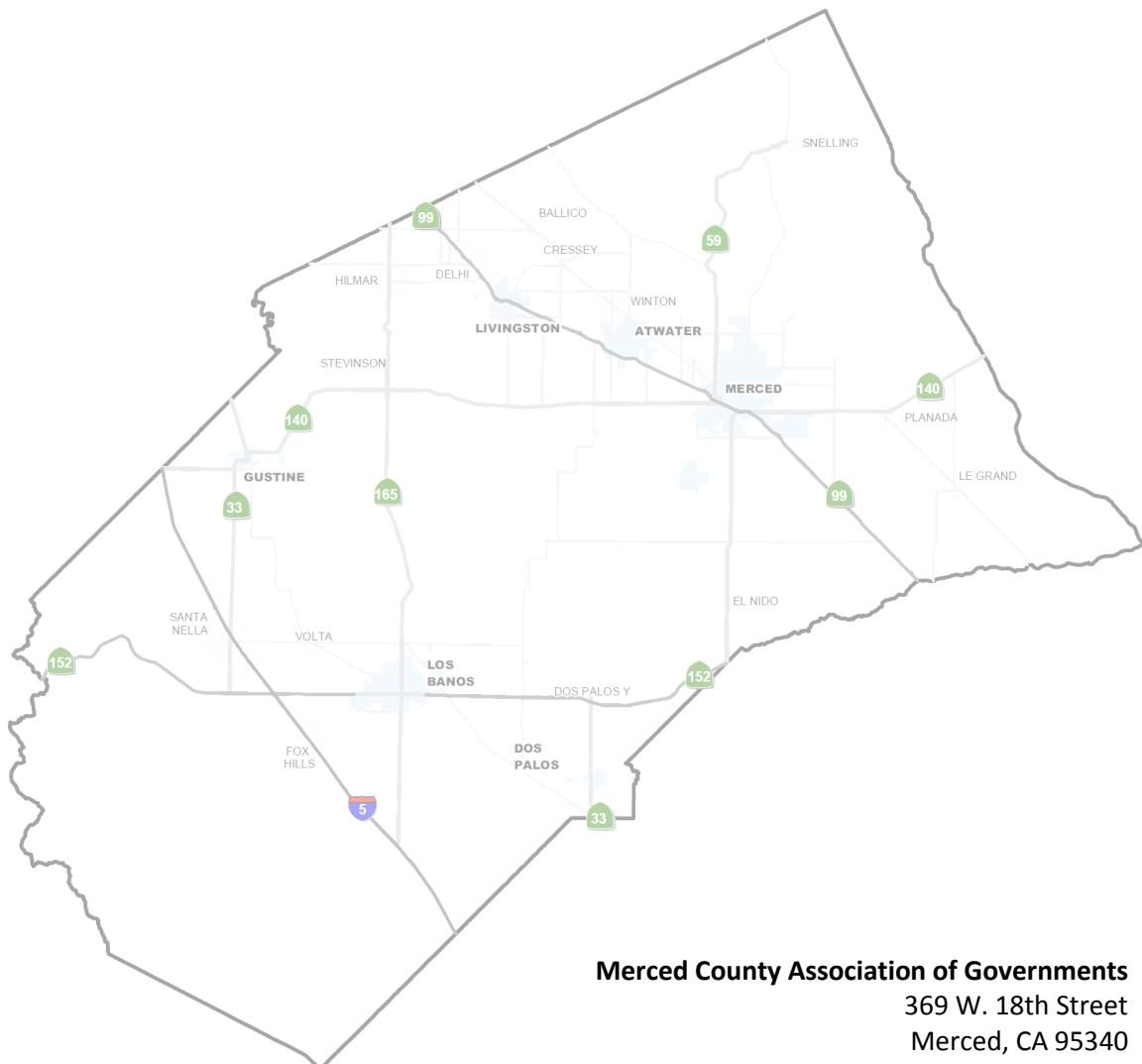




## 2017–2020 Title VI Program

Adopted: August 17, 2017



**Merced County Association of Governments**

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(209) 723-3153

[www.mcagov.org](http://www.mcagov.org)



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## **OVERVIEW**

### **Background**

Merced County Association of Governments (MCAG) is the Metropolitan Planning Organization (MPO) and Regional Transportation Planning Agency (RTPA) for Merced County. MCAG is a regional planning organization that addresses multi-jurisdictional issues such as transportation, solid waste, and housing. MCAG member agencies consist of the County and the Cities of Atwater, Dos Palos, Gustine, Livingston, Los Banos, and Merced. MCAG has an eleven-member governing board, which is comprised of five county supervisors and one representative from each of the six city councils.

There are two transit entities working out of the MCAG office. These transit entities are the Transit Joint Powers Authority for Merced County (TJPAMC) and the Yosemite Area Regional Transportation System (YARTS). Each transit entity has its own Title VI Plan.

- TJPAMC operates “The Bus” transit system for Merced County, and its governing board is made up of the same members as the MCAG Board. MCAG works closely with TJPAMC in regards to transit planning and implementation.
- YARTS operates the intercity transit system for the Counties of Merced, Mariposa, Mono, and Tuolumne. MCAG provides management, administrative, and accounting support to YARTS.

Annually, MCAG is the designated recipient of FTA 5303 Metropolitan Planning funding. TJPAMC and YARTS are designated recipients of other Federal Transit Administration (FTA) funds.

### **Federal Title VI Requirement**

In accordance with Federal law, any agency receiving Federal financial assistance must establish and execute a program to ensure that all operations and activities do not discriminate against minority individuals or communities. Title VI of the Civil Rights Act of 1964 (Title VI) state:

“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.”

As a MPO and a recipient of Federal Transit Administration (FTA) funding, MCAG is required to file a report to the FTA demonstrating adherence to Title VI of the 1964 Civil Rights Act. Pursuant to the reporting requirements established in FTA Circular 4702.1B, dated October 1, 2012, the following report describes how MCAG’s activities, programs, and policies adhere to the provisions established in Title VI.

## Federal Financial Assistance

The following table identifies the Federal Transit Administration (FTA) funds, of which MCAG is the designated recipient.

