

# Yakima Valley Conference of Governments



## Title VI Plan

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## Table of Contents

Introduction .....	1
Members .....	1
Governance, Boards, and Committees .....	2
Policy Statement and Authorities .....	2
Title VI Policy Statement .....	2
Authorities .....	2
General Title VI Program Responsibilities .....	3
General Communications and Public Involvement.....	4
Program Area Responsibilities.....	8
Metropolitan and Regional Transportation Planning.....	8

## APPENDICES

Appendix A - YVCOG Title VI Assurances for Federal Transportation Funding Purposes.....	A-1
Appendix B - Notice to the Public.....	B-1
Appendix C - Nondiscrimination Complaint Procedures .....	C-1
Appendix D - Organization Chart of Title VI Responsibilities .....	D-1
Appendix E - Public Participation Plan for the Yakima Valley Conference of Governments .....	E-1
Appendix F - Policy for Engaging Individuals with Limited English Proficiency (LEP).....	F-1

# **Yakima Valley Conference of Governments**

## **Title VI Plan**

*“It has been The Federal Highway Administration's (FHWA's) and the Federal Transit Administration's (FTA's) longstanding policy to actively ensure nondiscrimination under Title VI of the 1964 Civil Rights Act in Federally funded activities. Under Title VI and related statutes, each Federal agency is required to ensure that no person is excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, national origin, age, sex, disability, or religion. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all program and activities of Federal-aid recipients, subrecipients, and contractors whether those programs and activities are federally funded or not.” (Source: US Department of Transportation)*

Over the past decade, a renewed emphasis on Title VI issues and environmental justice has become a more integral part of the transportation planning and programming process throughout the United States, particularly in urban regions. This renewed commitment to Title VI has, and continues to be, reflected in the Yakima Valley Conference of Governments' (YVCOG) work program, publications, communications, and public involvement efforts. This document establishes a framework for efforts that will be taken at YVCOG to ensure compliance with Title VI and related statutes regarding nondiscrimination and environmental justice.

## **Introduction**

YVCOG is an association of fourteen cities, towns, and Yakima County developing policies and making decisions about regional issues in the Yakima Valley region. YVCOG is designated under federal law as the Metropolitan Planning Organization (MPO), and under state law as the Regional Transportation Planning Organization (RTPO), for the Yakima County region. Under state and federal mandates and an Interlocal Agreement signed by all its members, the YVCOG conducts and supports numerous state and federal planning, compliance and certification programs which enable members and other jurisdictions and entities in the region to obtain state and federal funding.

YVCOG provides creative, pragmatic regional planning and research to address current issues, and to explore future needs and options that could benefit the region. The agency provides a solid base of technical competence for objective and innovative regional planning, in which the sum of regional and local expertise is greater than the individual parts. As a regional planning agency, YVCOG does not duplicate the activities of local and state operating agencies, but supports their needs with complementary planning and advocacy. The agency performs strategic analyses of trends, consequences, and options related to growth and transportation issues. It is a center for the collection, analysis, and dissemination of information vital to businesses, citizens, and governments in the region.

## **Members**

YVCOG membership includes Yakima County and the fourteen incorporated cities and towns within Yakima County. Associate members include: Educational Service District 105, Office of Rural & Farmworker Housing, OIC of Washington, Port of Grandview, Port of Sunnyside, Sunnyside, Inc., Yakima County Fire District #3 – Naches, Yakima County Fire District #4 – Moxee, Yakima County Fire District #5 – Zillah, Yakima County Fire District #14 - Nile/Cliffdell, Yakima Health District, and Yakima Regional Clean Air Authority.

Membership benefits include: a voice in key regional decisions, distribution of federal transportation dollars, technical assistance to obtain federal and state funding, education and training, data to meet special planning needs, access to geographic information systems databases, free standard and secondary data products and working data sets, and technical expertise.

## ***Governance, Boards, and Committees***

YVCOG is governed by the General Membership and an Executive Committee. The General Membership is composed of all member jurisdictions and agencies. The General Membership meets annually, at a minimum, to review and vote on the annual budget, new officers, and any changes to bylaws or Articles of Association. Members of the Executive Committee are selected by their General Membership constituents. The Executive Committee is chaired by the Executive Committee member selected by the General Membership to be Chairman. The Executive Committee meets monthly, and carries out the delegated powers and responsibilities between meetings of the General Membership.

In addition to representation from members, the MPO/RTPO Executive Committee and Transportation Policy Board includes representatives from the Washington State Department of Transportation, transit operators, regional business, as well as ex-officio legislative members representing the 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> legislative districts. YVCOG utilizes a technical advisory committee (TAC) to provide ideas and valuable insights on ways to address important regional transportation issues. The MPO/RTPO TAC utilizes member agency staff and representatives of transit, Yakama Nation, and the regional clean air agency to research and resolve technical issues related to regional policy development, and review and recommend transportation projects for funding.

YVCOG encourages participation and involvement of communities, individuals, and other interests in the decisions and actions of the agency.

## **Policy Statement and Authorities**

### ***Title VI Policy Statement***

The Yakima Valley Conference of Governments (YVCOG) assures that no person shall, on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. YVCOG 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 YVCOG distributes federal aid funds to another governmental entity, YVCOG will include Title VI language in all written agreements and will monitor for compliance. YVCOG's Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports, and other YVCOG responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.

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**J. Page Scott, Executive Director**

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**Date**

### ***Authorities***

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (refer to 23 CFR 200.9 and 49 CFR 21). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms "programs or activities" to include all programs or activities of Federal Aid recipients, subrecipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100259 [S. 557] March 22, 1988).

Additional Authorities and Citations Include: Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000-4; 42 USC 4601 to 4655; 23 United States Code 109(h); 23 United States Code 324; Department of Transportation Order 1050.2; Executive Order 12250; Executive Order 12898; 28 CFR 50.3.

YVCOG's Executive Director is responsible for ensuring compliance with the agency's Title VI program. The Title VI Coordinator, under supervision of the Executive Committee, is responsible for coordinating the overall administration of the Title VI program, plan, and Assurances (see Appendix A).

The Metropolitan and Regional Transportation Planning program of YVCOG's work program has been identified as applicable to Title VI regulations. The agency's Title VI-related responsibilities fall into two main categories – "General responsibilities" and "Program Area responsibilities" that is specific to the Title VI Program Area.

