internally, BMC offers a variety of training for staff development and in support of various programmatic goals. BMC-wide training involves a variety of topics, such as performance management, supervisory training, diversity, technical/computer related training and other subjects in response to departmental or BMC-wide training needs.

In an effort to continuously improve the BMC's overall compliance posture, nondiscrimination training has been and will continue to be coordinated with the Federal Highway Administration (FHWA), the Federal Transit Administration, the Maryland Department of Transportation (MDOT) and made available to BMC staff, BRTB members and to the public as appropriate. This occurs on an ongoing basis to ensure up-to-date knowledge of Title VI and other nondiscrimination statutes. The Title VI Officer oversees all Title VI-related professional development, with support from all appropriate liaisons and staff.

Staff Administration

The Executive Director of BMC is tasked with administration of the policy set forth in the *BMC Personnel and Procedure Manual*. Policy 101 in the section on Equal Employment Opportunity (EEO) is as follows:

In order to provide equal employment opportunity to all individuals, employment decisions at BMC will be based on qualifications, abilities and performance. BMC does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, sexual orientation, or any other characteristic protected by law. BMC will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Contractor Administration

BMC is responsible for the selection, negotiation and administration of its consultant contracts and manages these functions under internal contract procedures as well as all relevant federal and state laws. The BMC Executive Director is responsible for ensuring nondiscrimination language is included in requests for qualification/proposals and contracts, and reviewing consultant compliance.

BMC ensures that consultants are monitoring and verifying compliance with nondiscrimination authorities, procedures and requirements within the workplace and in the conduct of grant-funded activities.

If a recipient or sub-recipient is found to be not in compliance with the non-discrimination

authorities, the Title VI Officer and appropriate staff will work with the recipient or sub-recipient to resolve the deficiency and prepare re-medial actions as necessary.

Disadvantaged Business Enterprise Program

Adopted on April 27, 2010 BRTB Resolution #10-22 defines the Baltimore Regional Transportation Board Disadvantaged Business Enterprise (DBE) policy. The resolution includes the statement:

The Baltimore Metropolitan Council (BMC) is committed to and has developed a Disadvantaged Business Enterprise (DBE) Program that is consistent and in compliance with the federal regulations of the U.S. Department of Transportation (USDOT), Title 49 of the Code of Federal Regulations (CFR) Part 26. BMC, as a sub-recipient of federal financial assistance, has signed an assurance that it will comply with 49 CFR Part 26.

Accordingly, BMC encourages DBEs to compete for BMC contracts and subcontracts and encourages joint ventures between DBE and non-DBE firms who compete for BMC contracts and subcontracts.

It is the policy of the BMC to ensure that DBEs, as defined in Part 26, have an equal opportunity to participate in the procurement process for all goods and services purchased by BMC, specifically those financed in whole or in part with federal funds.

Per the approved DBE policy, the Board is to set an overall DBE participation goal for each fiscal year. On April 23, 2019, the BRTB adopted Resolution #19-19, which set a goal for Fiscal Year 2020 of thirty one point seven percent (31.7%) DBE participation through a methodology described in 49 CFR 26.45 (c)(4-5). Specifically, the BRTB adopted the goal of the Maryland Department of Transportation (MDOT) that serves the same or a substantially similar market as the BRTB.

Disadvantaged Business Enterprise Notice

Disadvantaged business enterprises (DBEs) are encouraged to respond to this solicitation. It is the intent of BMC that certified minority business enterprises and subcontractors be given the opportunity to submit proposals to this RFP and will not be subject to discrimination on the basis of race, color, sex, or national origin in consideration for an award.

DBE Subcontract Participation Goal

“The Baltimore Metropolitan Council hereby notifies all offerors that in regard to any contracts entered into pursuant to this advertisement, MBEs and WBEs will be afforded full opportunity to submit expressions of interest in response to this notice and will not be

subject to discrimination on the basis of race, color, sex or national origin, in consideration for an award.”

It is the goal of BMC that certified businesses participate in all competitively bid federal-aid contracts. A DBE subcontract participation goal of thirty one point seven (31.7) percent of the total contract amount has been established for this procurement. Offerors must make a good faith effort to meet this goal in order to receive appropriate consideration. The offeror can demonstrate that it has made a good faith effort by meeting the goal or by documenting good faith efforts to do so in its proposal. Determination of good faith efforts will be made at the discretion of appropriate BMC staff. All offers submitted in response to this RFP must include a statement specifying the Maryland Department of Transportation (MDOT) has certified the DBE or DBEs utilized to meet this requirement. If the DBE has not been certified by MDOT but has been certified by other state transportation agencies receiving federal funding, the name of the agency should be included in the proposal. BMC reserves the option to accept this certification in lieu of MDOT certification.”

An example BMC Request for Proposals can be found in Appendix 1.

The following nondiscrimination clause is included in all BMC contracts and sub-grant agreements:

Non-Discrimination in Employment

“The Contractor agrees: (A) Not to discriminate in any manner against an employee or applicant for employment because of race, color, religion, creed, age, sex, marital status, national origin, ancestry, or physical or mental handicap un- related in nature and extent so as reasonably to preclude the performance of such employment; (B) to include a provision similar to that contained in subsection (A), above, in any subcontract except a subcontract for standard commercial supplies or raw materials; and (C) to post and to cause subcontractors to post in conspicuous places available to employees and applicants for employment, notices setting forth the substance of this clause.”

For a sample BMC Contract see Appendix 1.

III. GENERAL REQUIREMENTS

The current Title VI Notice to the Public (Resolution #12-24) will be reaffirmed by BRTB on May 28, 2019. The Title VI Notice to the Public can be found on the BMC website, and at the BMC office at the front desk and in the public conference room. The notice is also available in (Latin American) Spanish.

In addition, the BRTB includes the following Notice on all print publications, on the website, and in announcements to both the press and public:

Title VI of the Civil Rights Act of 1964 prohibits discrimination based upon race, color or national origin. Specifically, 42 U.S.C. §2000d states that “No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

On May 22, 2012 the Baltimore Regional Transportation Board adopted Resolution #12-24, a Public Notice on Title VI Compliance and a Title VI Complaint Procedure and Form.

Download the Public Notice, Complaint Procedure, and Complaint Form (pdf) at <https://www.baltometro.org/non-discrimination>.

For more information on the BRTB’s civil rights program, and the procedures to file a civil rights complaint, check the following resources:

Call: 410- 732-0500; (TTY 800-735-2258)

E-mail: titlevi@baltometro.org

Visit: Baltimore Metropolitan Council
1500 Whetstone Way, Suite 300
Baltimore Maryland 21230

If information is needed in another language, contact 410-732-0500.

Si se necesita información de Título VI en español, llame al 410-732-0500.

Title VI Complaint Procedure

Any person who believes she or he has been discriminated against on the basis of race, color, national origin or other applicable laws, by the Baltimore Regional Transportation Board may file a Title VI complaint with the Title VI Officer. The BRTB Board investigates Title VI complaints received no more than 180 days after the alleged discrimination; and will process all complete complaints with the Complaint Procedure adopted with BRTB Resolution #12-24.

Once the complaint is received, the BRTB will review it to determine if the BRTB has jurisdiction. The Complainant will receive an acknowledgement letter informing her/him

whether the complaint will be investigated by the BRTB. The BRTB has 30 days to investigate the complaint.

If more information is needed to resolve the case, the BRTB may contact the Complainant. The Complainant has 30 business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the Complainant or does not receive the additional information within 30 business days, the BRTB can administratively close the case.

If the Complainant is dissatisfied with the BRTB’s resolution of the complaint, she/he may also submit a complaint to the Maryland Department of Transportation for investigation. A person may also file a complaint directly with the Federal Transit Administration.

The Title VI Complaint Form, also adopted with BRTB Resolution #12-24, can be found wherever the Title VI Notice to the Public can be found.

Title VI Complaints, Investigations and Lawsuits

There are no Title VI complaints, investigations and/or lawsuits to report. If in the future there are, this matrix will be used to provide an overview of each. (For each, complete details will also be compiled.)

	Description	Date Filed	Status	Action Taken
Complaints				
None				
Investigations				
None				
Lawsuits				
None				

Public Participation Plan

The Baltimore Regional Transportation Board (BRTB) seeks to provide an open process that offers reasonable access to information, timely public notice, full public access to key decisions, and support for early and continued involvement of stakeholders in the metropolitan transportation planning process.

There are two intended audiences for the *Public Participation Plan*. First, the *Public Participation Plan* serves as a guidebook for the public as to how and when they can engage in the regional transportation planning and decision-making process. Second, the *Public Participation Plan* clearly outlines the policies and procedures for those responsible for engaging the public in the regional planning process. That is, BRTB members, subcommittee members and planning staff.

The *Public Participation Plan* includes sections on public involvement policies; strategies for outreach, education and engagement; evaluation; and additional resources.

With Resolution #18-18 on June 26, 2018, the BRTB approved an update to the *Public Participation Plan for Transportation Planning in the Baltimore Region*.

The 2018 Public Participation Plan can be found in Appendix 3 or online at:

https://www.baltometro.org/sites/default/files/2019-04/brtb_public-participation-plan.pdf.

Limited English Proficiency (LEP) Plan

Limited English Proficiency (LEP) is a term used to describe individuals who do not speak English as their primary language, and who also have a limited ability to read, write or understand English.

As a recipient of federal funds, the BRTB is required to have a Limited English Proficiency (LEP) plan. As a recipient of US Department of Transportation (DOT) funds, the BRTB follows the DOT approach offered in the DOT publication, *A Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons*, to develop a plan to determine and meet the need for language assistance in transportation planning for the Baltimore region.

The BRTB seeks to insure that where substantial numbers of residents of the Baltimore region exist, who do not speak or read English proficiently, these individuals with limited English proficiency (LEP) have access to the regional transportation planning process. The LEP Plan details how the BRTB assesses and then addresses the needs of LEP individuals and populations in the Baltimore region.

The BRTB approved the *2019 Limited English Proficiency Plan* with Resolution #19-24 on May 28, 2019. The LEP was translated into (Latin American) Spanish in addition to English.

The 2019 Limited English Proficiency Plan can be found in Appendix D or online at: https://www.baltometro.org/sites/default/files/2019-04/BRTBRes19-23_1.pdf.

In July 2018, staff utilized Census 2010 and 2012-2016 American Community Survey (ACS) data to update the four-factor analysis. The methodology remained the same and the results were consistent with analysis completed previously.

Racial composition of non-elected, Transit-related Boards, committees, etc.

	Population	Caucasian	Hispanic or Latino	African	Asian	Native*
Maryland	6,052,177	54.9%	10.1%	29.9%	6.5%	0.3%
Baltimore Region	2,784,001	59.6%	5.9%	29.3%	5.7%	0.4%
Public Advisory Committee	34	59%	3%	35%	3%	0%

Source: U.S. Census Bureau, 2017 American Community Survey 1-Year Estimates; Table K200201 & K200301

* Native (including Native Hawaiian, American Indian, and Alaska Native)

Sub-recipient compliance

Work activities undertaken in order to ensure sub-recipient Title VI compliance include: making all sub-recipients aware of BRTB Title VI compliance, and the requirement of sub-recipient compliance; including proper Title VI language in all contracts; and providing technical and general assistance when possible – such as identifying and delivering targeted Title VI-related training when appropriate.

Equity evaluation for constructed location

Since neither the Baltimore Regional Transportation Board nor the Baltimore Metropolitan Council construct such facilities, the requirement to evaluate constructed facilities for vehicle storage, maintenance, and/or operations is not applicable.

IV. MPO SPECIFIC REQUIREMENTS

Demographic Profile of Metropolitan Area

The development of a demographic profile for the past, present and future is a requirement of regional transportation planning in general, as well as a requirement of MPO Title VI compliance. With historic and current data from sources such as the U.S. Census Bureau's Decennial Census and American Community Survey, the BRTB is able to characterize the region's demographics.

One of the BRTB's standing committees, the Cooperative Forecast Group, develops forecasts that are used to characterize the region's future demographics – for each jurisdiction in five-year increments through the long-range transportation plan horizon year (2045). The approved CFG forecast serves as an input for the long-range transportation planning process and utilized by state and local project planners.

The current long-range transportation plan for the BRTB region, *Maximize2040*, considers a number of important trends in order to provide the most effective transportation network for a diverse region. (The BRTB currently has the next long-range transportation plan out for public review and comment from May 9 to June 18, 2019).

While overall population growth is expected to be slow, the region will see significant and sustained growth in the older population. From within and via immigration, the minorities' population will continue to grow. Growth will continue to occur at a higher rate in the suburban areas, relative to the urban core; while household size will decrease region-wide. These trends and others, whether they are new technologies or distracted driving, must be considered in order to provide the most effective transportation network for all those in the Baltimore region.

Vulnerable Population Index (VPI)

In order to best meet the needs of low income and minority populations, as well as other sensitive populations, in the regional transportation planning process; an additional analysis is performed to locate and map the distribution of sensitive, or vulnerable, populations in the Baltimore region. This analysis, termed the Vulnerable Population Index, (VPI) is used to inform the regional transportation planning process. The development of the VPI, in brief, follows:

The BMC used data from the U.S. Census Bureau to determine the concentrations of seven sensitive populations for the region and for each census tract. A tract with a concentration of a sensitive population greater than the concentration of the Baltimore region as a whole is considered to be "vulnerable" for that sensitive population.

The following seven populations were determined to be sensitive – based on an understanding of both federal requirements and regional demographics:

- Poverty,
- Non-Hispanic, Non-White,
- Hispanic,
- Limited English Proficient,
- Disabled,
- Elderly, and
- Carless.

Concentrations of each sensitive population are then calculated, mapped and evaluated. A brief description of the methods used follows beginning with mapping criteria.

Under the previous VPI, all tracts with a concentration exceeding the regional concentration received the same value. The new VPI retains the methodology from the previous VPI while expanding the values assigned to a tract to include 1 & 2. Expanding the number of classes helps us to differentiate between tracts that have extreme values and those that have values above but close to the regional concentration. A brief description of the methods used follows:

Step 1 Obtain the most recent data for each vulnerable population in raw form from the American Community Survey to determine the regional concentration for each of the vulnerable populations. The regional mean is derived from aggregating county data. For example:

$$\text{RegionalConcentration\%} = \text{RegionalVulnerablePopulation} / \text{RegionalPopulationTotal}$$

Step 2 Determine the concentration of each sensitive population for each census tract. For example:

$$\text{TractConcentration\%} = \text{TractVulnerablePopulation} / \text{TractPopulationTotal}$$

Step 3 For each sensitive population, calculate the range for two equally-sized classes by identifying the tract with the maximum value. For example:

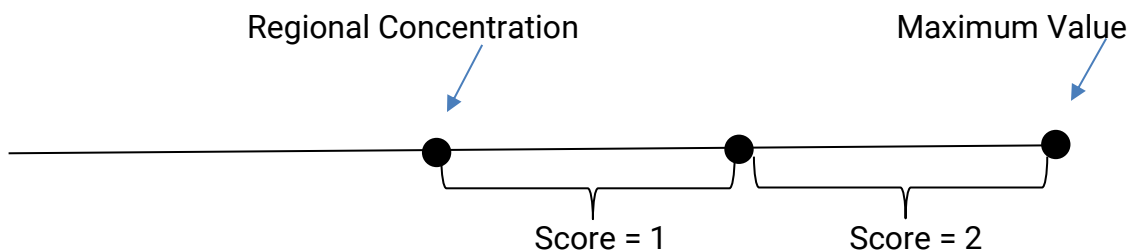
$$\text{Range above RegionalConcentration\%} = \text{Maximum TractConcentration\%} - \text{Regional Concentration\%}$$

Step 4 Calculate two equally-sized intervals. For example:

$$\text{Interval Size} = \text{Range above RegionalConcentration\%} / 2.$$

Step 5 Assign each tract the appropriate score based on which interval it falls in. For example, if the regional concentration is 20% and the tract with the highest value has a concentration of 60%, equally-sized intervals would extend from 20% to 40% and from 40% to 60%. Tracts whose values fall below the regional mean of 20% are assigned an index value of 0. Tracts with a concentration between 20% and 40% are assigned a 1.

Tracts with a concentration between 40% and 60% are assigned a 2.



Step 6 For each tract, sum the score for all seven sensitive populations to determine the Vulnerable Population Index (VPI) for that tract. Thus, the VPI extends from 0 to 14.

In general, a lower VPI indicates a less vulnerable population, while a higher VPI indicates a more vulnerable population. However, it is important that users understand that the VPI is a starting point for understanding where vulnerable populations live in the region. Scores in one tract should not be directly compared to scores in other tracts because there are multiple ways to arrive at each score. For example, a score of 6 could indicate the presence of 6 different vulnerable populations in the first interval above the regional concentration (i.e. 6 scores of 1 each) or more extreme concentrations of 3 vulnerable populations (i.e. 3 scores of 2 each).

Tracts with a population of 0 were excluded from the data set as "No data or no population." This was done so as not to confuse them with populated tracts with very low percentages of variables. In most cases these tracts are located in water, parks, or industrialized areas. Additionally, some tracts with a low population or household count not have American Community Survey data available. If included, these tracts would have incorrect index scores because all of the vulnerable population variables would not be available to create an index score on that tract. Tracts where the majority of the population is institutionalized, such as prisons, are included in this second category.

Staff developed the VPI to serve as a supplement to traditional Title VI and Environmental Justice (EJ) Planning activities both for now and for the future.

Procedure description: minority mobility needs identification and consideration

The BRTB has a well-established metropolitan planning process, which through its core work activities identifies and considers the needs of all populations. Some activities that are designed to identify and consider the needs of minority and low income populations include, but are not limited to:

Engaging individuals and organizations associated with vulnerable populations

The VPI data and maps were developed not just to locate vulnerable populations, but to guide engagement with vulnerable populations in the Baltimore region. The VPI allows for staff engagement with vulnerable populations – providing staff with guidance for outreach activities to engage with vulnerable populations. For example, staff can use the VPI to help determine where to schedule an open house, which

stakeholders/organizations to invite to Title VI training workshop and/or whether language assistance would be needed at a public meeting.

Utilizing the BRTB committee structure

The BRTB Public Advisory Committee (PAC) reviews, considers and comments on BRTB plans, policies and programs – including the long-range transportation plan and the short-range transportation program. In particular, the PAC provides extensive guidance in development of the Public Participation and Limited English Proficiency (LEP) plans. In addition, our diverse PAC membership often provides a direct link with stakeholders/organizations representative of vulnerable populations.

Building Partnerships on The Federal, State and Local level

Based on the VPI, the BRTB works with its member jurisdictions to reach out to public, private and non-profit organizations such as Partners in Care and LASOS (Linking All So Others Succeed). Such outreach provides a framework from which all parties can better understand the transportation needs of vulnerable populations – from the state and regional levels down to the local and service-provider levels. In addition, such outreach provides a direct link for stakeholders/organizations to the MPO planning process, and often provides staff with contact information for other possible partners; and at the same time ground-check and refine the VPI.

Impact of federal and state funds on public Transportation

The BRTB, working with local jurisdictions and state agencies, develops a long-range transportation plan, which includes a preferred alternative for the Baltimore region. The preferred alternative consists of investments selected through application of the adopted evaluation and scoring criteria, consistent with the region's approved transportation goals and strategies. Sponsors of the projects have identified either committed or reasonably anticipated funding for these investments, consistent with the requirement for a financially constrained long-range transportation plan.

Disparate Impact of MPO investments

The BRTB has developed a process that is periodically updated to assess the impacts of transportation investments in the long-range transportation plan. The BRTB, along with many other MPOs, is searching for an approach to be applied to the short-range transportation improvement program. This assessment follows the environmental justice requirement that the benefits and burdens of transportation investments are shared as equitably as possible among all affected communities. The analysis begins with identifying environmental justice populations.

The first step in analyzing the impacts of plans and programs on EJ populations is to identify where minority and low-income populations live. The BRTB uses Transportation Analysis Zones (TAZ) as a basis for identifying EJ areas. TAZs are a basic unit of geography used to predict travel behavior in the BRTB's travel demand model. They are

constructed using census block information and are smaller than census tracts. Having established that TAZs will be the geographic unit of analysis, we need a way to identify EJ and non-EJ TAZs. This is done through the use of a regional threshold. A TAZ is identified as an EJ area if it has a concentration of households living in poverty or minorities at or greater than their respective regional averages.

The percentage of households with incomes at or below the poverty line in the Baltimore region is 10.2%. Thus, TAZs with a concentration of households in poverty greater than or equal to 10.2% are considered low-income TAZs for EJ purposes. Similarly, TAZs with a concentration of minorities greater than or equal to the regional average of 42.5% are considered minority TAZs for EJ purposes. EJ TAZs are summarized in figure 5 and mapped in figure 6, with the colors in the table matching those of the categories in the map.

There are 1,392 TAZs in the BRTB region. Of these, 661 qualify as EJ TAZs and 731 are non-EJ TAZs. Of the 661 EJ TAZs, 212 exceed the regional average for minority population, 142 exceed the regional average for households in poverty, and 307 exceed both the minority and poverty thresholds. Total population is relatively evenly split between EJ and non-EJ TAZs, with 1.47 million people living in EJ TAZs and 1.32 million people living in non-EJ TAZs.

Utilizing a regional threshold is a method frequently utilized by MPOs to identify EJ areas for analysis. It is important to point out that this method has the shortcoming of excluding small pockets of EJ populations from the analysis. This is because some low-income and minority persons will necessarily live in TAZs identified as non-EJ. However, figure 5 shows that EJ TAZs account for the majority of EJ populations. EJ TAZs account for 79.7% of the region’s minority population. This means that the other 20.3% of minorities live in non-EJ TAZs. Similarly, 80.2% of the region’s households living in poverty are located in TAZs identified as EJ, with the remaining 19.8% of these households located in non-EJ TAZs.

Summary of EJ and Non-EJ TAZs by Type

TAZs by Type	Number of TAZs	BRTB Region Totals		EJ Populations			
		Pop	HH	Minority Pop	Minority Share	HH in Poverty	HH in Poverty Share
EJ TAZs	661	1,470,791	550,963	946,573	79.7%	85,090	80.2%
Minority > 42.5	212	535,585	192,685	350,579	29.5%	9,919	9.3%
Poverty HH > 10.2%	142	265,318	104,293	65,060	5.5%	16,126	15.2%
Both Minority and Poverty	307	669,888	253,985	530,934	44.7%	59,045	55.6%
Non-EJ TAZs	731	1,321,259	489,742	240,366	20.3%	21,054	19.8%
Total	1,392	2,792,050	1,040,705	1,186,939	100%	106,144	100%

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates (Table B03002)

Procedure Description: Nondiscriminatory Pass-through to Sub-recipients

In the Fiscal Year 2019 Unified Planning Work Program, the BRTB passed through just over \$1M to fund its local jurisdictions to both participate in the MPO planning process, and to perform work activities consistent with the MPO planning process at a jurisdiction scale.

Such work activities were defined in development of the UPWP, vetted with the Public Advisory Committee and the public via outreach activities, then approved by the BRTB with BRTB Resolution #13-21.

No additional sub-recipients received funds pass-through the BRTB.

Procedure Description: Nondiscriminatory Sub-Recipient Identification and Assistance

Since the BRTB passes funds through to its member jurisdictions alone, its efforts to monitor and assist sub-recipient compliance is detailed in the item titled Sub-recipient Compliance in the General Requirements section.

APPENDIX 1

Baltimore Metropolitan Council Title VI Assurances

The Baltimore Metropolitan Council ("Recipient"), HEREBY AGREES THAT as a condition to receiving any federal financial assistance, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d, et seq. ("Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances regarding its federal aid assisted programs:

1. That the Recipient agrees that each "program" and each "facility", as defined in the Regulations, will be (with regard to a "program") conducted or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with federal aid assisted programs, and in adapted form in all proposals for negotiated agreements:
The Baltimore Metropolitan Council, in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d, et seq., and Title 49, Code of Federal Regulations hereby notifies all bidders that it will affirmatively ensure that any contract entered pursuant to this advertisement will afford minority business enterprises full opportunity to submit bids in response to this invitation, and will not discriminate on the grounds of race, color, sex or national origin in consideration for an award.
3. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.
4. That where the Recipient received federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, over, or under such property.
5. That the Recipient shall include the appropriate clauses regarding a covenant running with the land, in any future deeds, leases, permits, licenses and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under federal aid-assisted programs; and (b) for the construction or use of, or access to space on, over, or under real property acquired or improved under federal aid-assisted programs.
6. That this Assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, or is in the form of personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.

7. The Recipient shall provide for such methods of administration for the program, as are found by the official to whom s/he delegates specific authority, to give reasonable guarantee that it, other recipients, sub-recipients, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.
8. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance. THIS ASSURANCE is given in consideration of, and for the purpose of obtaining, any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Recipient and is binding on it, other recipients, contractors, subcontractors, transferees, successors in interest, and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.



5-28-19

Michael B. Kelly, Executive Director

Date

JUL 13 2016

Baltimore, Maryland TMA Certification Review

2016

Baltimore Regional Transportation Board

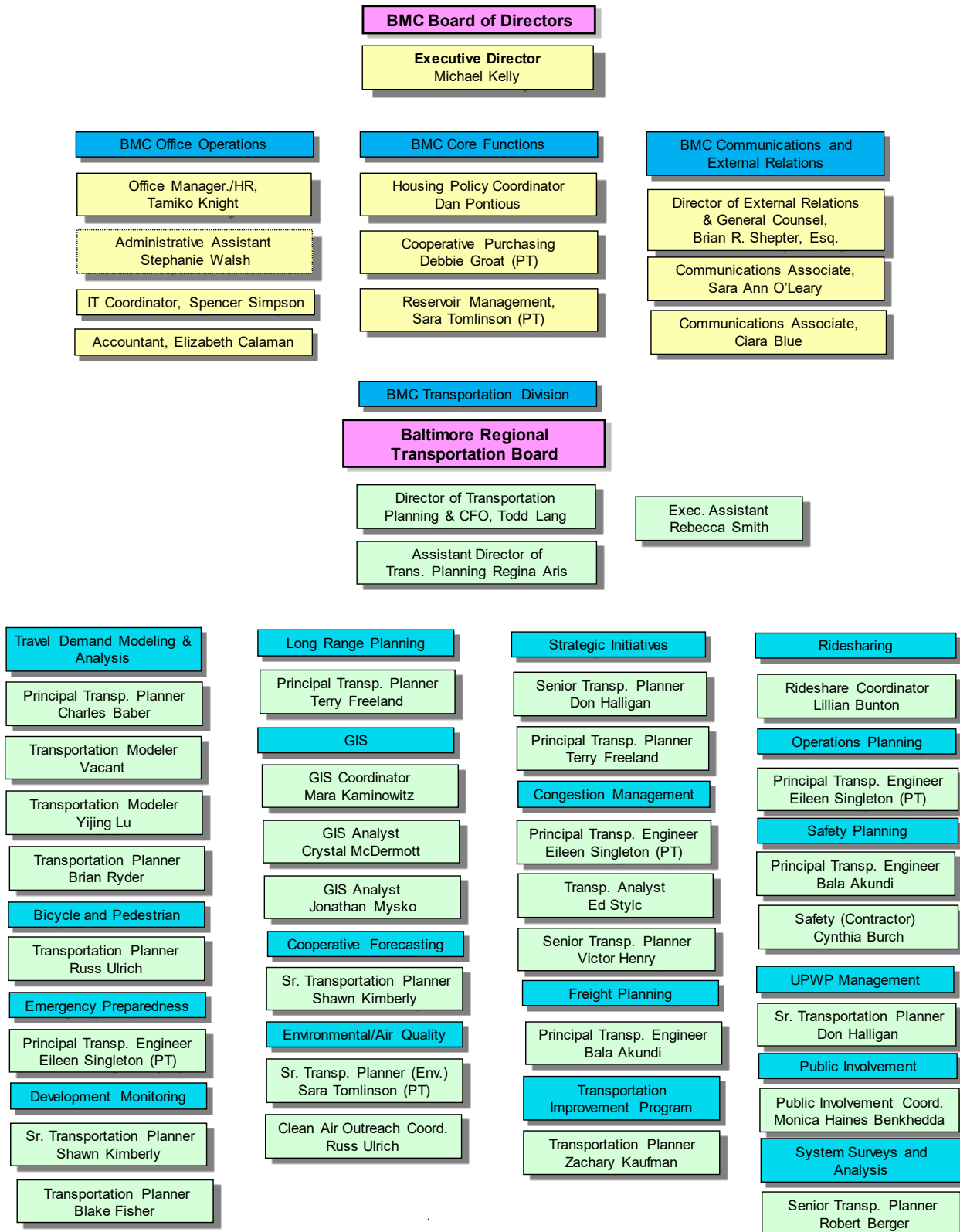
Based on this review and ongoing oversight by the Federal Highway Administration and the Federal Transit Administration, the transportation planning process carried out by the Baltimore Region Transportation Board for the Transportation Management Area is certified as meeting the requirements as described in 23 Code of Federal Register Part 450, Subpart C and 49 Code of Federal Register Part 613. A number of commendations have been made throughout this report to acknowledge successful practices as well as some recommendations that support continued enhancement of the planning process in this region.