Grant Number	Grant Program	Project Description	Funding Amount
	FTA 5303 Metropolitan Planning	MPO Planning	\$ 89,142

## General Requirements and Guidelines

1. MCAG will annually submit Title VI program certifications and assurances to the Federal Transit Administration.
2. MCAG has developed procedures for investigating and tracking Title VI complaints filed against MCAG and will make procedures for filing a complaint available to members of the public upon request.
3. MCAG will maintain a list of any active investigations conducted by FTA and non-FTA entities, lawsuits, or complaints naming MCAG that allege discrimination on the basis of race, color, or national origin. This list shall include the date of the investigation, lawsuit, or complaint; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by MCAG in response to the investigation, lawsuit, or complaint.
4. MCAG will ensure individuals who are Limited English Proficient (LEP) have meaningful access to MCAG programs and activities. Interpreting services are available for individuals, who are LEP. Brochures will be available in Spanish.
5. MCAG operates programs without regard to race, color, and national origin. The Title VI statement policy documents procedures that the public should follow in order to request additional information on MCAG's nondiscrimination obligations as well as procedures to file a discrimination complaint against MCAG.
6. If requested, MCAG will provide information other than that required of FTA C 4701.1B in writing to investigate complaints of discrimination or to resolve concerns about possible non-compliance with Title VI.
7. MCAG will update its Title VI program every three years and submit update to the Federal Transit Administration.

## **STATEMENT POLICY**

Merced County Association of Governments (MCAG), a federal grant designated recipient, is required by the Federal Transit Administration (FTA) to comply with Title VI of the Civil Rights Act of 1964 and its amendments to the end that no person in the United States shall, on the grounds of race, color, sex or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance. In addition, the agency ensures that no person in the following protected classes: creed, religion, gender identify, sexual orientation, age, disability, marital or veteran status, are excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program of activity receiving federal financial assistance.

Presidential Executive Order 12898 addresses environmental justice in minority and low-income populations. Presidential Executive Order 13166 addresses services to those individuals with Limited English proficiency. These Presidential Executive Orders and the related statutes fall under the umbrella of Title VI.

The purpose of this document is to establish a framework for efforts MCAG will take to endure compliance with the provisions of Title VI of the Civil Rights Act of 1964 and aforementioned Presidential Executive Orders. MCAG is committed to enforcing these provisions and protecting the rights and opportunities of all persons associated with MCAG or affected by its programs.

MCAG's commitment includes vigorously enforcing all applicable laws and regulations that affect MCAG and those organizations, both public and private, which participate and benefit through MCAG's programs. The agency will take positive and realistic affirmative steps to ensure that all persons and/or firms wishing to participate in MCAG's programs are given an equal and equitable chance to participate.

MCAG's subrecipients and contractors (if any) are required to prevent discrimination and ensure nondiscrimination in all of their programs, activities and services.

MCAG is responsible for providing leadership, direction and policy to ensure compliance with Title VI of the 1964 Civil Rights Act. Any person or firm, who feels that they have been discriminated against or would like more information, is encouraged to contact the MCAG or Federal Transit Administration (FTA):

MCAG	FTA Office of Civil Rights
Attn: Kristina Meraz	Attn: Title VI Program Coordinator
Human Resources and Risk Management	East Building, 5th Floor-TCR
Manager	1200 New Jersey Ave, SE Washington, DC
369 West 18th Street	20590
Merced, CA 95340	
(209) 723-3153; Fax (209) 722-0322	

## **GENERAL REPORTING REQUIREMENTS**

### **Monitoring Subrecipients**

Chapter III, Section 12 of the Circular requires primary recipients to monitor their subrecipients for compliance with the US DOT Title VI regulations. MCAG is the primary recipient for FTA 5303 Metropolitan Planning funding, and there are no subrecipients.

### **Title VI Complaint Procedures**

This document outlines the Title VI complaint procedures related to providing programs, services, and benefits. It does not deny the complainant the right to file formal complaints with the California Department of Transportation, the Secretary of the US Department of Transportation, Equal Employment Opportunity Commission (EEOC), Federal Highway Administration (FHWA), Federal Transit Administration (FTA), or to seek private counsel for complaints alleging discrimination, intimidation, or retaliation of any kind that is prohibited by law.

Title VI of the Civil Rights Act of 1964 requires that no person in the United States shall, on the grounds of race, color or national origin, be excluded from, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

1. Title VI complaint forms may be downloaded from [www.mercedthebus.com](http://www.mercedthebus.com) or requested from Transit Administration. The complainant may also submit a written statement that contains all of the following information:
  - a. Name, address, and telephone number of the complainant.
  - b. The basis of the complaint (race, color, national origin).
  - c. The date or dates on which the alleged discriminatory event or events occurred.
  - d. The nature of the incident that led the complainant to feel discrimination was a factor.
  - e. Names, addresses and telephone numbers of persons who may have knowledge of the event.
  - f. Other agencies or courts where complaint may have been filed and a contact name.
  - g. Complainant's signature and date.
2. If the complainant is unable to write a complaint, MCAG staff will assist the complainant, if requested by complainant.
3. Complainants have the right to complain directly to the appropriate federal agency. Complaints must be filed within one-hundred eighty (180) calendar days of the last alleged incident.
4. MCAG will begin an investigation within fifteen (15) working days of receipt of a complaint.
5. MCAG will contact the complainant in writing no later than thirty (30) working days after receipt of complaint for additional information, if needed. If the complainant fails to provide the requested information in a timely basis, MCAG may administratively close the complaint.
6. MCAG will complete the investigation within ninety (90) days of receipt of the complaint. If additional time is needed for investigation, complainant will be contacted. A written investigation report will be prepared by the investigator. This report shall include a summary description of the incident, findings and recommended corrective action.

7. A closing letter will be provided to the complainant and the respondent or respondent department. Parties will have five (5) working days from receipt of the closing letter to appeal. If neither party appeals, the complaint will be closed.
  