One staff member has been assigned as the Metropolitan and Regional Transportation Planning program Title VI Liaison. Staff assigned as Title VI Liaisons generally have prime responsibility for that area of the agency's work program. Title VI Liaisons, under supervision of the Title VI Coordinator, are responsible for the day-to-day administration of the Title VI program, and for carrying out the "Program Area responsibilities" in the assigned Title VI Program Area. Other staff members may be assigned to assist the Liaison(s) or consulted and involved, as needed. Refer to Appendix D for an organization chart of staff with specific responsibilities in the agency's Metropolitan and Regional Transportation Planning program.

## ***General Title VI Program Responsibilities***

Following are general Title VI responsibilities of the agency applicable to any/all Title VI Program Areas. The Title VI Coordinator is responsible for ensuring these elements of the plan are appropriately implemented and maintained; the Title VI Liaison(s) are responsible for implementing and maintaining these elements in their assigned Program Area.

### **1. Data collection**

Statistical data on race, color, national origin, income level, language spoken, and gender of participants in, and beneficiaries of, federally funded programs is to be gathered and maintained by each Title VI Liaison for his or her program area, as described in the "Program Area Responsibilities" section of this document. The data gathering process will be reviewed periodically to ensure sufficiency of the data in meeting the requirements of the Title VI program.

### **2. Annual Report and Update**

An Annual Report and Update is to be submitted by the end of October each year, to WSDOT's Office of Equal Opportunity, the Federal Highway Administration (FHWA), and the Federal Transit Administration (FTA). The Title VI Liaison(s) is/are responsible for drafting sections of the report, and the Title VI Coordinator is responsible for reviewing the document. The document is to include:

- A report on the previous year's Title VI-related activities and efforts, including accomplishments and program changes.
- An update on Title VI-related goals and objectives for the upcoming year.

### **3. Annual review of Title VI program**

Each year, in preparing for the Annual Report and Update, the Title VI Coordinator and Liaison(s) will review the agency's Title VI program to assure compliance with Title VI. In addition, they will review agency operational guidelines and publications, including those for contractors, to ensure that Title VI language and provisions are incorporated, as appropriate.

### **4. Dissemination of information related to the Title VI program**

Information on YVCOG's Title VI program is to be disseminated to agency employees, contractors, and beneficiaries, as well as to the public, as described in the "Program Area Responsibilities" section of this document, and in other languages when needed.

### **5. Resolution of complaints**

Any individual may exercise his or her right to file a complaint with YVCOG if that person believes that s/he or any other program beneficiaries have been subjected to unequal treatment or discrimination in their receipt of benefits/services or prohibited by non-discrimination requirements. YVCOG will make a concerted effort to resolve complaints informally at the lowest level, using the agency's Nondiscrimination Complaint Procedures, as described in Appendix C

#### **6. Procedures manual**

A procedures manual for the agency's Title VI program, incorporating applicable procedures necessary to maintain the program, will be developed by YVCOG, after WSDOT completes their version and provides a copy to the agency as an example. The manual will be updated periodically to incorporate changes and additional responsibilities.

### **Responsibilities of the Title VI Coordinator**

The Title VI Coordinator is responsible for supervising the Title VI Liaison(s) in implementing, monitoring, and reporting on YVCOG's compliance with Title VI regulations. In support of this, the Title VI Coordinator will:

- Identify, investigate, and eliminate discrimination when found to exist.
- Process Title VI complaints received by YVCOG, as described in Appendix C.
- Meet with the Liaison(s) periodically to monitor and discuss progress, implementation, and compliance issues.
- Periodically review the agency's Title VI program to assess if administrative procedures are effective, staffing is appropriate, and adequate resources are available to ensure compliance.
- Work with the Liaison(s) to develop and submit the Annual Title VI Report and Update to WSDOT, FHWA, and FTA by the end of October each year. Review the Annual Title VI Report and Update to determine the effectiveness of the Title VI program and related efforts.
- If a subrecipient is found to not be compliance with Title VI, work with the appropriate Liaison and subrecipient to resolve the deficiency status and write a remedial action if necessary.
- Review important Title VI-related issues with the Executive Committee, as needed.
- Assess communications and public involvement strategies to ensure adequate participation of impacted Title VI protected groups and address additional language needs when needed.

### **Responsibilities of Title VI Liaisons**

Title VI Liaisons, under supervision of the Title VI Coordinator, are responsible for day-to-day administration of the Title VI program, including implementation of the plan and Title VI compliance, program monitoring, reporting, and education within the assigned program area, as described in the "Program Area Responsibilities" section of this document. In addition, each Liaison is responsible for drafting text for their section of the Annual Title VI Report and Update, and maintaining the data and documentation necessary for that report. This includes reviewing guidelines and procedures for the assigned Title VI Program Area, and incorporating Title VI-related language and provisions into agency documents, as appropriate.

### ***General Communications and Public Involvement***

Communications and Public Involvement applies to and affects the YVCOG work program as a whole, particularly agency efforts and responsibilities related to the Metropolitan and Regional Transportation Planning Program Area. The goal of YVCOG's general Communications and Public Involvement policy is to ensure early and continuous public notification about, and participation in, major actions and decisions by YVCOG. In seeking public comment and review, YVCOG makes a concerted effort to reach all segments of the population, including people from minority and low-income communities, and organizations representing these and other protected classes. YVCOG utilizes a broad range of public information and participation opportunities, process for written comments, public meetings after effective notice, settings for open discussion, information services, and consideration of and response to public comments.

## Principles of YVCOG's Communications & Public Involvement Program

- Equal access is an essential part of the public involvement process.
- No major public policy decision is reached or large project implemented without significantly affecting someone.
- Professionals do not have a monopoly on good solutions.
- Even if a project or policy decision is sensible and beneficial, it must be arrived at properly to be acceptable.
- People are much more willing to live with a decision that affects different interests unequally if the decision-making process is open, objective, and considers all viewpoints.
- If staff doesn't provide all relevant information necessary for an informed decision, the public will rely on, and trust, others.
- Interacting with an official representative of an organization or group is no substitute for interacting directly with that organization or group.
- Effective public notification and participation takes time and effort, and can be expensive, yet is essential to sound decision-making.

