

Dover/Kent County Metropolitan Planning Organization



**Title VI/Environmental Justice Statement**

**Adopted November 2, 2016**

**Updated January 13, 2021**



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## Title VI/Environmental Justice POLICY STATEMENT

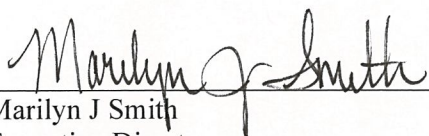
The Dover/Kent County Metropolitan Planning Organization (MPO) is committed to ensuring that the fundamental principles of equal opportunity are upheld in all decisions involving our employees and contractors/consultants and, to ensuring that the public at large is afforded access to our programs and services.

To that end no person shall be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any MPO program or activity on the grounds of race, color, national origin, income, sex, age, disability, or limited English proficiency. MPO assures all its programs and activities will be free from discrimination, whether those programs and activities are federally funded or not.

MPO conducts this Title VI/Environmental Justice Program in a team approach involving all MPO personnel. The director of the MPO is responsible for the MPO's compliance with the Title VI/EJ implementing regulations.

Inquiries concerning MPO's policies, investigations, complaints, compliance with applicable laws, regulations, and concerns regarding compliance with Title VI/Environmental Justice, may be directed to the Executive Director, Dover/Kent County Metropolitan Planning Organization, PO Box 383, Dover, DE, 19903, telephone 302-387-6030.

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

  
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Marilyn J Smith  
Executive Director

1/13/21  
\_\_\_\_\_  
Date

## POPULATION CHARACTERISTICS

### RACE

#### Methodology

The MPO chose to use 2010 census data to describe the population characteristics. The 2010 data is a 100% count of the respondents to the census for the data under consideration. Using the American Community Survey (ACS) introduces error into the statistics cited that may be equal to or greater than the projected figures for small geographies. ACS data is a blend of actual surveys, if any, and a projection of the decennial census based upon the population sample.

Income Data is not a part of the universal census questionnaire and, therefore, was not available from the 2010 Decennial Census. The 2009 to 2013 five-year ACS was used for Block Group projections. The margins of error for the smaller numbers, typically for those in poverty, can be as much or more than the number of persons projected. The error margin for the total number of persons, a larger number, is generally 15% to 25%.

#### Analysis

Kent County has a mix of races similar to that of the State of Delaware. The white population constitutes nearly 68% of the population of the County, compared to almost 69% of the population of the State of Delaware. Kent County had a greater proportion of black or African-American persons than the State, 24.0% compared to 21.4%. The only other significant concentration of race, consisting of greater than 1% of the population, are Asians comprising 2.0% of the County and almost 3.2% of the State. The other two major categories of race are American Indian/Alaska Native and Native Hawaiian/other Pacific Islander, each with less than 1% of the population of the County and State. Of the people represented in those racial categories, 8.2% self-report as Hispanic or Latino in Delaware while 5.8% resided in Kent County.

When determining the areas of concentration of the racial groups, a portion of the population of each of the block groups that identified as a member of that group were calculated as a percentage. Each was compared to the overall concentration of the County as a whole and ranked as either being below the County average, above the County average, twice the County average, or three times the County average. The two racial groups identified as significant included the population that reported the race with no Hispanic ethnicity.

#### African-Americans

The areas of concentration of black or African-American residents are generally concentrated around the center of the County following US 13 and including a portion of Milford. The average proportion of African-Americans who didn't report as Hispanic for each block group was 23.4%. Therefore the block groups with greater than twice the regional average had a concentration greater than 46.8%. The one block group with greater than three times the regional average was block group 2 of census tract 407; the northwest side of Dover. The areas of heaviest concentrations twice or even three times the average are in the city of Dover and in a portion of the city of Milford between US 113 and Walnut Street. The highest concentration of African-American residents in the area is between Walker Road and College Road, west of Saulsbury Road. There is a portion of unincorporated Kent County to the east of the town of Camden that includes a significant concentration of African-Americans as well. *Please see Map 1.*

#### Asian

As previously mentioned, Asian residents comprise the second largest minority group in the County. The regional average for the proportion of the Asian population in a block group was much lower than African-American population however, only 2%. Thus the block groups with twice the regional average had 4% and those with three times the regional average had 6% Asian population. The distribution of the Asian population was broader than the distribution of African-Americans. The data seems to suggest there's a segregation between the populations as several of the block groups that had concentrations of African-