8. If required, the investigation report will be forwarded to the appropriate federal agency.

Complaints may be mailed, faxed or emailed to the address below:

**MCAG**

Attn: Kristina Meraz, Human Resources and Risk Management Manager  
 369 West 18th Street Merced, CA 95340  
 (209) 723-3153 Fax (209) 723-0322  
[Kristina.Meraz@mcagov.org](mailto:Kristina.Meraz@mcagov.org)

Appendix B is the Spanish version of the Title VI Complaint Procedures.

**Title VI Complaint Form: English**

<b>Section I:</b>			
Name:			
Address:			
Telephone (Home):		Telephone (Work):	
Electronic Mail Address:			
Accessible Format Requirements?	Large Print		Audio Tape
	TDD		Other
<b>Section II:</b>			
Are you filing this complaint on your own behalf?		Yes*	No
*If you answered "yes" to this question, go to Section III.			
If not, please supply the name and relationship of the person for whom you are complaining:			
Please explain why you have filed for a third party:			
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.		Yes	No

**Section III:**

I believe the discrimination I experienced was based on (check all that apply):

 Race Color National Origin

Date of Alleged Discrimination (Month, Day, Year): \_\_\_\_\_

Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Section IV**

Have you previously filed a Title VI complaint with this agency?

Yes

No

**Section V**

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

 Yes No

If yes, check all that apply:

Federal Agency: \_\_\_\_\_

State Agency: \_\_\_\_\_

Federal Court: \_\_\_\_\_

State Court: \_\_\_\_\_

Local Agency: \_\_\_\_\_

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

**Name:****Title:****Agency:****Address:****Telephone:**

<b>Section VI</b>	
Name of agency complaint is against:	
Contact person:	
Title:	
Telephone number:	
You may attach any written materials or other information that you think is relevant to your complaint.	
Signature and date required below	
_____ Signature	_____ Date
Please submit this form in person, or mail this form to the address below:	
MCAG ATTN: Kristina Meraz 369 W. 18th St. Merced, CA 95340 (209) 723-3153 Fax (209) 723-0322 <a href="mailto:Kristina.Meraz@mcagov.org">Kristina.Meraz@mcagov.org</a>	Federal Transit Administration Office of Civil Rights 1200 New Jersey Avenue SE Washington, DC 20590

Appendix B is the Spanish version of the Title VI Complaint Form.

### **List of Investigations, Lawsuits, and Complaints**

MCAG has neither been involved in any civil rights compliance review activities nor has received any Title VI complaints in the past three years. Furthermore, MCAG has not been named in any lawsuit or compliance issue alleging discrimination on the basis of race, color, or national origin.

## LIMITED ENGLISH PROFICIENCY (LEP) PLAN

This Limited English Proficiency (LEP) Plan addresses MCAG's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, Federal Transit Administration Circular 4702.1B dated October 1, 2012, which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled Improving Access to Services for Persons with Limited English Proficiency, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each federal agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds.

### Plan Summary

MCAG has developed this LEP Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency who wish to access public information provided by MCAG. As defined in Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, MCAG used the U.S. Department of Transportation (U.S. DOT) Four-Factor LEP analysis which considers the following:

1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter a MCAG program or activity.
2. The frequency with which LEP persons come in contact with MCAG's programs or activities.
3. The nature and importance of programs or activities provided by MCAG to the LEP population.
4. The resources available to MCAG and overall cost to provide LEP assistance.

### Summary of Four-Factor Analysis

#### **1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter a MCAG program or activity.**

Staff reviewed the 2011-2015 American Community Survey (ACS) 5-year estimates and determined that 126,334 persons in Merced County [52.1% of the population] speak a language other than English. In Merced County, 55,330 persons [43.8%] have limited English proficiency; that is, they speak English less than "very well."

In Merced County, of those persons with limited English proficiency, 45,985 (83.1%) speak Spanish, 4,517 (8.1%) speak Asian and Pacific Island languages and 4,446 (8.0%) speak other Indo-European languages.

Subject	Total	Percent	Merced County, California Percent of specified language speakers			
	Estimate	Estimate	Speak English only or speak English "very well"	Percent speak English only or speak English "very well"	Speak English less than "very well"	Percent speak English less than "very well"
			Estimate	Estimate	Estimate	Estimate
Population 5 years and over	242,322	(X)	186,992	77.2%	55,330	22.8%
Speak only English	115,988	47.9%	(X)	(X)	(X)	(X)
Speak a language other than English	126,334	52.1%	71,004	56.2%	55,330	43.8%
SPEAK A LANGUAGE OTHER THAN ENGLISH						
Spanish	104,010	42.9%	58,025	55.8%	45,985	44.2%
5 to 17 years old	26,062	10.8%	19,705	75.6%	6,357	24.4%
18 to 64 years old	70,525	29.1%	35,527	50.4%	34,998	49.6%
65 years old and over	7,423	3.1%	2,793	37.8%	4,630	62.4%
Other Indo-European languages	11,125	4.6%	6,679	60.0%	4,446	40.0%
5 to 17 years old	1,227	0.5%	1,029	83.9%	198	16.1%
18 to 64 years old	7,969	3.3%	4,985	62.6%	2,984	37.4%
65 years old and over	1,929	0.8%	665	34.5%	1,264	65.5%
Asian and Pacific Island languages	10,416	4.3%	5,899	56.6%	4,517	43.4%
5 to 17 years old	1,912	0.8%	1,457	77.8%	425	22.2%
18 to 64 years old	7,341	3.0%	4,198	57.2%	3,145	42.8%
65 years old and over	1,163	0.5%	216	18.6%	947	81.4%
Other languages	783	0.3%	401	51.2%	382	48.8%
5 to 17 years old	209	0.1%	133	63.6%	76	36.4%
18 to 64 years old	531	0.2%	267	50.3%	264	49.7%
65 years old and over	43	0.0%	1	2.3%	42	97.7%
CITIZENS 18 YEARS AND OVER						
All citizens 18 years old and over	144,588	(X)	127,380	88.1%	17,208	11.9%
Speak only English	85,796	59.3%	(X)	(X)	(X)	(X)
Speak a language other than English	58,792	40.7%	41,584	70.7%	17,208	29.3%
Spanish	44,339	30.7%	32,784	73.9%	11,555	26.1%
Other languages	14,453	10.0%	8,800	60.9%	5,653	39.1%

Source: Language Spoken at Home: 2011-2015 American Community Survey 5-Year Estimates;

## 2. The frequency with which LEP persons come in contact with MCAG's programs or activities.

MCAG assessed the frequency with which staff have, or could have, contact with LEP persons.