## Elements of YVCOG's Communications & Public Involvement Program

- **Web site** – YVCOG maintains an extensive website, [www.yvcog.org](http://www.yvcog.org), which is updated as new information becomes available. The site includes information on the agency's responsibilities, programs, publications, meeting dates, and news items; contact information for all staff; a search function; the Title VI Plan, complaint procedures, and complaint form. We are also developing a "Get Involved" page to encourage people to participate by signing up to receive the YVCOG newsletter, attending meetings, requesting a speaker, or contacting the office for copies of plans, reports, or other information.
- **Publications** – Each year, YVCOG issues several publications, reports, and maps as part of the agency's work program, and responds to and processes a number of data requests. The information is used by planning and public works departments throughout the region, and can be accessed by the public through the YVCOG website or submitting specific requests to our office.
- **Press releases** – Press releases are occasionally sent to local and regional media outlets including daily and weekly newspapers, TV stations, and radio stations. Press releases will include the abbreviated Title VI Notice to the public and contact information for agency staff.
- **Meetings open to the public** – All YVCOG Executive Committee, General Membership and Advisory Committee meetings are open to the public. Time for citizen comments may be requested prior to or at the start of any meetings. A general "Public Comment" agenda item is included so that people can still offer comments or ask questions even without having made prior arrangements. Meeting dates and times are posted well in advance on the agency's website and in the YVCOG newsletter, and all meeting agendas contain the following statement: *If you need special accommodation to participate in a meeting or materials in an alternate format, please call YVCOG at (509) 574-1550 by 10:00 a.m. three days prior to the meeting. For TTY users, please use the State's toll-free relay service, 7-1-1, and ask the operator to dial (509) 574-1550.*
- **Opportunities for public comment** – YVCOG frequently provides opportunities for public comment, and continues to work to find new and innovative ways to solicit public comments and involve all segments of the population in the Yakima Valley region. Comments are accepted by phone, fax, e-mail, U.S. mail, and in person at any of the meetings. See the section below entitled "Opportunities for Public Comment" for details.

- **YVCOG Staff is accessible** – Staff is accessible in person, on the phone, by mail, by fax, by e-mail, or by online comment forms. Contact information for all staff is provided on the agency’s website.
- **Mailings** – YVCOG uses direct mail to keep the public informed of the agency’s programs, public comment periods, meetings, and publications. See the next section for details.
- **Events** – Events such as workshops, open houses, and forums are held as needed.

## YVCOG Newsletter

YVCOG maintains a comprehensive mailing list that is used to keep the public informed of the agency and its ongoing activities. YVCOG’s newsletter is distributed free of charge each month to over 400 households, organizations, citizen groups, and businesses within and beyond the Yakima Valley region. The newsletter announces public comment and review periods, lists dates and times for upcoming meetings, covers major work being done by YVCOG, and highlights reports, publications, and other topics that may be of interest to the public. YVCOG is continually adding to and updating the newsletter mailing list, and makes a concerted effort to include groups representing Title VI relevant populations. Anyone can request to be added to the mailing list. The abbreviated *Title VI Notice to the Public* has been added to the YVCOG Newsletter. Back issues of the YVCOG newsletter are available on our website.

## Opportunities for Public Comments

YVCOG offers four different ways for people to comment on activities, programs, and decisions made at the agency. As follows:

- **Comments are accepted at any time** – Comments are accepted via an online comment form, by phone, fax, e-mail, U.S. mail, and in person at any board or committee meeting. Contact information for all staff is provided on the agency website, and contact information is included in every publication produced by the YVCOG.
- **Citizen comments are requested at agency meetings** – All YVCOG board and committee meetings are open to the public. YVCOG generally holds at least 30 of these meetings per year. The meeting dates are posted well in advance on the agency’s website, and in the monthly YVCOG newsletter. Time for citizen comments may be requested on meeting agendas, and the meeting chair may request citizen comments if members of the public are present at a meeting. No advance notice is required to speak during any of the meetings as a “Public Comment” item appears on agendas without request. Public comments and responses made during these times are kept on record in the official meeting minutes and verbatim tapes. YVCOG maintains mailing lists; anyone can request to be added to a board or committee mailing list. YVCOG will offer voluntary Attendance Forms at agency meetings open to the public to collect statistical data on meeting attendees to meet federal guidance designed to help track representation of all segments of the population.
- **Formal public comment periods for major activities** – Formal public comment and review periods are used to solicit comments on major planning and programming activities, for example, the Metropolitan and Regional Transportation Improvement Program (M/RTIP), changes to important YVCOG policies (such as the Public Participation Plan), and major updates to the Yakima Valley Metropolitan and Regional Transportation Plan. Generally, information is reviewed and released for a formal public comment period after an advisory or Executive Committee meeting. The comment period is highlighted in the YVCOG newsletter, in other agency publications, and on the home page of the website, and legal notices are distributed throughout the region. Comments can be made in person at any YVCOG meeting, using a comment form to be added on the agency’s website, by e-mail, by U.S. mail, fax, or telephone. YVCOG responds to comments received when appropriate, and forwards comments to other agencies for a response when appropriate. Comments and responses will be reported and reviewed at advisory committee meetings to decide whether or not to recommend action to the Executive Committee. Comments continue to be accepted until the Executive Committee meeting (the close of the comment period – generally two weeks) when

the item is scheduled for action. Comments and responses received throughout the comment period are reviewed and considered at this time, prior to action.

- **Public Hearings** – YVCOG may hold public hearings during major updates to the region’s Metropolitan and Regional Transportation Plan or when undergoing the process for issuing an Environmental Impact Statement (EIS). Since major plan updates generally take place only once or twice each decade and YVCOG does not implement transportation projects, YVCOG does not generally hold public hearings. Please refer to YVCOG’s Public Participation Plan (Appendix E) for further information.

## **Strategies for Engaging Title VI Protected Groups**

YVCOG uses U.S. and electronic mailing lists to disseminate information and give notice for public comment opportunities. Mailing lists include media outlets that serve Title VI protected groups throughout the region. YVCOG also sends notices to newspapers that are published by and for Title VI protected groups. YVCOG will use voluntary Attendance Forms at agency meetings open to the public to collect statistical data on meeting attendees to meet federal guidance designed to help track representation of all segments of the population. Groups representing Title VI populations will be added to the agency’s mailing lists as they are identified. As described in the next section, the YVCOG will assess the need for providing information in languages other than English. The YVCOG also evaluates the effectiveness of all communications and public involvement efforts and makes appropriate adjustments to its communication strategy. The YVCOG will keep a list of local interpreters in the event that a need for translation services has been identified or requested.

## **Strategies for Engaging Individuals with Limited English Proficiency**

In 2007, YVCOG will complete a “four factor analysis,” as recommended by the U.S. Department of Justice (DOJ), to determine the extent of the need for translation services of its materials. According to Census 200 figures for Yakima County, approximately 30% of Yakima County residents over age 5 indicated that they spoke Spanish. Of that 30%, approximately 38% reported being able to speak English “well” or “very well;” less than 29% reported being able to speak English “not well” or “not at all”. show that Spanish is spoken at home by a significant portion of the region’s population.

