



Title VI / Environmental Justice Report

Adopted November 2023



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TABLE OF CONTENTS

<u>Topic</u>	<u>page</u>
Policy Statement	4
What is Equity in Transportation?	5
Where are the Underserved in Kent County? – Population Characteristics	9
Equity Roundtable 2023 Recommendations	32
Implementation	33
Administration	35
Outreach	37
Appendix A: Equity Roundtable	38
Appendix B: Complaint Procedures	41
Appendix C: Title VI Standard Assurances	45
Appendix D: Contractor Agreements	48
Appendix E: Pertinent Non-Discrimination Authorities	50
Acknowledgments	51



POB 383 / Dover, DE 19903 / <http://www.doverkentmpo.org> / 302.387.6030 FAX: 302.387.6032

**Title VI / Environmental Justice
POLICY STATEMENT**

The Dover Kent County Metropolitan Planning Organization (MPO) is dedicated to upholding equal opportunity principles involving our employees and contractors/consultants and ensuring public access to our programs and services.

To achieve this goal, the MPO has designated an Equity Officer who will actively stay updated on equity issues, receive specialized training, and provide training to the entire staff. The Equity Officer will ensure that all meetings, core products, studies, and documents produced by the MPO comply with Title IV regulations.

Additionally, the MPO will generate an Environmental Justice (EJ) report every two years, accompanying the Public Participation Plan. This report will provide an overview of the MPO's efforts to address environmental justice concerns.

No person shall be excluded from participation in, denied benefits from, or subjected to discrimination under any MPO program or activity based on race, color, national origin, income, sex, age, disability, or limited English proficiency. The MPO guarantees that all programs and activities, regardless of federal funding, will be free from discrimination.

The MPO adopts a team approach involving all personnel to ensure compliance with Title VI and Environmental Justice regulations. The director of the MPO and the Equity Officer are responsible for overseeing compliance with these regulations.

If there are any inquiries, investigations, complaints, or concerns regarding MPO policies, compliance with applicable laws and regulations, or adherence to Title VI / Environmental Justice, individuals can contact the Executive Director of the Dover Kent County Metropolitan Planning Organization at PO Box 383, Dover, DE, 19903, or by phone at 302-387-6030.

This Policy Statement must be widely circulated within the MPO and included by reference in all contracts, agreements, programs, and services administered by the MPO.

Marilyn J. Smith
Executive Director

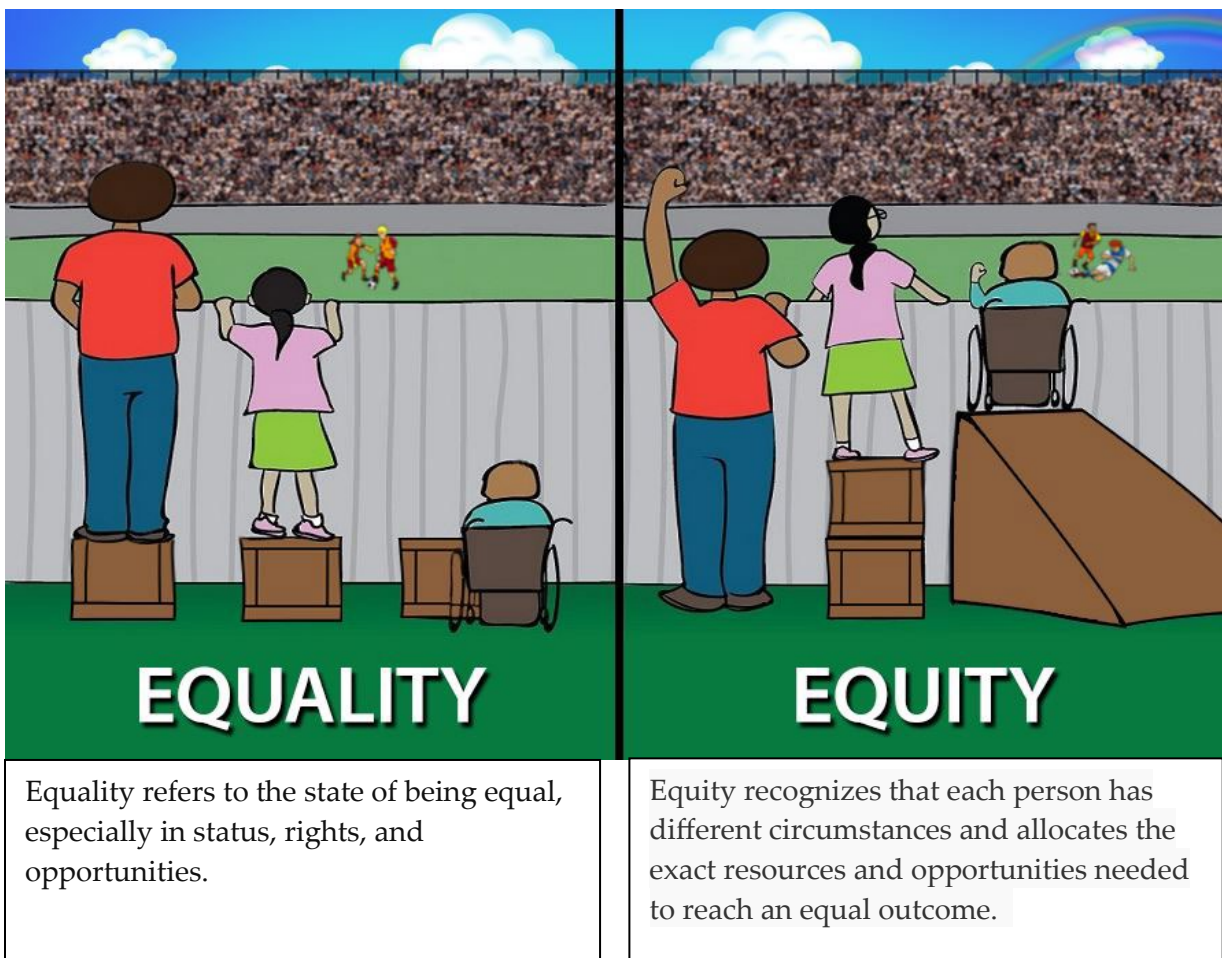
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WHAT IS EQUITY IN TRANSPORTATION?

Equity in transportation is about ensuring everyone in a community has fair and equal access to transportation options that meet their needs. The goal is to provide affordable and reliable transportation to all people, especially those who have been historically underserved. This includes people from different racial and ethnic backgrounds, religious minorities, LGBTQ+ individuals, people with disabilities, people in rural areas, and those affected by poverty or inequality.

In simpler terms, Equity means treating everyone fairly and justly, without any biases or discrimination. Regarding transportation, it's not about giving everyone exactly the same thing, but rather considering the specific challenges and circumstances that affect different communities' transportation needs. This information is used to create a transportation plan that addresses those needs and ensures a fair and accessible transportation network for all.



Dover Kent County MPO is committed to Title VI compliance. Title VI states, "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."

In addition to the above statement, the Dover Kent County MPO is also committed to ensuring that projects or studies that the MPO is involved in will always consider equity and how the proposed changes will have a negative impact, positive impact, or no impact on historically underserved communities in the area.

Equity in transportation means looking at the good things and the challenges of any transportation improvement or project. The good things might include less time spent traveling, cleaner air, easier ways to get to work besides driving, access to transit, and safer journeys. The challenges include problems like polluted air, loud noise, dirty water or soil, harming nature or beauty, making communities less close, no economic benefit, more traffic jams, or making people feel alone, isolated, or left out.

When considering equity in transportation, three prominent concepts emerge - Safety, Accessibility, and Connectivity.

Safety

The connection between social mobility and access to transportation is concerning. Even more troubling is that people in low-income communities are disproportionately affected by traffic-related deaths. For example, pedestrians in poorer areas are twice as likely to be fatally injured as those in wealthy neighborhoods.

Multi-modal transportation design in low-income communities often doesn't prioritize safety as much as in wealthier areas. For instance, these communities often lack safe sidewalks and dedicated bike lanes. Additionally, they have to deal with more traffic and faster roads, which puts them at a higher risk.

When considering safe and equitable transportation options, the environmental concerns in poorer neighborhoods should also be noted, and how more equitable options could address those concerns.

This difference in safety costs lives and is one of the most urgent problems that the transportation industry needs to tackle. The goal should be to ensure safe transportation for everyone, regardless of how much money they have, their age, their abilities, or their race/ethnicity.

Accessibility

When transportation infrastructure or services are designed to accommodate people with disabilities, their benefits, such as easier access or more straightforward information, can benefit everyone. It may also meet the needs of another unique group, such as older adults. The idea is to create a system that initially focuses on a specific group but can be used by everyone. This represents a change in thinking, where the universal availability of transportation services contrasts with individual preferences.

Inadequate transportation can contribute to social exclusion, especially for people who face multiple disadvantages, live in communities heavily reliant on cars, have physical disabilities, have low income, or cannot afford a personal vehicle. Considering equity issues during the planning phase is essential to ensure fairness. When equity considerations are integrated into the planning process, the overall transportation system improves for everyone. So, when discussing accessibility, it may involve tackling something more far-reaching than any other subject because consideration must be given to "big picture planning," more so than with safety or connectivity.

Research on transportation and fairness highlights ensuring everyone has equal access to essential things like jobs, schools, healthcare, and grocery stores. This is measured by looking at how easy or difficult it is to get to these places using different modes of transportation, like cars or public transport. Some researchers also consider other activities like politics, hobbies, and social connections as necessary.

Many studies compare how accessible these places are for different groups, like those facing disadvantages versus those not. They often look at different neighborhoods or compare urban areas to suburban ones to see if there are any differences in access.

Accessibility will look at different groups of underserved people, the places they want or need to go, and how they can get there.

Connectivity

A well-connected transportation network has several benefits. It reduces the distances people need to travel to reach their destinations, provides more options for travel routes, and makes walking or riding bicycles easier. A well-connected network includes well-designed paths for bikes and pedestrians, direct routes, easy accessibility, fewer dead-ends, and fewer physical barriers.

Better connectivity in transportation networks is linked to increased physical activity from walking or biking. It can also improve health and well-being by making accessing healthcare services, goods, and other essential services easier.

There are various strategies to improve connectivity for pedestrians and cyclists, such as designing shorter blocks, implementing policies prioritizing all types of transportation (Complete Streets policy), and prioritizing multi-modal access to public transportation. It is also essential to have safe and clearly visible facilities specifically designed for bicycles and pedestrians.

When discussing connectivity, we must also consider other influences, such as improving intersection safety, reducing crime, and improving terrain barriers (e.g., stairs and bridges).

WHERE ARE THE UNDERSERVED IN KENT COUNTY? POPULATION CHARACTERISTICS

The Dover Kent MPO, while exploring Title VI, Environmental Justice, and Equity in Transportation, is shedding light on how different parts of the community are interconnected.

Each piece of data represents a complex aspect of Kent County and its municipalities. It goes beyond numbers and percentages. Major roads either connect or disconnect areas.