This includes documenting requests for interpreters and translated documents. To date, the most frequent contact with LEP persons was at public meetings during the development of the Transportation Expenditure Plan. At these meetings, materials and presentations were provided and translated in Spanish.

## 3. The nature and importance of programs or activities provided by MCAG to the LEP population.

The largest geographic concentration of LEP individuals in the MCAG service area is Spanish. Approximately 44.2% of the population speaks Spanish, while speaking English less than "very well".

MCAG plays an important role in comprehensive transportation planning and funding in Merced County, which will affect residents in the long-term and not in an immediate manner. MCAG identifies future investments and long-term strategies to maintain, manage, and improve transportation. Unfortunately, not many people, and few LEP persons, have demonstrated an interest in long-range transportation planning. There has historically been limited requests for translated documents and few LEP attendees at the MCAG meetings or events outside of the Transportation Expenditure Plan process. However, those LEP participants were actively engaged with the aid of an on-site Spanish translator and translated materials.

## 4. The resources available to MCAG and overall cost to provide LEP assistance.

MCAG assessed its available resources that could be used for providing LEP assistance, including determining how much a professional interpreter and translation service would cost on an as needed basis. MCAG has three existing staff, averaging approximately \$50 per hour that can translate documents and interpret over the phone. Staff is required to review documents as part of their regular duties, so there is typically no additional cost for this type of LEP assistance. However, outside consultant services are needed when on-site translation is provided at meetings and other events. MCAG has partnered with Juan Martinez with the United Way at a rate of \$48 per hour for on-site translation efforts when needed. The annual budget includes costs for translation services, and printing materials in both English and Spanish.

## **SAFE HARBOR**

Based on the four-factor analysis, staff has determined that Spanish is the only language that must be translated. The only two groups besides English and Spanish are a small amount, and MCAG will provide interpreters if requested by an individual, free of cost.

### **Language Assistance**

MCAG provides translation services at public meetings when requested at least three business days in advance. Staff will make every attempt to arrange for translation services when requested with less than three days notice, however, the results will be determined by the availability of the consultant translator and equipment. This information, including how to request translation services, is posted on the front page of meeting agendas and on public notices.

### **Limited English Proficiency (LEP) Plan Outline**

Strategies to help MCAG staff identify a LEP person who needs language assistance:

1. Examine records to see if requests for language assistance have been received in the past, either at meetings or over the phone, to determine whether language assistance might be needed at future events or meetings.
2. Have a staff person greet participants as they arrive to MCAG-sponsored events. By informally engaging participants in conversation, it is possible to gauge each attendee's ability to speak and understand English.
3. Have Spanish-speaking staff available at MCAG meetings. This will assist MCAG in identifying language assistance needs for future events and meetings.

### **Language Assistance Measures**

There are numerous language assistance measures available to LEP persons, including both oral and written language services. There are also various ways in which MCAG staff responds to LEP persons, whether in person, by telephone or in writing.

MCAG will continue to:

1. Provide vital information to LEP groups on MCAG programs and services;
2. Network with local human service organizations, i.e. Golden Valley Health Center, that provide services to LEP individuals and seek opportunities to provide information on MCAG programs and services;
3. Provide a bilingual staff person at MCAG community events, and public hearings;
4. Place statements in notices and publications that interpreter services are available for these meetings, with three-day advance notice;
5. Post the MCAG Title VI Policy and LEP Plan and PPP plan on the agency website, [www.mcagov.org](http://www.mcagov.org);
6. Provide google translate on the agency website;

7. Provide translated materials that are key to engaging and informing LEP persons. The following is a list of translated documents:
  - Public Hearing notices
  - Key documents such as the TEP and the RTP
  - Surveys
  - Frequently Asked Questions

When an interpreter is needed for a language other than Spanish, staff will attempt to access language assistance services from a professional translation service (private consultant or qualified community volunteer).

## **Staff Training**

The following training is provided to MCAG staff:

1. Information on the MCAG Title VI Procedures and LEP responsibilities;
2. Description of language assistance services offered to the public;
3. Documentation of language assistance requests;
4. Use of language line service;
5. How to handle a potential Title VI/LEP complaint.

## **Outreach Techniques**

When staff prepares a document or schedules a meeting, for which the target audience is expected to include LEP individuals, then documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population. Interpreters will be available as needed.

## **Monitoring and Updating the LEP Plan**

MCAG will update the LEP every 3 years as required by U.S. DOT. At a minimum, the plan will be reviewed and updated when data from the 2020 U.S. Census is available, or when higher concentrations of LEP individuals are present in the MCAG service area. Updates will include the following:

1. The number of documented LEP person contacts encountered annually;
2. Determine how the needs of LEP persons have been addressed;
3. Determine the current LEP population in the service area;
4. Determine whether the need for translation services has changed;
5. Determine whether local language assistance programs have been effective and sufficient to meet the need;
6. Determine whether MCAG's financial resources are sufficient to fund language assistance resources needed;
7. Determine whether MCAG has fully complied with the goals of this LEP Plan;
8. Determine whether complaints have been received concerning MCAG's failure to meet the needs of LEP individuals.

## **Dissemination of the LEP Plan**

A link to the MCAG LEP Plan, as it exists in the MCAG Title VI Program, is included on the MCAG website at [www.mcagov.org](http://www.mcagov.org).

Any person or agency with internet access will be able to access and download the plan from the MCAG website. Alternatively, any person or agency may request a copy of the plan via telephone, fax, mail, or in person and shall be provided a copy of the plan at no cost. LEP individuals may request copies of the plan in translation which MCAG will provide.