According to the DOJ guidance, YVCOG should consider providing materials in a different language if over 5% of the affected population speaks that language at home. YVCOG has come up with a creative solution to provide a starting place for Spanish speaking individuals. On October 6, 2006, YVCOG implemented a “Spanish extension” to our phone system. The automated greeting for our telephone system includes instructions in Spanish and provides callers the option of leaving a message in Spanish. The “Spanish extension” records a voice mail message that can be accessed by our bi-lingual staff or a qualified interpreter, if necessary.

A “qualified interpreter” is an interpreter who is able to interpret effectively, accurately, and impartially, either for individuals with disabilities or for individuals with limited English skills. The interpreter should be able to interpret both receptively and expressively, using any necessary specialized vocabulary.<sup>1</sup>

YVCOG will maintain a list of all staff members who speak a second language. Presently, one person on the YVCOG staff speaks Spanish and has volunteered to be the point of contact for the public. YVCOG has also compiled a list of nearby Court Certified Interpreters and businesses that can provide translation services when the need arises.

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<sup>1</sup> This definition of “qualified interpreter” provided by Liane Carlson, Title VI Coordinator, Washington State Department of Transportation Office of Equal Opportunity,.

## Strategies for Engaging Tribal Governments

The YVCOG Bylaws and Articles of Association recognize the Yakama Nation as eligible for membership in the YVCOG, however the Yakamas have not exercised this option to date. Yakama tribal staffs are encouraged to participate in the MPO/RTPO processes and are included in our mailing lists. YVCOG staff will receive Government-to-Government Training when we receive notice that it is being offered in our region. We look to WSDOT Title VI Coordinator to provide notice of these training opportunities.

## Title VI Liaison's Responsibilities

The Title VI Liaison(s) for affected Program Areas is/are responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the agency's public involvement process. The Liaison(s) will:

- Ensure that communications and public involvement efforts comply with Title VI.
- Develop and distribute information on Title VI and agency programs to the general public. Provide information in languages other than English, as needed.
- Disseminate information to minority media and ethnic/gender related organizations, to help ensure all social, economic, and ethnic interest groups in the region have an opportunity to be represented in the planning process.
- Include the abbreviated *Title VI Notice to the Public* (see Appendix B) in all press releases, the YVCOG newsletter, which includes a monthly meeting calendar, and on the agency website.
- Notify affected, protected groups of public hearings regarding proposed actions, and make the hearings accessible to all residents. This includes the use of interpreters when requested, or when a strong need for their use has been identified.
- Collect statistical information on attendees of public meetings using an "Attendance Form" to track how well different segments of the population are represented.
- Ensure that any Citizen Advisory Committee YVCOG creates has representation from Title VI relevant populations.

## Program Area Responsibilities

### ***Metropolitan and Regional Transportation Planning***

YVCOG is responsible for developing long- and short-range transportation plans to provide efficient transportation services to the Yakima County region. A comprehensive transportation planning process is used, which entails the monitoring and collection of varied data pertaining to transportation issues. YVCOG coordinates with WSDOT, cities, towns, and Yakima County; seeks public involvement; and provides technical support when needed.

### **Operational Guidelines**

Primary guidance is provided by:

- The Metropolitan Planning Organization (MPO) Regulations 23 CFR 450.
- RCW 47.80 Regional Transportation Planning Organization (RTPO).
- YVCOG's Articles of Association and Bylaws
- Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)
- State and Federal Clean Air Acts and Amendments
- Washington State Growth Management Act
- Executive Order 12898 on environmental justice, and federal/state administrative guidelines for implementing environmental justice requirements.

## Key Planning and Programming Activities

YVCOG is required by state and federal law to maintain the region's long-range, Metropolitan and Regional Transportation Plan (MTP/RTP); and the Metropolitan and Regional Transportation Improvement Program (M/RTIP), a three year program of federally funded and regionally significant projects in the region. YVCOG conducts and supports several state and federal planning, compliance, and certification programs, which enable Yakima County, cities, transit agencies, and WSDOT to obtain state and federal funding. YVCOG provides forecasts of population, housing, employment, and transportation trends that provide the basis for addressing current issues and exploring future needs and options that could benefit the region. YVCOG also serves as a center for the collection, analysis, and dissemination of information vital to residents and governments in the region.

## Major Programs

- ***Yakima Valley Metropolitan and Regional Transportation Plan*** – Provide the long-range regional investment strategy to implement transit, roadway, freight, and goods mobility; non-motorized transportation; and demand and system management programs. Address least-cost planning and discussions regarding how to finance transportation improvements.
- ***Metropolitan and Regional TIP*** – Maintain a Metropolitan and Regional Transportation Improvement Program (TIP) that incorporates all projects using federal funds and all regionally significant projects, regardless of funding source; conduct ongoing analyses related to plan consistency, air quality, and financing; and provide training and assistance to agencies in the region.
- ***Policy, Plan, and Project Review*** – Ensure that local, regional, and state planning efforts are compatible and mutually reinforcing, and work with local governments, growth management planning groups, and state agencies in the review of policies, plans, and projects for consistency with state and regional transportation planning goals.
- ***Technical Services and Regional System Data*** – Provide demographic, economic, travel, and geographic data to member jurisdictions, other agencies, businesses, and the public; assist in transportation planning activities of member jurisdictions; collect, analyze, maintain, and improve data; and identify, monitor, and forecast trends.
- ***Communications and Information Services*** – Develop and provide information materials on agency transportation planning activities and services. Assist agency staff in reaching out to, involving, and meeting the needs of YVCOG members, other agencies, businesses, community organizations, and the public.

## Consideration of Title VI

Considerations of Title VI legislation are made throughout YVCOG's transportation planning and programming activities, for example:

- **Data collection** – A significant part of the agency's work program involves collecting, analyzing, and reporting on data for the Yakima Valley region. This includes information on population, housing, employment, poverty, income, wages, transportation, traffic, and growth. Member agencies and other groups use this data for activities such as planning and the distribution of funds.
- ***Metropolitan and Regional Transportation Plan*** - The development of the *2007-2027 Yakima Valley Metropolitan and Regional Transportation Plan* will include environmental justice considerations from the outset. YVCOG will set out to ensure that the burdens and benefits of implementing the MTP/RTP will not result in discrimination against any protected classes. YVCOG's analysis will include (1) outreach and opportunity for meaningful participation from minority and low-income population groups in the development of the plan, and (2) an assessment to determine any disproportionate impacts associated with the projects and programs advanced in the MTP/RTP on minority and low-income population groups.

- **Metropolitan and Regional Transportation Improvement Program (M/RTIP)** – The region’s short-term, three-year Metropolitan and Regional TIP implements the plan and policies established in the MTP/RTP. Included in the program of projects are federal STP and CMAQ funds distributed by YVCOG.