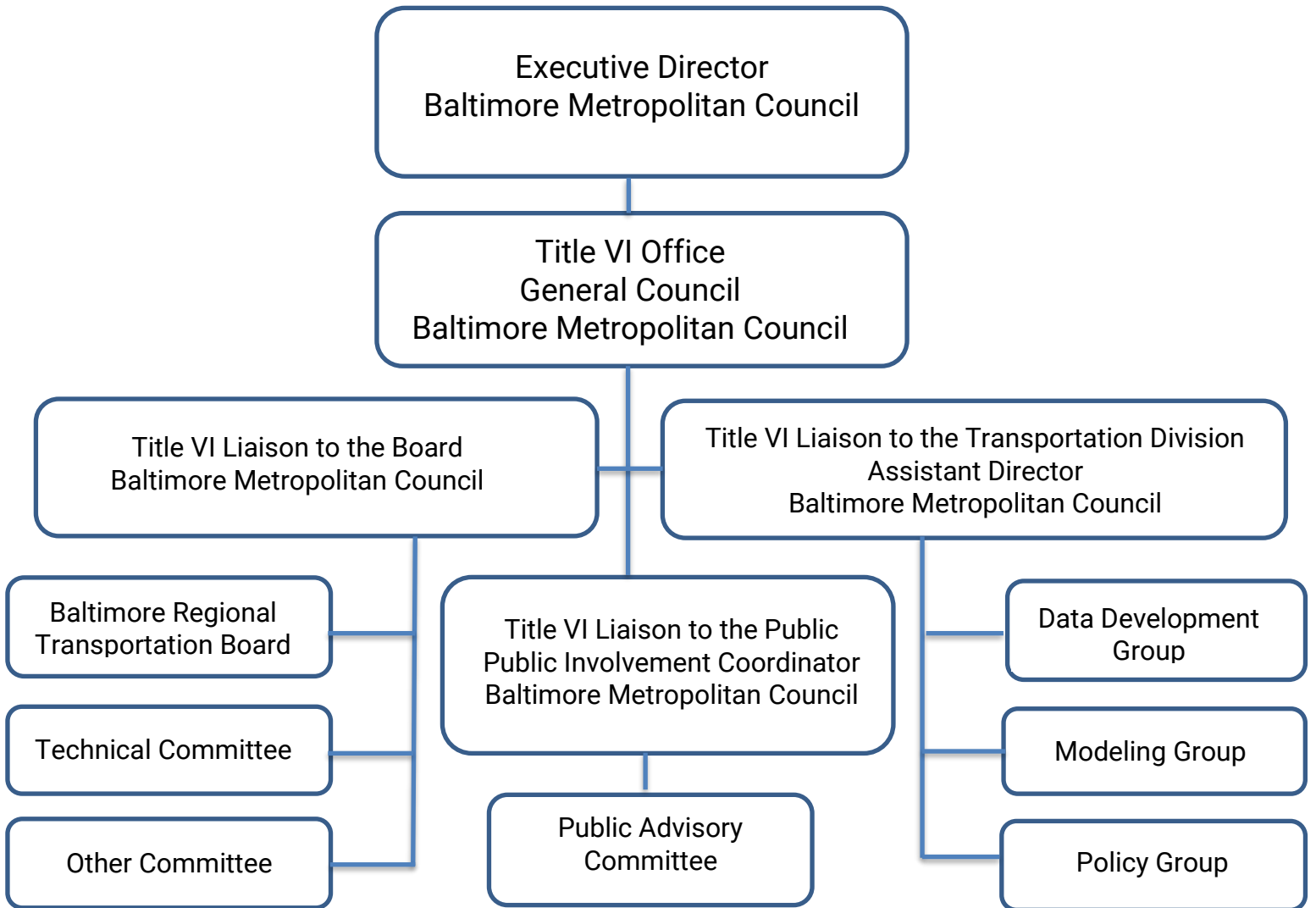
CERTIFICATION STATEMENT

The FHWA and FTA have determined that the metropolitan planning process of the Baltimore Regional Transportation Board of the Baltimore, MD TMA meets the requirements of the Metropolitan Planning Rule at 23 CFR Part 450 Subpart C and 49 CFR Part 613.

Baltimore Metropolitan Council Organizational Chart



Baltimore Metropolitan Council Title VI Program Organizational Chart



Disadvantaged Business Enterprise Policy

BALTIMORE METROPOLITAN PLANNING ORGANIZATION

BALTIMORE REGIONAL TRANSPORTATION BOARD RESOLUTION #10-22

ADOPTING FOR THE BALTIMORE METROPOLITAN COUNCIL AND BALTIMORE REGIONAL TRANSPORTATION BOARD MEMBERS - A POLICY FOR DISADVANTAGED BUSINESS ENTERPRISE ACTIVITIES

WHEREAS, the Baltimore Regional Transportation Board is the designated Metropolitan Planning Organization for the Baltimore region, encompassing the Baltimore Urbanized Area, and includes official representatives of the cities of Annapolis and Baltimore, the counties of Anne Arundel, Baltimore, Carroll, Harford, and Howard, and the Maryland Department of Transportation, the Maryland Department of the Environment, and the Maryland Department of Planning; and

WHEREAS, the Baltimore Metropolitan Council has established a Disadvantaged Business Enterprise program in accordance with regulations of the U. S. Department of Transportation, 49 CFR Part 26 on behalf of the Baltimore Regional Transportation Board. The Baltimore Regional Transportation Board, as a condition to receiving Federal financial assistance from the Department of Transportation, has signed an assurance that it will comply with 49 CFR Part 26; and

WHEREAS, the Baltimore Regional Transportation Board will disseminate the Disadvantaged Business Enterprise policy statement to its members, will place the policy on the Baltimore Metropolitan Council web site, will circulate it electronically to the business community, and by making it available in Baltimore Metropolitan Council's offices; and

WHEREAS, it is the policy of the Baltimore Regional Transportation Board to ensure that Disadvantaged Business Enterprises, as defined in Part 26, have an equal opportunity to receive and participate in Department of Transportation-assisted contracts; and

NOW, THEREFORE, BE IT RESOLVED that the Baltimore Regional Transportation Board adopts the Disadvantaged Business Enterprise policy as outlined in Attachment 1 as the process for use by the Baltimore Metropolitan Council and Baltimore Regional Transportation Board members when using federal funds to implement certain transportation activities in the Unified Planning Work Program.

I HEREBY CERTIFY that the Baltimore Regional Transportation Board as the Metropolitan Planning Organization for the Baltimore region approved the aforementioned resolution at its April 27, 2010 meeting.

April 27, 2010

Date



Dean L. Minnich, Chairman
Baltimore Regional Transportation Board

**DISADVANTAGED BUSINESS ENTERPRISE PROGRAM
BALTIMORE METROPOLITAN COUNCIL**

POLICY STATEMENT

The Baltimore Metropolitan Council (BMC) is committed to and has developed a Disadvantaged Business Enterprise (DBE) Program that is consistent and in compliance with the federal regulations of the U.S. Department of Transportation (USDOT), Title 49 of the Code of Federal Regulations (CFR) Part 26. BMC, as a sub-recipient of federal financial assistance, has signed an assurance that it will comply with 49 CFR Part 26. Accordingly, BMC encourages DBEs to compete for BMC contracts and subcontracts and encourages joint ventures between DBE and non-DBE firms who compete for BMC contracts and subcontracts.

It is the policy of the BMC to ensure that DBEs, as defined in Part 26, have an equal opportunity to participate in the procurement process for all goods and services purchased by BMC, specifically those financed in whole or in part with federal funds. It is also our policy:

1. To ensure nondiscrimination in the award and administration of USDOT- assisted contracts;
2. To ensure a level playing field on which DBEs can compete fairly for USDOT-assisted contracts;
3. To ensure that the DBE program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in USDOT-assisted contracts;
6. To assist the development of firms that can compete successfully in the marketplace outside the DBE program; and
7. To provide appropriate flexibility to recipients of federal financial assistance in establishing and providing opportunities for DBEs.

The Coordinator, Business Development & Governmental Relations of the BMC has been designated as the DBE Liaison Officer (DBELO) and is responsible for implementing all aspects of the DBE Program. The DBELO will be assisted by other BMC staff as needed in implementing the DBE requirements and compliance. Implementation of the DBE Program is accorded the same priority as compliance with other legal obligations incurred by BMC.

In administering its DBE Program, BMC shall not, either directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program with respect to individuals of a particular race, color, sex or national origin.

BMC will disseminate this DBE Program document to its members and all operating components of our organization. BMC will notify all DBE and non-DBE business communities that perform work for BMC on USDOT-assisted contracts about BMC's DBE Program by placing the DBE Program on our web site at <http://www.baltometro.org>, include reference to the DBE Program in all BMC solicitations and provide a written DBE Program available through the BMC's Regional Information Center.

Introduction

The Baltimore Metropolitan Council (BMC) recognizes its responsibility to ensure that Disadvantaged Business Enterprises (DBEs) have equal opportunity to participate in the performance of all contracts administered by BMC, specifically those financed in whole or in part with USDOT funds. As part of the effort to fulfill this responsibility, BMC has developed this DBE Program to reflect its commitment to the requirements and guidance contained in 49 CFR Part 26.

DBE Program Liaison Officer

The BMC Coordinator, Business Development & Governmental Relations has responsibility for implementing the DBE program. The Coordinator, Business Development & Governmental Relations will also work with other appropriate officials and BMC staff to coordinate and implement the provisions of the DBE Program. Correspondence regarding DBE matters, as they pertain to contracts administered by BMC, should be forwarded to the BMC Coordinator, Business Development & Governmental Relations at 2700 Lighthouse Point East, Suite 310, Baltimore, Maryland 21224.

The DBELO is responsible for developing, implementing and monitoring the BMC DBE Program. Duties and responsibilities include the following:

1. Gather and report statistical data and other information as required by USDOT.
2. Review third party contracts and purchase requisitions for DBE Program compliance.
3. Work with appropriate parties to set annual DBE goals.
4. Ensure that bid notices and request for proposals are available to DBEs in a timely manner.
5. Identify contracts and procurements to assure that DBE goals are included in solicitations.
6. Analyze BMC's progress toward DBE goal attainment and, if necessary, ways to improve progress.
7. Advise the BMC Board of Directors on DBE related matters and achievement.
8. Participate with Division Directors and Project Managers to determine contractor compliance with good faith efforts.

Definitions

1. "Disadvantaged Business" means a for-profit small business concern: (a) that is at least 51percent owned by one or more socially and economically disadvantaged individuals, or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and (b) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
2. "Small Business Concern" means a small business as defined in Section 3 of the Small Business Act and Small Business Administration (SBA) regulations implementing the Act at 13 CFR Part121.
3. "Socially and Economically Disadvantaged Individuals" means those individuals who are citizens of the United States or lawfully admitted permanent residents and who are women, African Americans, Hispanic Americans, Native Americans, Asian-Pacific

Americans, Asian-Indian Americans or other individuals found to be socially and economically disadvantaged by the Small Business Administration pursuant to the Small Business Act.

4. "Joint Venture" means an association of a DBE firm and one or more other firms to carry out a single for-profit business enterprise for which purpose they combine their property, capital, efforts, skills and knowledge, and in which the DBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.

Applicability

The DBE Program applies to all BMC goods and services purchased through a formal procurement process by the issuance of Request for Proposals (RFPs) or Invitations for Bids (IFBs).

Goals of the DBE Program

A. Overall DBE Participation Goals

In May the BMC Coordinator, Business Development & Governmental Relations, working with BMC staff, will determine the work tasks and activities (goods and services) that might be contracted out in the upcoming fiscal year. Due to the fact that BMC uses very specific types of consultants, primarily transportation planning consultants, a number of endorsed methodologies will be used to establish overall goals for DBE participation in BMC procurements. BMC will use a bidders list to determine the relative availability of DBEs in the Baltimore metropolitan area as well as a review of its previous record for meeting its DBE participation goals. BMC will establish an overall DBE participation goal based upon an analysis of the aforementioned information. If there is no upcoming work or contracting activities then no goal will be required.

BMC will publish a notice of the proposed overall goal, advising the public of the proposed overall goal and the rationale are available for inspection during normal business hours at BMC offices for 30 days following the date of this notice. The new annual DBE goal takes effect on July 1 of each year.

B. DBE Subcontract Goals

BMC will set DBE goals for individual contracts that BMC determines will have subcontracting possibilities. BMC will review its DBE participation goals on past such contracts and the availability of DBEs in the subject areas in which subcontracts are to be awarded before setting a subcontracting DBE goal.

Implementation of DBE Participation Goals

A. Methods for Achieving DBE Goals

1. BMC will use race-neutral means to obtain DBE participation. A race neutral programs means that BMC expects to achieve its DBE goal through the normal competitive bid process. BMC will provide assistance to ensure that DBEs have the opportunity to participate in BMC procurements.

2. The BMC Coordinator, Business Development & Governmental Relations, in capacity as the BMC DBE Program Liaison Officer, reserves the right to establish DBE participation goals for specific contracts to meet any portion of BMC's DBE participation goal that BMC determines that it will not be able to meet using neutral means. Race conscious goals are those achieved through establishment of a percentage of contract cost that must be awarded to a certified DBE or good faith efforts to do so must be demonstrated.

B. Identification of DBE Participants

In a formal RFP/IFB procurement for which a contract DBE goal is established, BMC shall require all bidders to include a plan for meeting the contract DBE participation goal. Bidders' submittals shall include the name of any DBE subcontractors who will participate in the contract, a clear and concise description of the work to be performed by each DBE subcontractor, written confirmation from the DBE that it is participating in the contract as detailed in the prime contractors plan and the dollar amount of each proposed DBE subcontract. BMC may include DBE participation as an evaluation criterion in selecting bidders for award. If the contract goal is not met, evidence of good faith efforts to meet the goal must be documented and provided.

C. DBE Certification

BMC is not responsible for determining the eligibility of any particular company to be certified as a DBE. A directory of Maryland Department of Transportation (MDOT) certified DBE firms is maintained on their web site (<http://mbe.mdot.state.md.us>). If the DBE has not been certified by MDOT but has been certified by other state transportation agencies receiving federal funding, the name of the agency should be included in the proposal. The BMC reserves the option to accept this certification in lieu of MDOT certification.

D. Good Faith Efforts

It is the obligation of the bidder to make good faith efforts in meeting DBE contract goals either by meeting the contract goal or by documenting good faith efforts. The BMC Project Manager is responsible for notifying the BMC DBELO of a situation where it appears that the bidder has not met the DBE contract goal. The BMC DBELO can request additional documentation regarding the bidder's efforts to meet the DBE contract goal prior to the issuance of a final determination of whether the bidder made adequate good faith efforts to meet the contract goal.

BMC will also include in contracts with a DBE goal a provision stating that prime contractors cannot terminate a DBE subcontractor for convenience and then perform the work of the terminated subcontractor with its own forces, or that of an affiliate, without the prior written approval of the BMC DBELO. If the prime contractor does terminate a subcontractor or if a DBE subcontractor fails to complete its work for any reason, the prime contractor will be required to make good faith effort to find another certified DBE subcontractor to substitute for the original DBE. If the prime contractor fails or refuses to comply within an agreed time period, the BMC Coordinator, Business Development & Governmental Relations may issue a formal order stopping all or part of work/payment until satisfactory action has been taken. If the prime contractor still fails to comply or

resolve the issue to the satisfaction of the BMC Coordinator, Business Development & Governmental Relations, the BMC Executive Director may terminate the contract.

E. Contract Assurance

BMC will incorporate into each USDOT-assisted contract it signs with a prime contractor and require in each subcontract (that the prime subcontractor signs with a subcontractor) the following clauses:

The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and USDOT- assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such remedy as the recipient deems appropriate.

F. Record Keeping and Reporting

BMC will maintain a bidder's list, consisting of information about all DBE and non-DBE firms that bid or quote on any formal procurement contract proffered by BMC. The purpose of the list is to provide BMC as accurate data as possible about available DBE and non-DBE firms who seek to work on BMC contracts regardless of fund source and for BMC's use of the bidders list approach to assist in calculating its overall goal. The bidders list will include the name, address, DBE or non-DBE status, age and annual gross receipts of firms. Information for the bidders list may be collected as determined by BMC, including, but not limited to, collecting said information from all bidders before or after the bid due date or conducting an alternative information collection method. For contracts that have a DBE contract goal, BMC shall obtain reports from prime contractors on their progress in meeting the DBE participation goal in their contracts.

G. Program Monitoring

For contracts that include a DBE contract goal, BMC will implement appropriate mechanisms to ensure compliance with the DBE requirements of the contract. When a DBE subcontractor begins work on the project, BMC will review all available information to verify that the DBE contractor identified will perform a commercially useful function and must be ready, willing and able to carry out its responsibilities by actually performing, managing and supervising the work involved, consistent with standard industry practices. If BMC determines that the DBE contractor is not performing a commercially useful function, BMC will notify the prime contractor in writing regarding the finding and provide the contractor 10 work days to eliminate the contract infraction.

Disadvantaged Business Enterprise Goal for FY 2020

BALTIMORE METROPOLITAN PLANNING ORGANIZATION

BALTIMORE REGIONAL TRANSPORTATION BOARD RESOLUTION #19-19

ADOPTING FOR THE BALTIMORE METROPOLITAN COUNCIL WHEN PURSUING CONTRACTS PURSUANT TO THE UNIFIED PLANNING WORK PROGRAM - THE FISCAL YEAR 2020 GOAL FOR DISADVANTAGED BUSINESS ENTERPRISE ACTIVITIES

WHEREAS, the Baltimore Regional Transportation Board (BRTB) is the designated Metropolitan Planning Organization for the Baltimore region, encompassing the Baltimore Urbanized Area, and includes official representatives from the cities of Annapolis and Baltimore, the counties of Anne Arundel, Baltimore, Carroll, Harford, Howard, and Queen Anne's as well as representatives of the Maryland Department of Transportation, the Maryland Department of the Environment, the Maryland Department of Planning, the Maryland Transit Administration, and Harford Transit; and

WHEREAS, through Resolution #15-20, on January 27, 2015 the Baltimore Regional Transportation Board adopted a Disadvantaged Business Enterprise Program and Policy Statement for its process when using federal funds to implement certain transportation activities in the Unified Planning Work Program. Per this resolution, the Board is to set an overall Disadvantaged Business Enterprise participation goal for each fiscal year; and

WHEREAS, the Baltimore Regional Transportation Board is using the goal of the Maryland Department of Transportation – Office of Planning and Programming as the primary recipient of U.S. Department of Transportation funds located in the same or a substantially similar market as the Baltimore Regional Transportation Board. Therefore, the Baltimore Regional Transportation Board has set a goal of thirty one and seven tenths percent (31.7%) Disadvantaged Business Enterprise participation through methodology described in 49 CFR § 26.45.

NOW, THEREFORE, BE IT RESOLVED that the Baltimore Regional Transportation Board has set an overall goal of 31.7 percent Disadvantaged Business Enterprise participation for FY 2020.

I HEREBY CERTIFY that the Baltimore Regional Transportation Board as the Metropolitan Planning Organization for the Baltimore region approved the aforementioned resolution at its April 23, 2019 meeting.

4-23-19

Date



Michelle Pourciau, Chair
Baltimore Regional Transportation Board

REQUEST FOR PROPOSALS

Project 19T30EX

ANNE ARUNDEL COUNTY PAROLE TOWN CENTER TRANSPORTATION MASTER PLAN

Issue Date:

January 31, 2019

Due Date:

March 14, 2019

2:00 PM EST

Submit Qualifications to:

Baltimore Metropolitan Council
ATTN: Charles Baber
1500 Whetstone Way, Suite 300
Baltimore, MD 21230

Contact for More Information:

Charles Baber
E-mail: cbaber@baltometro.org

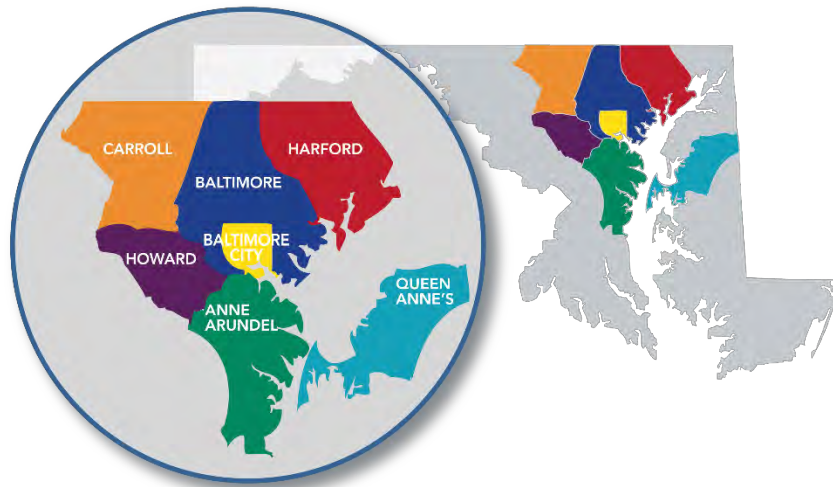
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I. INTRODUCTION

BMC is a private nonprofit organization committed to identifying regional interests and developing collaborative strategies through plans and programs, which will improve the quality of life and economic vitality throughout the region. BMC's Board of Directors includes the Mayor of Baltimore City, Executives of Anne Arundel, Baltimore, Harford and Howard counties, a Carroll County Commissioner, a Queen Anne's County Commissioner, a Delegate and Senator from the State of Maryland, and a gubernatorial appointee.

The Baltimore Regional Transportation Board (BRTB) is the designated Metropolitan Planning Organization (MPO) for the Baltimore region. The members consist of designated representatives from Baltimore City, Anne Arundel County, Baltimore County, Carroll County, Harford County, Howard County, Queen Anne's County, the City of Annapolis, plus the Maryland Department of Transportation, the Maryland Department of the Environment, the Maryland Department of Planning, the Maryland Transit Administration, and Harford Transit. The Baltimore Metropolitan Council (BMC) staff provides technical support to the BRTB.



The work of BMC staff includes transportation forecasting and analysis, economic and demographic research, computer mapping applications, air and water quality programs, cooperative purchasing, workforce development, housing and rideshare coordination.

II. PURPOSE

Anne Arundel County is seeking proposals from qualified firms to develop a Transportation Master Plan for the Parole Town Center (PTC). The County wishes to hire a consultant to analyze, forecast, model, and provide recommendations for the Parole Urban Design Concept Plan update. The Parole Urban Design Concept Plan (PUDCP) is the master plan that guides land use and development and sets general standards for the quality of design within the County-designated Parole Growth Management Area (PGMA).

Given the general growth of traffic demand within the PTC, there is a pressing need to identify short term and long-term improvements to reduce congestion, increase multimodal transportation options and support the PUDCP.

The current PUDCP was adopted in 1994, and there have been significant changes to the area in the years since. In addition, provisions governing land use and development in the PGMA are found within this plan and within the Anne Arundel County Code (§17-7, Subtitle 9 and §18-14, Subtitle 4).

The goals of the PUDCP update are to:

- Gather input and establish a community vision for the future of the PGMA:
- Update and assess the existing conditions and data used as a basis for planning in the area:
- Evaluate and clarify the regulatory framework for the area to achieve the community vision:
- Maintain aspects of the existing plan that function well: and
- Organize the plan to facilitate easier use by business and property owners, citizens, developers, and planning staff.

Following the start of the PUDCP update, Anne Arundel County committed to undertake new studies that may have an impact on the PGMA and the Parole Master Plan's recommendations. The first study, already underway, is a County-wide Land Use Market Analysis. This project will gather data on supply and demand of land for employment, retail and residential uses and the future growth potential of each market. This analysis will be used to set the stage for Plan2040, the update to the County's General Development Plan.

The second study, just beginning, will examine the feasibility of a Multimodal Center in Anne Arundel County, with locations in the Parole area being considered. This study will examine ways to accommodate local and regional multimodal transit connections, as well

as opportunities for adjacent transit supportive development.

The growth in travel demand within the PTC necessitates a re-evaluation of the Transportation Element in the PUDCP. Therefore, this third study will focus on Parole-area transportation, including an examination of existing and future mobility needs, design standards, future growth, network improvements, traffic, and parking. The goal is to incorporate the findings and recommendations from these studies into the Parole Master Plan update.

III. SCOPE OF WORK

Timeframe

The anticipated timeframe for completion of the project is twelve (12) months beginning April 2019 and completing in April 2020.

Project Management and Progress Meetings

The project will be managed by a Project Management Team (PMT) headed by representatives from the Anne Arundel County Office of Transportation as well as BMC staff and other relevant agencies, particularly Maryland Department of Transportation State Highway Administration, but would likely include others as well. The PMT will be guided by a staff member of BMC who will be designated as the Project Manager and will serve as the principal point of contact for the consultant team and PMT.

The Successful Bidder shall staff a kick-off meeting and four (4) additional progress meetings with the PMT, the lead consultant, and key staff to discuss methods, tasks, findings, and recommendations. Also they will hold brief bi-weekly conference calls with the project manager to stay on schedule.

The Successful Bidder will be responsible for daily administration of the consultant team, materials, presentations, schedules, notes, preparation of all deliverables, and digital files. The Successful Bidder shall identify a single point of contact for communications between the consultant team and the BMC Project Manager.

Public Outreach

The Successful Bidder shall staff up to two (2) public meetings to allow public input into the draft report and to discuss findings and recommendations. It is anticipated that one (1) of these meetings may be with elected officials.