# PUBLIC PARTICIPATION PLAN (PPP)

## Introduction

As a Metropolitan Planning Organization (MPO), the Merced County Association of Governments (MCAG) addresses issues of mutual concern to the county and the cities in the Merced County region, and satisfies federal and state transportation planning and programming mandates. MCAG provides a forum for planning, discussion, and study of area-wide issues, prepares and adopts regional plans and programs, serves as the regional agency for federal and state transportation programs and funding opportunities and addresses other area-wide issues based on the desires of the member jurisdictions. MCAG represents its member agencies as planner, programmer, and broker in developing an efficient and effective inter-modal transportation system that provides for the mobility needs of people, goods, and services while protecting the environment.

MCAG and its member agencies are responsible for determining policy, adopting plans and programs, and awarding funds to implement these plans. This procedural document is intended to give the MCAG Governing Board and member agency staff guidance for public involvement and interagency consultation in the regional planning process. It contains procedures and strategies MCAG uses to initiate, seek and foster greater public involvement in all of the agency's transportation planning activities. MCAG's documented participation plan defines a process for providing reasonable opportunities to be involved in the regional and metropolitan planning processes.

## Purpose of the Public Participation Plan

MCAG developed this Public Participation Plan (PPP) as a guide to meeting the MPO requirements for early coordination, public involvement and project development. The PPP is intended to provide direction for public participation activities conducted by MCAG and contains the requirements, procedures, strategies and techniques used by MCAG to communicate with the public and appropriate affected agencies. This plan defines a process that outlines roles, responsibilities and key decision points for consulting with affected public agencies and other interested parties, and providing reasonable opportunities to be involved in the metropolitan transportation planning process.

## MCAG's Commitment to Public Participation

### Commitment 1: Early Engagement

- Provide adequate public notice of public participation activities and opportunities, and time for public review and comment at key decision points, including but not limited to, a reasonable opportunity to comment on the proposed Regional Transportation Plan (RTP), Sustainable Communities Strategy (SCS) and the Federal Transportation Improvement Program (FTIP);
- Provide timely notice and reasonable access to information about MCAG's issues and processes.

### Commitment 2: Access to All

- Employ visualization techniques to describe the RTP and FTIP;
- Make public information (technical information and meeting notices) available in electronically accessible formats and means, such as the internet;

- Hold public meetings at convenient and accessible locations and times;
- Consider the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;
- No individual shall, on the basis or grounds of disability, race, age or sex, be excluded from participation in or be denied the benefits of services, programs, or activities, or be subjected to discrimination by MCAG.

#### Commitment 3: Response to Public Comment

- Demonstrate explicit consideration and response to public input received during the development of the RTP and FTIP;
- Forward all formal public comments to the MCAG Governing Board or appropriate committee for consideration during decision making.

#### Commitment 4: Open Communication

- Provide additional opportunity for public comment, if the final RTP or FTIP differs significantly from the version that was made available for public comment by MCAG and raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts;
- Coordinate with statewide transportation planning public involvement and consultation processes.

#### Commitment 5: Review

- Periodically review the effectiveness of the procedures and strategies contained in this PPP to ensure a full and open participation process.

### **Public Participation Plan (PPP) Development**

While updating the Public Participation Plan in compliance with federal and state legislation, MCAG embarked upon an evaluation of our current public engagement practices by requesting input and consultation on how to best engage the public in the transportation planning process. MCAG solicited input through regular standing committee meeting agendas (Citizens Advisory Committee, Technical Planning Committee, Technical Review Board and the Governing Board), as well as through a public hearing, and a 45-day public review and comment period for the draft plan. The updated PPP was adopted on September 22, 2016.

### **Public Participation Policies**

The following requirements will apply as deemed appropriate by the MCAG management staff and the MCAG Board Chair:

1. No person shall be denied participation;
2. As required, a public notice will be placed in the legal advertising sections of at least one newspaper of general circulation within the affected community, including a Spanish-language publication;
3. MCAG shall provide appropriate assistance, auxiliary aids, a translator/interpreter for non-English speaking and hearing impaired individuals and/or services when necessary if requested 3 working days in advance of the meeting. If MCAG is unable to accommodate a services request

for a public hearing, then the hearing will be continued a specified date when accommodations are available;

4. MCAG meeting agendas and minutes are made available on the MCAG website [www.mcagov.org/agendacenter](http://www.mcagov.org/agendacenter), and are posted at meeting locations at least 72 hours before regular meetings of advisory or standing committees, or 24 hours before special meetings;

Note: The Brown Act (CA Government Code 549541.1) also states that any person may request a copy of the agenda or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. That request is valid for the calendar year in which it is filed, and must be renewed following January 1 of each year. The legislative body may establish a fee for mailing the agenda or agenda packet, which shall not exceed the cost of providing the service.

5. Public hearings will be held prior to a decision point as a formal means to gather citizen comments and positions from all interested parties for the public record. MCAG's public outreach is required in many facets of state and federal transportation programs or planning documents. Notices for public hearings will be published in a general circulation newspaper. MCAG will accept comments from the public during the period between the notice and hearing date. These comments will be considered part of the public record. Also during this period, MCAG will accept questions and provide clarification on issues raised by the public;
6. MCAG's outreach media list included newspapers, radio and television broadcast media, ad appropriate business or government publications and contacts;
7. If major amendments are made to any plans or programs during the review and comment period, the plan(s) will be made available for an additional public review period of the same duration prior to final adoption;
8. For high-profile projects/plans, MCAG may form an ad hoc advisory committee specific to that particular plan or project, or determine what, if any, existing committees would appropriately review the plan or project.

## Opportunities for Public Engagement

### MCAG's Boards and Committees

Below are descriptions of each of MCAG's standing or advisory boards, committees and commissions. They offer the organization an excellent opportunity for expanding public participation opportunities during the transportation planning process. This is accomplished not only by active membership but also by presentations made before them and attendance at open meetings. To find out more about each group, who staffs them and how to get involved with the work they are doing, contact MCAG at (209)723-3153, email Deputy Executive Director, Stacie Dabbs at [stacie.dabbs@mcagov.org](mailto:stacie.dabbs@mcagov.org) or visit the MCAG website at [www.mcagov.org](http://www.mcagov.org).