## **Title VI Liaison’s Responsibilities**

The Transportation Planning Liaison is responsible for evaluating and monitoring compliance with Title VI requirements in all aspects of the agency’s planning process. In addition, the Liaison will:

- Ensure all aspects of the planning and programming process operation comply with Title VI.
- Prepare and update a demographic profile of the region using the most current and appropriate statistical information available on race, income, and other pertinent data. Make the document available to the public and member agencies on YVCOG’s website and at the front desk.
- Develop a process for assessing the distributional effects of transportation investments in the region as part of actions on plan and programming documents.
- Seek opportunities to participate in roundtable meetings in predominantly minority communities to help guarantee all social, economic, and ethnic interest groups in the region are represented in the planning process.

## **Questions**

For questions on the YVCOG’s Title VI Plan or procedures, please contact J. Page Scott, at (509) 574-1550 or [scottj@yvcog.org](mailto:scottj@yvcog.org). For information on YVCOG’s work program or publications, including reports, data forecasting, maps, or other information available for use, contact the front counter, at (509) 574-1550 or [pricej@yvcog.org](mailto:pricej@yvcog.org). For information on all of the above, including current public comment periods and meetings open to the public, visit our Web site at [www.yvcog.org](http://www.yvcog.org).

## Appendix A - YVCOG Title VI Assurances for Federal Transportation Funding Purposes

The Yakima Valley Conference of Governments (hereinafter referred to as the “Recipient”), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d—42 USC 2000d—4 (hereinafter referred to as the “Act”), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the “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 from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Subsection 21.7(a)(1) of the Regulations. More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances to its Federal Aid Highway Program.

1. That the Recipient agrees that each “program” and each “facility”, as defined in Subsections 21.23(e) and 21.23(b) of 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 the Federal Aid Highway Program, and in adapted form in all proposals for negotiated agreements:  
“The Yakima Valley Conference of Governments, in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d—42 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21: Nondiscrimination in Federally Assisted Programs of the Department of Transportation Issued Pursuant to Such Act, hereby notifies all bidders that it will affirmatively 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 the Recipient shall insert the clauses of Part A of this Assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Part B of this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. 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.
6. 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.
7. That the Recipient shall include the appropriate clauses set forth in Part B of this Assurance, as 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 the Federal Aid Highway Program; and (b) for the construction or use of, or access to space on, over, or under, real property acquired or improved under the Federal Aid Highway Program.
8. 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.

9. The Recipient shall provide for such methods of administration for the program, as are found by the State Secretary of Transportation or the official to whom s/he delegates specific authority, to give reasonable guarantee that it, other recipients, subgrantees, 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.
10. 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 by the Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, subgrantees, 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.

\_\_\_\_\_  
J. Page Scott, Executive Director

\_\_\_\_\_  
Date

## Part A

**The text below, in its entirety, will be in all contracts entered into by YVCOG. All of the text except the final section, entitled "Incorporation of Provisions," should be included in any contract entered into by any YVCOG contractor.**

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "Contractor"), agree as follows:

### 1. Compliance With Regulations

The Contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter referred to as DOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

### 2. Nondiscrimination

The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

### 3. Solicitations for Subcontracts, Including Procurement of Materials and Equipment

In all solicitations either by competitive bidding or negotiations made by the Contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the ground of race, color, sex, or national origin.

### 4. Information and Reports

The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Yakima Valley Conference of Governments or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a contractor is in

the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the Yakima Valley Conference of Governments, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

#### **5. Sanctions for Noncompliance**

In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the Yakima Valley Conference of Governments shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- Withholding of payments to the Contractor under the contract until the Contractor complies; and/or
- Cancellation, termination, or suspension of the contract, in whole or in part.

#### **6. Incorporation of Provisions**

The Contractor shall include the provisions of paragraphs (1) through (5) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontractor or procurement as the Yakima Valley Conference of Governments or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance.

Provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the Yakima Valley Conference of Governments enter into such litigation to protect the interests of the state and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

## **Part B**

### **Lease/Deed Provisions**

**Upon receipt of federal financial assistance to construct a facility or part of a facility, the Recipient agrees to include these clauses in all future deeds, licenses, leases, permits, or similar instruments entered into by YVCOG pursuant to the provisions of Title VI Assurances, item 7.**

The LESSEE, for himself or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land, that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease, for a purpose for which a YVCOG program or activity is extended, or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended. That in the event of breach of any of the above nondiscrimination covenants, the STATE shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

## **Appendix B - Notice to the Public**

### ***Title VI Notice to the Public***

The paragraph below will be inserted in all significant publications that are distributed to the public, such as future versions and updates of the Metropolitan and Regional Transportation Plan, or Metropolitan and Regional Transportation Improvement Program for the Yakima Valley region. The text will remain permanently on the agency's website, [www.yvcog.org](http://www.yvcog.org). The version below is the preferred text, but where space is limited (as in the YVCOG newsletter) or in publications where cost is an issue, the abbreviated version can be used in its place.

The Yakima Valley Conference of Governments (YVCOG) hereby gives public notice that it is the policy of the agency to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related statutes 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, sex, 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 YVCOG receives federal financial assistance. Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with YVCOG. Any such complaint must be in writing and filed with YVCOG's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. For more information, or to obtain a Title VI Discrimination Complaint Form, please see our website at <http://www.yvcog.org/title6.pdf> or call (509) 574-1550.

### ***Abbreviated Title VI Notice to the Public***

The following shortened version of the above paragraph can be used in publications where space or cost is an issue, such as for the YVCOG Newsletter and in classified newspaper announcements.

YVCOG fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. For more information, or to obtain a Title VI Complaint Form, see <http://www.yvcog.org/title6.pdf> or call (509) 574-1550.