The percentage of people below the poverty line stands out in the landscape, urging action. The significance of the aging population (65+) reflects the demographic trend in Kent County.

Ethnic demographics, such as the percentage of Black or African American and Hispanic populations, are carefully considered. The "no vehicle available" values, collected from various households, highlight barriers to opportunity.

Beyond statistics, some in the community face harder to quantify challenges. The disabled population, often unseen, is represented using data on disability status in Kent County. Language, a bridge between communities, also plays a role.

The forthcoming maps will visually present these diverse elements. Data is displayed using census block groups, incorporating the most recently collected data from the 2020 Decennial Census and the 2021 American Community Survey (ACS).

RACIAL DEMOGRAPHICS

Demographic Trends

Information on racial demographics was derived from the 2020 Decennial Census topics “P1: Race” and “P5: Hispanic or Latino, and Not Hispanic or Latino, by Race.” The following are some of the noticeable trends visible within these datasets:

- The census block groups that contain the highest percentages of Black or African American individuals are located in Dover (especially along US13) and Milford (especially along North Street and Church Avenue).
- The census block groups that contain the highest percentages of American Indian and Alaska Native individuals are located around Cheswold. The Lenape Indian Tribe of Delaware is officially recognized by the State of Delaware, and many of the community’s members reside in the Cheswold area.
- The census block groups that contain the highest percentages of Asian individuals are located in various neighborhoods around Dover and Camden.
- The census block groups that contain the highest percentages of Hispanic or Latino individuals are located in Dover (especially within and around Dover Air Force Base) and Milford (especially between US113 and DE1).

Table 1: A breakdown of Kent County’s population by race, with “two or more races” represented in a single category. Original data with margins of error may be found at the US Census Bureau ([link](#)).

Category	Population	% of Total
White alone	107,685	59.2%
Black or African American Alone	46,998	25.8%
American Indian and Alaska Native alone	1,149	0.6%
Asian alone	4,429	2.4%
Native Hawaiian and Other Pacific Islander alone	125	0.1%
Some Other Race alone	5,658	3.1%
Population of two or more races	15,807	8.7%
Total	181,851	100%

Table 2: A breakdown of Kent County’s population by “Hispanic or Latino” and “Not Hispanic or Latino.” Original data with margins of error may be found at the US Census Bureau ([link](#)).

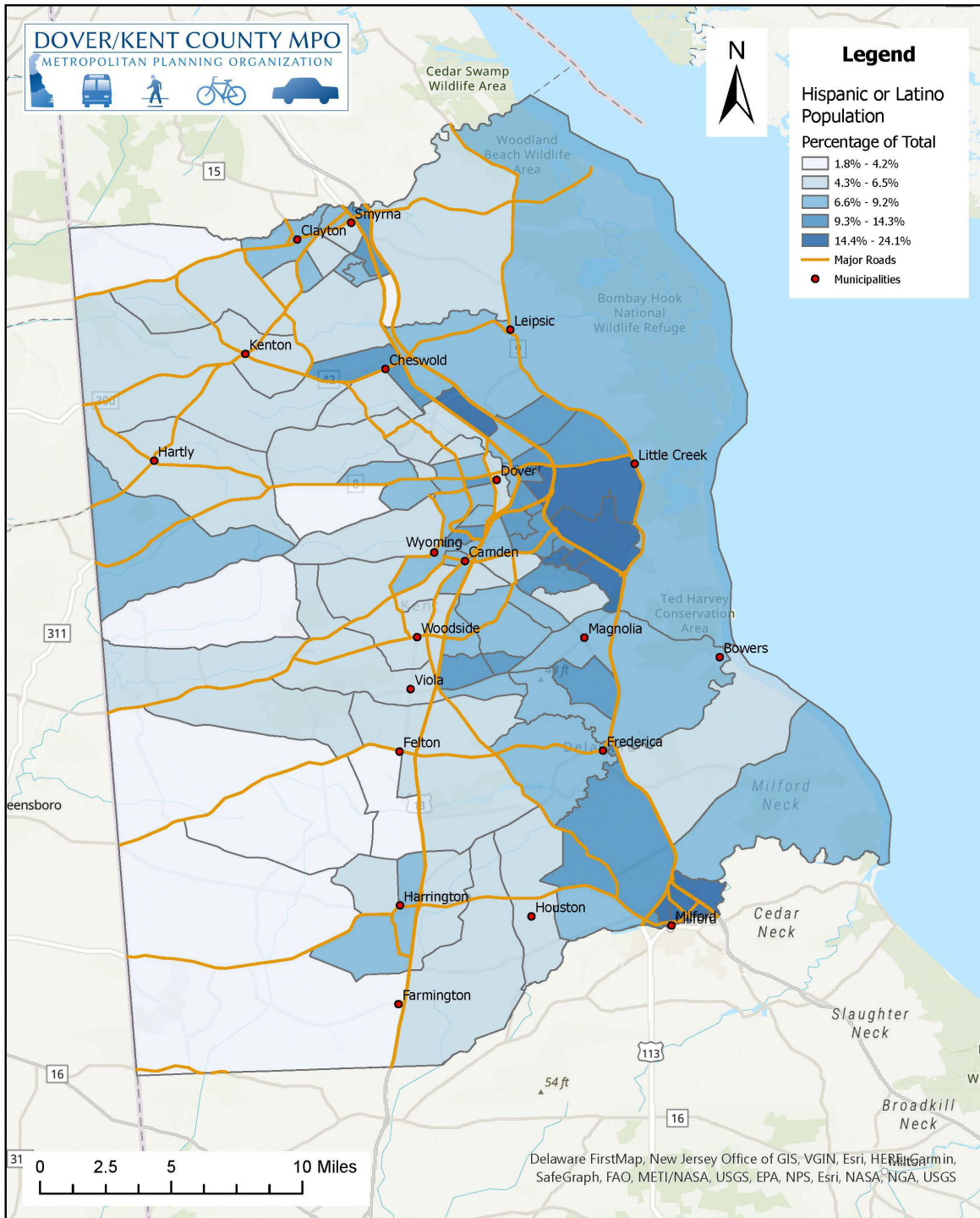
Category	Population	% of Total
Hispanic or Latino	13,981	7.7%
Not Hispanic or Latino	167,870	92.3%
Total	181,851	100%

Implications of the Data

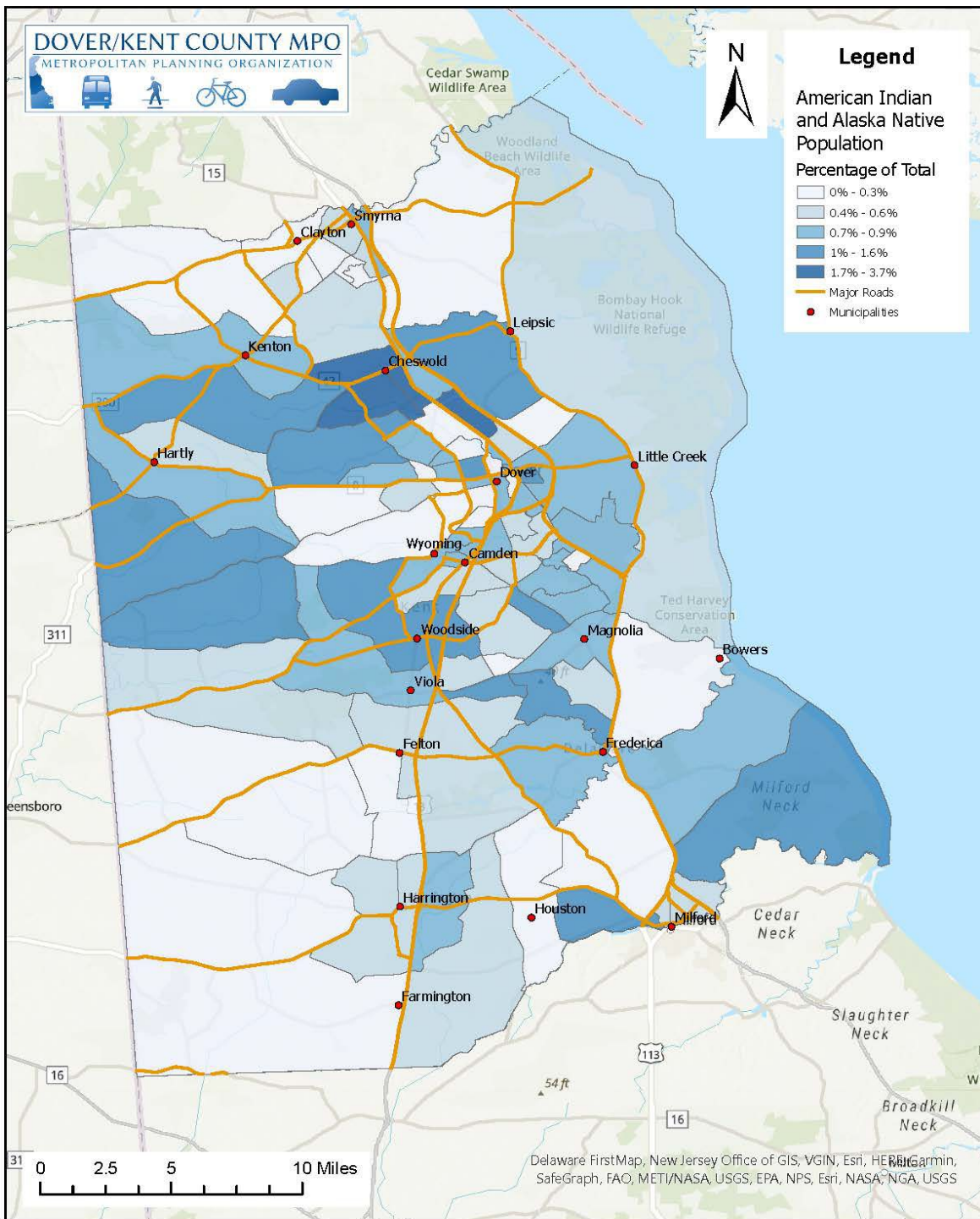
Although the history of harmful infrastructure projects has not been studied in Kent County as much as in larger metropolitan areas, there is still a need for the Dover Kent MPO to consider these impacts as it engages with the public. Historically, certain areas in the United States were overlooked while transportation planning was taking place; this often led to negative impacts towards communities of color, specifically towards their environmental, social, and economic health. Today the legacy of these planning decisions could take the form of a community that was once connected but is now separated by a major highway, or a neighborhood that lacks adequate sidewalks and sees a disproportionately high rate of pedestrian fatalities.

The data available from the US Census Bureau, the EPA, and other sources will be used by the MPO to better understand the racial demographics of the region. By doing so, MPO staff will be able to determine which areas may be facing the negative consequences of past planning decisions, and which areas may be harmed by future infrastructure projects. However, this data does not give a complete understanding of real-world conditions, as every community will have its own unique needs and challenges. The most valuable information will be obtained through public engagement and outreach. These tools will give the MPO an understanding of the current conditions within a study area, and what the specific needs of a disadvantaged community may be.