#### Social Services Transportation Advisory Council

The purpose of Social Services Transportation Advisory Council (SSTAC) is to solicit the input of transit dependent and transit disadvantaged persons, including the elderly, disabled, low-income persons, and youth regarding transit needs in Merced County. Members of the SSTAC are appointed by the MCAG Governing Board, representing a broad range of service providers representing the elderly, disabled, and persons of limited means. In the appointment of council members, MCAG strives to attain geographic and minority representation. The SSTAC is convened annually, at minimum, for the Unmet Transit Needs process as required by the Transportation Development Act.

The current committee reflects the following:

Ethnicity	Number of Persons
Hispanic / Latino	2
Not Hispanic / Latino	6

Race	Number of Persons
White	6
Black or African American	0
American Indian or Alaska Native	1
Asian	1
Pacific Islander	0
Some other race	0

#### Citizens Advisory Committee

The 17-member Citizens Advisory Committee (CAC) provides policy and program recommendations directly to the MCAG Governing Board. It is comprised of private sector individuals who are appointed by the MCAG Governing Board to serve based on the geographic location of their home or business and their work experience. According to the CAC by-laws, no member of the CAC can be an elected official in Merced County. The CAC meets at 8:30am on the first Friday of every month at MCAG.

The current composition of the CAC includes representatives from the following fields/industries:

- Real Estate
- Economic Development
- Construction
- Civic Engineering
- Goods Movement
- Agriculture
- Small Business
- Education
- Student Representative
- Finance/Commerce
- Water/Irrigation District
- Health
- Citizens-At-Large (5)

CAC membership is open to all members of the public, including minority population groups that are traditionally underrepresented and/or underserved. The current committee reflects the following:

Ethnicity	Number of Persons
Hispanic / Latino	2
Not Hispanic / Latino	9

Race	Number of Persons
White	9
Black or African American	1
American Indian or Alaska Native	0
Asian	0
Pacific Islander	0
Some other race	1

### Technical Planning Committee

The Technical Planning Committee is a seven-member ad-hoc committee composed of professional municipal employees from each of the jurisdictions in Merced County. This committee provides recommendations on issues to the MCAG Governing Board by way of the Technical Review Board. Each jurisdiction selects a staff person to serve on the committee.

### Technical Review Board

The Technical Review Board (TRB) is comprised of the city managers from each of the six cities in the region and the executive officer of Merced County. The TRB provides recommendations on policies and programs directly to the MCAG Governing Board. TRB meetings are held at 12:00pm on the second Wednesday of the month at various locations throughout the county. For information about a specific TRB meeting, contact MCAG at (209)723-3153.

### MCAG Governing Board

The Governing Board establishes policy and guides MCAG's work programs. It is an 11-member board that includes the supervisor for each of Merced County's five districts and an elected official from each of the six incorporated cities in Merced County: City of Atwater, City of Dos Palos, City of Gustine, City of Livingston, City of Los Banos, and City of Merced. The board also serves as the Board of Directors for the Merced County Regional Waste Management Authority and the Transit Joint Powers Authority for Merced County. The Governing Board typically meets at 3:00pm on the third Thursday of every month at various locations throughout Merced County. For information about a specific meeting date and location, call MCAG at (209)723-3153.

## **Public Participation Plan Evaluation & Updates**

MCAG's Public Participation Plan is not a static document, but an on-going strategy that will be periodically reviewed and updated based on experiences and the changing circumstances of the agency and the transportation community it serves. This plan may be subject to occasional minor changes. Any major updates will include a review by MCAG's formal committees and Governing Board, a public hearing and a 45-day public review and comment period.

## **Public Participation Strategies**

MCAG uses several strategies to provide interested parties with reasonable opportunities be involved in the transportation planning process. Staff understands the importance of educating members of the public on MCAG's mission and an overview of the issues/projects under consideration prior to involvement in planning activities.

Below is a list of participation strategies that serves as a menu for MCAG staff to use in the development of specific outreach strategies for each plan/program on a case-by-case basis. The following list is not exclusive, meaning additional strategies may be identified for specific projects or circumstances.

#### Public Workshops/Meetings

- Participate in or speak at meetings of existing agencies/community groups
- Co-host workshops with community groups, business associations, etc.
- Partner with community-based organizations in low-income and minority communities for targeted outreach
- Various format types:
  - Open houses
  - Facilitated discussions
  - Question and Answer sessions
  - Break-out sessions for smaller group discussions
  - Interactive exercises
  - Customized presentations

#### Visualization Techniques

- Maps
- Charts, graphics, illustrations, photographs
- Table-top displays and models
- Web content and interactive games
- Electronic voting
- PowerPoint slide shows and/or videos

#### Polls/Surveys

- Electronic surveys
- Intercept interviews where people congregate, such as transit hubs
- Printed surveys distributed at meetings, community events, etc.

#### Focus Groups

- Recruit participants by interest area or area of expertise/field
- Recruit participants randomly/voluntarily through an open public recruitment process

#### Printed Material

- User-friendly documents, including use of executive summaries and simplified language
- Post cards
- Maps, charts, photographs, and other visual means of displaying information
- Translated material into Spanish, or other languages as deemed appropriate

#### Targeted Distribution (Mail/Email)

- Work with community-based organization to deliver material to community members, businesses and schools
- Mail/Email to targeted contact lists – either MCAG's, and outside agency's or purchased
- Distribute flyers to key community organizations
- Place notices on monitors inside transit vehicles and at transit hubs

#### Local Media

- News releases and press advisories
- Submit human interest stories that center around MCAG projects
- Invite reporters to public hearings, etc
- Meet with editorial staff; Opinion pieces/commentaries
- Purchase display ads or radio spots

- Participate in or place speakers on radio/tv talk shows
- Public service announcements
- Include minority media outlets in all activities listed above

#### Electronic Access to Information

- Keep website updated with current content and simplified layouts
- Audio/video of current and past public meetings/workshops
- Electronic duplication of open house/workshop material
- Online access to maps, charts, plans, etc
- Post event/meeting information on website calendars

#### Newsletters

- MCAG's monthly electronic newsletter
- Submit articles for publication in community/corporate/online newsletters

#### Public Notification Tools

- Email blasts for e-newsletters, press releases
- Social media accounts
- Printed materials
- Electronic access to information
- Local media; Notices in local papers, on MCAG's website and distributed through the media
- Public utility bill inserts

#### Other Outreach Techniques

- Information/comment tables or booths at community events and public gathering places
- Form public review committee during plan development to review documents for readability

## **PROGRAM SPECIFIC REQUIREMENTS FOR METROPOLITAN PLANNING ORGANIZATIONS**

### **2018 Regional Transportation Plan (RTP) / Sustainable Communities Strategy (SCS)**

Currently, MCAG is in the process of preparing the 2018 Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS). The long-range RTP/SCS prioritizes and guides all Merced County regional transportation development over 20-25 years.