For each of the public outreach or virtual meetings, the Successful Bidder will be responsible for organizing and conducting the meeting. BMC staff will also assist in

conducting the meeting and PMT members will also attend. The Successful Bidder will be responsible for preparation of all outreach materials, maps and graphics, handouts, brochures, and other materials used in the public meetings and for summarizing public input received during the public meetings.

BMC staff will be responsible for scheduling the date, time and location of all public meetings and for all public notice requirements.

The Successful Bidder may also be ask to attend other meetings to provide updates to interested parties, or provide presentation materials for BMC staff or PMT members to update their respective stakeholders.

Project Tasks

Offerors may and should propose additional details and/or alterations to this proposed scope based upon their knowledge to improve the planning process.

Task 1. Collecting Existing Conditions Data:

The Successful Bidder shall collect available information about existing 24 hour and peak hour turning movement traffic counts at all signalized intersections within the PTC, as well as other key locations in the PTC or immediately adjacent to the PTC including, but not limited to ramp terminals, arterial intersections, coordinated signal systems within the PTC whose intersections extend beyond the PTC, etc. Where data is not available, the bidder shall conduct those traffic counts, or, with permission, interpolate as needed for SYNCHRO/Sim Traffic model validation and to establish existing operational conditions. The traffic counts gathered for the Parole Area Traffic Volume Counts Report should be used for traffic counts along Riva Road and sections of MD 2. A preliminary list of available counts is attached as an addendum to this RFP.

Task 2. Travel Demand Model Modifications:

The Successful Bidder shall work with the Baltimore Metropolitan Council (BMC) Model to refine the Traffic Analysis Zone (TAZ) structure and add detail to evaluate arterial and collector roadways and major signalized intersections within the PTC and the surrounding network as depicted in the attached map. The Successful Bidder shall conduct a consultation meeting with the BMC staff regarding the model and the Project Management Team (PMT) shall be present at the consultation meeting. Agreement on TAZ splits shall be obtained from the PMT. Membership of the PMT is provided earlier in the scope. BMC will provide all regional travel demand modeling for this project, the successful bidder will only be required to coordinate with BMC and the PMT.

Task 3. Simulation Model Development, Arterial Intersections:

The Successful Bidder shall develop SYNCHRO-SIM Traffic models for key intersections within the (PTC) to evaluate existing conditions for AM and PM peak periods. The Successful Bidder shall evaluate the existing condition Level of Service (LOS) at major intersections within the PTC using appropriate Highway Capacity Manual (HCM) and SYNCHRO-SIM software. The Successful Bidder shall use the model set previously found to be acceptable for freeway and interchange evaluation within the (PTC).

Deliverable: Technical Memorandum #1 will present an existing conditions report based upon the work completed in Tasks 1-3.

Task 4. 2045 Daily and Peak Hour Travel Forecasts:

The Successful Bidder shall coordinate with Anne Arundel County staff in the development of 2045 forecasts based upon the latest adopted regional forecasts for the refined TAZ splits. BMC shall forecast 2045 traffic volumes based upon the new socio economic forecasts. The Successful Bidder will update the SYNCHRO-SIM Traffic model and shall develop peak hour directional and turning movement forecasts for AM and PM peak hours using NCHRP 255 or other method acceptable to the State Highway Administration (SHA) and the PMT.

Task 5. 2045 Level of Service Identification:

In the PTC, County Code has set the allowable Level of Service (LOS) at E. However the Successful Bidder shall identify those locations at which segmental or intersection operations are predicted to exceed LOS D using HCM methodology to serve as a screening method to evaluate roadway segments and conflict points.

Task 6. Ultimate Zoning Conditions:

Tasks 4 and 5 will be repeated but with the further development of the TAZ's within the PTC based on an ultimate zoning buildout. Certain key developed areas will be anticipated for redevelopment as the current trend is to add dense residential. Already developed areas anticipated to be redeveloped to add residential shall be projected to have an ultimate redevelopment; areas such as Festival at Riva and Forest Plaza, the Mall site, etc. The Successful Bidder will coordinate these forecasts that will be developed by Anne Arundel County staff. The Successful Bidder will then work with BMC to incorporate these new forecasts into the refined TAZ structure. The Successful Bidder will then update the SYHNCRO –SIM Traffic model and an analysis of LOS will again be carried out to see what other failures are identified in the long term.

Deliverable: Technical Memorandum #2 will present a forecasted conditions report describing methods, and procedures used to develop the travel forecasts, and analysis based upon the work completed in Tasks 4-6.

Task 7. Identify Roadway Segments, Intersections and additional connections for Improvement:

The Successful Bidder shall identify improvements to maintain LOS D along major roadway segments or at major intersections. At those locations identified in previous tasks above, the Successful Bidder shall identify prioritized improvements that shall be constructed. If the minimum standard cannot be attained or maintained under forecast conditions, the Successful Bidder shall then suggest an improvement package that shall result in an improved operating condition at that location.

Identified improvements must consider previous transportation improvements proposed in the existing PUDCP to determine their viability as well as any additional interconnections that may relieve demand on the failing intersections. Improvements shall consider existing crash data obtained from SHA when proposing specific recommendations. The Successful Bidder shall also identify any environmental obstacles that may trigger the need for more detailed environmental assessment of the proposed improvement using existing available GIS inventories.

Roadway improvements shall be prioritized based on a cost-benefit analysis. The Successful Bidder shall provide a technical memorandum identifying the prioritized list of improvements as well as any locations recommended for further study.

Task 8. Roadway Network Other Modal Analysis

Using the 2018 FHWA Guidebook for “Measuring Multimodal Network Connectivity,” a measure for each mode must be proposed and approved by the PMT for use in the PTC. Those measures will then be used to determine the existing and forecasted conditions within the PTC. A goal, or desired score, for each network shall be determined. An ultimate network that would achieve the desired score in the ultimate conditions shall be developed for each mode. Multimodal improvements shall be prioritized based on a cost-benefit analysis. The Successful Bidder shall prepare both traditional roadway and multimodal improvements proposed, along with planning level cost in a prioritized list.

Task 9. Develop Typical Section and Establish Functional Classification of Roadway:

Working with the PMT and SHA (depending upon the maintaining authority of the facility), the Successful Bidder shall also develop typical sections based on the recommended improvements. The typical section shall include recommendations to support all users of the right-of-way including pedestrians, bicyclists, motorists, and transit users. There are draft countywide typical sections for consideration, but the successful bidder should not limit the study to these county wide typical sections.

The Successful Bidder shall establish the Functional Classification Scheme for the network within the PTC. Again, the successful bidder is not limited to the traditional classification scheme and should consider alternative classification schemes such as those proposed in “Designing Walkable Urban Thoroughfares: A Context Sensitive Approach.”

Task 10. Identify Travel Demand Management and System Management Strategies:

The Successful Bidder shall identify the Transportation Demand Management Strategies to be implemented within the PUDCP area to reduce traffic congestion. Relative costs to implement, and implementing agencies, shall be identified as part of the recommendation.

Deliverable: The Successful Bidder will incorporate all public input into an appendix to guide the drafting of a final report compiling all of the above items as well as highlighting prioritized recommended improvements, and setting the schedule for the next steps to implement the project. The Final Parole Town Center Transportation Master Plan will be provided in hard copy (5 hard copies) as well as in final digital format (PDF). In addition, all digital source files (Word, Excel, Arc GIS, etc.) will be provided.

Consultant Qualifications

BMC is seeking a firm, or team, with requisite technical capability and professional expertise to provide the type of services required and outlined in this Scope of Work. A qualified offeror’s firm or team should have knowledge of the Parole Town Center and Anne Arundel County, Maryland and the jurisdictional agencies involved in the study. A qualified offeror’s firm or team must also have the ability to develop professionally engaging documents and sound cost estimates for potential improvements.

IV. PROPOSAL CONTENT AND REQUIREMENTS

The proposal should consist of two separate parts: (1) a Technical Proposal; and, (2) a Cost Proposal. Each offeror shall provide 5 paper copies of their technical proposal and cost proposal in a sealed envelope. Each offeror shall also submit a digital copy of their technical proposal and cost proposal saved in separate files to a flash drive or CD-ROM. Proposals shall meet, at a minimum, the following requirements.

Technical Proposal

The Technical Qualifications should contain the following:

- *Cover Letter* – signed by an executive with authority to commit the offeror and stating the period for which the proposal is valid. (1 page maximum)
- *Work Program* – Offerors shall provide a discussion of each task to be undertaken, how it will be performed, and the products to be provided. An overall schedule of work should be developed. Offerors may include but are not limited to the identified

tasks. Offerors are encouraged to suggest modifications that would facilitate a successful work program. (10 page maximum)

- *Experience and Qualification* – The offeror shall list its qualifications with regard to the selection criteria identified in this RFP. The summary should contain: (a) the information on projects of similar nature that offeror has completed, including brief descriptions, dates, and names of contact persons. In project descriptions, identify the roles of the identified project manager and key personnel. Please include links to relevant work if possible, and (b) the resumes of proposed project manager and key team personnel. (8 pages maximum)
- *Project Management* – Designation of a project manager and the responsibilities of the manager and key personnel. Provide a summary of qualifications of the project manager and key staff for each firm. Note that the resulting contract will require commitment of the specified personnel. (4 pages maximum)
- *DBE Participation* – The program for assuring the maximum opportunity for participation by Disadvantaged Business Enterprises (DBEs) in accord with BMC's goals shall be presented. See the section of MANDATORY STATEMENTS for statement of DBE participation goals.
- *Other Information* – Any other material that the offeror wishes to provide. Please limit to relevant information. (4 pages maximum)

All documents will be formatted with a 12-point font size, printed on one side and single spaced.

Cost Proposal

The Cost Proposal shall be composed of two parts: (1) Project Budget and (2) Affidavits and Certifications.

- *Project Budget* – Proposers shall provide a price quote as a fixed price in United States dollars. The price quote shall include the number of labor hours and cost by staff member and total hours and cost estimated for each task. Direct costs shall be itemized by category (e.g., travel, per diem, printing and reproduction, etc.) for the entire project. The contract type is anticipated as fixed price with partial payments paid based on task completion.
- *Affidavits and Certifications* – An original signed copy of the Proposal Affidavit attached at the end of this RFP shall be included in the Cost Proposal.

BMC reserves the right to reject proposals that do not meet the Technical and Cost Proposal requirements.

V. SUBMISSION OF PROPOSALS

All offerors shall submit **five (5) paper copies and one (1) digital copy** (on CD or flash drive media) of their technical and cost proposals to:

Baltimore Metropolitan Council
Attn: Charles Baber
1500 Whetstone Way, Suite 300
Baltimore, MD 21230

The proposal must be received by BMC no later than 2:00 p.m. Eastern Standard Time on **Thursday March 14, 2019**. Allow adequate time for mail or other carrier delivery. Proposals arriving after the deadline will not be accepted. Please direct any questions to Charles Baber by fax (410) 732-8248 or e-mail: cbaber@baltometro.org.

BMC will not pay for the development and submission of proposals in response to this RFP. BMC reserves the right to reject any proposals without cost or detriment to BMC.

The offeror shall not make changes in the specifics put forth in a proposal, including staff participation, without the prior written consent of BMC.

The BMC staff member listed above shall be the sole point of contact for any offerer during the procurement process.

BMC reserves the right to waive minor irregularities, to negotiate in any manner necessary to best serve the public interest, and to make a whole award, multiple awards, a partial award, or no award. BMC reserves the right to cancel this RFP, in whole or in part, any time before the closing date.

VI. TENTATIVE SCHEDULE

RFP Issued:	Thursday, January 31, 2019
Questions Due:	Tuesday, February 26, 2019
Answers Posted Online:	Friday, March 1, 2019
Proposals Due:	Thursday, March 14, 2019, 2:00 p.m.
Consultant Selection:	April 2019
Start of Work:	April 2019

VII. CONSULTANT SELECTION CRITERIA

All proposals will be evaluated on the basis of technical merit and proposed cost. This is not a low-bid procurement. The Baltimore Regional Transportation Board (BRTB) Fiscal Year 2019 Unified Planning Work Program (UPWP) budgeted \$65,000 for the consultant part of this task but proposals will be considered outside of this range if the proposed work program will provide a greatly superior product. BMC staff and/or appropriate project partners will conduct the evaluation of proposals. Technical merit includes work program and approach, as well as staff experience and qualifications. Teaming is permissible but the offeror will be with a single prime contractor.

BMC reserves the right to negotiate with one or more offerors selected on the basis of the initial technical merit and proposed cost. Offerors may be asked to make personal appearances to provide additional information on proposals.

VIII. "SAMPLE" FORM CONTRACT

BMC's form contract is available on BMC's website and is incorporated into this solicitation.

<https://drive.google.com/file/d/1tP7fqFyn6QtnEW0Y-6veZRgsW5nVvNvj/view>

By the act of submitting a proposal, the offeror expressly acknowledges that he/she/it accepts the terms and conditions as stated in the form contract unless exceptions are submitted in writing with the proposal. BMC reserves the right to amend the terms of the form contract as it sees fit during contract negotiation.

The offeror's acceptance of, or deviations from, the form contract terms and conditions are considered during the evaluation and subsequent award.

If the offeror submits an exception, which alters BMC's risk, liability, exposure in, or the intent of this procurement, BMC reserves the right in its sole and absolute discretion to deem the offeror non-responsive.

IX. CONFIDENTIALITY

Offerors must specifically identify any portions of their proposals deemed to contain confidential information, proprietary information or trade secrets. Those portions must be readily separable from the balance of the proposal. Such designations will not be conclusive, and offerors may be required to justify why such material should not, upon written request, be disclosed by BMC under the Public Information Act, State Government Article, Title 10, Sub-Title 6, of the Annotated Code of Maryland, as amended. BMC may disclose such information if required by law, court order or subpoena.

X. MARYLAND REGISTRATION/QUALIFICATION REQUIREMENTS

BMC requires vendors to register or qualify to do business with Maryland Department of Assessments and Taxation (SDAT) in accordance with the Annotated Code of Maryland, Corporations and Associations Article: §2-102 Formation generally, §7-202 Registration to do interstate and foreign* business, and/or §7-203 Qualification to do intrastate business.

For information on registering or qualifying a corporation, LLC, LLP or LP call SDAT at 410-767-1340. Sole Proprietors and General Partnerships should call 410-767-4991 or you may download the SDAT forms at <http://www.dat.state.md.us/Pages/sdatforms.aspx>.

The successful offeror may be required to submit a Good Standing Certificate (also known as "Certificate of Status") issued by SDAT within 10 days of being notified of potential award.

*(*Note: "a corporation, association, or joint-stock company organized under the laws of the United States, another state of the United States, a territory, possession, or district of the United States, or a foreign country," Md. Code Ann., Corporations & Associations, §1-101.)*

XI. MANDATORY STATEMENTS

Public Information Act Notice

Offerors should give specific attention to the identification of those portions of their proposals they deem to be confidential, proprietary information or trade secrets and provide any justification why such materials, upon request, should not be disclosed.

Disadvantaged Business Enterprise Notice

Disadvantaged business enterprises (DBEs) are encouraged to respond to this solicitation. It is the intent of BMC that certified minority business enterprises and sub-contractors be given the opportunity to submit proposals to this RFP and will not be subject to discrimination on the basis of race, color, sex, or national origin in consideration for an award.

All selected contractors will be required to abide by the DBE Program of the Baltimore Regional Transportation Board (BRTB). The DBE Program may be found on BMC's website.

Disadvantaged Business Enterprise Subcontract Participation Goal

The Baltimore Metropolitan Council hereby notifies all offerors that in regard to any contracts entered into pursuant to this advertisement, MBEs and WBEs will be afforded full opportunity to submit expressions of interest in response to this notice and will not be subject to discrimination on the basis of race, color, sex or national origin, in consideration for an award.

It is the goal of BMC that certified businesses participate in all competitively bid federal-aid contracts. A DBE subcontract participation goal of 31.7 percent of the total contract amount has been established for this procurement. Offerors must make a good faith effort to meet this goal in order to receive appropriate consideration. The offeror can demonstrate that it has made a good faith effort by meeting the goal or by documenting good faith efforts to do so in its proposal. Determination of good faith efforts will be made at the discretion of appropriate BMC staff. All offers submitted in response to this RFP must include a statement specifying the Maryland Department of Transportation (MDOT) has certified the DBE or DBEs utilized to meet this requirement. If the DBE has not been certified by MDOT but has been certified by other state transportation agencies receiving federal funding, the name of the agency should be included in the proposal. BMC reserves the option to accept this certification in lieu of MDOT certification.

PROPOSAL AFFIDAVIT

A. (ANTI-BRIBERY AFFIRMATION). I HEREBY CERTIFY THAT

(1) I am the (title) _____ and the duly authorized representative of (offeror) _____ and that I possess the legal authority to make this Affidavit on behalf of myself and the offeror for which I am acting.

(2) Except as described in paragraph 3 below, neither I, nor to the best of my knowledge, information, and belief, the above offeror, nor any of its officers, directors, or partners, nor any of its employees directly involved in obtaining contracts with the State or any county, bi-county, multicounty agency or subdivision of the State has been convicted of, or has pleaded nolo contendere to a charge of, or has during the course of an official investigation or other proceeding, admitted in writing or under oath acts or omissions committed after July 1, 1977, which constitute bribery, attempted bribery, or conspiracy to bribe under the provisions of Article 27 of the Annotated Code of Maryland or under the laws of any state or federal government.

(3) State "none" or, as appropriate, list any conviction, plea or admission described in paragraph 2 above, with the date; court official, or administrative body; and the sentence or disposition, if any: _____.

(4) I ACKNOWLEDGE THAT this Affidavit is to be furnished to the Procurement Officer, and may be furnished to the Attorney General pursuant to Sections 16-201, et seq., of the State Finance and Procurement Article of the Annotated Code of Maryland. I acknowledge that if the representations set forth in this Affidavit are not true and correct, the Council may terminate any contract awarded and take any other appropriate action.

B. (NON-COLLUSION AFFIRMATION). I HEREBY FURTHER AFFIRM THAT neither I nor, to the best of my knowledge, information and belief, the above firm nor any of its other representatives I here represent have:

(1) Agreed, conspired, connived or colluded to produce a deceptive show of competition in the compilation of the bid or offer being submitted herewith;

(2) In any manner, directly, or indirectly, entered into any agreement, participated in any collusion to fix the bid price or price proposal of the offeror herein or any competitor, or otherwise taken any action in restraint of free competitive bidding in connection with the contract for which the within bid or offer is submitted.

C. (PROCUREMENT AFFIRMATION). I HEREBY FURTHER AFFIRM THAT

(1) Neither the above business nor, to the best of my knowledge, information, and belief, any officer, controlling stockholders, partner, principal, or other person substantially involved in the contracting activities of the business has in the past five (5) years: (a) been convicted under state or federal statute of a criminal offense incident to obtaining or attempting to obtain or performing a public or private contract, fraud, embezzlement, theft,

forgery, falsification or destruction of records, or receiving stolen property; (b) been found civilly liable under state or federal antitrust statutes for acts or omissions in connection with the submission of bids or proposals for a public or private contract; (c) been convicted of any violation of a state or federal antitrust statute; (d) been convicted under the provisions of Title 18 of the United States Code for violation of the Racketeer Influenced and Corrupt Organizations Act, 18 USC Section 1961 et seq.; or (e) the Mail Fraud Act, 18 USC Section 1341 et seq., for acts arising out of the submissions that would constitute grounds for conviction or liability under any statute described above. Also, the undersigned offeror was not founded or established or is not operated in a manner designed to evade the application or defeat the purpose of the Debarment Regulations, COMAR 21.08; is not currently suspended or debarred pursuant to COMAR 21.08 or by the action of any other public entity; and is not a successor, assignee, subsidiary, or affiliate of a suspended or debarred business.

(2) (a) If the affirmation described in subsection (1) cannot be given and debarment proceedings have not been instituted against the business pursuant to COMAR 21.08, indicate the reasons why the affirmation cannot be given, including any conviction or admission described in subsection (1), above, with the date, court and sentence or disposition, if any; the name(s) of the person(s) involved, and their current positions and responsibilities with the business; the activity specified in COMAR 21.08 in which each person was involved; and the details of the person's participation in the activity, including the name(s) of an entity involved and the person's positions and responsibilities with the entity. (Attach additional sheets as necessary.)

(b) If the affirmation described in subsection (1) cannot be given, and debarment proceedings have been instituted against the business pursuant to COMAR 21.08, indicate the status of such proceedings.

I ACKNOWLEDGE THAT this Affidavit is to be furnished to the Procurement Officer and may be distributed to units of: (1) the State of Maryland; (2) counties or other subdivisions of the State of Maryland; (3) other states; and (4) the federal government. I further acknowledge that this Affidavit is subject to applicable laws of the United States and the State of Maryland, both criminal and civil, and that nothing in this Affidavit or any contract resulting from the submission of this bid or proposal shall be construed to supersede, amend, modify or waive, on behalf of the State of Maryland or any unit of the State of

Maryland having jurisdiction, the exercise of any statutory right or remedy conferred by the Constitution and the laws of Maryland in respect to any misrepresentation made or any violation of the obligations, terms and covenants undertaken by the above firm in respect to (1) this Affidavit, (2) the contract, and (3) other Affidavits comprising part of the contract.

I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THIS AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

(Date)

(Affidavit)

Sample BMC Contract

THIS IS A SAMPLE BMC PROCUREMENT CONTRACT AND IS SUBJECT TO CHANGE AT THE SOLE DISCRETION OF THE BALTIMORE METROPOLITAN COUNCIL.

NOTE TO BMC STAFF: WHERE LANGUAGE IS BOLD, MAKE APPROPRIATE INSERTIONS OR EDITS. WHERE LANGUAGE IS BRACKETED SELECT ONE OF THE OPTIONS AND DELETE THE OTHER OR INSERT THE INFORMATION REQUESTED. PLEASE REVIEW WITH COUNSEL BEFORE THIS FORM IS MODIFIED.

**BALTIMORE METROPOLITAN COUNCIL
1500 WHETSTONE WAY, SUITE 300
BALTIMORE, MARYLAND 21230**

AN AGREEMENT

BETWEEN

**BALTIMORE METROPOLITAN COUNCIL
Baltimore, Maryland**

And

**[COMPANY NAME]
[Town, State]**

This Agreement, dated this ___ day of ___ 20___ by and between _____, having offices in _____ (hereinafter called "Contractor" and Baltimore Metropolitan Council, a body corporate and politic of the State of Maryland (hereinafter called the "Council"),

WITNESSETH THAT:

WHEREAS, purpose of contract – taken from rfp

WHEREAS, summary of procurement process

WHEREAS, summary of selection process

WHEREAS, the Contractor was awarded the contract after a competitive scoring process;
and

WHEREAS, the Contractor possesses the requisite skills and abilities to perform all tasks as requested by the Council; and

WHEREAS, the said Contractor, hereby covenants and agrees to perform all services, in strict and entire conformity with the Attachment A: RFP, Attachment B: Cost Proposal,

Attachment C: Technical Proposal, and Attachment D: Scope and Schedule of Services, (collectively, the "Proposal").

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth, and of good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged the parties hereto do agree that the Council shall pay the Contractor, an amount as set forth herein, for services and/or scope of work rendered in accordance with this Agreement, the other attachments hereto **[ALL ATTACHMENTS MUST BE DESCRIBED HERE AND PROPERLY LABELED]** including the Proposal, Attachment E: Insurance Information and Attachment F: Contract Affidavit], all of which are hereby incorporated into and made a part of this Agreement. In addition, the parties hereto agree as follows:

1. Employment of Contractor. The Council hereby agrees to engage the Contractor, and the Contractor hereby agrees to directly perform the services and/or provide the goods hereinafter set forth in connection with the work of the Council, within a mutually agreeable time frame, as provided for in this Agreement.

2. The Contractor. The Contractor shall be an independent Contractor and not an employee of the Council or any of its member jurisdictions, and shall be responsible for the reporting and remittance of all state and federal taxes. The Contractor shall perform the services outlined in the Proposal. The Contractor's services and/or scope of work to be performed will be provided with due care and in a manner satisfactory to the Council and in accordance with all applicable standards.

3. Scope of Work and Deliverables. **[NEED TO WRITE LANGUAGE ABOUT SCOPE OF WORK AND DELIVERABLES. COULD REFER TO PROPOSAL, ATTACHMENT D SCOPE OF WORK, OR TASK ORDERS. LANGUAGE SHOULD HAVE OPTIONS]** The scope and schedule of services are clearly defined in Attachment D.

4. Time of Performance.

4.1 Upon execution of this Agreement, the Council may request and the Contractor may perform work tasks within the scope of this Agreement. The Council shall in no way be liable for costs incurred before execution of said Agreement. Individual tasks shall be conducted within a mutually agreeable time frame as specified in **Attachment D**. This agreement shall remain valid to and including _____ unless terminated earlier as provided for in the Agreement.

4.2 **[IF ELECTION FOR MULTIPLE YEAR IS APPLICABLE – IF NOT DELETE 4.2]** The Council reserves the right to renew this Agreement for [insert renewal period] on the same terms and conditions set forth herein. **[INSERT ANY CHANGES TO THE TERMS, i.e. COMPENSATION, UPON RENEWAL OF AGREEMENT, OTHERWISE, IT MUST BE RENEWED ON THE SAME TERMS AND CONDITIONS]** The Council will automatically renew this Agreement at the end of the Initial Term and each renewal term (except the last) unless it provides written notice of non-renewal to the Contractor prior to the end of the then current term. Unless set forth in a written amendment, the compensation [, reimbursement] and manner of payment shall remain unchanged, including but not limited to, the maximum amount of compensation [and reimbursement] available

hereunder.

5. Personnel. Neither the Council nor the Contractor shall assign, subcontract or transfer its interest or obligations under this Agreement to any third party, without the written consent of the other. All professional services required under the provisions of the scope of work of this Contract shall be performed by the Contractor and its employees. None of the professional work or services shall be subcontracted to others without prior written approval by the Council. The Contractor further agrees to provide a minimum of ninety (90) days' written notice to the Council prior to entering into any bankruptcy, merger or consolidation where the surviving entity will be unwilling or unable to accept the Contractor's obligations hereunder, to enable the Council to procure the goods or services elsewhere. In the event the cost of procuring such alternate goods or services increases the cost to the Council, and/or delays delivery time of any product, in addition to any other remedies available to the Council, the Contractor shall pay to the Council, as damages, any additional costs incurred.

6. Subcontractor Payments. The Contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than ten business days from the receipt of each payment the Contractor receives from the Council. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval from the Council. This clause applies to both DBE and non-DBE sub-contracts. The Contractor shall provide the Council with documentation of all payments to sub-contractors within ten business days of such payments.

7. Designation of Contract Managers. The Council hereby designates [REDACTED] or his/her successor as Contract Manager to supervise the carrying out of the provisions of said Agreement and to send and receive any official correspondence pertaining thereto. The Contractor names [REDACTED] or his/her successor to serve in like capacity as Contract Manager. In the event the duties of the Contract Manager are assumed by a person not named herein, the other party to the Agreement shall be sent notice within two working days of such succession.

8. Materials to be furnished by the Council. The Council shall supply the Contractor with information necessary to the performance of this Agreement. All materials furnished by the Council are subject to any and all limitations of state, local and federal law, in the performance of this Agreement and shall be furnished to the Contractor without charge by the Council. All materials furnished by the Council to the Contractor shall not be used for any non-contract related purpose without the express written consent of the Council.