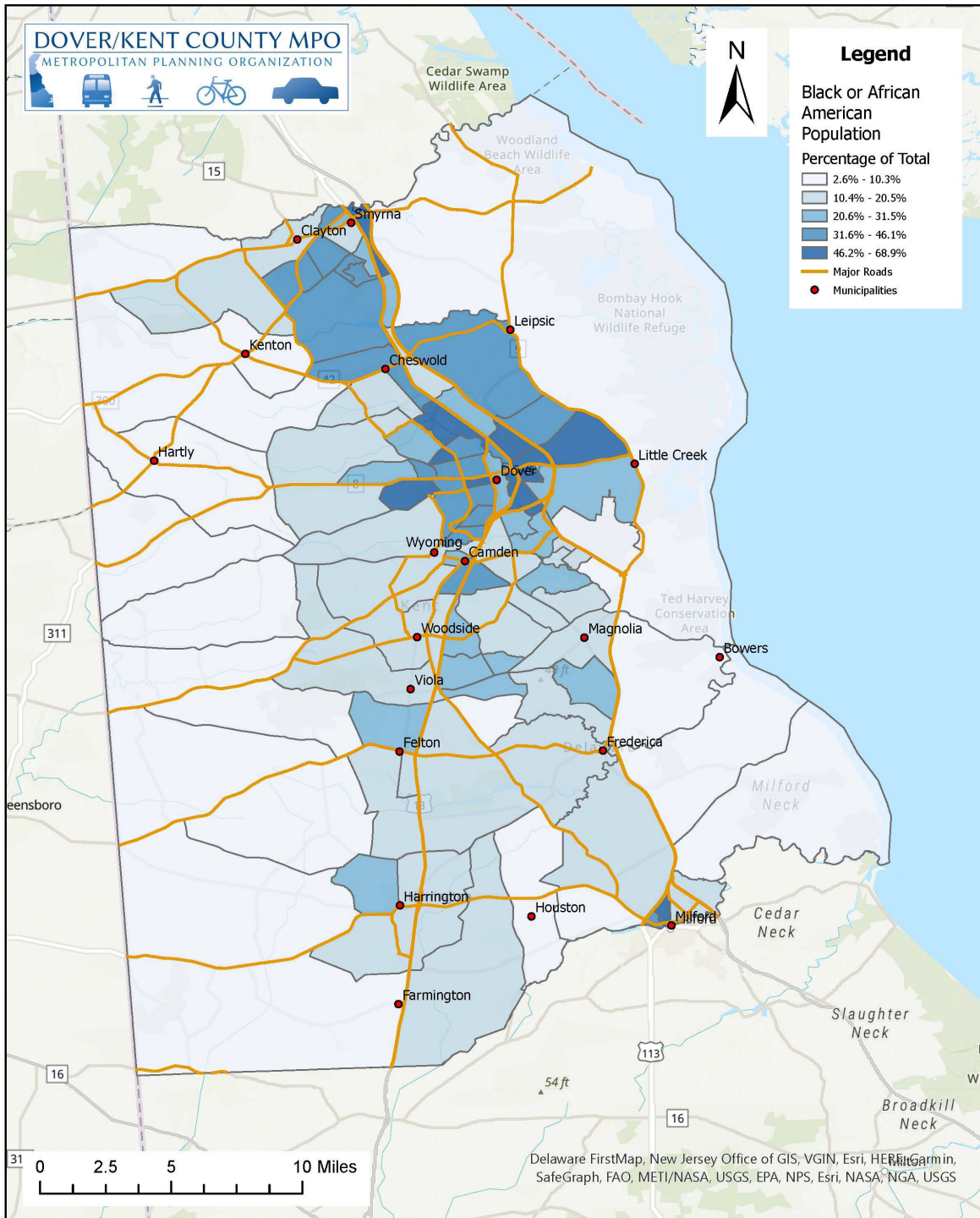
Hispanic or Latino Population Distribution in Kent County, DE



American Indian and Alaska Native Population Distribution in Kent County, DE



Black or African American Population Distribution in Kent County, DE



LIMITED ENGLISH PROFICIENCY (LEP)

Background

Compliance with Title VI includes Limited English Proficiency (LEP) persons. Language barriers prohibit people who are LEP from obtaining services and information relating to transportation services and programs. Because people who are LEP are not able to read instructions or correspondence written in English and may not understand verbal information, they often are not aware of regulatory requirements and legal implications of services they seek.

It is essential that the MPO personnel, transportation providers, professionals, and other subrecipients of federal funds become informed about their diverse clientele from the linguistic, cultural, and social perspective. These individuals should become culturally competent so they can encourage vulnerable LEP minority populations to access and receive appropriate transportation services with more knowledge and confidence.

Executive Order 13166

LEP is covered under [Executive Order 13166](#), which was first enacted by President Clinton in 2000. This executive order ensures the Federal commitment to providing widespread access to government services, regardless of the language spoken by a person. Each Federal agency must look individually at its own services and determine whether they are accessible to LEP individuals. Dover Kent MPO is committed to following this executive order so that a broader array of people within Kent County may be reached.

US DOT's LEP Guidance

In addition to Executive Order 13166, the US DOT has its own [guidance for accommodating LEP individuals](#). The guidance applies to state DOT's, MPO's, and other relevant entities. The primary result of this guidance is a "Four-Factor Analysis" which includes four key steps to establishing an LEP implementation plan and engaging with LEP individuals. The steps are as follows:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.

3. The nature and importance of the program, activity, or service provided by the recipient to people's lives.
4. The resources available to the recipient and costs.

These four steps assist in removing barriers for LEP persons. This should ultimately provide them with adequate and understandable information and allow them to participate in MPO programs when appropriate.

Factor #1: The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.

In accordance with Factor #1 of the Four-Factor Analysis, Dover Kent MPO has provided data on the LEP population of Kent County, Delaware. The data for Kent County was gathered from the 2021 American Community Survey (ACS) topic "B16004: Age by Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over." The results were obtained by first finding the combined population for each block group that speaks English "not well" or "not at all," and then dividing this number by the total population of the block group. As a final step, the results were verified using the US EPA's Environmental Justice Screening and Mapping Tool. Both spatial data for each block group and county-wide data are provided in this document.

According to the methodology used by Dover Kent MPO, there are several block groups that have the highest concentrations of LEP individuals. The areas of high LEP concentration are found in Dover (especially to the north of Dover Air Force Base), Milford (along North Street and Church Street), Smyrna (to the south of Lake Como), Harrington (to the east of US13), and the northwestern corner of Kent County. Despite these trends, LEP households may be found throughout the county with varying concentrations.

Among the population that speaks a language other than English, Spanish is the largest category, accounting for 7,878 speakers, or 4.66% of the county's population. The next largest category is Indo-European languages; this is a broad category that includes French, Italian, Portuguese, Haitian Creole, German, Russian, Hindi, Greek, and others. Indo-European languages account for 6,805 speakers in Kent County, or 4.02% of the population. There are also Asian and Pacific Islander languages, a category that includes Chinese, Korean, Japanese, Vietnamese, Tagalog, various Polynesian languages, and others. Asian and Pacific Islander languages account for 2,298 speakers in Kent County, or 1.36% of the population. The final category includes various other languages such as Arabic, Hebrew, Western African languages such as Yoruba, Eastern African languages such as Swahili, and Native North American languages such as

Cherokee and Lakota. These account for 1,285 speakers in Kent County, or 0.76% of the population.

Table 3: Languages spoken at home and English proficiency in Kent County, DE (population 5 years and over). Original data with margins of error may be found at the US Census Bureau ([link](#)).

Language Spoken at Home	Estimate	% of Total
Total	169,218	100%
Speak only English	150,952	89.21%
Speak Spanish	7,878	4.66%
Speak English “very well”	5,261	3.11%
Speak English “well”	1,397	0.83%
Speak English “not well”	700	0.41%
Speak English “not at all”	520	0.31%
Speak other Indo-European languages	6,805	4.02%
Speak English “very well”	4,343	2.57%
Speak English “well”	1,720	1.01%
Speak English “not well”	620	0.37%
Speak English “not at all”	122	0.07%
Speak Asian and Pacific Islander languages	2,298	1.36%
Speak English “very well”	1,110	0.66%
Speak English “well”	601	0.36%
Speak English “not well”	399	0.24%
Speak English “not at all”	188	0.11%
Speak other languages	1,285	0.76%
Speak English “very well”	700	0.41%
Speak English “well”	578	0.34%
Speak English “not well”	7	0.00%
Speak English “not at all”	0	0.00%

Factor #2: The frequency with which LEP individuals come in contact with the program.

When it is possible, Dover Kent MPO translates its materials to reach a broader array of people. Certain YouTube videos and written materials published by the MPO, including the “virtual tour” of the MPO’s Transportation Improvement Program (TIP), have both an English and Spanish version. Furthermore, the Title VI / Environmental Justice page on the MPO’s website is translated into Spanish, Chinese, and Korean. While a full translation is not always feasible, the MPO feels it is important to add to the ways in which LEP individuals can participate in MPO activities, and also to broaden the range of languages addressed through translation efforts.

Dover Kent MPO meetings are open to the public, and participation from the community is highly encouraged. Some meetings and workshops are held in areas with a large LEP population. Should it be requested, Dover Kent MPO would offer

additional services to LEP individuals such as a translator at public meetings or translated written materials.

Factor #3: The nature and importance of the program, activity, or service provided by the recipient to people's lives.