# Appendix C - Nondiscrimination Complaint Procedures

## Overview

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by YVCOG, as well as to subrecipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be utilized for resolution. The Title VI Coordinator will make every effort to pursue a resolution to the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

## Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with YVCOG's Title VI Coordinator. A formal complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant. The complaint must meet the following requirements:
  - a. Complaint shall be in writing and signed by the complainant(s).
  - b. Include the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
  - c. Present a detailed description of the issues, including names and job titles of those individuals perceived as parties in the complained-of incident.
  - d. Allegations received by fax or e-mail will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent to proceed with the complaint have been established. For this, the complainant is required to mail a signed, original copy of the fax or e-mail transmittal for YVCOG to be able to process it.
  - e. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign, and return to YVCOG for processing.
2. Upon receipt of the complaint, the Title VI Coordinator will determine its jurisdiction, acceptability, and need for additional information, as well as investigate the merit of the complaint. In cases where the complaint is against one of YVCOG's subrecipients of federal funds, YVCOG will assume jurisdiction and will investigate and adjudicate the case. Complaints against YVCOG will be referred to the Washington State Department of Transportation's (WSDOT) Office of Equal Opportunity (OEO), the Federal Highway Administration or the Federal Transit Administration, as appropriate, for proper disposition pursuant to their procedures. In special cases warranting intervention to ensure equity, these agencies may assume jurisdiction and either complete or obtain services to review or investigate matters.
3. In order to be accepted, a complaint must meet the following criteria:

- a. The complaint must be filed within 180 calendar days of the alleged occurrence or when the alleged discrimination became known to the complainant.
  - b. The allegation(s) must involve a covered basis such as race, color, national origin, gender, disability, or retaliation.
  - c. The allegation(s) must involve a program or activity of a Federal-aid recipient, subrecipient, or contractor, or, in the case of ADA allegations, an entity open to the public.
  - d. The complainant(s) must accept reasonable resolution based on YVCOG's administrative authority (reasonability to be determined by YVCOG).
4. A complaint may be dismissed for the following reasons:
    - a. The complainant requests the withdrawal of the complaint.
    - b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
    - c. The complainant cannot be located after reasonable attempts.
  5. Once YVCOG or WSDOT decides to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within fourteen (14) calendar days. The complaint will receive a case number and will then be logged in to YVCOG's or WSDOT's records identifying its basis and alleged harm, and the race, color, national origin, and gender of the complainant.
  6. In cases where YVCOG assumes the investigation of the complaint, YVCOG will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days from the date of YVCOG's written notification of acceptance of the complaint to furnish his/her response to the allegations.
  7. In cases where YVCOG assumes the investigation of the complaint, within 40 calendar days of the acceptance of the complaint, YVCOG's Investigator\* will prepare an investigative report for review by the agency's Legal Counsel and Executive Director. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition.
 

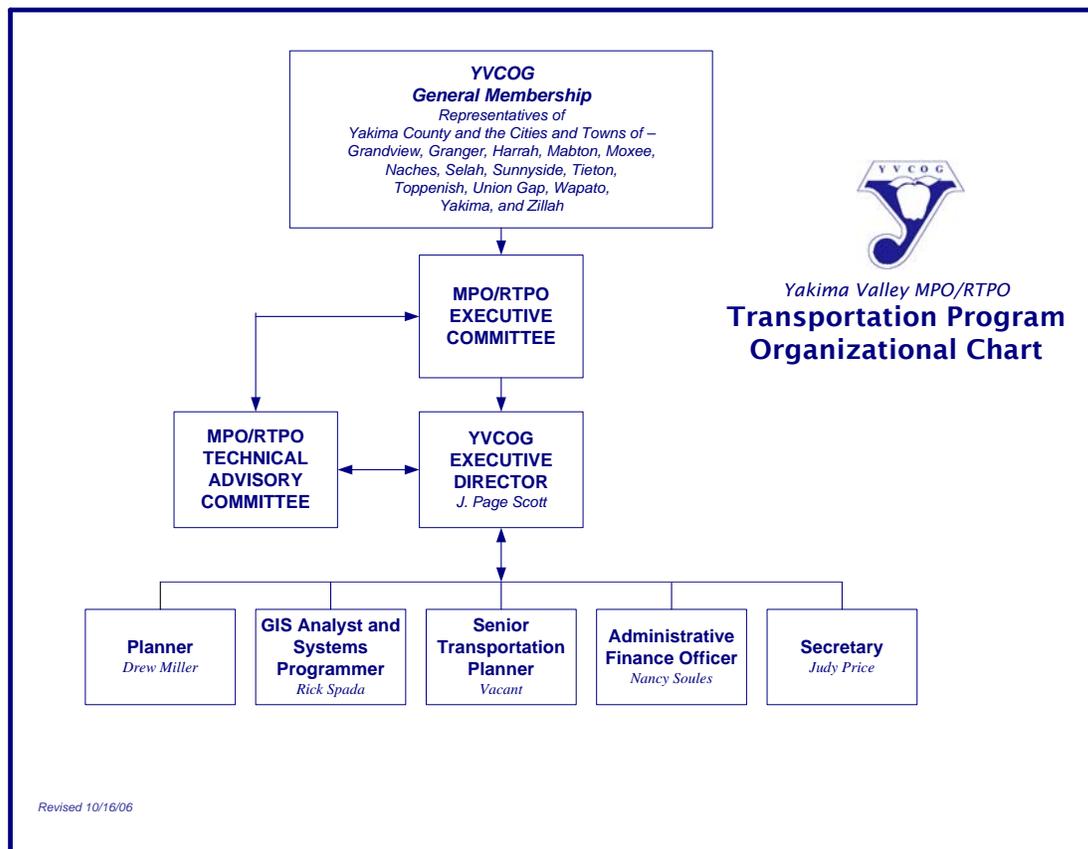
\*This can be one of YVCOG's Title VI Liaisons, or YVCOG's Title VI Coordinator.
  8. The investigative report and its findings will be sent to YVCOG's Legal Counsel for review. The Counsel will review the report and associated documentation and will provide input to the Investigator within 10 calendar days.
  9. Any comments or recommendations from YVCOG's Legal Counsel will be reviewed by YVCOG's Investigator. The Investigator will discuss the report and recommendations with the Executive Director within 10 calendar days. The report will be modified as needed and made final for its release.
  10. YVCOG's final investigative report and a copy of the complaint will be forwarded to WSDOT's OEO within 60 calendar days of the acceptance of the complaint. WSDOT's OEO will share the report with FHWA and FTA, Washington Division Offices, as part of its *Annual Title VI Update and Accomplishment Report*.
  11. YVCOG will notify the parties of its preliminary findings, which are subject to concurrence from WSDOT's OEO. WSDOT's OEO will issue the final decision to YVCOG based on YVCOG's investigative report.
  12. Once WSDOT's OEO issues its final decision, YVCOG will notify all parties involved about such determination. WSDOT's final determination is not subject to an appeal.
  13. WSDOT will also serve as the appealing forum to a complainant that is not satisfied with the outcome of an investigation conducted by YVCOG. WSDOT will analyze the facts of the case and will issue its conclusion to the appellant according to their procedures.