9. Method of Payment.

9.1 An invoice(s) shall be submitted to the Council in accordance with Attachment D. Notwithstanding any other provision of this Agreement, payment for each invoice will be contingent upon formal acceptance of all work and/or goods by the

Council's Contract Manager. Payment will be made on a fixed-price basis based on completed tasks and/or provision of goods. [EDIT TYPE OF CONTRACT IF NOT FIXED FEE].

Upon approval of the invoice by the Council, the invoices will be submitted to the Maryland Department of Transportation ("MDOT") for payment under a grant from the United States Department of Transportation ("USDOT") through MDOT (occurs at the end of any given month). Within ten (10) days of receipt of this payment from the MDOT, Council shall pay the invoice to the extent of such payment.

9.2 The Contractor shall submit invoices to the Council [SELECT ONE OF THE FOLLOWING OPTIONS: [upon completion of an identified task] [upon provision of goods per Attachment A] [monthly] [quarterly] [insert the time period for submission of invoices]]. The Contractor's invoices shall reflect the:

- Contract number
- Contractor's name
- Address
- Federal tax identification number
- Services and/or scope of work performed during the preceding billing period
- Any invoices received by the Contractor from any sub-contractors to this Agreement and proof of payment thereof.

Original invoices shall be submitted to:

Baltimore Metropolitan Council
1500 Whetstone Way, Suite 300
Baltimore, MD 21230

The Council reserves the right to approve such invoices, in its sole discretion, and to request such detail and additional information as the Council, in its discretion deems appropriate.

9.3 **[IF A NOT TO EXCEED CONTRACT – DELETE OR EDIT IF NECESSARY]** In no event shall the compensation paid to the Contractor exceed the sum of _____ Dollars (\$_____) [in any contract year] [during the Initial Term of this Agreement, as defined below] [or during any renewal period] [provided, however, that the Council may entertain a request for escalation in any year subsequent to the first year in accordance with [SELECT ONE OF THE FOLLOWING: [Paragraph ___ of the Invitation to Bid] OR [Paragraph ___ of this Agreement].] OR [In no event shall the total compensation paid to the Contractor under this Agreement exceed the sum of _____ Dollars (\$_____) during the entire term of this Agreement including renewals thereof.]

10. Compliance with Regulations. The Contractor shall comply with all of the requirements imposed by Title VI of the Civil Rights Act of 1964 and with the Regulations of the U.S. Department of Transportation relative to non-discrimination and maximum

opportunities for Minority Business Enterprises (MBE) in all activities related to this Agreement. These actions are described in 49 CFR Part 21, "Non-Discrimination in Federally Assisted Programs of the Civil Rights Act of 1964" and Part 23 "Participation by Minority Business Enterprise in Department of Transportation Program."

11. Good Faith Efforts to Replace DBE. The Contractor will make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE. The Contractor will notify the Contract Manager immediately of the DBE's inability or unwillingness to perform and will provide reasonable documentation of good faith efforts to replace the DBE on the Agreement. If the Contractor fails or refuses to comply in the time specified, the Council will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the Contractor still fails to comply, the Council may issue a termination for default.

12. Retention of Records. Financial records, supporting documents, statistical records, and all other records pertinent to the program shall be maintained by the contractor and any sub-contractor to this agreement and open to review at all reasonable times during the period of USDOT grant support by the Project Officer and any authorized representative of USDOT, the Comptroller General of the United States, the Department of Labor, or the State of Maryland. Upon expiration of this agreement, these records shall be retained for a period of three years, with the following qualifications:

(A) The records shall be retained beyond the three-year period if audit findings have not been resolved.

(B) Records for non-expendable property acquired with Federal grant funds, if any, shall be retained for three years after final disposition of title by USDOT. The retention period shall start from the date of final payment by the Council.

13. Materials, Documents, etc. All materials including documents and related matter, charts, graphs, etc., developed by the Contractor under the terms of this Agreement and submitted to the Council during the course of the project shall become the property of the Council. The Contractor, or any third party to this Agreement may use these materials only with the express written consent of the Council.

14. Confidential Information. The Contractor shall not disclose any documentation and information of any kind or nature disclosed to the Contractor in the course of its performance of duties hereunder to any third party without the express written consent of the Council.

15. Contractor Publication Rights. The Contractor shall have the right, with the written concurrence of the Council, to prepare technical papers describing methods, procedures, or findings of this work; to submit such papers to technical societies or journals; to present such papers at technical conferences or to use the materials in any way to advance the transportation planning profession.

16. Maryland Law to Control. This Agreement shall be construed, interpreted, and enforced according to the laws of the State of Maryland.

17. Contract Modifications. The Council may, from time to time and with the consent of the Contractor, make changes in the scope of services to be performed under this Agreement. Such changes, and any agreed increase or decrease in the total amount of the Contractor's compensation on account of the changes, shall be described in written amendments to this Agreement.

18. Severability. If any of the provisions in this Agreement are declared by a court or other lawful authority to be unenforceable or invalid for any reason, the remaining provisions hereof shall not be affected thereby and shall remain enforceable to the full extent permitted by law.

19. Disputes. The Contractor must file a written notice of claim with the Council's Contract Manager within 30 days after the basis for the claim is known or should have been known, whichever is earlier. Pending resolution of any disputes or claims, the Contractor shall proceed diligently with the performance of the Agreement in accordance with the decision of the Council's Contract Manager.

20. Termination for Default.

20.1 If the Contractor fails to fulfill its obligations under this Agreement properly and on time, or otherwise violates any provision of the Agreement, the Council may terminate the Agreement by written notice to the Contractor. This notice shall specify the acts or omissions relied upon as a cause for termination for default. All finished or unfinished work provided by the Contractor shall, at the Council's option, become the Council's property. The Council shall pay the Contractor fair and equitable compensation for satisfactory performance prior to receipt of notice of termination, less the amount of damages caused by Contractor's breach. If the damages are more than the compensation payable to the Contractor, the Contractor will remain liable after termination and the Council may affirmatively collect damages.

20.2 Default. The term "Default" as used in this Agreement shall mean the occurrence or happening, from time to time, of any one or more of the following:

(A) Representations and Warranties. If any representation or warranty, expressed or implied, of the Contractor and pertaining to this Agreement shall prove at any time to be incorrect or misleading in any material respect either on the date when made or throughout the term of this Agreement.

(B) Compliance with Covenants and Conditions. If the Contractor shall fail to comply with the terms of any covenant, condition, agreement or any express or implied warranty contained in this Agreement.

(C) Performance of Contractual Obligations. If the services and/or scope of work hereunder are not performed in good faith and in accordance with the provisions of this Agreement.

(D) Conditions Precedent to Any Disbursement. If the Contractor shall be unable to satisfy any condition precedent to its right to receive a disbursement.

(E) Bankruptcy. If the Contractor becomes insolvent or generally does not pay its debts as they become due, or if a petition for relief is filed by the Contractor in a bankruptcy court, or if the Contractor applies for, consents to, or acquiesces in the appointment of a trustee, custodian, or receiver for the Contractor or any of its assets and property, or makes a general assignment for the benefit of creditors; or in the absence of such application, consent, or acquiescence, a trustee, custodian, or receiver is appointed for the Contractor or for a substantial part of the assets and property of the Contractor and is not discharged within thirty (30) days; or any bankruptcy, reorganization, debt arrangement, or other proceeding or case under any bankruptcy or insolvency or any dissolution or liquidation proceeding is instituted against the Contractor and is consented to or acquiesced to by the Contractor or remains for sixty (60) days undismissed; or the Contractor takes any action to authorize any of the actions described in this subsection.

21. Remedies for Default.

21.1 The Council shall have the right upon the happening of any Default, without providing notice to the Contractor:

(A) In addition to other available rights and remedies, to terminate this Agreement immediately, in whole or in part;

(B) To suspend the Contractor's authority to receive any undisbursed funds; and/or

(C) To proceed at any time or from time to time to protect and enforce all rights and remedies available to the Council, by suit or any other appropriate proceedings, whether for specific performance of any covenant, term or condition set forth in this Agreement, or for damages or other relief, or proceed to take any action authorized or permitted under this Agreement, including but not limited to, calling upon any security, letter of credit, or bond and any other action authorized or permitted by applicable law; regulation, or equity.

21.2 Upon termination of this Agreement for default, the Council may elect to pay the Contractor for services and/or scope of work provided up to the date of termination, less the amount of damages caused by the default, all as determined by the Council in its sole discretion. If the damages exceed the undisbursed sums available for compensation, the Council shall not be obligated to make any further disbursements hereunder.

22. Remedies Cumulative and Concurrent. No remedy herein conferred upon or reserved to the Council is intended to be exclusive of any other remedies provided for in this Agreement, and each and every such remedy shall be cumulative, and shall be in

addition to every other remedy given hereunder, or now or hereafter existing at law or in equity or by statute. Every right, power and remedy given to the Council shall be concurrent and may be pursued separately, successively or together against the Contractor, and every right, power and remedy given to the Council may be exercised from time to time as often as may be deemed expedient by the Council.

23. Termination for Convenience. The performance of work under this Agreement may be terminated by the Council in accordance with this clause in whole, or from time to time in part, whenever the Council shall determine that such termination is in its best interest. The Council will pay all reasonable costs associated with this Agreement that the Contractor has incurred up to the date of termination and all reasonable costs associated with termination of the Agreement. However, the Contractor shall not be reimbursed for any anticipatory profits that have not been earned up to the date of termination. The Contractor acknowledges that the absence of a reciprocal right of termination for convenience does not render this Agreement illusory or unenforceable.

24. Delays and Extension of Time. The Contractor agrees to prosecute the work continuously and diligently and will make no charges or claims for damages by it for any delays or hindrances from any cause whatsoever during the progress of any portion of the work specified in this Agreement. Time extensions will be granted only for excusable delays that arise from unforeseeable causes beyond the control and without the fault or negligence of the Contractor, including but not restricted to, acts of God, acts of the public enemy, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, or delays of subcontractors or suppliers arising from unforeseeable causes beyond the control and without the fault or negligence of either the Contractor or the subcontractors or suppliers.

25. Suspension of Work. The Executive Director of the Council unilaterally may order the Contractor in writing to suspend, delay, or interrupt all or any part of the work for such periods of time as he may determine to be appropriate for the convenience of the Council.

26. Dependence of Federal Funds. The funding for the work is dependent upon the availability of Federal funding under grant from USDOT passed through to the Council by MDOT. If funds are not otherwise made available for continued performance for any fiscal period of this Agreement succeeding the first fiscal period, this Agreement shall be canceled automatically as of the beginning of the fiscal year for which funds were not appropriated or otherwise made available; provided, however, that this will not affect either the Council's rights or the Contractor's rights under any termination clause in this Agreement. The effect of termination of the Agreement hereunder will be to discharge both the Contractor and the Council from future performance of the Agreement, but not from their rights and obligations existing at the time of termination. The Contractor shall be reimbursed for the reasonable value of any non-recurring costs incurred but not amortized in the price of the Agreement. The Council shall notify the Contractor as soon

as it has knowledge that funds may not be available for the continuation of this Agreement for each succeeding fiscal period beyond the first.

27. Compliance with Laws. The Contractor hereby represents and warrants that:

[FOR CORPORATIONS, LIMITED OR GENERAL PARTNERSHIPS OR LLC'S – DELETE IF CONTRACTOR IS AN INDIVIDUAL]:

(A) It is duly formed and validly existing under [INSERT STATE HERE] law AND qualified to do business in the State of Maryland and that it will take such action as, from time to time hereafter, may be necessary to remain so qualified;

(B) It shall comply with all federal, state, and local laws, regulations, and ordinances applicable to its activities and obligations under this Agreement; and

(C) It shall obtain, at its expense, all licenses, permits, insurance, and governmental approvals, if any, necessary to the performance of its obligations under this Agreement.

(D) It has the power and authority to consummate the obligations and responsibilities contemplated hereby, and has taken all necessary action to authorize the execution, delivery and performance required under this Agreement.

(E) The services and/or scope of work to be provided under this Agreement shall be performed competently and with due care, in accordance with all applicable laws, codes, ordinances, regulations and licensing requirements and free from defects in workmanship and materials, as applicable. The parties understand and agree that this Agreement may be for the provision of a combination of goods and services. In such case, the parties hereby agree that the warranties of merchantability and fitness for a particular purpose and use shall apply to the portion of this Agreement that is pertaining to or for goods. The parties understand and agree that Council shall rely upon all express warranties contained in this Agreement, including but not limited to the Bid, and any sample or model presented by Contractor and expressly accepted by the Council.

(F) The Contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy as the Council deems appropriate.

28. Interest of Members of Congress. No member of or delegate to the Congress of the United States shall be admitted to any share or part of this Agreement or to any benefit arising therefrom.

29. Conflict of Interest. The Contractor represents and warrants that there exists no actual or potential conflict of interest between its performance under this Agreement and its engagement or involvement in any other personal or professional activities. In the event such conflict or potential conflict arises during the term of this Agreement, or any

extension or renewal thereof, the Contractor shall immediately advise the Council in writing thereof.

30. Non-Hiring of Contract Related Employees. Through the duration of this Agreement, the Contractor or any party or parties hereby contracting with the Council may not hire, or offer to hire, or in any way employ any employee of the Baltimore Metropolitan Council, or any department, commission, agency or branch thereof, whose duties as such employee include matters relating to or affecting the subject matter of this Agreement.

31. Non-Discrimination in Employment. The Contractor agrees:

(A) Not to discriminate in any manner against an employee or applicant for employment because of race, color, religion, creed, age, sex, marital status, national origin, ancestry, political affiliation, belief or opinion, sexual orientation, or physical or mental disability unrelated in nature and extent so as reasonably to preclude the performance of such employment;

(B) to include a provision similar to that contained in subsection (A), above, in any subcontract except a subcontract for standard commercial supplies or raw materials; and

(C) to post and to cause subcontractors to post in conspicuous places available to employees and applicants for employment, notices setting forth the substance of this clause.

32. Insurance Program

(A) The Contractor shall procure and pay for insurance specified herein, issued by companies acceptable to the Council and authorized to do business in the State of Maryland. The Contractor shall maintain the following insurance program:

- Worker's Compensation and Employer's Liability. Limits - Coverage A, Statutory and Coverage B to a minimum limit of \$500,000.
- Comprehensive General Liability with a combined Single minimum limit of \$1 million per occurrence.
- Automobile Liability Insurance with combined single minimum limit of \$1 million.

(B) The Contractor shall deliver to the Council upon execution of this Agreement accurate and true Certificates of Insurance which show that the above coverage has been procured and that the policies will not be canceled, terminated, or modified without 30 days prior written notice to the Council. The Certificate of Insurance is acceptable in lieu of true copies of the policies if all policy exclusions are noted on the Certificate or through attachment to the Certificate by the policy writer.

33. Indemnification from Liability.

33.1 The Contractor shall defend, indemnify and hold harmless the Council, its employees, agents and officials from any and all liabilities, claims, suits, or demands including attorney fees which may be incurred or made against the Council, its employees, agents or

officials resulting from any act or omission committed in the performance of the duties imposed by and performed under the terms of this Agreement by the Contractor or anyone under agreement with the Contractor to perform duties under this Agreement. The Contractor shall not be responsible for acts of gross negligence or willful misconduct committed by the Council.

33.2 The Contractor shall also defend, indemnify and hold harmless the Council, its employees, agents and officials from any and all liabilities, claims, suits, or demands including attorney fees which may be made against the Council, its employees, agents or officials by any third party arising from the alleged violation of any third party's trade secrets, proprietary information, trademark, copyright, patent rights, or intellectual property rights in connection with the Contractor's work under this Agreement.

33.3 Unless notified by the Council in writing to the contrary, Contractor shall provide defense for the Council, its employees, agents and officials in accordance with this Article 33. Contractor shall allow the Council to participate in said defense of the Council, its employees, agents and officials, to the extent and as may be required by the Council and the Contractor shall cooperate with the Council in all aspects in connection therewith.

33.4 If this project is funded by MDOT grant dollars, the Contractor shall also protect, indemnify, defend and hold harmless MDOT, its officers, agents, employees, successors and assigns or contractors, against and with respect to any and all liabilities arising out of or in any way connected with the activities within the scope of this agreement.

34. Consequential Damages. Notwithstanding anything to the contrary herewithin, neither party shall be liable to the other for consequential damages, including, without limitation, loss of use or loss of profits, incurred by one another or their subsidiaries or successors, regardless of whether such damages are caused by breach of contract, willful misconduct, negligent act or omission, or other wrongful act of either of them.

IN WITNESS WHEREOF the parties have caused this Agreement to be executed by their respective authorized representatives

WITNESS:

BALTIMORE METROPOLITAN COUNCIL

by: _____

Michael B. Kelly

Executive Director

ATTEST:

[COMPANY NAME]

by: _____

[SIGNATORY'S NAME]

[TITLE]

APPENDIX 2

Title VI Notice, Procedure and Complaint Form

BALTIMORE METROPOLITAN PLANNING ORGANIZATION

BALTIMORE REGIONAL TRANSPORTATION BOARD

RESOLUTION #12-24

APPROVAL OF TITLE VI PUBLIC NOTICE AND PROCEDURE FOR THE BALTIMORE METROPOLITAN PLANNING ORGANIZATION

WHEREAS, the Baltimore Regional Transportation Board (BRTB) is the designated Metropolitan Planning Organization for the Baltimore region, encompassing the Baltimore Urbanized Area, and includes official representatives of the cities of Annapolis and Baltimore, the counties of Anne Arundel, Baltimore, Carroll, Harford, and Howard, as well as representatives of the Maryland Department of Transportation, the Maryland Department of the Environment, the Maryland Department of Planning, and the Maryland Transit Administration; and

WHEREAS, the Baltimore Regional Transportation Board as the Metropolitan Planning Organization for the Baltimore region, has responsibility under the provisions of the Safe, Accountable, Flexible, Efficient, Transportation Equity, Act: A Legacy for Users for developing and carrying out a continuing, cooperative, and comprehensive transportation planning process for the metropolitan area; and

WHEREAS, Title VI, and other applicable laws, require any agency receiving federal financial assistance to ensure that no person is excluded from participation in, denied the benefit of, or is subjected to discrimination; and

WHEREAS, Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin in programs or activities receiving federal financial assistance, and Presidential Executive Order 13166 requires recipients of federal funds to assess, monitor, and address the needs of Limited English Proficiency (LEP) individuals seeking assistance; and

WHEREAS, the Baltimore Regional Transportation Board, in accordance with the Federal Transit Administration's (FTA) most recent Title VI guidance, Proposed Circular FTA C 4702.1B, has developed a Public Notice on Title VI Compliance (Attachment 1) and updated its Title VI Complaint Procedure (Attachment 2), which will serve as components of the Title VI Plan, and in planning activities to ensure non-discrimination in the metropolitan transportation planning process for the Baltimore region; and

WHEREAS, staff to the Baltimore Regional Transportation Board will monitor updates to regulations as well as populations with Limited English Proficiency (LEP) in the region; and may update these documents as required; and

NOW, THEREFORE, BE IT RESOLVED that the Baltimore Regional Transportation Board as the Metropolitan Planning Organization for the Baltimore region

approves the Public Notice on Title VI Compliance and the Title VI Complaint Procedure.

I HEREBY CERTIFY that the Baltimore Regional Transportation Board, as the Metropolitan Planning Organization for the Baltimore region, approved the aforementioned resolution at its May 22, 2012 meeting.

May 22, 2012

Date



Emery Hines, Chairman
Baltimore Regional Transportation Board

Public Notice on Title VI Compliance

The Baltimore Regional Transportation Board (BRTB) operates its programs and services without regard to race, color, or national origin in accordance with Title VI of the Civil Rights Act of 1964, and other applicable laws. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the BRTB.

For more information on the Baltimore Regional Transportation Board's civil rights program, and the procedures to file a civil rights complaint, call 410-732-0500; (TTY 800-735-2258), e-mail: titlevi@baltometro.org; or visit BRTB's administrative office at the Baltimore Metropolitan Council, 1500 Whetstone Way, Suite 300, Baltimore Maryland 21230. For more information go to www.baltometro.org/titlevi.

If information is needed in another language, contact 410-732-0500.

Si se necesita información de Título VI en español, llame al 410-732-0500.

BRTB Title VI Complaint Procedure and Form

Complaint Procedure

Any person who believes she or he has been discriminated against on the basis of race, color, national origin or other applicable laws, by the Baltimore Regional Transportation Board (hereinafter referred to as “the BRTB”) may file a Title VI complaint by completing and submitting the BRTB’s Title VI Complaint Form. The BRTB Board investigates complaints received no more than 180 days after the alleged discrimination. The BRTB will process complaints that are complete.

1. Once the complaint is received, the BRTB will review it to determine if the BRTB has jurisdiction. The Complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by the BRTB. The BRTB has 30 days to investigate the complaint.
2. If more information is needed to resolve the case, the BRTB may contact the Complainant. The Complainant has 30 business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the Complainant or does not receive the additional information within 30 business days, the BRTB can administratively close the case. A case can also be administratively closed if the Complainant no longer wishes to pursue their case.
3. After the investigator reviews the complaint, she/he will issue one of two letters to the Complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and details plans for remedial actions to provide redress. The written response shall be issued no later than 90 calendar days after the date the complaint is received.
4. If the Complainant wishes to appeal the decision, she/he has 30 days after the date of the LOF to do so.

If the Complainant is dissatisfied with the BRTB’s resolution of the complaint, she/he may also submit a complaint to the Maryland Department of Transportation for investigation. In accordance with Chapter VII, Title VI / Non-Discrimination Complaints, of Federal Transit Administration Circular 4702.1A, such a complaint must be submitted within 180 calendar days after the date of the alleged discrimination. Chapter IX of the FTA Circular 4702.1A, which outlines the complaint process to the United States Department of Transportation, may be obtained online at www.fta.dot.gov. Paper copies of the circular may be obtained by calling FTA’s Administrative Services Help Desk, at 202-366-4865.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Ave., SE, Washington, DC 20590; or with the Federal Highway Administration, at FHWA Office of Civil Rights, Chief Investigations and Adjunction, 400 7th Street SW, Room 4132, Washington DC 20590.

For more information, please contact the Title VI Officer of the Baltimore Regional Transportation Board at (410) 732-0500 or titlevi@baltometro.org.

Para obtener más información, póngase en contacto con el título VI Oficial de la Junta de Transporte Regional de Baltimore en (410) 732-0500 o titlevi@baltometro.org.

Complaint Form

Section I:				
Name:				
Address:				
Telephone (Home):			Telephone (Work):	
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	
Section II:				
Are you filing this complaint on your own behalf?			Yes*	No
*If you answered "yes" to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining:				
Please explain why you have filed for a third party:				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
Section III:				
I believe the discrimination I experienced was based on (check all that apply):				
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin				
<input type="checkbox"/> Other Protected Class _____				
Date of Alleged Discrimination (Month, Day, Year): _____				
<p>Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses.</p>				

Section IV:		
Have you previously filed a Title VI complaint with this agency?	Yes	No
Section V:		
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?		
<input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, check all that apply:		
<input type="checkbox"/> Federal Agency: _____		
<input type="checkbox"/> Federal Court _____ <input type="checkbox"/> State Agency _____		
<input type="checkbox"/> State Court _____ <input type="checkbox"/> Local Agency _____		
Please provide information about a contact person at the agency/court where the complaint was filed.		
Name:		
Title:		
Agency:		
Address:		
Telephone:		
Section VI:		
Name of agency complaint is against:		
Contact person:		
Title:		
Telephone number:		

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

Signature and date required below

Signature

Date

Please submit this form to the Baltimore Metropolitan Council Title VI Officer at:

Mail: 1500 Whetstone Way, Suite 300
 Baltimore, MD 21230-4767

E-mail: titlevi@baltometro.org
Fax: 410-732-8248

APPENDIX 3

Public Participation Plan

BALTIMORE METROPOLITAN PLANNING ORGANIZATION

BALTIMORE REGIONAL TRANSPORTATION BOARD RESOLUTION #18-18

ADOPTION OF UPDATED PUBLIC PARTICIPATION PLAN FOR TRANSPORTATION PLANNING ACTIVITIES CONDUCTED BY THE BALTIMORE METROPOLITAN PLANNING ORGANIZATION

WHEREAS, the Baltimore Regional Transportation Board (BRTB) is the designated Metropolitan Planning Organization for the Baltimore region, encompassing the Baltimore Urbanized Area, and includes official representatives of the cities of Annapolis and Baltimore, the counties of Anne Arundel, Baltimore, Carroll, Harford, Howard, and Queen Anne's as well as representatives of the Maryland Department of Transportation, the Maryland Department of the Environment, the Maryland Department of Planning, the Maryland Transit Administration, and Harford Transit; and

WHEREAS, the Baltimore Regional Transportation Board as the Metropolitan Planning Organization for the Baltimore region, has the responsibility under the provisions of Moving Ahead for Progress in the 21st Century (MAP-21) for developing and carrying out a continuing, cooperative and comprehensive transportation planning process for the metropolitan area; and

WHEREAS, MAP-21 directs metropolitan planning organizations to develop a proactive public participation process that provides for the timely input by the region's citizenry in the deliberation of transportation decisions; and

WHEREAS, the Baltimore Regional Transportation Board, with input and guidance from the Public Advisory Committee (PAC) and in consultation with public and private sector stakeholders, has updated the Public Participation Plan for enhancing public involvement in the transportation planning process which includes educating the public on various regional transportation issues and priorities and providing adequate, appropriate and meaningful opportunities for public participation in decisions regarding the same; and

WHEREAS, the Baltimore Regional Transportation Board held a 45-day public comment period that extended from April 10 through May 24 with input from the PAC. No comments were received for the Baltimore Regional Transportation Board's consideration; and

WHEREAS, the fundamental objective of the public involvement program is to ensure that the concerns of everyone with a stake in transportation decisions are identified and an opportunity is presented to provide input prior to the development of the policies, programs and projects being proposed through the Baltimore Regional Transportation Board; and

WHEREAS, the Baltimore Regional Transportation Board intends to govern all future public participation activities based on the plan and procedures adopted through this resolution (see Attachment 1), until such time that they may be amended; and

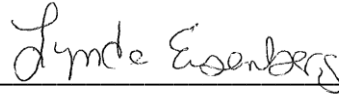
NOW, THEREFORE, BE IT RESOLVED, the Baltimore Regional Transportation Board, as the Metropolitan Planning Organization for the Baltimore region, approved the updated Public Participation

Plan as the formal process which meets the spirit of federal regulations and the expectations of the general public of the Baltimore region.

I HEREBY CERTIFY that the Baltimore Regional Transportation Board, as the Metropolitan Planning Organization for the Baltimore region, approved the aforementioned resolution at its June 26, 2018 meeting.

6-26-18

Date



Lynda Eisenberg, Chairman

Baltimore Regional Transportation Board

PUBLIC PARTICIPATION for transportation planning in the Baltimore region **PLAN**

**APPROVED
JUNE 2018**



www.baltometro.org

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PURPOSE

of the Public Participation Plan

The Baltimore Regional Transportation Board (BRTB) seeks to provide an open process that offers reasonable access to information, timely public notice, full public access to key decisions, and support for early and continued involvement of stakeholders in the metropolitan transportation planning process.