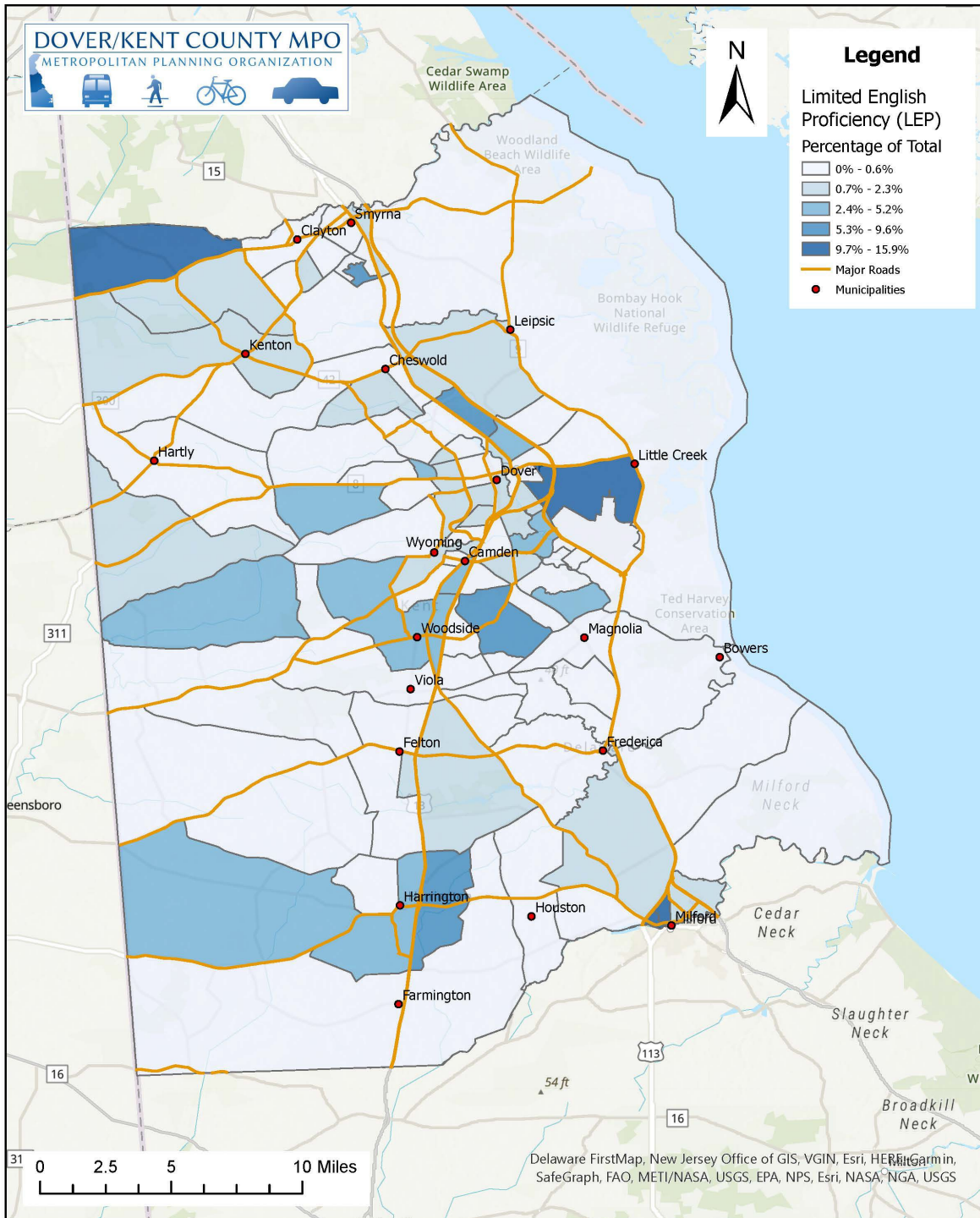
As a Metropolitan Planning Organization, it is the duty of Dover Kent MPO to improve access to transportation by reaching as many residents of the area as possible. This sort of outreach can sometimes be hindered by language barriers, and as a result, individuals may be prevented from participating in MPO functions. However, the more a community as a whole is engaged with its MPO, the more equitable and informed the work will be. Therefore, it is the goal of Dover Kent MPO to broaden access to publications, outreach, and other relevant materials. This, in addition to compliance with Executive Order 13166 and US DOT guidance, are the reasons Dover Kent MPO is willing to pursue greater LEP accessibility.

Factor #4: The resources available to the recipient and costs.

One means of reaching LEP populations is by consulting data made available by the US Census Bureau. This data is available at no cost to the MPO, which means it is an accessible source of information on the LEP populations of Kent County and where they reside. With this knowledge in hand, the MPO can then adjust its outreach efforts so that LEP individuals are not overlooked when collaborating with the public on transportation studies. Working closely with local organizations is also useful for reaching these populations and receiving their input.

The MPO maintains a budget for translation services if it should be needed. Therefore, a professional translator could be provided at public meetings at no charge to the public; however, this will only be done if a request is made in advance. An alternative is for the MPO to use online translation services, as it has done previously. These translations could then be verified by somebody who is fluent in the language, so that their accuracy is ensured before being shared.

Limited English Proficiency (LEP) Population Distribution in Kent County, DE



ZERO VEHICLE HOUSEHOLDS

Demographic Trends

According to the 2021 American Community Survey (ACS) topic “B25044: Tenure by Vehicles Available,” there are 3,442 households (both owner-occupied and renter-occupied units) in Kent County that do not have access to a personal motor vehicle. This is out of 73,497 households surveyed, and it consists of 4.68% of the total. Areas with a high percentage of zero vehicle households are located throughout the county. The block groups with the highest percentages are found in Dover (the downtown area and around the apartment complexes on Walker Road), Milford (the apartment complexes to the east of US113 and to the north of NW Front Street), and in some rural areas to the west of Dover.

The US EPA’s Environmental Justice Screening and Mapping Tool shows similar trends in Kent County, with Dover, Milford, and some rural areas experiencing the highest concentrations of zero vehicle households. These are the areas in which many residents depend on other forms of transportation, such as walking, bicycling, and buses. Infrastructure such as sidewalks, bicycle paths, and bus routes are necessary forms of infrastructure for people in zero vehicle households. Therefore, future MPO studies will consider the unique needs of these areas when addressing transportation access.

The data also indicates that the percentage of renter-occupied households without a vehicle (9.94%) is considerably higher than the percentage of owner-occupied households (2.84%). This means places with a large concentration of apartment complexes and other rental properties are in greater need of reliable bus routes and safe pedestrian and bicycle infrastructure.

Table 4: Percentage of households with zero personal vehicles in Kent County, DE. Original data with margins of error may be found at the US Census Bureau ([link](#)).

Type of Household	Total Households	Households with No Vehicle	% of Households with No Vehicle
Owner Occupied	54,392	1,543	2.84%
Renter Occupied	19,105	1,899	9.94%
Total	73,497	3,442	4.68%

Existing Infrastructure

Public Transportation

Kent County is served by DART First State, Delaware's multi-modal transit system. Operated by the Delaware Transit Corporation (DTC), it includes both fixed bus routes and paratransit services. Many people in Kent County rely on this system to reach their place of work or shopping centers, which is why DART makes up an important part of the county's transportation network.

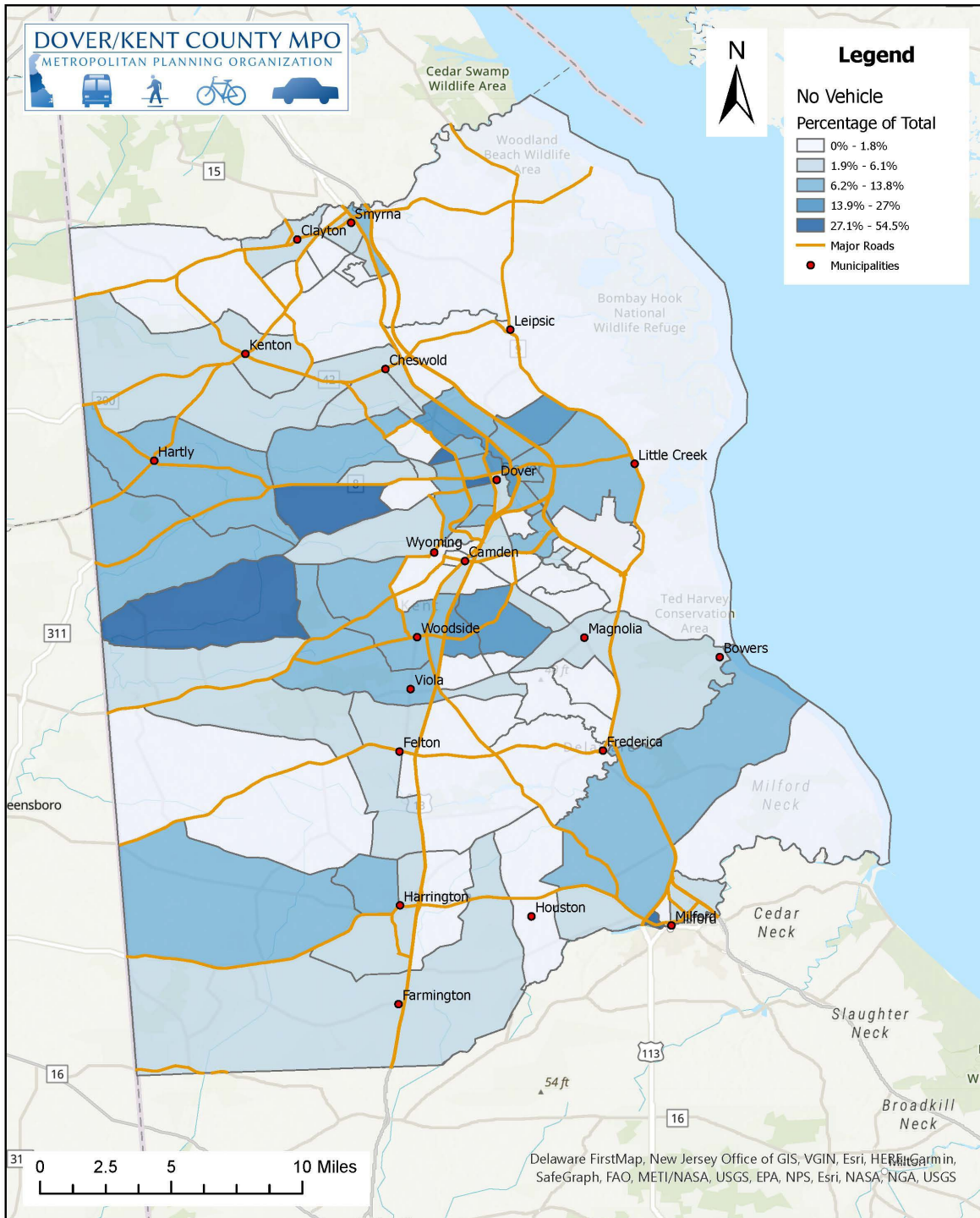
At the time of this report's completion, DTC is completing DART Reimagined, a statewide study dedicated to improving transit access in Delaware. Considering the needs of people from zero vehicle households and other vulnerable communities is an important part of these efforts. DTC is collaborating with agencies across the state to gather information and reach as many transit riders as possible; Dover Kent MPO has been an active participant in these discussions and has provided input specific to Kent County's ridership.

Pedestrian and Bicycle Infrastructure

As it currently stands, much of Kent County is only accessible by motor vehicle, especially in the rural areas. However, several pedestrian and bicycle routes have been added over the years, which has helped improve safety and connectivity at a local level. A few examples around the City of Dover include the Senator Bikeway, which is found along Route 8; the St. Jones Greenway, which follows the St. Jones River; and the Capital City Trail, which is found along Route 10. In other places, such as along US13 and Bay Road, existing infrastructure is incomplete, and there are noticeable gaps in the pedestrian and bicycle paths.

One of the main reasons Dover Kent MPO studies the demographics of zero vehicle households is to improve pedestrian and bicycle safety within these communities. Given that zero vehicle households rely on other forms of transportation to access places of work or nearby businesses, it is imperative that the routes they take are reasonably separated from vehicle traffic. Safety is the most important commitment of the MPO, and it is also one of the three major concepts under the broad umbrella of equity in transportation, as discussed in this report. As a result, the safety of pedestrians and bicyclists is heavily considered as a part of MPO transportation studies.

Zero Vehicle Households Population Distribution in Kent County, DE



AGE DEMOGRAPHICS

Demographic Trends

According to the 2021 American Community Survey (ACS) topic “S0101: Age and Sex,” there are 34,595 people aged 65 and over in Kent County. This makes up about 18.5% of the county’s population, which is lower than the State of Delaware’s average of 20.9%. (For comparison, this same demographic makes up about 17.1% of the population in New Castle County, and about 30.8% in Sussex County.) Values were determined by finding the population 65 years and over for each census block group and dividing this number by the total population of the block group.