Americans do not have concentrations of Asians. The alternative seems to be true to an extent as well; few block groups with a concentration of Asian population included a concentration of African-Americans. *Please see Map 2.*

### **Hispanic**

The previous two race categories were calculated based on the respondents reporting of their race exclusive of their ethnicity. The regional average for the block groups with residents reporting as Hispanic was 6.1%. As with the other categories the definition of significant concentrations was greater than two times the average or three times the regional average or 12.2% and 18.3% respectively. The block groups that included the greater concentrations of Hispanic population exhibited some amount of segregation as well. The block groups of highest concentration of Hispanics were generally concentrated to the east of State Route 1. The exclusion to the generalization are block groups around Lincoln St. in Dover, around Duck Creek in Smyrna, and the Northeast side of Milford. There was some concentration of Hispanic population in the block groups east of US 13 in Dover, Camden, and East and West of Felton and East of Harrington. *Please see Map 3.*

### **Poverty**

The other class of population that is protected from unequal hardships are those living in poverty. The geographic distribution of poverty is spread throughout the County. There is a greater concentration of those in poverty located primarily in the cities of Dover and Milford, with the exception of a primarily unincorporated area east of Route 13 in the middle of the County. Even in areas of concentration, the lowest income persons may be concentrated in small parts of the block group. *Please see Map 4.*

### **Maps**

The four maps cited above, African American, Asian, Hispanic, and Poverty, follow on pages 8 through 11.