There are two intended audiences for the Public Participation Plan.

First, the Public Participation Plan serves as a guidebook for the public as to how and when they can engage in the regional transportation planning and decision-making process.

Second, the Public Participation Plan clearly outlines the policies and procedures for those responsible for engaging the public in the regional planning process. That is, BRTB members, subcommittee members and planning staff.

The Public Participation Plan is organized into several sections:

Public Involvement Policies

This section outlines the process and procedures the BRTB will follow when conducting public involvement. It includes such things as how the public can submit comments, what the BRTB will do with the comments it receives, when public meetings or comment periods will be held, and how the public can find out how to get involved.

Strategies for Outreach, Education & Engagement

The tools and techniques used to educate and engage the public in the regional transportation planning process.

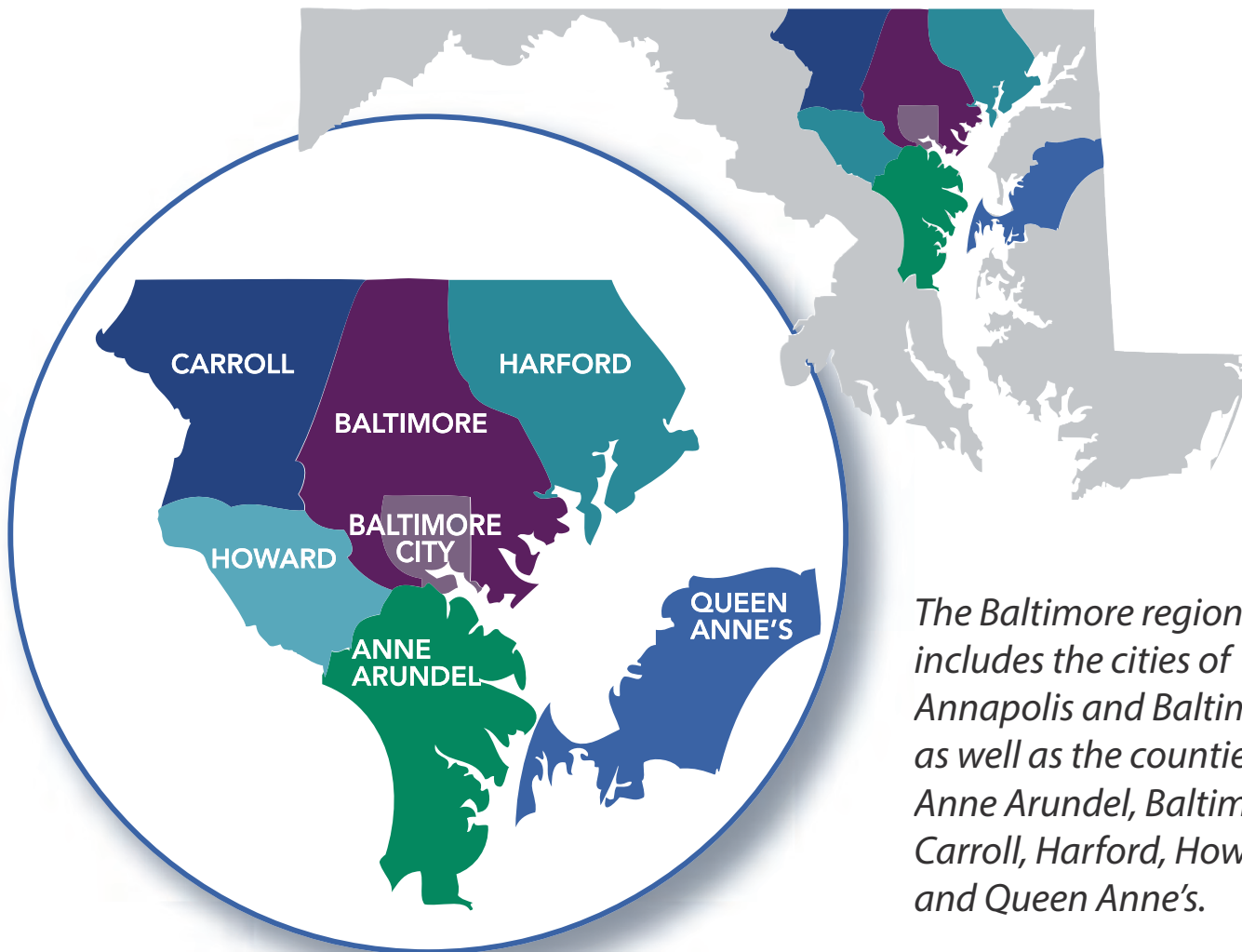
Evaluation

The tools used to measure both the quantity and quality of interactions with the public.

Additional Resources

Information and links to more information on the planning process and federal regulations.





The Baltimore region includes the cities of Annapolis and Baltimore, as well as the counties of Anne Arundel, Baltimore, Carroll, Harford, Howard, and Queen Anne's.

ABOUT US

Baltimore Regional Transportation Board



The BRTB is the federally established Metropolitan Planning Organization (MPO) for the Baltimore region.

As an MPO, the BRTB is directly responsible for making sure that any funding approved for transportation projects and programs is based on a continuing, cooperative and comprehensive (3-C) planning process. Transportation projects and programs that receive federal transportation funding in our region go through this planning process. Public engagement is a key part of this process.

What is the BRTB responsible for?

The BRTB brings together the region's decision-makers, government agencies, interested parties, and the public to examine and plan for the region's future.

To meet its mission, the BRTB develops long-range transportation plans and short-range transportation programs, as well as a report that details the impact of these proposed transportation investments on the region's air quality.

The BRTB also develops a work program and budget called the Unified Planning Work Program (UPWP). The UPWP serves as a basis for the development of the ongoing short- and long-range transportation plans as well as the related air quality analysis through key tasks such as: congestion management, multi-modal planning, monitoring system performance travel simulation tools and public participation. The UPWP usually includes several consultant tasks supporting regional initiatives.

In addition, the BRTB has a number of subcommittees and advisory groups that focus on specific technical and policy areas. These currently include groups that focus on topics such as freight, bicycle and pedestrian access, traffic incident management, air quality, and more.

All meetings of the BRTB and subcommittees are open to the public.

Who serves on the BRTB?

The BRTB members represent:

- Annapolis
- Anne Arundel County
- Baltimore City
- Baltimore County
- Carroll County
- Harford County
- Howard County
- Queen Anne's County
- Maryland Department of the Environment
- Maryland Department of Planning
- Maryland Department of Transportation
- Maryland Transit Administration
- Local Transit Agencies



The BRTB receives staff support through its host agency, the Baltimore Metropolitan Council (BMC). BMC is a nonprofit organization that works with the region's elected executives to identify mutual interests and develop collaborative strategies, plans and programs that will help improve the quality of life and economic vitality. BMC is a resource for the region.

BRTB meetings are generally held at the BMC offices located at [1500 Whetstone Way, Suite 300, Baltimore, MD 21230](https://www.baltometro.org/1500-Whetstone-Way-Suite-300-Baltimore-MD-21230).

To learn more about the BRTB and the metropolitan planning process, or to see a current calendar of meetings and events, visit www.baltometro.org.

POLICIES & PRINCIPLES

for Public Involvement

Public participation is an essential part of a meaningful transportation planning process that helps the BRTB comply with federal requirements and goals. Further, the BRTB affirms that it is important to ask for public participation, not just wait for it. Thus, the BRTB seeks to engage people and organizations early and often using a variety of methods.

The BRTB's public involvement program are guided by the following principles:

Provide adequate and timely public notice for key decisions

It is critical that the public is informed, in a timely manner, of key upcoming decisions. This information will be provided in plain language that enables the public to find, understand and use information they need or are asked to review.

Offer public access to the decision-making process

It is vital that the public is provided reasonable access to the information necessary for meaningful participation in the decision-making process. Meetings will be open to the public and include opportunities for public comment when applicable.

Demonstrate explicit consideration and response to public input

It is essential to respect and seriously consider input that is received, not just collect it.

Educate the public about transportation issues and engage them in the regional transportation planning process

Informing and educating the public about transportation planning issues and the transportation planning process is key to obtaining good quality public input. In addition, BMC staff engages the public in a number of outreach campaigns on topics such as pedestrian and bicyclist safety, air quality, and clean commuting options such as biking to work, ridesharing and teleworking.

Involve persons and groups typically under-represented in transportation decision-making or with special transportation needs

Effective transportation planning must include the participation of those whose everyday lives are critically affected by how they are able to get to work, home, school, stores, and services. Particular emphasis will be placed on involving persons and groups typically under-represented in transportation planning such as those with special transportation needs, including people with disabilities, low-income, minority, and elderly populations.

Improve upon the public involvement process through periodic evaluation

The public will be involved in providing periodic feedback on the public involvement process.

Federal law and planning regulations also guide the regional public involvement process. See pages 20-21 for more information about these regulations.

WHO WE SEEK TO CONSULT

in the public involvement process

Federal regulations related to planning, environmental justice and civil rights cite specific “interested parties” that are to be consulted and engaged in the metropolitan transportation planning process. These groups are listed below.

- Representatives of public transportation employees
- Freight shippers
- Providers of freight transportation services
- Private providers of transportation
- Representatives of users of public transportation
- Representatives of users of pedestrian walkways and bicycle transportation facilities
- Representatives of the disabled
- Limited English proficient persons
- Low-Income communities
- Minority communities
- Travel and tourism agencies
- Officials responsible for natural disaster risk reduction
- Public Ports
- Other interested parties (Individuals, affected public agencies, etc.)



In order to achieve widespread engagement and consultation, the BRTB has identified a number of additional groups to include in the process when possible. These groups are listed below.

- Affordable housing groups
- Business groups
- Civic organizations
- Community & economic development organizations
- Commuters
- Environmental groups
- Environmental justice organizations
- Individuals with low literacy
- Public health organizations
- Religious organizations
- Neighborhood/Homeowner Associations
- Organizations focused on aging
- Social service organizations (veterans, homeless, mental health, etc.)
- Workforce Development agencies
- Youth

BMC staff maintains an extensive list of individuals and organizations who have expressed an interest or who have participated in previous transportation planning efforts. To be added to the list, please contact the Public Involvement Coordinator at comments@baltometro.org or 410-732-0500 or, visit www.baltometro.org and click on “Contact Us”.

HAVING YOUR SAY

Policies and Procedures for Public Comments

The BRTB encourages public comments and provides the public with a variety of ways to voice their opinions and share their ideas.

Public Comment Periods

A key opportunity for the public to share their thoughts and ideas is during public comment periods.

A comment period of at least 45 days will be held for the Public Participation Plan.

A comment period of at least 30 days will be held for the following:

[Unified Planning Work Program](#)

[Federal Certification Review](#)

[Long-range Transportation Plan \(LRTP\)](#) (multi-year development with several opportunities to comment on goals, projects, etc.)

[Short-range Transportation Improvement Program \(TIP\)](#)

[Air Quality Conformity Determination](#)

Amendments to the 3 documents listed above

Any project proposed for the TIP or LRTP that requires a new regional emissions analysis will automatically trigger a 30-day public review and public meeting. All amendments, regardless of 30-day review, will go to the BRTB Technical Committee and BRTB for consideration and approval. A resolution with project information will be available online for the public to view 5 weeks prior to a BRTB vote. The Executive Committee will continue to review and approve Administrative Modifications (minor amendments).

The BRTB, in consultation with “interested parties,” will review all of the plans listed above at least every 4 years and update as necessary. To better inform the BRTB, other documents may also be made available for public comment.

Information necessary for the public to understand and comment on each document will be released to the public for review. This includes items such as a readable, public-friendly executive summary, information posted on our web site and/or in printable flyer format, detailed project sheets or reports, and links to project or sponsor web sites for comprehensive information.

To allow sufficient time for the BRTB to review and respond to comments, efforts will be made to close comment periods at least 14 days (but not less than 7 days) before a BRTB vote on these items.

How to submit comments

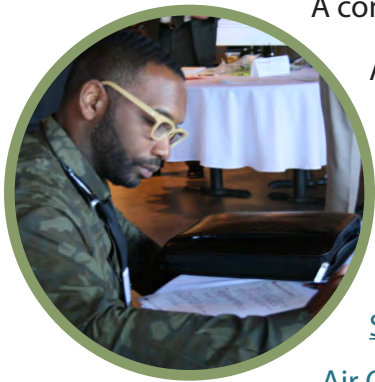
The BRTB prefers comments in writing (as identified below) to accurately respond to your concerns. If you need assistance submitting a written comment, please contact the Public Involvement Coordinator at 410-732-0500 or comments@baltometro.org.

Please send all comments in writing using one of the following methods:

Mail: The Baltimore Regional Transportation Board
1500 Whetstone Way, Suite 300
Baltimore, MD 21230

Fax: 410-732-8248

E-mail: comments@baltometro.org



Public Participation at BRTB Meetings

The BRTB holds meetings regularly to discuss current activities and events, as well as vote on key decisions. An opportunity for the public to address the BRTB on issues related to the transportation planning process is provided at the beginning of each meeting for up to 15 minutes. Should any major issues arise that require additional time, it will be at the discretion of the Chair to take appropriate action to extend the time limit. The BRTB also allows public comment on any action item. In addition, the Public Advisory Committee and Technical Committee Chairs may participate in the discussion of all agenda items.

Guidelines for testimony before any meeting of the BRTB were created to ensure that every member of the public has the opportunity to be heard. The Public Testimony Rules and Procedures, as well as A Guide for Making Comments to the BRTB are available online at www.baltometro.org.

Social Media: Comments related to BRTB comment periods will be accepted through current BRTB sponsored social media accounts, as listed on the project/plan web page or press release for each comment period.

The public can also make comments in person at monthly BRTB meetings or scheduled public meetings.

All comments must be received by the close of the comment period. Visit www.baltometro.org or call 410-732-0500 for a current schedule of meetings.

How Your Comments Will Be Used

Consideration and Response to Public Comments Received During Comment Periods

The BRTB recognizes and values public input, therefore the BRTB will follow this process for all comments submitted during a comment period:

- All BRTB members will receive a copy of the comments prior to taking action.
- All organizations/individuals who submit a comment in writing and include their contact information will receive a response to their comment.
- Every effort is made to send a response to the author prior to a final vote on the action item.
- Comments received using the methods detailed above are documented as part of the public record and are posted online at www.baltometro.org.
- BMC staff is responsible for coordinating a response to comments with project sponsors and the BRTB in a timely manner.



Comments received via Social Media



The BRTB understands the value and importance of reaching the public through a variety of means, including social media. The BRTB currently maintains accounts on various social media outlets and uses them to share information, engage the public, and collect comments. When possible, staff will use commonly used or custom hashtags (or other appropriate metadata tools) to reach a wider audience or collect comments on a specific project or plan.

Comments received via social media will be shared with the BRTB as follows:

- Comments are submitted within the timeframe and relate to a BRTB action item open for public comment; and
- Comments were submitted through BRTB identified social media accounts or custom hashtags.

Given the changing world of technology, staff keep abreast of changing communication tools and maintain an in-house social media guide that clearly outlines BMC/BRTB's use of social media in the public involvement process.

GETTING INVOLVED

Public Meetings

The BRTB holds events throughout the year to address transportation issues and to deliberate on the strategies, projects, plans, and programs that the BRTB oversees. In addition, the BRTB hosts public meetings to share information and obtain feedback on various plans and projects. The BRTB also has a number of committees, including a Public Advisory Committee, that meet throughout the year. A current calendar of meetings and events is online at www.baltometro.org.

Guidelines for BRTB Public Meetings and Events

In accordance with BRTB Bylaws and federal guidance, meetings and events of the BRTB will:

- Be governed by the Maryland Open Meetings Act and the Maryland Public Information Act. Some portions of meetings may be closed to discuss sensitive budget, finance, personnel, or homeland security issues. The minutes and materials presented to the BRTB shall be public record and shall be available for review at a place determined by the BRTB.
- Be posted on the BMC website no less than 14 calendar days prior to the date of BRTB meetings.

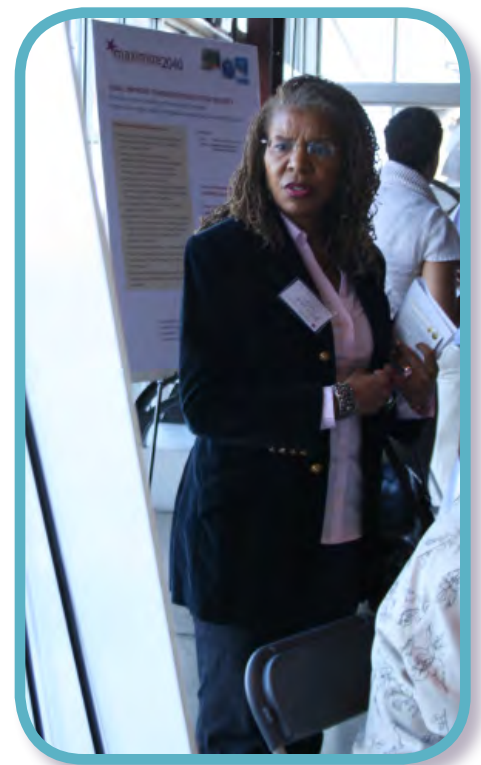
Every attempt shall be made to adhere to the fourteen (14) calendar day public notice to all other meetings of the BRTB, including meetings of BRTB committees, subcommittees and task forces, with the exception of the Executive Committee.

For those without access to the BMC website, a list of BRTB meetings is available in alternative formats upon request.

- Allow for public comment regarding all aspects of the transportation planning process.
- When possible, have BRTB members in attendance to listen to and discuss public comments.
- Be held at various locations throughout the region.
- Be scheduled at various times, including evenings and weekends to maximize participation.
- Be accessible to persons with disabilities. Additional accommodations for people with disabilities will be provided on an as-needed basis, if requested 7 days in advance.

BMC staff will maintain a list of resources for auxiliary aids and services.

- As often as possible, be held in locations that are convenient to public transit and/or traditionally underserved communities.
- When feasible, be conducted using technologies such as webinars, conference calls, etc.



Public Meeting Schedule

To reach the widest audience and participation among the diverse population in the Baltimore region, the following procedures have been outlined for major planning activities:



- **Long-range transportation plan** – At least one meeting in each jurisdiction within the region.
- **Short-range transportation program (TIP)** – A meeting at BMC or another central location within the region.
- **Amendments to the long-range plan or TIP that trigger a new regional emissions analysis** – A meeting is held in or near the community that is affected by the amendment.
If there are multiple amendments or an amendment is regional in nature, a meeting is held at BMC or another central location within the region.

Comments on the corresponding regional emissions analysis are also accepted during these meetings. Additional meetings on other plans such as the Public Participation Plan, Unified Planning Work Program, etc. may be held if needed to better inform interested persons or organizations.

When scheduling public information and participation meetings, the BRTB will consider significant civil, religious, and cultural holidays and do its best to refrain from holding meetings on those dates.

Notification of Public Comment Periods

The BRTB places a great deal of importance on providing the public with easy access to information and timely notice about the transportation planning process.

Comment periods are announced in a variety of methods, including:

- **BMC Website** – All documents released for public review are available online at www.baltometro.org.
- **Press Releases** are sent to local media professionals and other press release subscribers, as well as being posted at www.baltometro.org.
- **Announcements** are posted in various sources such as e-newsletters, social media networks (Facebook, Twitter, LinkedIn, etc.), other websites and blogs, newsletters, etc. Upon request, the public may request print notification via U.S. mail.
- **Print Documents** – All documents posted for comment are available to review in print at the Regional Information Center.
- **Advertisements** – The BRTB will utilize a variety of outlets and media techniques, dependent upon the project, plan, and/or audience trying to be reached. Advertising plans and budgets will be developed by staff and submitted to the BRTB Secretary (BMC Director of Transportation Planning) for approval.

About the Regional Information Center

The Regional Information Center (RIC) is a library located at the Baltimore Metropolitan Council (BMC) at 1500 Whetstone Way, Suite 300, Baltimore. It is open to the public by appointment.

The RIC is a partnership between BMC and the Enoch Pratt Free Library. The collection includes regional and urban planning materials with a focus on local demographic information, economic development, transportation planning, land use and environmental issues. Documents are available through the state's Interlibrary Loan Program. A catalog of materials is available online and the RIC librarian is available via telephone and e-mail to answer questions and provide data or other info.

Reach the RIC at 410-732-9570, or ric@baltometro.org.

ACCESS FOR ALL

The BRTB values the diversity within the region, as well as the importance of full and fair participation in the transportation decision-making process by those individuals and groups who have been traditionally underserved.

To ensure the public is aware of the BRTB's commitment to ensuring access for all, the following notice will be placed on BRTB agendas and meeting announcements (flyers, advertisements, etc.):

The Baltimore Regional Transportation Board (BRTB) operates its programs and services without regard to race, color, or national origin in accordance with Title VI of the Civil Rights Act of 1964, and other applicable laws.

Appropriate services can be provided to qualified individuals with disabilities or those in need of language assistance, who submit a request at least seven days prior to a meeting. Call 410-732-0500.

Traditionally Underserved Populations

The traditionally underserved can be defined as those specifically identified in Executive Order 12898 on Environmental Justice—that is, low-income populations and minority populations including Hispanics/Latinos, African Americans/Blacks, Asian Americans, Native American/ Alaskan Natives and Native Hawaiians, and Pacific Islanders—as well as other populations recognized in Title VI and other civil rights legislation, executive orders, and transportation legislation, including those with limited English proficiency such as the foreign-born, low-literacy populations, seniors, persons with disabilities, and transit-dependent populations.

Source: onlinepubs.trb.org/onlinepubs/nchrp/nchrp_rpt_710.pdf

The BRTB is compliant with federal laws relating to the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, Executive Order 12898: Federal Actions to Address Environmental Justice in Minority & Low Income Populations, and Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency. For more information about these laws, see page 21.

In addition, the BRTB has a non-discrimination policy and complaint procedure under Title VI. See www.baltometro.org for details.

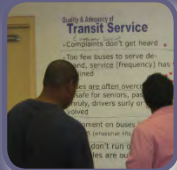
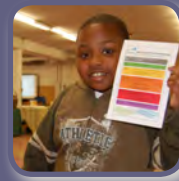
Electronically Accessible Formats

Public information is made available, as appropriate, in electronically accessible formats (including the internet). Upon request, all documents available to the public are available in alternative formats for people with disabilities.

The BMC website is also designed to meet the standards set forth in Section 508 of the US Rehabilitation Act to ensure accessibility and usability. Efforts are also made to improve access to the site as technology needs and use change.

Online Translation Tool

In an effort to make information on the BMC website accessible to as many people as possible, an online translation tool has been incorporated into the site. Currently, the free service powered by Google Translate, allows users to choose from over 100 languages. The translation service is available on each page of the BMC website. Additional translation services are also available for those who request assistance by calling 410-732-0500.



OUTREACH TO TRADITIONALLY UNDERSERVED POPULATIONS

BMC staff has developed a mapping tool called the Vulnerable Population Index (VPI) that can be used in the analysis and evaluation of transportation plans and programs, as well as to guide outreach activities.

The VPI uses census data to identify seven vulnerable populations in the region: People in poverty, Hispanic/Latino, Non-Hispanic and Non-White Minorities, Limited English Proficiency (LEP), People with disabilities, the elderly, and Car-less households. This data was added to maps and compiled so that concentrations of vulnerable populations in the region can be identified.

The mapping tool is used with local jurisdictions and community partners to identify individuals, organizations and communities representative of these vulnerable populations in each jurisdiction. These include neighborhood and main street associations, community-based organizations, faith-based institutions, housing associations, nonprofits, etc. This information allows staff to reach out to these groups and help ensure their voice is heard in the regional planning process.

Staff will intentionally seek out and work to build relationships with residents, community leaders, as well as other leaders in traditionally underserved communities throughout the region. Techniques to do this include:

- Person-to-person outreach at locations such as transit stations, grocery and discount stores, flea and farmers markets, laundromats, local food gatherings (ex: volunteer fire department breakfasts, church suppers), community concerts, and cultural festivals.
- Coordinate with government agencies to conduct outreach at health care centers, food banks and food stamp offices, schools, offices on aging, etc.
- Form relationships with faith-based institutions, cultural centers, community-based organizations that work with immigrants, etc.
- Conduct surveys and focus groups with individuals and organizations/agencies that work with traditionally underserved individuals.

STRATEGIES FOR OUTREACH, EDUCATION AND ENGAGEMENT

These strategies can enhance public involvement for a specific activity or assist the BRTB in meeting specific public involvement goals. Staff review and modify these strategies on an ongoing basis. Those that best increase outreach, information, education, and involvement are continued. Those that do not, are changed or discontinued.

Baltometro.org

The core tool used by the BRTB to disseminate information is this website, operated by the Baltimore Metropolitan Council. This includes information on the transportation planning process, public involvement, emergency preparedness, commuter options, air quality, and activities such as socioeconomic and travel demand forecasting. The site also includes a calendar of events, links to agendas, minutes, and draft documents under review, and an extensive library of electronic and print documents produced by the BRTB. Opportunities for the public to provide input and formal comments are also posted on the website.

Visualization techniques

Information published will incorporate images, photos, graphics, and other means of visually describing transportation issues and alternatives as a strategy for promoting public understanding of the material being presented. These approaches are consistent with the federal requirements to employ “visualization” techniques to describe plans.

E-Newsletters and Social Media

BMC staff, on behalf of the BRTB, periodically produces a number of publications including COG Quarterly and B'More Involved. These publications are designed to provide readers with helpful information on transportation and regional planning efforts, equity, upcoming events, and other opportunities for involvement. The purpose is to encourage awareness and participation at the regional, state, and local levels.

Information is also shared on social media sites such as Facebook, Twitter and Instagram.

For a full list of current publications and social media, visit: www.baltometro.org.



Maintain a Public Advisory Committee with a Public Involvement Subcommittee

The mission of the PAC is to provide independent, region-oriented advice by members of the public on a variety of issues, as well as to promote public awareness, participation, and equity in the regional transportation planning process.

Staff works with the PAC's Public Involvement Subcommittee to review, evaluate, and improve upon public involvement techniques and outreach efforts. In addition, staff conducts outreach in partnership with the PAC.

The BRTB conducts an annual application process for those interested in serving on the PAC. All PAC meetings are open to the public and members of the public are encouraged to attend.

Visit www.baltometro.org to learn more or apply to serve on the Public Advisory Committee.

Produce and distribute print documents

Produce and distribute print documents such as newsletters, white papers, and fact sheets to include timely information on targeted topics related to transportation planning and public participation activities. Make these documents available online as well.

Maintain contact lists

Maintain contact lists to include current and potential stakeholders.

Develop an outreach and education program

Produce such materials as pamphlets, brochures, and workshop outlines that can be used in various presentations and for distribution. Some of the materials can target non-traditional participants. Periodically review and update materials.

Publicize BRTB activities

Create and maintain a media strategy to publicize BRTB activities through B'More Involved, the BMC website, newsletters, and other media. Provide media with periodic updates of BRTB activities as well as press releases to announce public comment periods for major transportation planning products and activities.

Partner with others that influence/conduct outreach

Create and maintain partnerships with a wide range of outreach professionals, community groups, jurisdictions, and agencies. Utilize these resources to publicize activities and events to reach a broader audience and/or take a leadership role in public participation efforts in their area.