Specific census block groups contain the highest percentage of residents 65 years of age and older. Many of these block groups are also the home of senior housing centers, such as The Arbors in Dover, Silver Lake Estates in Milford, and Spring Meadow in Smyrna. This explains the disproportionately higher numbers in these locations. Other concentrations of older residents are found throughout Kent County.

Table 5: The age demographics of Kent County, DE. Original data with margins of error may be found at the US Census Bureau [\(link\)](#).

Category	Population	% of Total
Under 5 years	11,059	5.9%
5 to 9 years	13,951	7.5%
10 to 14 years	10,570	5.7%
15 to 19 years	11,776	6.3%
20 to 24 years	12,923	6.9%
25 to 29 years	12,089	6.5%
30 to 34 years	14,374	7.7%
35 to 39 years	11,766	6.3%
40 to 44 years	11,432	6.1%
45 to 49 years	8,345	4.5%
50 to 54 years	10,282	5.5%
55 to 59 years	10,763	5.8%
60 to 64 years	13,021	7.0%
65 to 69 years	11,744	6.3%
70 to 74 years	7,854	4.2%
75 to 79 years	6,912	3.7%
80 to 84 years	4,546	2.4%
85 years and over	3,539	1.9%
Total	186,946	100%

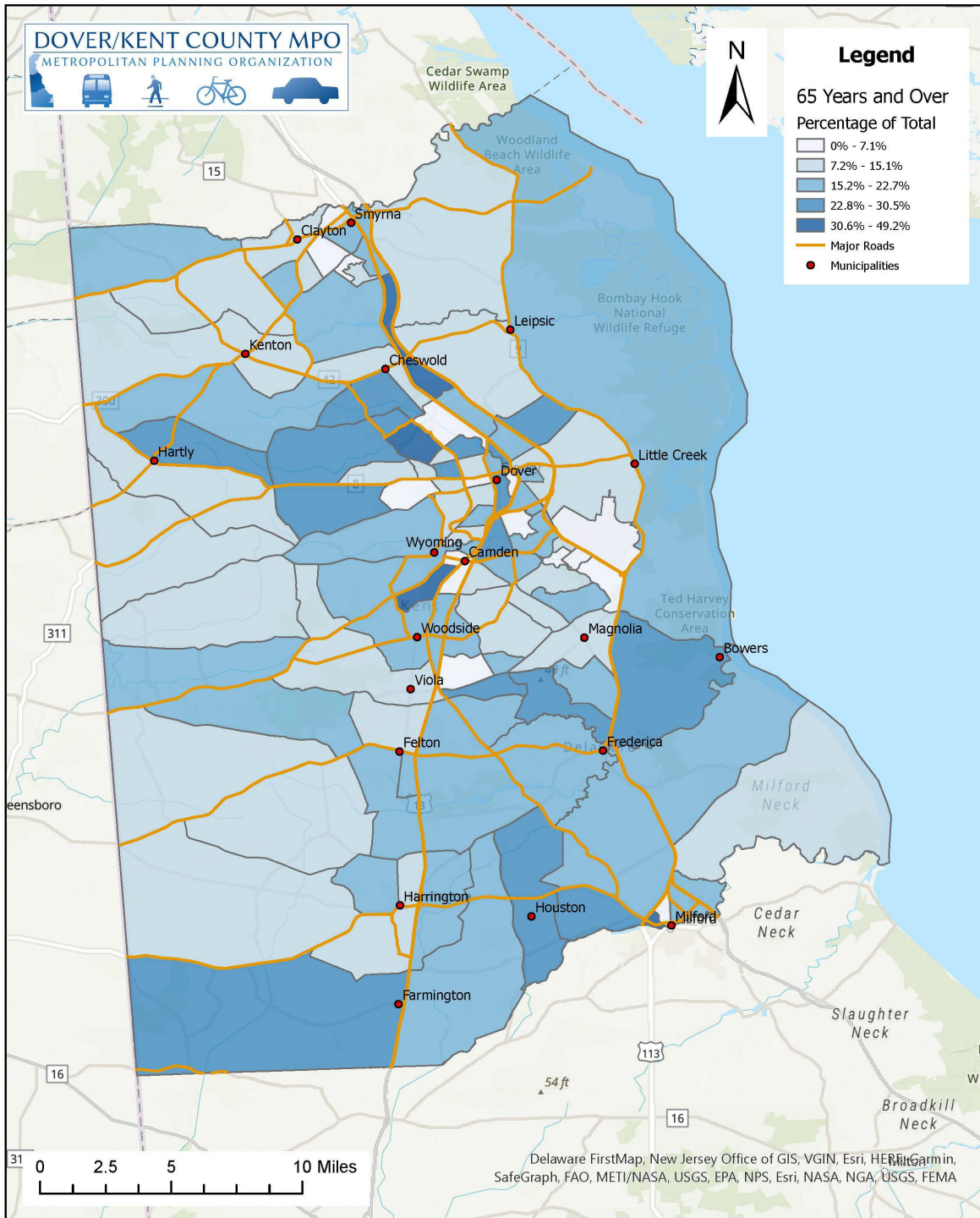
Implications of the Data

Older residents in a community face unique transportation challenges. Some of these residents may not drive a personal motor vehicle, which means they must rely on public transportation or rides from other motorists. Their destinations may include medical facilities, shopping centers, banks, post offices, and other services. Paratransit is a viable method of transportation for those unable to use DART's fixed bus routes. However, other solutions may be needed in certain instances. Because many older residents walk to their destinations rather than drive, crosswalks and other pedestrian infrastructure are necessary additions to these locations.

Another challenge with older residents is ensuring they are able to evacuate in the event of an emergency. People within this demographic may not be able to drive in a personal vehicle, which means additional planning is required when ensuring they are safe from floods and other natural disasters. Given the frequency of roadway flooding in Kent County, this is an important safety consideration.

Dover Kent MPO will use the available data to better understand the population distribution of Kent County while completing transportation studies. Doing so will allow the outcomes of the studies to benefit a broader range of individuals, including older residents.

65 Years and Over Population Distribution in Kent County, DE



POVERTY STATUS

Demographic Trends

According to the 2021 American Community Survey (ACS) topic “B17101: Poverty Status in the Past 12 Months of People in Housing Units,” there are 16,932 individuals in Kent County below the poverty level. This is about 9.3% of the county’s total population, which is approximately the same as the State of Delaware’s average of 9.3%. Values were determined by finding the population below the poverty level for each census block group and dividing this number by the total population of the block group. The results were verified using the US EPA’s Environmental Justice Screening and Mapping Tool.

There are several areas in Kent County that contain a disproportionately high number of people below the poverty level. The census block group with by far the highest percentage is found to the north of Walker Road in Dover, but other block groups with a high percentage are found in Dover, Milford, Cheswold, Woodside, and elsewhere. The block groups with the lowest percentages are found in various neighborhoods throughout Kent County, sometimes adjacent to block groups with high percentages.

Table 6: The poverty status demographics of Kent County, DE. Original data with margins of error may be found at the US Census Bureau ([link](#)).

Category	Population	% of Total
Income in the past 12 months below poverty level	16,932	9.3%
Income in the past 12 months at or above poverty level	165,297	90.7%
Total	182,229	100%

Implications of the Data

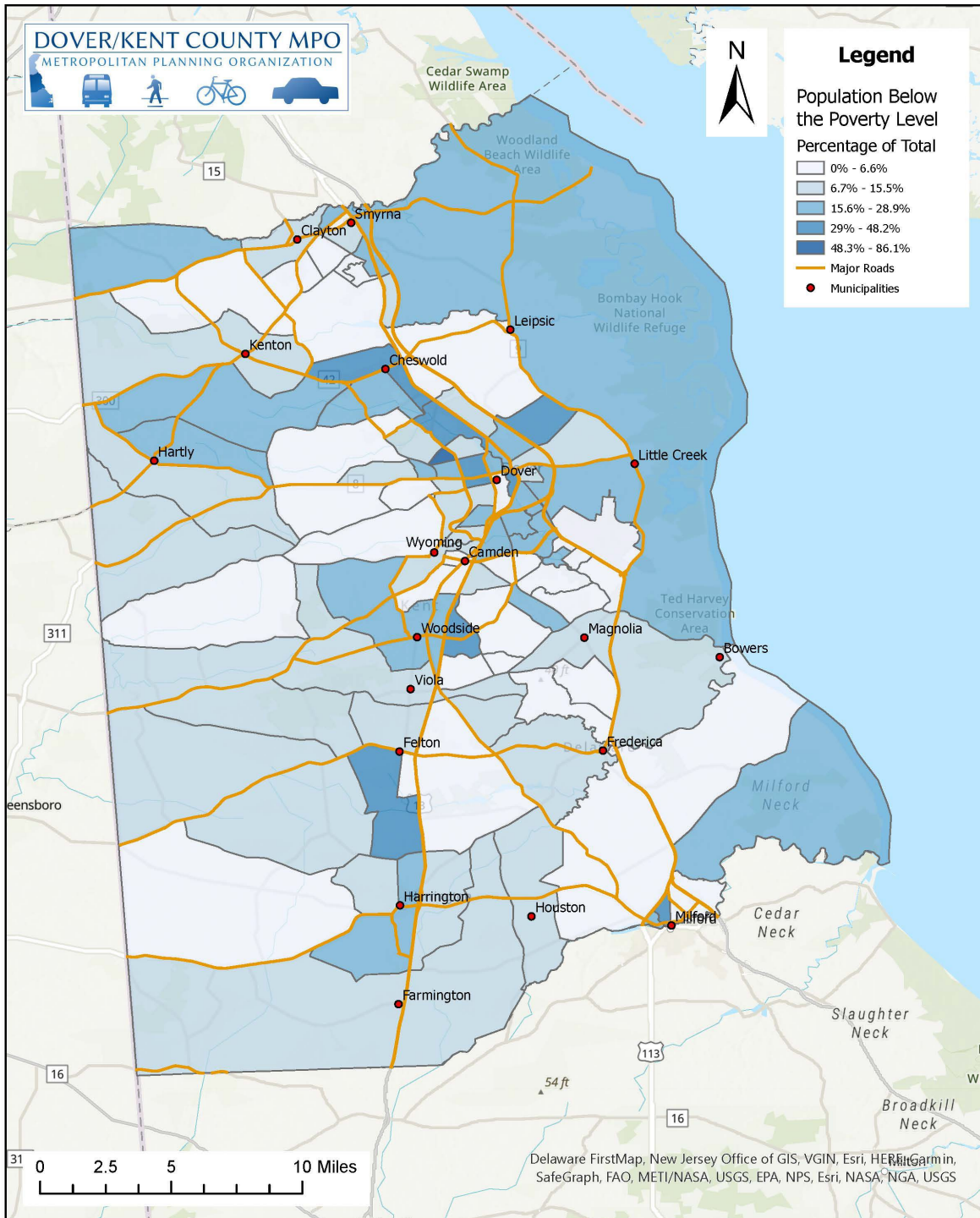
Low-income neighborhoods traditionally see far less investment in multi-modal transportation safety than other neighborhoods. There is often a lack of adequate sidewalks and bicycle lanes, which puts pedestrians and bicyclists in close proximity to vehicle traffic. Because of this, pedestrians and bicyclists are more at risk when traveling on the roads.