The RTP, updated every four years, is the comprehensive guide for transportation investments (transit, highway, local roads, bicycle, and pedestrian projects), and establishes the financial foundation for how the region invests in its surface transportation system by identifying how much money is available to address critical transportation need and setting the policy on how projected revenue will be spent.

Due to its comprehensive, long-term vision, the RTP provides the easiest and best opportunity for interested residents and public agencies to influence MCAG's policy and investment priorities for transportation in Merced County. It is at the RTP development state where investment priorities and major planning-level project design concepts are established and broad, regional impacts of transportation on the environment are addressed. Under California Senate Bill 375 (Steinberg, Chapter 728, 2008 Statutes), the RTP must include a SCS to integrate planning for growth and housing with long-range transportation investments, including goals for reducing greenhouse gas emissions for cars and light trucks.

MCAG will hold a series of public workshops in Merced, Los Banos, and Livingston/Delhi during each of the two key phases of public outreach.

- Phase 1: Visioning and Education;
- Phase 2: Transportation and Land Use Scenarios.

The purpose of the public workshops is to educate audiences about key transportation planning concepts and greenhouse gas emission targets, to foster a better understanding of the RTP/SCS, and to build awareness of the importance of robust and meaningful public input. MCAG will be using visualization tools and techniques, in English and Spanish, to help participants develop a clear understanding of the issues and policy choices. Participants will also be engaged in the development process via the usage of clickers, comment cards, surveys (printed and online in both English and Spanish), and frequently asked questions (online in both English and Spanish). Spanish translation services and materials will be provided.

The Phase 1 public workshops have already been conducted. A Spanish translator and translation headsets were present at these three workshops. Translation was not needed for the Los Banos workshop. Translation services were needed for 5 participants in Livingston and 8 participants in Merced.

Locations and Times of Public Workshops	Number in Attendance	Needing Translation
City of Los Banos Council Chambers, 7/17/2017, 6 PM	8	0
City of Livingston Council Chambers, 7/19/2017, 6 PM	18	5
City of Merced Council Chambers, 7/20/2017, 6 PM	24	8

Presentations will also be made at existing meetings of community groups, service clubs, and other stakeholder groups. These organizations will let MCAG know if there are members that require translation.

MCAG will hold two public hearings on the Draft RTP/SCS. These hearings will be publicly noticed in English and Spanish in local newspapers and will be held in the east and west sides of the county.

### **2014 Regional Transportation Plan (RTP)**

A total of 10 public outreach workshops were held in August – October 2013. Prior to the workshops, advance noticing was done in English and Spanish.

<b>Locations and Dates of Public Outreach Workshops</b>	<b>Number in Attendance</b>
Community of Planada Community Center, 8/27/2013	4
City of Atwater Community Center, 8/28/2013	4
City of Los Banos Community Center, 9/3/2013	12
City of Merced City Hall, 9/11/2013	13
City of Merced (“CA4Health” meeting), 9/18/2013	15
City of Los Banos Community Center, 10/8/2013	8
Community of Delhi High School, 10/22/13	25
Community of Franklin/Beachwood School, 10/23/2013	6
City of Merced (“LAFCO” meeting), 10/24/2013	7
South Merced, 10/24/2013	12

Spanish translation was available at the workshops, with three conducted jointly in English and Spanish.

### **Unmet Transit Needs Assessment for Fiscal Year 2017/2018**

Each year, pursuant to the Transportation Development Act (TDA) requirements, MCAG, as the Regional Transportation Planning Agency (RTPA) and MPO for Merced County, is required to identify any unmet transit needs that may exist in the Merced County region. Should any unmet transit needs be identified, a further determination must be made to establish whether those needs are reasonable to meet. In accordance with state law, TDA funds must be allocated first to unmet transit needs, which are found to be reasonable to meet, before any remaining funds can be distributed to local jurisdictions for non-transit purposes. After each Unmet Transit Needs process, the MCAG Governing Board must adopt a resolution making one of the following three findings:

1. There are no unmet transit needs;
2. There are no unmet transit needs that are reasonable to meet;
3. There are unmet transit needs, including transit needs that are reasonable to meet.

Public participation is an important component of the Unmet Transit Needs process. Although the TDA only requires MCAG to hold one public hearing, staff makes the effort to go beyond the minimum requirements to provide public hearings throughout the region. To provide more opportunities for potential transit-dependent populations to discuss their transit needs, MCAG staff along with the SSTAC conducted six public hearings at the following locations and times:

<b>Locations and Times of Public Hearings</b>	<b>Number in Attendance*</b>
City of Atwater Council Chambers, 4/4/2017, 3 PM	9
City of Atwater Council Chambers, 4/4/2017, 6 PM	3
City of Merced Council Chambers, 4/6/2017, 3 PM	10
City of Merced Council Chambers, 4/6/2017, 6 PM	5
Los Banos Community Center, 4/10/2017, 3 PM	9
Los Banos Community Center, 4/10/2017, 6 PM	2

\* Number in Attendance does not include MCAG staff or SSTAC members

Below is a list of places where the public hearings were publicized:

- Notice of the six public hearings were circulated in the Merced Sun-Star, and the Merced County Times one month prior to the hearings;
- An article in the Merced Sun-Star was published on March 2, 2017 entitled “What would you like to see from The Bus? MCAG wants to know” to inform listeners about the purpose of the unmet transit needs hearings, time and location of the hearings, and bus transportation to the hearings;
- Staff did a Community Conversations interview with KYOS 1480 AM to inform listeners about the purpose of the unmet transit needs hearings, time and location of the hearings, and bus transportation to the hearings. The interview aired on Saturday, April 1, 2017 at 6:05 AM;
- Notice of the six public hearings was posted at Merced Civic Center, Atwater City Hall and Los Banos City Hall;
- Special flyers (in English and Spanish) were posted at the:
  - Merced Civic Center;
  - Atwater City Hall;
  - Los Banos City Hall;
  - Los Banos Community Center;
  - Merced County Association of Governments;
  - Merced Transpo Center;
  - Merced County Human Services Agency;
  - Center of Vision Enhancement (COVE) – Merced;
  - Resources for Independence, Central Valley (RICV);
- Special flyers (in English and Spanish) were mailed by COVE to those on their mailing lists;
- Notice and information regarding the hearings were posted on mcagov.org and MCAG’s Facebook page;
- Notice and information regarding the hearings was posted on mercedthebus.com and The Bus’s Facebook page;
- Audible and visual announcements (in English and Spanish) regarding the hearings were made on all buses;
- Special flyers and information regarding the hearings in English and Spanish were either mailed or emailed to a list of interested individuals and organizations;
- Information, schedules and flyers regarding the hearings were included in the meeting agendas for MCAG’s Committees, including the Citizens Advisory Committee, Social Services Transportation Advisory Council and Merced County Governing Board in March 2017.

The special flyers (in English and Spanish) were two-sided and contained information about the hearing dates and locations, background information regarding the purpose of the hearings and unmet transit needs, and how residents could personally participate in the unmet transit needs process.

Bus service was provided to and from the hearings at no charge. However, Merced County residents did not have to attend a hearing to submit a comment. In addition to attending one of the six public hearings, Merced County residents could submit their comments by email or phone until Monday, April 10, 2017.

At all six hearings, a Spanish language interpreter was available. A handout (in English and Spanish) was given to each person in attendance to briefly explain the hearing process and to show clearly how to participate in the hearings. This helped to inform each attendee of what to expect at the hearing and helped to lessen confusion and apprehension, especially if they had never participated at a public hearing before.

For the recent Fiscal Year 2017-18 undertaking, two unmet transit needs that were reasonable to meet were identified.

1. Have braille schedules available for visually-impaired riders;
2. Implement a means for hearing-impaired riders to communicate with the transit office through texting.

These unmet needs will be addressed, and measures will be implemented by the transit agency.

## ENVIRONMENTAL JUSTICE ANALYSIS

"Are the high minority and low-income populations sharing equitably in the Regional Transportation Plan (RTP) investments?"

The environmental justice (EJ) equity analysis focuses on minority and low-income residents. Minority refers to the total non-white, non-Hispanic population. Low-income refers to households with incomes that fall below 200 percent of the federal poverty level (200% of ~\$25,000/household = \$50,000).

The environmental justice equity analysis mainly assesses whether all racial and income areas will benefit equally from transportation investments. The goal of this process is to ensure racial, low-income, and geographic equity of transportation investment benefits. Populations considered high minority or low-income should realize equal levels of benefit from transportation investments compared to other population groups. Also, transportation investments should not be concentrated in one geographic region, but rather should be fairly distributed. The Environmental Justice Analysis, full report and maps, is provided in Appendix F.

### Merced County Demographic View

The U.S. Census estimates for Merced County indicate the following. The minority grouping, which consists of non-Caucasians or of Hispanic/Latino ethnic origin, makes up 70% of the total population for Merced County. The majority of Merced County households, at 56.5% of total number of households, will make less than \$50,000 annually, which classifies this group as low-income.

Transit operations, Congestion Mitigation Air Quality (CMAQ) projects, and regionally significant roadway projects have been programmed and identified. The State-Managed Programs, which have approved projects, have also been programmed and identified.

### Analysis Observations

#### Transit Investments

Transit operations investment pays for fixed urban and rural inter-community bus route service for most of the population areas, and also provides for Americans with Disabilities Act (ADA) paratransit service. The bus transit operation, "The Bus," continues to streamline its routes, to provide increased frequencies, and has extended its service to nights and weekends to accommodate its riders. Most riders are transit dependent, and most have incomes less than \$20,000. Note that transit service, with its limited funding, must meet farebox revenue thresholds to justify system routes. Therefore, fixed-route transit services urbanized areas, while limited dial-a-ride service is also available to those in the demand-response areas.

The fixed-route service operates in more-densely populated cities and communities along primary corridors in order to meet the demands of the majority of transit riders. Additional demand-response service provides deviated fixed-route transit to those in the rural Transit Service Areas (TSA's). The transit operations must demonstrate cost-effectiveness (i.e. meeting farebox recovery ratio) of the provided transit services.

When overlaid with high minority and low-income areas, transit investments do provide equitable service to these EJ interest groups in the populated areas.

### CMAQ Investments

The primary goal of the CMAQ program is to fund eligible projects that will relieve congestion and reduce ozone and particulate matter emissions. CMAQ projects include pedestrian/bicycle facilities, traffic flow improvements, and diesel-powered equipment replacements. Note that CMAQ equipment procurement projects will not be part of this analysis.

Even though pedestrian/bicycle projects are not very cost-effective, these quality of life projects are still desirable, because they offer Merced County residents an alternative to driving their vehicles. Some of the pedestrian/bicycle projects provide driving alternatives during peak times in close proximity to schools. Other projects include installing bike lanes to visibly distinguish these mode corridors to motorists, so that they are more aware of bicyclists sharing the roadway. These projects are very beneficial to the EJ groups, who do not have access to cars.

Once again, when overlaid with high minority and low-income areas, CMAQ pedestrian/bicycle projects do provide equitable benefit to these EJ interest groups in the populated areas.

### Regionally Significant Roadway Projects

Overlaid with high minority and low-income areas, regionally significant projects would provide equitable benefit to these EJ interest groups in the populated areas. Also, these projects will not impact many households (located within 500 feet of project), especially those pertaining to the determined high minority and low-income groups.