# Appendix D - Organization Chart of Title VI Responsibilities

As of October 2006

**J. Page Scott**  
 Executive Director  
 Title VI Coordinator

**Vacant**  
 Sr. Transportation Planner  
 Title VI Liason – Metropolitan and Regional Transportation Planning Program



# Appendix E - Public Participation Plan for the Yakima Valley Conference of Governments

The goal of the Yakima Valley Conference of Governments' Public Participation Plan is to ensure early and continuous public notification about and participation in major actions and decisions by the YVCOG. This plan establishes consistent, minimum procedures to accomplish this goal; procedures beyond these minimums may be applied as warranted and are encouraged. The term "major" is to be applied loosely. If a proposed action or decision is clearly a normal-course-of-business activity that does not significantly affect the public or alter public policy, it may not be necessary to apply these procedures. But, if there is a question as to whether these procedures should be followed, then the agency should follow them to ensure appropriate public notification and participation. However, failure to exactly comply with these procedures shall not, in and of itself, render any decisions or actions invalid.

The YVCOG will utilize a broad range of public information and participation opportunities, including dissemination of proposals and alternatives, process for written comments, public meetings after effective notice, settings for open discussion, communication programs, information services and consideration of and response to public comments. The following principles are to help guide the YVCOG's public notification and participation activities.

## ***Principles***

1. No major public policy decision is reached or large project implemented without significantly affecting someone.
2. Professionals do not have a monopoly on good solutions.
3. Even if a project or policy decision is sensible and beneficial, it must be arrived at properly to be acceptable.
4. People are much more willing to live with a decision that affects different interests unequally if the decision-making process is open, objective and considers all viewpoints.
5. If staffs don't provide all relevant information necessary for an informed decision, the public will rely on – and trust – others.
6. Interacting with an official representative of an organization or group is no substitute for interacting directly with that organization or group.
7. Effective public notification and participation takes time and effort, and can be expensive, yet is essential to sound decision-making.

## ***Public Notification and Participation Procedures***

A variety of public notification and participation procedures will be used to encourage the early and continuous involvement of citizens, jurisdictions, communities and other interests in the planning process and the decisions and actions of the Yakima Valley Conference of Governments. They will include, but are not limited to, the following:

### **I. Meetings**

A. Public notification of all meetings of the YVCOG Executive Committee, MPO/RTPO Executive Committee, and MPO/RTPO Technical Advisory Committee (TAC), which usually occur monthly, will be provided at least 7 days prior to each meeting. However, as a general rule, agendas for each of these meetings will carry the date and time of the next meeting.

1. Public notification of these meetings will include sending a copy of the agenda or a notice that includes the time, date and place of the meeting, to news media throughout the Yakima Valley region. Meeting notices will be published on the YVCOG's website, [www.yvco.org](http://www.yvco.org).
2. Changes to the agenda may be made up to the day of the meeting; however, every attempt will be made to ensure that no major action or decision items are added within two days of the meeting.

- a. If significant action or decision items are added between seven (7) and two (2) days prior to the meeting, all media outlets notified of the meeting must be notified of the changes at least 48 hours prior to the meeting.
  - b. Every effort will be made to ensure that items added within two days of the meeting will be for discussion purposes only. However, given the nature of our organization and the time-sensitivity of some of the issues within our scope, it may be necessary to take action on late agenda items.
  - c. Exceptions to the above provisions are permissible in the event that an emergency is declared by the board.
3. A public comment period will be provided during each regular meeting of the YVCOG Executive Committee, MPO/RTPO Executive Committee, MPO/RTPO Technical Advisory Committee, and General Membership; however committee chairs may limit comment periods, or provide other options for public comment on specific issues as needed.
  4. Anyone who wants to receive an agenda of an upcoming meeting may receive one at no charge.

**B. Public notification of all meetings of the YVCOG General Membership will be provided at least ten (10) days prior to each meeting.**

1. Minimum public notification will include sending a notice that includes the time, date and place of the meeting, and a copy of the agenda, to news media in the Yakima Valley region. Meeting notices will be published on the YVCOG's website, [www.psrc.org](http://www.psrc.org).
2. Changes to the agenda may be made up to two days prior to the meeting; however, if action or decision items are added between 10 and two days prior to the meeting, all media outlets notified of the meeting must be notified of the changes at least 48 hours prior to the meeting.

**C. All YVCOG meetings, including those of the YVCOG Executive Committee, the MPO/RTPO Executive Committee and the MPO/RTPO Technical Advisory Committee, open houses and other events, will be conducted in facilities that are accessible to persons with disabilities.**

## **II. Publications**

- A. **Newsletter** – The YVCOG will publish monthly a general newsletter about YVCOG programs and other pertinent information. The newsletter will provide information about upcoming YVCOG meetings, activities, and possible decisions and actions, along with the address of the YVCOG and office phone numbers of staff who can provide additional information.
1. Anyone who wants to receive a copy of the newsletter may receive one free of charge.
  2. The newsletter will be mailed to all individuals and organizations on the YVCOG's mailing lists.
  3. The newsletter will be published on the YVCOG's website, [www.yvcog.org](http://www.yvcog.org).
- B. **News Releases** – The YVCOG will send news releases as appropriate on YVCOG programs and other pertinent information to news media in the Yakima Valley region.
1. In addition to information about YVCOG programs and activities, news releases will be provided to news media in the region regarding major upcoming actions, when and where the action will be taken, and whom to contact for more information.
  2. Anyone requesting a copy of a YVCOG news release will receive one free of charge.
  3. News releases will be published on the YVCOG's website, [www.yvcog.org](http://www.yvcog.org).
- C. **Website** -- The YVCOG will maintain a website about YVCOG programs and activities.
- D. **Other publications** – The YVCOG will produce as needed, and make available to news media, agencies, member jurisdictions and other interested parties, a wide variety of other publications, including reports, maps, brochures, etc.
1. These publications will include technical and policy information documents, as needed.
  2. Most publications will be made available free of charge. When appropriate, a charge may be levied to cover the cost of producing and (if applicable) mailing the publication.
  3. When appropriate, the YVCOG will make copies of publications available at libraries in the Yakima Valley region, and other public locations, for public inspection.

4. The YVCOG will keep its documents, publications and other pertinent material on file for public inspection and use.
5. When feasible, the YVCOG will make electronic copies of publications available on the YVCOG's website, www.yvcog.org.
6. The YVCOG will make efforts to use new technologies or mediums to communicate information and data as needed.
7. The YVCOG will periodically update its mailing lists and databases to maintain and initiate contact with interested parties, targeting those traditionally underserved and/or gaps in existing databases.

### **III. Requirements for specific decisions and actions**

A. Key decision points, including approval of the Metropolitan and Regional Transportation Plan and Transportation Improvement Program.