Poverty status, when combined with other socioeconomic factors, gives a clear picture of the vulnerable areas in Kent County. For example, the City of Dover has several neighborhoods below the poverty level, and the city also has a disproportionately high number of people without access to a vehicle. For these reasons, much of Dover is classified as a food desert, according to the US EPA’s Environmental Justice Screening

and Mapping Tool. People living in these areas may have a difficult time accessing adequate nutrition and safely reaching grocery stores or other sources of food.

Creating safe transportation infrastructure is especially important in communities with a high percentage of residents below the poverty level. If this can be achieved, people will be able to walk to grocery stores and similar destinations without being in close proximity to vehicle traffic. Public engagement may be more challenging in these communities, which is why using a variety of outreach techniques may be necessary. By reviewing the available data and knowing where the areas of high poverty status may be found, Dover Kent MPO will then be able to ensure its efforts have a positive impact and meet the unique needs of the community.

Poverty Status Population Distribution in Kent County, DE



DISABILITY STATUS

Demographic Trends

Information on disability status in Kent County was gathered from the 2021 American Community Survey (ACS) topic “C21007: Age by Veteran Status by Poverty Status in the Past 12 Months by Disability Status for the Civilian Population 18 Years and Over.” According to this data, there are 27,486 people in Kent County with a disability. This is about 19.9% of people above the age of 18 in the county, which is higher than the State of Delaware average of 16.3%. Values were determined by finding the number of persons with disabilities for each block group and dividing this number by the total population of the block group. The results were verified using the US EPA’s Environmental Justice Screening and Mapping Tool.

The census block groups with the highest percentage of disabled persons are found along US13 to the south of Felton, in Milford to the east of US113 and to the north of NW Front Street, and to the north of Dover Air Force Base. Other areas with high percentages are found in different neighborhoods around Dover, Wyoming, Cheswold, and elsewhere in Kent County.

Table 7: The disability status demographics of Kent County, DE. Original data with margins of error may be found at the US Census Bureau ([link](#)).

Category	Population	% of Total
Persons with a disability (18 years and over)	27,486	19.9%
Persons without a disability (18 years and over)	110,704	80.1%
Total	138,190	100%

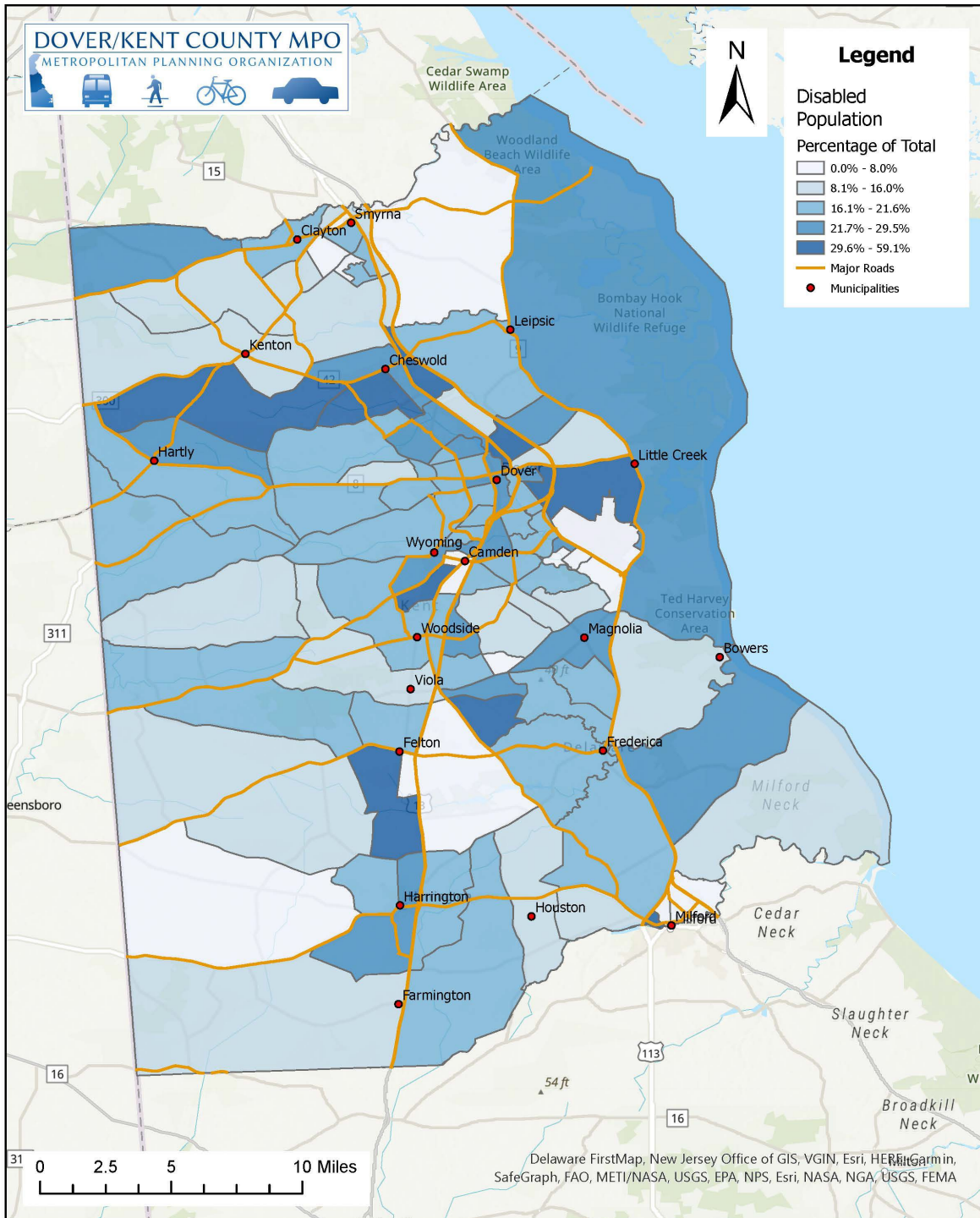
Implications of the Data

Disability status is a factor that must be considered during the transportation planning process. Areas with a high percentage of disabled persons are in greater need of accessible pedestrian infrastructure such as curb ramps, easily navigable crosswalks, and sidewalks that do not contain impediments to movement. Following the latest [Americans with Disabilities Act \(ADA\)](#) regulations is one of the most effective means of achieving proper pedestrian accessibility. The 2021 [DeIDOT Pedestrian Accessibility Standards Manual](#) is another useful source for understanding accessibility requirements at the state level.

Dover Kent MPO will use the latest data to find the areas with the greatest need for accessible pedestrian infrastructure. By doing so, the MPO can then ensure its

transportation studies consider the best methods for alleviating transportation challenges in the community. The goal is to make key destinations and routes more accessible for all users, and understanding the existing conditions of the study area is the first step in this process.

Persons with Disabilities Population Distribution in Kent County, DE



EQUITY ROUNDTABLE 2023 RECOMMENDATIONS

The following are recommendations resulting from an Equity Roundtable held by the Dover Kent MPO on June 6, 2023 (see Appendix A).

Action Items:

- Driver's Education State curriculum to include Bicycle and Pedestrian Safety, Amish awareness, and best practices.
- Develop a list of projects for consideration in the MPO's upcoming MTP.
- MPO will produce an updated and expanded Environmental Justice Report to accompany the updated [Public Participation Plan](#).
- Provide reflective string-pull backpacks to walkers and bicyclists.
- Improve bus stop shelters, including cameras for safety.
- Provide designated ride-share locations with shelters.
- Install bike repair stations that include phone charging.
- Outreach to the Amish community.
- Coordinate a BIG PR campaign among shareholders.
- Require flashing lights at crosswalks.
- Ensure that crosswalks allow enough time for elderly or disabled pedestrians to cross.
- Expand language translation in the MPO documents.
- Use Equity mapping tools for consideration in all studies and/or project decision-making processes.

Legislative Items:

- Require developers to provide connections.
- Land use considerations (i.e., locations of 55+ communities).
- Improve street lighting in rural areas.
- Allow scooters and E-bikes.

Other Recommendations Specific to Dover Kent MPO:

- To use the [DelDOT Equity Analysis Tool](#) in all Dover Kent MPO studies.
- To continue to host Equity roundtables at least once a year.
- To provide education on Equity in Transportation for whomever asks for it.
- Integrate Equity into the Dover Kent MPO call for project process.
- Conduct more detailed EJ analysis for the [Dover Kent MPO Public Participation Plan](#).
- Develop Equity-related performance measures and targets.
- Expand Dover Kent MPO's outreach efforts around the county.
- To continue internal education regarding Diversity, Inclusion, and Equity.

IMPLEMENTATION

The MPO will use the information in this policy document to assess potential impacts of proposed projects. Each proposed project will be evaluated using the DelDOT Equity Analysis Tool to determine proximity to underserved areas.

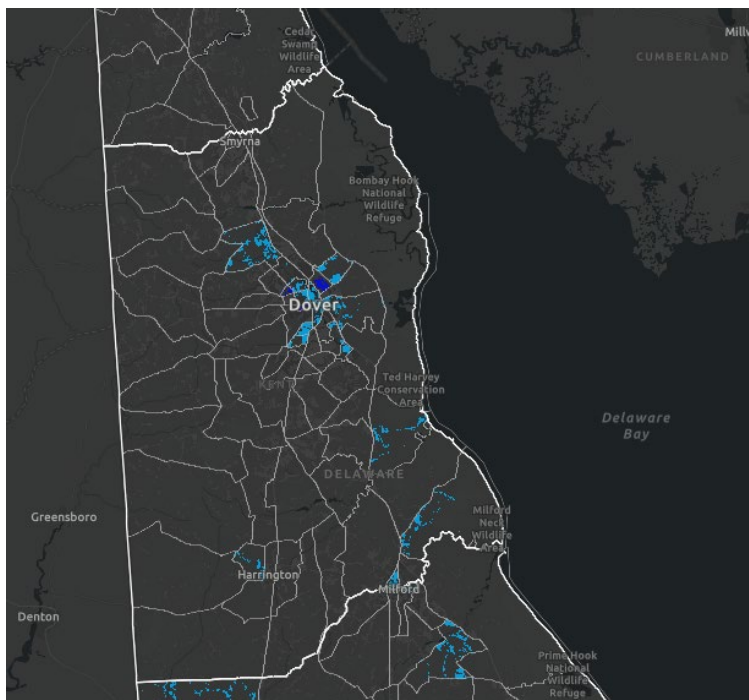
DelDOT created the Equity Analysis Tool and an Interactive Map with the goal of identifying Equity Focus Areas in Delaware in order to:

- Make informed investment decisions;
- Provide data for public outreach and engagement strategies;
- Create a standardized tool for DelDOT (and potentially other state agencies) to identify disadvantaged communities as required by HCR40 related to Justice40 (EO 14008) illustrating the concentration of different populations across the State.