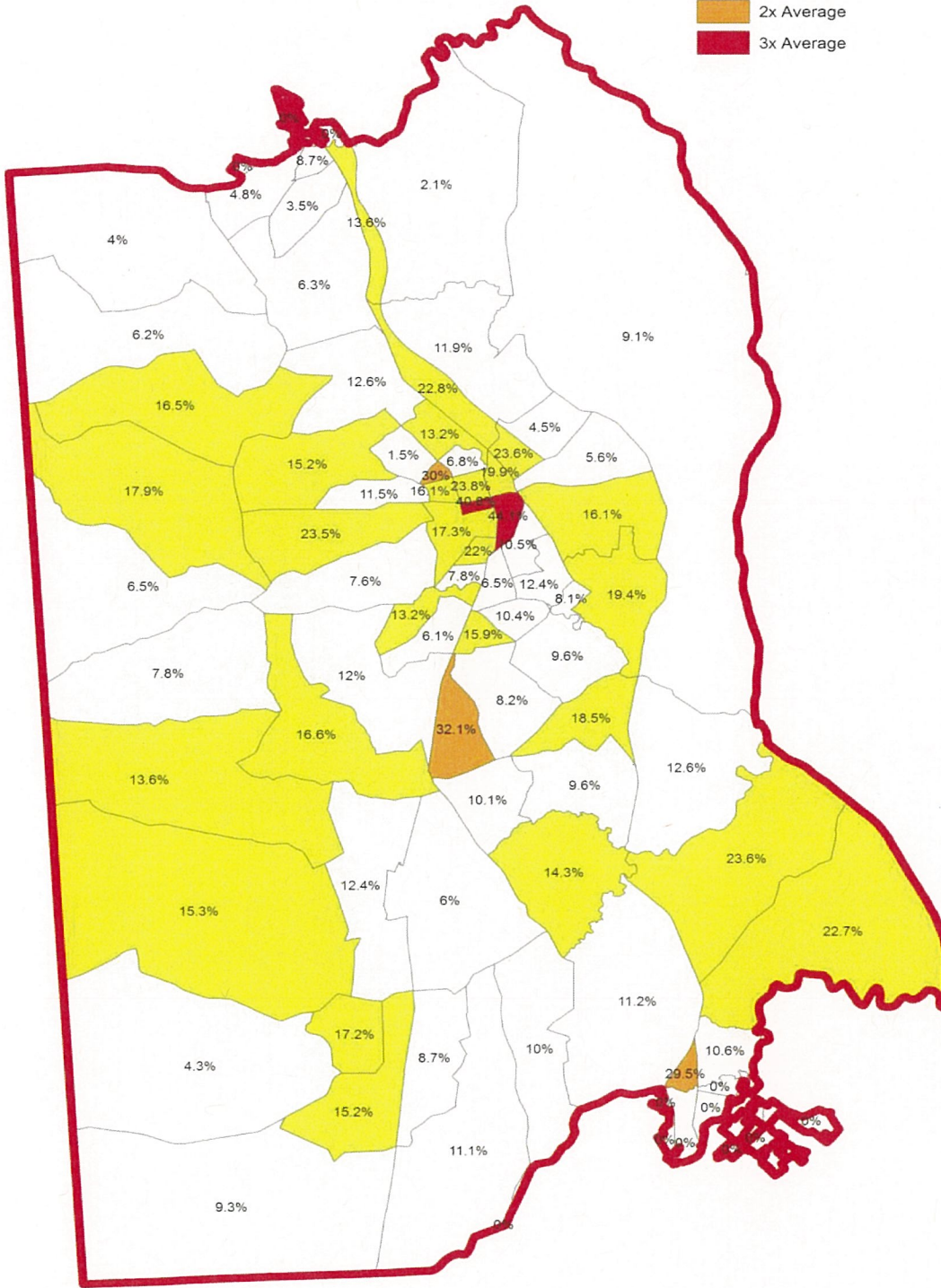








### Percent of Persons in Poverty



Map 4: Persons in Poverty in Kent County by Census Block Group

## **IMPLEMENTATION**

The MPO will use the information in this policy document to assess potential impacts of the proposed projects in the Transportation Improvement Program (TIP). Each proposed project will be plotted on the Environmental Justice Base Map to determine proximity to the areas cited above as well as the proximity to environmentally sensitive areas in the County. If a project is determined to be adjacent to either the cited populations or environmentally sensitive areas, the MPO will notify the Delaware Department of Transportation and begin outreach to the affected areas. Outreach may take the form of advertised workshops, email notices, or direct mailings to affected residents. The MPO will report the combined efforts and resultant comments from the affected areas to the Delaware Department of Transportation (DelDOT) and the FHWA, as required.

## **ADMINISTRATION - GENERAL**

The Dover/Kent County Metropolitan Planning Organization 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. Special emphasis program areas for the MPO are transportation planning studies, comprehensive planning assistance, and program management. The MPO has developed a public participation process 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 Executive Director will coordinate efforts to ensure the equal participation in all of their programs and activities at all levels.

### **Title VI/EJ Reviews On 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).

### **Annual Reports**

An annual report will be required by August 1 of each year. The MPO Executive Director will be responsible for coordination and compilation of these reports to be submitted to the Delaware Department of Transportation and Federal Highway Administration as requested. These reports will review Title VI/EJ accomplishments achieved during the year and goals for the next year.

### **Title VI/EJ Plan Updates**

A biannual update of the Title VI implementing plan will be completed at the time that the public participation plan is reviewed, if any.

### **FTA Title VI Compliance Reviews**

A report will be submitted to the Delaware Transit Corporation (DTC) at least every three years to meet the agencies 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.

## **SPECIAL EMPHASIS PROGRAM AREAS**

### **Planning**

The MPO will continue to provide input into the Delaware Department of Transportation Statewide Transportation Improvement Program (STIP) and six-year Capital Transportation Program (CTP). The MPO is responsible for developing a Long-Range Transportation Plan with the horizon of 20 years. The MPO is also responsible for developing a Transportation Improvement Program based on prioritized problem/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 clean-air issues, safety, transportation analysis, transportation reporting, inventory, research, mapping, major project studies in training and technical assistance for communities.

The MPO 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.

The MPO 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.

## LIMITED ENGLISH PROFICIENCY

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 sub recipients 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.

US DOT guidelines require that recipients of federal financial assistance provide “meaningful access to program and activities” by giving LEP persons adequate and understandable information and allowing them to participate in programs and activities where appropriate. The recipient has to take “reasonable steps” to remove barriers for LEP individuals.

Reasonable steps will depend on:

- The number and proportion of LEP persons potentially served by the recipients programs or activities in the variety of languages spoken in the recipients surface area;
- The frequency with which LEP individuals are affected by the program or activity;
- The importance of the effect of the recipients program on LEP individuals; the resources available to the recipient and what the recipient has budgeted for provision of special language services;
- The level of services provided to fully English proficient people; whether LEP persons are being excluded from services; or are provided a lower level of services;
- Whether the recipient has adequate justification for restrictions, if any, on special language services or on speaking languages other than English.