Build relationships with stakeholders

Build relationships with stakeholders to maintain a dialogue on transportation and to garner continued interest.

Seek out/build relationships with traditionally underserved community leaders and non-traditional participants.

Identify and meet with organizations and community leaders who represent traditionally underserved populations. The purpose is to build relationships and earn trust with groups and leaders as well as identify strategies to bring traditional non-participants into the planning process.



Meet in convenient and accessible locations for optimal attendance

Hold meetings, activities, and other public involvement events at various geographic locations at which the targeted populations congregate including community centers, fairs and festivals, churches, and other popular destinations. Meetings located on transit lines are most accessible.

Conduct interactive and informational workshops

Host workshops on specific transportation planning topics or general process. Provide opportunity for comment through interactive discussions, comment sheets, and/or verbal comments.

Use interactive activities, games, tours, and other techniques to illustrate and discuss transportation issues, projects, and needs in a meeting setting.



Hold open houses

Present information at tables and exhibits around the room with no fixed agenda or formal presentation. Provide opportunity for involvement through interactive exhibits, exercises, comment sheets, and/or verbal comments.

Hold public meetings

Provide information and a setting for formal public comment or discussion at various steps in the planning process. These meetings will be held at various locations throughout the region and will be scheduled at various times, including evenings and weekends to maximize participation by a wide-range of stakeholders, including those traditionally underserved.

Sponsor webinars or webcasts of meetings

In order to reach a greater number of people, the BRTB will, to the extent possible, employ Internet-based technologies such as webcasts and webinars to share information and gather input from a wider range of participants. Online trainings on various topics of interest to stakeholders, local organizations, and regional planning partners may be held. Speakers may be invited to share information on best practices from around the country or current topics of interest to the region.

Advertise opportunities for involvement

Use a variety of outreach methods to reach out to the public and notify opportunities to be engaged in the process. Advertising techniques could include:

- Print advertisements or notices in area newspapers, including the region's major English-language newspaper, Spanish-language newspaper, and/or minority-community newspaper.
- Posters or flyers on transit vehicles, in an effort to reach transit-dependent populations and other transit riders.
- Online advertisements on local news media websites, targeted ads on social media pages, etc.
- Libraries – Send flyers and a print copy of the document to a number of area libraries and/or government office(s) in each jurisdiction with a request that the documents are displayed.
- Radio or TV announcements.
- Direct mail.

Maintain and promote a speaker's bureau

Maintain a speaker's bureau and a set of standard presentations about the MPO process and other relevant topics. Train BRTB members, staff, and other volunteers to present information to educate a variety of organizations, businesses, and other groups.

Conduct surveys and focus groups

Gather information on people's perceptions, preferences, and practices via surveys. Conduct small group discussions to gather perspectives, insights, and opinions on a single topic.

VI. EVALUATION

Best practice methods of communicating with the public are continuously identified and implemented when possible. The BRTB, with BMC staff support, also periodically reviews the effectiveness of its public participation program and techniques. A variety of tools are used in an effort to measure both quantity and quality of interactions with the public. Evaluation results are used to modify methods as appropriate in order to maximize effectiveness.

Performance Measures for Public Involvement

In order to gauge the effectiveness of its public involvement efforts, the BRTB focuses on two main areas of evaluation:

1. The process and tools used to implement the Public Participation Plan, and
2. The outcome of public participation.

These evaluation techniques include the following:



1. Surveys or Polls

Surveys and polls provide important feedback on a variety of topics, including the readability of information distributed; usefulness of public meetings or events; usefulness of techniques utilized, etc. Surveys will be developed to evaluate the effectiveness of the goals for public involvement as seen on page 6.

Examples of the types of surveys that can be utilized are listed below.

- **During comment period to gather input** – Staff make survey available via website, e-newsletters, etc. to provide the public an easy way to submit comments or register support/opposition to a plan or project. Poll attendees of public meetings to determine if questions were answered adequately.
- **After a comment period or major planning activity** – Staff send out a survey within 30 days to individuals/organizations who submitted comments/questions or attended a meeting. This will allow the BRTB to obtain feedback from participants about the information provided, the ease of submitting comments, etc. In addition, a general interest survey is available in an effort to obtain feedback from those who did participate in order to identify any barriers to participation or opportunities for improvement.
- **Public Involvement Survey** – Staff send out periodic survey to gauge familiarity with the BRTB, effectiveness of current outreach techniques, suggestions for improvement, etc.

2. Evaluation of Outreach Tools

There are a number of different performance measures that can be used when implementing the Public Participation Plan. Examples are listed below:

Tool	Sample Evaluation Measure
Press Releases	Number of press releases distributed, opened (online), and published
Mailings	Number of pieces sent and number returned
E-newsletters	Number of e-newsletters sent and opened; click-through rate for links
Advertisements (Online)	Number of impressions; click-through rate
Advertisements (Print)	Number in circulation, percent of readership, number of readers per copy
Website	Number of hits, visitors, percent change in visitors before/after outreach initiative
Survey	Number of surveys sent; percent completed
Public Meeting / Event	Number of attendees; percent of affected community members at meeting Number of individuals notified; number attended; percent found meeting helpful Quality and relevance of comments submitted or questions asked
Mailing List	Number of names and contact information in our database
Outreach	Number of presentations made to outside organizations Number of festivals and events attended

3. Staff Debriefings

This ongoing tool is useful for reviewing outreach and engagement efforts and developing new strategies or improvements to the process and tools used.





VI. ADDITIONAL RESOURCES

[Glossary of Planning Terms](#)

The transportation arena has a language all its own. Navigating your way through the complex web of transportation terminology can be a challenge. So, the BRTB has put together this list of acronyms and commonly used words in transportation planning.

[Effective Participation in the Regional Transportation Planning Process](#)

This short video, produced by the Regional Transportation District in Denver, is a great way to learn more about the regional transportation planning process and how to be effectively engaged.



[Making Public Comments at BRTB Meetings: A Brief How to Guide](#)

At the beginning of each meeting of the BRTB the public have an opportunity to make comments. This is a very important, regular, on the record opportunity to be heard by BRTB members.

This How to Guide gives you a series of questions that will help you determine if making comments at BRTB meetings is your most effective strategy for getting your message heard, and will give you hints about how to make the most impact.

Federal Regulations for Public Involvement

Public involvement in metropolitan transportation planning has long been a federal requirement. Federal law includes a number of specific requirements and performance standards and expectations for state departments of transportation and MPOs during transportation planning. This core set of requirements and performance standards have been amended and reinforced through additional transportation and environmental legislation, and related regulations and orders addressing environmental justice and persons with disabilities.

Regulations related to public participation require the BRTB to:

(a) The MPO shall develop and use a documented participation plan that defines a process for providing individuals, affected public agencies, representatives of public transportation employees, public ports, freight shippers, providers of freight transportation services, private providers of transportation (including intercity bus operators, employer-based commuting programs, such as carpool program, vanpool program, transit benefit program, parking cash-out program, shuttle program, or telework program), representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.

(1) The MPO shall develop the participation plan in consultation with all interested parties and shall, at a minimum, describe explicit procedures, strategies, and desired outcomes for:

(i) Providing adequate public notice of public participation activities and time for public review and comment at key decision points, including a reasonable opportunity to comment on the proposed metropolitan transportation plan and the TIP;

(ii) Providing timely notice and reasonable access to information about transportation issues and processes;

(iii) Employing visualization techniques to describe metropolitan transportation plans and TIPs;

(iv) Making public information (technical information and meeting notices) available in electronically accessible formats and means, such as the World Wide Web;

(v) Holding any public meetings at convenient and accessible locations and times;

(vi) Demonstrating explicit consideration and response to public input received during the development of the metropolitan transportation plan and the TIP;

(vii) Seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;

(viii) Providing an additional opportunity for public comment, if the final metropolitan transportation plan or TIP differs significantly from the version that was made available for public comment by the MPO and raises new material issues that interested parties could not reasonably have foreseen from the public involvement efforts;

(ix) Coordinating with the statewide transportation planning public involvement and consultation processes under subpart B of this part; and

(x) Periodically reviewing the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.

(2) When significant written and oral comments are received on the draft metropolitan transportation plan and TIP (including the financial plans) as a result of the participation process in this section or the interagency consultation process required under the EPA transportation conformity regulations (40 CFR part 93, subpart A), a summary, analysis, and report on the disposition of comments shall be made as part of the final metropolitan transportation plan and TIP.

(3) A minimum public comment period of 45 calendar days shall be provided before the initial or revised participation plan is adopted by the MPO. Copies of the approved participation plan shall be provided to the FHWA and the FTA for informational purposes and shall be posted on the World Wide Web, to the maximum extent practicable.

(b) In developing metropolitan transportation plans and TIPs, the MPO should consult with agencies and officials responsible for other planning activities within the MPA that are affected by transportation (including State and local planned growth, economic development, tourism, natural disaster risk reduction, environmental protection, airport operations, or freight movements) or coordinate its planning process (to the maximum extent practicable) with such planning activities. In addition, the MPO shall develop the metropolitan transportation plans and TIPs with due consideration of other related planning activities within the metropolitan area

Additional Federal Laws

The BRTB also complies with the following federal laws:

Americans with Disabilities Act

The Americans with Disabilities Act of 1990 (ADA) is landmark civil rights legislation ensuring equal opportunity for people with disabilities in employment, public accommodations, transportation, state and local government services and communications. The ADA requires coordinating with disabled communities in the development and improvement of transportation services. Individuals with disabilities must also be able to access the sites where public involvement activities occur as well as the information presented. www.ada.gov

Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 prohibits discrimination based upon race, color or national origin. Specifically, 42 U.S.C. §2000d states that “No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” www.justice.gov/crt/about/cor/coord/titlevi.php

Executive Order 12898 to Address Environmental Justice in Minority & Low Income Populations

Executive Order (EO) 12898: Federal Actions to Address Environmental Justice in Minority and Low Income Populations – The EO reinforced the requirements of Title VI of the Civil Rights Act of 1964 and focused federal attention on the environmental and human health conditions in minority and low income communities. Further, recent guidance issued by FHWA and FTA emphasizes the importance of considering and addressing environmental justice in all phases of the transportation planning process.

Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income. Along the same lines, transportation equity seeks to ensure that the needs of all communities, particularly low-income and minority communities are addressed in transportation policy and the transportation planning process. Additionally, transportation investments should work to ensure that both the benefits and impacts are distributed fairly. archives.gov/federal-register/executive-orders/1994.html#12898

Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency (LEP)

People with limited English proficiency are those with a primary or home language other than English. Due to their limited English skills, they must communicate in that primary language if they are to have an equal opportunity to participate effectively in or benefit from any aid, service, or benefit in federally funded programs and activities. EO 13166 requires any agency that receives federal funds to make their activities accessible to non-English speaking individuals.

The Baltimore region is a diverse community that includes a wide array of ethnic communities and people, some with limited English proficiency. The BRTB has a plan for outreach and involvement with LEP individuals. This plan includes an analysis to determine language needs of the targeted population. It also includes strategies for announcing meetings, document translation, oral communication, and other communication needs during the regional transportation planning process. justice.gov/crt/about/cor/13166.php



**BALTIMORE
METROPOLITAN
COUNCIL**

1500 Whetstone Way, Suite 300
Baltimore, MD 21230

www.baltometro.org

APPENDIX 4

BALTIMORE METROPOLITAN PLANNING ORGANIZATION

**BALTIMORE REGIONAL TRANSPORTATION BOARD
RESOLUTION #19-23**

**APPROVAL OF THE 2019 LIMITED ENGLISH PROFICIENCY PLAN FOR THE BALTIMORE
METROPOLITAN PLANNING ORGANIZATION**

WHEREAS, the Baltimore Regional Transportation Board is the designated Metropolitan Planning Organization (MPO) for the Baltimore region, encompassing the Baltimore Urbanized Area, and includes official representatives of the cities of Annapolis and Baltimore, the counties of Anne Arundel, Baltimore, Carroll, Harford, Howard, and Queen Anne's, as well as representatives of the Maryland Department of Transportation, the Maryland Department of the Environment, the Maryland Department of Planning, the Maryland Transit Administration, and Harford Transit; and

WHEREAS, the Baltimore Regional Transportation Board, as the Metropolitan Planning Organization for the Baltimore region, has a responsibility under the provisions of the Fixing America's Surface Transportation Act (FAST) for developing and carrying out a continuing, cooperative, and comprehensive transportation planning process for the metropolitan area; and

WHEREAS, Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin in programs or activities receiving federal financial assistance, and Presidential Executive Order 13166 requires recipients of federal funds to assess, monitor, and address the needs of Limited English Proficiency (LEP) individuals seeking assistance; and

WHEREAS, the Baltimore Regional Transportation Board, in accordance with "US Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficiency Persons", has conducted a four-factor analysis (Attachment 1) in determining the "reasonable steps" the Board must take to ensure meaningful access to information and services it provides; and

NOW, THEREFORE, BE IT RESOLVED that the Baltimore Regional Transportation Board, after all comments were duly considered, approves the 2019 Limited English Proficiency Plan for the Baltimore region.

I HEREBY CERTIFY that the Baltimore Regional Transportation Board, as the Metropolitan Planning Organization for the Baltimore region, approved the aforementioned resolution at its May 28, 2019 meeting.

5-28-2019

Date



Valorie LaCour, Chair
Baltimore Regional Transportation Board

Limited English Proficiency Plan Fact Sheet

Background: Limited English Proficiency (LEP) is a term used to describe individuals whose primary language is not English and are not proficient in the English language.

Federal law: Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons with Limited English Proficiency, and (Presidential) Executive Order 13166.

Determining the Need: As a recipient of federal funding, the Baltimore Regional Transportation Board must take reasonable steps to ensure meaningful access to the information and services it provides. In determining "reasonable steps" there are four factors to be considered:

1. The number and proportion of LEP persons in the eligible service area;
2. The frequency with which LEP persons come in contact with the program;
3. The importance of the service provided by the program; and
4. The resources available to the recipient.

Response to Four-Factor Analysis: Based on the current low levels of residents with LEP in the Baltimore region and their limited interaction with the BRTB, full translation of all BRTB Plans and Programs is not required at this time. However, in order to engage the diverse population in the region, the BRTB is committed to providing appropriate language assistance to the LEP population. Key actions are outlined below.

- An Executive Summary will be made available in (Latin American) Spanish for the long-range transportation plan (draft and final) and short-range transportation program (draft & final)
- The full Public Participation Plan, Limited English Proficiency Plan, Title VI Policy and Complaint Form, and the "About the BRTB" brochure.
- The BRTB will provide limited oral language services to LEP individuals upon request.
- A review of the data this plan is based on will be conducted at least every four years.
- As a recipient of federal financial assistance, the BRTB has adopted a Title VI complaint procedure.



Language Assistance Program and Limited English Proficiency Plan

May 28, 2019



Purpose Of This Plan

The purpose of this Language Assistance Program is to provide meaningful access to regional transportation planning information under the purview of the BRTB. Assistance is also available at events for individuals who are in need of language assistance.

This plan details how the BRTB assesses and addresses the needs of persons with Limited English Proficiency.

LIMITED ENGLISH PROFICIENCY

Limited English Proficiency (LEP) is a term used to describe individuals who do not speak English as their primary language, and who also have a limited ability to read, write or understand English.

As a recipient of federal funds, the BRTB is required to have a Limited English Proficiency (LEP) plan. As a recipient of US Department of Transportation (DOT) funds, the BRTB follows the DOT approach offered in the DOT publication, *A Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons*, to develop a plan to determine and meet the need for language assistance in transportation planning for the Baltimore region.

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EXECUTIVE SUMMARY

The Baltimore Regional Transportation Board (BRTB) is committed to ensuring meaningful access to its programs and activities by persons who are limited English proficient (LEP). A “four factor” analysis, developed by the federal government, is used to help determine how to ensure reasonable and meaningful access to BRTB activities, including:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.
2. The frequency with which LEP persons come into contact with the program.
3. The nature and importance of the program, activity or service provided by the program to people’s lives.
4. The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.

For the results of the analysis performed by the Baltimore Metropolitan Council (BMC) on behalf of the BRTB, refer to Section II, which discusses and describes the LEP population(s) which are likely to be served by BRTB programs. The BMC has Language Assistance services in place if requested.

BRTB policy states that translation services are available upon request for meetings that are open to the public, as well as for certain documents and publications.

In addition to posting this policy online, the BRTB includes the following language in its meeting announcements and agendas to notify the LEP population(s) of the availability of language assistance:

The Baltimore Regional Transportation Board operates its programs and services without regard to race, color, or national origin in accordance with Title VI of the Civil Rights Act of 1964, and other applicable laws.

Appropriate services can be provided to qualified individuals with disabilities or those in need of language assistance who submit a request at least seven days prior to a meeting. Call 410-732-0500.

In major BRTB publications the above text is included to notify the LEP population(s) of the availability of alternative formats of the document.

The BRTB developed its policy to guide BMC staff and outline how the BRTB will provide certain services to accommodate people with special needs, including LEP. Staff having contact with the public will be trained regarding their obligations to provide meaningful access to information and services for LEP persons.

This plan is updated every four years. Refer to Section IV - Monitoring and Updating the Language Assistance Plan for additional information.

I. INTRODUCTION

About The Baltimore Regional Transportation Board

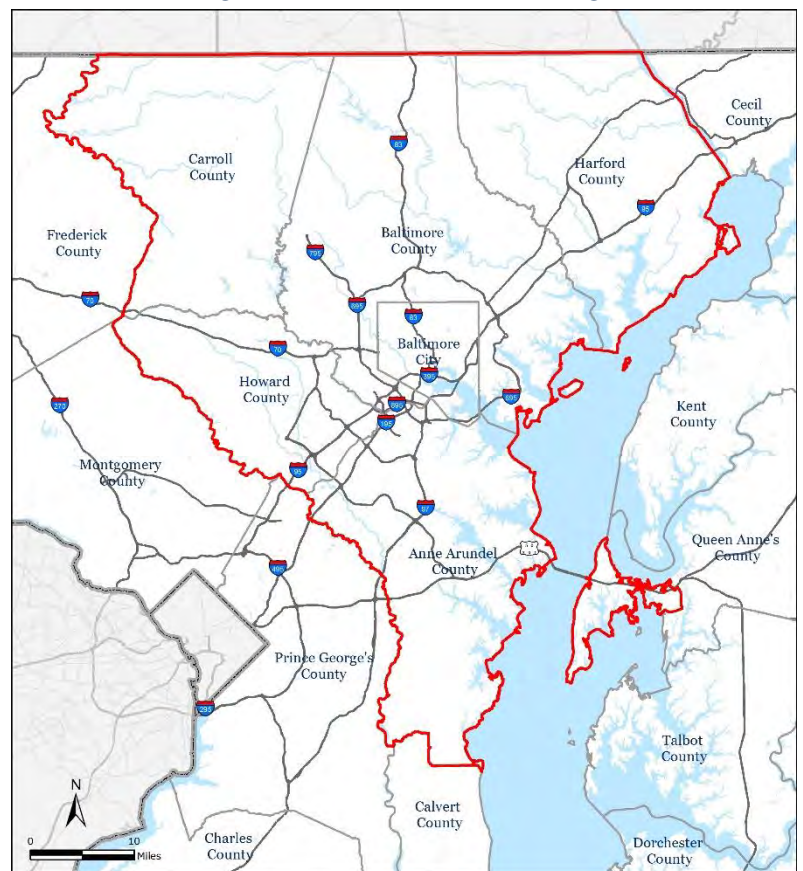
The Baltimore Regional Transportation Board (BRTB) is the Metropolitan Planning Organization (MPO) for the Baltimore region. The BRTB is responsible for making sure that any federal money spent on existing and future transportation projects and programs is based on a continuing, cooperative and comprehensive (3-C) planning process. All transportation projects and programs that receive federal funding in our region go through this planning process.

The BRTB provides program management of a work plan and budget called the Unified Planning Work Program (UPWP) that directs planning activities on an ongoing basis. Also, the BRTB provides policy direction and oversight in the development of the federally mandated long-range transportation plan which covers 20 years and is updated every 4 years; a short-range document known as the Transportation Improvement Program (TIP) which covers the next 4 years and is updated annually; as well as the associated Air Quality Conformity Determination.

The BRTB is a 13-member board representing:

- Anne Arundel County
 - Baltimore City
 - Baltimore County
 - Carroll County
 - City of Annapolis
 - Harford County
 - Howard County
 - Queen Anne's County
 - Maryland Department of the Environment *
 - Maryland Department of Planning **
 - Maryland Department of Transportation
 - Maryland Transit Administration *
 - Harford Transit **
- * Non-voting member
** Designated voting representative of public transportation providers

Figure 1: The BRTB Planning Area



BRTB meetings are generally held on the fourth Tuesday of each month at the BMC offices located at 1500 Whetstone Way, Suite 300, Baltimore, MD 21230. Visit www.baltometro.org to learn more about the BRTB or to see a current calendar of meetings and events.

In addition, the BRTB has a number of subcommittees and advisory groups that focus on specific areas, such as freight movement, bicycle and pedestrian access, traffic incident management, air quality, travel demand modeling, and more. All meetings of the BRTB and the subcommittees are open to the public.

Relationship of the BRTB to the Baltimore Metropolitan Council

The BRTB receives staff support through its host agency, the Baltimore Metropolitan Council (BMC). The BMC is a nonprofit organization that works collaboratively with the chief elected officials in the region to create initiatives to improve the quality of life and economic vitality. BMC connects the Baltimore region – how we travel, work and live – by identifying mutual interests and developing collaborative strategies, plans and programs. BMC is a resource for the region. BMC, as the region’s council of governments (COG,) hosts the federally designated metropolitan planning organization the Baltimore Regional Transportation Board (BRTB).

BMC’s Board of Directors includes:

- Anne Arundel County Executive
- Baltimore City Mayor
- Baltimore County Executive
- A Carroll County Commissioner
- Harford County Executive
- Howard County Executive
- A Queen Anne’s County Commissioner
- A Maryland State Senator
- A Maryland House Delegate
- A gubernatorial appointee

Commitment To Nondiscrimination

The Baltimore Metropolitan Council (BMC) on behalf of the Baltimore Regional Transportation Board (BRTB) operates its programs and services without regard to race, color, or national origin in accordance with Title VI of the Civil Rights Act of 1964, and other applicable laws. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the BRTB.

For more information on the Baltimore Regional Transportation Board’s Title VI Program, and the procedures to file a Title VI complaint, call 410-732-0500; (TTY 800-735-2258), e-mail: titlevi@baltometro.org; or visit the Baltimore Metropolitan Council, 1500 Whetstone Way, Suite 300, Baltimore Maryland 21230. More information can be found on the Baltimore Metropolitan Council website <https://www.baltometro.org/non-discrimination>. If information is needed in another language, contact 410-732-0500.

Si se necesita información de Título VI en español, llame al 410-732-0500.

U.S. Department Of Transportation Guidance To Language Access

The U.S. Department of Transportation, Office of the Secretary, issued guidance to recipients of Federal transportation aid in 2001 as to the requirement to provide language access to limited English populations.

The guidance states that, "Title VI and its regulations require recipients to take reasonable steps to ensure 'meaningful' access to DOT recipients' programs and activities. The key to providing meaningful access to LEP persons is to ensure that recipients and LEP beneficiaries can communicate effectively and act appropriately based on that communication. Thus DOT recipients should take reasonable steps to ensure that LEP persons are given adequate information, and are able to participate effectively in recipient programs and activities, where appropriate."

This Language Assistance Plan was developed to demonstrate the commitment of the BRTB and BMC staff to ensure meaningful access, as described in the Executive Order and the U.S. DOT guidance, to all programs and activities by LEP persons.

II. DETERMINING REASONABLE ACCESS: FOUR FACTOR ANALYSIS

As a recipient of federal funding, the Baltimore Regional Transportation Board is required to take reasonable steps to ensure meaningful access to the information and services it provides.

To determine the “reasonable steps,” four factors¹ are considered:

1. The number and proportion of LEP persons in the eligible service area;
2. The frequency with which LEP persons come in contact with the program;
3. The importance of the service provided by the program; and
4. The resources available to the recipient.

The DOT Policy Guidance gives recipients 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 Baltimore region in relation to the transportation planning process.

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

To understand the language profile of LEP individuals in the Baltimore region, BMC staff uses data from the United States Census Bureau’s American Community Survey (ACS).

What is the ACS? The ACS is an ongoing survey that provides vital information on a yearly basis about our nation and its people. Information from the survey generates data that help determine how more than \$675 billion in federal and state funds are distributed each year.

Public officials, planners, and entrepreneurs use this information to assess the past and plan the future. When you respond to the ACS, you are doing your part to help your community plan for hospitals and schools, support school lunch programs, improve emergency services, build bridges, and inform businesses looking to add jobs and expand to new markets, and more. Source: U.S. Census Bureau

First, staff analyzes data based on all answers to the three-part question²:

1. Does this person speak a language other than English at home?
 - o Yes
 - o No
2. If yes, what is the language?
3. How well does this person speak English?
 - o Very well
 - o Well
 - o Not well
 - o Not at all

¹ Federal Register / Volume 70, Number 239 / Wednesday, December 14, 2005 / Notices.

² U.S. Census Bureau, *Note for Language Spoken at Home from the 2016 American Community Survey*.

Individuals who speak a language other than English at home, and who speak English “well,” “not well,” or “not at all” (i.e. individuals who speak English less than “very well”) are considered to be LEP individuals.

Figures 2 and 3 show languages used at home by individuals ages 5 and over³ who speak English less than “very well” in the Baltimore region and for each of the local jurisdictions as well as the percentage of the entire population that speak each language. Figure 1 is limited to the top 5 languages spoken by individuals in each jurisdiction.