The Tool determines Equity Focus Areas based on Median Household Income, Language Isolation, Percentage of Population in Poverty, and Minority Population Percentages with the inclusion of American Indian population percentages.

In addition, the Tool includes the following Supplemental Datasets: Aging Population Percentage (65+), Mobile Home Parks, and Delaware State Housing Authority Analysis.

Dover Kent MPO plans to incorporate this tool to align all its studies and projects with the established equity objectives. The story map can be found at [Delaware Equity Analysis Tool \(arcgis.com\)](#).



Planning

The MPO will continue to provide input into the Delaware Department of Transportation (DelDOT) Statewide Transportation Improvement Program (STIP) and six-year Capital Transportation Program (CTP). The MPO is responsible for developing a Long-Range Transportation Plan/ Metropolitan Transportation Plan (MTP) with the horizon of 20 years. The MPO is also responsible for developing a Transportation Improvement Program (TIP) based on prioritized projects from the Metropolitan Transportation Plan (MTP) that represent the activities important to the MPO and are included in the DelDOT STIP and CTP. Planning also encompasses air quality, safety, transportation analysis, transportation reporting, inventory, research, mapping, major project studies in training and technical assistance for communities, and equity.

MPO staff under the direction of the Executive Director will:

- Ensure that all aspects of the planning operation comply with the Title VI/EJ;
- Serve as a resource person helping to ensure participation of a cross-section of people representative of the affected population, ensuring that various and diverse social, economic, and ethnic interest groups are represented in the planning process;
- Provide the bi-annual report on Title VI/EJ accomplishments for the previous year and goals for the next year;
- Ensure equal opportunity for participation on advisory committees;
- Ensure Title VI/EJ language is included or incorporated by reference in every sub recipient contract.

Transit

Coordinates passenger-related functions including bus, vanpool, carpool, and pedestrian and bicycle programs. The MPO develops transportation alternatives that are environmentally sound, cost-effective and politically acceptable.

MPO staff under the direction of the Executive Director will:

- Ensure that all aspects of passenger related functions/programs/contracts/grant programs comply with Title VI/EJ;
- Provide the bi-annual report on Title VI/EJ accomplishments to the Delaware Transit Corporation for the previous two years and goals for the next two years (in accordance with "FTA circular 4702.1 data collection and reporting requirements");
- Ensure Title VI/EJ language is included, or incorporated by reference, in every sub recipient contract;
- Perform reviews as needed of sub recipients to ensure Title VI/EJ adherence.

ADMINISTRATION

Dover Kent County MPO Title VI/EJ Coordinator, under the supervision of the Executive Director, shall have the lead responsibility for coordinating the administration of the Title VI/Environmental Justice Program and related statutes, programs, plans, and assurances, including training. Special emphasis program areas for the MPO are transportation planning studies, comprehensive planning assistance, and program management. The MPO has developed a [Public Participation Plan](#) which will be used in conjunction with the Title VI/Environmental Justice program and is included by reference.

Complaints

If any individual believes that she/he or any of the program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or services, or on the grounds of race, color, national origin (including limited English proficiency), sex, age, or handicap, she/he may exercise right to file a complaint with the MPO. Complaints may be filed with the MPO Executive Director. Every effort will be made to resolve complaints informally at the lowest level.

Complaints may also be filed directly with the Federal Highway Administration, Federal Transit Administration, or the Delaware Department of Transportation, Civil Rights Section.

Data Collection

Statistical data on race, color, national origin, the English language ability and sex of participants in, and beneficiaries of the MPO programs, e.g. relocatees, impacted citizens, and affected communities, will be gathered and maintained by the MPO. The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI/EJ program.

MPO Reviews

Special emphasis program reviews will be conducted based on the annual summary of Title VI activities, accomplishments and problems. The reviews will be conducted by the MPO to assure effectiveness in their compliance of Title VI/EJ provisions. The MPO Title VI/EJ Coordinator, under the supervision of the Executive Director, will coordinate efforts to ensure equal participation in all programs and activities at all levels.

Title VI/EJ Reviews of Sub-recipients

Title VI/EJ compliance reviews will be conducted annually by the MPO Executive Director. Priority for conducting reviews will begin with those recipients of federal (US Department of Transportation) funds with the greatest potential of impact to those groups covered by the act. The review will entail examination of the recipients' adherence to all Title VI/EJ requirements. The status of each review will be reported in the annual update and report to relevant US Department of Transportation (US DOT) modes (e.g. FHWA, Federal Transit Administration).

Title VI/EJ Plan Updates

An update of the Title VI implementing plan will be completed at the time that the [Public Participation Plan](#) is reviewed and updated. These reports will review Title VI/EJ accomplishments achieved during the year and goals for the next year.

FTA Title VI Compliance Reviews

A report will be submitted to the Delaware Transit Corporation (DTC) at least every three years to meet the agency's requirements for their FTA submission to comply with FTA circular 4702.1, Title VI program guidelines for Federal Transit Administration recipients.

Public Dissemination

MPO will disseminate Title VI/EJ program information to organization employees, the Council, committees and to the general public. Title VI/EJ program information will be submitted to sub recipients, contractors and beneficiaries. Public dissemination will include Title VI/EJ language in contracts and a copy of this policy on the MPO website.

Remedial Action

MPO will actively pursue the prevention of Title VI/EJ deficiencies and violations and will take the necessary steps to ensure compliance of all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective actions. The period to determine corrective action and put them in writing to affect compliance may not exceed 90 days from the date deficiencies are found.

OUTREACH

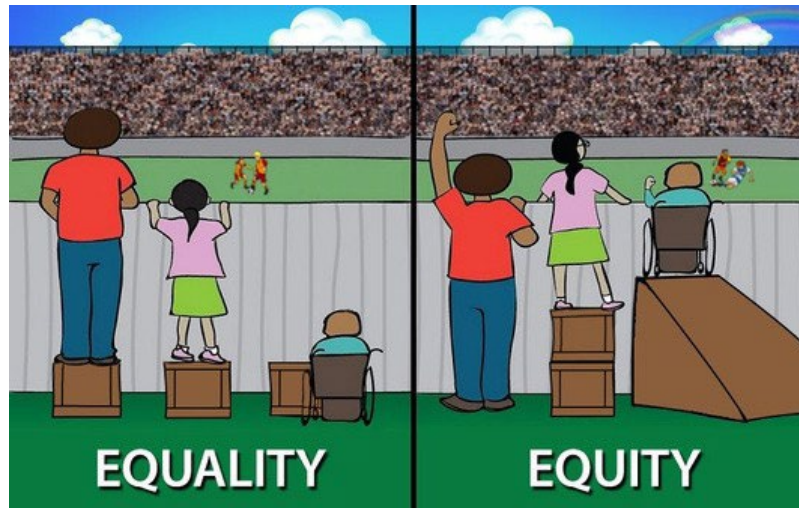
Outreach is one of the most critical aspects of achieving and maintaining equity in transportation. Equity is discussed extensively in the [Dover Kent MPO Public Participation Plan](#), updated in adopted September 2023.

When striving to reach underserved populations, Dover Kent MPO will:

- Get out into the community and build partnerships.
- Be interactive, engaging, and fun.
- Take the time to understand and respond.
- Be intentional with outreach strategies.
- Be prepared to accept criticism.
- Upon advanced request, have translation available for non-English-speaking constituents.
- Make accommodations for any constituent with a disability, particularly hearing, sight, or mobility, upon advanced request or as reasonably possible without advanced notice.

APPENDIX A

Equity Roundtable 2023 Summary



The Dover Kent MPO hosted its first-ever Equity Roundtable on June 6, 2023. During this event, a diverse group of individuals representing significant portions of the underserved communities in Kent County engaged in extensive discussions and shared numerous ideas. From the comprehensive notes taken during the roundtable, we have identified the following Action Items. Although the MPO cannot ensure the completion of every item, we affirm that these Action Items hold great importance and will be given priority by the MPO and its partners.

What is Equity in Transportation?

Equity in transportation is about ensuring everyone in a community has fair and equal access to transportation options that meet their needs. The goal is to provide affordable and reliable transportation to all people, especially those who have been historically underserved. This includes people from different racial and ethnic backgrounds, religious minorities, LGBTQ+ individuals, people with disabilities, people in rural areas, and those affected by poverty or inequality.

In simpler terms, equity means treating everyone fairly and justly, without any biases or discrimination. Regarding transportation, it's not about giving everyone the same thing but considering the specific challenges and circumstances affecting different communities' transportation needs. This information is used to create a transportation plan that addresses those needs and ensures a fair and accessible transportation network for all.

The list of attendees:

Ernst Arndt, Town of Viola
Dr. Phyllis Brooks Collins, Delaware State University
Tremica Cherry-Wall, DART
Tierea Chisholm, Neighborgood Partners
Jason D. Coleman, DE Office of Highway Safety
Jay Davis, Smyrna High School
Cynthia Dawe, Milford Advocacy for the Homeless
Darin Dell, MPO PAC
Mary Ellen Gray, City of Dover
Kathleen Grier, Delaware Commute Solutions
Shebra Hall, DE Dept. of Health & Social Services
Enos Han, FHWA
Kiara Hicks, Delaware Commute Solutions
Anastasia Jackson, DE Div. of Small Business
Bill Jones, FHWA
Richard Klepner, DE Office of Highway Safety
Tracey Miller, MPO PAC
Meghan Niddrie, DE Dept. of Safety & Homeland Security
Edwin Perez, Independent Resources
Rob Pierce, City of Milford
Dana Shelton, MPO PAC
Cathy Smith, DART
Nancy Spencer, Del Tech Community College
Pamela Steinebach, DelDOT
Jim Sullivan, DNREC
Daniel Wilson, SERCAP, Inc.

Dover Kent MPO Staff:

Marilyn J. Smith - Executive Director
Michelle Vinson - Executive Assistant
Jim Galvin - Principal Planner
Malcom Jacob - Transportation Planner
Mike Ward - GIS Planner
Helen Wiles - Public Outreach Manager



When considering equity in transportation, three prominent concepts emerge: Safety, Accessibility, and Connectivity. These were the three main areas of focus discussed at the Equity Roundtable.

Safety

Multi-modal transportation design in low-income communities often doesn't prioritize safety as much as in wealthier areas. For instance, these communities often lack safe sidewalks and dedicated bike lanes. Furthermore, data shows that people in low-income communities are disproportionately affected by traffic-related deaths. This difference in safety costs lives and is one of the most urgent problems the transportation industry needs to tackle. The goal relevant to safety should be to ensure safe transportation for everyone, regardless of how much money they have, their age, their abilities, or their race/ethnicity.

Accessibility

Inadequate transportation can contribute to social exclusion, especially for people who face multiple disadvantages, live in communities heavily reliant on cars, have physical disabilities, have low income, or cannot afford a personal vehicle.