1. Pursuant to state and federal laws, the YVCOG will provide "citizens, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable [notice and] opportunity to comment" on the proposed plan and program. (23 USC 134 (g)(4) and (h)(1)(B) and 23 CFR 450.316 (b)(1)(ii))
2. Efforts to fulfill this requirement will include opportunities for interested parties to be involved in the early stages of plan, program and policy development. These efforts may include workshops, open houses, or other public forums or methods to provide opportunities for the public to learn about and participate in plan, program and policy development.
3. These efforts will include publication of appropriate documents, public notice of availability of such documents, and/or other methods to make them available for public review. They also will include notice as to where to send written comments, and who at the agency will receive written comments and can provide additional information.
4. As part of these efforts, the YVCOG will seek out and consider the needs of people traditionally under served by transportation systems (e.g., low income and minority households).
5. Consistent with these procedures and the philosophy of this Public Participation Plan, the YVCOG will establish a public participation process for each of its key decisions. This process will include a specific public review period of at least 14 days for review of key decision documents, between the release of a draft and final action. Copies of written comments received during this time will be made available to members of the body taking final action (the YVCOG Executive Committee or the MPO/RTPO Executive Committee).

B. State Environmental Policy Act (SEPA), RCW 43.21C

1. SEPA rules require that whenever the YVCOG issues a Determination of Non-Significance (DNS) under WAC 197-11-360-(3), the YVCOG will give public notice as follows:
  - a. Publishing a notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;
  - b. Furnishing notice to anyone who has specifically requested in writing to be notified about the particular proposal; and
  - c. Creating and maintaining a mailing list based on responses during the scoping process and sending notice to those on the list.
2. These rules also apply when the YVCOG issues a Draft Environmental Impact Statement (DEIS) under WAC 197-11-455(5) or Supplemental Environmental Impact Statement (SEIS) under WAC 197-11-620.
3. These rules also will be followed whenever the YVCOG proposes to change its SEPA procedures.
4. When issuing a Final Environmental Impact Statement (FEIS), the YVCOG will provide notice to news media throughout the Yakima Valley region, and in addition will notify anyone who has requested in writing to be notified or who has provided comments on the draft document.

#### **IV. Other Public Notification and Participation Efforts**

- A. The YVCOG will conduct workshops, open houses, forums and other events, as appropriate, to provide public opportunities for comment, suggestions, ideas and concerns.
- B. The YVCOG will encourage public comment and participation through advisory committees, presentations to civic groups, and other efforts as appropriate.
- C. Some elements of the YVCOG's Budget and Work Program involve compiling projects from jurisdictions throughout the region; the YVCOG will work with local jurisdictions to ensure that the public in those jurisdictions is notified and involved at the local level, to provide effective opportunities for early and continuous participation. In addition to these procedures, the YVCOG will comply with all other provisions of the Open Public Meetings Act (RCW 42.30), the State Environmental Policy Act (RCW 43.21C), the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users (SAFETEA-LU), the state Growth Management Act (RCW 36.70A), and any and all other applicable federal and state laws.

## Appendix F - Policy for Engaging Individuals with Limited English Proficiency (LEP)

The U.S. Department of Justice has provided some guidance on engaging LEP individuals. The guidance offers a “four-factor analysis” process, which the Title VI Team has used to determine the number and proportion of LEP individuals in the region and how to cost effectively provide information services to these individuals. The guidance also offers a safe harbor of 5% of the effected population or 1,000 people in the effected neighborhood.

The “four-factor analysis” process includes determining the number and proportion of LEP individuals within the population, the frequency with which LEP individuals will come in contact with the program, the importance of the program to people’s lives, and the resources available to provide translation services.<sup>2</sup> According to U.S. Census figures, several languages are spoken within the Yakima Valley region. There are a significant number of people who speak Spanish at home in this region. According to the 2000 Census, the top two non-English languages spoken at home in the region are Spanish and Other Indo-European. Spanish is spoken at home by approximately 30% of the region’s population over age 5. Approximately 38% of this group reported that they speak English “very well” or “well;” less than 29% reported that they spoke English “not well” or “not at all.”

The YVCOG does not provide any neighborhood specific programs or projects, therefore we reviewed language characteristics for the region as a whole; the 5% safe harbor will be used.

The frequency and extent with which LEP individuals come into contact with the YVCOG Metropolitan and Regional Transportation Planning program is estimated to be quite low. As an association of local jurisdictions that serves as a forum for developing policies and making decisions about regional transportation and planning issues, the YVCOG does not provide any direct services to the population of the Yakima Valley region except when contracted to administer Housing Rehabilitation services by member jurisdictions.

While essential to the long-term livability and economic vitality of the region, long-range transportation and community planning may not be as important of a service to LEP individuals as health care, employment, or financial assistance. However, any opportunity to increase public comment on long-range decision-making is a worthwhile investment.

The YVCOG encourages public comment on its policies, programs, and funding cycles, and therefore would like to increase opportunities for public comment, particularly by historically underserved populations including LEP individuals.

The YVCOG has limited resources to pursue translation services; therefore an ideal solution would be to find a low cost point of access for LEP individuals. This gives LEP individuals a way to find out about the YVCOG’s activities and provides a method for the YVCOG to determine the demand for translation services.

**ACTION:** The YVCOG will establish the following policy for providing information to individuals with Limited English Proficiency (LEP):

“The YVCOG is always seeking opportunities to increase opportunities for public comment on its activities, including policies, programs, and funding cycles. The YVCOG is particularly interested in increasing opportunities for historically underserved populations to provide input regarding its planning and housing rehabilitation activities. We anticipate the results of a ‘four-factor analysis’ (to be completed in 2007) will show that there is a need for Spanish translation services. Pending

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<sup>2</sup> This language was taken directly from the U.S. Government’s Limited English Proficiency Web site, <http://www.lep.gov/recipbroch.html>.

confirmation of this, YVCOG has provided a starting place for improving access for individuals with Limited English Proficiency by including a ‘Spanish extension’ in our telephone system.”

The YVCOG has come up with a creative solution to provide a starting place for Spanish speaking individuals. On October 6, 2006, YVCOG implemented a “Spanish extension” to our phone system. The automated greeting for our telephone system includes instructions in Spanish and provides callers the option of leaving a message in Spanish. The “Spanish extension” records a voice mail message that can be accessed by our bi-lingual staff or a qualified interpreter, if necessary.

YVCOG staff has assembled a list of contacts that will be available for assistance if there is a demand for translation services. These include Court Certified Interpreters located in Yakima County, whose up to date contact information is available on the Washington Courts Web site at [http://www.courts.wa.gov/programs\\_orgs/pos\\_interpret/](http://www.courts.wa.gov/programs_orgs/pos_interpret/). We have also created a list of companies to do both oral and written translations.

Adopted on October 16, 2006, by the Yakima Valley MPO/RTPO Executive Committee.