Figure 2: Languages Used At Home By Individuals Ages 5 And Over Who Speak English Less Than “Very Well” In The Baltimore Region

	Anne Arundel	Baltimore City	Baltimore	Carroll	Harford	Howard	Queen Anne’s ^a	Total for Region	Percent of Region
Population over 5	524,582	579,632	776,559	159,089	235,762	290,035	162,152	2,727,811	
Speak only English	468,331	525,777	668,992	151,015	219,588	220,209	152,447	2,406,359	88.22
Spanish	9,772	10,661	13,569	1,080	2,000	4,915	3,209	45,206	1.66
French ^b	318	947	838	59	102	234	54	2,552	0.09
Haitian	153	46	238	0	22	235	192	886	0.03
Russian	201	501	3,359	64	0	330	16	4,471	0.16
Gujarati	120	16	693	65	200	377	58	1,529	0.06
Urdu	281	589	1,279	33	73	671	38	2,964	0.11
Nepali ^c	454	760	1,162	52	38	96	0	2,562	0.09
Chinese ^d	853	1,089	3,486	103	316	3,396	234	9,477	0.35
Korean	1,366	781	2,451	120	354	5,635	43	10,750	0.39
Vietnamese	538	345	1,164	7	196	947	72	3,269	0.12
Tagalog ^e	825	478	1,448	107	158	404	75	3,495	0.13

Source: 2012-2016 American Community Survey (5-year) Estimates, Table B16001, “Language Spoken at Home for the Population 5 Years and Over”

a All jurisdictions have one or more PUMAs, except Queen Anne’s County. In that case, Queen Anne’s, Talbot, Caroline, Dorchester, & Kent Counties combined equal one PUMA. A Public Use Microdata Area, or PUMA, is a geographic unit used by the US Census for providing statistical and demographic information. Each PUMA contains at least 100,000 people.

b French (including Cajun)

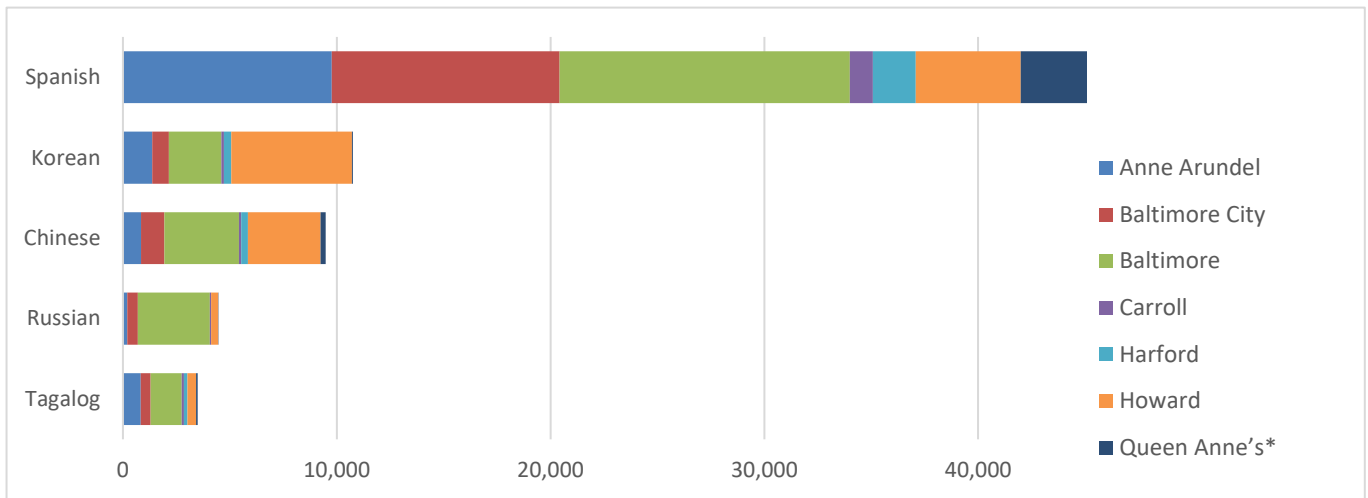
c Includes: Nepali, Marathi, or other Indic languages.

d Includes: Mandarin and Cantonese

e Includes: Filipino

³ Note: The U.S. Census Bureau does not collect data on language for people under 5 years old.

Figure 3: Five Most Common Languages Used At Home By Individuals Ages 5 And Over Who Speak English Less Than “Very Well” In The Baltimore Region



Source: 2012-2016 American Community Survey (5-year) Estimates, Table B16001, "Language Spoken at Home for the Population 5 Years and Over"

Staff then maps the data in order to locate concentrations of LEP individuals. In addition to concentrations of LEP individuals, staff identifies concentrations of six additional “vulnerable” populations to develop the Vulnerable Population Index, or VPI. Once complete, VPI maps are taken to member organizations and state, regional and local stakeholders, in order to both check the data for reasonableness, and to learn the stories beneath the data.

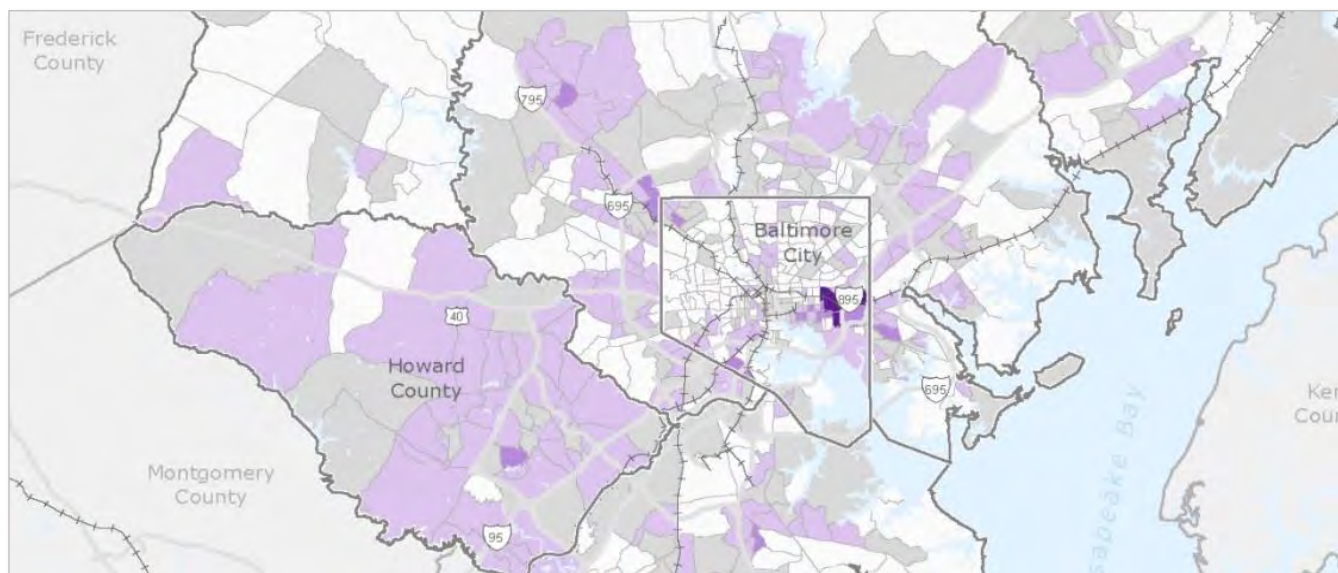
The maps can then be used to enable the BRTB to develop the most effective outreach strategies and materials for LEP individuals and other vulnerable populations.

Figure 3 is a portion⁴ of the VPI map of LEP individuals, and shows the percentage of individuals ages 5 years and older who speak English “not well” or “not at all” for each Census tract in the Baltimore region.⁵

⁴ Note: See Appendix 3 for the complete Vulnerable Population Index (VPI) for LEP.

⁵ Note: In order to focus most on individuals/communities with the most need, VPI calculations and maps for LEP do not include individuals who speak English “well.”

Figure 4: Percent of Population over 5 Years Old that Speaks English Less Than “Well”
(this needs to be replaced)



Source: 2012-2016 American Community Survey (5-year) Estimates, Table C16001, "Language Spoken at Home for the Population 5 Years and Over"

Factor 2: The Frequency with Which LEP Persons Come in Contact with the Program, Activity, or Service

Due to the small size of the LEP population and the nature of services provided by the BRTB, LEP involvement is currently infrequent.

Since the last LEP, no requests have been made for information by either individuals or groups, and targeted outreach has not resulted in increased participation by LEP individuals or service providers.

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

The BRTB approves the use of federal funds for future transportation projects as well as short-term transportation projects.

The BRTB does not own or operate any roads or buses and therefore does not provide any service or program that requires vital, immediate, or emergency assistance such as medical treatment or services for basic needs (food, housing, education, etc.). Further, involvement with the BRTB or its subcommittees is entirely voluntary.

The BRTB does however provide opportunities for the public to comment on the use of federal funds in four major areas: the Unified Planning Work Program, a four-year Transportation Improvement Program, a 20-year long-range transportation plan, and the air quality conformity determination of plans and programs.

The impacts of transportation improvements resulting from these actions have an impact on all residents and efforts are made to encourage an understanding of the process and to provide opportunities to comment. As a result, the BRTB is concerned with input from all stakeholders and every effort is made to make the planning process as inclusive as possible.

Through the regional transportation planning process, selected projects receive approval for Federal funding and progress toward project planning and construction under the responsibility of local jurisdictions or state transportation agencies. These state and local organizations are required to have their own policies in place to ensure opportunities for LEP individuals to participate in the process that shapes where, how and when a specific project is implemented.

Factor 4: The Resources Available to the Recipient and Costs

Because the LEP population in the region is not significant at this time and the cost of translating large documents is high, the BRTB has determined that full translation of regional transportation documents is not the most efficient use of limited funds.

However, the region is dynamic and continues to attract diverse ethnic and cultural populations. Further, the BRTB values the diversity within the region, as well as the importance of full and fair participation in the transportation decision-making process by those individuals and groups who have been traditionally underserved. Therefore, the BRTB will continue to ensure access for all and the participation of those whose everyday lives are affected by how they to get to home to work, school, stores, and services. This will be done through a variety of mechanisms as outlined in the next section.



III. PROVIDING LANGUAGE ASSISTANCE MEASURES AND SERVICES

While 11.7% of the population in the Baltimore region is limited in their ability to read, write or speak English, the largest such group is Spanish speaking at 1.7%, and these individuals are from nearly two dozen countries. To date there have been very low levels of interaction by LEP individuals with the BRTB's regional transportation planning process, the BRTB believes that ensuring public access and engaging the diverse population within the region is essential.



Utilizing the NAICS (North American Industry Classification System) Code 541930, for the category of Translation and Interpretation Services, the BMC has identified 21 firms in the region and hundreds available across the country. BMC also maintains contact with a global service, CTS Language Link, that provides 24-7 services. Staff updates this list periodically.

Translation is the replacement of written text from one language into another. A translator also must be qualified and trained.

Interpretation renders a message spoken in one language into one or more other languages. Interpretation can take place in-person, through a telephonic interpreter, or via internet or video interpreting. An interpreter must be competent and have knowledge in both languages of the relevant terms or concepts particular to the program or activity and the dialect and terminology used by the LEP individual.

Written Language Services (Translation)

As described above, translation is the replacement of written text from one language into another. Because the number and proportion of LEP individuals in the region are low, and because the costs of translation services are high (between 15 and 20 cents per word), translation of all BRTB written materials is neither warranted nor affordable. However, the BRTB will translate select materials, such as:

The following key documents are made available in Latin American Spanish reflecting the country of origin for the most people:

- Title VI Policy and Complaint Form
- Public Participation Plan
- Limited English Proficiency Plan
- About the BRTB
- Executive summary of the long-range transportation plan – Draft and final
- Executive summary of the Transportation Improvement Program (TIP)
- Vulnerable Population Index

Additional documents may be made available for translation upon request. Please note that larger documents will take longer to process. Call 410-732-0500 or email comments@baltometro.org to request assistance.

BMC Web site – A free online translation service, powered by Google Translate, is available on the Baltimore Metropolitan Council web site (www.baltometro.org) by clicking the “Translate” link at the top right of any page on the site. The BMC web site contains considerable information on the regional transportation planning process, as well as current versions of transportation plans and processes.

The BMC has chosen the top languages spoken in the region from the Google Translate suite to enable visitors to translate any page of text. Users should be aware, however, that Google Translate has its limitations. It is useful for getting the gist of the material but it does not translate all linguistic nuances.

In addition, documents such as PDFs or Word files on our website can be translated by visiting translate.google.com and clicking on the “translate a document” hyperlink. From there, you will then be prompted to upload the PDF or other file and select the target language. Please note this feature may not be enabled on all mobile devices at this time.

Outreach Materials – BMC staff will, when available, use Spanish language outreach materials from organizations such as federal, state, and local transportation agencies. For example, staff distributes Street Smart brochures and Air Quality Action Guides in Spanish. BMC staff keeps a list of such materials.

All BRTB outreach materials will not be translated at this time. However, the BRTB will consider requests to provide key outreach materials in Spanish, or other languages, as new materials are developed.

Oral Language Services (Interpretation)

Interpretation is the rendering of one spoken or signed language into that of another language. Oral interpretation can take place in-person or through a telephonic interpreter.

Access to interpretation and translation services are currently available to the BRTB through a number of services.

For interpreters, a request must be submitted at least seven business days prior to a meeting in order to provide sufficient time to coordinate services.

The screenshot shows the Baltimore Metropolitan Council's Accessibility Procedures & Resources page. It includes a logo for the council and a title. Below the title, there is a section for 'Hearing' with sub-sections for 'The Hearing and Speech Agency', 'Maryland Relay 7-1-1', and 'Universal Subtitles'. There is also a section for 'Sight' with sub-sections for 'National Federation of the Blind of Maryland', 'Maryland School for the Blind', and 'National Federation of the Blind'. Finally, there is a section for 'Limited English Proficiency' with a sub-section for 'CTS Language Link'. The page contains various links and contact information for these services.

Training Staff

To establish meaningful access to information and services for individuals with limited English proficiency, staff in public contact positions are provided training periodically.

Training ensures that staff members are fully aware of the Language Access policies and procedures and are effectively able to work in person and/or by telephone with individuals with language access needs.

BRTB members and BMC staff will continue to be invited to trainings events, even if they do not interact regularly with LEP persons, to ensure that they are fully aware of and understand the plan so they are able to reinforce its importance and ensure its implementation by staff.

Providing Notice to LEP Persons

To ensure the public is aware of the BRTB's commitment to ensuring access for all, the following notice is included on all BRTB agendas and meeting announcements (flyers, advertisements, etc.)

The Baltimore Regional Transportation Board (BRTB) operates its programs and services without regard to race, color, or national origin in accordance with Title VI of the Civil Rights Act of 1964, and other applicable laws.

Appropriate services can be provided to qualified individuals with disabilities or those in need of language assistance, who submit a request at least seven business days prior to a meeting. Call 410-732-0500.

Electronically Accessible Information - The BMC website (www.baltometro.org) is designed to meet the standards set forth in Section 508 of the US Rehabilitation Act to ensure accessibility and usability.

The BRTB has established the following methods to inform individuals with limited English proficiency, supporting organizations, as well as the public, of available language assistance services.

1. *Posting signs* – A language identification chart is posted at the Reception Desk to inform LEP individuals who walk into the office how to access an interpreter.
2. *Advertisements of Key Comment Periods* – The BRTB will announce, in a local Spanish language publication, the dates and locations of public meetings related to the draft Transportation Improvement Program and draft long-range transportation plan. Additional advertisements may be placed as budget and staffing permits.
BMC staff maintain a list of local Spanish language publications.
3. *Public Notices* – When placing advertisements of key comment periods, the BRTB will include a public notice in Spanish about available LEP services.

Monitoring and Updating the LEP Plan

The BRTB will monitor evolving population data and the language needs of LEP individuals in the region. A review of the data this plan will be conducted at least every four years. The BRTB's Public Advisory Committee (PAC) and other BRTB committees will be asked to assist in this evaluation.

BMC staff will also keep a record of any LEP services requested and/or provided and will make this information available during the review process.

The BRTB will also utilize a survey/questionnaire to evaluate the provision of LEP services. This tool will be used following the request or use of LEP services and will be administered through an interpreter.

Appendix 1 - BRTB Title VI Complaint Procedure and Form

The BRTB has established the following complaint procedure and process that meets Title VI requirements. These can also be found online at www.baltometro.org/titlevi.

Complaint Procedure

Any person who believes she or he has been discriminated against on the basis of race, color, national origin or other applicable laws, by the Baltimore Regional Transportation Board (hereinafter referred to as “the BRTB”) may file a Title VI complaint by completing and submitting the BRTB’s Title VI Complaint Form. The BRTB Board investigates complaints received no more than 180 days after the alleged discrimination. The BRTB will process complaints that are complete.

1. Once the complaint is received, the BRTB will review it to determine if the BRTB has jurisdiction. The Complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by the BRTB. The BRTB has 30 days to investigate the complaint.
2. If more information is needed to resolve the case, the BRTB may contact the Complainant. The Complainant has 30 business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the Complainant or does not receive the additional information within 30 business days, the BRTB can administratively close the case. A case can also be administratively closed if the Complainant no longer wishes to pursue their case.
3. After the investigator reviews the complaint, she/he will issue one of two letters to the Complainant: a closure letter or a *Letter of Finding*. A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and details plans for remedial actions to provide redress. The written response shall be issued no later than 90 calendar days after the date the complaint is received.
4. If the Complainant wishes to appeal the decision, she/he has 30 days after the date of the Letter of Finding to do so.

If the Complainant is dissatisfied with the BRTB’s resolution of the complaint, she/he may also submit a complaint to the Maryland Department of Transportation for investigation. In accordance with Chapter VII, Title VI / Non-Discrimination Complaints, of Federal Transit Administration Circular 4702.1A, such a complaint must be submitted within 180 calendar days after the date of the alleged discrimination. Chapter IX of the [FTA Circular 4702.1A](#), outlines the complaint process to the United States Department of Transportation. Paper copies of the circular may be obtained by calling FTA's Administrative Services Help Desk, at 202-366-4865.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Ave., SE, Washington, DC 20590; or with the Federal Highway Administration, at FHWA Office of Civil Rights, Chief Investigations and Adjunction, 400 7th Street SW, Room 4132, Washington DC 20590.

For more information, please contact the Title VI Officer of the Baltimore Regional Transportation Board at (410) 732-0500 or titlevi@baltometro.org.

Para obtener más información, póngase en contacto con el título VI Oficial de la Junta de Transporte Regional de Baltimore en (410) 732-0500 o titlevi@baltometro.org.

Complaint Form

Section I:					
Name:					
Address:					
Telephone (Home):			Telephone (Work):		
Electronic Mail Address:					
Accessible Requirements?	Format	Large Print		Audio Tape	
		TDD		Other	
Section II:					
Are you filing this complaint on your own behalf?				Yes*	No
*If you answered "yes" to this question, go to Section III.					
If not, please supply the name and relationship of the person for whom you are complaining:					
Please explain why you have filed for a third party:					
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.				Yes	No
Section III:					
I believe the discrimination I experienced was based on (check all that apply):					
<input type="checkbox"/> Race		<input type="checkbox"/> Color		<input type="checkbox"/> National Origin	
<input type="checkbox"/> Other Protected Class _____					
Date of Alleged Discrimination (Month, Day, Year): _____					
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses.					

--

Section IV:

Have you previously filed a Title VI complaint with this agency?	Yes	No
--	-----	----

Section V:

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

Yes No

If yes, check all that apply:

Federal Agency: _____

Federal Court _____ State Agency _____

State Court _____ Local Agency _____

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

Name:

Title:

Agency:

Address:

Telephone:

Section VI:

Name of agency complaint is against:

Contact person:

Title:

Telephone number:

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

Signature and date required below

Signature

Date

Please submit this form to the Baltimore Metropolitan Council Title VI Officer at:

Mail: 1500 Whetstone Way, Suite 300
Baltimore, MD 21230-4767

E-mail: titlevi@baltometro.org

Fax: 410-732-8248

Appendix 2 - Laws and Policies Guiding Limited English Proficiency Plans

The following matrix illustrates these laws/policy and the considerations. Under Federal Certification of metropolitan planning organizations, by the Federal Highway Administration and the Federal Transit Administration, the LEP plan will be assessed and evaluated.

Title VI of the Civil Rights Act of 1964	Executive Order 13166 on Limited English Proficiency	MD Senate Bill 265 - Equal Access to Public Services for Individuals with Limited English Proficiency
Federal law	Federal policy	State law
Enacted in 1964	Signed August 2000	Effective July 2002
Considers all persons	Considers eligible population	Considers eligible population
Contains monitoring and oversight compliance review requirements	Contains monitoring and oversight requirements	Contains monitoring requirements and a timeline to implement. <i>(MDOT = July 2004; MTA = July 2005)</i>
Factor criteria is required, no numerical or percentage thresholds	Factor criteria is required, no numerical or percentage thresholds	All Maryland state agencies, departments, and programs provide equal access to public services for individuals with limited English proficiency.
Provides protection on the basis of race, color, and national origin	Provides protection on the basis of national origin	
Focuses on eliminating discrimination in federally funded programs	Focuses on providing LEP persons with meaningful access to services using factor criteria	Requires vital documents, such as applications and hearing notices, to be translated into any language spoken by any limited English proficient population that constitutes 3% of the overall population within a specified geographic area under specified circumstances.
Annual accomplishments identified	Annual accomplishments identified	

Appendix 3 – Vulnerable Population Index: Limited English Proficiency Layer

Figure 5 The Baltimore Region LEP Map

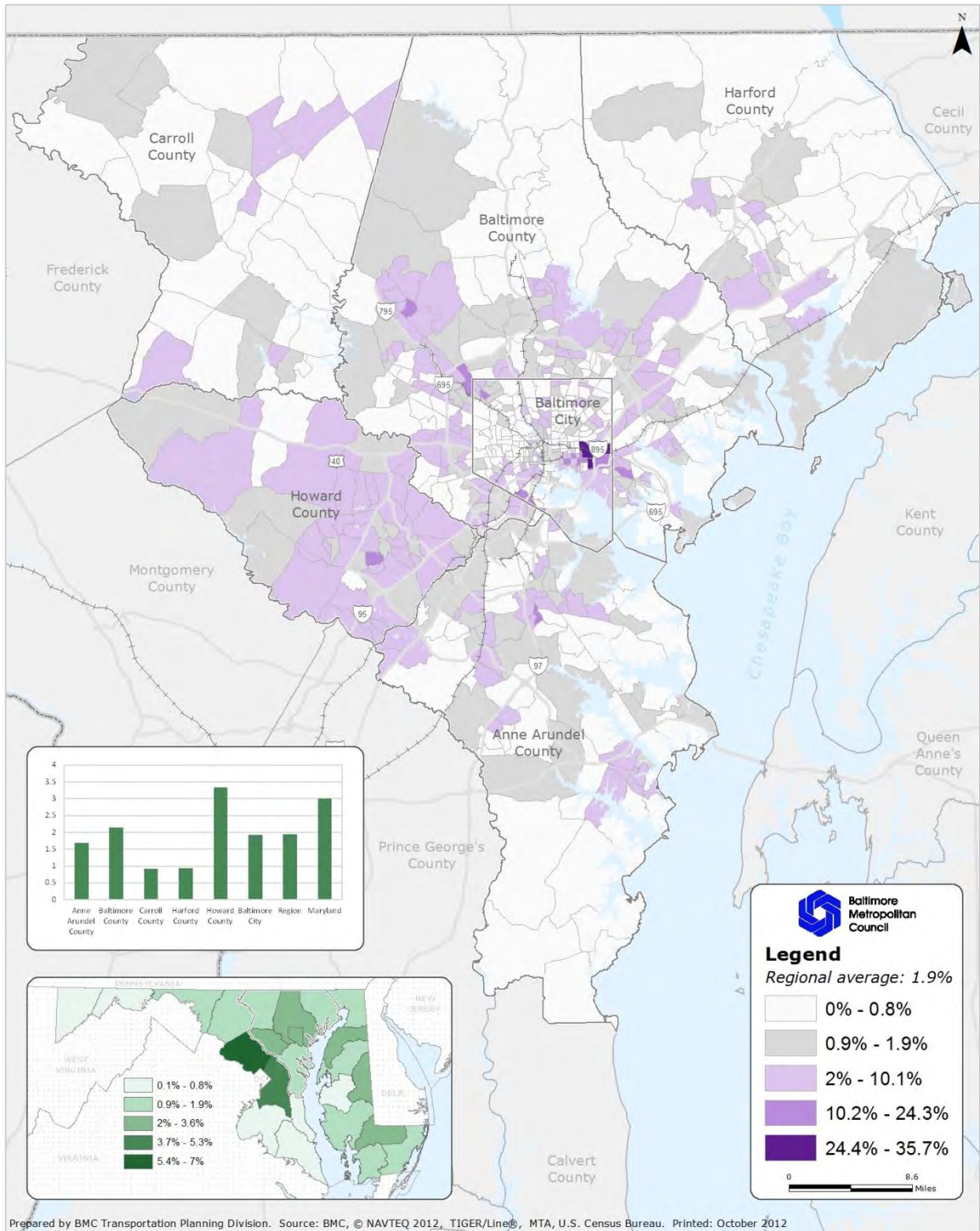
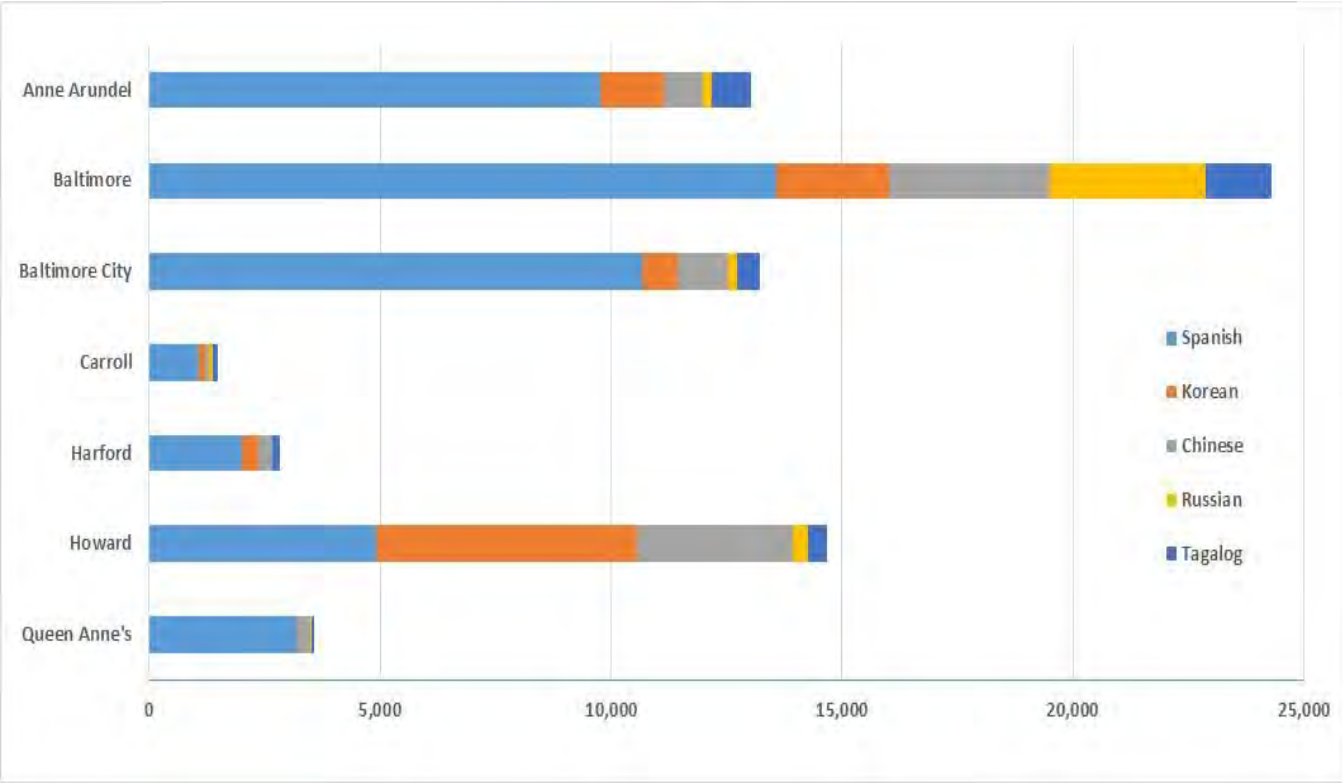