However, when equity considerations are integrated into the planning process, the overall transportation system improves for everyone. A key part of studying transportation is understanding how easy or difficult it is to get to essential places such as jobs, schools, healthcare, grocery stores, and places where people can engage in their favorite hobbies and interact with one another. This is the role of accessibility: looking at different groups of underserved people, the places they want or need to go, and how they can get there.

Connectivity

A well-connected transportation network reduces the distance people need to travel to reach their destinations, provides more options for travel routes, and makes walking or riding bicycles easier. This can contribute to increased physical activity and improve health and well-being by offering connections to healthcare services and other destinations. Strategies to improve connectivity include designing shorter blocks, implementing policies that prioritize all types of transportation (such as a Complete Streets policy), and prioritizing multi-modal access to public transportation. Other factors, such as the safety of intersections and the presence of terrain barriers, should also be considered.

ACTION ITEMS – Short- and long-term action items from the Equity Roundtable.

Driver's Education State curriculum to include Bicycle and Pedestrian Safety, Amish awareness, and best practices.

Develop a list of projects for consideration in the MPO's upcoming MTP.

MPO will produce an updated and expanded Environmental Justice Report to accompany the updated Public Participation Plan.

Provide reflective string-pull backpacks to walkers and bicyclists. Improve bus stop shelters, including cameras for safety.

Provide designated ride-share locations with shelters. Install bike repair stations that include phone charging. Outreach to the Amish community.

Coordinate a BIG PR campaign among shareholders. Require flashing lights at crosswalks.

Ensure that crosswalks allow enough time for elderly or disabled pedestrians to cross. Expand language translation in the MPO documents.

Use equity mapping tools for consideration in all studies and/or project decision-making processes.

LEGISLATIVE ITEMS – These ideas from the equity roundtable need legislative influence.

Require developers to provide connections.

Land use considerations (i.e. locations of 55+ communities). Improve street lighting in rural areas.

Allow scooters and E-bikes.

NEXT STEPS:

Dover Kent MPO remains committed to prioritizing equity in transportation planning and studies. Achieving this goal requires collaborative efforts with our partners and stakeholders, particularly those participating in the roundtable discussions.

Anyone interested in assisting the MPO with equity issues may attend any MPO public meetings. All meetings are listed on our website, www.doverkentmpo.org.

Quotes from the Equity Roundtable Exit Survey:

"It was a good grassroots effort to engage the public."

"I liked that the common theme throughout everyone's feedback was inclusive communication!"

"Good ideas on how to make transportation more Inclusive by implementing safety and connectivity."

Appendix B:

Dover/Kent County MPO Complaint Procedures

Introduction

The Title VI/Environmental Justice and related statutes complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the MPO's programs, activities and services as required by statute.

Purpose

The purpose of the discrimination complaint procedures is to describe the process used by the MPO for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

Roles and Responsibilities

The MPO Executive Director has overall responsibility for the discrimination complaint process and procedures. The director has assigned the Title VI/EJ Coordinator within the MPO as the staff member responsible for taking complaints and initializing an investigation.

The designated investigator assigned by the MPO Executive Director will conduct an impartial and objective investigation, and collect factual information in preparing a fact-finding report based upon the information obtained from the investigation.

In cases where the complainant is unable or incapable of filing a written Statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

The complainant shall make him-or herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframe set forth.

Filing Complaints

Applicability: The complaint procedure applies to the beneficiaries of the MPO programs, activities and services including, but not limited to, the public, contractors, subcontractors, consultants and other sub recipients of federal and State funds.

Eligibility: Any person who believes that she/he has been excluded from participation in, denied benefits or services of any program or to be administered by the MPO or sub recipients, consultants and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age, or disability may bring forth complaint of discrimination under Title VI/EJ and related statutes.

In all situations, the MPO employee must contact the MPO Executive Director immediately upon receipt of Title VI/EJ complaint.

Complaints must be filed no later than 180 days after:

- the date of the alleged act of discrimination; or
- the date the person became aware of the alleged discrimination; or
- where there has been a continuing course of discriminatory conduct, the date on which the conduct was discontinued.

Complaints must be in writing and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event a person makes a verbal complaint of discrimination to a MPO employee, or other person authorized to receive complaints on behalf of the MPO (if applicable), they shall interview the person. If necessary the authorized person will assist the person in writing the complaint for the person or the person's representative to sign.

Designated MPO special emphasis areas and operating elements will require the sub recipients they serve to forward to the director a complaint of discrimination made to them about their own actions or actions of sub recipients or contractors.

Internal Complaint Processing

Once a complaint is received, the Dover Kent County MPO will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgment letter informing them whether the complaint will be investigated by our office.

The Dover Kent County MPO has 60 days to investigate the complaint. If more information is needed to resolve the case, the MPO may contact the complainant. The complainant has 10 business days from the date of the letter to send requested information to the MPO investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 10 business days, Dover Kent County MPO can administratively close the case. A case can also be administratively closed if the complainant no longer wishes to pursue the case.

After the investigator reviews the complaint, they will issue one of two letters to the complainant: a closure letter or 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 interviews regarding the alleged complaint, and explains whether any disciplinary action, additional training of staff members, or other action will occur. If the complainant wishes to appeal the decision, they have 60 days after the date of the closure letter or the LOF to file an appeal with the Executive Director of the Dover Kent County MPO.

A person may also file a complaint directly with the Federal Transit Administration or Federal Highway Administration at:

FTA Office of Civil Rights
1200 New Jersey Ave., SE
Washington DC 20590
1-888-446-4511

FHWA Office of Civil Rights
(Southeast Federal Center Building)
1200 New Jersey Ave. S.E.
Washington, DC 20590-9898
1-202-366-0693
CivilRights.FHWA@dot.gov

APPENDIX C

United States Department of Transportation (USDDOT)
Standard DOT Title VI Nondiscrimination Assurances for FHWA Recipients:

TITLE VI ASSURANCES FOR THE DOVER/KENT COUNTY METROPOLITAN PLANNING ORGANIZATION

Reviewed and Adopted By the MPO Council on 11/2/2016

The Dover/Kent County Metropolitan Planning Organization (hereinafter referred to as the "Recipient") **hereby agrees that** as a condition to receiving any federal financial assistance from the Department of Transportation (DOT) through the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), it will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964, 78 stat. 252, 42 u.s.c. 2000d-42 u.s.c. 2000d-4 (hereinafter referred to as the Act), and
- All requirements imposed by or pursuant to Title 49, Code of Federal Regulations (CFR), Department of Transportation, entitled Nondiscrimination in Federally-Assisted Programs of The Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964;
- Title 23 Code of Federal Regulations, part 200, Title VI program and related statutes – implementation and review procedures (hereinafter referred to as the regulations) and other pertinent nondiscrimination authorities and directives;

The preceding statutory and regulatory citations hereinafter referred to as the "Acts" and "Regulations" respectively.

General assurances

To that end, in accordance with the Acts, Regulations, and other pertinent nondiscrimination authorities and directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race color, or national origin, sex (23 USC 324), age (42 USC 6101), disability/handicap (29 USC 790) and low income (Executive Order 12898) 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."

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI, and other non-discrimination requirements (the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific assurances

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its applicable activity, project or program:

1. The Recipient agrees that each "program" and each "facility" as defined in 49 CFR subsections 21.23(e) and (b) and 23 CFR 200.5(k) and (g) 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 and made in connection with all applicable activities, projects or programs and, in adapted form in all proposals for negotiated agreements:

"The MPO, in accordance with Title VI of the Civil Rights Act of 1964, (78 stat. 252, 42 u.s.c 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, disability/handicap and low income in consideration for an award."

3. That the Recipient shall insert the clauses of Appendix A of this Assurance in every contract subject to the acts and the regulations.
4. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods:
 - a) The period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b) The period during which the Recipient retains ownership or possession of the property.
5. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other Recipients, sub-grantees, 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 Acts, the Regulations and this Assurance.
6. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this **ASSURANCE**, the MPO also agrees to comply (and require sub Recipients, subgrantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the MPO access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted for the MPO. You must keep records, reports, and submit the material for review upon request to the MPO, or its designee in a timely, complete, and accurate way. Additionally you must comply with all of the reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The MPO gives this **ASSURANCE** in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, and/or discounts or other Federal financial aid and Federal financial assistance extended after the date hereof to the Recipients by the US Department of Transportation under the applicable activity, project or program. This **ASSURANCE** is binding on it, other Recipients, sub-Recipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest and any other participants in the applicable activity, project or program. The person or persons whose signatures appear below are authorized to sign this **ASSURANCE** on behalf of the Recipient.

(name of Recipient)

By _____

(signature of authorized official)

Dated _____

APPENDIX D

Contractor Agreements

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

- 1) **Compliance with Regulations:** the contractor (hereinafter includes consultants) shall comply with the Acts and the Regulation relative to Non-discrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 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) **Non-discrimination:** the contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin, sex, age, and disability/handicap and low income in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by the Acts and Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
- 3) **Solicitations for subcontractors, including procurements of materials and equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Acts and Regulations relative to Non-discrimination on the grounds of race, color, or national origin, sex, age, and disability/handicap and low income.
- 4) **Information and reports:** The contractor shall provide all information and reports required by the Acts, 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 Recipient or the FHWA to be pertinent to ascertain compliance with such Acts, 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 Recipient or the FHWA 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 Non-discrimination provisions of this contract, the Recipient shall impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - 5.1) Withholding of payments to the contractor under the contract until the contractor complies, and/or
 - 5.2) 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 (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations, and directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the MPO, the Delaware Department of Transportation, or the FHWA may direct as a means of enforcing such provisions

including sanctions for non-compliance. 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 Recipient to enter into such litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX E

Pertinent Non-Discrimination Authorities

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent non-discrimination authorities:

- Title VI of the Civil Rights Act of 1964 (42 USC. §2000d *et seq.*, 78 Stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 I CFR Part 21.
- The uniform relocation assistance and real property acquisition policies act of 1970, (42 USC §4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of federal or federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 USC §324 *et seq.*) (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 USC §794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended 42 USC §6101 *et seq.*, (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC 471, section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid Recipients, sub-Recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 USC §§12131-12189) as implemented by Department Of Transportation regulations At 49 CFR Parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 USC 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which prohibits discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and inverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for People with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English Proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP populations have meaningful access to your programs (70 Fed. Reg. At 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 USC §1681 *et seq.*).

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Dover Kent County MPO is committed to Title VI compliance. Title VI states “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

The MPO has produced a Title VI Plan to guide the assessment of projects for racial and related discrimination. For more information on Title IV, please see the MPO website www.doverkentmpo.org

Report compiled by:

Helen Wiles – Public Outreach Manager / Title VI/EJ Coordinator
Malcolm Jacob – Transportation Planner
Marilyn J. Smith – Executive Director

Contact:

Helen Wiles
Dover Kent MPO Outreach Manager / Title VI/EJ Coordinator
helen.wiles@doverkentmpo.org
302-387-3626