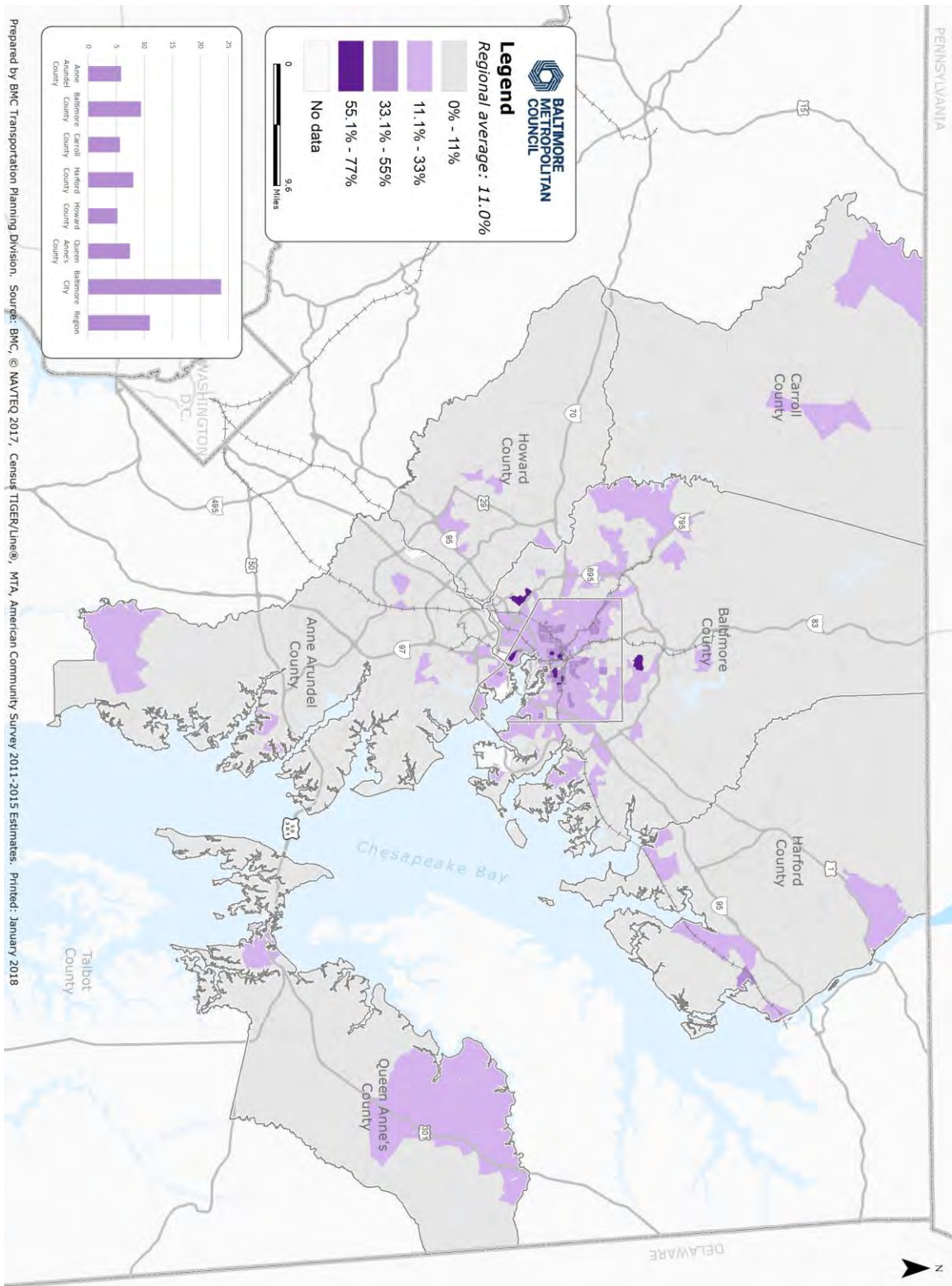
Figure 6: Jurisdiction's in the Baltimore Region and Top Languages Spoken



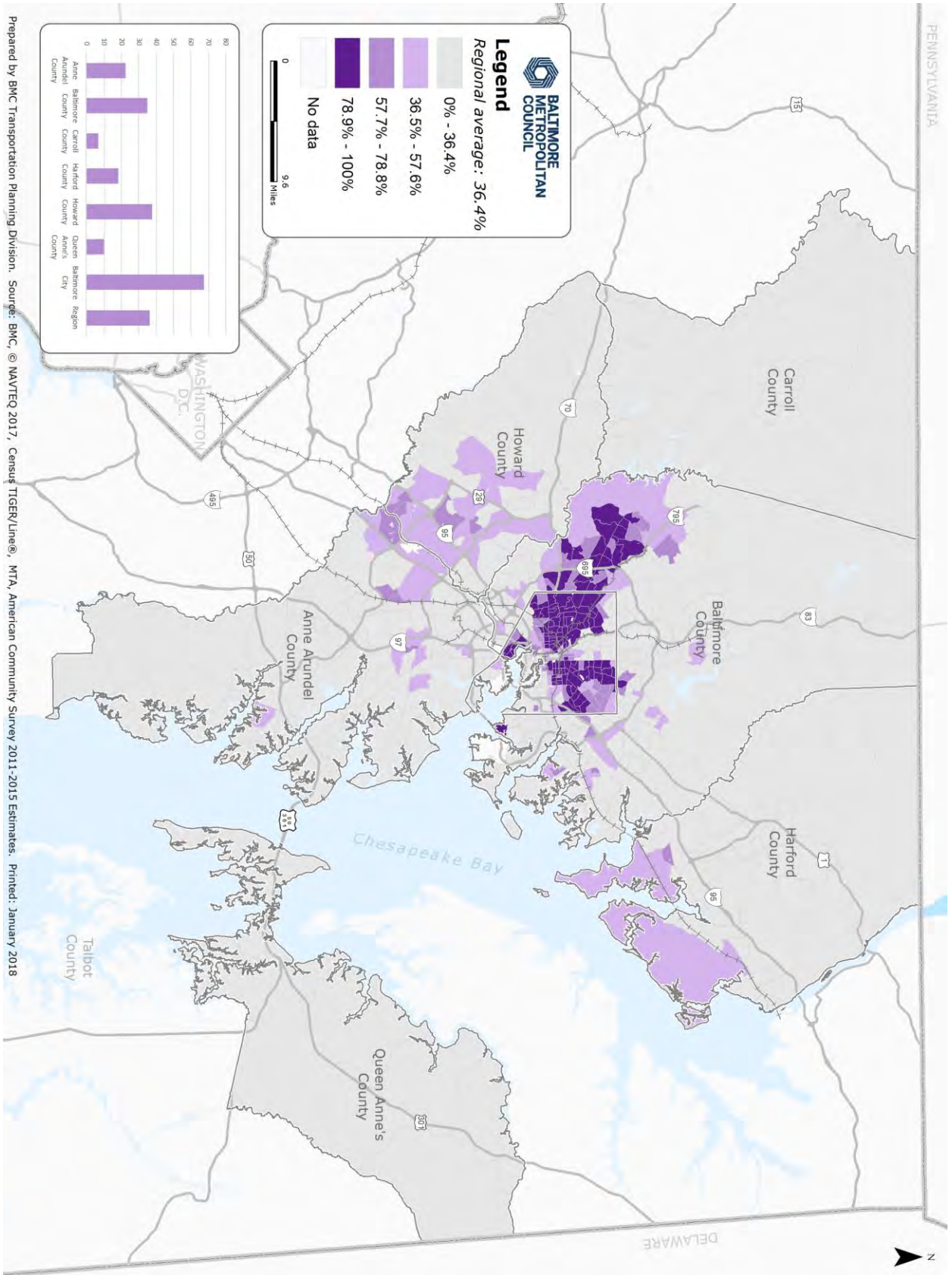
APPENDIX 5

Vulnerable Population Index Maps

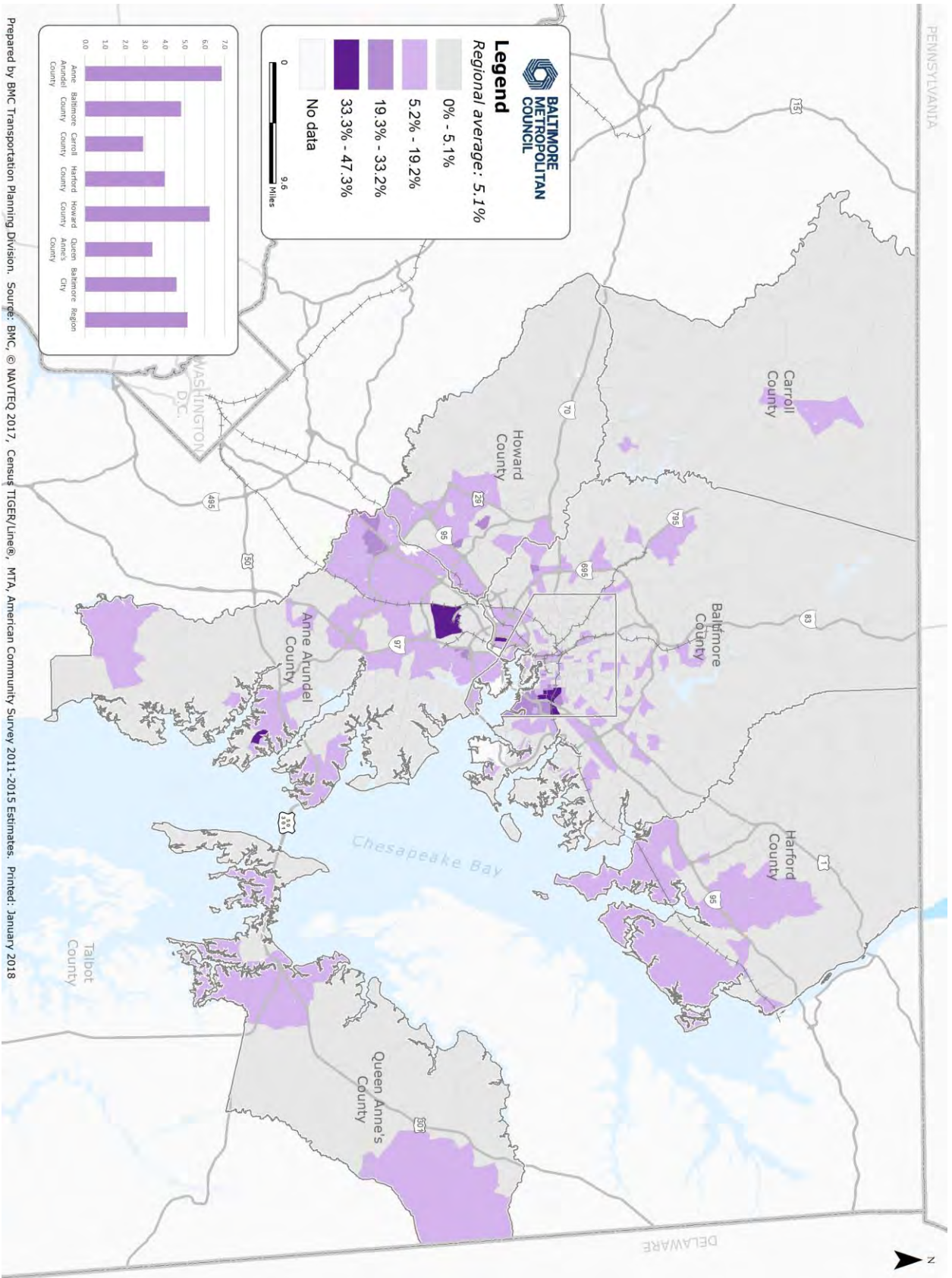
VPI: Poverty Map



VPI: Non-Hispanic Minority Map

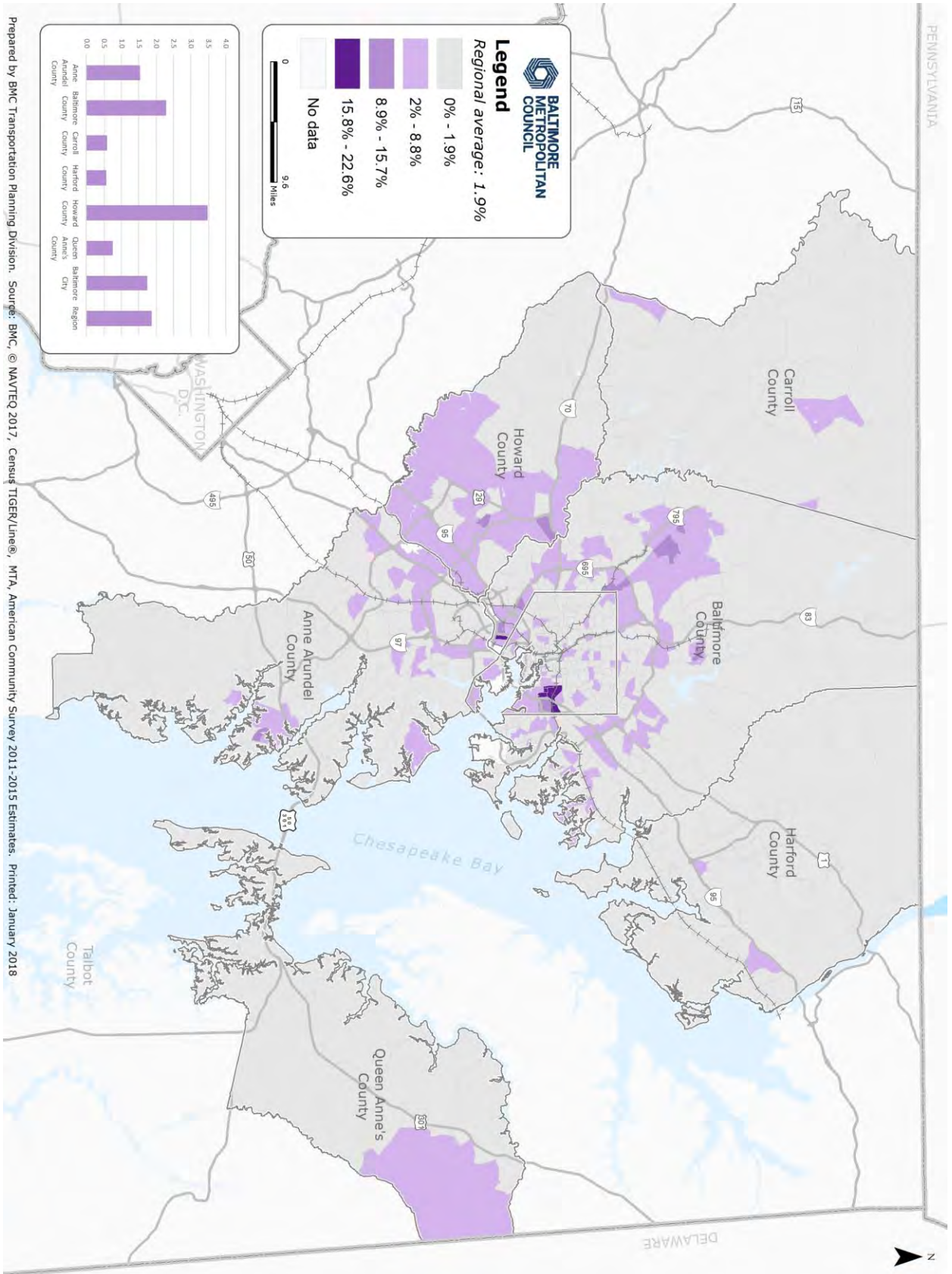


VPI: Hispanic Map



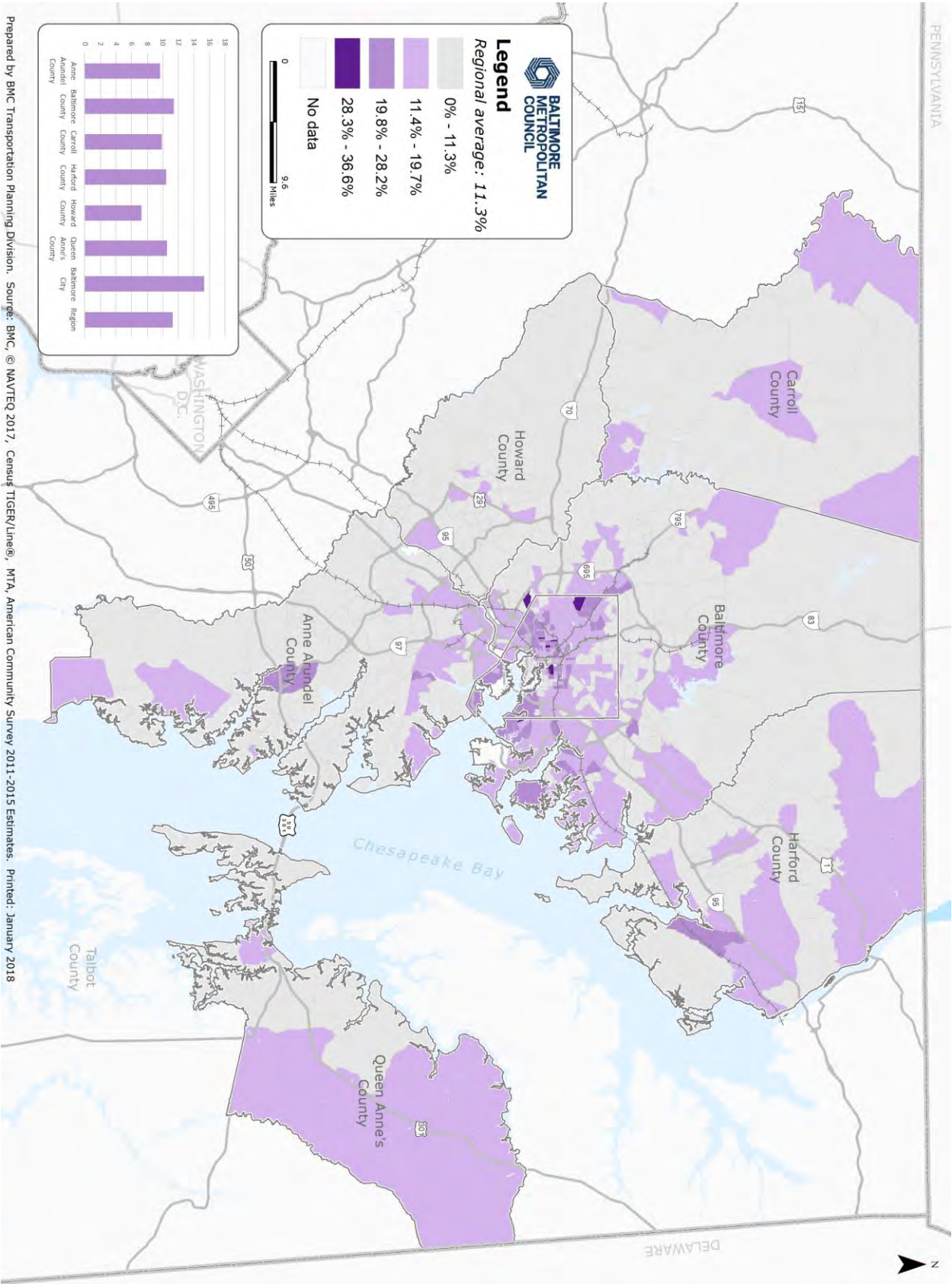
Prepared by BMC Transportation Planning Division. Source: BMC, © NAVTEQ 2017, Census TIGER/Line®, MTA, American Community Survey 2011-2015 Estimates. Printed: January 2018

VPI: Limited English Proficiency Map



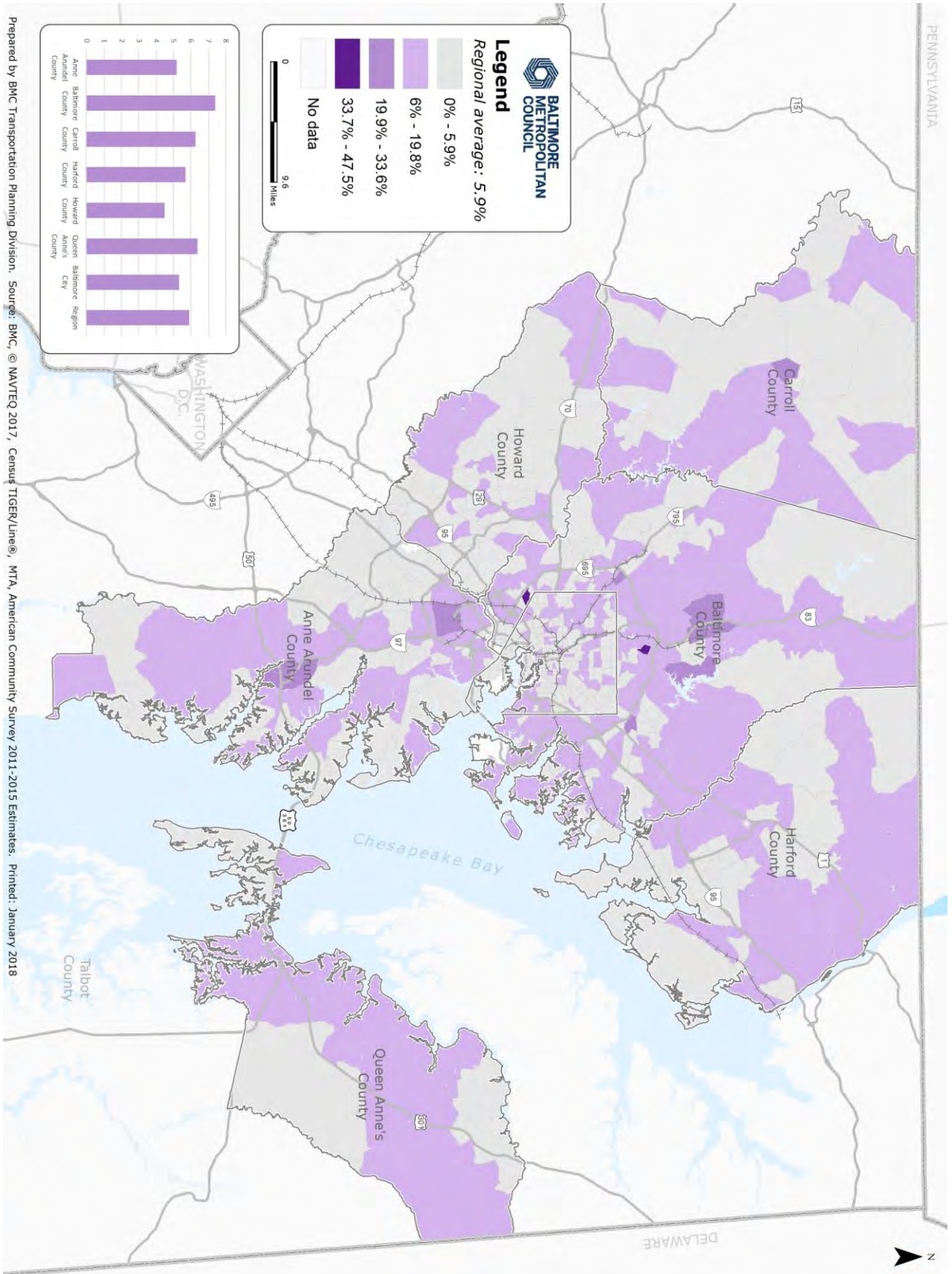
Prepared by BMC Transportation Planning Division. Source: BMC, © NAVIEQ 2017, Census TIGER/Line®, MTA, American Community Survey 2011-2015 Estimates. Printed: January 2018

VPI: Disability Map



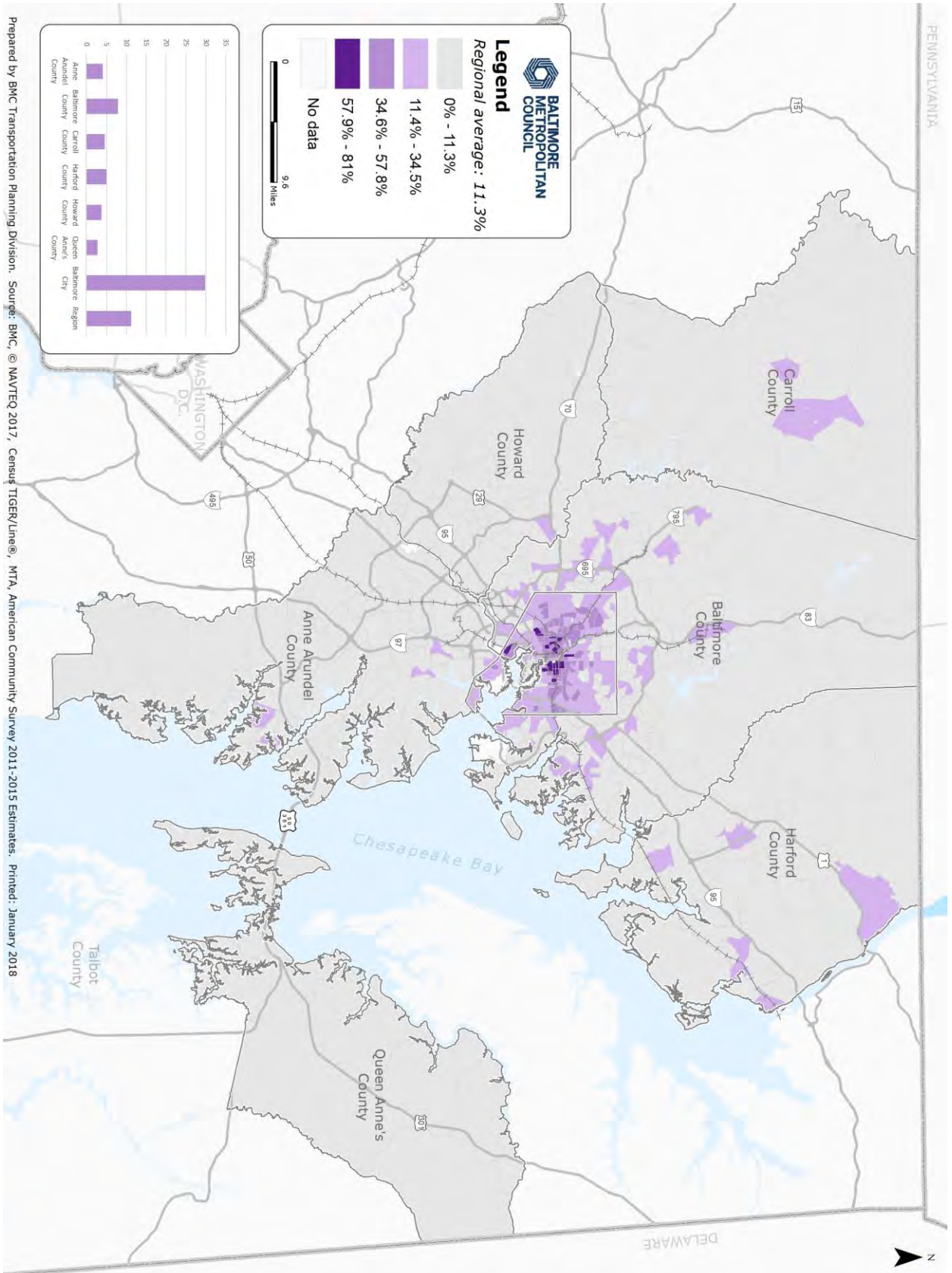
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VPI: Elderly Map



Prepared by BMC Transportation Planning Division. Source: BMC, © NAVIEQ 2017, Census TIGER/Line®, MTA, American Community Survey 2011-2015 Estimates. Printed: January 2018

VPI: Carless Map



Prepared by BMC Transportation Planning Division. Source: BMC, © NAVTEQ 2017, Census TIGER/Line®, MTA, American Community Survey 2011-2015 Estimates. Printed: January 2018